



Policies and Standards for Advertising on or within DART Transit Facilities



Scope:	DART Employees and Contractors
Responsible Department:	External Affairs
Effective Date:	October 1, 2019
Approved By:	DART Commission – August 2, 2022

The Des Moines Area Regional Transit Authority (“DART”) is a regional transit system created under section 28M of the Code of the State of Iowa. DART 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 on certain designated transit facilities to generate revenue and help fund the operation of the regional transit system.

I. PURPOSE

1.01 Nonpublic Forum; Commercial / Proprietary Functions. DART will make space on its transit facilities available for limited types of Permitted Advertising (defined in Section 2.02 below) in accordance with the policies and standards contained herein (this “Policy”). By allowing Permitted Advertising on or within its designated Transit Facilities, DART does not intend to create a public forum for public discourse or expressive activity, or to provide a forum for all types of advertisements. The display of Permitted Advertising on designated Transit Facilities is intended only to supplement fare revenue, tax proceeds and other income that fund the regional transit system.

1.02 Intent of Limits on Advertising. By placing reasonable limits on Permitted Advertising displayed on or within its Transit Facilities, and by not accepting Excluded Advertising (defined in Section 2.01 below), DART’s intention is to:

- (a) maintain an image of professionalism and decorum;
- (b) maintain a professional advertising environment that maximizes advertising revenues and minimizes interference or disruption of the commercial aspects of its regional transit system;
- (c) maintain and portray an image of neutrality on political matters and other noncommercial issues that may be the subject of public debate and concern;
- (d) foster a safe and secure environment on or within DART Transit Facilities;
- (e) avoid subjecting its passengers and other members of the public to material that may discourage them from using regional transit services, and avoid any decrease in transit ridership;
- (f) avoid displaying content that is not suitable for minors; and
- (g) preserve and augment revenues by attracting and maintaining the patronage of passengers.

Policies and Standards for Advertising on or within DART Transit Facilities

Effective Date: October 1, 2019

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II. ADVERTISING POLICIES, STANDARDS, AND RESTRICTIONS

2.01 Excluded Advertising. For the purposes of this Policy, the advertising described in this Section 2.01 is "Excluded Advertising." DART will not accept the following Excluded Advertising for display, posting or placement on or within its Transit Facilities:

- (a) **Alcoholic Beverages.** Advertising, soliciting or promoting the direct sale or use of alcoholic beverages with the exception of the following: images of beer or wine (including logos), which said images may be displayed within advertising that primarily promote eating establishments, grocery or convenience stores, or specific events, festivals or attractions, provided however, any such advertising shall contain a responsible drinking message.
- (b) **Tobacco Products.** Advertising, soliciting or promoting the sale or use of tobacco products including, but not limited to, cigarettes, cigars, and smokeless tobacco.
- (c) **Advertisements Affecting Image or Operation.** Advertising that threatens or adversely affects DART's public image; DART'S ability to operate its Transit Facilities; or DART'S ability to attract and maintain the patronage of passengers.
- (d) **Religious Advertising.** Advertising that promotes or opposes any religion, religious practice, religious belief or lack of religious beliefs.
- (e) **False, Misleading, Deceptive or Disrespectful Advertising.** Advertising or any material or information in the advertising that is false, misleading or deceptive, 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, gender, pregnancy, age, religion, ancestry, national origin, marital status, disability, affectional or sexual orientation, or any other characteristic protected under federal, state or local law.
- (f) **Unauthorized Endorsement.** Advertising that implies or declares that DART 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 DART is an official sponsor, co-sponsor or participant, provided DART's Chief Executive Officer or other designated representative gives prior written approval of the endorsement.
- (g) **Obscene or Offensive Material.** Advertising that contains obscene or offensive materials. "Obscene materials" for purposes of this Policy are material(s) that display information that, taken as a whole, appeals to the prurient interest in sex and depicts or describes, in a patently offensive manner, sexual conduct and which, taken as a whole, does not have serious literary, artistic, political, or scientific value, or otherwise qualifies as "obscene material" as that phrase is defined in the Iowa Code section 728.1 (5). "Offensive materials" for purposes of this Policy means displays or information that would be offensive to a reasonably prudent person of average sensitivity in the community, including but not limited to advertising that contains derisive, distorted, immoral, profane or disreputable language or impressions.

