

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**ADVERTISING POLICY**

**Adopted September 1, 2022**

The San Francisco Water Emergency Transportation Authority (WETA) is engaged in the sale of advertising in and upon WETA ferries, currently consisting of: (1) video screens within ferries; (2) poster, decal, and wrap spaces on the interior and exterior of ferries; and (3) concession areas of WETA ferries. This Advertising Policy (Policy) applies to all of WETA's current advertising sales and will apply to any future expansion of WETA's advertising sales, including advertising sales involving or on WETA property and within WETA's digital media (website, social media accounts, and newsletter).

**I. PURPOSE**

The purpose of this Policy is to clearly define the use of WETA's revenue-generating advertising and promotion spaces throughout WETA's ferries, facilities, publications, website, and social media accounts (each an "Advertising Location," and collectively the "Advertising Locations"). It is WETA's intention to allow advertising revenue generation, while protecting WETA's San Francisco Bay Ferry brand.

WETA recognizes that, as a public transit agency, members of the public may associate advertising messages displayed on WETA property with WETA services. Therefore, WETA acknowledges that it must ensure advertising does not negatively impact the ridership and safety of its passengers. Advertisements that are potentially offensive, controversial, disrespectful, harmful, or promote activities that are not permitted on WETA's ferries, could discourage people from riding WETA's ferries and also compromise the safety and comfort of WETA's passengers, employees, and contractors. Moreover, the acceptance of such advertisements could undermine WETA's goal of generating revenue by making it more difficult for WETA to attract and retain passengers. WETA also recognizes that, as a public agency, WETA must balance its interests with free speech rights under the First Amendment.

WETA will make Advertising Locations available in WETA-specified locations for limited types of advertising (Permitted Advertising). By allowing limited types of advertising, WETA does not intend to create a public forum for public discourse or expressive activity or to provide a forum for all types of advertisements. All advertising shall be subject to this uniform, viewpoint-neutral Policy.

WETA will not permit the types of advertising defined below as Excluded Advertising. By prohibiting Excluded Advertising, WETA's intention is to: (1) maintain a professional advertising environment that maximizes advertising revenues, does not conflict with other WETA contracts, and minimizes interferences with or disruption of its ferry system; (2) maintain an image of neutrality on political, religious or other issues that are not the subject of Commercial Advertising, as defined below, and are the subject of public debate and concern; and (3) continue to build and retain ferry ridership.

## **II. PERMITTED ADVERTISING**

The display of Permitted Advertising on or within WETA's Advertising Locations is intended only to supplement fare revenue and other income that funds WETA's operations, and to promote WETA's ferry operations. WETA desires that its passengers not be subject to advertisements containing material relating to political, religious, or issue advocacy about which public opinion can be widely divergent and which some passengers may, therefore, find offensive. If passengers are so offended, it could affect the ridership and revenue of WETA adversely. Further, Excluded Advertising could negatively impact the safety of WETA's passengers. In order to realize the maximum benefit from the sale of space, advertising must be managed in a manner that will procure as much revenue as practicable, while ensuring that the advertising is of a type that: (1) does not discourage the use of the ferry system; (2) does not diminish WETA's reputation in the communities it serves, the good will of its customers or the established San Francisco Bay Ferry brand; (3) does not promote activities which are prohibited on WETA's ferries; and (4) is consistent with the principal purposes of providing safe and efficient public transportation.

To attain these objectives, the WETA's Board of Directors has established the following regulations governing advertising. Permitted Advertising cannot contain displays or messages that are Excluded Advertising, as defined below in Section III.

