

**4C. Chapel Hill Transit Advertising Policy**

**Action:** 1. Receive information presented by staff and provide feedback to the Chapel Hill Town Council on the option of amending the transit advertising policy to reflect a nonpublic forum status, or any other options, as the Committee deems appropriate.

Staff Resource: Brian Litchfield, Transit Director  
Ralph Karpinos, Town of Chapel Hill Attorney

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**Background**

On November 27, 2012 the Partners Committee endorsed the current transit advertising policy and it was adopted by Council on December 3, 2012 ([http://chapelhill.granicus.com/MetaViewer.php?view\\_id=7&clip\\_id=1689&meta\\_id=75863](http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=1689&meta_id=75863)).

In preparation for the potential transfer of managing the Transit Advertising program from the Transit Department to a third-party, Transit staff and the Town Attorney's Office reviewed the current adopted Advertising Policy and suggest that the Partners Committee consider recommending that the Council amend the policy to recognize the role of the advertising contractor transit vehicles and facilities as a nonpublic forum (viewpoint neutral) and not provide the option for political, religious, or issue advertisements.

Certain types of advertisements have the potential to interfere with the program's primary purpose of generating revenue to benefit the transit system. Additionally, political, religious, or issue advertisements have generated very little revenue over the last seven (7) years - since 2012, Transit has received and run two (2) separate advertisements that meet the definition of "political ad" under the current policy, resulting in \$3,000 of gross revenue. Evaluation of the proposed political and religious advertising for compliance with the Town's policy and addressing related issues requires considerable staff time. A nonpublic forum (viewpoint neutral) policy may also provide the following benefits:

- Maintain a professional advertising environment that maximizes advertising revenues and minimizes interference or disruption of the commercial aspects of its regional transit system;
- Prevent the risk of imposing demeaning or disparaging views on a captive audience;
- Maintain a position of viewpoint neutrality;
- Preserve the marketing potential of the advertising space by avoiding content that the community could view as demeaning, disparaging, objectionable, inappropriate or harmful to members of the public generally or to minors in particular;
- Maintain the safe and orderly operation of Chapel Hill Transit services;
- Maintain a safe and welcoming environment for all Chapel Hill Transit passengers, including minors who travel on or come in contact with the Chapel Hill Transit system; and

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- Avoid the identification of Town of Chapel Hill/Chapel Hill Transit, its employees, funding partners or its contractors with advertisements or the viewpoints of the advertisers.

The Council has requested that the Chapel Hill Transit Partners Committee review the transit advertising policy options to determine if a nonpublic forum alternative could be considered and to provide feedback to the Council. Other options that could be considered include: maintaining the existing policy; amending the policy to expand the scope of advertising allowed by formally designating the buses and transit facilities as a public forum; or, perhaps eliminating all paid advertising.

**Attachment - Draft Nonpublic Forum Policy**

A draft of a potential nonpublic forum transit advertising policy is attached for review and discussion. This draft policy is modeled on policies in place for:

- King County Metro (King County, Washington)
- Sun Tran (Tucson, Arizona)
- Piedmont Authority for Regional Transportation (Greensboro, North Carolina)
- San Francisco Bay Area Rapid Transit District (San Francisco, California)

**Additional Information**

Previous Council discussions on Transit Advertising Policy:

- December 3, 2012 Item #8:  
[http://chapelhill.granicus.com/MinutesViewer.php?view\\_id=21&clip\\_id=1689](http://chapelhill.granicus.com/MinutesViewer.php?view_id=21&clip_id=1689)
- November 5, 2012 Item #8:  
[http://chapelhill.granicus.com/MinutesViewer.php?view\\_id=21&clip\\_id=1662](http://chapelhill.granicus.com/MinutesViewer.php?view_id=21&clip_id=1662)
- October 24, 2012 Item #12:  
[http://chapelhill.granicus.com/MinutesViewer.php?view\\_id=21&clip\\_id=1652](http://chapelhill.granicus.com/MinutesViewer.php?view_id=21&clip_id=1652)
- October 11, 2012 Item #1:  
[http://chapelhill.granicus.com/MinutesViewer.php?view\\_id=21&clip\\_id=1638](http://chapelhill.granicus.com/MinutesViewer.php?view_id=21&clip_id=1638)
- September 12, 2012 Item #0.1:  
[http://chapelhill.granicus.com/MinutesViewer.php?view\\_id=21&clip\\_id=1592](http://chapelhill.granicus.com/MinutesViewer.php?view_id=21&clip_id=1592)



