

METRO BUS ADVERTISING POLICIES AND PROCEDURES

The St. Cloud Metropolitan Transit Commission (hereinafter referred to as Metro Bus) sells space inside and upon its buses, shelters, and benches for the display of commercial advertising. The purpose is to raise revenues, supplementary to those from fares and from tax proceeds, to be used to finance the Commission's operations. The display of advertising is solely for this purpose. It is not intended to provide a general public forum for purposes of communication, but rather to make use of property held in a proprietary capacity in order to generate revenue.

In order to realize the maximum benefit from the sale of advertising space, the program must be managed in a manner that will procure as much revenue as practicable, while ensuring that the advertising does not discourage the use of Metro Bus' transit system, does not diminish Metro Bus' reputation and public image in the community it serves or the good will of its patrons, and is consistent with Metro Bus' principal purpose of providing safe and efficient public transportation. To attain these objectives, Metro Bus' Board of Commissioners has established the following policies regulating the advertising displayed in and upon its vehicles, and reserves the right to interpret these policies in its sole discretion.

1. Metro Bus' transit system, in order to serve the purpose for which it has been established, must of necessity accommodate all persons without distinction of age. It's therefore necessary to exclude advertising unsuitable for exposure to persons of young age and immature judgment. The following kinds of advertising, therefore, are prohibited and will not be displayed in or upon Metro Bus' buses, shelters or benches.

A. Advertising for cigars, cigarettes, pipe tobacco, chewing tobacco, and other tobacco products.

B. Advertising for alcoholic beverages, including beer, wine, and distilled spirits.

C. Advertising for products or services related to human reproduction or sexuality, including but not limited to contraceptive products or services, other products or services related to sexual hygiene, and counseling with regard to pregnancy, abortion or other sexual matters.

D. Advertising for products, services or entertainment directed to sexual stimulation, which includes advertising which promotes pornography, including men and women's sophisticated magazines, X-rated cable channels, and/or businesses trafficking in pornography.

E. Advertising which presents rape, murder, or other acts of violence against men, women, or children as erotic, entertaining, amusing or appropriate.

F. Advertising that depicts violence or antisocial behavior.

G. Advertising that includes language that is obscene or profane.

2. Advertising that explicitly and directly promotes or encourages the use of means of transportation in direct competition with Metro Bus' service shall not be displayed in or upon Metro Bus' station, shelters, benches, vehicles or other facilities.

3. No advertising shall be permitted that in any way denigrates Metro Bus' organization, or its operation, or its officers, agents, or employees. This prohibition includes advertising copy and illustrations that state or imply, or could reasonably be expected to cause an inference, that Metro Bus' service or operations are anything but safe, efficient, affordable and convenient.

4. Use of Metro Bus' name, logo, slogans, or other graphic representations is subject to advance approval by Metro Bus. Metro Bus does not endorse or imply endorsement of any product or service.

5. Metro Bus expects all advertising copy to be truthful. Advertising copy and illustrations should not be exaggerated, distorted, or deceptive. Medical products or treatments are to be treated in a restrained and inoffensive manner. Testimonials are expected to be authentic, and advertisers using them will be required to indemnify Metro Bus against any action brought in connection with them.

Advertising that promotes contests or giveaways is expected to comply with all applicable laws and regulations.

6. No advertising in or upon the Metro Bus' station, buses, shelters or benches shall include language, pictures, or other graphic representations that are unsuitable for exposure to persons of young age and immature judgment, or shall be derogatory of any person or group because of race, color, creed, national origin, ethnic background, age, religion, marital status, disability, affectional or sexual orientation, or gender.

7. No advertising shall be displayed in or upon the Metro Bus's station, buses, shelters or benches if the display thereof would violate any Federal or State law or regulation, or any law, regulation, or ordinance of the county or municipality in which the facility is located.

8. Advertising which contains obscene materials is prohibited and shall not be displayed in or upon the Metro Bus' station, buses, shelters, benches, or other facilities. Obscene material is defined for these purposes as sexual material that is patently offensive, lacks literary, artistic, political and/or social value and/or appeals to the prurient interest of a person of average sensitivity.

9. Advertising which would be offensive to a reasonably prudent person of average sensitivity in the community, such as advertisements which contain derisive, distorted, deceptive, immoral, vulgar and/or disreputable impressions, is prohibited.

10. No political advertising shall be displayed in the Metro Bus' station, buses, shelters, benches, or other facilities. For this purpose, political advertising is defined as any of the following:

A. Any advertising that supports or opposes the election of any candidate or group of candidates for election to any Federal, State, or local government office;

B. Any advertising that supports or opposes any referendum conducted by the Federal or State government, or by any local government, such as referenda on constitutional amendments, on bond issues, or on local legislation; or

C. Any advertising that features any person whose prominence is based wholly or in part upon his or her past or present activity in political affairs, or that represents or implies any such person's approval or endorsement of the subject matter of the advertising.

11. Metro Bus will not enter into any agreement with an advertising client that allows "exclusivity" of the client's business arena, such as prohibiting other competitive businesses.

12. Metro Bus does not give "geographical preference" regarding availability of advertising space to out-of-town competitive businesses.

Advertising space in the Metro Bus' station, buses, shelters, benches, or other facilities may be sold through one or more independent contractors. These contractors shall comply with the foregoing policies, and review all advertising with reference to them. They shall refer all such advertising that falls or may fall into any of the categories defined above to the Metro Bus' representative responsible for administering the advertising program, which shall determine whether the proposed advertising will be accepted. If the proposed advertising is rejected, the party or parties proposing it may request that this decision be reconsidered.

Upon such request, the Metro Bus' representative shall consult with the Metro Bus' Chief Counsel and with the Executive Director or officer designated by him for this purpose. The Executive Director or his designee, on the basis of such consultation, shall determine whether the proposed advertising will be accepted or rejected. Metro Bus will cooperate with the party or parties proposing the advertising, and with any applicable independent contractor through whom it has been proposed, in a reasonable effort to revise it in order to produce advertising that can be accepted and displayed consistently with the foregoing policies.