



**Metro**

## **COMMUNICATIONS Metro System Advertising**

(COM 6)

### **POLICY STATEMENT**

The Los Angeles County Metropolitan Transportation Authority (Metro) has determined that allowing revenue-generating-commercial advertising which does not compromise public or employee safety to be placed in designated areas on its transit properties (which includes the Metro Busbus and Railrail systems; Metro facilities; and Metro-owned electronic outreach channels (websites, social media, computer/phone apps, etc.)), is a responsible means of generating revenue by maximizing the use of the authority's Metro's capital investments. Informational Further, informational advertising on its own Metro properties is a valuable means of communicating for Metro and other governmental entities to communicate with its riders, wherein Metro disseminates information that explains the public and promotes its transit services. advance specific governmental purposes.

### **POLICY PURPOSE**

To clearly define the use of both Metro's revenue-generating advertising space by fulfilling the following important goals:

- Maximize advertising revenue and informational preserving the value of the advertising space on its transit-related properties;

### **APPLICATION**

This policy applies to all employees, consultants, vendors, and Board Members.

- Maintain a position of neutrality and preventing the appearance of favoritism or endorsement by Metro;
- Prevent the risk of imposing objectionable, inappropriate or harmful views on a captive audience;
- Preserve aesthetics and avoiding vandalism;
- Maximize ridership and maintaining a safe environment for riders and the public;
- Avoid claims of discrimination and maintaining a non-discriminatory environment for riders;
- Prevent any harm or abuse that may result from running objectionable, inappropriate or harmful advertisements;



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- Reduce the diversion of resources from transit operations that is caused by objectionable, inappropriate or harmful advertisements;
- Preserve Metro's business reputation as a professional, effective, and efficient provider of public transit services.

Disclaimer of Endorsement: Metro's acceptance of an advertisement does not constitute express or implied endorsement of the content or message of the advertisement, including any person, organization, products, services, information or viewpoints contained therein, or of the advertisement sponsor itself.

\_\_\_\_\_  
APPROVED: County Counsel or N/A

\_\_\_\_\_  
Department Head

\_\_\_\_\_  
ADOPTED: CEO

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Date of Last Review: \_\_\_\_\_



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#### **1.0 GENERAL**

The display of ~~paid (revenue-generating)~~commercial advertising to generate revenue carries with it a responsibility to protect Metro from potential litigation, preserve its nonpublic forum status, and to recognize the potential association of advertising images with Metro services, ~~while simultaneously respecting First Amendment principles.~~ The agency addresses these issues through the responsible ~~and~~ consistent, and viewpoint neutral application of ~~written criteria for its~~ advertising acceptability. ~~It is not Metro's intent to create a public forum through the acceptance of policy.~~

Governmental entities may advance specific governmental purposes through advertising— under this policy.

~~Metro's ability to directly reach riders is crucial in order to provide transit and agency information. Any use of the unique distribution channels at its command (such as allotments of interior and exterior bus advertising space; on-board brochures; and in-station static and digital signs) for purposes unrelated to rider information or retention is to be avoided, as it effectively "pre-empts" the availability of transit information to the public. Metro's Communications Department administers the use of these unique distribution channels as part of its overall responsibility for customer communication.~~

#### **2.0 PROCEDURES**

~~Revenue-Generating~~Los Angeles County contains significant tourism destinations accessible through public transportation, which may be promoted under this policy.

Metro uses designated areas on its properties to directly provide transit and agency information to the public.

#### **2.0 POLICY**

##### **2.1.2.1 Permitted Advertising Content**

~~Metro may contract with outside vendors to sell and display advertising on its transit-related properties for the sole purpose of generating revenue. Vendors for such contracts are solicited through competitive bids, which must conform to Metro's procurement procedures and be approved by Metro's Board of Directors.~~

~~Such agreements may dedicate up to, but no more than 90% of the available space covered by the contract for revenue-generating advertising, reserving the remaining available space for Metro's own transit-related information. This percentage of available space, and the remaining percentage of space held for Metro's information, will be negotiated as part of any contract with an outside advertising space vendor.~~



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~~Locations for revenue-generating advertising may include, but are not limited to: the exterior and interior of all Metro's transit fleet (buses, trains, rideshare cars, and non-revenue cars); the exterior and interior of all Metro's stations and hubs (rail and bus stations, bus stops, and mobility hubs); digital channels (agency websites, mobile apps, and social media channels); printed materials (brochures, timetables); Metro property (buildings, facilities and parking structures); and any other location approved by Metro's Board of Directors. Metro and its advertising contractors will obtain necessary permits as required to comply with local jurisdiction.~~

### 2.1.1 Commercial Advertising

Metro will only accept paid commercial advertising that proposes, promotes, or solicits the sale, rent, lease, license, distribution or availability of goods, property, products, services, or events that anticipate an exchange of monetary consideration for the advertiser's commercial or proprietary interest, including advertising from tourism bureaus, chambers of commerce or similar organizations that promote the commercial interests of its members, and museums that offer admission to the public.

