

## **CityBus Advertising Policy Resolution**

*Adopted on December 22, 2003.*

*Revised March 6, 2019.*

WHEREAS, the primary purpose of Greater Lafayette Public Transportation Corporation (CityBus) is to provide safe and efficient public transportation services for persons 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 may display and maintain an advertisement that falls within the following categories:
  - a. Commercial Advertising. Paid advertisements that propose, promote, or solicit the sale, rent, lease, license, distribution, or availability of, or some other commercial transaction concerning goods, products, services, or events for the advertiser's commercial or proprietary interest, or more generally promote an entity that engages in such activities, regardless of whether the advertiser is for-profit or not-for-profit
  
2. 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, gender identity, age, disability, ethnicity, marital or parental status, status of being a law enforcement officer, status of being a member of the armed services, 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 Advertising. The advertisement contains material including advertisements involving political figures or candidates for public office, advertisements involving political parties or political affiliations, advertisements involving a referendum or ballot initiative.
- 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 and CityBus Operations. 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 or disparages CityBus or CityBus's quality of service, or is otherwise directly adverse to the commercial, administrative, or operational interests of CityBus.

- 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 website 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 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.
3. The Board of Directors for the Greater Lafayette Public Transportation Corporation reserves the right to modify, or revoke any or all of these Standards. The Board of Directors reserves the right to adjust CityBus rates for advertising pursuant to its reasonable business objectives. 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 Advertising 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 Non-Compliance. The Development Manager will send prompt, written, notification to the advertiser that the proposed advertisement does not comply with the Advertising Standards, 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 consultation with the General Manager, may include, with the notice of non-compliance, suggestions to the advertiser of changes that could be made to the advertising to make it compliant with this policy. The Development Manager, in consultation with the General Manager, may discuss with the advertiser revisions to the advertisement to bring it into compliance with the Advertising Standards, and the advertiser can submit a revised advertisement to the Development Manager for review.
4. Request for Final Determination from the Advertising Committee of the CityBus Board of Directors. If the advertiser, the Development Manager, and the General Manager do not reach agreement regarding suggested revisions to the advertisement, or the General Manager determines that no appropriate revision would bring the advertisement into compliance with the Advertising Standards, or the advertiser chooses not to submit a revised advertisement, the advertiser shall request a final determination from the Advertising Committee of the CityBus Board of Directors. The General Manager will promptly schedule a meeting with the Committee and the advertiser to review the advertisement and hear comments. The Committee's review will be limited to the four corners of the proposed advertisement, and whether its messaging complies with the Advertising

Standards. The Committee Chair will convene the Committee within five (5) days of receiving written notice from the General Manager, or the advertiser regarding the parties' disagreement on the advertisement. The Committee may refer the decision to the entire CityBus Board of Directors for deliberation. The Committee Chair will notify the advertiser, with a copy to the General Manager, of the Committee's final determination within five days of the date of the meeting.