

**GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT**

**RESOLUTION NO. 2012-058**

**APPROVE ADOPTION OF AN ADVERTISING POLICY**

September 7, 2012

**WHEREAS**, the Golden Gate Bridge, Highway and Transportation District (District) is engaged in the sale of advertising in and upon the property and rolling stock of the District, currently consisting of: (1) advertising on the exterior of the District's buses; (2) advertising displayed on bus shelters in the District's service area; (3) advertising on the interior of the District's ferryboats; (4) advertising displayed at the San Rafael Transit Center; (5) advertising at ferry terminal kiosks; and, (6) advertising in District Transit Guides, Ferry Pocket Schedules, and the *Gazette*, a District publication; and,

**WHEREAS**, current advertising practices exclude advertising that: (a) is false, misleading, deceptive or relates to an illegal activity; (b) advocates violence or crime; (c) is an infringement upon copyright; (d) is defamatory; (e) states or implies the endorsement of a product or service by the District; (f) is obscene or pornographic; or, (g) promotes alcohol or tobacco products; and,

**WHEREAS**, while the main purpose of the District engaging in advertising is to generate revenue for the District through the sale of advertising space on or inside the District's facilities, the District also seeks to ensure the safe use of its transit systems, and to shield its passengers from exposure to controversial advertisements while using District services; and,

**WHEREAS**, the Board of Directors (Board) of the District desires to continue to build and retain transit ridership; and,

**WHEREAS**, the Board desires to maintain a professional advertising environment that maximizes advertising revenues and minimizes interference with or disruption to its transit systems, while maintaining an image of neutrality on political, religious or other issues that are not the subject of commercial advertising and are the subject of public debate and concern; and,

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**WHEREAS**, the Attorney for the District has advised that adoption and administration of such an advertising policy has been found to be constitutional; and,

**WHEREAS**, the Governmental Affairs and Public Information Committee/Committee of the Whole, at its meeting of September 7, 2012, has so recommended; now, therefore, be it

**RESOLVED** that the Board of Directors of the Golden Gate Bridge, Highway and Transportation District (District) hereby approves adoption of an Advertising Policy, attached hereto, which will be applicable to all forms of advertising on or inside transit facilities owned and/or managed by the District.


**ADOPTED** this 7<sup>th</sup> day of September 2012, by the following vote of the Board of Directors:

**AYES (13):** Directors Arnold, Chu, Cochran, Elsbernd, Pahre, Rabbitt, Sears, Snyder, Sobel, Stroeh and Theriault; First Vice President Eddie; President Reilly

**NOES (1):** Director Renée

**ABSENT (5):** Directors Campos, Fredericks, Mar and Moylan; Second Vice President Grosboll

  
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**Janet Reilly**  
**President, Board of Directors**

**ATTEST:**   
**Janet S. Tarantino**  
**Secretary of the District**

Attachment: *Golden Gate Bridge, Highway and Transportation District Advertising Policy*

## ATTACHMENT

### **GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT ADVERTISING POLICY**

The Golden Gate Bridge, Highway and Transportation District (District) is engaged in the sale of advertising in and upon the property and rolling stock of the District, currently consisting of: (1) advertising on the exterior of the District's buses; (2) advertising displayed on bus shelters in the District's service area; (3) advertising on the interior of the District's ferry vessels; (4) advertising displayed at the San Rafael Transit Center; (5) advertising at ferry terminal kiosks; and (6) advertising in District Transit Guides, Ferry Pocket Schedules, and the Gazette, a District publication. 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 the District.

#### **PURPOSE**

The District will make space on or within its transit facilities available for limited types of advertising ("Permitted Advertising"). By allowing limited types of advertising on or within the transit facilities, the District does not intend to create a public forum for public discourse or expressive activity or to provide a forum for all types of advertisements. All advertising shall be subject to this uniform, viewpoint-neutral Policy.