A. Metro's policy that it will accept only commercial advertising applies regardless of whether the proponent is a commercial or nonprofit organization. To determine whether an ad qualifies as commercial, Metro considers the following nonexclusive factors: (a) whether a commercial product or service is apparent from the face of the ad; (b) whether the commercial product or service is incidental to the public interest content of the ad; (c) whether the sale of commercial products or services is the primary source of the advertiser's total annual revenue; and (d) whether the advertiser is a for-profit entity.

B. This exclusion does not apply to Government Advertising under 2.1.2.

### 2.1.2 Government Advertising

Metro will accept advertising that advances specific government purposes from a federal, State of California, or Los Angeles County local governmental entity. The governmental entity must be clearly identified on the face of the advertising.

## 2.2

~~Specific locations and properties may be exempt and excluded, in which case Communications will coordinate with the agency project manager as advertising inquiry arises.~~

Prohibited Content restrictions for and Subject Matter



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Metro retains content control of advertising on the transit system by restricting content; content described below may not be displayed through these arrangements as follows on the Metro transit system and/or agency assets:

### 2.1.1 Alcohol, Tobacco, and Cannabis

- Alcohol and Spirits – Imagery of open or closed alcoholic containers, consumption of any alcohol and spirits, or alcohol product branding/brands is prohibited and may not be shown. Services and events for food and beverage, including alcohol and wine events may be shown if the image is compliant with the restrictions stated herein.
- Tobacco and Cannabis – Imagery that portray, simulate/portrays, simulates, or encourage/encourages recreational smoking, vaping, or ingesting of tobacco and/or cannabis products are/is prohibited. Services and events for medical marijuana/cannabis products, services, and events are prohibited and may not be shown.

### 2.1.2 Non-Commercial

Metro does not accept advertising from non-governmental entities if the subject matter and intent of said advertising is non-commercial. Specifically, acceptable advertising must promote a for-sale, lease or other form of financial benefit for a product, service, event or other property interest in primarily a commercial manner and purpose.

Exception 1: Governmental Agencies, meaning public agencies specifically created by government action located in Los Angeles County or a Federal or State of California Governmental Agency, may purchase advertising space for messages that advance specific government purposes. The advertising must clearly, on the face of the advertising, identify the Governmental Agency. It is Metro's intent that government advertising will not be used for comment on issues of public debate.

Exception 2: Metro will accept paid advertising from non-profit organizations that partner with a Governmental Agency (as defined in Exception 1 above) and submit advertising that advances the joint purpose of the non-profit organization and the Governmental Agency, as determined by each of them. In order for advertising to qualify under this exception, the advertising must clearly, on the face of the advertising, identify the Governmental Agency and indicate that the Governmental Agency approves, sponsors, or otherwise authorizes the advertising. The non-profit organization must also provide a Statement of Approval (attached) from the Governmental Agency describing the joint purpose to be advanced and setting forth a statement acknowledging support and approval for the submitted advertising. Any message



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~~displayed under this exception must adhere to all other content restrictions stated in this policy, including that this advertising will not be used for comment on issues of public debate.~~

