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## 1.0. Purpose and Goals of the Advertising Standards

Through these Advertising Standards (“Ad Standards”), the Rochester-Genesee Regional Transportation Authority (“Authority” or “RGRTA”) intends to establish viewpoint-neutral standards for the display of authorized advertising (“ad/s”) on advertising space (“ad space”) in RGRTA facilities or property—including buses, bus shelters, the RTS Transit Center, and property owned, leased, controlled, or operated by RGRTA. RGRTA shall apply these Ad Standards—along with applicable industry standards for marketing and advertising, federal laws, state laws, and local laws—in a consistent manner to support and maintain the designation of RGRTA facilities, property, and the ad space therein as **unequivocal non-public fora**.

RGRTA intends to use the Ad Standards as a source of objective and clear criteria to guide advertising decisions. RGRTA’s decision-making shall be consistent with the guarantees of the constitutions of the United States and the State of New York regarding the display of advertising on RGRTA facilities or property.

RGRTA seeks to sell ad space for revenue to support three goals:

1. Its vision to be the preferred transportation choice, with emphasis on connecting the diverse communities served by public transit.
2. Its mission of providing safe, reliable, convenient public transit.
3. Its responsibility to serve all members of the public equally in a professional environment free of unlawful discrimination.

These goals must be accomplished

- a. While maintaining the designation of RGRTA facilities, property, and the ad space therein as unequivocal non-public fora; and
- b. Without provoking lawsuits, public protest, loss of business, loss of funding, retaliation, or conditions that would disrupt daily operations.

### 1.1. Advertising as a Source of Revenue

RGRTA’s sells ad space to generate additional revenue to fund operations and strategic initiatives that meet the above stated goals.

#### 1.1.A. Guidance in the Ad Standards

These Ad Standards are intended to guide decisions to run ads that will allow RGRTA to generate revenue and protect transit operations by:

- 1) Maximizing ridership; and/or
- 2) Maintaining a position of neutrality; and/or
- 3) Preventing the appearance of favoritism; and/or
- 4) Preventing the risk of imposing views on a captive audience; and/or
- 5) Preserving the marketing potential of the ad space by avoiding content that community members could view as offensive, inappropriate or harmful to the public generally or to minors in particular; and/or
- 6) Ensuring that the ads displayed are suitable for viewing by all members of the public.

#### 1.1.B. Restrictions in the Ad Standards

The viewpoint neutral restrictions in these Ad Standards are intended to foster a professional advertising environment that maximizes advertising revenue. The Ad Standards prohibit advertisements that have the potential to detract from RGRTA’s revenue-generating objective by creating one or more of the following conditions:

- 1) A hostile environment for customers, employees, or community members; or
- 2) Interference to or disruption of daily operations; or
- 3) Diversion of resources from transit operations; or
- 4) Increased risk of harm, inconvenience, or annoyance to community members; or

- 5) Increased risk of injury to people or property resulting from the response to certain types of ads.

**1.2. Fulfillment of Vision, Mission, Values**

<i>Vision: The Preferred Transportation Choice.</i>	<i>Mission: We are our community's provider and partner for safe, reliable, and convenient public transportation that more and more people can build their lives around.</i>	<i>Values: Integrity, Respect, Service Excellence, Performance Focus, Engagement, and Fresh Thinking.</i>
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RGRTA seeks to provide safe and efficient public transportation to a diverse population in accordance with its Vision, Mission, and Values. RGRTA has expressed a commitment to connect communities, to know customers better, and to meet the needs of communities. RGRTA's community members include transit dependent customers, individuals with limited mobility and resources, business partners, colleges, employers from all sectors, students from the Rochester City School District, older adults, young adults, and minors. RGRTA seeks to serve law-abiding community members without the risk of polarizing or inciting conflict among groups or individuals.

Consistent with this purpose, RGRTA places great importance on maintaining secure, safe, comfortable, and convenient transit facilities and transit vehicles to retain existing customers and attract new users of public transit services. When making decisions about whether to allow, restrict, or prohibit advertising, RGRTA decision-makers shall ensure the ad(s) do not reduce or prevent RGRTA's ability to

- A. Provide safe, comfortable, and efficient public transportation to the community members of Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, and Wyoming counties; or
- B. Maintain a welcoming environment for law-abiding community members, including minors who travel on or encounter the public transit system.

