

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL

FROM: JASON NUTT, DIRECTOR, DEPARTMENT OF
TRANSPORTATION AND PUBLIC WORKS.

SUBJECT: ADVERTISING POLICY AND GUIDELINES

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Transportation and Public Works and Finance Departments that the Council, by resolution, adopt Council Policy Number 000-69 titled "Advertising Policy and Guidelines."

EXECUTIVE SUMMARY

The Transportation and Public Works Department, Transit Division has long debated about the potential to use advertising on buses, shelters and other facilities. While advertising on transit equipment and facilities has become common with most agencies, including Golden Gate Transit and Sonoma County Transit, the City, and more specifically, CityBus, have historically chosen to not allow any type of advertising. In light of the current state of the industry and emerging budget considerations, the Transit Division has determined that it is in the City's best interest to develop and recommend an advertising policy that would allow advertising on facilities including, buildings, parking structures and surface lots, buses, shelters, stops, park and rides, parking meters and payment machines, websites, mobile applications, computer applications and social media sites.

BACKGROUND

The Transportation and Public Works Transit Division, formerly its own department, has been actively evaluating the merits of allowing advertising on its buses and shelters. Despite other operators around the country, Bay Area and county having advertising agreements, CityBus historically has chosen to not add advertising to its facilities.

Over the past couple years, CityBus has been carefully evaluating its fiscal situation and concluded that establishing an advertising policy could be an important component to

help stabilize its long-term fiscal outlook. In that regard, staff carefully evaluated advertising policies from transit agencies throughout the Bay Area and worked with the City Attorney's Office (CAO) to compile the most appropriate policy and guidelines that significantly reduce the risks that concerned the organization in prior evaluations. The CAO concluded that the City's facilities constitute nonpublic forums that are subject to the viewpoint-neutral restrictions and that by permitting limited types of advertising on or within City facilities, the City does not create a public forum for public discourse or expressive activity or to provide a forum for all types of advertisements.

The proposed policy establishes a clear set of standards for advertising on City owned facilities, which could include: any building, parking structure or surface lot, bus, shelter, stop, park and ride, parking meter and payment machine, website, mobile application, computer application and social media site owned and/or operated by the City of Santa Rosa.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

Staff researched and identified a number of advertising policies utilized by other agencies, mostly associated with transit operations. Staff concluded that the policy adopted by the Napa Valley Transportation Authority (NVRTA) was the most comprehensive and utilized it as a template. The City Attorney's Office (CAO) incorporated minor adjustments to better conform with the City's standards and concluded that the policy language established the necessary legal protections. It is critical that all advertising on or within City facilities be subject to a uniform, viewpoint-neutral policy. By adopting the proposed policy, the City can strictly regulate advertising requests, in particular, those activities prohibited by federal, state, local or City ordinance. In addition, the proposed policy describes the following other prohibited advertising categories:

- Demeaning or disparaging
- Tobacco
- Cannabis
- Alcoholic beverages marketed to youth
- Profanity
- Graffiti
- Human or animal graphics
- Violence
- Unlawful goods or services
- Unlawful or detrimental conduct
- False or deceptive commercial speech
- Libelous, copyright or patent infringement
- Obscenity or nudity

- Prurient interests
- Adult oriented goods or services
- Endorsement
- Injurious to the City or its Mission
- Religious advertising
- Political and social issues advertising

The draft policy was circulated to all departments for feedback. In their review, the Parking Division determined that the policy language was a benefit to their operation and requested that they be included in the Purpose under Section 1.1. While the Parking Division has no immediate plans to implement advertising on its facilities or equipment, inclusion in this Policy provides for future opportunities to be evaluated.

It is anticipated that CityBus could realize up to \$50,000 per year of revenue from an advertising agreement. In addition, there could be other non-monetary benefits, such as no cost shelter and facility maintenance.

FISCAL IMPACT

The adoption of this policy would allow departments to offset operational expenses with revenue generated from advertising agreements.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution/Exhibit A

CONTACT

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