### ~~2.1.3 Other Subject Matter Restrictions~~

~~Advertising may not be displayed if its content involves:~~

- ~~Illegal activity~~ Promotes Activity – Content that promotes or relates to an illegal activity.
- Violence ~~Contains images~~ Images, copy or concepts that promote guns/firearms or gun violence, or that depict weapons or other devices in an act of violence or harm on a person or animal, or contain any material that incites or encourages, or appears to incite or encourage, violence or violent behavior.
- ~~Demeaning or disparaging matter~~ Contains images, copy or concepts that actively denigrate, demean or disparage any individual or group.
- ~~Vulgarity~~ Contains images, copy or concepts that are obscene, vulgar, crude, sexually suggestive, indecent, profane or scatological.
- ~~Obscene matter~~ Contains obscene Matter – Obscene matter as defined in the Los Angeles County Code, Chapter 13.17, Section 13.17.010, or sexually explicit material as defined in the Los Angeles County Code, Chapter 8.28, Section 8.28.010D.
- Indecency – Images, copy or concepts that describe, depict, suggest or represent sexual or excretory organs or activities in a manner that a reasonably prudent person, knowledgeable of Metro's ridership and using prevailing community standards, would find inappropriate for the public transit environment, including persons under the age of 18.
- ~~Adult entertainment and content~~ Promotes Entertainment and Content – Content that promotes or displays images associated with adult ~~book stores~~ bookstores, video stores, dance clubs, or other adult entertainment or sexually-oriented establishments, telephone services, internet sites, films, video games or escort services.
- ~~Political endorsements~~ Adult Rated Media – Adult/mature rated films, television, video games, or theatrical presentations, such as adult films rated "X" or "NC-17" or video games rated "AO."
- Profanity – Contains any profane language.



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- Political Speech – Advertising that ~~are~~ promotes or opposes (a) a political in nature, including messages party; (b) any person or group of political advocacy, that support or oppose persons holding federal, state or local government elected office; (c) the election of any candidate or referendum, or that feature any current political office holder or candidate for public office, or take positions group of candidates for federal, state or local government offices; or (d) initiatives, referendums or other ballot measures.
- Public Issue Speech – Advertising that primarily expresses or advocates an opinion, position or viewpoint on issues a matter of public debate, about economic, political, public safety, religious or social issues. This exclusion does not apply to Government Advertising under 2.1.2.
- Religion – ~~Contains images, content~~ Promotes or copy related to opposes any identifiable or specific religion or, religious ideas viewpoint, belief, message or viewpoints practice.
- ~~Negative connotations of public transit – Contains images, copy or concepts that actively denigrate public transportation.~~
- Unsafe transit behavior Transit Behavior – Contains images, copy or concepts that depict unsafe behaviors aboard buses or trains, or in or around transit stations or railroad tracks.
- Injurious to Metro’s interests – Promotes products, services or other concepts that are adverse to Metro’s commercial or administrative interests. Prohibited content includes but is not limited to images, copy or concepts that actively denigrate public transportation.
- Metro’s ~~endorsement~~ Endorsement – Contains images, copy or concepts that inaccurately state or imply Metro’s endorsement of the subject of the advertisement.
- Harmful or ~~disruptive~~ Disruptive to transit system Transit System – Contains material that is so objectionable as to be reasonably foreseeable that it will result in harm to, disruption of, or interference with the transportation system.
- Symbols - Miscellaneous characters, images or symbols used as a substitute for prohibited content.

### 2.3 Metro’s Government Speech





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The provisions of this policy do not apply to Metro's government speech, which includes advertising sponsored solely by Metro or by Metro jointly with another entity to communicate any message deemed appropriate by Metro.

### 2.4 Metro's Right of Rejection

Metro, and its advertising vendors, will screen and review all advertising content on the transit system, and in all contracts Metro 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.

Decisions regarding the rejection or removal of advertising are made by the Executive Marketing Officer or their designee based upon the criteria in this policy statement.

2.5

### ~~2.2~~ Informational Advertising

Metro has several unique distribution channels at its disposal for disseminating transit information for which it incurs no "space" cost (the fee charged for advertising space). ~~As specified in section 2.1, Metro has the use of an allotment at no charge by agreement with the vendor that sells all remaining advertising space under a revenue-generating agreement.~~ Informational advertising space is limited, and reserved exclusively for Metro transit information. All messages and materials distributed by this means are prepared, approved and/or authorized by the ~~Chief Communications~~ Executive Marketing Officer or their designee.

Acceptable information for these distribution channels is categorized as follows:

#### 2.25.1 ~~Regular~~ Transit Information

~~Regular transit information is prepared by Metro's Communications Department in accordance with its annual strategic planning process, as well as upon request from other internal departments.~~ Regular transit ~~Transit~~ information includes, but is not limited to: campaigns promoting ridership, service features and changes, fare information and changes, safety and security messages, maps and explanations of related transportation services.

#### 2.25.2 Cross-Promotional Information





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On an occasional basis and only when space is available, Metro's CommunicationsMarketing Department may use Metro's distribution channels to participate in cross-promotional opportunities (a cooperative partnership in which Metro and one or more entities work together with the goal of jointly promoting their respective services) that offer a direct opportunity to promote use of transit. Any materials distributed for this purpose must prominently include promotion of Metro services (e.g., Metro Ridership Promotion such as, "Go Metro to CicLAvia"). Metro is prohibited by law from donating advertising space to any entity for purposes that are not directly transit-related.

