



Yuma County Intergovernmental Public Transportation Authority

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ADVERTISING POLICY Effective March 1, 2012

I. Public Purpose

In adopting this policy it is the Yuma County Intergovernmental Public Transportation Authority's (hereinafter "YCIPTA") declared intent and purpose to maximize revenues through commercial advertising provided that all of the following interests are preserved and furthered:

- A. Providing a safe, convenient and pleasant environment for Yuma County Area Transit patrons, which includes maximizing Yuma County Area Transit fare revenues by attracting and maintaining the patronage of passengers; and
- B. Protecting minors who use Yuma County Area Transit facilities and travel on Yuma County Area Transit buses; and
- C. Avoiding any potential identification of Yuma County Area Transit with the point of view or message of the advertisement placed by a third party.

II. No Intent to Create a Public Forum

In adopting this policy it is the YCIPTA's declared intent and purpose to allow third parties to place commercial advertisements on YCIPTA Property. It is not the YCIPTA's intent or purpose to permit advertising that individually or in combination would cause any real or personal property owned or controlled by the YCIPTA (hereinafter "YCIPTA Property") to become a public forum for the dissemination, debate, and/or discussion of public issues.

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Robert L. Pickels, Chairman - Yuma County, Greg Wilkinson, Vice Chairman - City of Yuma,
Dr. Larry Gould - Northern Arizona University, Dr. Glenn Mayle – Arizona Western College,
Ralph Velez - City of San Luis, Paul Soto – Cocopah Tribe,
Rodney Rinehart – Town of Wellton, Bill Lee – City of Somerton
John Andoh, Transit Director

III. Advertising on YCIPTA's Transit Facilities and Vehicles (Property) by Permission

Advertising placed by a third party on YCIPTA Property is not authorized unless permitted in accordance with the provisions of an Agreement approved by YCIPTA. Any Agreement approved by YCIPTA for the placement of advertising on YCIPTA Property must be consistent with the provisions of this policy. Pre-existing Agreement for advertising on YCIPTA Property shall be amended, if necessary, in order to be consistent with this policy and to make any other changes that may equitably be required thereby.

IV. Authorized Advertisements and Announcements

This policy applies to advertising placed by a third party on any YCIPTA Property and does not prohibit the YCIPTA from placing advertisements and announcements related to YCIPTA services, programs, or events as long as the advertisements and announcements are not otherwise prohibited under Section 5. Only commercial advertisements will be allowed to be placed by a third party on any YCIPTA Property. For the purpose of this policy, a commercial advertisement is an advertisement that: (i) has as its primary purpose the promotion of a commercial transaction, such as the sale of real or personal property, services, entertainment and/or dining, which is offered to the public generally and (ii) is not otherwise prohibited under Section 5.

V. Viewpoint Neutral Limitations

The following viewpoint-neutral content-based limitations are established. No advertisement or announcement (hereinafter referred to as "Ad") is permitted on or may be maintained on any YCIPTA Property if it or information contained in it falls within one or more of the following categories:

A. False, misleading, or deceptive commercial speech. The Ad proposes a commercial transaction, and the Ad, or any material contained in it, is false, misleading, or deceptive.

B. Unlawful goods or services. The Ad, or any material contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services.

C. Unlawful conduct. The Ad, or any material contained in it, promotes, depicts or encourages, or appears to promote, depict or encourage, unlawful, anti-social or illegal behavior or activities.

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D. Endorsement. The Ad, or any material contained in it, implies or declares an endorsement by YCIPTA of any service, product or point of view, without prior written authorization of the YCIPTA (through its Transit Director).

E. Obscenity. The Ad, or any material contained in it, contains obscene matter or any other matter that is prohibited under the provisions of Arizona Revised Statutes, and as such laws may be amended or supplemented.

F. Prurient Interests. The Ad, or any material contained in it, contains harmful matter or any other matter that is prohibited under the provisions of Arizona Revised Statutes, and as such laws may be amended or supplemented.

G. Profanity, Vulgarity, Riot. The Ad, or any material contained in it, is profane or vulgar, or presents a clear and present danger of causing a riot, disorder, or other imminent threat to public safety, peace or order.

