

Anchorage Public Transportation Department Advertising Policy

Purpose

The purpose of this policy is to create definite, uniform standards for the display of advertising on The Municipality of Anchorage's Public Transportation Department's (PTD) vehicles, shelters, facilities, and all other property owned, leased, controlled or operated by PTD (together "Property"). It is PTD's policy that all forums for advertising under this policy are not public forums for political discourse or expressive activity. All advertising shall be subject to this uniform, viewpoint-neutral policy.

Objective

The PTD's transportation operations are funded by a combination of federal, state, and local funds, including grants and taxes. Advertising revenues are an important supplemental source of revenue that supports the Municipality of Anchorage's operations budget. The PTD's intent in allowing paid advertising to be displayed in and on the Property is to maximize such supplemental revenue to support public transportation operations.

In establishing and enforcing this advertising policy, the PTD seeks to fulfill the following goals and objectives:

- Maximize advertising revenue;
- Maximize ridership and fare revenue, including by adopting an advertising policy that will create an attractive environment for a diverse ridership;
- Maintain a secure and orderly operating environment;
- Maintain a safe and welcoming environment for all PTD employees and customers, including minors, who use PTD's buses;
- Minimize the extraordinary resources and administrative attention that have been expended to resolve disputes relating to the permissibility of certain advertisements, thus unnecessarily diverting the organization from performing its mission;
- Avoid identification of PTD with, and the appearance of PTD endorsement of, the advertisements of non-PTD parties displayed in or on the Property, including the associated messages, products, services, or events being proposed or promoted;
- Avoiding a reduction in income earned from selling advertising space because commercial advertisers would be dissuaded from using the same space commonly used by those wishing to communicate primarily political or religious messages;
- Preventing government property from being used to promote invidious discrimination against constitutionally and statutorily recognized protected classes, including to PTD customers who are captive audiences.

Scope of Advertising Policy

PTD uses the space on PTD rolling stock and facilities for the purpose of placement of advertisements only in those locations made available by PTD for that purpose. This policy applies to all advertisements proposed to be displayed in and on the Property on or after the

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Effective Date set forth below. Any naming rights or sponsorship of PTD facilities will be governed by separate policies and programs.

Prohibited Advertising

Even if an advertisement qualifies as permitted advertising under this policy, the PTD will not accept any advertisement if it falls within one or more of the following categories of prohibited advertising:

1. **Political:** Promotes or opposes a political party, a ballot referendum, any proposed or contemplated legislation or regulation, or the election of any candidate or group of candidates for government offices.
2. **Government Action:** Prominently or predominantly supports, opposes, or comments on any action, inaction, prospective action, or policies of a government entity, except for advertisements that (1) qualify as permitted advertising; (2) are limited to providing public education regarding the existence of current government programs and services; or (3) are limited to providing public education regarding existing laws.
3. **Public Policy:** Prominently or predominantly supports, opposes, or comments on a matter of public policy, except for advertisements that (1) qualify as permitted advertising under this policy; (2) are limited to providing public education regarding the existence of current government programs and services; or (3) are limited to providing public education regarding existing laws. Public policy is defined as a system of laws, regulatory measures, courses of action or inaction, and funding priorities concerning a given issue or topic promulgated, proposed to be promulgated, administered, or effectuated by a government entity or its representatives, and can relate to issues that are political, economic, cultural, religious, or social in nature, among other issues.
4. **International Dispute:** Prominently or predominantly supports, opposes or comments on any international dispute or warfare among nations or religious, ethnic, or other similar groups.
5. **Religious Policy:** Prominently or predominantly supports, opposes or comments on a matter of religious policy. Religious policy is defined as the doctrines, practices, belief systems, or edicts promulgated or proposed to be promulgated by a religious entity or religious group or their respective representatives. This is not intended to prohibit advertisements that inform the public of the existence of a religious or atheist group or institution or the availability of their services if such advertisements otherwise comply with this policy.
6. **Tobacco:** Tobacco or nicotine products, tobacco or nicotine-related products, and products that simulate smoking or are modeled on the tobacco products, including but

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not limited to cigarettes, cigars, smokeless (e.g., chewing) tobacco, and electronic cigarettes.