**1.3. Non-Public Fora Designation**

Through the application of the Ad Standards, industry standards for marketing and advertising, federal laws, state laws, or local laws, RGRTA seeks to maintain the designation of RGRTA facilities, property, and the ad space therein as unequivocal non-public fora. RGRTA does not intend its acceptance of advertising to

- A. Provide or create a public forum for expressive activities; and
- B. Provide a forum for all types of advertisements or for all types of expressive ideas; and
- C. Permit its transit facilities or property or the ad space therein to be used as open public forums for public discourse and debate.

**1.4. Rights Reserved**

RGRTA reserves the right, from time to time, to suspend, modify, or revoke the application of any or all of the guidelines contained in these Ad Standards, as it deems necessary to comply with legal mandates, or to facilitate its primary transportation function, and to fulfill the goals and objectives referred to herein. All guidelines contained in the Ad Standards shall be deemed severable.

RGRTA reserves the right, in all circumstances, to require that an ad on or in its facilities include a disclaimer indicating that the ad is not sponsored by, and does not necessarily reflect the views of, RGRTA or its subsidiaries or its employees, board members, or contractors.

Any advertising in which the identity of the sponsor is not readily and unambiguously identified must include the following phrase to identify the sponsor in clearly visible letters (no smaller than 72-point type for exteriors and 24-point type for interiors): "Advertisement paid for by [Sponsor's Name]."

Any member of the public may obtain a copy of these Ad Standards from the RTS website ([www.myrts.com](http://www.myrts.com)).

**1.5. Application**

The current Ad Standards apply to all ads placed after the effective date of the current version. Any prior ads were not considered or accepted in light of the current effective version and should not be a basis for

comparison to future decisions regarding advertising requests. Any ads which would be prohibited under the current Ad Standards, but which were or will be posted pursuant to the terms of a fully executed advertising contract prior to the effective date of the current Ad Standards, will be allowed to be posted or to remain posted for the duration of that contract.

## **2.0. Permitted Advertising**

All permitted advertising must meet or exceed high quality standards of art and design as exemplified in the industry and as determined by RGRTA or its authorized Advertising Contractor as defined herein.

Permitted ads are subject to the requirements, goals, restrictions, and prohibitions of the current Ad Standards. Permitted advertising does not include any material—text, subject, content, language, images, visuals, design, audio, video, rendering, or viewpoint—that qualifies as Prohibited Advertising as defined in the current Ad Standards. RGRTA recognizes the following categories of ads: Commercial, Promotional, Governmental, Public Service, In-Kind, Specialty Event, Art Case, and Non-commercial.

### **2.1. Commercial and Promotional Advertising**

Commercial and promotional advertising promotes or solicits the sale, rental, distribution or availability of goods, services, food, entertainment, events, programs, transactions, donations, products or property (real or personal) for commercial or noncommercial purposes or more generally promotes an entity that engages in such activities.

#### **2.1.A. Restrictions Regarding Ads for Alcohol**

No more than 20% of the total ad space available will have ads for alcohol products or by alcohol companies posted on it at any one time.

### **2.2. Governmental Advertising**

Governmental entities, meaning public entities specifically created by government action, may purchase ad space for messages that advance specific government purposes and that otherwise comply with these Ad Standards.

### **2.3. Public Service Advertising (PSA) Criteria**

- A. The sponsor must be a government entity or a nonprofit corporation that is exempt from taxation under Section 501(c) (3) of the Internal Revenue Code.
- B. The PSA must be directed to the public or a significant segment of the public.
- C. The PSA must relate to one or more of the following topics:
  - 1) Prevention or treatment of illnesses; or
  - 2) Promotion of safety and/or health; or
  - 3) Education or training; or
  - 4) Provision of children and family services; or
  - 5) Solicitation by broad-based contribution campaigns which provide funds to multiple charitable organizations; or
  - 6) Provision of services and programs that provide support to low-income citizens, senior citizens, and people with disabilities.
- D. The PSA must not include a commercial message or mention a festival, show, sporting event, concert, lecture, or event for which an admission fee is charged.
- E. The PSA issue must be non-commercial, non-denominational, non-partisan, and not be designated to influence legislation.