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- September 12, 2011 Item #15:  
[http://chapelhill.granicus.com/MinutesViewer.php?view\\_id=21&clip\\_id=1117](http://chapelhill.granicus.com/MinutesViewer.php?view_id=21&clip_id=1117)
- June 13, 2011 Item #13:  
[http://chapelhill.granicus.com/MinutesViewer.php?view\\_id=21&clip\\_id=1047](http://chapelhill.granicus.com/MinutesViewer.php?view_id=21&clip_id=1047)
- April 25, 2011 Item #14:  
[http://chapelhill.granicus.com/MinutesViewer.php?view\\_id=21&clip\\_id=1007](http://chapelhill.granicus.com/MinutesViewer.php?view_id=21&clip_id=1007)
- June 27, 2007 Item #4:  
[http://chapelhill.granicus.com/MinutesViewer.php?view\\_id=21&clip\\_id=188](http://chapelhill.granicus.com/MinutesViewer.php?view_id=21&clip_id=188)
- APRIL 27, 2005 Item 17c and g:  
[http://townhall.townofchapelhill.org/records/minutes/2005/minutes\\_04-27-05ws.htm](http://townhall.townofchapelhill.org/records/minutes/2005/minutes_04-27-05ws.htm)

**Recommendation**

That the Partners Committee consider the draft nonpublic forum transit advertising policy and provide feedback to the Chapel Hill Town Council on the option of amending the policy, or any other options, as the Committee deems appropriate.

**TRANSIT ADVERTISING FEE SCHEDULE AND POLICY**

Transit services in Chapel Hill are provided through a partnership of Chapel Hill, Carrboro and the University of North Carolina. Chapel Hill Transit offers transit advertising as a source of revenue to help offset system operating costs. Advertising is sold on the exterior and interior of all fixed route buses. The following are transit advertising rates and policies governing transit advertising.

**TRANSIT ADVERTISING RATES**

<b>Bus Wraps</b>	<b>Monthly Rate</b>	<b>Minimum Contract</b>
Full Wrap	\$1500	12 months

**Exterior Bus Signage: Kings (144"x30")**

<b>Number of Displays</b>	<b>12 Months Each Sign</b>	<b>6 Months Each Sign</b>	<b>1-3 Months Each Sign</b>
1-10	\$180	\$200	\$220
11-20	\$175	\$195	\$215
21 & up	\$170	\$190	\$210

**Queens (108"x30")**

<b>Number of Displays</b>	<b>12 Months Each Sign</b>	<b>6 Months Each Sign</b>	<b>1-3 Months Each Sign</b>
1-10	\$162	\$180	\$198
11-21	\$157	\$175	\$193
21 & up	\$152	\$170	\$188

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<b>Number of Displays</b>	<b>12 Months Each Sign</b>	<b>6 Months Each Sign</b>	<b>1-3 Months Each Sign</b>
1-10	\$163	\$170	\$187
11-120	\$158	\$165	\$182
21 & up	\$152	\$160	\$177

All production costs are the responsibility of the advertiser. For wraps the cost of installation and returning the bus to original condition are also the responsibility of the advertiser.

All advertising creative and design must be approved by Chapel Hill Transit prior to production and can be declined if we believe it is not in compliance with transit advertising policies and standards.

Agency commissions will be paid on contract of 6 month or more.

## POLICIES AND STANDARDS FOR ADVERTISING ON CHAPEL HILL TRANSIT FACILITIES

Chapel Hill Transit (CHT) is a regional transit system created under section of the Town of Chapel Hill Ordinances. Chapel Hill Transit owns and operates buses, bus shelters, a garage and other properties (collectively referred to as “Transit Facilities”) in conjunction with its regional transit system. It is in the public interest to make advertising space available upon payment of rent in accordance with CHT’s adopted rental schedule on certain designated Transit Facilities to generate revenue and help fund the operation of the regional transit system or upon acceptance of the advertising as unpaid public advertising or public service announcements in accordance with this policy in order to support public agencies and community non-profit services.

