

Revised Transit Advertising Policy

City of Asheville Transportation and Engineering Department

PURPOSE

It is the purpose of this document to establish a Policy pertaining to advertising space for the City of Asheville Transportation and Engineering Department's Public Transportation Transit Buses and related Facilities..

INTENT

The primary purpose of this Policy is to provide clear standards as to what types of advertising are prohibited on the inside of buses, on the exterior of the buses, on bus shelters and/or on bus benches.

SCOPE

The City of Asheville Transportation and Engineering Department is engaged in commerce as a provider of safe, clean and reliable bus transportation service. The advertising space located inside the buses, on the exterior of the buses, on bus shelters and/or on bus benches constitutes part of this commercial venture, and is a nonpublic forum. To that end, the City of Asheville Transportation and Engineering Department, in managing this commercial venture, has adopted this Policy to further the following interests:

- (1) To maximize revenue generated through the sale of advertisements consistent with the provisions of this Policy;
- (2) To avoid the appearance of favoritism;
- (3) To avoid imposing upon a captive audience;
- (4) To maintain neutrality;
- (5) To provide a reasonably safe and unobtrusive environment for bus passengers; and
- (6) To minimize chances of abuse.

DEFINITIONS

1. Commercial: Advertisements selling one's own products or services that propose a commercial transaction.
2. Government: Advertisements exclusively sponsored by the federal, state or local government and is being advertised on the government's own facility(ies) at the time a request is received for advertisement on the City's facilities.
3. Public issue: Advertisements that are neither commercial nor government as defined herein.

STANDARDS

The Director of the City of Asheville Transportation and Engineering Department or designee may only authorize an advertisement located inside the buses, on the exterior of the buses, on bus shelters and/or on bus benches, if the advertisement complies with the following standards:

1. The advertisement is commercial.
2. The advertisement is a government advertisement as defined herein.
3. Political and religious advertisements are strictly prohibited.
4. Public issue advertisements are strictly prohibited.
5. Advertisements depicting alcohol/liquor or tobacco products are strictly prohibited.
6. False, misleading, libelous or deceptive advertisements are strictly prohibited.
7. Advertisements relating to an illegal activity or proposing an action that is prohibited by federal, state or local law are strictly prohibited.
8. Advertisements containing offensive terms or pictures are strictly prohibited.
9. Advertisements containing sexual and/or violent material, obscene material, profane language or obscene language are strictly prohibited.
10. Advertisements for sexually-oriented businesses, services or products are strictly prohibited.

WEBSITES

All advertisements containing a website will be reviewed in accordance with the above standards and will be subject to continued monitoring throughout the term of the contract for compliance with this Policy.

PRIORITY

All applications for advertisements shall be on a first-come, first-serve basis with no guarantee of space availability.

COST

The cost to advertise shall be as set forth in the City's Fees and Charges Manual.

RESERVATION CLAUSE

The City of Asheville Transportation and Engineering Department reserves the right to remove any and all advertisements at any time should the advertisements come into conflict with this Policy.

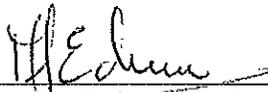
APPEALS

Any applicant whose advertisement has been denied by the Director/designee may appeal the denial to a three (3) member Advertising Appeals Committee. The appeal must be in writing and submitted to the Director within five (5) business days of the date of the written denial along with any supporting materials as to why the decision should be overturned. The Committee shall consider the appeal and render a written determination within five (5) business days of receipt of the appeal. The three-member Committee shall consist of the Planning and Development Director /designee, the Parks and Recreation Director/designee and the Chief of Police/designee. The City Attorney's Office shall serve as the Committee's legal advisor as needed.

If the applicant is dissatisfied with the Committee's written decision, the applicant may appeal on the record to the City Manager/designee within five (5) business days of the Committee's written decision. The City Manager/designee shall consider the appeal and render a written determination within five (5) business days of receipt of the appeal. The City Manager's/designee's determination shall be final.

Effective, this 8th day of July, 2009.

By:



Mariate Echeverry, Transit Manager,

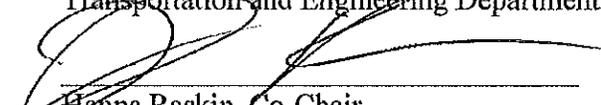
Concur:

By:



Cathy Ball, PE, Director,
Transportation and Engineering Department

By:



Hanna Raskin, Co-Chair,
City of Asheville Transit Commission