

**MACATAWA AREA EXPRESS
TRANSPORTATION AUTHORITY BOARD**

Policy Number:

Effective Date: August 25, 2008

Title: ADVERTISING POLICY AND REGULATIONS

I. INTRODUCTION

The purpose of this policy is to establish guidelines for interior and exterior advertising on Macatawa Area Express (MAX) vehicles. The MAX Transportation Authority Board is ultimately responsible for the adoption of this policy and any amendments. The MAX Transportation Authority Board intends that it is operating in a proprietary capacity and its vehicles constitute non-public forms that are subject to the viewpoint-neutral restrictions set forth below.

The MAX Authority Board has approved the concept of commercial advertising on the exterior of its vehicles as a means of raising revenue for the transit system. Revenue generated from commercial advertising is returned to the general operating budget and used to reduce local contributions to fund operations.

In order to realize the maximum benefit from the sale of advertising space, the program will be managed in a manner that produces as much revenue as practical, while ensuring that advertising does not:

- a. discourage the use of the transit system;
- b. diminish MAX's reputation in the community;
- c. in any way interfere with operations or jeopardize the safety of passengers, MAX's direct or contract employees, and the public; and
- d. cause offense to its customers and the general public

The exterior of vehicles is reserved for commercial advertising only. In addition, 75 percent of the interior of buses will be available for commercial advertising, and 25 percent will be designated as free public service advertising space for certain non-profit organizations.

MAX may also use exterior and interior vehicle advertising itself to promote public awareness of transit programs, services and promotions. This type of advertising may include the display of flyers, brochures, posters and advertisements.

II. APPLICABILITY

This policy is applicable to MAX Transportation Authority Board members and its employees, and companies that contract with MAX for the leasing of advertising space on MAX vehicles.

III. DEFINITIONS

- a. **Commercial Advertising:** Advertising for the sole purpose of selling or renting services or property for a profit.
- b. **Political Advertising:** Any advertising that supports or opposes the election of any candidate or group of candidates, or any ballot question, initiative, petition, or referendum issue, including bond issues, constitutional amendments, or proposed legislation.
- c. **Non-Profit Organizations:** Organizations that meet the requirements for a tax-exempt organization under Section 501 (c) (3) of the Internal Revenue Code and that: 1) have a physical office in the geographical boundaries served by the MAX; 2) provide social welfare services; and 3) serve the needs of MAX passengers.
- d. **Public Service Announcements:** Non-commercial and non-political advertising by Non-Profit Organizations promoting their social services.

IV. COMMERCIAL ADVERTISING STANDARDS

Advertising displayed on the exterior of MAX buses shall be strictly commercial in nature and purpose. Commercial advertising also is available on the interior of the buses.

Because MAX serves persons of all ages and backgrounds and strives to create a comfortable and enjoyable experience for all passengers, the following types of advertising are prohibited:

- a. Materials that contain false, misleading, libelous, slanderous, or deceptive images;
- b. Advertising for tobacco, tobacco-related products, alcoholic products, and illegal drugs;
- c. Advertising for adult products, services or entertainment directed to sexual stimulation;
- d. Advertising of contraceptive products or hygiene products of an intimately personal nature;
- e. Advertising that depicts sexually explicit, obscene and/or pornographic images or words;
- f. Advertising that portrays graphic violence;
- g. Advertising that contains discriminatory, derogatory, negative or personal attacks against individuals, groups, or organizations;
- h. Advertising that is political;
- i. Advertising that is directed to inciting or producing imminent lawless action, or is likely to incite or produce such action, including but not limited to unlawful actions;
- j. Advertising that promotes illegal activity including, but not limited to, children;
- k. Advertising that encourages persons to refrain from using MAX or public

- transit;
- l. Advertising that explicitly and directly promotes or encourages the use of means of transportation in direct competition with public transit; Advertising that encourages persons to refrain from using MAX or public transit;
 - m. Advertising messages that conflict with the mission of MAX; and
 - o. Advertising that contains MAX's name, brand logo, slogans or other graphic representations of the transit system, unless written consent from MAX is obtained prior to use.

The prohibitions also apply to advertisements that include a website that provides a message that does not comply with this Section.

V. PRODUCTION AND PLACEMENT GUIDELINES

Advertising materials will be produced at the advertiser's expense and must be of good quality and conform to standards for size, weight, material and other physical characteristics as set by MAX and its advertising contractor.

Advertisers must pay for installation and removal of advertising from vehicles. Costs will be determined by MAX staff or its assigned contractor, which will arrange for the installation or removal of advertising. It is the advertiser's responsibility to deliver or reclaim materials in a timely fashion or they may be disposed of at MAX's discretion.

VI. COMPLIANCE RESPONSIBILITY

The assigned contractor responsible for selling and managing advertising (as well as PSAs) on MAX vehicles will be notified of standards and restrictions concerning bus advertising and PSAs, and it will be the contractor's responsibility to reject any advertising or PSA that does not comply with these guidelines. The contractor shall approve or reject a proposed advertisement or PSA within 15 days of when the request and all other documents associated with it are received by the contractor. If the contractor fails to formally approve or reject a proposed advertisement or PSA within the time period stated above, the proposed advertisement or PSA will be deemed to be rejected. An appeal of such rejection can be filed under Section VIII. Failure of the contractor to adhere to these advertising guidelines will constitute a contract violation, possibly resulting in termination of contract.

VII. INTERIOR ADVERTISING FOR NON-PROFIT ORGANIZATIONS

Interior advertising may be allowed and available to Non-Profit Organizations to display public service announcement (PSA) materials free of charge at the discretion of MAX. Guidelines for the acceptance of non-profit advertising are as follows:

- a. PSA materials will be produced at the non-profit organization's expense, and must be produced through a process that ensures reproduction of good quality on materials of specific quality and size, and conform to uniform standards set by MAX.
- b. PSAs must be non-commercial, non-partisan, and non-political.
- c. PSAs are also prohibited from advertising in the manner provided in Section IV.a.-o. of this policy.
- d. PSA space may be available on the interior of vehicles only, provided display space is available.
- e. PSAs will be accepted on a first come, first-served basis, and may be displayed for up to 90 days.
- f. The sponsor of the PSA shall pay the applicable labor costs for the installation and removal of their advertising as charged by the advertising contractor.

VIII. APPEAL OF REJECTION OF PROPOSED ADVERTISEMENT OR PUBLIC SERVICE ANNOUNCEMENT

Within 10 days after the assigned contractor has rejected a proposed advertisement or PSA, the aggrieved party may file a written appeal with the Marketing Committee for the MAX Transportation Authority. The written appeal must specifically state the word "appeal" and identify the reasons for the reversal of the rejection of the advertisement or the PSA. The appeal will be heard at the meeting of the Marketing Committee immediately following the filing of the appeal, but not later than 30 days following the filing of such appeal. The decision of the Marketing Committee shall be final.