### I. PURPOSE

**1.01 NonPublic Forum Status.** Chapel Hill Transit’s acceptance of transit advertising does not provide nor does it create a general public forum for expressive activities but is instead hereby established as a nonpublic forum. In keeping with its proprietary function as a provider of public transportation services, Chapel Hill Transit does not intend its acceptance of transit advertising to convert its transit vehicles or transit facilities into open public forums for public discourse and debate. The fundamental purpose and intent is to accept advertising as an additional means of generating revenue to supplement or reduce fare revenue, tax proceeds and other income that fund the transit system.

In furtherance of that discreet and limited objective, Chapel Hill Transit, through the Policy set forth in this document, retains strict control over the nature of the ads accepted for posting on or in its transit vehicles and transit facilities and maintains its advertising space as a nonpublic forum. Certain types of advertisements interfere with the program’s primary purpose of generating revenue to benefit the transit system. This policy advances the advertising program’s revenue-generating objective by prohibiting advertisements that could detract from the goal by creating substantial controversy, interfering with and diverting resources from transit operations, and/or posing significant risks of harm, inconvenience, or annoyance to transit passengers, operators and vehicles. Such advertisements create an environment that is not conducive to achieving increased revenue for the benefit of the transit system or to preserving and enhancing the security, safety, comfort and convenience of its operations. The viewpoint neutral restrictions in this policy thus foster the maintenance of a professional advertising environment that maximizes advertising revenue.

Chapel Hill Transit will not accept for display on its Transit Facilities the types of advertising defined in Section 2.01 of these policies and standards (“Excluded Advertising”). By not accepting Excluded Advertising, Chapel Hill Transit can:

- Maintain a professional advertising environment that maximizes advertising revenues and minimizes interference or disruption of the commercial aspects of its regional transit system;
- Prevent the risk of imposing demeaning or disparaging views on a captive audience;

### DRAFT – Nonpublic Forum Option 1.17.18 - DRAFT

- Maintain a position of viewpoint neutrality;
- Preserve the marketing potential of the advertising space by avoiding content that the community could view as demeaning, disparaging, objectionable, inappropriate or harmful to members of the public generally or to minors in particular;
- Maintain the safe and orderly operation of Chapel Hill Transit services;
- Maintain a safe and welcoming environment for all Chapel Hill Transit passengers, including minors who travel on or come in contact with the Chapel Hill Transit system; and
- Avoid the identification of Town of Chapel Hill/Chapel Hill Transit, its employees, funding partners or its contractors with advertisements or the viewpoints of the advertisers.

Chapel Hill Transit facilities and transit vehicles are a nonpublic forum and, as such, Chapel Hill Transit will accept only those advertisements which fall within the categories of acceptable advertising specified in this viewpoint neutral Policy and that satisfy all other access requirements and restrictions provided herein.

~~**Limited Public Forum; Commercial/Proprietary Functions.** Chapel Hill Transit will rent space on its Transit Facilities for limited types of advertising (“Permitted Advertising”). By allowing limited types of advertising on or within its buses and or bus shelters and providing limited space at no charge pursuant to this policy, Chapel Hill Transit does not intend to create a full public forum for open public discourse or expressive activity, or to provide a forum for all types of advertisements. The display of Permitted Advertising upon payment of rent in accordance with CHT’s adopted rental schedule on designated Transit Facilities is intended only to supplement fare revenue, tax proceeds and other income that fund the regional transit system.~~

~~**1.02 Certain Excluded Advertising.** Chapel Hill Transit will not accept for display on its Transit Facilities the types of advertising defined in Section 2.01 of these policies and standards (“Excluded Advertising”). By not accepting Excluded Advertising, Chapel Hill Transit can:~~

- ~~(a) maintain a professional advertising environment that maximizes advertising revenues and minimizes interference or disruption of the commercial aspects of its regional transit system;~~
- ~~(b) protect passengers, employees and Chapel Hill Transit facilities from harm or damage that can result from some individual’s reactions to political or controversial materials; and~~
- ~~(c) help build and retain transit ridership.~~

~~**1.03 Limits on Permitted Advertising.** Placing reasonable limits on Permitted Advertising displayed on its Transit Facilities will enable Chapel Hill Transit to:~~

- ~~(a) avoid subjecting its passengers and other members of the public to material that may discourage them from using regional transit services;~~
- ~~(b) maintain an image of professionalism and decorum;~~
- ~~(c) avoid displaying material that is not suitable for viewing by minors who ride on Chapel Hill Transit buses or those individuals whose neighborhoods are served by~~

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~~Chapel Hill Transit bus routes; and~~  
~~(d) maximize revenues by attracting and maintaining the patronage of passengers.~~

## **II. ADVERTISING POLICIES**

**2.01 Excluded Advertising.** For the purposes of these policies and standards, the advertising described in this Section 2.01 is “Excluded Advertising.” Chapel Hill Transit will not accept the following Excluded Advertising for display, posting or placement on or within its buses, or other Transit Facilities:

(a) ***Alcoholic Beverages.*** Advertisements and images soliciting or promoting the sale or use of alcoholic beverages.