H. Community Standards. A material that is 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.

I. Libelous Speech, Copyright infringement. The Ad, or any material contained in it, holds up an individual or groups of people to public ridicule, derision or embarrassment, or is libelous, or is an infringement of a copyright, trademark or registered mark.

J. Tobacco. The Ad, or any material contained in it, promotes or depicts the sale or use of tobacco or tobacco-related products, except products that counteract symptoms of tobacco habituation.

K. Alcohol. The Ad, or any material contained in it, promotes or depicts the sale or consumption of wine, liquor, beer, or distilled spirits.

L. Firearms. The Ad, or any material contained in it, directly or indirectly promotes the sale or use of a firearm or contains an image or depiction of a firearm.

M. Political Campaign Speech. The Ad, or any material contained in it, contains political campaign speech. For purposes of these guidelines, the term "political campaign speech" is speech that (1) supports or opposes or appears to support or oppose a ballot measure, initiative, or referendum, or (2) refers to any candidate for public office.

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N. Religion. The Ad, or any material contained in it, advocates or opposes a religion or religious belief.

O. Traffic Interference. The Ad, or any material contained in it, displays any word, phrase, symbol, or character likely to interfere with, mislead, or distract traffic, or conflict with any traffic control device.

P. Distraction. The Ad, or any material contained in it, incorporates any rotating, revolving, or flashing devices, or any other moving parts.

Q. Violence. The Ad, or any material contained in it, contains an image or description of graphic 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 associated in the advertisement with an act or acts of violence or harm on a person or animal.

R. "Adult"-oriented goods or services. The Ad, or any material contained in it, promotes or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans or other materials which are identifiable with, films rated "X" or "NC-17", video games rated "A" or "M," adult book stores, adult video stores, nude and/or topless clubs and other adult entertainment establishments, adult telephone services, adult Internet sites, and escort services as defined in A.R.S. 11-821.

S. Special provisions regarding web addresses and telephone numbers. The Ad, or any material contained in it, directs viewers to a website or telephone number that contains material that violates this Policy.

T. Denigration. The Ad, or any material contained in it, denigrates any public agency's organization, or its operations, or its officers, agents or employees. This prohibition includes advertising copy and illustrations that state or imply or could reasonably be expected to cause interference to their service or operations.

U. Public Forum. The Ad or any material contained in it, if posted individually or in combination with other Ads, causes YCIPTA Property to become a public forum for the dissemination, debate, and/or discussion of public issues.

V. Disclaimer or Attribution. The Ad fails to contain any disclaimer or attribution as required under Sections V and VII of this Policy.

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VI. Disclaimer

All advertisements on YCIPTA Property or as authorized under any YCIPTA contract shall include the following language “The views expressed in this advertisement do not necessarily reflect the views of the Yuma County Intergovernmental Public Transportation Authority.”

VII. Attribution

All advertisements or announcements on YCIPTA Property must clearly and unambiguously identify the person or entity that has sponsored, paid for, or caused the advertisement or announcement to be placed on YCIPTA Property. Website addresses or phone numbers without more information are insufficient to satisfy this section.

VIII. Unilateral Amendment

YCIPTA reserves the right to unilaterally amend this policy at any time upon providing written notice to any affiliated advertising contractor.

IX. Moratorium

At the discretion of the Transit Director, YCIPTA may at any time, subject to any contractual obligations, declare a complete ban or moratorium on all advertising on any real or personal property under YCIPTA’s control and direct that no advertisements or announcements of any kind, other than YCIPTA advertisements or announcements, be accepted for display and posting.

X. Disputes

In the event of any dispute or disagreement between YCIPTA and the contracted Advertising Agency, the dispute will be handled in the manner outlined in the Agreement.

XI. Other Provisions

A. Advertisements may be installed on bus shelters, bus benches, buses (inside and out) and on YCIPTA owned and/or controlled facility in accordance with local, State and Federal ordinances and laws governing advertisements on vehicles or property.

B. Public Service Announcements (PSA) Ads must be accompanied by documentation of non-profit status (IRS Form 5013C). The ads are on a

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“space available basis”, at a 50% discount plus production costs. All ads may be pre-empted by full rate advertisers.

Approved:



John Andoh
Transit Director

2-27-12
Date