

**CITY OF VACAVILLE**  
**VACAVILLE CITY COACH TRANSIT ADVERTISING POLICY**



CITY OF VACAVILLE  
PUBLIC WORKS DEPARTMENT  
650 MERCHANT STREET  
VACAVILLE, CA 95688

*Adopted: January 10, 2012*

**Vacaville City Coach Transit Advertising Policy**

**Adopted:**

January 10, 2012

Resolution No. 2012-005; Resolution of the City Council of The City of Vacaville Approving Vacaville City Coach Advertising Policy

**Amendments:**

**RESOLUTION NO. 2012-005**

**RESOLUTION APPROVING VACAVILLE CITY COACH ADVERTISING POLICY**

**WHEREAS**, the City of Vacaville's Transit operations are funded by the Federal Transit Administration (FTA), State Transportation Development Act (TDA) passenger fares, and advertising revenue. In order to continue to receive State TDA funding at current levels, the City's Transit program must attain a minimum 20% farebox recovery ratio; and

**WHEREAS**, advertising revenue generated through the sale of space on both interior and exterior transit assets (buses and transit facilities) aid in contributing to attaining a farebox recovery ratio above the State mandated minimum 20%; and

**WHEREAS**, staff recommends the adoption of the proposed formal advertising policy to provide clear guidance as to the types of advertisements that will enable the City to generate revenue and enhance transit operations; and

**WHEREAS**, the City does not intend to create a public forum for public discourse or expressive activity or a forum for all types of advertising on City Transit assets; and

**WHEREAS**, the proposed advertising policy advances the City's revenue-generating objective by prohibiting advertisements that could detract from that goal by creating substantial controversy, interfering with and diverting resources from transit operations, and/or posing significant risks of harm, inconvenience, or annoyance to transit passengers, operators and transit vehicles.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Vacaville hereby adopts the Vacaville City Coach Transit Advertising Policy.

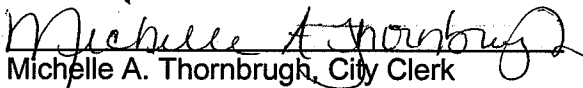
**I HEREBY CERTIFY** that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Vacaville, held on the 10<sup>th</sup> day of January 2012, by the following vote:

**AYES:** Council members, Harris, Hunt, Mashburn, Vice-Mayor Rowlett and Mayor Hardy

**NOES:** None

**ABSENT:**

**ATTEST:**

By:   
Michelle A. Thornbrugh, City Clerk

## ATTACHMENT 1

### VACAVILLE CITY COACH TRANSIT ADVERTISING POLICY

The City of Vacaville ("City") provides public transportation services ("City Coach") within the City of Vacaville.

The City is engaged in the sale of advertising in and upon the property and rolling stock of the City's Transit fleet ("Transit Facilities"), consisting of:

- (1) Print advertising on the exterior of the City's buses;
- (2) Print advertising displayed on bus shelters in the City's service area;
- (3) Print advertising on the interior of the City's buses;
- (4) Advertising on the exterior of City's buses in the form of an advertising "wrap".

This Advertising Policy ("Policy") shall apply to the sale of all forms of advertising on all Transit Facilities owned and/or managed by the City.

#### I. PURPOSE

The City, in its sole discretion, will make space on or at its Transit Facilities available for limited types of advertising ("Permitted Advertising"). In adopting this Policy that allows limited types of advertising on or at its Transit Facilities, the City does not intend to create a public forum for public discourse or expressive activity or a forum for all types of advertising. The City's acceptance of advertising does not provide or create a general public forum for expressive activities. In keeping with its proprietary function as a provider of public transportation, the City does not intend its acceptance of advertising to convert its Transit Facilities into open public forums for public discourse and debate. Rather, as noted below, the City's fundamental purpose and intent is to accept advertising as an additional means of generating revenue to support its transit operations. In furtherance of that discreet and limited objective, the City retains strict control over the nature of the advertisements accepted for posting on or at its Transit Facilities and maintains its advertising space as a limited public forum. "(A) City transit system has discretion to develop and make reasonable choices concerning the type of advertising that may be displayed in its vehicles." *Lehman v. Shaker Heights*, 418 U.S. 298, 303 (1974).

This Policy advances the City's revenue-generating objective by prohibiting advertisements that could detract from that goal by creating substantial controversy, interfering with and diverting resources from transit operations and/or posing significant risks of harm, inconvenience, or annoyance to transit passengers, operators and vehicles. Such advertisements create an environment that is not conducive to achieving increased revenue for the benefit of the transit system or to preserving and enhancing the security, safety, comfort and convenience of its operations. The viewpoint neutral restrictions in this Policy thus foster the maintenance of a professional advertising environment that maximizes advertising revenue.

This policy is intended to provide clear guidance as to the types of advertisements that will enable the City to generate revenue and enhance transit operations. Further, by not allowing the types of advertising specified in Section III below, the City will: (a) maintain a professional advertising environment that maximizes advertising revenues and minimizes interference with or disruption of the transit system; and (b) continue to build and retain transit ridership.

## II. PERMITTED ADVERTISING

### A. Exterior Advertising

The display of Permitted Advertising on the exterior of the Transit Facilities (“Exterior Advertising”) is intended to supplement fare revenue and other income that funds the City’s transit operations and promotes the City’s Transit operations. In order to realize the maximum benefit from the sale of advertising space, the City’s 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 does not discourage the use of the transit system, does not diminish the City’s reputations in the community or the good will of their patrons, and is consistent with the principal purpose of providing safe and efficient public transportation. To attain these objectives, the City establishes the following regulations, which govern Exterior Advertising. Exterior Advertising permitted under this Section shall not contain displays or messages that are not permitted under Section III below.

