



ADVERTISING POLICY

1. The San Diego Association of Governments (SANDAG) has determined that allowing revenue-generating advertising which does not compromise public or employee safety; or compromise the 511 or Transportation Demand Management message is a responsible means of maximizing use of SANDAG capital investments. Therefore, SANDAG may enter into license agreements with outside vendors to license advertising space for the purpose of generating revenue or in kind services. Issuance of such licenses must be in accordance with SANDAG procurement policies. Locations for revenue-generating advertising may include, but are not limited to: SANDAG Web sites, 511 phone system, data feeds, broadcast TV, print and or electronic communications, and promotions.
2. SANDAG public communication mechanisms are its property. Under certain terms and conditions SANDAG is willing to license use of its property to others. This Policy is intended to describe those terms and conditions.
3. The display of advertising carries with it a responsibility to protect the agency from potential litigation and to recognize the potential association of advertising images with SANDAG services while simultaneously respecting First Amendment principles. The agency addresses these issues through the responsible and consistent application of written criteria for advertising acceptability. It is not the intent of SANDAG to create a public forum through the acceptance of advertising.
4. SANDAG's ability to communicate to the public directly is crucial to adequate dissemination of information to the public. SANDAG has a compelling interest in ensuring that its information distribution channels remain a place for public information concerning the SANDAG mission as reflected in the Annual Program Budget. Any use of the unique distribution channels at SANDAG's command for purposes unrelated to or in conflict with its mission is to be avoided, as it effectively "pre-empts" the availability of information to the public regarding the SANDAG mission. For these reasons, SANDAG information distribution channels shall remain nonpublic forums and SANDAG shall maintain its right to limit access to these channels.
5. SANDAG may contract with outside vendors to license advertising space. Vendors for such contracts shall be solicited through competitive bids. Vendors shall be required to utilize competitive procurement procedures and to comply with this Policy.
6. Locations for revenue-generating advertising may include, but are not limited to: banner ads on Web sites, phone systems, data feeds, broadcast TV, and Transportation Demand Management products or services. Advertising includes "links" to other Web sites on SANDAG Web sites.
7. Recognizing that when sellers are associated with SANDAG, the sellers of the products or services could become associated with the credibility of SANDAG, SANDAG has an interest in

ensuring that the public's perception of SANDAG credibility is not negatively impacted by the advertising. Therefore, disclaimers should be placed on information distribution channels stating that SANDAG does not endorse or make any representations or warranties about the advertised products or services.

8. SANDAG has a legitimate interest in setting boundaries for access to its information distribution channels to meet the express public purposes set forth in this Policy. SANDAG will evaluate all advertising proposals on a viewpoint-neutral basis. Certain types of content will not further SANDAG's mission and are therefore prohibited. Content prohibitions on advertising shall be as follows:
 - 8.1. Advertising of all alcohol, tobacco, religious, political, or firearm products/services.
 - 8.2. Advertising that promotes illegal activities.
 - 8.3. Advertising that contains language which is obscene, vulgar, profane, scatological, or harmful to minors, as defined in California Penal Code Sections 311 and 313.
 - 8.4. Advertising that appears to make personal attacks on individuals or upon any company, product, or institution; or disparages any service or product or is defamatory in any respect.
 - 8.5. Advertising pertaining to controversial social issues including but not limited to religion, ethnicity, immigration, race, politics, or gender.
 - 8.6. Advertising that portrays acts of violence, murder, sedition, terror, vandalism, or other acts of violence against persons or institutions.
 - 8.7. Advertising that depicts nudity or portions of nudity that would be considered as offensive, distasteful, pornographic, or erotic, is obscene, or advertises adult entertainment.
 - 8.8. Advertising that condones any type of illegal discrimination.
 - 8.9. Advertising that contains images, copy, or concepts that denigrate public transportation.
 - 8.10. Advertising that may conflict with any applicable federal, state, or local law, statute, or ordinance.
 - 8.11. Advertising that contains false or grossly misleading information.

