

**SANTA CRUZ METROPOLITAN TRANSIT DISTRICT**

**ADMINISTRATIVE CODE**

**TITLE I – ADMINISTRATION**

**CHAPTER 6**

**ADVERTISING POLICY AND REGULATIONS**

(This Chapter replaces AR-1006 pursuant to Resolution No. 16-09-04)

**Table of Contents:**

<b>Article I</b>	<b>General Requirements</b>
<b>Article II</b>	<b>Permitted Advertising</b>
<b>Article III</b>	<b>Excluded Advertising</b>
<b>Article IV</b>	<b>Use of Santa Cruz METRO’s Name</b>
<b>Article V</b>	<b>Administrative Process and Procedures</b>

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**Article 1**

**General Requirements**

**§ 1.6.101** Santa Cruz METRO sells space on the outside and inside of its buses, ParaCruz vehicles, and on its website, for the display of commercial advertising (“Permitted Advertising”). In addition, Santa Cruz METRO has extended its commercial advertising at its transit centers located in Scotts Valley, Santa Cruz, and Watsonville. This Advertising Policy (Policy) shall apply to the sale of all forms of current and future advertising on all transit facilities owned and/or managed by Santa Cruz METRO. By allowing limited types of advertising on or within the transit facilities, Santa Cruz METRO does not intend to create a public forum for public discourse or express activity, or to provide a forum for all types of advertisements. All advertising shall be subject to this uniform viewpoint-neutral Policy.

**§ 1.6.102** The interior areas of Santa Cruz METRO’s rolling stock and its facilities shall be primarily used for communication by Santa Cruz METRO to its passengers, or by partnering government agencies within the jurisdiction of Santa Cruz METRO to provide information regarding programs and services in conformance with this Policy. Notwithstanding the above Santa Cruz METRO authorizes the use of bus cards, electronic advertising through multi-media flat screens, and bus wraps for “Permitted Advertising” only.

**§ 1.6.103** In order to realize the maximum benefit from the sale of advertising space, the program must be managed in a manner that will procure as much revenue as practicable, while ensuring that the advertising does not discourage the use of Santa Cruz METRO’s transit system or web pages, does not diminish Santa Cruz METRO’s reputation in the community it serves or the good will of its patrons, and is consistent with Santa Cruz METRO’s principal purpose of providing safe, comfortable, efficient, and affordable public transportation. To attain these objectives, Santa Cruz METRO’s Board of Directors has established these regulations for the advertising displayed in and upon its buses and on its website.

### **Definitions**

**§1.6.104 Commercial advertising:**

- A. Advertising the sole purpose for which is to sell or rent real estate or personal property for profit, or to sell services for profit.
- B. Shall not include any advertising that both offers to sell property or services and also conveys information about matters of general interest, political issues, religious, moral, or environmental matters or issues, or other public matters or issues, or expresses or advocates opinions or positions upon any of the foregoing.
- C. Does not convey whether expressly or implied, intentionally or unintentionally, by inference or innuendo, the religious, social, political, legal or moral view of any person or entity as such views are generally understood in Santa Cruz County community.
- D. Does not cause the vehicles, if posted individually or in combination with other advertisements, to become a public forum for the dissemination, debate, and/or discussion of public issues.

**§1.6.105 Operations Advertising:**

- A. Any advertisement that promotes Santa Cruz METRO or its services or programs.
- B. Any advertisement by either the federal, state, county, or municipal governments within the jurisdiction of Santa Cruz METRO, the primary purpose of which is to inform citizens of services and programs provided by these government partners.

**§1.6.106 Political Advertising:**

- A. Any advertising that supports or opposes the election of any candidate or group of candidates for election to any federal, State, or local government office;
- B. Any advertising that supports or opposes any referendum conducted by the federal or State government, or by any local government, such as referenda on constitutional amendments, on bond issues, or on local legislation; or
- C. Any advertising that features any person whose prominence is based wholly or in part upon his or her past or present activity in political affairs, or that represents or implies any such person's approval or endorsement of the subject matter of advertising.

