

TPC 04.09.14  
ITEM I.2.  
HAND-OUT

## **LEASED ADVERTISING SPACE POLICY**

Prepared by  
Metro Transit System

ADOPTED BY THE TRANSPORTATION\* COMMISSION MARCH 11, 1986  
REVISED BY THE TRANSPORTATION\* COMMISSION SEPTEMBER 26, 1989  
REVISED BY THE COMMON COUNCIL JANUARY 1, 1992  
REVISED BY THE TRANSIT & PARKING COMMISSION MARCH 11, 2003  
REVISED BY THE TRANSIT & PARKING COMMISSION JUNE 8, 2004  
REVISED BY THE TRANSIT & PARKING COMMISSION JUNE 13, 2006  
REVISED BY THE TRANSIT & PARKING COMMISSION MAY 13, 2008

\* Now known as the Transit & Parking Commission

### **I. INTRODUCTION**

The purpose of this policy is to establish guidelines for the interior and exterior advertising on Metro Transit System buses. The Transit & Parking Commission is responsible for the adoption of this advertising policy and any amendments.

#### **REASONS FOR ACCEPTING ADVERTISING:**

##### **Paid Advertising**

Madison leases paid advertising space on both the interior and exterior of its Metro buses in order to raise revenues for the transit system.

##### **Free Advertising**

Madison provides free space to not-for-profit organizations (see Appendix A). The City recognizes that many public service ads support worthy causes that improve life in the community.

In addition, Madison provides space for elementary school students as part of Metro's program to introduce these students to safe bus riding habits.

Madison also uses on-vehicle advertising itself to promote public awareness of Metro services. This type of advertising includes transfer policy information, bus stop boarding instructions, fare descriptions, promotion, detour flyers, and similar information.

### **II. POLICY ON USE OF METRO TRANSIT SYSTEM ADVERTISING SPACE**

Madison's policy is to restrict advertising as little as possible while still responding to operational safety concerns.

#### **ADVERTISING RESTRICTIONS:**

##### **Paid Advertising**

##### ***Full Wrap/Partial Wraps***

Metro Transit has a set limit of 20 fully wrapped advertisements that will be allowed on coaches per year. An unlimited amount of partial wrap advertising which leave at least some passenger windows unwrapped are allowed.

##### ***Copy Standards***

Metro Transit System will accept all copy, graphics and photos except those that are obscene, libelous, or fraudulent. Metro Transit System will not accept any advertisements for tobacco and tobacco related products in the advertising space provided in and on buses operated by the City of Madison.

#### ***Medium Restrictions***

Any advertising that might interfere with safe, timely, convenient operation of buses or the safety of riders or the general public will not be allowed on buses. This includes advertising that contains flashing lights, sound makers, mirrors and other special effects. Distribution of flyers, prizes, and the like as an advertising medium is prohibited under Madison's policy on distribution and collection of information.

#### ***Responsibility for Compliance***

The firm responsible for selling advertising space on Metro buses will be notified of these standards and restrictions. It will be that firm's responsibility to forward to Metro for approval any advertisement that might violate one or more restrictions. Furthermore, the firm will promptly remove any already-posted advertisement found to violate a restriction.

#### ***Free Advertising***

Madison will provide free advertising space to non-profit organizations as defined in Appendix A for public service ads subject to the following conditions:

#### ***General Regulations and Procedures***

Interior and exterior advertising space will be available for public service ads subject to the demand for paid advertising space. The actual distribution of these spaces will be at Metro's discretion. Public service ads will be placed for at least 30 days. Continuation of an ad for more than 30 days will be approved only if there is no public service or paid ads waiting to be placed. Public service ads may be removed at any time if the space has been sold to a paying advertiser.

A non-profit organization that wants to place public service ads must provide the printed advertisement advertisements at its own expense. The advertisements must conform to regular Metro standards for size, weight and other physical characteristics. The organization must also pay for the advertisements' installation and removal. It is the organization's responsibility to deliver and reclaim advertisements in a timely fashion.

#### ***Copy Standards for Free Public Service Advertising***

- The ad must be directed toward promoting an organization's services to the community or a substantial segment of the community. Ads that are for internal promotion (e.g., honoring employees) or are designed primarily for the benefit of an organization (e.g., soliciting donations) are not eligible for free space. The ad is required to bear the following legend if the sponsor is not readily or easily identifiable from the content or copy of the proposed advertisement: This message is sponsored by \_\_\_\_\_.
- Ads which promote partisan political activity (e.g., campaign ads or party fund-raisers) or which advocate positions on political issues are not eligible for free space.
- All free ads also must comply with the copy standards set forth on in this policy for paid advertising.

#### ***Medium Restrictions***

- All free ads must comply with the medium restrictions set forth for paid advertising.

### **III. IMPLEMENTATION AND APPEAL PROCESS**

Metro's Transit General Manager will designate the staff person responsible for approving paid advertisements, approving eligible not-for-profit organizations and public service advertisements.

The firm responsible for selling advertising space on Metro buses may appeal the designated staff person's decision on the acceptability of any paid ad, by contacting the Transit General Manager. The Transit General Manager's decision may be appealed in writing to the Transit General Manager, whose decision may, in turn, be appealed at the next regular meeting of the Transit & Parking Commission.

An organization may appeal the designated staff person's decision either with respect to that organization's not-for-profit status or the eligibility of an ad for free space by contacting the Transit General Manager. The Transit General Manager's decision may be appealed in writing to the Transit General Manager, whose decision may, in turn, be appealed at the next regular meeting of the Transit & Parking Commission. The decision of the Transit & Parking Commission may be appealed to the Common Council in accordance with the Madison General Ordinances.

When an advertisement is not accepted, the firm and/or organization presenting the advertisement shall be notified of the appeals procedure in writing. At any point in the appeals process, a decision may be made to refer the decision on the advertisement directly to the Transit & Parking Commission.

#### IV. POLICY ON SOLICITATION AND DISTRIBUTION OF INFORMATION ON METRO BUSES

Periodically, people seek to distribute or collect information on Madison buses. These activities range from distribution of flyers to requests for donations, to solicitations to attend particular churches.

One of Metro Transit System's prime responsibilities is to provide passengers with a pleasant, convenient ride. A passenger who must suffer a solicitation is not being given a pleasant, convenient ride. A rider who must step around a leafletter positioned at the front of the bus or wait until a leafletter moves out of the way is not being given a convenient ride either.

Metro also has a responsibility to maintain acceptable cost levels, including acceptable liability risks. A person leafletting or soliciting on a bus is apt to have his or her hands full and thus not be able to hold a grab rail. He or she is also likely to be moving about in an effort to contact passengers and to be preoccupied with his or her cause. Such a person is much more likely to fall and be injured or injure someone else than is a regular passenger.

#### **POLICY STATEMENT:**

In view of the above, Madison establishes as its policy that no one may engage in distribution or collection of information on Metro buses -- including leafletting, soliciting, surveying, or similar activities -- except for Metro employees or agents acting for Metro.

This policy shall be enforced by application of the appropriate ordinances.

#### APPENDIX A

##### **DEFINITIONS:**

- A. Buses - includes all fixed-route and paratransit buses now and hereinafter at any time either directly or indirectly owned or operated by Metro Transit System for the Madison urban area.
- B. Not-for-profit organization - is an organization exempted from Federal taxes under Section 501(c)(3) of the Internal Revenue Service Code, or a unit of government the jurisdiction of which includes part or all of Metro's service area. Internal Revenue Code Section 501(c)(3) describes a not-for-profit corporation as: Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or the prevention of cruelty to children or animals, no part of the net earnings of which

inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.