

Transit Advertising, Sponsorship & Naming Policies

March 23, 2021



Background

- Combined efforts with Parks & Recreation Department on comprehensive package of policies:
 1. Transit Advertising 900-61 (Mobile GR) – *new policy*
 2. Naming and Renaming of Parks and Recreational Facilities 1100-11 (Parks and Recreation) – *new policy*
 3. Sponsorships Policy (Parks and Recreation and Mobile GR) 1100-12 – *new policy*
 4. Adopt-a-Park, Partnership and Sponsorship Policy 1100-09 (Parks and Recreation) - *amended*
- Purpose: to thoughtfully **guide revenue-generating programs** for recreational and mobility services offered by the City
- Originally presented transit ad policy in October 2019
- Developed with feedback/input from the Mobile GR Commission and Parks Advisory Board#3



Transit Advertising Policy

New City Commission Policy 900-61

Why Do We Need a Transit Advertising Policy?

- To thoughtfully **guide a revenue-generating advertising program** for DASH services and other mobility services offered by the City
- As a due-diligence **pre-cursor to issuing an RFP for advertising services**
- To **ensure appropriate advertisements within legal parameters** in conjunction with DASH services and bus stops within the City
- To **implement an objective and consistently applied evaluation** of potential advertisements in a nonpublic forum

What does the policy do?

- Explains the **intention to use advertising as a revenue source** at defined locations to support public transit
- **Defines** and implements **City transit vehicles and transit stops** within City limits as “**nonpublic forums**”
- **Outlines a framework for evaluation of commercial advertisements** consistent with nonpublic forums and First Amendment principles

Traditional Public Forums

- **Traditional public forums include public parks, sidewalks and areas that have been traditionally open to political speech and debate.**
- Speakers in these areas enjoy the strongest First Amendment protections. In these forums, the government may not discriminate based on the speakers' views. Doing so is called viewpoint discrimination, which is prohibited under the First Amendment.

Partial Source: law.cornell.edu/wex/forums

Designated Public Forums

- Sometimes, the government opens public property for public expression even though the public property is not a traditional public forum. These are designated public forums.
- **Most restrictions on speech in Traditional and Designated forums receive “strict scrutiny” by courts, which are almost never upheld as constitutional.**

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Nonpublic Forums

- Nonpublic forums are forums for public speech that are neither traditional public forums nor designated public forums.
- According to the Supreme Court in *Minnesota Voters Alliance v. Mansky*, 585 U.S. __ (2018), **in a nonpublic forum, the government may restrict contents of a speech, as long as the restriction is reasonable and the restriction does not discriminate based on speakers' viewpoints.**

Partial Source: law.cornell.edu/wex/forums

Nonpublic Forums Con't

- Courts have analyzed whether transit advertising placement is a designated public forum or a nonpublic forum. With certain policy content and consistent application, **we believe that the law supports the proposition that transit advertising falls squarely into the nonpublic forum category.**
- Even in a nonpublic forum **the standards must be reasonable, viewpoint neutral, and with clear standards for evaluation.** The caselaw rejects restrictions that give the government reviewer unfettered or unknowable discretion.

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What content is permitted?

- Third-party commercial speech only that is not otherwise prohibited
- The City of Grand Rapids has the right to display advertising to promote the City of Grand Rapids as its own speech
- By limiting the speech to commercial speech (which is defined by the policy), the City avoids a much more complicated and risky First Amendment analysis

What content is prohibited?

- Noncommercial Speech
- Political Campaign Speech
- Prohibited Products, Services, or Activities:
 - Tobacco, Marijuana, Alcohol, Firearms, Adult/Mature Rated Films, Television or Video Games, Adult Entertainment Facilities, Other Adult Services, Sexual and or Excretory Subject Matter
- False or Misleading
- Copyright or Trademark violations
- Illegal Activity
- Profanity and Violence
- Harmful or Disruptive to the Transit System
- Lights, Noise and Special Effects
- Unsafe Transit Behavior

Examples of Advertising Panels





Naming and Renaming of Parks and Recreational Facilities

New City Commission Policy 1100-11

Parks and Recreation Naming Policy

- Purpose:
 - Provide guidance and procedures for the consideration of naming or renaming park and recreational facilities
- Naming Categories
 - Exceptional individuals
 - Historic events, places and persons
 - Major gifts
- Procedure:
 - Petition / presentation to Parks and Recreation Advisory Board
 - Recommendation by Parks Advisory Board
 - Naming recommendation brought to City Commission with potential public hearing





Parks and Recreation and Mobile GR Sponsorship Policy

New City Commission Policy 1100-12

Parks and Recreation & Mobile GR Sponsorship Policy

- Purpose:
 - Seek partnerships for financial or in-kind support to sustain and expand programs and facilities.
- Sponsorship Categories
 - Event
 - Program
 - Project
 - Site/Feature
- Sponsorship Features:
 - Be consistent with City policies and regulations
 - Reaffirm departments' missions and core services
 - Have agreements detailing benefits, value and recognition



Sponsorship Definition

- Financial or in-kind support from a for-profit entity for commercial advertising may include:
 - **Marketing opportunities**
 - Authorization for businesses to **promote investment/association with the department**
 - **Name association (title) for an event or program**
- Sponsorships will be business agreements between the sponsor and the relevant department, signed by the Mayor and approved by the City Attorney after City Commission consideration

Sponsorship Guidelines

- a) Compatible with departmental mission, values and policies
- b) Compatible with City policies and laws
- c) Enhance current priorities, programs, and core services
- d) Should not compromise design standards, visual integrity of parks and recreation, Mobile GR facilities or experience of Mobile GR patrons or park users
- e) Should not increase operating and maintenance responsibilities and costs
- f) Tangible and intangible benefits should be balanced for sponsor and department
- g) Should not create a conflict of interest for departments or the City
- h) For-profit should have favorable past record on community involvement with City projects and agencies

Adopt-a-Park, Partnership and Sponsorship Programs in Parks and Recreation Policy

Amending City Commission Policy 1100-09



Adopt-a-Park, Partnership and Sponsorship Programs in Parks and Recreation Policy

- Revised City Commission policy 1100-09
- Revisions:
 - New title: Adopt-A-Park Program in Parks and Recreation
 - Elimination of sponsorship content (covered in new policy 1100-12)
- Purpose:
 - Provide guidelines for individuals and organizations doing volunteer work at city parks.



Photo credit: Friends of GR Parks

Next Steps

- **City Commission** recommendation for approval of all three policies
- **Re-engage The Rapid to join advertising contract for DASH buses (short-term)**
- Craft and release **advertising RFP** for other Department purposes (long-term)
- **Retain advertising management vendor**
- **Collect revenue from policies and use to support City services**

Questions