



Board Policy No. 451

Advertising on District Property

ADOPTED: 04/88

RECENT AMENDMENT: 12/09/2020

SEE ALSO: 457

SUBJECT CATEGORY: SECTION 400, OPERATIONS

SUBSECTION: MARKETING

CONTROL DEPARTMENT: MARKETING

I. PURPOSE

The purpose of Alameda-Contra Costa Transit District (AC Transit) advertising programs is to strengthen the District's fiscal sustainability by maximizing advertising revenues to supplement fares and other revenues that fund the transit system's marketing, communications and public education initiatives to increase public support, awareness and usage of the District's services and programs.

II. PERSONS AFFECTED

Advertisers and potential advertisers, the District's advertising contractors, and District staff responsible for managing the advertising programs.

III. DEFINITIONS

"Advertisers" means any person or entity that has opted to place advertisements on District property.

"Advertising contractor" means the person or entity that has contracted with the District to manage any of the District's advertising space.

IV. POLICY

A. Policy Goals

By retaining control over advertising, AC Transit can meet the following goals ~~of~~:

1. Maximizing revenue generated by advertising
2. Maintaining a professional and safe operating environment for all riders and employees
3. Avoiding identification of AC Transit with advertising or advertisers' viewpoints
4. Maximizing farebox revenue by attracting and maintaining ridership

B. Non-Public Forum

AC Transit's acceptance of advertising through its advertising contractor is not intended to create a public forum, but rather to make use of District assets held in a proprietary capacity ~~in~~ order to generate advertising revenue. Advertising is subject to the viewpoint-neutral restrictions set forth below.

C. Advertising Exclusions and Limitations

AC Transit retains strict control over advertisements accepted on transit vehicles and facilities, ~~in order to~~ realize the maximum benefit from the sale of advertising space. Donations for free advertisements to third parties will not be permitted, except for transit-related programs or initiatives sponsored by one of the following entities: Metropolitan Transportation Commission (MTC), Alameda County Transportation Commission (ACTC), Contra Costa Transportation Authority (CCTA) or West Contra Costa Transportation Commission (WCCTC).

AC Transit must accommodate all persons ~~without distinction~~ of all ages. It is necessary to exclude advertising that may be unsuitable to all riders, as they are a captive audience. It is also necessary to ~~take into account~~ consider that many District riders are minors.

D. Advertising Content Standards

AC Transit shall reject ~~any~~ advertising messages that include any of the following that:

1. ~~Is~~ False, misleading, or deceptive messaging;
2. Contains, promotes or relates to ~~illegal~~ activity prohibited by Federal, State of California, or local laws within the District's service area;
3. Demeans or disparages an individual or group;
4. Infringes on any copyright, trade or service mark;
5. Directly discourages use of District services, diminishes the District's reputation in the community, or otherwise competes with AC Transit;
6. Is inconsistent with principal the purpose of providing safe, efficient, customer-focused public transportation;
7. Implies AC Transit's endorsement of the advertising;
8. Contains explicit sexual material, obscenity, profanity, or material that is considered harmful to minors as defined in California Penal Code Sections 311 and 313;
9. Promotes the sale or use of alcoholic beverages, tobacco, tobacco-related products, or electronic cigarettes;
10. Promotes the sale or use of a firearm;
11. Depicts or promotes violence or anti-social behavior;
12. Depicts related instruments, devices, items, products, or paraphernalia that is designed for use in connection with sexual activities;
13. Promotes or opposes candidates for appointive or elective offices, ballot questions, initiatives, petitions or referenda; or
14. Promotes opposes or otherwise directly relates to issues of public debate on economic, political or social issues.

E. Transit System Information and Promotion

AC Transit reserves the right to display advertising and information that pertain to AC Transit operations, programs and promotions, as well as other areas identified at the District's discretion, consistent with the standards herein.

Questions concerning interpretation of this Policy are to be referred to the General Counsel.

F. In-Kind Trade and Partnership Advertising

In-kind trade and partnership advertising resulting in an equal exchange of value from a third party may be executed at the discretion of the General Manager or his/her designee. In accordance with District Ordinance 16, Section 2B, authority is granted to the General Manager or his/her designee to authorize use of the District logo for in-kind and partnership advertising purposes.

G. Approval

AC Transit or its independent contractor shall reject advertising that does not comply with the standards set forth in subparagraph (D).

AC Transit or its independent contractor will work with advertisers to resolve issues regarding advertisements that do not comply with these policies and procedures. Resolution may include modification of the art, copy, or both, solely at the advertiser's expense.

H. Appeals

An advertiser may appeal a decision to reject or remove a paid advertisement by filing a written request to AC Transit's General Manager within ten (10) business days after the rejection or removal decision. The advertiser's request must state why the advertiser disagrees with the decision ~~in light of~~ considering AC Transit's advertising policies and standards. ~~Board-General~~ Manager decisions regarding free advertising requests are final and may not be appealed.

The General Manager may consult with District legal counsel.

The General Manager will review the basis for the rejected or removed advertisement and will consider the advertiser's reasons for filing the request.

The General Manager will ~~make a decision~~ decide on the request and will notify the advertiser of ~~its-the~~ decision in writing within ten (10) business days after receiving the advertiser's appeal request.

I. AC Transit Rights

AC Transit reserves the right to modify these Policies as it deems necessary to comply with legal mandates, or to facilitate its primary transportation function, or to fulfill the purpose of the advertising program, or to achieve the objectives of the advertising program.

V.

AUTHORITY

A. Board Authority

The Board of Directors shall periodically review this Policy and approve any amendments as necessary.

B. General Manager's Authority

The General Manager has authority to execute in-kind trade and partnership advertising agreements and authorize the use of the District logo for such purposes in accordance with this Policy and District Ordinances. The General Manager also has authority to assign a designee for these activities.

The General Manager has authority to review advertiser appeals of rejected or removed advertisements and make the final decision as to whether advertisements may be posted.

The General Manager has authority to grant donations for free advertisements to third parties consistent with this policy.

The General Manager has authority to establish internal procedures necessary to carry out the directives of this Policy.

VI. ATTACHMENTS

None.