**2.4. In-Kind Advertising****2.4.A. Buses and Bus Shelters**

1. RGRTA will lend in-kind support of community events and activities by providing pro-bono ad space in or on RGRTA buses and bus shelters for a 60-day period, on a space-available basis one time per calendar year for the same organization.
2. All requests for pro-bono ad space must be submitted in writing to the Vice President of Marketing and Customer Service for approval at least 90 days prior to the required campaign start date.
3. Requests will be considered only when:
  - a. The sponsoring organization is a not-for-profit, tax-exempt civic or charitable organization operating within the RGRTA service area.
  - b. The sponsoring organization is not purchasing paid ad space from RGRTA for the same purpose or campaign.
  - c. The advertising message or activity relates to one or more of the topics listed in Section 2.3. Public Service Advertising (PSA), part C on page 4.
  - d. The advertising message or activity otherwise complies with the current Ad Standards.
4. Requests will not be considered for cause-related fund-raising events or activities, such as Walks, Runs, Bike Events, and Galas.
5. The sponsoring organization is responsible for all costs associated with the design and production of advertising materials. Materials must be produced according to the specifications provided by RGRTA. The content (text, language, images, and design) must comply with the current Ad Standards.

**2.4.B. RTS Transit Center**

1. When possible, RGRTA will lend in-kind support of community activities by lighting the RTS Transit Center in designated colors or color schemes for a defined period of time, no less than 24 hours, and no more than 7 days.
2. All requests for lighting designations must be submitted in writing to the Vice President of Marketing and Customer Service for approval at least 14 days prior to the requested start date. Priority is always given to RGRTA scheduled lighting design. Publicity is the responsibility of the requesting organization, in accordance with RGRTA's guidelines.
3. Requests will be considered only when:
  - a. The sponsoring organization is a not-for-profit, tax-exempt charitable organization operating within the RGRTA service area; and
  - b. The community message or activity relates to one or more of the topics listed in Section 2.3. Public Service Advertising (PSA), part C on page 4; and
  - c. The community message or activity otherwise complies with the current Ad Standards.

**2.5. Specialty Event Advertising**

- A. RGRTA will lend in-kind support of community organizations and businesses by providing pro-bono promotional "event" space at the RTS Transit Center on a 2-time per calendar year basis for 1 hour during off-peak hours (weekdays from 10 a.m. to 2 p.m. or on weekends). Any 2 pro-bono promotional events must be scheduled at least 30 days apart. If a community organization or business does not schedule 2 events in a calendar year, the "unused" event(s) will not roll over into the next calendar year.
- B. All requests must be submitted in writing to the Vice President of Marketing and Customer Service for approval at least 90 days prior to the required campaign start date.
- C. Requests will be considered only when:

- 1) The sponsoring organization is a not-for-profit, tax-exempt, charitable organization operating within the RGRTA service area; or is a business with a location along an RTS fixed bus route; or spends over \$50,000 annually on RTS Buses, Shelters, or at the RTS Transit Center; and
  - 2) The message or activity relates to one or more of the topics listed in Section 2.3. Public Service Advertising (PSA), part C on page 4; and
  - 3) The message or activity otherwise complies with the current Ad Standards.
- D. Requests will not be considered for cause-related fundraising events or activities, such as Walks, Runs, Bike Events, and Galas.
- E. Distributing Solicitation, Food, or Beverages of any kind to customers is prohibited per the RGRTA Rules of Conduct for Transit Vehicles, Facilities, and Properties.

### **2.6. Art Case Advertising**

- A. RGRTA will lend in-kind support of community organizations and businesses by providing pro-bono Art Case space at the RTS Transit Center on an annual basis for one month or on a space-available basis.
- B. All requests must be submitted in writing to the Vice President of Marketing and Customer Service for approval at least 90 days prior to the required campaign start date.
- C. Requests will be considered only when
- 1) The sponsoring organization is a not-for-profit, tax-exempt, charitable organization operating within the RGRTA service area; or the sponsoring organization is a business with a location along an RTS fixed bus route; and
  - 2) The artwork relates to one or more of the topics listed in Section 2.3. Public Service Advertising (PSA), part C on page 4; and
  - 3) The artwork otherwise complies with the current Ad Standards.
- D. Requests will not be considered for cause-related fundraising events or activities, such as Walks, Runs, Bike Events, and Galas.

