

## **APPROVAL OF ADVERTISING MATERIAL AND LOCATIONS**

### **a. Advertising**

All advertising displays at any time inserted or placed by the Licensee in any display devices in or upon any vehicle and/or location and/or any products shall be approved by and acceptable to SEPTA. No libelous, objectionable, slanderous, or obscene advertising may be accepted by the Licensee for display inside, outside or upon SEPTA transit and railroad vehicles, products and facilities. Licensee shall alert SEPTA to any advertising content that it believes may be prohibited under SEPTA's Advertising Standards. All such advertising shall be submitted to SEPTA for review and written approval prior to display. Any advertising not complying with SEPTA's Advertising Standards as set forth below or otherwise determined by SEPTA, in its sole discretion, to be objectionable within the meaning of this subsection must not be utilized on any SEPTA vehicle, product or facility. SEPTA shall have the right immediately to remove any advertising material which has already been applied, in the event that SEPTA deems material objectionable for any Reason, at the expense of the Licensee. In the event the Licensee does not remove such material after 24 hours of written notification from SEPTA to do so, SEPTA shall have the right to remove such objectionable material at the Licensee's sole cost and expense. SEPTA shall not be held responsible for any such removal or any damage or injuries resulting from the removal of any such material.

### **b. Advertising Standards**

- (i) Purpose. These Advertising Standards ("Advertising Standards") apply to the posting of all new advertisements on transit vehicles, products and facilities on or after the date these Standards are implemented by Resolution of the SEPTA Board authorizing execution of amendments to SEPTA's agreement with Titan Outdoor, LLC ("the effective date").
- (ii) Non-Public Forum Status. It is the express intention of these Advertising Standards to further confirm SEPTA's intention that property allocated for advertising be a non-public forum. SEPTA's acceptance of transit advertising will not provide or create a general or designated public forum for expressive activities. In keeping with its proprietary function as a provider of public transportation, SEPTA does not intend its acceptance of transit advertising to permit its transit facilities, products or vehicles to be used as open public forums for public discourse and debate. Rather, SEPTA's fundamental purpose and intent is to accept such forms of advertising as will enhance the generation of revenues to support its transit operations without adversely affecting the patronage of passengers. In furtherance of that discreet and limited objective, SEPTA will retain strict control over the nature of the advertisements accepted for posting on or in its transit facilities, products and

vehicles and will maintain its advertising space strictly as a non-public forum.

- (iii) Application of Standards. These Advertising Standards apply to the posting of all new advertisements on transit facilities, products and vehicles on or after the effective date of these Standards. Any advertisements which would be prohibited under these Advertising Standards, but which were or will be posted pursuant to the terms of a court order or a fully executed advertising contract prior to the effective date of these Advertising Standards, will be allowed to be posted or to remain posted for the duration of that contract if permitted by the Advertising standards then in effect. SEPTA's transit facilities, products and vehicles are a nonpublic forum and, as such, SEPTA will accept only that advertising that falls within the categories of acceptable advertising specified in these viewpoint neutral standards and that satisfies all other access requirements and restrictions provided herein.
  
- (iv) Permitted Advertising Content. Subject to the limitations set forth in subsection 9(b)(v), SEPTA may accept advertisements falling under the following categories:
  - a. Commercial Advertising. Advertising with the sole expressed purpose of soliciting or promoting the sale, rent, lease, license, distribution, or availability of goods, property, services, programs, or events for the advertiser's commercial or proprietary interests.
  
  - b. Governmental Advertising. Advertising sponsored by a federal, state, or local governmental entity that advances a specific government purpose.
  
  - c. Public Service Announcements from Non-Profits. Advertising sponsored by a nonprofit organization that is exempt from taxation under Section 51(c)(3) of the Internal Revenue Code that is directed to the general public or a significant segment of the general public and the sole expressed purpose of which relates directly to:
    - i. the availability of services to prevent or treat illnesses;
    - ii. the availability of services to promote safety
    - iii. the availability of education or training services;
    - iv. the availability of services and programs that provide support to senior citizens or people with disabilities; or

- v. special events relating to arts and culture or museum exhibitions.

