**Review/Revision History**

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| REVISION | DATE | SECTION | DESCRIPTION | AUTHORITY |
| **MSC-401** | **07/01/2023** |  | **Policy responsible department and number changed** | **Alexis Majied** |
| **Review** |  **6/25/2024**  |  |  **No changes** | **Alexis Majied** |
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**Approvals**

*The individuals below, submitting and signing this Hampton Roads Transit Policy and Procedures Manual verify that it was prepared in accordance with generally accepted business standards; that they are authorized representatives of the Transportation District Commission of Hampton Roads; that their signatures attest that all items and conditions contained in this manual are understood, accepted and approved; and that they are committed to following the policies and procedures contained herein.*

**APPROVED BY:**

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William E. Harrell, President/CEO, Hampton Roads Transit Date

**RECOMMENDED BY:**

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(Alexis Majied, Chief Communications Officer), Hampton Roads Transit Date

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(Gene Cavasos, Director of Marketing & Sales), Hampton Roads Transit Date

**Purpose**

HRT’s HISTORY

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 component governments.

HRT’s MISSION

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. A combination of federal, state, local funding from member jurisdictions, and farebox revenues fund HRT’s operations and aid HRT accomplish its mission.

HRT’s ADVERTISING PROGRAM

Advertising revenues are an important additional source of revenue that HRT uses to support its transit operations. HRT exclusively accepts external commercial advertising on its Transit Vehicles and Transit Facilities from commercial entities for the sole purpose of generating additional revenue to support its transit operations and further its primary mission of providing high quality, safe, comfortable, and sustainable transportation services.

HRT provides safe and efficient public transportation within its service area by placing great emphasis on maintaining secure, safe, comfortable, and convenient Transit Vehicles and Transit Facilities. Ultimately, HRT desires to retain its existing riders and operators while attracting new users and operators of public transit services. HRT retains and attracts users by accepting advertisements that comply with this Advertising Policy (“Policy”).

By accepting advertising that complies with this Policy, HRT does not intend to convert its Transit Vehicles or Transit Facilities into public forums for dissemination, debate, or discussion of public issues. Rather, as noted, HRT's purpose and intent is maintain a nonpublic forum for the purpose of accepting external commercial advertisements from commercial entities that conform to this Policy and further HRT’s mission. To ensure compliance with this Policy and further HRT’s mission, HRT reviews each proposed ad for strict adherence to this Policy. HRT aims to maintain a reasonable and viewpoint-neutral Policy and application thereof.

HRT believes certain types of advertisements interfere with the advertising program’s purpose of generating revenue to benefit the transit system. Certain advertisements may hinder HRT’s maintenance of secure, safe, comfortable, and convenient Transit. Thus, this Policy advances HRT’s revenue-generating objective and preserves the nonpublic forum’s purpose by prohibiting advertisements that interfere with and divert resources from transit operations, create substantial controversy, and/or that pose significant risks of harm, inconvenience, or annoyance to current and prospective passengers and operators. This reasonable and viewpoint-neutral Policy fosters a professional advertising environment that maximizes advertising revenue and protects the interests of the captive audience that uses HRT’s services.

The Policy furthers several HRT objectives:

1. Maximizing advertising revenue;

2. Maintaining and increasing ridership while providing a safe environment for transit customers;

3. Maintaining and increasing the number of transit operators;

4. Preserving the value of the advertising space; and

5. Preserving HRT’s business reputation as a professional, effective, and efficient provider of public transit services.

Accordingly, HRT will accept only those advertisements which fall under the categories of accepted advertisements that advances the purpose of the advertising program and furthers HRT’s objectives. HRT reserves the right to suspend, modify, and/or revoke the application of any part of this Policy as necessary to comply with the law and achieve its goals identified herein. In the event a court finds any part of this Policy inconsistent with the law, HRT intends for the court to sever only those parts deemed inconsistent with the law and enforce the remaining Policy provisions.

1. DEFINITIONS

A. Transit Facilities: Transit Facilities include bus and light rail shelters, light rail platforms, ferry docking stations, and transit centers.

B. Transit Vehicles: Transit Vehicles include all passenger buses and shuttles, light rail trains, and ferries.

C. Commercial Advertisements: A notice or announcement promoting for the sale, rent, lease, license, distribution or availability of goods, property, services, or events for the advertiser’s for pecuniary gain.

D. HRT Internal Advertisements, Notices and/or Announcements: A notice or announcement relating to or otherwise promoting HRT or HRT services or events.

