



SunLine Transit Agency
May 28, 2025
10:45 a.m. – 11:10 a.m.

AGENDA

BOARD OPERATIONS COMMITTEE

Wellness Room
32-505 Harry Oliver Trail
Thousand Palms, CA 92276

NOTICE TO THE PUBLIC

SunLine has discontinued its COVID-19 Emergency Declaration and has returned its Board and Board Committee meetings to live and in-person attendance at the location noted above. These meetings are no longer available for viewing, attendance, or comment by two-way audiovisual platform, two-way telephonic service, webcasting, or streaming video broadcast. SunLine may prepare audio or video recordings of Board meetings. In accordance with the Brown Act and California Public Records Act, these recordings are subject to public inspection for a period for thirty (30) days after the meeting.

In compliance with the Brown Act, agenda materials distributed 72 hours or less prior to the meeting, which are public records relating to open session agenda items, will be available for inspection by members of the public prior to or at the meeting at SunLine Transit Agency's Administration Building, 32505 Harry Oliver Trail, Thousand Palms, CA 92276 and on the Agency's website, www.sunline.org.

In compliance with the Americans with Disabilities Act, Government Code Section 54954.2, and the Federal Transit Administration Title VI, please contact the Clerk of the Board at (760) 343-3456 if disability-related modification(s) and/or interpreter services are needed to participate in a Board meeting. Notification of at least 72 hours prior to the meeting time will assist staff in ensuring reasonable arrangements can be made to provide assistance at the meeting.

ITEM

RECOMMENDATION

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. ROLL CALL**
- 4. FINALIZATION OF AGENDA**

ITEM

RECOMMENDATION

5. PUBLIC COMMENTS

RECEIVE COMMENTS

NON AGENDA ITEMS

Members of the public may address the Committee regarding any item within the subject matter jurisdiction of the Committee; however, no action may be taken on off-agenda items unless authorized. Comments shall be limited to matters not listed on the agenda. Members of the public may comment on any matter listed on the agenda at the time that the Board considers that matter. Comments may be limited to 3 minutes in length.

6. PRESENTATIONS

7. COMMITTEE MEMBER COMMENTS

RECEIVE COMMENTS

8. REVISED ADVERTISING POLICY

(Staff: Edith Hernandez, Director of Board and Legislative Affairs)

APPROVE
(PAGE 3-13)

9. ADJOURN

SunLine Transit Agency

DATE: May 28, 2025 **ACTION**

TO: Board Operations Committee
Board of Directors

FROM: Edith Hernandez, Director of Board and Legislative Affairs

RE: Revised Advertising Policy

Recommendation

Recommend that the Board of Directors (Board) approve the attached revised Policy #B-020598, the Advertising Policy.

Background

SunLine Transit Agency's (SunLine) Advertising Policy (Policy) seeks to generate additional revenue to supplement operating costs by selling advertising space on SunLine vehicles (interior and exterior locations) and in bus shelters. The Policy was last updated in 2018. Since then, staff has identified areas for improvement in the Policy to align with best practices and current legal requirements, clarify the rules for both potential advertisers and staff administering the Policy, and further maximize revenues through efficient administration.

The advertising spaces subject to the Policy, which include certain exterior and interior spaces on buses and certain spaces on bus shelters, are non-public forums for purposes of free speech protected by the First Amendment. In non-public forums, SunLine may impose content-based restrictions on speech so long as such restrictions are reasonable and viewpoint neutral. Accordingly, the Policy is intended to be uniform and viewpoint neutral, and to create a professional advertising environment that will maximize advertising revenue and minimize interference with or disruption to the SunLine transit system. However, the current Policy prohibits political advertising that "opposes the nomination or election of a candidate for public office, the investigation, prosecution or recall of a public official or the passage of a levy or bond issue," but permits all other types of political advertising. This approach is inconsistent with the stated objectives of the Policy and is susceptible to legal challenge because it allows certain types of political viewpoints and excludes others. Accordingly, the revised Policy excludes all political ads regardless of viewpoint in accordance with the legal standards applicable to non-public forums.

Other changes to the Policy include:

- Identifying the advertising spaces that are subject to the Policy.
- Removing excluded categories of advertising that are difficult to administer or may expose SunLine to legal risk, such as excluding ads that encourage people to use forms of transportation other than SunLine's services.
- Further defining the types of Permitted Advertising, which include Commercial Advertising, Public Service Advertising, and Cross-Promotional Advertising.
- Clarifying SunLine's authority to waive advertising fees for cities within its service area wishing to advertise city sponsored events, city programs, or city agencies on a SunLine bus shelter located within the city's jurisdiction so long as (i) the bus shelter advertising space is not occupied by a revenue generating advertisement, and (ii) the advertisement is consistent with the Policy.
- Clarifying the process for appealing the GM/CEO's decision to reject an advertisement to the Board.
- Removing the process by which cities are given an opportunity to provide input on proposed ads on bus shelters within their jurisdiction. This secondary layer of review has resulted in unnecessary delays in processing advertising requests.
- Consolidating and rephrasing language to improve clarity. For example, the current Policy expressly excludes ads that support or oppose any labor organization or any action by, on behalf of, or against any labor organization. Depending on the specific ad content, such labor-related ads would likely constitute excluded political or public issue ads, so there is no need to call out labor-related ads as an additional discrete category of excluded advertising.

