



Policies and Standards for Advertising on DART Transit Facilities



Scope:	DART Employees and Contractors
Responsible Department:	Engagement
Effective Date:	September 5, 2017
Approved By:	DART Commission

The Des Moines Regional Transit Authority (“DART”) is a regional transit system created under section 28M of the Code of the State of Iowa. DART owns and operates buses, bus shelters, a garage and other properties (collectively referred to as “transit facilities”) in conjunction with its regional transit system. It is in the public interest to make advertising space available on certain designated transit facilities to generate revenue and help fund the operation of the regional transit system.

I. PURPOSE

1.01 Nonpublic Forum; Commercial / Proprietary Functions. DART will make space on its transit facilities available for limited types of advertising (“Permitted Advertising”). By allowing limited types of advertising on or within its buses and/or bus shelters, DART does not intend to create a public forum for public discourse or expressive activity, or to provide a forum for all types of advertisements. The display of Permitted Advertising on designated transit facilities is intended only to supplement fare revenue, tax proceeds and other income that fund the regional transit system.

1.02 Certain Excluded Advertising. DART will not accept for display or play through audio on its transit facilities the types of advertising defined in Section 2.01 of these policies and standards (“Excluded Advertising”). By not accepting Excluded Advertising, DART’ intention is to:

- (a) maintain a professional advertising environment that maximizes advertising revenues and minimizes interference or disruption of the commercial aspects of its regional transit system;
- (b) maintain and portray an image of neutrality on political matters and other noncommercial issues that may be the subject of public debate and concern;
- (c) protect passengers, employees and DART transit facilities from harm or damage that can result from some individual’s reactions to political or controversial materials; and
- (d) avoid any decrease in transit ridership.

1.03 Limits on Permitted Advertising. Placing reasonable limits on Permitted Advertising displayed or played on its transit facilities will enable DART to:

- (a) avoid subjecting its passengers and other members of the public to material that may discourage them from using regional transit services;
- (b) maintain an image of professionalism and decorum;



- (c) avoid displaying material that is not suitable for viewing by minors who ride on DART Transit buses or those individuals whose neighborhoods are served by DART Transit bus routes; and
- (d) maximize revenues by attracting and maintaining the patronage of passengers.

II. ADVERTISING POLICIES

2.01 Excluded Advertising. For the purposes of these policies and standards, the advertising described in this Section 2.01 is "Excluded Advertising." DART will not accept the following Excluded Advertising for display, posting or placement on or within its buses, or other transit facilities:

- (a) **Alcoholic Beverages.** DART will not accept advertisements and images soliciting or promoting the direct sale or use of alcoholic beverages with the exception of images of beer or wine (including logos), which said images may be displayed on transit advertisement(s) that primarily promote eating establishments grocery establishments; or specific events or festivals. Advertising containing images or words depicting beer and/or wine advertising that otherwise meet the requirements of 2.01(a) must also contain a responsible drinking message.
- (b) **Tobacco Products.** DART will not accept audio or display advertisements and images soliciting or promoting the sale or use of tobacco products including, but not limited to, cigarettes, cigars, and smokeless tobacco.
- (c) **Advertisements Affecting Image or Operation.** DART will not accept audio or display advertisements and images that threaten or adversely affect: the public image of DART; DART'S ability to operate its transit facilities; or DART'S ability to attract and maintain the patronage of passengers.

2.02 Permitted Advertising. Subject to the viewpoint-neutral standards contained in Section 3.01 of these policies and standards, DART will accept "Permitted Advertising" for play, display, or placement on designated DART transit facilities. For the purposes of these policies, "Permitted Advertising" is advertising that:

- (a) Does not qualify as Excluded Advertising under Section 2.01.
- (b) Generally relates to the economic interests of the advertiser and its audience.
- (c) Includes advertising delivered through electronic, audio, and printed media.

Advertising defined in Section 3.02 and 3.03 also is Permitted Advertising.

2.03 Prohibitions on Literature or Product Distribution and Leafleting. DART'S purpose in operating a regional transit system is to meet the public's need for efficient, effective and safe public transportation. DART transit facilities are not intended to be public forums for public discourse or expressive activity. Literature or product distributions, leafleting and similar activities can disrupt or delay passengers who are boarding and exiting buses and other transit vehicles, distract passengers, distract bus operators, cause maintenance issues, and otherwise create safety issues for passengers, operators and surrounding traffic. Accordingly, political campaign activities, distribution of political or issues campaign literature, leafleting, and other informational or campaign activities are prohibited within



DART transit buses or other transit vehicles and within DART bus shelters. Notwithstanding the policies that allow the play or display of Permitted Advertising on designated DART Transit facilities, nothing in these policies or standards authorizes or permits advertisers to distribute literature, leaflets, coupons, products, samples or other items within DART transit buses and shelters.

