

CUSTOMER SERVICE SUBCOMMITTEE BOARD OF DIRECTORS MEETING



Meeting Notice:

The next meeting of this subcommittee of the TARC Board of Directors will be held at:

TARC's Headquarters 1000 W. Broadway, Louisville, KY 40203
Board Room
Wednesday, August 17, 2022 at 1:30 p.m.

Pursuant to the Americans with Disabilities Act, persons with a disability may request a reasonable accommodation for assistance with the meeting or meeting materials. Please contact Ashlie Woods at 502.561.5108. Requests made as early as possible will allow time to arrange accommodation.

Agenda

I.	Call to Order	Jan Day	1:30
II.	Staff Presentation and Discussion	Carrie Butler / All	1:30 – 1:55
	a. Customer Feedback Issues		
	b. Presentation on Advertising Policy		
	c. Review of Performance Scorecard		
III.	Proposed Agenda Items/Next Meeting Date	Carrie Butler	2:05
IV.	Adjourn		2:10



ADVERTISING POLICY

TRANSIT AUTHORITY OF RIVER CITY

Original - 2022

TRANSIT AUTHORITY OF RIVER CITY ADVERTISING POLICY



Name of Entity That Drafted This Policy	Pat Mulvihill, General Counsel	
Signature by the Executive Director	Signature of Accountable Executive	Date of Signature
Approval by the Board of Directors or an Equivalent Authority	Name of Individual/Entity That Approved This Plan	Date of Approval
	Relevant Documentation (Title and Location)	
Certification of Compliance	Name of Individual/Entity That Certified This Plan	Date of Certification
	n/a	
	Relevant Documentation (Title and Location)	

Version Number and Updates			
Version Number	Section/Pages Affected	Reason for Change	Date Issued
1		Agency Wide policy	2022
2			

TRANSIT AUTHORITY OF RIVER CITY ADVERTISING POLICY



1.0 Purpose

TARC intends that its buses and facilities shall constitute non-public forums. TARC does not commit or dedicate any of its buses or facilities for use as a forum for communication on public issues; rather, advertising shall be limited as set forth in this policy and may be further limited in TARC's discretion. Advertising on TARC buses or facilities is not open to any and all advertisers. TARC intends to retain control over the type of advertising that it will allow on its buses or facilities. As such, certain forms of paid and unpaid advertising will not be permitted for placement or display on or in TARC buses or facilities.

2.0 Limitations on Advertising

TARC shall not display or maintain any advertisement that falls within one or more of the following categories:

- 2.1 promotes the sale of tobacco or tobacco-related products, including advertisements depicting such products;
- 2.2 promotes adult book stores, adult video stores, dance clubs featuring nudity or erotic dancing and other similar adult entertainment establishments, adult telephone services, adult Internet sites and escort services;
- 2.3 promotes unlawful or illegal goods or services, including material contained therein or referred to therein which appears to promote or encourage, the use or possession of such unlawful or illegal goods or services;
- 2.4 promotes unlawful or illegal activities or conduct, including material contained therein or referred to therein which appears to promote or encourage such activities or conduct;
- 2.5 appears to be false, misleading or deceptive, including material contained therein which is false, misleading or deceptive;
- 2.6 implies or declares an endorsement by TARC of any goods, service, activities or points of view, including material contained therein or referred to therein which implies or declares any such endorsement, without the prior written authorization of TARC;
- 2.7 appears to be libelous, an invasion of privacy, an infringement of copyrighted material, or otherwise appears unlawful or illegal or likely to subject TARC to litigation;
- 2.8 promotes, supports or contains political speech, meaning speech that (1) pertains to any candidate for public office, (2) pertains to specific ballot question, initiative petition, or referendum, or (3) addresses a significantly disputed political issue or cause;
- 2.9 fosters sexual, racial, religious or other offensive stereotypes, including material contained therein or referred to therein which fosters such stereotypes;
- 2.10 contains profane language;
- 2.11 contains nudity, obscenity, materials indecent or inappropriate as to minors, or materials which otherwise depict sexual activities, conduct, excitement, or sadomasochistic abuse;



- 2.12 contains images of graphic violence, including, but not limited to, the depiction of acts of violence or harm to a person or animal and images of human or animal bodies or its parts in a mutilated, dismembered, decomposed and/or disfigured state;
- 2.13 contains material that appears (from the viewpoint of a reasonably prudent person) to demean, disparage, ridicule, mock, abuse, display hostility to, or debase the dignity or stature of, any individual or group of individuals or any racial, religious or ethnic group;
- 2.14 contains material which is likely to offend, discomfort, or annoy TARC customers, or make them feel unwelcome, unsafe, or uncomfortable;
- 2.15 displays any word, phrase, symbol, or character likely to interfere with, mislead, or distract traffic, or conflict with any traffic control device;
- 2.16 demeans or disparages an individual or group of individuals. For purposes of determining whether an advertisement contains such material, TARC will determine whether a reasonably prudent person, knowledgeable of TARC's ridership and using prevailing community standards, would believe that the advertisement contains material that ridicules or mocks, is abusive or hostile to, or debases the dignity or stature of, an individual or group of individuals.

