



# Northern Arizona Intergovernmental Public Transportation Authority

3773 N. Kaspar Drive • Flagstaff, AZ 86004 • 928-679-8900 • FAX 928-779-6868 • www.naipta.az.gov

## ADVERTISING POLICY

The Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) provides public transportation services in the greater Flagstaff region and Northern Arizona.

NAIPTA is engaged in the sale of advertising in and upon the property and rolling stock of NAIPTA (“Transit Facilities”), consisting of: (1) print advertising on the exterior of NAIPTA’s buses; (2) print advertising displayed on bus shelters and transit stations in NAIPTA’s service area; (3) print advertising on the interior of NAIPTA’s buses; (4) advertising on the exterior of buses in the form of a “wrap;” and (5) advertising displayed in print and electronic media such as rider guides, web pages, ticket media. This Advertising Policy (“Policy”) shall apply to the sale of all forms of advertising on all Transit Facilities owned and/or managed by NAIPTA.

### I. PURPOSE

NAIPTA will allow limited types of advertising on or in its Transit Facilities, pursuant to the terms of this Policy (“Permitted Advertising”). By allowing Permitted Advertising, NAIPTA does not intend to create a public forum for public discourse or expressive activity or to provide a forum for all types of advertisements. All advertising shall be subject to this uniform, viewpoint-neutral Policy.

NAIPTA will not permit the types of advertising defined as Excluded Advertising in Section III below. By not allowing Excluded Advertising, NAIPTA can: (a) maintain a professional advertising environment that maximizes advertising revenues and minimizes interference with or disruption of their transit systems; (b) maintain an image of neutrality on political, religious or other issues that are not the subject of Commercial Advertising and are the subject of public debate and concern; and (c) continue to build and retain transit ridership.

### II. PERMITTED ADVERTISING

#### A. **Exterior Advertising**

The display of Permitted Advertising on the exterior of the Transit Facilities (“Exterior Advertising”) is intended only to supplement fare revenue, tax proceeds and other income that fund the NAIPTA’s operations and to promote the NAIPTA’s transit operations. In order to realize the maximum benefit from the sale of space, the advertising program must be managed in a manner that will procure as much revenue as practicable, while ensuring that the advertising is of a type that does not discourage the use of the transit systems, does not diminish

NAIPTA’s reputation in the communities they serve or the good will of their patrons, and is consistent with the principal purpose of providing safe and efficient public transportation. To attain these objectives, NAIPTA’s Board of Directors has established the following regulations governing Exterior Advertising.

Exterior Advertising includes:

1. **Commercial Advertising.** Commercial Advertising is advertising the sole purpose of which is to sell products, goods or services for profit. It does not include advertising that offers to sell products, goods or services and also conveys a political or religious message,

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or issue advocacy, and/or expresses or advocates opinions or positions related to any of the foregoing.

2. Transit Operations of NAIPTA. Transit Operations Advertising is advertising that promotes NAIPTA services.

## B. Interior Advertising

NAIPTA recognizes that passengers are a captive audience to any advertisements posted on the interior of NAIPTA’s buses (“Interior Advertising”). NAIPTA desires that such passengers not be subject to advertisements containing material relating to political, religious, or issue advocacy about which public opinion can be widely divergent and which some passengers may, therefore, find offensive. If passengers are so offended, it could adversely affect the ridership and revenue of NAIPTA systems. NAIPTA’s Board of Directors has, therefore, established the following regulations governing Interior Advertising.

Interior Advertising includes:

1. Public Service Advertising. Public Service Advertising is advertising proposed by governmental entities, academic institutions or tax-exempt nonprofit organizations that relates to community, art, cultural, educational, health, or safety events, programs and/or messages and does not include Commercial Advertising or contain any direct or indirect reference to religious, political or issue advocacy. Upon NAIPTA’s request, nonprofit entities must document their tax-exempt status. Unless the source of the public service advertising is obvious from the content or copy, the advertisement must specifically identify the sponsor of the advertisement or the message.

2. Transit Operations of NAIPTA. Transit Operations Advertising is advertising that promotes NAIPTA services.

3. Cross-promotional Advertising. Cross-promotional Advertising is advertising in which NAIPTA collaborates with for-profit entities to promote using NAIPTA services as a conveyance to a specific event; such advertising may not contain any direct or indirect reference to religious, political or issue advocacy.

