

## **CityBus Advertising Policy Resolution**

WHEREAS, the primary purpose of Greater Lafayette Public Transportation Corporation (CityBus) is to provide safe and efficient public transportation services for person using its buses and facilities; and

WHEREAS, the Board of Directors of Greater Lafayette Public Transportation Corporation intends that CityBus vehicles and facilities constitute non-public forums that are subject to the viewpoint-neutral guidelines set forth in the exhibits below, and that the Board of Directors has determined to permit certain forms of public service, commercial, and other advertising in or upon CityBus vehicles and facilities; and

WHEREAS, CityBus passengers, many of whom have limited or no alternatives but to use CityBus vehicles and facilities for transportation to and from school, work, recreation, and other locations, are a captive audience to advertising therein or thereon; and

WHEREAS, significant numbers of persons using CityBus vehicles and facilities are minors who are included among the captive audience who may be affected adversely by certain advertising; and

WHEREAS, CityBus, in establishing its standards for advertising on CityBus vehicles and facilities seeks to maximize its revenue generated by attracting, maintaining, and increasing ridership, to maintain safe and orderly operation of its passenger services, to maintain a safe and welcoming environment on its vehicles and in its facilities for all its passengers, including minors who travel on or come in contact with the CityBus system, to minimize disruption to its public transportation services, and to maximize revenue generated by advertising; and

WHEREAS, the Board of Directors desires to avoid any endorsement, implied or otherwise, of advertisements or the viewpoints of advertisers;

Now therefore be it resolved by the Board of Directors of Greater Lafayette Public Transportation Corporation that the following Standards Governing All Advertising in or upon CityBus Vehicles and Facilities (identified as Exhibit I hereunder) and the following procedure for Review of Advertisements (identified as Exhibit II hereunder) is adopted:

## Exhibit I.

### **Standards Governing All Advertising in or upon CityBus Vehicles and Facilities**

1. CityBus shall not display or maintain any advertisement that falls within one or more of the following categories:
  - a. Demeaning or disparaging. The advertisement contains material that demeans or disparages an individual or group of individuals on the basis of race, color, religion, national origin, ancestry, gender, age, disability, ethnicity, gender, marital or parental status, military discharge status, source of income, or sexual orientation.
  - b. Alcohol, tobacco and firearms. The advertisement promotes the sale or use of alcohol, tobacco or firearms, or alcohol-, tobacco-, or firearms-related products, including depicting such products.
  - c. Profanity. The advertisement contains profane language, *i.e.*, language containing certain of those personally reviling epithets naturally tending to provoke violent resentment or language that under contemporary community standards is so grossly offensive to members of the public who actually hear it as to amount to a nuisance.
  - d. Violence. The advertisement contains an image or description of violence, including, but not limited to (1) the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement, and (2) the depiction of weapons or other implements or devices used in the advertisement in an act of violence or harm on a person or animal.
  - e. Unlawful goods or services. The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services.
  - f. Unlawful conduct. The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal behavior or activities.
  - g. Obscenity or nudity. The advertisement contains legally obscene material or depicts nudity or sexual intercourse or other sexual acts. For purposes of these standards, the terms “obscene” and “nudity” shall have the meanings contained in Indiana Code Title 35 Article 49.
  - h. Prurient sexual suggestiveness. The advertisement contains material that incites, describes, depicts, or represents sexual activities or images or

descriptions of human sexuality or anatomy in a way that the average adult, applying contemporary community standards, would find appeals to the prurient interest. The advertisement promotes the sale of pornography, adult telephone or Internet services, escort services, nude dance clubs, sensual massage, or any other form of adult-oriented entertainment.

- i. Political campaign and viewpoint speech. The advertisement contains political campaign speech referring to a specific ballot question (other than candidates for office, see below), initiative petition, referendum, or political viewpoint.

CityBus accepts advertising that meets all of the following criteria for political advertising for candidates for office: (1) No statement of a political viewpoint, initiative petition, or referendum is made in the advertisement. (2) The advertisement contains only the candidate's name and political party affiliation, picture or graphic representation of the candidate, office the candidate is seeking, election date, and district the candidate is running in. (3) The advertisement includes a statement identifying the person or committee that is paying for the advertising. (4) Graphics contained in the advertisement do not imply a political viewpoint.

- j. Endorsement. The advertisement, or any material contained in it, implies or declares an endorsement by CityBus of any service, product, or point of view, without prior written authorization of CityBus (through its General Manager).
- k. False, misleading, or deceptive commercial speech. The advertisement proposes a commercial transaction and the advertisement, or any material in it, is false, misleading, or deceptive.
- l. Libelous speech, copyright infringement, etc. The advertisement, or any material contained in it, is libelous or an infringement of copyright, or is otherwise unlawful or illegal or likely to be subject CityBus to litigation.
- m. Disregard for Transit Safety. Advertising cannot encourage persons to refrain from using safety precautions normally used in transit-related activities, such as awaiting, boarding, riding upon, or debarking from transit vehicles.
- n. Unclear identification of the advertiser: The advertisement is such that (1) the message or sponsorship of the advertisement cannot reasonably be determined without reference to a web site or telephone number that is listed in the advertisement, and (2) that web site prominently contains, or

that telephone number directs callers to, material that violates these guidelines.

- o. Non-paid advertising: CityBus requires all advertising to be contracted according to the pricing set forth in the current published advertising rates as set by the board of directors. No free or discounted advertising of any kind is accepted. Trade agreements (in which, in lieu of cash, CityBus accepts products or services that are deemed useful to it) may be accepted upon approval by the General Manager.
2. CityBus reserves the right to suspend, modify, or revoke the application of any or all of these Standards as it deems necessary to comply with legal mandates, to accommodate its primary transportation function, and to fulfill the goals and objectives of CityBus. All of the provisions of these Standards shall be deemed severable.

**Exhibit II.**

**Review of Advertisements**

1. Initial review by Development Manager. CityBus's Development Manager shall review each advertisement submitted for display on or in CityBus vehicles or facilities to determine whether or not the advertisement violates or may violate the advertising Standards set forth in Exhibit I. If the Development Manager determines that an advertisement falls within, or may fall within, one or more of the categories that violate the advertising Standards, then the Development Manager shall advise the General Manager of the category or categories in which the advertisement may fall.
2. Review by General Manager. The Development Manager shall send the advertisement and supporting information (the name of the advertiser, the size and number of the advertisements, and the dates and locations of display, and notation of any violation of the Standards in Exhibit I) to the General Manager for review. The General Manager shall review the advertisement and supporting information to determine whether or not the advertisement is in compliance with the Standards. In the event that the advertisement falls within, or may fall within, one or more of the categories set forth in Exhibit I, the General Manager shall, in writing, specify which of the categories the advertisement falls within, or may fall within, and shall return the advertisement and supporting material to the Development Manager.
3. Notification of rejection of advertising. The Development Manager will send prompt, written, notification to the advertiser if the advertising has been rejected, and will include a copy of this policy and will specify which of the categories the advertisement falls within, or may fall within. The Development Manager, in his or her discretion, may include with the rejection suggestions to the advertiser of changes that could be made to the advertising to make it compliant with this policy.
4. Appeal to the Advertising Committee of the CityBus Board of Directors. Advertisers may appeal the rejection of advertising to the advertising committee of the CityBus board of directors by notifying the General Manager, in writing, of the desire for an appeal. The General Manager and Development Manager will promptly schedule a meeting with the committee and the advertiser to perform a review of the advertising and to hear comments from the advertiser. The committee chair will notify the advertiser, with a copy to the General Manager, of the appeal decision within five days of the date of the meeting.