**§1.6.107 Religious Advertising:**

- A. Any advertisements that contain any direct or indirect reference to religion, or to any religion, or to any deity or deities, or which includes the existence, nonexistence or other characteristic of any deity or deities, or to any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion. This prohibition shall include the depiction of text, symbols, or images commonly associated with any religion or with any deity or deities, or any religious creed, denomination, belief, tenet, cause of issue relating to (including opposing or questioning any religion).

**§1.6.104 Applicability**

This procedure is applicable to all District employees and all independent contractors who contract with Santa Cruz Metro, for the placement of advertisement on the outside of Santa Cruz METRO's buses and on its website.

## Article II

### Permitted Advertising

**§1.6.201** The display of Permitted Advertising on or within Santa Cruz METRO's transit facilities is intended only to supplement fare revenue, and other income that fund the District's operations and to promote METRO's transit operations. Santa Cruz METRO desires that its passengers not be subject to advertisements containing material relating to political, religious, or issue advocacy about which public opinion can be widely divergent and which some passengers may, therefore, find offensive. If passengers are so offended, it could adversely affect the ridership and revenue of Santa Cruz METRO. In order to realize the maximum benefit from the sale of advertising space, the advertising program must be managed in a manner that will procure as much revenue as practicable, while ensuring that the advertising is of a type that: (1) does not discourage the use of the transit system; (2) does not diminish METRO's reputation in the communities it serves or the good will of its customers; and (3) is consistent with the principal purposes of providing safe and efficient public transportation.

**§1.6.202** **Permitted Advertising includes advertising in the following categories:**

- A. Commercial Advertising.
- B. Operations Advertising.

**§1.6.203** Notwithstanding any other provision in this policy, advertising for METRO's transit buses, paratransit services, Headways publication, and METRO's website shall be allowed. METRO also retains the right to communicate with its passengers and the public on transit issues, to seek input and participation from its passengers and to provide its passengers with notifications of meetings, hearings and other transit-related issues.

## Article III

### Excluded Advertising

**§1.6.301** Advertising cannot be displayed or maintained on transit facilities if information in the advertisement falls within one or more of the following categories of Excluded Advertising:

- A. False, misleading deceptive or relates to illegal activity.
- B. Advocacy of violence or crime.
- C. Infringement of copyright, service mark, title or slogan.
- D. Defamatory or likely to hold up to scorn or ridicule a person or group of persons
- E. Unauthorized Endorsement.

- F. Obscene (i.e. patently offensive sexual material lacking in literary, social artistic and/or political value, that appeals to the prurient interest of a person of average sensibilities) or pornographic.
- G. Promotes alcohol or tobacco products.
- H. Religious.
- I. Political.

#### **Article IV**

##### **Use of Santa Cruz METRO's Name**

**§1.6.401** Use of Santa Cruz METRO's name, logo, slogans, or other graphic representations is subject to advance approval by Santa Cruz METRO. Santa Cruz METRO does not endorse or imply endorsement of any product or service.

#### **Article V**

##### **Administrative Process and Procedures**

**§1.6.501** If advertising space on Santa Cruz Metro's buses or METRO's website is sold through an independent Contractor, the Contractor shall comply with the foregoing policies, and review all advertising with reference to them. They shall refer all such advertising that falls or may fall into any of the categories defined above to Santa Cruz Metro's designated representative responsible for administering the advertising program, who shall determine whether the proposed advertising will be accepted. If the proposed advertising is rejected, the party or parties proposing it may request that this decision be reconsidered. Upon such request, Santa Cruz Metro's representative shall consult with Santa Cruz Metro's District Counsel and with its CEO/General Manager or the officer designated by him/her for this purpose. The CEO/General Manager or his/her designee, on the basis of such consultation, shall determine whether the proposed advertising will be accepted or rejected.

**§1.6.502** Santa Cruz Metro will cooperate with the party or parties proposing the advertising, and with the independent contractor (if applicable) through whom it has been proposed, in a reasonable effort to revise it in order to produce advertising that can be accepted and displayed consistently with the foregoing policies.