9. The following criteria will be used to evaluate issuance of a license:
 - 9.1. Whether the advertising is from an official government entity.
 - 9.2. Whether the advertising will provide the public official government information or services.
 - 9.3. Whether the advertising complements existing information or services offered by SANDAG.
 - 9.4. Whether the advertising is applicable to a wide audience.
 - 9.5. Whether the advertising appears to be accurate and current.
 - 9.6. Whether the advertising is relevant, useful, and authoritative for citizens, businesses, or government officials.
 - 9.7. Whether the advertising is consistent with SANDAG purposes, projects, and/or mission.
 - 9.8. Whether the advertising compromises public or employee safety; or compromises the 511 message.
10. SANDAG shall continuously review approved advertising to ensure that it complies with this Policy's criteria.
11. Upon written notice by the Executive Director of SANDAG on stated grounds that shall be reasonable and upon review of the General Counsel of SANDAG, any advertisement or other display deemed to be objectionable will be removed. No refund shall be made for the time such objectionable material was on display.
12. Quantity, quality, and placement of all advertising will be controlled by and subject to specific approval.
13. SANDAG reserves the right to reject any advertisement, commercial or noncommercial, which is not consistent with SANDAG policies. The Communications Director shall have authority to reject advertising that is inconsistent with this Policy. Before any advertisement is rejected, it may be referred to the SANDAG Office of General Counsel for a recommendation. A potential licensee whose advertising is rejected may appeal the decision to the Executive Director for review and a final decision.
14. SANDAG has several unique distribution channels at its disposal for disseminating transit and travel information for which it incurs no "space" cost (the fee charged for advertising space). Acceptable information for these distribution channels may include:

14.1 **Cross-Promotional Information.** On an occasional basis and only when space is available, the SANDAG Communications Director may use SANDAG distribution channels to participate in cross-promotional opportunities that offer a direct opportunity to promote the use of transit or congestion reduction strategies. Any materials distributed for this purpose must prominently include promotion of SANDAG services (i.e., carpool or vanpool through RideLink or FasTrak® services). SANDAG will not donate a license for advertising space to any entity for purposes that are not directly related to the SANDAG mission. The outside organization involved either must bear the cost of producing such materials or, if approved by the SANDAG Communications Director, provide an equivalent or greater value in cross-promotional benefits (i.e., advertising space, editorial space, etc.). Any cross-promotional arrangement must be approved by the Communications Director or his/her designee based upon the criteria in this policy statement.

14.2 ***“Added Value” Materials.*** On an occasional basis and only when space is available, the SANDAG Communications Director may use SANDAG distribution channels to provide “added value” materials to its customers. Such materials must present a specific and time-dated offer uniquely provided for bus, rail, and registered carpool or vanpool customers (generally a money-saving discount) in which transit or registered carpooling can be used to access the redemption point. Any materials distributed for this purpose must prominently include the relevant SANDAG logo(s) and other wording approved by the SANDAG Communications Director to indicate that the offer is specifically designed for bus, rail, and registered carpool or vanpool customers. SANDAG will not donate a license for advertising space to any entity for purposes that are not directly related to the SANDAG mission. The outside organization involved must either bear the cost of producing such materials or, if approved by the SANDAG Communications Director, provide an equivalent or greater value in cross-promotional benefits (i.e., advertising space, editorial space, etc.). Any added value programs must be approved by the Communications Director or his/her designee based upon the criteria in this policy statement.

15. Definitions

15.1 ***Added Value Materials:*** Informational advertising which offers tangible benefit to patrons as a means of rewarding and retaining customers (i.e., a money-saving discount).

15.2 ***Cross-Promotion:*** A cooperative partnership in which two or more entities work together with the goal of jointly promoting their respective services.

15.3 ***Governmental Entities:*** Public entities specifically created by government action.

15.4 ***Noncommercial Advertising:*** A public service announcement, event notification, political statement, or other message which does not have as its primary purpose to propose a commercial transaction.

Adopted April 2008

Amended February 2012