Permitted Advertising includes advertising in the following categories:

1. **Commercial Advertising.** Commercial Advertising is advertising for the sole purpose of promoting a business or selling products, goods or services. It does not include advertising that both promotes a business or offers to sell products, goods or services and also conveys a political or religious message, or issue advocacy, and/or expresses or advocates opinions or positions related to any of the foregoing.
2. **Operations Advertising.** Operations Advertising is advertising that promotes WETA or its services.
3. **Promotions and Partnerships Advertising.** Promotions and Partnerships Advertising is advertising that provides added value to WETA through a promotion or partnership with an outside organization. Promotions and Partnerships Advertising must indicate that the promotion or offer is specifically designed for WETA passengers. Promotions and Partnerships Advertising must be approved by the Marketing Manager and must not contain Excluded Advertising.
4. **Cross-Promotional Advertising.** Cross-Promotional Advertising is advertising used on an occasional basis, when space is available, where WETA participates in cross-promotional opportunities that offer a direct reciprocal opportunity to promote use of WETA's ferries. Cross-Promotional Advertising must be approved by WETA's Marketing Manager, and must provide an equivalent or greater value in cross-promotional benefits in the form of advertising space or editorial space. Cross-Promotional Advertising must be approved by the Marketing Manager and must not contain Excluded Advertising.

## **III. EXCLUDED ADVERTISING**

Advertising cannot be displayed or maintained on Advertising Locations if the advertisement contains one or more of the following categories of Excluded Advertising:

1. False, misleading, deceptive or relates to an illegal activity.
2. Advocacy of violence or crime.
3. Infringement of copyright, service mark, title or slogan.
4. Defamatory or likely to hold up to scorn or ridicule a person or group of persons.
5. Unauthorized Endorsement.
6. Obscene (i.e., patently offensive sexual material lacking literary, social, artistic and/or political value, that appeals to the prurient interest of a person of average sensibilities), pornographic, or advertises a sexually oriented business as that term is defined in California Government Code Section 65850.4(b).
7. Images, copy or concepts that actively denigrate public transportation or the services provided by WETA.
8. Tobacco, cannabis, firearms (including ammunition) or other substances and items prohibited on WETA's ferries.
9. Religious.
10. Political.
11. Anything in the determination of WETA, the Coast Guard, or a law enforcement agency that poses an identifiable threat to the security of WETA's passengers, employees, contractors, or members of the public.

For purposes of this policy, the following definitions apply:

Unauthorized Endorsement advertisements are defined as advertising that implies or declares that WETA endorses a product, service, point-of-view, event or program. The prohibition against endorsements does not apply to advertising for a service, event or program for which WETA is an official sponsor, co-sponsor, partner or participant.

Religious advertisements are defined as advertisements that contain any direct or indirect reference to religion, or to any religion, or to any deity or deities, or which includes the existence, nonexistence or other characteristics of any deity or deities, or to any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion. This prohibition shall include the depiction of text, symbols, or images commonly associated with any religion or with any deity or deities, or any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion.

Political advertisements are defined as advertisements that contain political speech referring to a particular ballot question, initiative, petition, referendum, law, candidate, political party or social issue or expresses or advocates opinions or positions on any of the foregoing. This prohibition includes any advertisement referring to or depicting a candidate for public office in any context.

#### **IV. ADMINISTRATION AND ENFORCEMENT OF POLICY**

##### **A. Review by Marketing Manager**

The Marketing Manager will review all advertisements and supporting information for compliance with this Policy. If it is determined that an advertisement is not a Permitted Advertising, the Marketing Manager will make a written determination notating the specific standard or standards that have not been met.

##### **B. Notification to Advertiser**

Upon a determination by the Marketing Manager that an advertisement does not comply with this Policy, WETA will send prompt, written notification to the advertiser of the rejection of the advertisement, including a copy of this Policy and the written determination of the Marketing Manager.

##### **C. Appeal to the Executive Director**

The Marketing Manager's determination that an advertisement does not comply with this Policy may be appealed to WETA's Executive Director. The appeal must be submitted in writing to the Marketing Manager within ten (10) calendar days of receipt of the Marketing Manager's denial notification. The Executive Director will allow the advertiser and Marketing Manager to present any argument or evidence they wish to offer. The Executive Director's decision shall be final.

##### **D. Incorporation into Advertising Management Contracts**

Any future advertising management contracts executed by WETA will incorporate this Policy.