

RESOLUTION RO2-11

A resolution adopting a policy governing all advertising in or upon Citilink vehicles and facilities:

WHEREAS, the primary purpose of Fort Wayne Public Transportation Corporation (Citilink) is to provide safe and efficient public transportation services for person using its buses and facilities; and

WHEREAS, the Board of Directors of the Fort Wayne Public Transportation Corporation intends that Citilink vehicles and facilities constitute non-public forums that are subject to the viewpoint-neutral guidelines set forth in the exhibits below, and that the Board of Directors has determined to permit certain forms of public service and commercial advertising in or upon Citilink vehicles and facilities; and

WHEREAS, many Citilink passengers have limited or no alternatives but to use Citilink vehicles and facilities for transportation to and from school, work, recreation, and other locations and are a captive audience to advertising therein or thereon; and

WHEREAS, significant numbers of persons using Citilink vehicles and facilities are minors and may be affected adversely by certain advertising; and

WHEREAS, Citilink, in establishing its standards for advertising in/on Citilink vehicles and facilities, seeks to maximize revenue generated by advertising while simultaneously maximizing ridership by fulfilling its mission to “provide safe, courteous and dependable public transportation at the most reasonable cost to our community”; and

WHEREAS, the Board of Directors desires to avoid any endorsement, implied or otherwise, of any of the products, services, or messages advertised;

NOW THEREFORE, BE IT RESOLVED: The Board of Directors of the Fort Wayne Public Transportation Corporation adopts the following Policy Governing All Advertising in or upon Citilink Vehicles and Facilities (Exhibit I).

Adopted this 10th day of March 2011.

ATTEST:



Frederick A. Lanahan
Chairman

Exhibit I.

Policy Governing All Advertising in or upon Citilink Vehicles and Facilities

1. **Restrictions:** Citilink **WILL NOT** display or maintain any advertisement that falls within one or more of the following categories:
 - (a) Demeaning or disparaging. The advertisement contains material that demeans or disparages an individual or group of individuals on the basis of race, color, religion, national origin, ancestry, gender, age, disability, ethnicity, gender, marital or parental status, military discharge status, source of income, or sexual orientation.
 - (b) Alcohol, tobacco and firearms. The advertisement promotes the sale or use of alcohol, tobacco or firearms, or alcohol-, tobacco-, or firearms-related products, including depicting such products.
 - (c) Profanity. The advertisement contains profane language, *i.e.*, language containing certain of those personally reviling epithets naturally tending to provoke violent resentment or language that under contemporary community standards is so grossly offensive to members of the public who actually hear it as to amount to a nuisance.
 - (d) Violence. The advertisement contains an image or description of violence, including, but not limited to (1) the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement, and (2) the depiction of weapons or other implements or devices used in the advertisement in an act of violence or harm on a person or animal.
 - (e) Unlawful goods, services or conduct. The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal goods, services, behavior or activity.
 - (f) Obscenity or nudity. The advertisement contains legally obscene material or depicts nudity or sexual intercourse or other sexual acts. For purposes of these standards, the terms “obscene” and “nudity” shall have the meanings contained in Indiana Code Title 35 Article 49.
 - (g) Prurient sexual suggestiveness. The advertisement contains material that incites, describes, depicts, or represents sexual activities or images or descriptions of human sexuality or anatomy in a way that the average adult, applying contemporary community standards, would find appeals to the prurient interest. The advertisement promotes the sale of pornography, adult telephone or Internet services, escort services, nude dance clubs, sensual massage, or any other form of adult-oriented entertainment.
 - (h) Endorsement. The advertisement, or any material contained in it, implies or declares an endorsement by Citilink of any service, product, or point of view; without prior written authorization of the Citilink General Manager.

- (i) False, misleading, or deceptive speech. The advertisement, or any material in it, is false, misleading, or deceptive.
 - (j) Libelous speech, copyright infringement, etc. The advertisement, or any material contained in it, is libelous or an infringement of copyright, or is otherwise unlawful or illegal or is likely to subject Citilink to litigation.
 - (k) Disregard for Transit Safety. Advertising cannot encourage persons to refrain from using safety precautions normally used in transit-related activities (such as awaiting, boarding, riding upon, or debarking from transit vehicles).
 - (l) Unclear identification of the advertiser: The advertisement is such that (1) the message or sponsorship of the advertisement cannot reasonably be determined without reference to a web site or telephone number that is listed in the advertisement, and (2) that web site prominently contains, or that telephone number directs callers to, material that violates these guidelines.
 - (m) Non-paid advertising: Citilink requires all advertising to be contracted according to the pricing set forth in the current published advertising rates as set by the board of directors. No free advertising of any kind is accepted. Trade agreements (in which, in lieu of cash, Citilink accepts products or services that are deemed useful to it) may be accepted upon approval by the General Manager.
 - (n) Non-commercial. The subject matter and intent of the advertisement is non-commercial and does not promote for sale, lease or other form of financial benefit a product, service, event, or other property interest in primarily a commercial manner for primarily a commercial purpose.
2. **Public Service Announcements.** Citilink may make advertising space available for public service announcements by governmental entities, academic institutions, or nonprofit organizations. Such announcements are subject to the provisions set forth in Section 1(a) through 1(l) above and shall not express or advocate opinions or positions upon political, religious, or moral issues.
3. **Review:** Citilink shall review each advertisement submitted for display on or in Citilink vehicles or facilities to determine compliance with advertisement standards set forth above. In the event that the advertisement falls within (or may fall within) one or more of the categories, Citilink will send prompt, written notification to the advertiser; including, a copy of this policy, identification of category(s) and, at its discretion, suggestions for policy compliance.
4. **Appeal:** Advertisers may appeal the rejection of advertising to the Advertising Committee of the Citilink Board of Directors by notifying the General Manager, in writing, within 30 days of the rejection. The Committee Chair will schedule a

meeting and notify the advertiser of the decision within five days of the meeting date.

5. **Applicability:** These guidelines apply to all advertising coordinated or sold by Citilink, any sub-contractor or third party partner. Citilink reserves the right to suspend, modify, or revoke the application of any or all of this policy as it deems necessary to comply with legal mandates, to accommodate its primary transportation function, and to fulfill the goals and objectives of Citilink.

2/9/2011