### **2.7. Non-commercial Advertising**

- A. Non-commercial Advertising does NOT promote, or solicit the sale, rental, distribution or availability of goods, services, food, entertainment, events, programs, transactions, donations, products or property (real or personal).
- B. Non-commercial ads must relate to one or more of the topics defined in Section 2.3. Public Service Advertising (PSA), part C on page 4 and otherwise comply with the current Ad Standards.

### **2.8. Bus “Wrap” Advertising**

- A. Advertising on buses shall be no more than 50% of the entire window coverage of the entire bus. For full bus wraps, this means that 50% of the windows must be open and viewable at all times.

## **3.0. Prohibited Advertising**

### **3.1. Summary of Prohibitions**

1. Advertising space in RGRTA facilities or on RGRTA property includes the buses, bus shelters, the RTS Transit Center, and any property owned, leased, controlled, or operated by RGRTA (“ad space”).
2. “Material” shall refer to the content and viewpoint of any advertisement.
  - a. “Content” shall refer to the text, language, images, visuals, design, audio, video, rendering, or any combination therein, used in an ad.
  - b. “Viewpoint” shall refer to the subject, message, and substance of the ad.
3. RGRTA ad space shall not display, place, or maintain any ad from any third party containing material that fits within any of the prohibitions set forth below.

**See Section in 3.2 on page 7 for supporting details on the prohibitions summarized here.**



- a. Promotes, expresses, advocates, disparages, or implies a specific opinion or position on any issue of public debate about economic, political, moral, religious, or social issues or about any person or group; or
- b. Promotes or denigrates a specific group's opinion or position about any issue or affiliation or seeks funds for such event, activity, or organization; or
- c. Promotes, depicts, or encourages violence; or
- d. Promotes illegal goods or illegal services; or
- e. Promotes criminal, unlawful, or detrimental conduct;
- f. Promotes and/or includes obscenity, nudity, or prurient interest, or
- g. Promotes or disseminates indecent material to minors or material that is harmful to minors; or
- h. Promotes, encourages, or disseminates profanity; or
- i. Promotes fund-raising events or activities (solicitation);
- j. Promotes or solicits the sale, rental, distribution, or availability of adult-oriented goods and/or services; or tobacco products, and tobacco-related products that are not classified as nicotine replacement therapy products for the purpose smoking cessation; or firearms or ammunition; or paraphernalia related to adult-oriented goods and/or services, tobacco-related products, or firearm-related products; or
- k. Threatens the safety of RGRTA's customers, employees, board members, or contractors; or
- l. Threatens RGRTA's business operations; or
- m. Implies or declares an endorsement by RGRTA without prior consent.

### 3.2. Descriptions of Ad Material that Shall Be Rejected Under These Prohibitions

RGRTA prohibits and shall reject or remove ad material described herein.

#### 3.2.A. Promotes or Disparages a Specific Opinion, Position, or Viewpoint

- 1) The ad material promotes, expresses, advocates, disparages, or implies an opinion, position, or viewpoint:
  - a. On a matter of public debate about economic, political, moral, religious, or social issues; or
  - b. Regarding the support for disputed issues or causes; or
  - c. Regarding the opposition to disputed issues or causes; or
  - d. About a person or group.
- 2) This prohibition applies to any ad material that can be identified as political campaign, religious, theological, or philosophical in nature.
- 3) The ad material contains political campaign speech. The term "political campaign speech" shall mean speech that:
  - a. Refers to a specific ballot question, initiative petition, or referendum; or
  - b. Refers to any political party or candidate for public office.
- 4) The ad material promotes or opposes any one or more of the following:
  - a. A political party; or
  - b. The election of any candidate or group of candidates for federal, state, judicial or local government offices; any legislation, initiative, referendum or ballot measure; or
  - c. A political action committee, political campaign, or political philosophy.
- 5) Ad material that is political in nature or contains political messages, including ads involving political or judicial figures and/or ads involving an issue that is political in nature in that it directly or indirectly implicates the action, inaction, prospective action or policies of a governmental entity are prohibited.

