

SAN BENITO COUNTY LOCAL TRANSPORTATION AUTHORITY ADVERTISING POLICY

I. Public Purpose

In adopting this policy it is the San Benito County Local Transportation Authority's (hereinafter "LTA") declared intent and purpose to maximize revenues through commercial advertising provided that all of the following interests are preserved and furthered:

- A. Providing a safe, convenient and pleasant environment for County Express patrons, which includes maximizing County Express fare revenues by attracting and maintaining the patronage of passengers; and
- B. Protecting minors who use County Express facilities and travel on County Express' transportation system; and
- C. Avoiding any potential identification of County Express with the point of view or message of the advertisement placed by a third party.

II. No Intent To Create A Public Forum

In adopting this policy it is the LTA's declared intent and purpose to allow third parties to place commercial advertisements on LTA Property. It is not the LTA's intent or purpose to permit advertising that individually or in combination would cause any real or personal property owned or controlled by the LTA (hereinafter "LTA Property") to become a public forum for the dissemination, debate, and/or discussion of public issues.

III. Advertising on San Benito County Local Transportation Authority's Transit Facilities and Vehicles by Permission

Advertising placed by a third party on LTA Property is not authorized unless permitted in accordance with the provisions of a license agreement approved by LTA. Any license agreement approved by LTA for the placement of advertising on LTA Property must be consistent with the provisions of this policy. Pre-existing licensing agreements for advertising on LTA Property shall be amended, if necessary, in order to be consistent with this policy and to make any other changes that may equitably be required thereby.

IV. Authorized Advertisements and Announcements

This policy applies to advertising placed by a third party on any LTA Property and does not prohibit the LTA from placing advertisements and announcements related to LTA services, programs, or events as long as the advertisements and announcements are not otherwise prohibited under Section 5. Only commercial advertisements will be allowed to be placed by a third party on any LTA Property. For the purpose of this policy, a commercial advertisement is an advertisement that: (i) has as its primary purpose the promotion of a commercial transaction, such as the sale of real or personal property, services, entertainment and/or dining, which is offered to the public generally and (ii) is not otherwise prohibited under Section 5.

V. Viewpoint Neutral Limitations

The following viewpoint-neutral content-based limitations are established. No advertisement or announcement (hereinafter referred to as “Ad”) is permitted on or may be maintained on any LTA Property if it or information contained in it falls within one or more of the following categories:

- A. False, misleading, or deceptive commercial speech. The Ad proposes a commercial transaction, and the Ad, or any material contained in it, is false, misleading, or deceptive.
- B. Unlawful goods or services. The Ad, or any material contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services.
- C. Unlawful conduct. The Ad, or any material contained in it, promotes, depicts or encourages, or appears to promote, depict or encourage, unlawful, anti-social or illegal behavior or activities.
- D. Endorsement. The Ad, or any material contained in it, implies or declares an endorsement by the LTA of any service, product or point of view, without prior written authorization of the LTA (through its Executive Director).
- E. Obscenity. The Ad, or any material contained in it, contains obscene matter or any other matter that is prohibited under the provisions of Chapter 7.5 (beginning with Section 311) of Title 9 of Part 1 the California Penal Code, and as such laws may be amended or supplemented.
- F. Prurient Interests. The Ad, or any material contained in it, contains harmful matter or any other matter that is prohibited under the provisions of Chapter 7.6 (beginning with Section 313) of Title 9 of Part 1 of the California Penal Code, and as such laws may be amended or supplemented.
- G. Profanity, Vulgarly, Riot. The Ad, or any material contained in it, is profane or vulgar, or presents a clear and present danger of causing a riot, disorder, or other imminent threat to public safety, peace or order.
- H. Community Standards. A material that is objectionable under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of, or interference with the transportation system.
- I. Libelous speech, Copyright infringement. The Ad, or any material contained in it, holds up an individual or groups of people to public ridicule, derision or embarrassment, or is libelous, or is an infringement of a copyright, trademark or registered mark.
- J. Tobacco. The Ad, or any material contained in it, promotes or depicts the sale or use of tobacco or tobacco-related products, except products that counteract symptoms of tobacco habituation.
- K. Alcohol. The Ad, or any material contained in it, promotes or depicts the sale or consumption of wine, liquor, beer, or distilled spirits.
- L. Firearms. The Ad, or any material contained in it, directly or indirectly promotes the sale or use of a firearm or contains an image or depiction of a firearm.

- M. Political Campaign Speech. The Ad, or any material contained in it, contains political campaign speech. For purposes of these guidelines, the term “political campaign speech” is speech that (1) supports or opposes or appears to support or oppose a ballot measure, initiative, or referendum, or (2) refers to any candidate for public office.
- N. Religion. The Ad, or any material contained in it, advocates or opposes a religion or religious belief.
- O. Traffic Interference. The Ad, or any material contained in it, displays any word, phrase, symbol, or character likely to interfere with, mislead, or distract traffic, or conflict with any traffic control device.
- P. Distraction. The Ad, or any material contained in it, incorporates any rotating, revolving, or flashing devices, or any other moving parts.
- Q. Violence. The Ad, or any material contained in it, contains an image or description of graphic violence, including, but not limited to (1) the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement, and (2) the depiction of weapons or other implements or devices associated in the advertisement with an act or acts of violence or harm on a person or animal.
- R. “Adult”-oriented goods or services. The Ad, or any material contained in it, promotes or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans or other materials which are identifiable with, films rated “X” or “NC-17”, video games rated “A” or “M,” adult book stores, adult video stores, nude and/or topless clubs and other adult entertainment establishments, adult telephone services, adult Internet sites, and escort services.
- S. Special provisions regarding web addresses and telephone numbers. The Ad, or any material contained in it, directs viewers to a website or telephone number that contains material that violates this Policy.
- T. Denigration. The Ad, or any material contained in it, denigrates any public agency’s organization, or its operations, or its officers, agents or employees. This prohibition includes advertising copy and illustrations that state or imply or could reasonably be expected to cause an interference to their service or operations.
- U. Public Forum. The Ad, or any material contained in it, if posted individually or in combination with other Ads, causes LTA Property to become a public forum for the dissemination, debate, and/or discussion of public issues.
- V. Disclaimer or Attribution. The Ad fails to contain any disclaimer or attribution as required under Section 6 and 7 of this Policy.

VI. Disclaimer

All advertisements on LTA Property or as authorized under any LTA contract shall include the following language “The views expressed in this advertisement do not necessarily reflect the views of the San Benito County Local Transportation Authority.”

VII. Attribution

All advertisements or announcements on LTA Property must clearly and unambiguously identify the person or entity that has sponsored, paid for, or caused the advertisement or announcement to be placed on LTA Property. Website addresses or phone numbers without more information are insufficient to satisfy this section.

VIII. Unilateral Amendment

The LTA reserves the right to unilaterally amend this policy at any time upon providing written notice to any affiliated advertising contractor.

IX. Moratorium

At the discretion of the Executive Director, the LTA may at any time, subject to any contractual obligations, declare a complete ban or moratorium on all advertising on any real or personal property under the LTA's control and direct that no advertisements or announcements of any kind, other than LTA advertisements or announcements, be accepted for display and posting.

X. Disputes

In the event of any dispute or disagreement between the LTA and the contracted Advertising Agency, the dispute will be handled in the manner outlined in the contract.