

CITY OF LOS ANGELES
DEPARTMENT OF TRANSPORTATION (LADOT)
TRANSIT ADVERTISING POLICY

GUIDELINES GOVERNING ALL ADVERTISING IN OR UPON CITY OF LOS ANGELES DEPARTMENT
OF TRANSPORTATION (LADOT) TRANSIT VEHICLES

I. PURPOSE:

- A. This Transit Advertising Policy (“Advertising Policy”) applies to the posting of all new advertisements on LADOT transit facilities and vehicles on or after the effective date of the policy.
1. LADOT Transit System. LADOT operates the second largest public transportation system in Los Angeles County. LADOT maintains a transit fleet of over 350 vehicles that serve approximately 26 million passenger trips each year.
 2. Advertising as Revenue Source. LADOT transit operations are funded by a combination of federal, state and local funds, including grants and taxes, as well as fare box revenue. Advertising revenues are an important additional source of revenue that supports transit operations. LADOT’s fundamental purpose in accepting transit advertising is to generate revenue to augment LADOT’s operating budget.
 3. Primary Purpose of LADOT’s Transit System. The primary purpose of LADOT’s transit system is to provide safe and efficient public transportation within its service area. Consistent with this purpose, LADOT places great importance on maintaining secure, safe, comfortable and convenient transit facilities and vehicles in order to, among other things consistent with the provision of effective and reliable public transportation, retain existing riders and attract new users of public transit services. To generate additional revenue while also accomplishing the primary objectives of transit operations, LADOT will accept advertising on its transit facilities and vehicles only if such advertising complies with this Advertising Policy.
 4. Non-Public Forum Status. It is the express intention of this Advertising Policy to designate LADOT’s property allocated for advertising as a non-public forum. Going forward, LADOT’s acceptance of transit advertising will not provide or create a general public forum for expressive activities. In keeping with its proprietary function as a provider of public transportation, LADOT does not intend its acceptance of transit advertising to permit its transit facilities or transit vehicles to be used as open public forums for public discourse and debate. Rather, LADOT’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, LADOT will retain strict control over the nature of the advertisements accepted for posting on or in its transit facilities and transit vehicles and will maintain its advertising space as a non-public forum.

5. Policy Advances Revenue Objective. This Advertising Policy advances the advertising program's revenue-generating objective by prohibiting advertisements that could detract from that goal by interfering with and diverting resources from transit operations, and/or posing significant risks of harm, inconvenience, or substantial annoyance to transit passengers, operators and vehicles. Such advertisements create an environment that is not conducive to achieving revenue for the benefit of the transit system or to preserving and enhancing the security, safety, comfort and convenience of its operations. The viewpoint neutral restrictions in this Advertising Policy foster the maintenance of a professional advertising environment that maximizes advertising revenue.

This policy is intended to provide clear guidance as to the types of advertisements that will allow LADOT to generate revenue and enhance transit operations by:

- Increasing and maximizing revenue;
- Preventing the appearance of favoritism by LADOT;
- Preventing the risk of imposing views on a captive audience;
- Maintaining a viewpoint-neutral posture by LADOT;
- Preserving the marketing potential of the advertising space by avoiding content that the community could reasonably view as offensive or harmful to the public generally or to minors in particular;
- Maximizing ridership;
- Avoiding claims of discrimination and maintaining a non-discriminatory environment for riders;
- Preventing any harm or abuse that may reasonably be anticipated to result from the running of an advertisement; and
- Reducing the diversion of resources from transit operations that are caused by controversial or offensive advertisements.

6. Application of Advertising Policy. This Advertising Policy applies to the posting of all new advertisements on transit facilities and transit vehicles on or after the effective date of the policy. Any Advertisements which would be prohibited under this Advertising Policy, but which were or will be posted pursuant to the terms of a fully executed advertising contract prior to the effective date of this Advertising Policy, will be allowed to be posted or to remain posted for the duration of that contract. LADOT's transit facilities and transit vehicles are a non-public forum and, as such, LADOT will accept only that advertising that falls within the categories of acceptable advertising specified in this viewpoint neutral policy and that satisfies all other access requirements and restrictions provided herein. This Advertising Policy does not apply to LADOT owned property in the possession of another party pursuant to a lease, license or concession agreement.

II. ADVERTISING POLICY:

A. Permitted Advertising Content – The following classes of advertising are authorized on transit facilities and transit vehicles if the advertising does not include any material that qualifies as Prohibited Advertising under this Advertising Policy:

1. Commercial and Promotional Advertising. Commercial and Promotional Advertising promotes or solicits the sale, rental, distribution or availability of goods, services, food, entertainment, events, programs, transactions, donations, products or property (real or personal) for commercial or noncommercial purposes or more generally promotes an entity that engages in such activities.
2. Governmental Advertising. Governmental entities, meaning public entities specifically created by government action, may purchase advertising space for messages that advance specific government purposes.
3. Public Service Announcements. LADOT recognizes that its advertising program and its overall public transportation mission are furthered by allowing for public service announcements. Such announcements engender goodwill with the public because the transit system is seen as a caring and active participant in the community.

A Public Service Announcement must satisfy the following criteria:

- a. The sponsor of a Public Service Announcement must be a government entity, or a civic or charitable organization, or a nonprofit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.
- b. The Public Service Announcement must be directed to the general public or a significant segment of the public and relate to:
 - Prevention or treatment of illnesses;
 - Promotion of safety or personal well-being;
 - Education or training;
 - Provision of children and family services;
 - Provision of services and programs that provide support to low income citizens, senior citizens, and people with illnesses or disabilities;
 - Solicitation by broad-based contribution campaigns which provide funds to multiple charitable organizations engaged in any of the activities that are described in this section (3b) above; or
 - Solicitation of funds or promotion of an event benefiting a nonprofit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, and which is engaged in any of the activities that are described in this section (3b) above.