#### 3.2.B. Promotes or Denigrates People or Groups

- 1) The ad material is derogatory, defamatory, denigrating, or commendatory of any person or group because of race, color, national origin, ethnic background, or protected class, such as age, disability,

ancestry, marital or parental status, military discharge status, source of income, religion, gender, or sexual orientation.

- 2) Based on the prevailing standards of RGRTA's adult customers and community, the ad material demeans, disparages, ridicules or mocks; or is abusive or hostile to; or debases the dignity or stature of a person or group.
- 3) The ad material is intended to be (or reasonably could be interpreted as being) disparaging, disreputable, or disrespectful to persons, groups, businesses or organizations, including ad material that portrays individuals as inferior, evil or contemptible.
- 4) The ad material is directed at a person or group and is sufficiently insulting, degrading, or offensive that RGRTA can reasonably predict that it will incite or produce unlawful action in the form of retaliation, vandalism or other breach of public safety, peace, and order within RGRTA's customer and community base.
- 5) The ad material promotes, advances, supports, or furthers a person or group based on gender, religion, race, ethnic background, national origin, or political affiliation.
- 6) The ad material has the purpose or reasonably foreseeable effect of harassing, insulting, humiliating, or stigmatizing a person or group based on gender, religion, race, ethnic background, national origin, or political affiliation.
- 7) The ad material uses words or symbols commonly understood to convey direct or visceral hatred or contempt for a person or group based on gender, religion, race, ethnic background, national origin, or political affiliation.
- 8) The ad material seeks funds to support an event, activity, or organization that promotes, supports, defames, harasses, or denigrates a person or group based on gender, religion, race, ethnic background, national origin, or political affiliation.

### **3.2.C. Promotes, Depicts, or Encourages Violence**

- 1) The ad material incites or encourages, or appears to incite or encourage, violence or violent behavior; or
  - a. Includes an image or description of graphic violence, including, but not limited to, the depiction of weapons or other implements or devices used in the advertisement in an act or acts of violence or harm to a person or animal; or
  - b. Includes graphics or language recognized by the community as inappropriate including, but not limited to, the depiction or description of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement; or
- 2) The ad material depicts weapons or devices that appear to be aimed or pointed at the viewer or observer in a menacing manner; or
  - a. Portrays the act of killing, mutilating, or disfiguring human beings or animals, or intentional infliction of pain or violent action towards or upon a person or animal; or
  - b. Portrays or tends to encourage, glorify, or glamorize injury to people, damage to property, or the commission of an illegal act, including but not limited to theft, arson, assault, homicide, or sex-related offenses, or acting unlawfully.

### **3.2.D. Promotes or Encourages the Possession of Illegal Products or the Use of Illegal Services**

- 1) The ad material promotes or encourages, or appears to promote or encourage, the use or possession of any product, good, or service that is illegal under federal, state, or local law.

### **3.2.E. Promotes Criminal, Illegal, Unlawful or Detrimental Conduct**

- 1) The ad material promotes or encourages—or appears to promote or encourage—criminal, unlawful, or illegal behavior or activities under federal, state, or local law.
- 2) The ad material promotes or encourages—or appears to promote or encourage—behavior that promotes activities detrimental to the maintenance of and/or safe operation of the RGRTA system.



- 3) The ad material is patently offensive to RGRTA's customers and community members to the degree that RGRTA can reasonably predict that it will result in harm to, disruption of, or interference with RGRTA's transportation system.
- 4) The ad material promotes, resembles, or encourages graffiti or vandalism.
- 5) The ad material proposes a commercial transaction and is clearly false, misleading, or deceptive.
- 6) Ad material that is or that the sponsor reasonably should have known is false, fraudulent, misleading, deceptive, or would constitute a tort of defamation or invasion of privacy.
- 7) The ad material is libelous or an infringement of copyright, trademark, or service mark, or is otherwise unlawful, illegal, or likely to subject RGRTA to the risk of litigation.
- 8) The ad material violates any easement or other agreement with any property owner governing any particular ad space of RGRTA or:
  - a. Is for a product or service directly competitive with any property owner or any affiliate of such property owner; or
  - b. Disparages such property owner or such property owner's direct affiliate and such property owner reasonably objects to such advertisement on such grounds.