(b) ***Tobacco Products.*** Advertisements and images soliciting or promoting the sale or use of tobacco products including, but not limited to, cigarettes, cigars and smokeless tobacco.

(c) ***Advertisements about Chapel Hill Transit.*** Advertisements and images that relate to Chapel Hill Transit and services, except public service advertisements provided by Chapel Hill Transit itself.

(d) Political Speech, including but not limited to:

- Political Campaign Speech. Advertising that promotes, or opposes a political party, the election of any candidate or group of candidates for federal, state or local government offices, regardless of whether the words or phrases “vote for”, “elect” or similar words or phrases are used;
- Advertisements that disparage or belittle federal, state or local jurisdictions either as entities or in reference to any of their elected or appointed officials, employees, departments or services; and
- Except as permitted in Sections 2.02 and 2.03 of this Policy;
- - Advertisements that promote or oppose initiatives, referendums or other ballot measures; or
  - Advertisements which are directed or addressed to the action, inaction, prospective action or policies of a governmental entity; or
  - Advertisements which prominently or predominately advocate or express a political message, including but not limited to an opinion, position, or viewpoint regarding disputed economic, political, moral, religious or social issues or related matters, or support for or opposition to any of the foregoing.

~~(e)~~(e) Support of or opposition to a religion, denomination, creed, tenet, or belief;

(f) Transportation or other services/products in direct competition with—Chapel Hill Transit. Advertising that explicitly and directly promotes or encourages the use of transportation modes competing with Chapel Hill Transit services shall not be permitted.

**DRAFT – Nonpublic Forum Option 1.17.18 - DRAFT**

(g) Non-commercial or only partially commercial advertisements. Advertisements that do not offer to sell property or services and those that both offer to sell property and services as well as convey information about matters of general interest, political issues, religious, moral, or environmental matters or issues, or other public matters or issues, or expresses or advocates opinions or positions upon any of the foregoing are prohibited.

**2.02 Permitted Advertising.** Subject to the viewpoint-neutral standards contained in Section 3.01 of these policies and standards, Chapel Hill Transit will accept “Permitted Advertising” for display or placement on designated Chapel Hill Transit Facilities. For the purposes of these policies, “Permitted Advertising” is advertising that:

- (a) Does not qualify as Excluded Advertising under Section 2.01.
  - (b) Generally relates to the economic interests of the advertiser and its audience.
- ~~Advertising defined in Section 3.02 and 3.03 also is Permitted Advertising.~~

**2.03 Prohibitions on Literature or Product Distribution and Leafleting.**

Chapel Hill Transit’s purpose in operating a regional transit system is to meet the public’s need for efficient, effective and safe public transportation. Chapel Hill Transit Facilities are not intended to be public forums for public discourse or expressive activity. Literature or product distributions, leafleting and similar activities can disrupt or delay passengers who are boarding and exiting buses and other transit vehicles, distract passengers, distract bus operators, cause maintenance issues, and otherwise create safety issues for passengers, operators and surrounding traffic. Accordingly, distribution of literature, leafleting, and other informational or activities are prohibited within Chapel Hill Transit buses or other transit vehicles and within Chapel Hill Transit bus shelters, except for the provision of leaflets and information provided by Chapel Hill Transit itself that are related to provision of or are for the benefit of transportation-related public services or public events sponsored by the Town of Chapel Hill, the Town of Carrboro, or the University of North Carolina.



