

THE REGIONAL METROPOLITAN TRANSIT AUTHORITY OF OMAHA'S ADVERTISING POLICY

I. POLICY PURPOSE

The Regional Metropolitan Transit Authority of Omaha (“RMTA”), is a political subdivision of the State of Nebraska, operating a public transit system in the Omaha regional metropolitan area. The RMTA owns and operates buses, vans, shelters, and transit centers. It is in the public interest to make designated space available on and within its buses, vans, shelters, and transit centers (collectively referred to as “RMTA Facilities”) for the display of commercial advertising. The RMTA’s fundamental objective of designating spaces for the display of commercial advertising on or within RMTA Facilities is exclusively to generate revenues to augment the operation of RMTA’s public transit system. To accomplish its objectives of public transit operations and generation of additional revenue, RMTA will accept commercial advertising on or within RMTA Facilities only if such advertising complies with the standards and conditions of RMTA’s commercial advertising policy (“Advertising Policy”). The viewpoint neutral standards and restrictions contained in this Advertising Policy are intended to promote a professional advertising environment that maximizes revenues.

A. Nonpublic Forum.

The RMTA’s proprietary function is the operation of a public transit system. RMTA Facilities shall not provide a public forum for any and all types of commercial advertisements. By providing designed space on or within RMTA Facilities for the display of commercial advertising, the RMTA does not create nor intends to create a public forum for public discourse, expressive activity, or debate. The RMTA maintains exclusive control over the nature of commercial advertisements accepted and posted on or within all RMTA Facilities. The RMTA will designate space on or within its RMTA Facilities available for limited types of commercial advertising (“Permitted Advertising”), as an additional means of generating revenue to benefit and enhance its public transit operations. All RMTA Facilities are a non-public forum, and as such, the RMTA will only accept that Permitted Advertising.

II. ADVERTISING STANDARDS AND RESTRICTIONS.

A. Limits on Permitted Advertising. The viewpoint neutral standards and restrictions on Permitted Advertising displayed on RMTA Facilities will enable the RMTA to:

1. Avoid subjecting its passengers and other members of the public to content and material that may cause them embarrassment or discomfort and discourage them from using the RMTA’s public transit system;
2. Maintain an image of professionalism and decorum;

3. Avoid displaying material that is not suitable for viewing by minors and the public served by the RMTA's public transit system; and
4. Maximize revenues.

B. Excluded Advertising. The RMTA strictly prohibits and will not accept for display, posting, or placement on or within RMTA Facilities the following types of commercial advertising ("Excluded Advertising"):

1. To serve the purpose for which the RMTA transit system was established, RMTA shall exclude commercial advertising unsuitable for exposure to persons of minority age and immature judgment. The following types of commercial advertising are strictly prohibited, and will not be displayed, posted, or placed in or within RMTA Facilities:
 - a. Advertising for cigars, cigarettes, pipe tobacco, chewing tobacco, and other tobacco products;
 - b. Advertising for alcoholic beverages, including beer, wine, and distilled spirits;
 - c. Advertising for products, services or entertainment directed to sexual stimulation, which includes advertising which promotes pornography, including adult magazines, X-rated media, and/or businesses trafficking in pornography;
 - d. Advertising which presents rape, murder, or other acts of violence against any person, including children, as erotic, entertaining, amusing or appropriate;
 - e. Advertising that depicts violence or antisocial behavior; and
 - f. Advertising that includes language that is obscene or profane.
2. Commercial advertising determined by the RMTA to contain obscene and/or offensive content or material shall be prohibited and will not be displayed, posted, or placed on or within RMTA Facilities. Commercial advertising containing obscene and/or offensive content or material shall be evaluated by the RMTA using the following criteria: (i) whether the average person applying contemporary community standards would find the advertising, taken as a whole, appeals to the prurient interest; (ii) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (iii) whether the commercial advertising, taken as a whole, lacks serious literary, artistic, political or scientific value, to determine whether such advertising content or material is obscene and/or offensive.
3. Commercial advertising that explicitly and directly promotes or encourages the use of means of transportation in direct competition with the RMTA's public

transit service or operations shall not be displayed, posted, or placed on or within RMTA Facilities.

4. No commercial advertising shall be permitted that in any way denigrates the RMTA's organization, or its operation, or its officers, agents, or employees. This prohibition includes advertising copy and illustrations that state or imply, or could reasonably be expected to cause an inference, that the RMTA's public transit service or operations are anything but safe, efficient, affordable, and convenient.
5. Use of the RMTA's name, logo, slogans, or other graphic representations is subject to advance approval by the RMTA. The RMTA does not expressly endorse nor implies any endorsement of any product or service.
6. The RMTA requires all commercial advertising copy to be lawful, truthful, and not misleading. Commercial advertising copy and illustrations shall not be exaggerated, distorted, or deceptive. Medical products or treatments shall be treated in a restrained and inoffensive manner. Testimonials must be true and authentic, and advertisers using testimonials shall be required to indemnify the RMTA against any civil claims or actions, including attorney's fees, brought in connection with such. Commercial advertising that promotes contests or giveaways shall comply with all applicable laws, regulations, statutes, and ordinances.
7. No commercial advertising displayed, posted, or placed on or within RMTA Facilities that include language, pictures, or other graphic representations that are unsuitable for exposure to persons of minority age and immature judgment, or shall be derogatory of any person or group because of race, color, national origin, ethnic background, age, religious belief, marital status, disability, sex, sexual orientation, gender, pregnancy, veteran status, or any other protected status provided by law.
8. No commercial advertising shall be displayed, posted, or placed on or within RMTA Facilities; if such thereof, violates any federal, state, or local law, regulation, statute, or ordinance.
9. No political advertising shall be displayed, posted, or placed on or within RMTA Facilities. For this purpose, political advertising is defined as any of the following:
 - a. Any advertising conducted for the purpose of influencing public opinion that supports or opposes the election of any candidate or group of candidates for election to any federal, state, or local office;

2. The RMTA explicitly reserves the right, in its sole discretion and independent judgment, to limit the number of advertisements from any advertiser, groups of advertisers, public or private entities, or any other Permitted Advertising similar in nature, subject matter, or content.

E. Appeal of Advertising Decisions—Reconsideration of Rejected Advertising.

Upon written request for reconsideration of the rejected advertising from advertiser, the RMTA's designated representative shall forward the request for reconsideration to the RMTA's Chief Executive Officer and Legal Director. The Chief Executive Director, or designee, shall determine whether the proposed advertising will be accepted or rejected within fourteen (14) days of receipt of the written request for reconsideration of the rejected advertising. When applicable, the RMTA will make reasonable efforts to cooperate with the independent contractor through whom the advertising has been proposed, to revise proposed advertising in order to produce advertising that can be accepted and displayed, posted, or placed on or withing RMTA Facilities consistent with the Advertising Policy.

F. Reservation of Rights.

The RMTA reserves the right to suspend, modify, or revoke the application of any of the standards and restrictions of this Advertising Policy, at its sole and absolute discretion, necessary to comply with federal, state, and local laws, statutes, regulations, ordinances, mandates, and orders to accommodate the RMTA's primary public transit function, operations, and the goals and objectives of this Advertising Policy.