Exterior Advertising includes the following categories of advertisements:

1. Commercial Advertising. “Commercial Advertising” is advertising for which the sole purpose is to sell products, goods or services for a profit. Commercial advertising does not include advertising that combines a commercial message with a message that is not permitted under this Policy, e.g. an advertisement that offers a product for sale and promotes the election of a candidate for public office.
2. Transit Operations of City Coach. “Transit Operations Advertising” is advertising that advertises or promotes City Coach, such as the use of its transit services.

### B. Interior Advertising

The City recognizes that passengers are a captive audience to advertisements that are posted on the interior of the City’s buses (“Interior Advertising”). The City desires not to subject its passengers to advertisements relating to elections, politics, religion, or issues over which public opinion may differ because such advertisements may offend some passengers, which could discourage their patronage and, in turn, decrease transit revenues.

The City, therefore, establishes the following regulations governing Interior Advertising. As with Exterior Advertising, Interior Advertising permitted under this Section shall not contain displays or messages that are not permitted under Section III, below.

Interior Advertising includes the following categories of advertising:

1. Public Service Advertising. “Public Service Advertising” is advertising by governmental entities, academic institutions or tax-exempt nonprofit organizations that relates to community, art, cultural, educational, health, or safety events, programs and/or messages. Public Service Advertising does not include advertisements that include/combines Public Service Advertising, Commercial Advertising or contain any direct or indirect reference to religious, political or issue advocacy. Upon the City’s request, nonprofit entities must document their tax-exempt status. Unless the source of the Public Service Advertising is obvious from the content or copy, the advertisement must specifically identify the advertisement’s sponsor.

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2. Transit Operations of City Coach. “Transit Operations Advertising” is advertising that promotes City Coach, such as the use of its transit services.

3. Cross-promotional Advertising. “Cross-promotional Advertising” is advertising in which the City collaborates with for-profit entities to promote the use of City Coach as a means of travel to a specific event or activity. Cross-promotional Advertising does not include advertising that combines a cross-promotional message with a message that is not permitted under this Policy, e.g. an advertisement that promotes the use of City Coach as a means of travel to a political or religious event.

### III. EXCLUDED ADVERTISING APPLICABLE TO EXTERIOR AND INTERIOR ADVERTISING

Exterior Advertising and Interior Advertising cannot be displayed or maintained on Transit Facilities if information contained in the advertisement includes one or more of the following:

1. False, misleading, or deceptive statements or information.
2. Statements or information that is defamatory or likely to hold up to scorn or ridicule a person or group of persons.
3. Obscene or pornographic materials, depictions, or statements.
4. Statements or information that advocate imminent lawlessness or violent action.
5. Statements or information that promote alcohol or tobacco products or their use.
6. Religious Advertisements, as defined below.
7. Political Advertisements, as defined below.
8. Intellectual property infringement, including piracy or infringement of copyright, trade dress, service mark, title or slogan.
9. Unauthorized Endorsements, as defined below.

For purposes of this Policy:

“Religious Advertisements” means 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 on Religious Advertisements includes, but is not limited to, 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” means advertisements that refer to a particular ballot question, initiative, petition, referendum, candidate for office, political party, or viewpoint or that expresses or advocates opinions or positions upon any of the foregoing.

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“Unauthorized Endorsements” means advertising that implies or declares that the City or its entities, officials, or employees endorses a product, service, viewpoint, event, person, or program. This prohibition on Unauthorized Endorsements does not include or apply to advertising for a service, event or program for which the City is an official sponsor, co-sponsor or participant.

### **IV. ADMINISTRATION AND ENFORCEMENT OF POLICY**

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

The City may incorporate this Policy into any of its advertising management contracts. The contracting party to such contract (“Contractor”) shall not submit for display on or in the Transit Facilities any advertisement that does not comply with the standards or provisions of this Policy. If the Contractor is in doubt whether an advertisement complies with the standards or provisions of this Policy, the Contractor shall notify the City’s Transit Manager, or his/her designee of the uncertainty before submitting the advertisement for display and the specific provision or standard of this Policy that the Contractor is uncertain of.

#### **B. Review by Transit Manager, or Designee**

If the Contractor determines that an advertisement may not comply with the standards or provisions of this Policy, the Contractor shall promptly send the advertisement and supporting information (including the name of the advertiser, the size and number of the proposed advertisements, the dates and locations of the proposed advertisements, and a notation of the standard or provision of concern) to the Transit Manager, or his/her designee, for review. The Transit Manager, or his/her designee, shall review the advertisement and supporting information to determine whether the advertisement complies with this Policy. If the Transit Manager, or his/her designee determines that the advertisement does not comply with this Policy, he/she shall specify in writing the standard or provision with which the advertisement does not comply, and shall so notify the Contractor.

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

The Contractor will promptly notify the advertiser in writing of the Transit Manager’s decision to reject the advertisement, together with a copy of this Policy, and will specify the standard or provision that the advertisement fails to comply with.

#### **D. Appeal to Director of Public Works**

The Transit Manager’s decision to reject an advertisement may be appealed by the advertiser to the City’s Public Works Director, or his/her designee, by providing written notification of the appeal within fifteen (15) calendar days of the date of Contractor’s notice. The Director of Public Works shall allow the advertiser and the Transit Manager, or his/her designee, to present any relevant argument or evidence they wish to offer. The decision of the appeal by the Director of Public Works shall be final.