**3.2.F. Promotes Obscenity or Prurient Interest, or Material that is Harmful to Minors**

- 1) The ad material describes, depicts, or represents material or performance that is defined under state law as obscene or indecent or as being harmful to minors, including nudity and profanity.
- 2) The ad material describes, depicts, or represents sexual activities, or aspects of the human anatomy or excretory functions in a way that the average adult, applying contemporary community standards, would find appeals to the prurient interest of minors or adults.
- 3) The ad material describes, depicts, or represents bodily fluids or waste matter, and/or the systems or functions related to those fluids (i.e. excretory or reproductive), in a way that a reasonable person would find without medical or scientific merit, or in a way that is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable material for minors.
- 4) The ad material exposes minors to words recognized by the community as being too vulgar, indecent, or profane for exposure to minors. This shall include, but not be limited to indecent or "swear" words or words that refer to parts of the body or bodily functions in a derogatory or offensive manner. RGRTA extends this prohibition to phrases, expressions, symbols, or modifications of words used to imply or suggest profanity.

**3.2.G. Promotes Fund-raising Events or Activities**

- 1) The ad material promotes events or activities held solely for raising funds. Solicitation is prohibited.

**3.2.H. Promotes Adult-Oriented Products, Adult-Oriented Services, Tobacco, or Firearms**

- 1) The ad material promotes or encourages—or appears to promote or encourage—a transaction related to, or uses brand names, trademarks, slogans, or other materials that are identifiable with one or more of the following adult-oriented products or services:
  - a. Films rated "X" or "NC-17;" or
  - b. Television rated "MA;" or
  - c. Adult book stores or adult video stores; or
  - d. Adult internet sites or adult telephone services; or
  - e. Nude dance clubs or other adult entertainment establishments; or
  - f. Escort services; or
  - g. Video, computer, or handheld games rated "M," "A," or "AO."

- 2) The ad material promotes the sale or use of tobacco products, or tobacco-related products that do not qualify under federal law as nicotine replacement therapy products for the purpose of smoking cessation, or depicts such products; or promotes the sale or use of products that simulate smoking or are modeled on the tobacco products, including but not limited to cigarettes, cigars, and smokeless (e.g., chewing) tobacco, and electronic cigarettes (“vaping”).
- 3) The ad material depicts a firearm, ammunition, and/or related paraphernalia.
- 4) The ad material promotes or solicits the sale, rental, distribution, or availability of firearms or firearms-related products.

### **3.2.I. Threatens Safety, Business Operations, or Business Interest of RGRTA**

- 1) The ad material is reasonably likely to threaten human safety or the smooth functioning of business operations of RGRTA due to reactions to the ad material in part or as a whole.
- 2) The ad material encourages or depicts unsafe behavior with respect to transit-related activities, such as failing to use normal safety precautions while waiting for, boarding, riding in, or exiting from transit vehicles.
- 3) The ad material promotes an activity, behavior, practice, product, or service that is not in the best business interest of RGRTA or is not in the best interest of public transportation.

### **3.2.J. Promotes or Implies Endorsement without Consent**

- 1) The ad material promotes, implies, or declares an endorsement by RGRTA, its directors, management, or employees, of any service, product, or point of view, without prior written authorization of the Contract Administrator.
- 2) The ad material depicts or uses RGRTA or RTS graphics, logos, slogans, or representations without the express written consent of the Contract Administrator.

## **4.0. Proposing Ads**

All proposed transit advertising must be submitted to the RGRTA vendor responsible for marketing RGRTA’s ad space and for contracting with advertisers on behalf of RGRTA (the “Advertising Vendor”). The Advertising Vendor will evaluate the submission to assess its compliance with these Ad Standards.

If the submission fails to comply with these Ad Standards, the Advertising Vendor will notify RGRTA’s Communications & Marketing Coordinator. The Advertising Committee to evaluate the submission (see 5.2 Procedures).

If the Advertising Vendor is unable to make a compliance determination, the Advertising Vendor will forward the submission to the Communications & Marketing Coordinator, who will bring it to the Advertising Committee for further evaluation.

The Advertising Vendor may at any time discuss with the entity proposing the advertisement one or more revisions to an advertisement, which, if undertaken, would bring the advertisement into conformity with these Ad Standards.