7. **Marijuana and Marijuana Products:** As defined in Anchorage Municipal Code.
8. **Alcohol:** Beer, wine, distilled spirits or any alcoholic beverage licensed and regulated under Alaska state law.
9. **Firearms:** Firearms, ammunition, or other firearms-related products.
10. **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."
11. **Adult Entertainment Facilities or Services:** Adult bookstores, adult video stores, nude dance clubs, adult telephone services, adult internet sites, escort services, and other adult entertainment establishments.
12. **Sexually Oriented Products or Services:** A Sexually Oriented Product or Service as employed herein is any good, product, or service primarily related to or used for the purposes of sexual activity by persons of any gender or orientation, including but not limited to genital intercourse, oral sex, anal sex, masturbation, sadomasochism, erotic touching of covered or uncovered genitals, pubic area, buttocks, anus, or breasts, obtaining or maintaining an erection, or experiencing an orgasm ("Sexual Activity"). Sexually Oriented Products or Services include but are not limited to sex toys, sexual enhancement products, sexual dysfunction medications and supplements, genital or anal lubricants, libido enhancing medications and supplements, surgical procedures for the enhancement of sexual activity or sexual pleasure, and surgical procedures for the enlargement of breasts or genitals. Sexually Oriented Products or Services does not include contraceptives or reproductive or family-planning services, gender affirming surgery, or post-operative breast reconstruction surgery, and advertisements that promote these topics are not prohibited so long as they comply with all other provisions of this Advertising Policy.
13. **Nudity, Sexual and/or Excretory Subject Matter:** Advertising depicting nudity, sexual conduct, or sexual excitement is not permitted. The terms "sexual conduct," and "sexual excitement" have the same meaning herein.

Additionally, there are prohibitions against any performance or exhibition that depicts:

Nudity as defined in Anchorage Municipal Code (AMC) section 8.50.010E.2.

Sexual conduct as defined in AMC subsection 8.50.010E.3.,

Sexual excitement as defined in AMC subsection 8.50.010E.4.,

Indecent materials as defined in AMC subsection 8.50.020A.6., or

Is harmful to minors as defined in AMC subsection 8.50.010E.5.

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14. **False, Misleading, or Deceptive:** 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.
15. **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.
16. **Illegal Activity:** Advertising that promotes any activity or product that is illegal under federal, state, or local law.
17. **Profanity:** Advertising that contains any profane language, including words, symbols or gestures commonly understood as profanity even if they are mis-spelled or do not contain all their letters, or slang terms for the genitals, pubic area, buttocks, anus or breasts.
18. **Violence:** Advertising that contains or portrays graphic violence; sexual violence; human body parts, animal parts, or fetuses in states of mutilation, dismemberment, decomposition or burning; the purposeful infliction of pain to a human being or animal; or that depicts weapons or devices that appear to be aimed or pointed at the viewer or observer in a menacing manner.
19. **Demeaning or Disparaging:** Advertising that is intended to be (or reasonably could be interpreted as being) disparaging, disreputable, or disrespectful to persons, groups, businesses, or organizations, including advertising that portrays individuals as inferior, evil or contemptible. For purposes of determining a demeaning and disparaging advertisement, PTD will use prevailing community standards to determine whether a reasonable prudent person, knowledgeable of PTD's customers, would believe that the advertisement contains material that ridicules, is abusive or hostile to, or debases the dignity or stature of an individual, group of individuals, business, or organization.
20. **Adverse to or Disruptive of PTD:** Advertising, or any material contained in it, that is directly adverse to or disruptive of the commercial or administrative interests of PTD, or that tends to disparage the quality of service provided by PTD, or that tends to disparage public transportation in general.
21. **Endorsement of PTD:** Advertising that implies or declares an endorsement by the PTD of any service, product, or point of view.
22. **PTD Graphics and References:** Advertising that contains PTD graphics, logos, or representations without the express written consent of the PTD.

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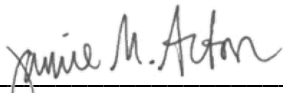
23. **Unsafe Transit Behavior:** Any advertisement that encourages or depicts unsafe behavior with respect to transit-related activities, such as non-use of normal safety precautions in awaiting, boarding, riding upon or disembarking from transit vehicles.
24. **Threatening Harm:** Any advertising that contains any threat, implied or direct, to harm a particular individual or group of individuals.
25. **Lights, Noise, and Special Effects:** Any advertising 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.

Additional Provisions Relating to Advertisements

To avoid identification of the PTD with messages or images contained within advertisements displayed in and on the Property and to avoid the appearance of PTD endorsement of goods, products, services, or events by advertisers, advertisements shall readily and unambiguously identify the person, corporation, or entity paying for the advertisement. An advertiser may, at the PTD's discretion, be required to include in the advertisement a statement explicitly identifying the person, corporation, or entity paying for the advertisement. An advertiser may also, at the PTD's discretion, be required to incorporate additional language to avoid the appearance of PTD endorsement.

Effective Date

This Advertising Policy is effective as of March 15, 2022. Advertising currently installed on PTD Property that violates these restrictions will be allowed to remain for the duration of the contract. No extensions or amendments will be allowed.



Jamie Acton, Public Transportation Director

3/15/2022

Date