B. Prohibited Advertising Content. Advertising is prohibited on transit facilities and transit vehicles if it includes any of the following content:

1. Political. Advertisements promoting or opposing a political party, or promoting or opposing the election of any candidate or group of candidates for federal, state, judicial or local government offices are prohibited. In addition, advertisements which are political in nature or contain political messages, including advertisements involving political or judicial figures and/or advertisements involving an issue that is political in nature in that it directly or indirectly implicates the action, inaction, prospective action or policies of a governmental entity are prohibited.
2. Public Issue. Advertisements expressing or advocating an opinion, position or viewpoint on matters of public debate about economic, political, religious or social issues are prohibited.
3. Prohibited Products, Services or Activities. Any advertising that promotes or depicts the sale, rental, or use of, or participation in, the following products, services or activities; or that uses brand names, trademarks, slogans or other material that are identifiable with such products, services or activities:
 - a. Alcohol: Beer, wine, distilled spirits or any alcoholic beverage licensed and regulated under California law, however, this prohibition shall not prohibit advertising that includes the name of a restaurant that is open to minors. Also prohibited are advertisements by alcoholic beverage companies.
 - b. Tobacco: Tobacco products, tobacco-related products, and products that simulate smoking or are modeled on the tobacco products, including but not limited to cigarettes, cigars, and smokeless (e.g., chewing) tobacco, and electronic cigarettes;
 - c. Adult/Mature Rated Films, Television or Video Games: Adult films rated "X" or "NC-17", television rated "MA" or video games rated "A" or "M";
 - d. Adult Entertainment Facilities: Adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments;
 - e. Other Adult Services: Adult telephone services, adult internet sites and escort services;
 - f. Obscene or Sexually Explicit Matter: Advertising containing obscene matter as defined in the Los Angeles County Code, Chapter 13.17, Section 13.17.010, or sexually explicit material as defined in the Los Angeles County Code, Chapter 8.28, Section 8.28.010D.

- g. False or Misleading: Any material 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;
- h. Copyright, Trademark or Otherwise Unlawful: Advertising that contains any material that is an infringement of copyright, trademark or service mark, or is otherwise unlawful or illegal;
- i. Illegal Activity: Advertising that promotes any activity or product that is illegal under federal, state or local law;
- j. Profanity and Violence: Advertising that contains any 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, or that depicts weapons or devices that appear to be aimed or pointed at the viewer or observer in a menacing manner;
- k. Firearms: Advertising that promotes or solicits the sale, rental, distribution or availability of firearms or firearms-related products;
- l. Disparaging: Advertising that reasonably could be interpreted as being disparaging or disrespectful to persons or groups based on race, color, religion, national origin, gender identity, sexual orientation, and disability, including advertising that portrays individuals as inferior, evil or contemptible;
- m. Adverse to LADOT: Advertising, or any material contained in it, that is directly adverse to the commercial or administrative interests of LADOT, or that tends to disparage the quality of service provided by LADOT, or that tends to disparage public transportation generally;
- n. LADOT Graphics and References: Advertising that contains LADOT or City of Los Angeles graphics, logos, representations without the express written consent of LADOT;
- o. Insulting, Degrading or Offensive: Any material directed at a person or group that is so insulting, degrading or offensive as to be reasonably foreseeable that it will incite or produce lawless action in the form of retaliation, vandalism or other breach of public safety, peace and order;
- p. Harmful or Disruptive to Transit System: Any material that is so objectionable under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of or interference with the transportation system; and

- q. Unsafe Transit Behavior: Any 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.

C. Additional Requirements.

1. Sponsor Attribution and Contact Information. 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): Advertisement paid for by _____.
2. "Teaser ads" that do not identify the sponsor will, however, be allowed so long as a similar number of follow up advertisements are posted within eight weeks of the initial teaser ads that do identify the sponsor of those initial ads.

III. PROCEDURES:

- A. All proposed transit advertising must be submitted to the LADOT vendor responsible for marketing LADOT's advertising space and for contracting with advertisers on behalf of LADOT (the "Advertising Vendor") for initial compliance review. The Advertising Vendor will perform a preliminary evaluation of the submission to assess its compliance with this policy. If the Advertising Vendor determines that a proposed advertisement does not comply with this Advertising Policy or is unable to make a compliance determination, it will forward the submission to LADOT's Transit Services Group for further evaluation. The Advertising Vendor may at any time discuss with the entity proposing the advertisement one or more revisions to an advertisement, which, if undertaken, would bring the advertisement into conformity with this Advertising Policy. The Advertising Vendor will immediately remove any advertisement that LADOT's Transit Services Group directs it to remove.
- B. In the event the Advertising Vendor determines that a proposed advertisement does not comply with this Advertising Policy or is unable to make a compliance determination, LADOT's Transit Services Group will review the proposed advertisement for compliance with the guidelines set forth in this policy and will direct the Advertising Vendor as to whether the proposed advertisement will be accepted.
- C. LADOT's Transit Services Group may consult with the other appropriate City employees, including the City Attorney's Office, at any time during the review process.
- D. The Division Head overseeing LADOT transit operations and the Executive Officer for LADOT's Transit Services Group are responsible for the implementation of this Advertising Policy.