

 <p>POLICY AND PROCEDURES MANUAL</p>	NUMBER PD-102	EFF. DATE 5-10-16 Revision Review
	SUPERSEDED None	
RESPONSIBLE DEPARTMENT Planning and Development	KEY SUBJECT Advertising Policy	
TITLE Hampton Roads Transit Policies and Procedures – Advertising Policy		
APPLIES TO All Hampton Roads Transit Employees	APPROVAL(S) William Harrell, Ray Amoruso, Ron Hodges, Alonzo Crittenden	

PURPOSE

Hampton Roads Transit (HRT) serves the Southside and Peninsula areas of Hampton Roads, consisting of the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, and Virginia Beach. The purpose of HRT is to provide reliable and efficient public transportation services and facilities to the greater Hampton Roads community. HRT is governed by the Transportation District Commission of Hampton Roads (TDCHR). The TDCHR was established in accordance with Chapter 45 of Title 15.2 of the Code of Virginia, as amended, referred to as the Transportation District Act of 1964 and by ordinances adopted by the governing bodies of its components governments.

HRT’s primary mission is to serve the community through high quality, safe, efficient and sustainable regional transportation services. HRT operates fixed local bus routes within and between its member cities, a regional express service called the MAX, a passenger ferry service between Portsmouth and Norfolk, Demand Response Services (ADA service), and the Tide Light Rail Transit Service in Norfolk. For the accomplishment of this mission, funding is provided by a combination of federal, state, and local funding by member jurisdictions and farebox revenues. Advertising revenues are an important additional source of revenue that also is used to support transit operations. HRT accepts transit advertising on its Transit Vehicles and Transit Facilities in order to generate revenue to augment foresaid funding sources.

In keeping with its proprietary function as a provider of public transportation, HRT does not intend its acceptance of transit advertising to convert its Transit Vehicles or Transit Facilities into forums for discourse and debate. Rather, as noted, HRT's fundamental purpose and intent is to accept advertising as an additional means of generating revenue to support its transit operations. In furtherance of that discreet and limited objective, HRT retains strict control over the nature of the advertisements accepted for posting on or in its Transit Vehicles and Transit Facilities.

The purpose of this Policy is to establish guidelines for advertisements, as all advertisements shall be subject to this uniform, viewpoint-neutral Advertising Policy.

1. DEFINITIONS

- A. Political Advertising:** Any advertising that supports or opposes the election of any candidate or group of candidates, or any ballot question, initiative, petition, or referendum issue, or political agenda, including bond issues, constitutional amendments, or proposed legislation.
- B. Non-Profit Organizations:** Organizations that meet the requirements for a tax-exempt organization under Section 501 (c) (3) of the Internal Revenue Code and that: 1) have a physical office in the geographical boundaries served by HRT; 2) provide social welfare services; and 3) serve the needs of HRT passengers.
- C. Public Service Announcements:** Non-commercial and non-political advertising by Non-Profit Organizations promoting their social services.
- D. Transit Facilities:** Transit Facilities include bus and light rail shelters, light rail platforms, ferry docking stations, and transit centers.
- E. Transit Vehicles:** Transit Vehicles include all passenger buses and shuttles, light rail trains, and ferries.

2. ADVERTISING STANDARDS

HRT reserves the right to suspend, modify or revoke the application of any of the standards in this Policy as it deems necessary to comply with legal mandates, to accommodate its primary transportation function, or to fulfill the goals and objectives identified above. All of the provisions in this Policy shall be deemed severable.