The outside organization involved must either bear the cost of producing such materials or, if approved by Metro's CommunicationsMarketing Department, provide an equivalent or greater value in cross-promotional benefits (i.e. advertising space, editorial space, etc.). ~~Any cross-promotional arrangement must be approved by the Chief Communications Officer or their designee based upon the criteria in this policy statement.~~

### **2.25.3 "Added Value" Materials**

On an occasional basis and only when space is available, Metro's CommunicationsMarketing Department may use Metro's distribution channels to provide "added value" materials to its riders. Such materials must present a specific and time-dated offer uniquely provided for Metro bus and Metro Rail riders (generally a money-saving discount) in which transit can be used to access the redemption point. Any materials distributed for this purpose must prominently include the Metro logo and other wording approved by Metro's CommunicationsMarketing Department to indicate that the offer is specifically designed for Metro bus and Metro Rail riders. Metro is prohibited by law from simply donating advertising space to any entity for purposes that are not directly transit-related.

The outside organization involved must either bear the cost of producing such materials or, if approved by Metro's CommunicationsMarketing Department, provide an equivalent or greater value in cross-promotional benefits (e.g., advertising space, editorial space, etc.). Any added value programs must be approved by the Chief CommunicationsExecutive Marketing Officer or their designee based upon the criteria in this policy statement.

### **2.6 Advertising Vendors**

Metro may contract with outside vendors to sell and display advertising on its transit system and related properties for the sole purpose of generating revenue. Vendors for such contracts are solicited through competitive bids, which must conform to Metro's procurement procedures and be approved by Metro's Board of Directors.



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Such agreements may dedicate up to, but no more than 90% of the available space covered by the contract for commercial advertising, reserving the remaining available space for Metro's own transit-related information. This percentage of available space, and the remaining percentage of space held for Metro's information, will be negotiated as part of any contract with an outside advertising space vendor.

### **2.3 — Metro's Right Placement of Rejection Advertising**

Locations for commercial advertising may include, but are not limited to: the exterior and interior of all Metro's transit fleet (buses, trains, rideshare cars, and non-revenue cars); the exterior and interior of all Metro's stations and hubs (rail and bus stations, bus stops, and mobility hubs); digital channels (agency websites, mobile apps, and social media channels); printed materials (brochures, timetables); Metro property (buildings, facilities and parking structures); and any other location approved by Metro's Board of Directors. Metro and its advertising contractors will obtain necessary permits as required to comply with local jurisdiction. Beyond the above, Metro's vendors may review advertising content according to their own guidelines of acceptability. Metro will screen and in all contracts Metro 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. Decisions regarding the rejection or removal of advertising are made by the Chief Communications Officer or their designee based upon the criteria in this policy statement.

Specific locations and properties may be exempt and excluded, in which case Marketing will coordinate with the agency project manager as advertising inquiry arises.

### **2.4 — 7.1 Graphics on Window and Glass**

To ensure the safety and security of passengers, operators and law enforcement officers, advertising displays which employ window graphics are restricted from fully obscuring the window surfaces on any Metro vehicles (trains, buses, ride share, and non-revenue vehicles). The front window, however, may not be covered in any manner.

If an advertising employs window graphics, the materials must be perforated with a 50/50 coverage-to-visibility ratio. The perforated material applies to all glass surfaces such as vehicle windows, buildings windows, and glass elevators. Metro may provide materials and technical specifications to each vendor.

### **3.0 — DEFINITION OF TERMS**



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**Added Value Materials** — Informational advertising which offers a tangible benefit to patrons as a means of rewarding and retaining riders (i.e., a money-saving discount).

**Cross-Promotion** — A cooperative partnership in which two or more entities work together with the goal of jointly promoting their respective services.

**Governmental Entities** — Public entities specifically created by government action.

**Map Cases** — Fixed cases in Metro Rail stations that hold a 46 $\frac{3}{4}$ " x 46 $\frac{3}{4}$ " display, usually back-lit. Used to display Metro Rail System Maps and provide information on fares, routes, safety, pass & token sales locations, service changes and other matters relevant to the use of the Metro System.

**Metro Transit-Related Properties** — Metro Bus and Rail systems; Metro facilities; Metro electronic outreach channels (websites, social media, computer/phone apps, etc.).

**Non-Commercial Advertising** — A public service announcement, event notification, political statement or other message which does not have as its primary purpose to propose a commercial transaction.

