



ADVERTISING POLICY

The Rio Metro Regional Transit District (“RMRTD”) serves as the administrative entity responsible for the operation and management of the New Mexico Rail Runner Express (“NMRX”) on behalf of the New Mexico Department of Transportation (“NMDOT”). The RMRTD is also responsible for operating transit buses in the Counties of Bernalillo, Sandoval and Valencia.

The RMRTD is engaged in the sale of advertising in and upon the property and rolling stock of the agencies (“Transit Facilities”), consisting of: 1) print advertising on the exterior of the RMRTD buses; 2) print advertising displayed on bus shelters in the RMRTD’s service area; 3) print and digital advertising on the interior of the RMRTD buses; 4) advertising displayed at New Mexico Rail Runner Express train stations; 5) print and digital advertising on the interior of NMRX rail cars; 6) print advertisements on schedules, brochures or other transit service related materials; and 7) digital advertisements on the RMRTD website, mobile website or mobile app. This Advertising Policy (“Policy”) shall apply to the sale of advertising on all Transit Facilities owned and/or managed by the RMRTD.

I. PURPOSE

The RMRTD will make space on its Transit Facilities available for limited types of advertising (“Permitted Advertising”). Advertisements on/in the RMRTD Transit Facilities shall be of reputable character and conform to community standards of decency and acceptability. By allowing advertising on or within the transit facilities, the RMRTD does not intend to create a public forum for public discourse or expressive activity. RMRTD intends to limit transit advertisements to innocuous or less controversial forms of advertisement including commercial and service-related advertising in order to minimize the chances of abuse, the appearance of favoritism, and the risk of imposing on a captive audience. All advertising shall be subject to this uniform, viewpoint-neutral Policy.

The RMRTD will not permit the types of advertising as defined as Excluded Advertising in Section III below. By not allowing Excluded Advertising, the RMRTD can A) maintain a professional advertising environment that maximizes advertising revenues and minimizes interference with or disruption of their transit systems; B) maintain an image of neutrality on political, religious or other issues that are not the subject of Commercial Advertising and are the subject of public debate and concern; and C) continue to build and retain transit ridership.

II. PERMITTED ADVERTISING

A. Exterior Advertising

The display of Permitted Advertising on the exterior of Transit Facilities (“Exterior Advertising”) is intended only to supplement fare revenue, tax proceeds and other income that fund the RMRTD operations and to promote the RMRTD’s transit operations. In order to realize the maximum benefit from the sale of space, the advertising program must be managed in a manner that will procure as much revenue as practical, while ensuring that the advertising is of a type that does not discourage the use of the transit systems, does not diminish the RMRTD or NMDOT’s reputations in the communities they serve or the good will of their patrons, and is consistent with the principal purpose of providing safe and efficient public transportation. Exterior Advertising permitted under this section cannot contain displays or messages that qualify as Excluded Advertising, as defined below under Section III.

Exterior Advertising includes advertising in the following categories:

1. Commercial Advertising. Commercial Advertising is advertising the sole purpose of which is to sell products, goods or services. It does not include advertising that offers to sell products, good or services and also conveys a political or religious message, or issue advocacy, and/or expresses or advocates opinions or positions related to any of the foregoing.
2. Transit Operations of the RMRTD. Transit Operations Advertising is advertising that promotes the Rio Metro Regional Transit District or the New Mexico Rail Runner Express.
3. Rio Metro Transit Buses. Exterior Advertising is permitted on the exterior of RMRTD transit buses, shelters and rail stations consistent with the provisions of this Policy.
4. Rail Runner Trains. Exterior Advertising is not permitted.

B. Interior Advertising

The RMRTD recognizes that passengers are a captive audience to any advertisements posted on the interior of RMRTD passenger buses and train cars. The RMRTD desires that such passengers not be subject to advertisements containing material relating to political, religious, or issue advocacy about which public opinion can be widely divergent and which some passengers may, therefore, find offensive. If passengers are so offended, it could adversely affect the ridership and revenue of the RMRTD. Like Exterior Advertising, Interior Advertising permitted under this section cannot contain displays or messages that qualify as Excluded Advertising, as defined below under Section III.