On a limited basis and in conjunction with a "partnering" opportunity approved by DART, DART may allow an advertiser to distribute items on or within DART Transit facilities. Any distribution of literature, leaflets, coupons, products, samples or other items must be pre-approved by DART and must comply strictly with terms and conditions established by DART.

III. ADVERTISING STANDARDS AND RESTRICTIONS

3.01 Advertising Standards and Restrictions. DART will make available on designated DART transit facilities space for advertisements subject to the viewpoint-neutral restrictions in this Section 3.01 that limit certain forms of paid and unpaid advertising. Advertisements cannot be played, displayed or maintained on DART transit facilities if the advertisement or information contained in the advertisement falls within one or more of the following categories:

- (a) **False, Misleading, Deceptive or Disrespectful Advertising.** Advertising or any material or information in the advertising that is false, misleading or deceptive, or that is intended to be (or reasonably could be interpreted as being) disparaging, disreputable or disrespectful to persons, groups, businesses or organizations, including advertising that portrays individuals as inferior, evil or contemptible because of their race, color, creed, sex, pregnancy, age, religion, ancestry, national origin, marital status, disability, including those related to pregnancy or child birth, affectional or sexual orientation, or any other characteristic protected under federal, state or local law.
- (b) **Unauthorized Endorsement.** Advertising that implies or declares that DART endorses a product, service, point-of-view, event or program. The prohibition against endorsement does not apply to advertising for a service, event or program for which DART is an official sponsor, co-sponsor or participant, provided DART'S General Manager or other designated representative gives prior written approval regarding the endorsement.
- (c) **Obscene or Offensive Material.** Advertising that contains obscene or offensive materials. "Obscene materials" for purposes of this policy are material(s) that display information that, taken as a whole, appeals to the prurient interest in sex and depicts or describes, in a patently offensive manner, sexual conduct and which, taken as a whole, does not have serious literary, artistic, political, or scientific value, or otherwise qualifies as "obscene material" as that phrase is defined in the Iowa Code section 728.1(5). "Offensive materials" means displays or information that would be offensive to a reasonably prudent person of average sensitivity in the community, including advertising that contains derisive, distorted, immoral, profane or disreputable language or impressions.

- (d) **Unlawful Goods or Services.** Advertising or any material or information in the advertising that depicts, promotes or reasonably appears to encourage the use or possession of unlawful or illegal goods or services.
- (e) **Unlawful Conduct.** Advertising or any material or information in the advertising that: depicts, promotes or reasonably appears to encourage unlawful or illegal behavior or conduct, including unlawful behavior of a violent or antisocial nature; is libelous or an infringement of copyright; is otherwise unlawful or illegal; or is likely to subject DART to liability.
- (f) **Adult Entertainment.** Advertising that promotes or displays images associated with adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments, adult telephone services, adult internet sites and escort services.
- (g) **Graffiti.** Advertising that uses images or symbols that depict or represent graffiti.
- (h) **Illegal Firearms and Weapons.** Advertising that contains images or depictions of illegal firearms or other weapons, or the unlawful use of firearms or other weapons.
- (i) **Internet Addresses and Telephone Numbers.** Advertising that directs viewers to internet addresses or telephone numbers that contain materials, images or information that would violate these advertising standards if the materials, images or information were contained in advertising displayed or posted on DART transit facilities.
- (j) **Distractions and Interference.** Advertising that incorporates or displays any rotating, revolving, or flashing devices or other moving parts or any word, phrase, symbol or character, any of which are likely to interfere with, mislead or distract traffic or conflict with any traffic control device or motor vehicle regulation.

3.02 Political, Religious, or “Issues” Advertising. DART has the following disclaimer requirements for the types of advertisements listed below. The disclaimer must be placed on advertisements and be legible 5 ft. from advertisement.

- (a) **Political Candidates.** On an advertisement that is authorized and paid for by a candidate or his/her campaign committee, the disclaimer must identify:
 - Who paid for the message.
- (b) **Political Candidate Advertisement Paid by a Different Party.** On an advertisement that is authorized by a candidate or his/ her campaign committee, but is paid for by a third party/person the disclaimer notice must:
 - Identify who paid for the communication.
 - Indicate that the candidate authorized the message.
- (c) **Political Advertisement Not For Political Candidate.** On an advertisement that is not authorized by a particular candidate or his/her campaign committee, the disclaimer notice must:
 - Identify who paid for the message.
 - State that the advertisement was not authorized by any candidate or candidate's committee.