Because HRT serves persons of all ages and backgrounds and strives to create a comfortable and enjoyable experience for all passengers, the following types of advertising are prohibited:

- A.** Materials that contain false, misleading, libelous, slanderous, or deceptive statements or images.
- B.** Advertising for tobacco, tobacco-related products, and illegal drugs.
- C.** Advertising for firearms, ammunition or other firearms related products.
- D.** Advertising for adult products, services, or entertainment directed to sexual stimulation.
- E.** Advertising of contraceptive products or hygiene products of an intimately personal nature.
- F.** Advertising that depicts sexually explicit, nude, obscene and/or pornographic statements or images.
- G.** Advertising that portrays graphic violence.
- H.** Advertising that contains discriminatory, derogatory, negative or personal attacks against individuals, groups, or organizations, including but not limited to race, color, religion, national origin, ancestry, gender, age, disability or sexual orientation.
- I.** Advertising that is political or advocates a political party of candidate, slate of candidates, or referendums and/or ballot initiatives.

- J. Advertising that is directed to inciting or producing imminent lawless action, or is likely to incite or produce such action, including but not limited to unlawful actions.
- K. Advertising that promotes illegal activity of any kind.
- L. Advertising which depicts the American flag in a disrespectful or inappropriate manner.
- M. Advertising that encourages persons to refrain from using HRT or public transit in general.
- N. Advertising messages that conflict with the mission of HRT.
- O. Advertising that contains HRT’s name, brand logo, slogans or other graphic representations of the transit system, unless written consent from HRT is obtained prior to use.

Advertisements that include websites, quick response (QR) codes, and telephone numbers that may appear in posted ads and direct viewers to external sources of information must also comply with the Advertising Standards herein.

Acceptance of an advertisement is at the sole discretion of HRT. HRT’s acceptance of an advertisement does not constitute all future acceptance of the same or similar content.

2.1 NON-PROFIT ADVERTISING STANDARDS

Advertising may be allowed and available to qualified Non-Profit Organizations to display public service announcement (PSA) materials at discounted advertising rates and locations at the discretion of HRT. Guidelines for the acceptance of non-profit advertising are as follows:

- A. PSA materials will be produced at the non-profit organization’s expense, and must be produced through a process that ensures reproduction of good quality on materials of specific quality and size, and conform to uniform standards set by HRT.
- B. PSAs must be non-commercial, non-partisan, and non-political.
- C. PSAs are also prohibited from advertising in the manner provided in Section IV, item 1 of this Policy.
- D. PSAs will be accepted on a first come, first-served basis, and may be displayed for up to 90 days.

Non-Profit Advertising must comply with the Advertising Standards herein.

2.2 ALCOHOL ADVERTISING STANDARDS

Advertising for alcohol products shall be subject to the following restrictions:

- A. Advertising related to the sale of alcoholic beverages shall contain a statement, occupying at least 3% of the area of the advertisement, that indicates the legal drinking age in Virginia and warns of the dangers of alcohol consumption during pregnancy, or in connection with the operation of heavy machinery, or while driving.

- B.** Advertising related to sale of alcoholic beverages cannot contain any statement, symbol, depiction, or reference that:
1. Would tend to induce minors to drink, or would tend to induce persons to consume to excess;
 2. Is obscene or is suggestive of any illegal activity;
 3. Incorporates the use of any present or former athlete or athletic team or implies that the product enhances athletic prowess; except that, persons granted a license to sell wine or beer may display within their licensed premises point-of-sale advertising materials that incorporate the use of any present or former professional athlete or athletic team, provided that such advertising materials: (i) otherwise comply with the applicable regulations of the appropriate federal agency and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity, do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery, and do not imply that the alcoholic beverage so advertised enhances athletic prowess;
 4. Is false or misleading in any material respect;
 5. Implies or indicates, directly or indirectly, that the product is government endorsed by the use of flags, seals or other insignia or otherwise;
 6. Makes any reference to the intoxicating effect of any alcoholic beverages;
 7. Constitutes or contains a contest or sweepstakes where a purchase is required for participation; or
 8. Constitutes or contains an offer to pay or provide anything of value conditioned on the purchase of alcoholic beverages, except for refund coupons and combination packaging. Any such combination packaging shall be limited to packaging provided by the manufacturer that is designed to be delivered intact to the consumer;
 9. and further, must be in compliance with all restrictions set forth in Virginia Administrative Code 3VAC5-20-10 in its entirety (<http://law.lis.virginia.gov/admincode/title3/agency5/chapter20/section10>).
- C.** Advertising related to sale of alcoholic beverages shall be limited as follows:
1. No outdoor alcoholic beverage advertising shall depict persons consuming alcoholic beverages, use cartoon characters in any way, or use persons who have not attained the minimum drinking age as models or actors.