### III. ADVERTISING STANDARDS AND RESTRICTIONS

**3.01 Advertising Standards and Restrictions.** Chapel Hill Transit will make available on designated Chapel Hill Transit Facilities space for advertisements consistent with Section 2.02 above subject to the viewpoint-neutral restrictions in this Section 3.01 that limit certain forms of advertising. \_

Advertisements cannot be displayed or maintained on Chapel Hill Transit Facilities if the advertisement or information contained in the advertisement falls within one or more of the following categories:

- (a) ***False, Misleading, or Deceptive Advertising.*** Advertising or any material or information in the advertising that is false, misleading or deceptive.
- (b) ***Disrespectful Advertising.*** Advertising or any material or information in advertising that is, or that is intended to be (or reasonably could be interpreted as being) disparaging, disreputable or disrespectful to persons, groups, businesses or organizations, including but not limited to advertising that portrays individuals as inferior, evil or contemptible because of their race, color, creed, sex, pregnancy, age, religion, ancestry, national origin, marital status, disability, including those related to pregnancy or child birth, gender identity, or gender expression or sexual orientation, or any other characteristic protected under federal, state or local law.
- (c) ***Unauthorized Endorsement.*** Advertising that implies or declares that Chapel Hill Transit endorses a product, service, point-of-view, event or program. The prohibition against endorsement does not apply to advertising for a service, event or program for which Chapel Hill Transit is an official sponsor, co-sponsor or participant, provided Chapel Hill Transit's Director or other designated representative gives prior written approval regarding the endorsement.
- (d) ***Obscene Material.*** Advertising that contains obscene materials as defined in North Carolina General Statute Sec. 14-190.1(b), or that displays sexual conduct or information in a manner that would be offensive to a reasonably prudent person of average sensitivity in the community.
- (e) ***Offensive Materials.*** "Offensive materials" means displays or information that would be offensive to a reasonably prudent person of average sensitivity in the community, including advertising that contains derisive, distorted, immoral, profane or disreputable language or impressions.
- (f) ***Unlawful Goods or Services.*** Advertising or any material or information in the advertising that depicts, promotes or reasonably appears to encourage the use or possession of unlawful or illegal goods or services.
- (g) ***Unlawful Conduct.*** Advertising or any material or information in the advertising that: depicts, promotes or reasonably appears to encourage unlawful or illegal behavior or conduct, including unlawful behavior of a violent or antisocial nature; is libelous or an infringement of copyright; is otherwise unlawful or illegal; or is

**DRAFT – Nonpublic Forum Option 1.17.18 - DRAFT**

likely to subject Chapel Hill Transit to liability.

- (h) ***Adult Entertainment.*** Advertising that promotes or displays images associated with adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments, adult telephone services, adult internet sites and escort services.
- (i) ***Graffiti.*** Advertising that uses images or symbols that depict or represent graffiti.
- (j) ***Illegal Firearms and Weapons.*** Advertising that contains images or depictions of illegal firearms or any firearms, or the unlawful use of firearms or other weapons.
- (k) ***Internet Addresses and Telephone Numbers.*** Advertising that directs viewers to internet addresses or telephone numbers that contain materials, images or information that would violate these advertising standards if the materials, images or information were contained in advertising displayed or posted on Chapel Hill Transit Facilities.
- (l) ***Distractions and Interference.*** Advertising that incorporates or displays any rotating, revolving, or flashing devices or other moving parts or any word, phrase, symbol or character, any of which are likely to interfere with, mislead or distract traffic or conflict with any traffic control device or motor vehicle regulation.
- (m) ***Libelous Material.*** Advertising that is libelous.

~~**3.02 Political Campaign Advertising.** Advertising promoting or opposing named candidates for elective office or issues upon which a referendum is being held shall be permissible. All such advertising shall bear conspicuously a paid advertising disclaimer that shall be consistent with the requirements as outlined in Attachment A.~~

~~**3.03**~~**02 Other Permitted Advertising and Public Service Announcements.** Chapel Hill Transit may make advertising space available for advertising proposed by governmental entities, academic institutions or tax-exempt nonprofit organizations (examples include: ads focusing on personal health or wellness issues, or ads informing the public about programs, services or events). Non-profit entities must document their tax-exempt status. On a limited basis, Chapel Hill Transit may make unpaid advertising space available for public service announcements. Costs associated with the design, production, installation and removal of public service announcements are the responsibility of the group or organization requesting the public service announcement. The advertising and public service announcements permitted under this section cannot contain displays or messages that qualify as Excluded Advertising under Section 2.01 and must comply with these advertising policies and standards. Unless the source of the advertising or public service announcement is obvious from the content or copy, the advertisement or public service announcement, whether paid or un-paid, must specifically identify the sponsor of the advertisement or the message and, if paid, shall bear conspicuously a paid advertising disclaimer that shall be consistent with the requirements as outlined in Section 3.06~~Attachment A.~~

**3.04—03 Space Availability.** Chapel Hill Transit limits the amount of space on its Transit Facilities available for advertising and does not represent that it can accommodate all requests for advertising space. Advertising space will be made available only on Chapel Hill Transit Facilities designated by Chapel Hill Transit. No advertising, signs and other types of postings or messages may be displayed, posted or placed on any other Chapel Hill Transit Facilities.