Policies and Standards for Advertising on or within DART Transit Facilities

Effective Date: October 1, 2019

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- (h) **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.
- (i) **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 but not limited to unlawful behavior of a violent or antisocial nature; is libelous or an infringement of copyright; is otherwise unlawful or illegal; or is likely to subject DART to liability.
- (j) **Adult Entertainment.** Advertising that promotes or displays content associated with adult bookstores, adult video stores, nude dance clubs and other adult entertainment establishments, adult telephone services, adult internet sites or escort services.
- (k) **Graffiti.** Advertising that uses images or symbols that depict or represent graffiti.
- (l) **Firearms and Weapons.** Advertising that contains images or depictions of firearms or other weapons, or the use of firearms or other weapons.
- (m) **Internet Addresses and Telephone Numbers.** Advertising that directs viewers to internet addresses or telephone numbers that contain materials, images or information that would violate this Policy if the materials, images or information were contained in advertising displayed or posted on or within DART Transit Facilities.
- (n) **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.

2.02 Permitted Advertising. Subject to the viewpoint-neutral standards in this Policy, DART will accept Permitted Advertising for play, display, or placement on or within designated DART Transit Facilities. For the purposes of this Policy, 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 or is a type of advertising set forth in Section 2.03 or 2.04 below;
- (c) Is paid advertising; and
- (d) Is delivered through electronic, audio, and printed media.

2.03 Political or "Issues" Advertising. In addition to the requirements of Section 2.02 above and the other terms of this Policy, DART has the following disclaimer requirements for the types of Permitted Advertising listed below. The disclaimer must be placed on each advertisement and be legible five (5) feet from the advertisement.

- (a) **Political Candidates.** On an advertisement that is authorized and paid for by a candidate or his/her campaign committee, the disclaimer must identify who paid for the advertisement.
- (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 a third party the disclaimer notice must:

Policies and Standards for Advertising on or within DART Transit Facilities

Effective Date: October 1, 2019

Approved By: DART Commission – August 3, 2021



- Identify who paid for the advertisement.
 - 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:
- Identify who paid for the advertisement.
 - State that the advertisement was not authorized by any candidate or candidate's campaign committee.
 - List the permanent address, telephone number or world wide web address of the third party who paid for the advertisement.
- (d) **Political Issue or Other Non-Commercial Issue Advertisements.** The disclaimer notice must:
- Identify who paid for the advertisement.
 - List the permanent address, telephone number or web address of the party that paid for the advertisement.

2.04 Public Service Announcements. DART may make advertising space available for Permitted Advertising proposed by governmental entities, academic institutions or tax-exempt, 501(c)3 nonprofit organizations (examples include: advertisements focusing on personal health or wellness issues, or advertisements informing the public about programs, services or events). In addition to the requirements of Section 2.02 above and the other terms of this Policy, the types of Permitted Advertising under this section must comply with the requirements in this section. Nonprofit entities must confirm and/or verify their IRS tax exempt status. 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. Unless the source of the advertising or public service announcement is obvious from the content or copy, the advertisement or public service announcement must specifically identify the sponsor of the advertisement or public service announcement.

2.05 Prohibitions on Literature or Product Distribution and Leafleting. DART'S purpose in operating a regional transit system is to meet the public's need for efficient, effective and safe public transportation. DART 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, political campaign activities, distribution of political or issues campaign literature, leafleting, and other informational or campaign activities are prohibited on or within DART Transit facilities. Notwithstanding the provisions of this Policy that allow Permitted Advertising on designated DART Transit Facilities, nothing in this Policy authorizes or permits advertisers to distribute literature, leaflets, coupons, products, samples or other items on or within DART Transit Facilities.