2. No outdoor alcoholic beverage advertising shall be placed in violation of § 4.1-112.2 of the Code of Virginia.
3. No outdoor alcoholic beverage advertising shall be placed on property zoned exclusively for agricultural or residential uses, or on unzoned property.
4. All outdoor alcoholic beverage advertising must also comply with the provisions of Chapter 7 (§ 33.1-351 et seq.) of Title 33.1 of the Code of Virginia and the regulations of the Virginia Department of Transportation promulgated pursuant thereto.
5. No alcoholic beverage manufacturer, importer, or wholesale licensee may sell, rent, lend, buy for, or give to any retail licensee any outdoor alcoholic beverage advertising, any billboard placements for such advertising, or in any other way confer on any retail licensee anything of value that constitutes outdoor alcoholic beverage advertising.
6. No alcoholic beverage manufacturer, importer, or wholesale licensee may engage in cooperative advertising, as defined in 3VAC5-30-80, on behalf of any retail licensee.
7. No alcoholic beverage manufacturer or importer may require a wholesale licensee to place outdoor alcoholic beverage advertising or exercise control over the funds of a wholesale licensee for any purpose, including but not limited to the purchase of outdoor alcoholic beverage advertising,
8. and further, must be in compliance with limitations set forth in Virginia Administrative Code 3VAC5-20-30 in its entirety (<http://law.lis.virginia.gov/admincode/title3/agency5/chapter20/section30>).

2.3 ADDITIONAL ADVERTISING STANDARDS

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. PRODUCTION GUIDELINES

Advertising materials will be produced at the advertiser's expense and must be of good quality and conform to standards for size, weight, material and other physical characteristics as set forth by HRT.

It is the advertiser's responsibility to deliver or reclaim materials in a timely fashion or they may be disposed of at HRT's discretion.

**4. ADMINISTRATION AND ENFORCEMENT OF ADVERTISING
POLICY**

All proposed transit advertising must be submitted to the Sales Associate for initial compliance review. The Sales Associate will perform a preliminary evaluation of the submission to assess its compliance with this Policy. If, during its preliminary review of a proposed advertisement, the Sales Associate is unable to make a compliance determination, he/she will meet with the Regional Sales Manager and the Director of Business Development for further evaluation and decision to approve or reject the proposed advertisement.

5. APPEAL PROCESS

An advertiser may appeal a decision to reject or remove an advertisement by filing a written Request for Reconsideration with the Chief Officer for Planning & Development (COPD) 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 HRT's Advertising Policy.

The Chief Officer for Planning & Development will review the basis for the rejected or removed advertisement, consult with HRT's legal counsel, if necessary, and consider the advertiser's reasons for filing the request. The COPD will notify the advertiser of the final decision in writing within fifteen (15) business days after receiving the advertiser's Request for Reconsideration.

6. APPLICATION OF POLICY

This Advertising Policy applies to the posting of all new advertisements on Transit Facilities and Transit Vehicles on or after the Effective Date. Any advertisements which would be prohibited under this Policy, but which were posted pursuant to the terms of a fully executed advertising contract prior to the Effective Date of this Policy, will be allowed to remain posted for the duration of that contract.

7. DISCLAIMER OF ENDORSEMENT

HRT's acceptance of an advertisement does not constitute express or implied endorsement of the content or message of the advertisement, including any person, organization, products, services, information or viewpoints contained therein, or of the advertisement sponsor itself. 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.