**Social Media Channels** — Online/digital communications channels dedicated to community-based input, interaction, content-sharing collaboration.

**Take-One** — A printed brochure measuring 3 $\frac{1}{2}$ " x 8 $\frac{1}{2}$ " placed inside Metro vehicles or rail stations, used to provide information on fares, routes, safety, pass & token sales locations, service changes and other matters relevant to the use of the Metro System.

**Glass and Window Graphics** — An super-graphic which covers a portion of the window surface of a bus or rail vehicle, building window, or glass elevator. Such graphics are manufactured to be largely transparent to those inside the vehicle, permitting passengers to see outside through the graphics.

#### **4.0 RESPONSIBILITIES**

**Chief Communications Officer (or designee)** reviews and approves/rejects all cross-promotions and added value programs using Metro's unique distribution channels based upon the criteria in this policy statement; enforces Metro's right to reject and/or order removal of revenue-generating advertising based upon the criteria in this policy statement.

**Communications Department** prepares all messages and materials for dissemination on-board Metro buses and trains; administers the distribution/display of transit



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~~information; tracks/coordinates the availability and use of Metro's unique information distribution channels.~~

~~**Advertising Vendors** sell, post and maintain all revenue-generating advertising on Metro properties; implement Metro's policies on revenue-generating advertising; post all Metro informational advertising according to instructions from the Metro Marketing Department.~~

#### **5.0 FLOWCHART**

~~Not Applicable~~

#### **6.0 REFERENCES**

~~Not Applicable~~

#### **7.0 ATTACHMENTS**

~~Statement of Approval form pertaining to advertising from Non-Profit organizations partnered with a Governmental Agency.~~

### **3.0 PROCEDURES**

Action By:

Advertising Vendors

Action:

A. Sell, post and maintain all commercial advertising on Metro properties. All proposed transit advertising must be submitted to the Advertising Vendor for initial compliance review. The Advertising Vendor will perform a preliminary evaluation of the submission to assess its compliance with this policy. If, during its preliminary review of a proposed advertisement, the Advertising Vendor is unable to make a compliance determination, it will forward the submission to the Metro's advertising panel for further evaluation. The Advertising Vendor may at



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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 this Advertising Policy. The Advertising Vendor will immediately remove any advertisement that Metro directs it to remove.

### Metro Advertising Panel

B. Metro's advertising panel will review the proposed advertisement for compliance with the guidelines set forth in this policy and will direct the Advertising Vendor as to whether the proposed advertisement will be accepted. In the discretion of the advertising panel, any proposed transit advertising may be submitted to Metro's ~~Executive Officer of Marketing~~ Marketing Executive Officer for review.

### Metro's ~~Executive Officer of Marketing~~ Marketing Executive Officer

C. Metro's ~~Executive Officer of Marketing~~ Marketing Executive Officers shall conduct a final review of proposed advertising at the request of Metro's advertising panel. The decision of the ~~Executive Officer of Marketing~~ Marketing Executive Officer to approve or reject any proposed advertising shall be final.

### Metro Advertising Panel and ~~Executive Officer of Marketing~~ Marketing Executive Officer

D. Metro's advertising panel or the ~~Executive Officer of Marketing~~ Marketing Executive Officer may consult with other appropriate Metro employees, including Metro's legal counsel, at any time during the review process.

## **8.04.0 PROCEDURE HISTORY**

03/23/00	Original policy adopted by Metro's Board of Directors.
01/27/05	Policy amended by Board of Directors to permit advertising on Metro Rapid vehicles.
09/26/08	Biennial review and update. Policy updated to include Board of Directors amendment to permit all forms of non-traditional advertising displays as well as advertising on rail car exteriors and other types of transit service with the exception of Orange Line vehicle exteriors.



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- 6/27/13 Content Guidelines amended by Metro's Board of Directors to add an exception for non-profit organizations pertaining to the non-commercial advertising prohibition, and to expand language regarding various other types of prohibited content.
- 12/5/13 Content guidelines amended by Metro's Board of Directors to prohibit messages that are injurious to Metro's interests and to clarify restrictions regarding vulgarity.
- 02/23/17 Review and update: Board approved, Feb. 23, 2017 (Item 40). Streamlined policy for an easier read; removed defined vinyl window graphics prohibitions: now just may not fully wrap a bus; added definitions; clarified outreach channels; may advertise on Orange Line vehicles; added items to advertising ban; removed "wine festival" advertising allowance; advertising may not engage in public debate.