A maximum of three (3) individual panel ads at one time conveying the identical message by the same sponsor shall be permitted on any individual bus operated by Chapel Hill Transit, provided that the permitted number shall be five (5) for articulated~~tandem~~ buses. This includes any combination of overhead rack signs and bulkhead signs.

**3.05—04 Agency Disclaimer.** Chapel Hill Transit's acceptance of an advertisement does not constitute express or implied endorsement of the content or message of the advertisement, including any person, organization, project, service, information or viewpoint contained therein, or of the advertisement sponsor. This endorsement disclaimer extends to and includes content that may be found via internet addresses, quick response (QR) codes, and telephone numbers that may appear in posted ads and that direct viewers to external sources of information. Additionally, Chapel Hill Transit shall post at conspicuous locations appropriate disclaimers to advise passengers~~riders~~ that the views expressed in advertising are not endorsed by the Town of Chapel Hill or Chapel Hill Transit.

**3.065 Sponsor Attribution and Contact Information.** Any advertising in which the identity of the sponsor is not readily and unambiguously identifiable must include the following phrase to identify the sponsor in clearly visible letters (no smaller than 72 point type for exteriors and 24 point type for interiors): Paid for by \_\_\_\_\_

**3.0766 Reservation of Rights.** Chapel Hill Transit reserves the right to amend these policies and standards at any time. Subject to any contractual obligations, Chapel Hill Transit reserves the right to discontinue advertising on Chapel Hill Transit Facilities and discontinue accepting advertising for display or posting on Chapel Hill Transit Facilities. Chapel Hill Transit reserves the right to limit the availability of advertising space on its Transit Facilities and remove advertising that does not comply with these advertising policies and standards and, subject to any contractual obligations.

**DRAFT – Nonpublic Forum Option 1.17.18 - DRAFT**

**IV. Advertising Program Administration and Procedures:**

**4.01 Administration**

- (a) Town of Chapel Hill/Chapel Hill Transit shall, from time to time, select a “Transit Advertising Contractor” who shall be responsible for the daily administration of Chapel Hill Transit’s advertising programs, in a manner consistent with the Policy guidelines in this document and with the terms and conditions of their agreements with Town of Chapel Hill/Chapel Hill Transit. The advertising program shall include, but not be limited to promotion, solicitation, sales, accounting, billing, collections and posting and removal of advertising displays on or in Chapel Hill Transit facilities and/or vehicles. ) The Advertising Contractor shall provide, or shall subcontract for, all employees and equipment necessary to perform the work and provide the services required by Chapel Hill Transit.
- (b) The Transit Director shall designate an employee as a “Transit Advertising Liaison” to be the primary contact for the Advertising Contractor on issues related to advertising content. Questions regarding the terms, provisions and requirements of these Guidelines shall be addressed initially to the Transit Advertising Liaison.
- (c) Chapel Hill Transit has the unqualified right to display, on or in its facilities and/or vehicles; advertisements and notices that pertain to Chapel Hill Transit operations and promotions, consistent with the provisions of its agreement with the Advertising Contractor. Promotional materials shall include, but not be limited to, internal marketing collateral, Chapel Hill Transit branding campaigns, and co-promotional campaigns with third parties.

**4.02 Procedure: Transit Advertising Contractor**

- (a) The Transit Advertising Contractor shall comply with this Policy and will perform preliminary evaluations of all proposed advertisements to assess their compliance with this Policy. The Advertising Contractor will forward all advertising submissions they deem to be in compliance with this Advertising Policy to Chapel Hill Transit’s Transit Advertising Liaison for compliance review and approval.
- (b) If the Transit Advertising Contractor has any question as to whether a proposed advertisement falls into a prohibited category—as outlined in this Policy—the Advertising Contractors shall refer that advertisement to the Transit Advertising Liaison for compliance review and consideration. The Advertising Contractor will work with advertisers to resolve issues about advertisements that do not comply with these policies and procedures. Resolution may include modification of the art, copy, or both.
- (c) The Transit Advertising Contractor may at any time discuss with any entity proposing an advertisement(s) one or more revisions to any proposed advertisement, which, if undertaken, would bring the advertisement(s) into conformity with this Advertising Policy. The Advertising Contractor will immediately remove any advertisement that Chapel Hill Transit at any time directs them to remove.

