

**CITY OF TUCSON
TRANSIT ADVERTISING POLICIES
Revised 4.14.14**

I. Purpose

The purpose of the City of Tucson's transit advertising programs is to generate advertising revenues, in addition to fare revenues and other income that fund the transit system.

II. Nonpublic forum

The City of Tucson's acceptance of advertising is not intended to create a public forum, like those traditionally available for the expression of free speech, but rather to make use of its transit assets held in a proprietary capacity in order to generate advertising revenue.

III. Certain Excluded Advertising

The City retains strict control over the nature of ads accepted on transit vehicles and facilities, in order to realize the maximum benefit from the sale of advertising space.

In order to serve the purpose for which it has been established, the City of Tucson must accommodate all persons without distinction of age. It is necessary to exclude advertising that is unsuitable for exposure to persons of young age and immature judgment.

By excluding certain advertising, the City of Tucson can:

- a. Maintain a professional advertising environment
- b. Maintain image of neutrality
- c. Protect passengers, employees, transit facilities from harm or abuse that may result from the display of offensive advertising
- d. Help build and retain ridership

IV. Limits on Permitted Advertising

By placing limits on permitted advertising, the City of Tucson can:

- a. Avoid subjecting passengers or other members of the public to material that may discourage use of transit services
- b. Maintain image of professionalism and decorum
- c. Avoid displaying material not suitable for viewing by minors, whether as riders or observers

- d. Maximize revenues by attracting and maintaining ridership

V. Advertising Content Standards

Subject matter is limited to that which proposes a commercial transaction, or that which provides transit information.

The City of Tucson shall reject any advertising message that:

- a. Is false, misleading, or deceptive;
- b. relates to illegal activity;
- c. contains images or information that demeans an individual or group of individuals on account of race, color, religion, national origin, ancestry, gender, age, disability or sexual orientation;
- d. contains information which promotes unlawful or illegal goods, services or activities;
- e. contains content that is libelous;
- f. discourages use of transit system;
- g. diminishes transit's reputation in the community;
- h. is inconsistent with principal purpose of providing safe, efficient, customer-focused public transportation;
- i. subjects passengers, transit employees, or transit facilities to harm or damage;
- j. denigrates the transit organization, employees, operation, officers, agents;
- k. appears that the transit system or City of Tucson endorse the advertising;
- l. contains explicit sexual material, obscenity, or material that is considered harmful to minors as defined in Title 13, Chapter 35, A.R.S. (Arizona Revised Statutes);
- m. advertises alcohol or tobacco products including e-cigarettes and any other tobacco substitute, or promotes retail establishments whose primary merchandise is alcohol or tobacco products;
- n. depicts violence or anti-social behavior; and that
- o. depicts related instruments, devices, items, products, or paraphernalia that is designed for use in connection with sexual activities.
- p. contains content that encourages activities prohibited by City of Tucson policies and ordinances.

VI. Applicability

Any advertising placed on transit property will comply with these standards, whether through direct sales by City of Tucson transit staff, or through sales through an independent contractor selected in accordance with the City's competitive procurement procedures.

VII. Scope

The City of Tucson may make space on its transit facilities and transit-related information available for limited types of advertising, consistent with the standards herein.

VIII. Approval

The designated advertising manager or independent contractor for each transit system or transit property shall reject advertising that does not comply with the standards set forth in subparagraph (V).

The designated staff or independent contractor will work with advertisers to resolve issues about advertisements that do not comply with these policies and procedures.

Resolution may include modification of the art, copy, or both.

IX. Appeals

An advertiser may appeal a decision to reject or remove an advertisement by filing a written request with the transit system or transit property's designated transit advertising manager or independent contractor within ten (10) business days after the rejection or removal decision. The advertiser's request must state why the advertiser disagrees with the decision in light of the City of Tucson's transit advertising policies and standards. The designated transit advertising manager, or independent contractor in coordination with TDOT, may consult with City of Tucson legal counsel.

The designated transit advertising manager or independent contractor will review the basis for the rejected or removed advertisement and will consider the advertiser's reasons for filing the request.

The designated transit advertising manager or independent contractor will make a decision on the request and will notify the advertiser of its decision in writing within fifteen (15) business days after receiving the advertiser's appeal request.

An advertiser who disagrees with a decision of the designated transit advertising manager or independent contractor may request TDOT's Director to review the designated transit advertising manager's or independent contractor's decision. The advertiser's written request for further review must be received within five (5) business days after receipt of the designated transit advertising manager or independent contractor's decision. The TDOT Director may accept, reject, or modify the designated transit advertising manager or independent contractor's decision and will notify the advertiser of the Director's decision within five (5) business days after the Director receives the advertiser's request.