The District will not permit the types of advertising defined below as Excluded Advertising. By prohibiting Excluded Advertising, the District seeks to: (1) maintain a professional advertising environment that maximizes advertising revenues and minimizes interferences with or disruption of its transit system; (2) maintain an image of neutrality on political, religious or other issues that are not the subject of Commercial Advertising and are the subject of public debate and concern; and; and (3) continue to build and retain transit ridership.

#### **PERMITTED ADVERTISING**

The display of Permitted Advertising on or within the District's transit facilities is intended only to supplement fare revenue, and other income that fund the District's operations and to promote the District's transit operations. The District 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 affect the ridership and revenue of the District adversely. In order to realize the maximum benefit from the sale of space, the advertising programs 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 the District'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. To attain these objectives, the District's Board of Directors has established the following regulations governing advertising. Permitted Advertising cannot contain displays or messages that qualify as Excluded Advertising, as defined below.

Permitted Advertising includes advertising in the following categories:

1. Commercial Advertising. Commercial Advertising is advertising the sole purpose of which is to promote a business or sell products, goods or services. It does not include advertising that both promotes a business or offers to sell products, goods or services and also conveys a political or religious message, or issue advocacy, and/or expresses or advocates opinions or positions related to any of the foregoing.
2. Operations Advertising. Operations Advertising is advertising that promotes the District or its services.

### **EXCLUDED ADVERTISING**

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

1. False, misleading, deceptive or relates to an illegal activity
2. Advocacy of violence or crime
3. Infringement of copyright, service mark, title or slogan
4. Defamatory or likely to hold up to scorn or ridicule a person or group of persons
5. Unauthorized Endorsement
6. Obscene (i.e., patently offensive sexual material lacking literary, social, artistic and/or political value, that appeals to the prurient interest of a person of average sensibilities) or pornographic
7. Promotes alcohol or tobacco products
8. Religious
9. Political

For purposes of this Policy, the following definitions apply:

Unauthorized Endorsement advertisements are defined as advertising that implies or declares that the District endorses a product, service, point-of-view, event or program. The prohibition against endorsements does not apply to advertising for a service, event or program for which the District is an official sponsor, co-sponsor or participant.

Religious advertisements are defined as 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 characteristics 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 or issue relating to (including opposing or questioning) any religion.

Political advertisements are defined as advertisements that contain political speech referring to a particular ballot question, initiative, petition, referendum, law, candidate, political party or social issue or expresses or advocates opinions or positions upon any of the foregoing. This prohibition includes any advertisement referring to or depicting a candidate for public office in any context.

## **ADMINISTRATION AND ENFORCEMENT OF POLICY**

### **A. Review by Contractor**

The District shall incorporate this Policy into its advertising management contracts. The District's Contractor(s) shall submit for display on or in the transit facilities only advertisements that comply with the standards set forth in this Policy. If the Contractor is in doubt whether an advertisement complies with the standards set forth in this Policy, then the Contractor shall notify the District's Marketing and Communications Director of the specific standard or standards of this Policy with which the Contractor believes the advertisement may not comply.

### **B. Review by Marketing and Communications Director**

If the Contractor believes that an advertisement may not fit the definition of Permitted Advertising, the Contractor shall send the advertisement and supporting information (the name of the advertiser, the size and number of the proposed advertisements, the dates and locations of proposed display, and notation of standards of concern) to the Marketing and Communications Director, or designee, for review. The Marketing and Communications Director shall review the advertisement and supporting information to determine whether or not the advertisement complies with this Policy. If the Marketing and Communications Director determines that the advertisement does not comply with this Policy, he or she shall, in writing, specify the standard or standards with which the advertisement does not comply, and shall so notify the Contractor.

### **C. Notification to Advertiser**

The Contractor will send prompt, written notification to the advertiser of the rejection of the advertisement and will include in that notification a copy of this Policy and written specification of which standard or standards with which the advertisement fails to comply.

#### **D. Appeal to the General Manager**

Rejection of an advertisement may be appealed to the District's General Manager by written notification to the Marketing and Communications Director. The General Manager will allow the advertiser and the Marketing and Communications Director to present any argument or evidence they wish to offer. The General Manager's decision shall be final.