**4.03 Procedure: Transit Advertising Liaison**

- (a) The Transit Advertising Liaison shall review pre-screened, proposed advertisements for compliance with the guidelines set forth in this policy and will direct the Advertising Contractors as to whether the proposed advertisements comply with the provisions set forth in this Advertising Policy and are approved.

**DRAFT – Nonpublic Forum Option 1.17.18 - DRAFT**

(b) The Transit Advertising Liaison shall also review advertisements the Advertising Contractors have questioned regarding compliance and determine whether they are approved or not—advising the Advertising Contractors with explanation for future reference following a consultation with Town legal staff.

(a)(c) At the discretion of the Transit Advertising Liaison, any proposed transit advertising may be submitted to the Transit Director and/or Town legal staff for review.

**4.04 Procedure: Transit Director**

(a) The Transit Director, in consultation with Town legal staff, shall conduct a final review of any proposed advertising when requested by the Transit Advertising Liaison. The decision of the Transit Director to approve or reject any proposed advertising shall be final.

(b) An advertiser may appeal a decision to reject or remove an advertisement by filing a written request with the Transit Director within ten (10) business days after the rejection or removal decision. The advertiser's request must state why the advertiser disagrees with the decision in light of Chapel Hill Transit's advertising policies and standards. The Transit Director shall consult with the Town legal staff. The Transit Director will review the basis for the rejected or removed advertisement and will consider the advertiser's reasons for filing the request. The Transit Director will make a decision on the request and will notify the advertiser of its decision in writing within fifteen (15) business days after receiving the advertiser's request.

(c) The Town Manager may review the Transit Director's decisions.



## **APPEAL OF ADVERTISING DECISIONS**

**~~4.01 Initial Reviews.~~** ~~Chapel Hill Transit's Advertising Manager will consult with legal staff for the Town and will make initial decisions about accepting or rejecting proposed advertising. The decisions will be based on these policies and standards. Chapel Hill Transit's Advertising Manager, or other designated Chapel Hill Transit staff, will work with advertisers to resolve issues about advertisements that do not comply with these policies and procedures. Resolution may include modification of the art, copy, or both.~~

**~~4.02 Appeals to Transit Director.~~** ~~An advertiser may appeal a decision to reject or remove an advertisement by filing a written request with the Transit Director within ten (10) business days after the rejection or removal decision. The advertiser's request must state why the advertiser disagrees with the decision in light of Chapel Hill Transit's advertising policies and standards. The Transit Director shall consult with the Town legal counsel. The Director will review the basis for the rejected or removed advertisement and will consider the advertiser's reasons for filing the request. The Transit Director will make a decision on the request and will notify the advertiser of its decision in writing within fifteen (15) business days after receiving the advertiser's request.~~

**~~4.03 Further Review by Town Manager.~~** ~~The Town Manager may review Transit Director's decisions.~~

**ATTACHMENT A**  
**POLITICAL, RELIGIOUS, OR ISSUES ADVERTISING DISCLAIMER**  
**REQUIREMENTS**

**I. ~~DISCLAIMER REQUIREMENTS~~**

- A. ~~Political Candidates~~**—On an advertisement that is authorized and paid for by a candidate or his/her campaign committee, the disclaimer must identify:
1. Who paid for the message.
- B. ~~Political Candidate Advertisement Paid by a Different Party~~**—On an advertisement that is authorized by a candidate or his/her campaign committee, but is paid for by another person, the disclaimer notice must:
1. Identify who paid for the communication.
  2. Indicate that the candidate authorized the message.
- C. ~~Political Advertisement Not For Political Candidate~~**—On an advertisement that is not authorized by a particular candidate or his/her campaign committee, the disclaimer notice must:
1. Identify who paid for the message.
  2. State that it was not authorized by any candidate or candidate's committee.
  3. List the permanent address, telephone number or world wide web address of the person who paid for the communication.
- D. ~~Religious Oriented, Political Issue or Other Noncommercial Issue Ads~~**
- The disclaimer notice must:
1. Identify who paid for the message.
  2. List the permanent address, telephone number or world wide web address of the person who paid for the communication.