

## I. SCOPE AND PURPOSE

- A. Applicability. Pace, the Suburban Bus Division of the Regional Transportation Authority, (“Pace”) has established these uniform, viewpoint-neutral Advertising Guidelines (“Guidelines”), which apply to all proposed new advertising on Pace property (“Property”) on or after the effective date of these Guidelines. The term “Property” includes Pace buses, paratransit vehicles, advertising transit shelters, transit centers, billboards, and website. Audio advertising is limited to Pace buses and transit centers.
- B. Pace Transit Operations. Having a service area covering 3,446 square miles, Pace is one of the largest bus services in North America. Pace provides affordable and environmentally responsible public transit options to tens of thousands of daily passengers in 284 municipalities throughout Cook, Will, DuPage, Kane, Lake, and McHenry counties (“Service Area”). Pace’s innovative approach to public transportation gives the agency a national reputation as an industry leader.
- C. Objectives. Pace in its proprietary capacity is offering advertising space on the Property to generate revenue for Pace. In establishing and enforcing these Guidelines, Pace also seeks to fulfill the following objectives:
- Preserve the marketing potential of Pace’s advertising space by avoiding content that could be viewed as offensive, inappropriate, or harmful to the public generally or to minors in particular;
  - Maintain a safe and welcoming environment for all Pace employees and customers;
  - Prevent the appearance of favoritism or endorsement by Pace; and
  - Minimize the diversion of resources from transit operations to resolve disputes relating to advertising.
- D. Nonpublic Forum. Pace intends that Property allocated for advertising be a nonpublic forum.

## II. PERMITTED ADVERTISING

Pace, in its sole discretion, may permit the following categories of advertising on the Property if the advertising complies with all applicable laws and regulations and does not include any content prohibited under Section III of these Guidelines:

- A. Commercial Advertising. Advertising that solicits or promotes the sale, rental, lease, license, distribution, or availability of goods, services, food, entertainment, events, programs, transactions, donations, products, or property for commercial purposes, or that more generally promotes an entity engaging in such activities.

- B. Government Advertising. Notices or messages from Pace that promote Pace or any of its operations or programs, and notices or messages from the United States government and its agencies, the State of Illinois and its agencies, and municipal and county governments and their departments within the Service Area that advance specific governmental purposes.
- C. Public Service Announcements. Public service announcements sponsored by either a government entity or a nonprofit corporation that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code, directed to the general public, and related to:
- Prevention or treatment of illnesses;
  - Promotion of safety or personal well-being;
  - Education or training;
  - Provision of children and family services;
  - Provision of services and programs supporting low income citizens, senior citizens, or people with disabilities; or
  - Solicitation by broad-based contribution campaigns providing funds to multiple charitable organizations active in the above-listed areas.
- D. Alcohol Advertising. Advertising for alcohol products and by alcohol beverage companies (“alcohol advertising”), except on Pace paratransit vehicles and website and subject to the following:
1. Pace management shall review and approve all proposed alcohol advertising prior to production of the advertising.
  2. Print alcohol advertising shall contain the following statement covering no less than three percent of the area of the advertising: THE LEGAL DRINKING AGE IN THE STATE OF ILLINOIS IS 21 YEARS OLD. GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS AND (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS. PLEASE DRINK RESPONSIBLY.
  3. Print alcohol advertising on Pace buses shall be displayed in identical format on buses from at least four Pace garages (two from Group A and two from Group B):
 

Group A – Fox Valley, Heritage, North, River, South, and Southwest

Group B – Batavia, Highland Park, McHenry, Naperville, North Shore, Northwest, West, and Westmont

For purposes of this restriction, alcohol advertising shall be considered identical even if translated into different languages.

4. Alcohol advertising on a Pace advertising transit shelter on a public right-of-way shall be approved by the unit of local government in which the right-of-way is located. Alcohol advertising on a Pace advertising shelter on private property shall be approved by the property owner(s).
5. Alcohol advertising shall not contain illustrations of persons under the age of 21 nor shall they make use of any material which would make a special appeal to juveniles.

