

TOPEKA METRO

REQUEST FOR BIDS

Bus Advertising

TO-22-02

Appendix I

Topeka Metro Advertising Policy

**TOPEKA METROPOLITAN TRANSIT AUTHORITY
ADVERTISING POLICY**

SCOPE

Adopted Board Resolution 16-02

This advertising policy applies to the acceptance and posting on Topeka Metro buses, shelters or other property of all advertising and other material sponsored by outside parties. This policy uses the term “advertising” to refer to any material offered by an outside party for posting on Topeka Metro property.

This advertising policy does not apply to Topeka Metro’s Quincy Street Transfer Station. Only material of Topeka Metro will be posted at the Quincy Street Station; no advertising will be allowed there.

PURPOSE

The primary purpose of the operation of Topeka Metro’s transit system is to provide safe and efficient public transportation within its service area. Topeka Metro’s operations are funded by a combination of federal, state, and local funds, including grants and taxes, as well as fare-box revenue. The purpose of accepting advertising on Topeka Metro’s property is to generate revenue to help fund transit operations, in order to supplement fare revenue, tax proceeds, and other revenue sources, thereby easing the local tax burden.

In keeping with Topeka Metro’s proprietary function as a provider of public transportation, the express intention of this advertising policy is to maintain Topeka Metro’s property and assets as non-public forums. Topeka Metro does not intend its acceptance of advertising to designate or create a public forum for public discourse or expressive activity, or to provide an open, unrestricted forum for all types of advertisements. The sole purpose for allowing the limited advertising Topeka Metro deems acceptable is to supplement fare revenue, tax proceeds, and other revenue sources.

This policy provides guidance as to the types of advertisements and material that are acceptable for posting on Topeka Metro property. The guidance should be considered in light of the purposes of accepting advertising. Those purposes are: to allow Topeka Metro to maximize ridership and revenue; to avoid the appearance of favoritism by Topeka Metro; to avoid the risk of imposing views on a captive audience; to maintain a position of neutrality on controversial issues; to preserve the value of the marketing potential of advertising space by avoiding content that the community could view as offensive, inappropriate, or harmful to the community generally or to minors in particular; to prevent harm or abuse, especially to riders, bus operators, and other employees that may result from posting offensive or controversial advertisements; and to reduce the diversion from transit operations of agency resources of time and money that may be caused by public backlash against controversial or offensive advertisements.

This policy is intended to enable Topeka Metro to retain strict control over the nature of advertisements accepted for posting. This policy will be enforced in a manner that is viewpoint neutral. To be acceptable, advertising must conform to the guidelines contained in this policy.

ADVERTISING STANDARDS

The acceptance of some advertisements could interfere with Topeka Metro's primary purpose of generating revenue to support transit operations. By restricting acceptable advertising, Topeka Metro can better maintain a professional environment that: maximizes revenue without interfering or disrupting the commercial aspects of its transit system; maintains neutrality on political subjects and matters of public debate and concern; protects transit riders and employees; and helps build and retain transit ridership.

Restricting certain advertising on its buses will allow Topeka Metro to avoid subjecting its customers and other members of the public to material that may offend or discourage the use of public transit. Topeka Metro also wants to avoid displaying material on its buses that may not be suitable to viewing by the minors who ride or whose neighborhoods and schools are served by public transit. Advertising restrictions will also help avoid unwanted identification of Topeka Metro with the displayed advertisements.

Any advertisement in which the identity of the sponsor is not readily and unambiguously identifiable must include the following phrase in letters of a color and size that render them clearly visible: "Paid for by insert name of sponsor." This requirement does not apply to "teaser ads," so long as the sponsor also purchases for posting within eight (8) weeks of the initial teaser ad, an advertisement that identifies the sponsor of the initial teaser ad.

When appropriate to the nature of the proposed advertisement, Topeka Metro will determine whether a reasonably prudent person, knowledgeable of Topeka Metro's ridership and using contemporary community standards, would find the advertisement acceptable under this policy.

Determinations of acceptability will be based on the standards and criteria contained in this policy viewed in light of the stated purpose of Topeka Metro's advertising program: namely to maximize revenue without discouraging ridership, or interfering with transit operations, or impairing Topeka Metro's image in the community.

Acceptable Advertising

Topeka Metro will accept commercial and promotional advertising that conforms to the standards in this policy and that promotes or solicits the sale, rental, distribution or availability of goods, services, food, entertainment, events, programs, transactions, donations, products, or property, real or personal, for commercial or non-commercial purposes, or more generally that promotes any entity engaging in such activities.

Topeka Metro will accept governmental advertising that is sponsored by a governmental entity and that promotes or advances a specific government purpose.

Since engendering good will within the community can enhance revenue, Topeka Metro, in its discretion, may accept paid or unpaid public service announcements under certain conditions.

The sponsor must be a governmental entity or a non-profit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The announcement must be directed to the general public or a significant segment of the public and relate to: the prevention or treatment of illness; the promotion of safety or personal well-being; education or training; the provision of children and family services (not to include family-planning services); the solicitation by broad-based, community-wide contribution campaigns that provide funds or other resources to multiple charitable organizations; or the provision of services and programs that provide support to low income citizens, senior citizens, and persons with disabilities. The posting of paid advertising will generally take precedence over unpaid or reduced-rate public service announcements.