Interior Advertising includes advertising in the following categories:

1. Commercial Advertising. Commercial Advertising is advertising the sole purpose of which is to sell products, goods or services. It does not include advertising that offers to sell products, good or services and also conveys a political or religious message, or issue advocacy, and/or expresses or advocates opinions or positions related to any of the foregoing.
2. Public Service Advertising. Public Service Advertising is advertising proposed by governmental entities, academic institutions or tax exempt nonprofit organizations that relates to community, art, cultural educational, health or safety events, programs and/or messages and does not include any direct or indirect reference to religious, political or issue advocacy. Upon the RMRTD's request, nonprofit entities must document their tax-exempt status. Unless the source of the public service advertising is obvious from the content or copy, the advertisement must specifically identify the sponsor of the advertisement or the message.
3. Transit Operations of the RMRTD. Transit Operations Advertising is advertising that promotes the Rio Metro Regional Transit District or the New Mexico Rail Runner Express.
4. Cross-promotional Advertising. Cross-promotional Advertising is advertising in which the RMRTD collaborates with for-profit entities to promote the Rio Metro Regional Transit District or the New Mexico Rail Runner Express as a conveyance to a specific event; such advertising may not contain any direct or indirect reference to religious, political or issue advocacy.

III. EXCLUDED ADVERTISING APPLICABLE TO EXTERIOR AND INTERIOR ADVERTISING

Exterior and Interior Advertising cannot be displayed or maintained on Transit Facilities if information contained in the advertisement falls within one or more of the following categories of Excluded Advertising:

- A. False, misleading, or deceptive

- B. Clearly defamatory, or could be reasonably deemed to be slanderous or libelous, directed at a particular individual, group or organization
- C. Discourages the use of the transit system; disparages or criticizes the use of the transit system; or result in public criticism of the transit system
- D. Obscene or pornographic, including cinematic and live venues, and sexually-oriented products or services
- E. In advocacy of imminent lawlessness or violent action
- F. Promoting alcohol or tobacco products
- G. Religious
- H. Political
- I. Advertising that implies or declares that RMRTD, NMDOT, the State of New Mexico or the New Mexico Rail Runner Express endorses or approves a product, service, point-of-view, event or program, unless the RMRTD and NMDOT have agreed in writing to be official sponsors, co-sponsors or participants
- J. Property infringement, including piracy or infringement on copyright, trademark, title or slogan
- K. Any advertising not explicitly included in this list that is contrary to the purpose of advertising as set forth in Section 1 of the RMRTD Advertising Policy.

For purposes of this Policy, the following definitions apply:

Religious advertisements are defined as advertisements that contain any direct or indirect reference to religion, or to any religion or to any deity or deities, or which includes the existence, nonexistence or other characteristics of any deity or deities, or to any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion. This prohibition shall include the depiction of text, symbols or images commonly associated with any religion or with any deity or deities, or any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion.

Political Advertisements are defined as advertisements that contain political speech referring to a particular ballot question, initiative, petition, referendum, candidate or political party or viewpoint or expresses or advocates such opinions or positions upon any of the foregoing. This prohibition includes any advertisement referring to or depicting a candidate for public office in any context.

IV. ADMINISTRATIVE AND ENFORCEMENT POLICY

A. Review by Sales Manager

The RMRTD shall incorporate this Policy into its advertising management contracts. The RMRTD Sales Manager shall submit for display on or in the Transit Facilities only advertisements that comply with the standards set forth in this Policy. If the Sales Manager is in doubt whether an advertisement complies with the standards set forth in this Policy, then the Sales Manager shall notify the RMRTD Marketing Director of the specific standard or standards of this Policy with which the Sales Manager believes the advertisement may not comply.

B. Review by Marketing Director

If the Sales Manager determines that an advertisement may not comply with the Policy in Section A, the Sales Manager shall send the advertisement and supporting information (the name of the advertiser, the size and number of the proposed advertisements, the dates and locations of proposed display, and the notation of standards of concern) to the Marketing Director for review. The Marketing Director shall review the advertisement and supporting information to determine

whether or not the advertisement complies with this Policy, and shall consult with the RMRTD Director. If the Marketing Director and RMRTD Director determine that the advertisement does not comply with this Policy, he or she shall, in writing, specify the standards with which the advertisement does not comply, and shall so notify the Sales Manager.

C. Notification to Advertiser

The Sales Manager will send prompt, written notification to the advertiser of the rejection of the advertisement and will include in that notification a copy of this Policy and written specification of which standard or standards the advertisement fails to comply with.

D. Appeal to the Executive Director

Rejection of an advertisement may be appealed to the RMRTD Executive Director, or designee, by written notification to the Sales Manager. The Executive Director will allow the Sales Manager to present any argument or evidence they wish to offer. If the appeal is related to the New Mexico Rail Runner Express, the NMDOT Cabinet Secretary or Designee will be consulted as part of the appeal process. The decision of the Executive Director and the NMDOT Cabinet Secretary will be final.

Note: In the event that the RMRTD contracts the work for advertising sales, the title "Sales Manager" should be substituted with "Contractor".

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