**Policy Statement**

**Procedures**

# PERMITTED ADVERTISING

1. **Commercial Advertisements: Commercial Advertisements, as defined above, shall be permitted subject to the following exceptions:**
2. **Prohibited Products, Services, and Activities:** Any Commercial Advertisement that (i) depicts the sale, rental, or use of, participation in, or images of the following products, services or activities; or (ii) that uses brand names, trademarks, slogans or other material that are identifiable with such products, services, or activities:
	1. **Tobacco**: Tobacco products, including but not limited to cigarettes, cigars, and smokeless (e.g. chewing) tobacco
	2. **Cannabis**: Cannabis, cannabis products, cannabis businesses, or cannabis services
	3. **Firearms**: Firearms, ammunition, or other firearms-related products
	4. **Adult/Mature Rated Films, Video Games, or Theatrical Presentations**: Adult films rated “X” or “NC-17,” video games rated “M,” or theatrical presentations recommended by the sponsor for persons 18 years or older that appeal to the prurient interests
	5. **Adult Entertainment Facilities**: Adult bookstores, adult video stores, nude dance clubs, and other adult entertainment
	6. **Other Adult Services**: Adult telephone services, adult internet sites, and escort services.
	7. **Sexually and/or Excretory Subject Matter:** Any Commercial Advertisement that contains or involves any material that describes, depicts, or represents sexual or excretory organs or activities in a manner that a reasonably prudent person, knowledgeable of HRT’s ridership and using prevailing community standards, would find inappropriate for the public transit environment, including persons under the age of 18.
	8. **False or Misleading:** Any Commercial Advertisement that is or that the sponsor reasonably should have known is false, fraudulent, misleading, deceptive, or would constitute a tort of defamation or invasion of privacy.
	9. **Copyright, Trademark, or Otherwise Unlawful:** Any Commercial Advertisement that contains any material that is an infringement of copyright, trademark or service mark, or is otherwise unlawful or illegal under federal, state, or local law.
	10. **Illegal Activity:** Any Commerical Advertisement advertising that concerns any activity or product that is illegal under federal, state, or local law.
	11. **Profanity and Violence:** Any Commercial Advertisement that contains any profane language or employs the use of miscellaneous characters or symbols as a substitute for profane language, or portrays images or descriptions of graphic violence, including dead, mutilated or disfigured human beings or animals, the act of killing, mutilating or disfiguring human beings or animals, or intentional infliction of pain or violent action towards or upon a person or animal.
	12. **Threatening Harm:** Any Commerical Advertisement that contains any threat, implied or direct, to harm a particular individual or group of individuals.
	13. **Harmful and Disruptive to Transit System:** Any Commercial Advertisement that contains material that is so objectionable as to be reasonably foreseeable that it may result in harm to, disruption of, or interference with, the operation, or business reputation of the transit system.
	14. **Adverse to Transit:** Any Commercial Advertisement that is directly adverse to the commercial or administrative interests of HRT or mass transit.
	15. **Lights, Noise, and Special Effects:** Any Commercial Advertisement that contains flashing lights, sound makers, mirrors or other special effects that interfere with the safe operation of the bus or the safety of bus riders, drivers of other vehicles or the public at large.
	16. **Unsafe Transit Behavior:** Any Commerical Advertisement that encourages or depicts unsafe behavior with respect to transit-related activities, such as non-use of normal safety precautions in awaiting, boarding, riding upon, or debarking from transit vehicles.
3. **Alcohol Advertising Standards:** Commercial Advertisements for alcohol products shall be subject to the following restrictions:
	1. 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.
	2. 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;
		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 <https://law.lis.virginia.gov/admincode/title3/agency5/chapter20/section10/>.
	3. Commerical Advertisements related to sale of alcoholic beverages shall be further 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](http://law.lis.virginia.gov/vacode/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](http://law.lis.virginia.gov/vacode/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](http://law.lis.virginia.gov/admincode/title3/agency5/chapter30/section80), 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, and further, must be in compliance with limitations set forth in Virginia Administrative Code 3VAC5-20-30 in its entirety. <https://law.lis.virginia.gov/admincode/title3/agency5/chapter20/section30/>
4. **Additional Commercial Advertising Standards**
	1. Any Commerical Advertisement in which the identity of the sponsor is not readily and unambiguously identifiable must include the following phrase – “PAID FOR BY:\_\_\_\_\_\_\_\_\_\_” - to identify the sponsor in clearly visible letters (no smaller than 72 point type for exteriors and 24 point type for interiors).
	2. All Commercial 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.
	3. **Acceptance of a Commercial Advertisement is at the sole discretion of HRT. HRT’s acceptance of an advertisement does not guarantee all future acceptance of similar content.**

**B) HRT Internal Advertisements, Notices and/or Announcements**

**3. PROHIBITED ADVERTISING**

**Any advertisements that do not classify as either a permissible Commercial Advertisement or an HRT Internal Advertisement, Notice and/or Announcement.**

4**. PRODUCTION GUIDELINES**

Advertising materials will be produced by HRT at the advertiser’s sole expense. Production costs must be paid prior to the commencement of any advertising campaign.

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

All proposed advertising must be submitted to HRT for review. HRT will evaluate the submission for its compliance with this Policy.

The evaluating official should ask whether a reasonable person with a full understanding of HRT’s Advertising Policy and its purpose would find that the proposed advertisement falls under one of the “prohibited advertising” exceptions.

# APPEAL PROCESS

An advertiser may appeal a decision to reject or remove an advertisement by filing a written Request for Reconsideration with the Chief Communications Officer within ten (10) business days after the date of the written rejection or removal notice. The advertiser’s request must state under which provision HRT should accept the submission and why the submission does not fall under the provision(s) HRT cited as the reason for rejection or removal.

The Chief Communications Officer will review the basis for the rejected or removed advertisement and consider the advertiser’s request. HRT will notify the advertiser of the final decision in writing within fifteen (15) business days after receiving the advertiser’s Request for Reconsideration, explaining why, after consideration, HRT will either accept or deny the advertisement.

# 7. 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.

# 8. 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 advertisements and that direct viewers to external sources of information.

# 9. SPACE AVAILABILITY

HRT limits the amount of space on its Transit Vehicles and in its Transit Facilities available for advertisements and does not guarantee that it can accommodate all requests for advertising space.

**Cross Reference** (to other HRT policies and state and Federal laws, guidelines, codes)