Policies and Standards for Advertising on or within DART Transit Facilities

Effective Date: October 1, 2019

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On a limited basis and provided DART's Chief Executive Officer or other designated representative has given prior written approval, DART may allow an advertiser to distribute Permitted Advertising on or within DART Transit Facilities. Any distribution of literature, leaflets, coupons, products, samples or other items must comply strictly with terms and conditions established by DART.

- 2.06 Space Availability.** DART limits the amount of space on or within 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 DART Transit Facilities designated by DART. No advertising, signs and other types of postings or messages may be played, displayed, posted or placed on or within any other DART Transit Facilities.
- 2.07 Reservation of Rights.** This Policy may be reviewed by the DART Commission on an annual basis. Notwithstanding the foregoing, DART reserves the right to amend this Policy at any time. Subject to any then existing contractual obligations, DART reserves the right to discontinue any or all advertising on or within DART Transit Facilities. DART reserves the right to limit the availability of advertising space on or within its Transit Facilities and remove advertising that does not comply with this Policy, subject to any contractual obligations.

III. ADVERTISING PROGRAM AND ADMINISTRATION

- 3.01 Advertising Contractor.** DART shall, from time to time, select an "Advertising Contractor" who shall be responsible for the administration of DART's advertising program, in a manner consistent with this Policy and the terms of its agreement with DART. The advertising program shall include, but not be limited to, promotion, solicitation, sales, accounting, billing, collections, fabrication, posting of advertising displays, and playing of audio advertisements on or within DART Transit Facilities.
- (a) DART will designate a DART staff person to be the primary contact for the Advertising Contractor. Questions regarding the terms, provisions, and requirements of this Policy shall be addressed initially to the designated DART staff person.
 - (b) The Advertising Contractor shall provide, or shall subcontract for, all employees and equipment necessary to perform the work and provide the services required by DART.
 - (c) The Advertising Contractor shall comply with this Policy and shall review all proposed advertising with reference to the standards set forth herein. The Advertising Contractor shall make all initial decisions whether to accept or reject proposed advertising in accordance with this Policy. If the Advertising Contractor has any question(s) regarding application of the terms, provisions, and/or requirements of this Policy to any proposed advertising, the Advertising Contractor shall present such proposed advertising to the designated DART staff person for review. In any such case, the designated DART staff person shall work with the Advertising Contractor to resolve the Advertising Contractor's question(s), and the Advertising Contractor shall determine whether the proposed advertising will be accepted.

IV. APPEAL OF ADVERTISING DECISIONS

- 4.01 Initial Reviews.** As set forth in Paragraph 3.01 above, DART's Advertising Contractor will make all initial decisions about accepting or rejecting all proposed advertising in

Policies and Standards for Advertising on or within DART Transit Facilities

Effective Date: October 1, 2019

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accordance with this Policy. DART's Advertising Contractor will work with advertisers to resolve issues about advertisements that do not comply with this Policy and the procedures contained herein. Resolution may include modification of the art, copy, or both.

- 4.02 Appeals to Advertising Review Committee.** An advertiser may appeal a decision to reject or remove an advertisement by filing a written request with the Advertising Review Committee (defined below) 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 this Policy. The "Advertising Review Committee" consists of the following DART personnel: DART's Marketing and Communications Manager, DART's Chief External Affairs Officer, and DART's Chief Operations Officer. The Advertising Review Committee may consult with DART'S legal counsel. The Advertising Review Committee will review the basis for the rejected or removed advertisement and will consider the advertiser's reasons for filing the request. The Advertising Review Committee will make a decision on the request and will notify the advertiser of its decision in writing within fifteen (15) business days of receipt of the advertiser's request.
- 4.03 Further Review by Chief Executive Officer.** An advertiser who disagrees with a decision of the Advertising Review Committee may request DART'S Chief Executive Officer to review the Advertising Review Committee's decision. The advertiser's written request for further review must be received within five (5) business days after receipt of the Advertising Review Committee's adverse decision. The Chief Executive Officer may accept, reject or modify the Advertising Review Committee's decision and will notify the advertiser of the Chief Executive Officer's decision within five (5) business days after the Chief Executive Officer receives the advertiser's request for further review. The Chief Executive Officer's decision is final.