### III. **PROHIBITED ADVERTISING**

Pace prohibits advertising on the Property if the advertising includes any of the following content:

- A. Material that is political in nature or contains political messages, including material that promotes or opposes a political party, a ballot referendum, or the election of any candidate or group of candidates for federal, state, judicial, or local government offices or that expresses or advocates an opinion, position, or viewpoint on a matter of public debate about economic, political, moral, religious, or social issues.
- B. Tobacco products, tobacco-related products, and products that simulate smoking or are modeled on tobacco products, including cigarettes, cigars, chewing tobacco, and electronic cigarettes.
- C. Material that promotes the sale, use, or cultivation of cannabis, cannabis-related products, or cannabis-infused products. This subsection shall not apply to a noncommercial message from or on behalf of a registered dispensing organization or to an educational message.
- D. Films rated “NC-17” or “X”; television programs rated “MA”; video games rated “AO,” or “M”; adult entertainment establishments, including adult bookstores, adult video stores, and clubs featuring nude dancers; and sexually orientated businesses, including adult telephone services, adult internet sites, and escort services.
- E. Material that depicts nudity, sexual conduct, or sexual excitement. The terms “nudity,” “sexual conduct,” and “sexual excitement” shall have the meaning as set forth in 720 ILCS 5/11-21(a), as amended.
- F. Material that is or that the advertiser reasonably should have known is false, deceptive, fraudulent, and/or misleading or would constitute defamation or invasion of privacy.
- G. Material that is an infringement of a copyright, trademark, or service mark.
- H. Material that promotes unlawful or illegal goods, services, or activities under federal, state, or local law.
- I. Material that contains profane language.

- J. Material that portrays images or descriptions of violence, including dead, dismembered, disfigured, or decomposing human beings or animals, the act of killing, dismembering, or disfiguring human beings or animals, and the intentional infliction of pain or violent action toward or upon a human being or animal. The term “human being” shall include a fetus.
- K. Material that promotes or solicits the sale, rental, distribution, or availability of firearms or firearm-related products or that depicts weapons or devices that appear to be aimed or pointed at the viewer or observer in a menacing manner.
- L. Material that is adverse to Pace’s commercial, operational, or administrative interests or that tends to disparage public transportation or the quality of service provided by Pace.
- M. Material that contains Pace graphics, logos, and/or representations or indirect references to Pace or its employees without the express written consent of Pace.
- N. Material that implies or declares an endorsement of any service, product, or point of view by Pace.
- O. Material that encourages or depicts unsafe behavior or promotes disregard for safety precautions with respect to an activity.
- P. Material that is intended to be (or could reasonably be interpreted as being) demeaning, disparaging, disreputable, discriminatory, or disrespectful to persons, groups, businesses, or organizations.
- Q. Material that Pace reasonably foresees would incite or produce lawless action in the form of retaliation, vandalism, or other breach of public safety, peace, and order or would result in harm to, disruption of, or interference with the transportation system.

IV. **ADDITIONAL REQUIREMENTS**

- A. **Testimonials.** If the advertising contains a testimonial, the advertiser shall provide Pace with documentation evidencing that the person who made the testimonial authorized its use in the advertising. Further, the advertiser shall indemnify, defend, and hold harmless Pace and Pace’s directors, officers, agents, employees, contractors, and subcontractors from and against any and all liability, losses, damages, claims, suits, payments, settlements, judgments, demands, awards, expenses, and costs, including reasonable attorneys’ fees, arising out of the advertisement of the testimonial. This indemnification shall survive the removal of such advertisement from the Property.
- B. **Advertiser Identification.** Pace may require an advertiser to include the following phrase in the advertising if the identity of the advertiser is not readily and unambiguously identifiable: “Advertisement paid for by \_\_\_\_\_ [insert name of advertiser].”
- C. **No Endorsement Disclaimer.** To avoid the appearance of a Pace endorsement, Pace may require an advertiser to include the following phrase or similar phrase in the advertising: “Not a Pace endorsement.”

- D. Approval. An advertiser shall submit its proposed advertising to Pace's advertising sales agent. The advertising sales agent may discuss with the advertiser one or more revisions to the proposed advertising, which, if undertaken, would bring the proposed advertising into compliance with these Guidelines. If Pace's advertising sales agent determines that the proposed advertising does not comply with these Guidelines, the advertising sales agent shall submit the proposed advertising to Pace for further review and determination as to whether the proposed advertising complies with these Guidelines. Pace, in its sole discretion, may permit or prohibit the proposed advertising. The decision of Pace's Executive Director, or his/her designee, to permit or prohibit the proposed advertising shall be final.