## **5.0. Accepting or Rejecting Ads**

### **5.1. Roles and Responsibilities**

#### **5.1.A. Contracted Advertising Vendor**

RGRTA shall select an external Advertising Vendor. The contracted Advertising Vendor shall have the following responsibilities.

1. Ad administration including—but not be limited to—the promotion, solicitation, sales, accounting, billing, collections, fabrication, and posting of advertising displays on or in RGRTA facilities or property—including buses, bus shelters, the RTS Transit Center, and property owned, leased, controlled, or operated by RGRTA.

2. Provide, either directly or through a subcontract, all employees and equipment necessary to perform the work and provide the services required by RGRTA.
3. Comply with these Ad Standards and evaluate all proposed advertising according to the standards set herein.
4. Direct questions regarding the terms, provisions, and requirements of these Ad Standards to the Communications & Marketing Coordinator.
5. Liaison with the Communications & Marketing Coordinator regarding all submissions. For submissions that appear compliant, the communication is a request to obtain authorization. For submissions that appear non-compliant or of concern, the request is to obtain further direction.
6. Immediately remove any advertisement per the direction of the VP of Marketing & Customer Service.

#### **5.1.B. Communications & Marketing Coordinator**

1. The Communications & Marketing Coordinator will liaison among the Advertising Vendor, the VP of Marketing & Customer Service, and the Ad Committee regarding questions, decisions, requests, and instructions.
  - a. When the Advertising Vendor makes requests for authorization, the Coordinator will bring the request and submission to the VP of Marketing & Customer Service for final approval.
  - b. When the Advertising Vendor identifies non-compliant or questionable submissions, the Coordinator will bring the submissions to the Ad Committee for further evaluation, and relate resulting directions and decisions back to the Advertising Vendor.
2. Ensure that the most current version of these Ad Standards is available on the RTS website.
3. The Communications & Marketing Department will maintain a log of advertisements (“Ad Log”).
4. For ads **accepted** for display on RGRTA facilities or property—including buses, bus shelters, the RTS Transit Center, and property owned, leased, controlled, or operated by RGRTA—the Ad Log shall include:
  - a. The dates on which the advertisement will be displayed; and
  - b. The location of where the advertisement will be displayed; and
  - c. The text and images of the accepted ad (screenshot or image file); and
  - d. Relevant notes regarding the history of the ad (i.e. whether revisions were done in order for the ad to be accepted).
5. For ads **rejected or terminated**, the Ad Log shall include:
  - a. The date on which the ad was evaluated;
  - b. The reasoning for the rejection/termination;
  - c. The text and images of the rejected/terminated ad (screenshot or image file);
  - d. Relevant notes regarding communication with the applicant.

#### **5.1.C. VP of Marketing & Customer Service**

1. Designate the employee (s) responsible for liaising with the contracted Advertising Vendor and the Ad Committee.
2. Make the final decision to authorize submissions.
3. Address questions or recommend revisions as necessary regarding submissions.
4. Convene the Ad Committee monthly or as needed to address questions/issues and review submissions.
5. Ensure that the Ad Log is maintained accurately and consistently.
6. Present background information to the group assembled to review an appeal.

**5.1.D. Advertising Committee**

RGRTA will establish an Advertising Committee (“Ad Committee”) responsible for evaluating submissions that may conflict with the Ad Standards or current court rulings regarding transit advertising. The purpose of the evaluation is to decide as objectively as possible whether to accept, revise, reject, or terminate a submission based on these Ad Standards. The Ad Committee shall consist of the VP of Marketing & Customer Service, the Public Information Officer, the Communications & Marketing Coordinator, and one or more designated employees.

All members will be familiar with the Ad Standards. When necessary the Ad Committee will work with General Counsel or outside counsel for legal guidance.

The Ad Committee meets monthly to evaluate submissions, update internal procedures, and update the Ad Log as necessary. The Ad Committee may meet more frequently depending on the volume of submissions.

**5.1.E. Executive Management Team**

The Public Information Officer and at least two other members of executive management will be responsible for reviewing written appeals. The Public Information Officer is responsible for coordinating the review and notifying the appellant of the decision.