(v) Prohibited Advertising Content. Advertising is prohibited on transit facilities, products and vehicles if it or its content falls into one or more of the following categories:

- a. Advertisements involving, promoting or opposing a political party, political or judicial figures or ballot measures, or promoting or opposing the election of any candidate or group of candidates for federal, state, judicial or local government offices.
- b. 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.
- c. 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.
- d. Any material directed at a person or group that is so insulting, degrading or offensive as to be reasonably foreseeable that it will incite or produce lawless action in the form of retaliation, vandalism or other breach of public safety, peace and order. For purposes of determining whether an advertisement contains such material, SEPTA will determine whether a reasonably prudent person, knowledgeable of SEPTA's ridership and using prevailing community standards, would believe that the advertisement contains material that ridicules, mocks, is abusive or hostile to, places in a false light or debases the dignity, reputation, character or stature of any individual, group of individuals or entity.
- e. Any material that is so 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.
- f. Advertising that employs or commercially exploits, without adequate proof of express written authorization, the likeness, picture, image or name of any person.
- g. Advertising that uses or embodies, without adequate proof of express, written authorization, the trade name, trademark,

copyrighted matter or other intellectual property of a third person.

- h. Advertising that suggests or otherwise tends to promote or encourage conduct on SEPTA property that would violate SEPTA's rules and regulations.
- i. Advertising that, if permitted, would subject SEPTA to the risk of civil or criminal liability.
- j. Advertising that advocates or presents in a favorable light violence, crime or anti-social behavior, or presents violence or criminal activity as erotic, entertaining, amusing, or appropriate.
- k. Advertising that contains or tends to promote pornographic or sexually-oriented products or services or business that traffic in pornography, including advertising of X-rated movies or equivalent.
- l. Advertising that is itself obscene within the meaning of the laws of Pennsylvania (i.e. patently offensive sexual material lacking literary, social, artistic, scientific and/or political value, that appeals to the prurient interest of a person of average sensibilities).
- m. Advertising that employs or implies profanity or vulgarity.
- n. Advertising concerning products or services that involves illegal activity, including without limitation, prostitution, illegal gambling or illicit sale of controlled substances.
- o. Advertising that is aesthetically inappropriate, whether by reason of inappropriate graphic design, color, size, or unprofessional looking presentation, and for that reason is not conducive to creating a pleasant, comfortable and safe environment for transiting passengers.
- p. Advertising that tends to disparage the quality of service provided by SEPTA.
- q. Advertising that offers legal or other services related to SEPTA and not in SEPTA's best interest as determined by it.
- r. Advertisements and images depicting, soliciting or promoting the sale or use of tobacco products including, but not limited to cigarettes, cigars, e-cigarettes or smokeless tobacco.

- s. Advertisements and images that threaten or adversely portray or affect the public image of SEPTA or its ability to attract and maintain the patronage of passengers.
- t. Advertisements that promote or solicit the sale, rental, distribution or availability of firearms or related products.
- u. Advertising that directs viewers to internet addresses, telephone numbers or other media sources that contain materials, images or information that would violate these Advertising Standards if the materials, images or information were contained in advertising displayed or submitted for display or posting on SEPTA vehicles.

c. Meet and Confer

If SEPTA determines that a proposed advertisement is prohibited under subsection 9(b)(iv) or under one or more of the categories in subsection 9(b)(iv), the party or parties proposing the advertisement may request that SEPTA reconsider its determination. Upon receiving such request, SEPTA's General Counsel or his or her designee will offer to meet and confer with the party or parties proposing the advertisement to be conducted by telephone or as SEPTA and the proposing party may otherwise agree, in a reasonable effort to revise the proposed advertisement to make it comply with SEPTA's Advertising Standards.