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- List the permanent address, telephone number or world wide web address of the person who paid for the communication.

(d) **Religious Oriented, Political Issue or Other Non-Commercial Issue Ads.** The disclaimer notice must:

- Identify who paid for the message.
- List the permanent address, telephone number or web address of the person who paid for the communication.

3.03 Other Permitted Advertising and Public Service Announcements. DART may make advertising space available for advertising proposed by governmental entities, academic institutions or tax-exempt, 501(c)3 nonprofit organizations (examples include: ads focusing on personal health or wellness issues, or ads informing the public about programs, services or events). Non-profit entities must document their IRS tax-exempt status. On a limited basis, DART may make unpaid advertising space available for such permitted advertising or public service announcements. Costs associated with the design, production, installation and removal of public service announcements are the responsibility of the group or organization requesting the public service announcement. The advertising and public service announcements permitted under this section cannot contain displays or messages that qualify as Excluded Advertising under Section 2.01 and must comply with these advertising policies and standards. Unless the source of the advertising or public service announcement is obvious from the content or copy, the advertisement or public service announcement must specifically identify the sponsor of the advertisement or the message.

3.04 Space Availability. DART limits the amount of space on its transit facilities available for advertising and does not represent that it can accommodate all requests for advertising space. Advertising space will be made available only on DART transit facilities designated by DART. No advertising, signs and other types of postings or messages may be played, displayed, posted or placed on any other DART transit facilities.

3.05 Reservation of Rights. DART reserves the right to amend these policies and standards at any time. Subject to any then existing contractual obligations, DART reserves the right to discontinue advertising on DART transit facilities and discontinue accepting advertising for display or posting on DART transit facilities. DART reserves the right to limit the availability of advertising space on its transit facilities and remove advertising that does not comply with these advertising policies and standards and, subject to any contractual obligations.

IV. ADVERTISING PROGRAM AND ADMINISTRATION

4.01 Advertising Contractor. DART shall, from time to time, select an "Advertising Contractor" who shall be responsible for the administration of DART's advertising program, in a manner consistent with this Policy and the terms of its agreement with DART. The advertising program shall include, but not be limited to, promotion, solicitation, sales, accounting, billing, collections, fabrication, posting of advertising displays, and playing of audio advertisements on or in DART facilities including, but not limited to, buses and bus shelters.



- (a) DART has designated the Chief Engagement and Communications Officer to be the primary contact for the Advertising Contractor. Questions regarding the terms, provisions, and requirements of this Policy shall be addressed initially to the Chief Engagement and Communications Officer.
- (b) The Advertising Contractor shall provide, or shall subcontract for, all employees and equipment necessary to perform the work and provide the services required by DART.
- (c) The Advertising Contractor shall comply with this Policy and shall review all proposed advertising with reference to the standards set forth herein. The Advertising Contractor shall present all proposed advertising to the Chief Engagement and Communications Officer or his/her designee for approval. The Chief Engagement and Communications Officer shall determine whether the proposed advertising will be accepted.

V. APPEAL OF ADVERTISING DECISIONS

- 5.01 Initial Reviews.** DART's Contractor for advertising sales will make initial decisions about accepting or rejecting proposed advertising. The decisions will be based on these policies and standards. DART's 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.
- 5.02 Appeals to Advertising Review Committee.** An advertiser may appeal a decision to reject or remove an advertisement by filing a written request with the Advertising Review Committee 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 DART's advertising policies and standards. The Advertising Review Committee consists of the following DART personnel: the Chief Engagement and Communications Officer, Chief Operations Officer, and Chairperson of the DART Transit Riders Advisory Committee (TRAC). The Advertising Review Committee may consult with DART'S legal counsel. The Advertising Review Committee will review the basis for the rejected or removed advertisement and will consider the advertiser's reasons for filing the request. The Advertising Review Committee will make a decision on the request and will notify the advertiser of its decision in writing within fifteen (15) business days of receipt of the advertiser's request.
- 5.03 Further Review by General Manager.** An advertiser who disagrees with a decision of the Advertising Review Committee may request DART'S General Manager to review the committee's decision. The advertiser's written request for further review must be received within five (5) business days after receipt of the Advertising Review Committee's adverse decision. The General Manager may accept, reject or modify the Advertising Review Committee's decision and will notify the advertiser of the General Manager's decision within five (5) business days after the General Manager receives the advertiser's request for further review. The General Manger's decision is final.