**5.2. Procedures**

The following procedures are in place to facilitate consistent, neutral (content, subject, appearance, viewpoint) basis for decision making in determining which proposed advertisements to accept (run) and which to revise, reject, or terminate.

**ADVERTISING VENDOR**

1. Apply the criteria in the Ad Standards to the submission.
2. Liaison with the Communications & Marketing Coordinator.
  - a. Notify if submission appears compliant. Provide submission for approval.
  - b. Notify if submission appears non-compliant. Provide submission for review.
  - c. Relay questions/concerns about a submission.
3. Discuss revisions with the applicant if necessary.
4. Notify applicant of the decision.

**COMMUNICATIONS & MARKETING COORDINATOR**

1. Notify the Ad Committee about non-compliant submissions, concerns, or questions from the Advertising Vendor.
2. Notify the VP of Marketing & Customer Service about submissions ready for approval.
3. Update the Ad Log.
4. If the Ad Committee makes the decision to revise, reject, or terminate a submission or existing ad, update the Ad Log with all the pertinent supporting rationale and details. Then, notify the Advertising Vendor in writing of the requested revision or the rejection or termination of the submission/ad.
5. Provide a copy of the notification to VP of Marketing & Customer Service.
6. If the submission or existing ad will be rejected or terminated, include the following in the notification:
  - a. The reasons that the advertisement was rejected or terminated, referencing specific sections of the Ad Standards or referencing relevant court cases/rulings.
  - b. The method by which the applicant may appeal the decision. If necessary, provide the applicant with a copy of or a link to the current Ad Standards for reference.

AD COMMITTEE

1. If an ad fails to meet the Ad Standards criteria, compare the submission to the entries in the Ad Log.
2. If the subject matter, nature, or appearance of the submission is the same or substantially similar to a submission accepted previously, the Ad Committee must:
  - a. Seek legal guidance and determine if any corrective actions are possible regarding the previously accepted submission; and
  - b. Update the Ad Log entry for the accepted submissions(s). Document the error, rationale for prohibiting or accepting substantially similar submissions, and any corrective actions/communications taken.
  - c. Consider whether the previously accepted ad can or should be terminated.
3. Identify revisions that would make the proposed submission compliant with the Ad Standards.
4. Notify the Advertising Vendor in writing of the suggested revisions and the reasons why the revisions are necessary in order for RGRTA to accept the submission.
5. If, after the above steps, the submission remains unacceptable or should be terminated based on the Advertising Standards and/or legal guidance, the Ad Committee will reject the submission and/or terminate the existing ad.
6. Update the Ad Log with the rationale for acceptance, revision, rejection, or termination.

VP OF MARKETING & CUSTOMER SERVICE

1. Provide final authorization for submissions that meet the Ad Standards criteria for permitted advertising and do not contain any material that is prohibited.
2. Provide guidance and direction to the Communications and Marketing Coordinator and Advertising Vendor.
3. Participate in Ad Committee meetings.
4. Present background information during an appeals review.

**5.2.A. Appeals Procedure**

APPELLANT

1. The period to appeal RGRTA's decision to reject or terminate the submission or existing ad is 20 business days from the date the rejection letter is postmarked.
2. Submit a written appeal request within the appeals period to the Public Information Officer at 1372 East Main Street, Rochester NY 14609.
3. The written appeal request must state why the appellant disagrees with RGRTA's initial decision and must reference specific sections of the RGRTA Advertising Standards ("Ad Standards") that support the appellant's position.

PUBLIC INFORMATION OFFICER

1. Schedule a review of the written appeal within 20 business days from the date the appeal request was postmarked.
2. After a decision is reached, notify the appellant in writing of RGRTA's decision regarding the appeal and the basis for the decision within 10 days of the review.

## VP OF MARKETING &amp; CUSTOMER SERVICE

1. Present the Ad Log and background regarding the original decision during the scheduled appeal review.
2. After the decision is reached, ensure the Communications & Marketing Coordinator has all the pertinent details to update the Ad Log with the decision.

## EXECUTIVE MANAGEMENT TEAM MEMBERS

1. Thoroughly review the basis for RGRTA's rejection or termination of the ad, the appellant's reasons in support of the ad/submission, and the information in the Ad Log prior to reaching a decision.
2. If necessary, seek legal guidance from General Counsel or outside counsel.