Unacceptable Advertising

Topeka Metro will not accept advertisements that depict or promote the use, sale or availability of the following subjects.

- 1) illegal products or services
- 2) alcoholic beverages
- 3) tobacco products, including smokeless tobacco and e-cigarette products
- 4) products or services related to human sexuality or reproduction, including contraceptive products or hygiene products of an intimately personal nature
- 5) products or services related to counseling regarding pregnancy, abortion or other sexual or family planning matters
- 6) adult-oriented products or services

Advertisements or postings that contain material of the following nature will also not be accepted.

- 1) material promoting illegal or unlawful activity
- 2) material containing sexually explicit, obscene, or pornographic statements or images
- 3) material promoting violence or the abuse of another, or that contains profane or vulgar language, or that depicts violence towards or infliction of pain upon a person or animal
- 4) material containing discriminatory statement or images, or that contains statements or images intended to be, or that reasonably could be interpreted as being, disparaging, demeaning, or disrespectful to persons, groups, businesses, or organizations, including material that depicts persons as inferior, evil, or contemptible
- 5) material containing false, misleading, deceptive, libelous, or slanderous, statements or images
- 6) material reasonably foreseeable to incite unrest within the community to the point of potentially interfering with or disrupting service
- 7) material containing political or religious messages, whether issue or candidate advertising, or messages that could reasonably engender substantial controversy
- 8) material that encourages persons to refrain from using public transit or that promotes unsafe behavior with respect to transit-related activities, such as the non-use of normal safety precautions in awaiting, boarding, riding upon, or debarking from transit vehicles

- 9) material that encourages people to use means of transportation in competition with public transit
- 10) material that contains Topeka Metro's name, brand logo, slogans, or other graphic representation of Topeka Metro or its transit system without the written consent of Topeka Metro
- 11) material that contains the name, brand logo, slogans, or other graphic representation of any other transit system
- 12) material that infringes on a copyright, trademark or service mark, or is otherwise unlawful or illegal
- 13) material that contains flashing lights, sound makers, mirrors or other special effects that might interfere with the safe operation of the bus, or with the safety of bus riders, occupants of other vehicles, or the public at large
- 14) material that, displays any words or images that could be confused with traffic directions or driver instructions or warnings, such as "stop," "look," "drive-in," or "danger," or any other words or images that might mislead or distract drivers.

Advertising that promotes the sale of firearms or other weapons or ammunition will not be accepted. Advertising may be accepted that simply depicts firearms, weapons, or ammunition in a manner incidental to the promotion or sale of another product, good, or service.

PROCEDURES FOR OBTAINING APPROVAL OF ADVERTISING

All advertisements will be submitted to Topeka Metro's advertising administrator for determination of policy compliance. In making its determination, the advertising administrator may seek input from Topeka Metro staff. The advertising administrator may discuss with the sponsor of the proposed advertisement possible revisions that would conform the advertisement to the policy.

Whenever the advertising administrator determines that an advertisement is not acceptable under this policy, a copy of the policy will be provided to the sponsor of the advertisement along with an explanation why the proposed advertisement was not accepted. The sponsor can appeal the administrator's determination to Topeka Metro's general manager, and the administrator will provide the sponsor with the necessary contact information.

The appeal to the general manager should include an accurate representation of the proposed advertisement and clearly explain the reasons why the sponsor believes the administrator's decision was in error. If requested and before making a determination, the general manager will allow the sponsor of the advertisement to be heard by the general manager or designee, at the sponsor's own cost, in person, by telephone, or by any generally acceptable electronic means. The general manager will issue a decision promptly on the appeal. The general manager's decision will be final.

There will be no fee or other penalty for submitting advertising that is not accepted.


DISCLAIMER OF ENDORSEMENT

Topeka Metro's acceptance of an advertisement does not constitute an express or implied endorsement of the content or message of the advertisement, including any person, organization, product, service, or any other information reflected in the advertisements, or of the advertisement sponsor itself. This endorsement disclaimer extends to and includes content that may be found via internet addresses, quick response (QR) codes, and telephone numbers that appear in advertisements.

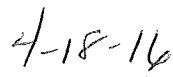
FUTURE REVISIONS

Topeka Metro reserves the right to revise this policy from time to time as it determines appropriate, especially when considered necessary to preserve and maintain Topeka Metro property as a non-public forum.

APPROVED



Elsie Eisenbarth, Chair
Topeka Metropolitan Transit Authority



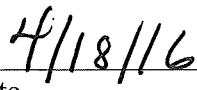
Date

ATTESTATION

The undersigned, as the duly qualified and acting Secretary of the Transit Board, acting on behalf of the Topeka Metropolitan Transit Authority, certifies that the above and foregoing is a true and correct copy of a resolution authorized by a vote of a majority of the quorum of the Board taken at a legally convened meeting of the Board on April 18, 2016.



Leisa Shepherd, Board Secretary



Date