This section to be discussed

3.0 Advertisement of Alcoholic Beverages

Advertisements related to the sale of alcoholic beverages shall contain a statement, occupying at least 3% of the area of the advertisement, that indicates the legal drinking age in Kentucky and warns of the dangers of alcohol consumption during pregnancy, or in connection with the operation of heavy machinery, or while driving.



4.0 Additional Limitations for Non-Commercial Advertisers

TARC will accept advertisements from non-commercial advertisers to promote charitable events or community outreach efforts, so long as the advertiser is a charitable or religious organization with tax exempt status, i.e., 501 (c)(3) status or is a government or government-sponsored organization. Advertisements from non-commercial advertisers must likewise comply with the guidelines set forth in Part II.

The spaces available on TARC's buses and facilities are limited in number. In light of TARC's stated goal of maximizing revenue generated by advertising, priority as to the posting and placement of ads will be given to commercial advertisers over non-commercial advertisers.

5.0 Disclaimers

TARC reserves the right, in all circumstances, to require that an advertisement on or in its facilities include attribution to the sponsor of the advertisement and/or a disclaimer indicating that it is not sponsored by, and does not necessarily reflect the views of TARC.

6.0 Promotion of Transportation Function

Notwithstanding any particular limitations set forth above, TARC has the unqualified right to display, on it in its buses or facilities, advertisements and notices that pertain to TARC operations and promotions or that otherwise encourage and promote public use of TARC's transportation facilities or public or mass transit in general.



7.0 Right to Modify

In light of TARC's stated goals of maximizing its ridership and providing a friendly and welcoming environment for its riders, TARC reserves the right to modify, change or withdraw existing advertisements based upon complaints or other information.

8.0 Administration of Standards and Guidelines

- 8.1 Advertising Contractor.** TARC may, from time to time, select an "Advertising Contractor" who shall be responsible for the daily administration of a segment or all of TARC's advertising program, in a manner consistent with the guidelines set forth herein and the terms of its agreement with TARC. The advertising program shall include, but not be limited to, promotion, solicitation, sales, accounting, billing, collections, and posting of advertising displays on or in all TARC buses or facilities.
- 8.2 Review by Advertising Contractor.** TARC's Advertising Contractor will review each advertisement submitted for display and installation on TARC's buses, or facilities, to determine whether the proposed advertisement falls within, or may fall within, prohibitions or limitations under this Policy. Internet addresses or websites listed on advertisements may be scrutinized and to the extent that such referenced places contain material which is deemed objectionable per the standards set forth herein, the advertisement may be deemed objectionable based on such materials.
- 8.3 Review by TARC.** If the Advertising Contractor determines that an advertisement falls within, or may all within, prohibitions or limitations under this Policy, the following steps will be taken:
 - 8.3.1** The Advertising Contractor will promptly provide the advertiser with a copy of these standards and written notice of its determination, the reasons for the determination and the option for the advertiser to request a review of the decision before TARC;
 - 8.3.2** The Advertising Contractor will provide TARC with a copy of the written notice to the advertiser and the advertisement at issue;
 - 8.3.3** Upon written request from the advertiser, TARC will conduct a review within fourteen (14) days of receipt of such a request, to determine whether the advertisement at issue falls within prohibitions or limitations under this Policy;
 - 8.3.4** Within five (5) days of the review conducted by TARC, it will provide the advertiser and the Advertising Contractor with a written notice of its determination. TARC's Determination will be final.
- 8.4 No Rights Created.** In setting for the above review process, TARC does not intend to create any due process rights for advertisers. Rather, TARC's intent is to establish a review process for the purpose of attempting to ensure the uniform application and enforcement of the stated guidelines and standards.
- 8.5 Severability.** If prohibition or limitation under this Policy is determined to be invalid as applied to any particular type of TARC bus or facility, the category shall, to the extent permissible, remain applicable to all other types of TARC buses and facilities.
- 8.6 Amendment.** TARC reserves the right to amend these policies and standards at any time. Any revisions or amendment to this policy will be in writing and supplied to the Advertising Contractor. Any member of the public may obtain a copy of these policies and standards at any Time, upon request.



9.0 Design and Minimum Advertising Purchases

- 9.1** Amount. TARC's Marketing Department, in cooperation with the Advertising Contractor, will establish minimum rates and/or amounts of advertising that must be purchased by an advertiser before an advertisement is accepted.
- 9.2** Schedule. The minimum rates and/or amounts of advertising required to be purchased will be made available to any potential advertisers by the Advertising Contractor. A rate card, to be Reviewed and approved by TARC's Marketing Department, will be published for advertising space and production charges offered to the public on, at minimum, an annualized basis. Co-promotional trade programs will be considered on a proposal basis only with a minimum of one-month lead time and are not available to offset revenue guarantees.
- 9.3** Revenues. Contracts must include a method of remittance of revenues to TARC. Revenue from these contracts shall be retained by TARC and used to offset the need for public subsidy. Revenues pledged to a particular operation shall be accounted for in accordance with regulatory requirements.
- 9.4** In lieu of revenue, TARC may accept an equivalent value of goods and/or services, including but not limited to capital improvements, information services, advertising, site maintenance, and other benefits.

DRAFT