

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY
ADVERTISING POLICY AND REGULATIONS

The Metropolitan Atlanta Rapid Transit Authority is engaged in the sale of advertising in and upon its facilities, property and rolling stock, which may include, but is not limited to, (1) print advertising inside its rail stations, (2) print advertising inside and upon its buses and rail cars¹, (3) video displays inside its rail stations, (4) video displays inside its buses and trains, (5) print advertising displayed on bus shelters in the Authority's service area, (6) print advertising, billboards, banners, video displays or similar devices displayed upon its facilities, structures and property, and (7) advertising and web links displayed upon pages of web sites operated by the Authority. This policy shall apply to the sale of all forms of advertising undertaken by the Authority.

The sole purpose of the Authority's advertising programs is to raise revenues, supplementary to those from fares and from tax proceeds, to be used to finance the Authority's operations. The sale and display of advertising 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 while at the same time maintaining or increasing ridership on MARTA.

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 the Authority's transit system, does not diminish the Authority's reputation in the community it serves or the good will of its patrons, and is consistent with the Authority's principal purpose of providing safe and efficient public transportation. To attain these objectives, the Authority's Board of Directors has established the following policies regulating the advertising displayed in and upon its facilities, property and rolling stock.

1. All advertising displayed in or upon the Authority's facilities, property or rolling stock shall be

¹ With the exception of new Bus Rapid Transit (BRT) buses and the new CQ-400 Stadler trains which will not be available for advertising.

paid advertising in the following categories:

- (a) Commercial Advertising: advertising the sole purpose of which is to sell or rent real estate or personal property or products for profit or a fee, or to sell services for profit or a fee. It does not include advertising that both offers to sell property or services or products and also conveys information about 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.
- (b) Transit Advocacy: advertising regarding public safety, traffic laws or transit advocacy, which shall include messages regarding the enforcement of state laws (such as seat belt usage, child restraint requirements, pedestrian right-of-way, driving under the influence, etc.), safety campaigns based upon concepts of pedestrian, child or highway safety, and transit advocacy (carpooling, clean air, etc.) All advertising in this category shall be paid advertising to support the Authority's goal of maximizing alternative sources of revenue.
- (c) Community, education or health and safety campaigns adopted by the Ad Council, advertising by a governmental entity for a specific government purpose, or advertising by a non-profit organization, provided that all such advertising clearly identifies the entity sponsoring the advertising and otherwise complies with this policy. Such advertising shall not be donated and shall be placed as paid advertising upon the same terms as commercial advertising in order to support the Authority's goal of maximizing alternative sources of revenue.

2. The Authority's transit system, in order to serve the purpose for which it has been established, must accommodate all persons without distinction of age. It is therefore necessary to exclude advertising unsuitable for exposure to persons of young age and immature judgment. The following kinds of advertising therefore will not be displayed in or upon the Authority's facilities, property or rolling stock:

- (a) 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;

- (b) Advertising for products, services, or entertainment directed to sexual stimulation;
- (c) Advertising that is obscene within the meaning of O.C.G.A. § 16-12-80;
- (d) Tobacco advertising shall be prohibited as required by law;
- (e) All forms of alcohol including, wine, beer and liquor, and
- (f) Massage parlors; tattoo parlors

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

4. Use of the Authority's name, logos, trade dress, slogans, trademarked or copywritten material or other graphic representations are subject to advance approval by the Authority. The Authority does not endorse or imply endorsement of any product or service.

5. The Authority requires all advertising to be truthful. Advertising and illustrations should not be exaggerated, distorted, or deceptive. Medical products or treatments are to be treated in a restrained and inoffensive manner. Testimonials must be authentic and advertisers using them will be required to indemnify the Authority against any action brought in connection with them. Advertising that promotes contests or giveaways must comply with all applicable laws and regulations.

6. No advertising in or upon the Authority's facilities, property or rolling stock 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, national origin, ethnic background, religion, or gender.

7. No advertising shall be displayed 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, property or asset is located. No advertising shall be displayed if the display thereof would violate any federal or State law or regulation, or any law, regulation, or ordinance of any county or municipality in or through which such buses or rail cars are or may be operated.

8. No political advertising shall be displayed in or upon the Authority's facilities, property or rolling stock. 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.

9. The Authority wishes to maintain, enrich and contribute to a harmonious tone throughout the neighborhoods it serves. Advertisement rates are based upon perceived class and consumer friendliness of the goods and services advertised on its facilities. The Authority wishes to attract advertisements of goods and services that the average rider perceives as desirable. If advertisers perceive the Authority's facilities as a medium for advertising goods and services that the average rider perceives as less desirable, then advertising rates and revenues will decline. Consistent with the purpose of this policy to generate revenue, there shall be no title pawn/pawn shop, check cashing, or legal advertising of any nature whatsoever placed upon the Authority's facilities.

Advertising is or will be sold through one or more independent contractors selected in accordance with the Authority's competitive procurement procedures. Said 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 Authority's representative responsible for administering the advertising program who 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 Authority's representative shall consult with the Authority's Chief Counsel and with its General Manager or the officer designated by him or her for this purpose. The General Manager or his or her designee, on the basis of such consultation, shall determine whether the proposed advertising will be accepted or rejected.

The Authority will co-operate with the party or parties proposing the advertising and with the 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.