



OMNITRANS SYSTEM COMMERCIAL ADVERTISING POLICY AND CONTENT GUIDELINES

*Adopted by the Omnitrans Board of Directors December 5, 2018;
Effective Date January 1, 2019*

I. POLICY STATEMENT

Omnitrans' purpose in adopting this Commercial Advertising Policy and Content Guidelines ("Policy") is to promote transit ridership in a safe environment for its riders. With any advertising, Omnitrans seeks to maintain government neutrality, avoid any content that disrupts the safe enjoyment of public transit, respect First Amendment rights in accordance with established law, and maximize advertising revenues.

Omnitrans allows for advertising on its transit vehicles, shelters and stations to generate revenue for the agency in consideration of applicable laws and regulations. Omnitrans' assets with opportunities for revenue advertising include, but are not limited to, bus, paratransit and rail vehicles, shelters and stations, and the San Bernardino Transit Center.

Omnitrans may utilize a contractor to handle the sales and administration of Omnitrans' transit vehicle, shelter and stations advertising program. Any contractor is selected through a competitive procurement process and responsibilities may include soliciting, placing, administering and managing advertisements on Omnitrans' assets in accordance with applicable laws, regulations and Omnitrans policies and procedures.

Non-commercial advertisements will not be accepted unless such advertisements are considered informational material and are in compliance with the guidelines below. Omnitrans expressly reserves its proprietary right to display notices and advertisements relating to its transit operations, and transit operations of related public entities.

II. GUIDELINES

Generally, Omnitrans requires that any contractor adhere to the following guidelines:

1. Advertisements shall be of a reputable character, shall conform to recognized business standards and shall not conflict with the laws of the United States, or any state or political subdivision thereof having jurisdiction over Omnitrans or the rules and regulations of any arm, branch or agency of any such governmental bodies.
2. Advertisements objectionable to Omnitrans shall, at the request of the Project Manager, be expeditiously removed by the contractor, or if warranted be immediately removed by Omnitrans, and, after removal by Omnitrans' staff, written notice of removal shall be conveyed to contractor.
3. Contractor shall remove expired or obsolete ads within twenty-one (21) days of expiration or ten (10) days of notification by Omnitrans and at contractor's sole expense and liability.



A. Permitted Advertising Content

The following classes of advertising are authorized on Omnitrans assets subject to final authorization by Omnitrans or a designated contractor:

1. Commercial and Promotional Advertising. Advertisements that promote or solicit the lawful sale, rental, distribution or availability of goods, services, food, entertainment, events, programs, transactions, donations, products or property (real or personal) for lawful commercial or noncommercial purposes or more generally promotes an entity that lawfully engages in such activities.
2. Governmental Advertising. Notices or messages from government entities, meaning public entities specifically created by government action and recognized as public agencies under California law, that advance specific government purposes.
3. Public Service Announcements. Announcements which are sponsored by either a government entity or a nonprofit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and which are directed to the general public or a significant segment of the public and relate to:
 - a. Prevention or treatment of illnesses;
 - b. Promotion of safety or personal well-being;
 - c. Education or training;
 - d. Art or culture;
 - e. Provision of children and family services;
 - f. Solicitation by broad-based contribution campaigns which provide funds to multiple charitable organizations; or
 - g. Provision of services and programs that provide support to low income citizens, senior citizens and people with disabilities.

B. Prohibited Advertising Content:

The following classes of advertising are prohibited on Omnitrans assets:

1. False, Misleading, or Deceptive Commercial Speech. The advertisement proposes a commercial transaction, and the advertisement or information contained in the advertisement is false, misleading, or deceptive.
2. Libelous Speech, Copyright Infringement, etc. The advertisement, or any material contained in it, is libelous or an infringement of copyright, or is otherwise unlawful or illegal or likely to subject Omnitrans to litigation.
3. Unlawful Goods or Services. The advertisement or material contained in it, promotes unlawful or illegal goods, services, or activities.
4. Endorsement. The advertisement or any material contained in it, implies or declares an endorsement by Omnitrans, its Directors, management, or employees of any service, product, or point of view without prior written authorization from Omnitrans.
5. Prurient Interest. The advertisement contains material that describes, depicts, or represents sexual activities, or aspects of the human anatomy in a way that the average adult, applying contemporary community standards, would find appeals to the prurient interest of minors or adults. For purposes of these guidelines, the term "minor" shall have the meaning contained in California Penal Code Section 313.
6. "Adult" – Oriented Goods or Services. The advertisement 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,” adult book stores, adult video telephone services, adult internet sites, and escort services.

7. Obscenity or Nudity. The advertisement contains obscene materials or images of nudity. For purposes of these Guidelines, the term “obscene matter” shall have the meaning set forth in the California Penal Code Section 311.
8. Unlawful and Detrimental Conduct. The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal behavior or activities, and promotes behavior or activities which are detrimental to the maintenance and safe operations of Omnitrans.
9. Harmful or Disruptive to Public Transit Services. The advertisement contains material that is so objectionable that a reasonably prudent person, knowledgeable of Omnitrans’ ridership, and using prevailing community standards, would believe that it is reasonably foreseeable that the material will result in harm to, disruption of or interference with the provision by Omnitrans of public transit services.
10. Violence. The advertisement either (a) contains images or descriptions 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 on a person or animal; or (b) the advertisement, or any material contained in it, incites or encourages, or appears to incite or encourage violence or violent behavior.
11. Firearms. The advertisement either (a) contains an image of a firearm in the foreground of the main visual, or (b) contains image(s) of firearms that occupy 15% or more of the overall advertisement.
12. Profanity. The advertisement contains words recognized by the community as vulgar indecent or profane for display in a public setting that includes minors.
13. Alcohol/Tobacco/Smoking/Marijuana. The advertisement promotes the use of alcohol, tobacco, smoking and/or marijuana, or related products.
14. Graffiti. The advertisement contains graphics or language that promotes, resembles, or otherwise encourages graffiti or vandalism.
15. Graphic Images. The advertisement contains graphic images which impair government neutrality, or the safe enjoyment of public transit including, but not limited to, the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement.
16. Political Information. The advertisement contains political information including, but not limited to, candidates running for elected office, local or national controversial subjects, or subjects not in accordance with the statutes, ordinances, and court decisions pertaining to the Omnitrans service area. This includes messages that are political in nature including, but not limited to, messages of political advocacy, that support or oppose any candidate or referendum, or that feature any current political office holder or candidate for public office, or take positions on issues of public debate.
17. Religious Information. The advertisement contains 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 shall include 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.



C. Omnitrans' Rights

The Omnitrans Board reserves the right to amend this Policy and at any time. Further, Omnitrans may review any advertising content to determine conformance with these guidelines. Omnitrans reserves the right to reject any advertising content submitted for display on its properties, and/or to order the removal of any advertising posted on its properties for failure to comply with this Policy. Decisions regarding the rejection or removal of advertising are made by the Director of Marketing or his or her designee based upon the criteria in this Policy.