4. Commercial Advertising. Commercial Advertising is advertising the sole purpose of which is to sell products, goods or services for profit. It does not include advertising that offers to sell products, goods or services and also conveys a political or religious message, or issue advocacy, and/or expresses or advocates opinions or positions related to any of the foregoing.

## III. EXCLUDED ADVERTISING APPLICABLE TO EXTERIOR AND INTERIOR ADVERTISING

Exterior and Interior Advertising cannot be displayed or maintained on Transit Facilities if information contained in the advertisement falls within one or more of the following categories of Excluded Advertising:

1. False, Misleading or Deceptive
2. Advertise or depict the use of *spirituous liquor* as that term is defined in Section 4-101, Arizona Revised Statutes:

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3. Represent, by language or graphics, violence or anti- social behavior.
4. Advertise or depict language, gestures, conduct, or graphical representations that are obscene, pornographic, vulgar, profane, or scatological.
5. Represent, by language or graphics, a *nude* or *seminude* person, as those terms are defined in Section 11-811(D), Arizona Revised Statutes, or the exposed buttocks of any person.
6. Depict, relate to, or reference a website or other medium that relates to *specified sexual activities* or *specified anatomical areas* as those terms are defined in Section 11-821, Arizona Revised Statutes.
7. Clearly defamatory or likely to hold up to scorn or ridicule a person or group of persons.
8. Tobacco. Tobacco products including but not limited to cigarettes, cigars and smokeless (e.g. chewing) tobacco.
9. In advocacy of imminent lawlessness or violent action.
10. Religious.
11. Political.
12. Intellectual property infringement, including piracy or infringement of copyright, trade dress, service mark, title or slogan.
13. Unauthorized Endorsement.
14. Snipe Signs and Flyposting.

For purposes of this Policy, the following definitions apply:

Religious Advertisements are defined as advertisements that contain any 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.

Political Advertisements are defined as advertisements that contain political speech referring to a particular ballot question, initiative, petition, referendum, candidate, or political party or viewpoint or expresses or advocates opinions or positions upon any of the foregoing. This prohibition includes any advertisement referring to or depicting a candidate for public office in any context.

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Unauthorized Endorsement Advertising is advertising that implies or declares that NAIPTA endorses a product, service, point of view, event or program. The prohibition against endorsements does not apply to advertising for a service, event or program for which NAIPTA is an official sponsor, cosponsor or participant.

Snipe Signs are signs of any size and material, including but not limited to paper, cardboard, wood, or metal, that are tacked, nailed, posted, pasted, glued or otherwise attached to shelters, poles, benches or other objects that are the property of or under the control of NAIPTA, and the advertising matter or other text thereon has not been previously approved by NAIPTA.

Flyposting is the act of nailing, posting, pasting, gluing or otherwise attaching signs on property belonging to NAIPTA or under NAIPTA's control, without NAIPTA's permission and/or without any other approvals or permits that may be required by state, federal, or local law.

### **IV. ADMINISTRATION AND ENFORCEMENT OF POLICY**

#### **A. Review by Administrative Director and Marketing**

The Administrative Director and Marketing Manager shall review all submitted advertisements to determine whether or not the advertisement complies with this Policy. If the Administrative Director or Marketing Manager determines that the advertisement does not comply with this Policy, he or she shall specify the standard or standards with which the advertisement does not comply, and shall notify the advertiser in writing sent no later than thirty (30) days after NAIPTA's receipt of the submittal (the "Notice") that the advertisement has been rejected and the reasons for the rejection. The Notice shall include a copy of this Policy.

#### **B. Appeal to General Manager/CEO**

Rejection of an advertisement may be appealed to NAIPTA's General Manager/CEO, or designee, by written notification delivered to the Administrative Director and/or Marketing Manager no later than ten (10) days from the date of the Notice (the "Appeal"). The Appeal shall set forth the arguments supporting the contention that the advertisement is in compliance with this Policy and therefore should be allowed. The General Manager/CEO will schedule a hearing to be held within thirty (30) from the date of the Appeal, and at such hearing will allow the advertiser and the Administrative Director and Marketing Manager to present any argument or evidence they wish to offer. The General Manager/CEO's decision shall be final.



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