Financial Impact

There is no financial impact. Advertising revenues will depend on market demand.

Performance Goal

Goal 4: Valuable Community Asset – Be seen as a highly valued and integral contributor to shaping socially engaged, economically vibrant, and healthy communities throughout the Coachella Valley.

In Collaboration with:

Carmen Cubero, Marketing & Events Manager

Approved/Reviewed by:

Mona Babauta, CEO/General Manager

Catherine J. Groves, General Counsel

Attachments:

- [Item 8a](#) – SunLine Advertising Policy B-020598 – Redlined
- [Item 8b](#) – SunLine Advertising Policy B-020598 – Redlined Changes Accepted

SunLine Transit Agency
Advertising Policy
Policy No: B-020598

Adopted: 01/28/98
Revised: ~~04/25/18~~05/28/25

ADVERTISING POLICY

PURPOSE AND SCOPE

SunLine Transit Agency (STA), acting in a proprietary capacity, ~~operates public bus service in the Coachella Valley. STA's desire to sell is engaged in the sale of~~ advertisement space ~~stems from the recognized need~~ to earn revenues to supplement operating costs that are not otherwise met through farebox revenue and local, state and federal levies, taxes and grants.

SCOPE

This policy applies to ~~the sale of all forms of advertising space in and upon STA's property and transit vehicles ("Transit Facilities"), including but not limited to: (1) advertising on the exterior of STA buses, (3) advertising on the interior of STA buses, and (3) advertising displayed on bus shelters in STA's service area~~ all SunLine Transit Agency employees or contractors.

POLICY

~~It is STA's policy that its buses, bus shelters and any and all other forums for~~ By allowing limited types of advertising ~~under on the Transit Facilities, STA does not intend to create this policy are not a~~ public forums for political discourse or expressive activity, or -

~~These areas are not intended to provide a forum for all types of advertisements, but only the limited advertisements accepted under the policy.~~ All advertising shall be subject to this uniform view-point neutral policy.

STA will not permit the types of advertising defined as Excluded Advertising in this policy. Excluded Advertising: Copy may not be displayed and, if displayed, will be removed by STA ~~if it falls within the categories listed below.~~

~~By not allowing Excluded~~ excluding said a Advertising, STA seeks to maintain a professional advertising environment that will maximize advertising revenue and minimize interference with or disruption to its transit system.

STA further seeks to maintain an image of neutrality on political, religious and

other issues that are not the subject of eCommercial Advertising and ~~are may~~ ~~instead be~~ the subject of public debate and concern. Finally, STA's goal is to continue to build and retain ridership.

EXCLUDED ADVERTISING

~~Subject thereto, a proposed~~ An advertisement ~~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, as will be excluded if determined by~~ SunLine, in its sole discretion, ~~determines it:~~

1. ~~Contains d~~Defamatory ~~or, libelous or obscene matter~~ likely to hold up to scorn or ridicule a person or group of persons.
2. Is false, misleading or deceptive.

~~Supports or opposes any labor organization or any action by, on behalf of or against any labor organization.~~

3. Relates to or promotes any illegal activity.
4. ~~Contains implicit or explicit sexual references, pictures or text, or includes material harmful to minors~~ Obscene or pornographic.
5. Depicts or promotes the sale of alcohol, cannabis, tobacco products, any illegal products, ~~s, a~~ service, ~~a~~ or entity, ~~a~~ and/or firearms.
6. Depicts or advocates violence.
7. ~~Includes language that is obscene, vulgar or profane.~~
8. ~~Demeans, degrades or has the effect of promoting discrimination against any group or individual on the basis of race, color, religion, national origin, age, sex, disability, ancestry or sexual orientation.~~

8. Constitutes a political or public issue defined as advertising that contains political speech referring to a particular ballot question, initiative, petition, referendum, candidate, political party, or viewpoint or expresses or advocates opinions or positions upon any of the foregoing or on a matter of public debate about economic, political, religious, or social issues. This prohibition includes any advertisement referring to or depicting a candidate for public office in any context. Opposes the nomination or election of a candidate for public office, the investigation, prosecution or recall of a public official or the passage of a levy or bond issue.

- 10-9. Constitutes an unauthorized endorsement defined as advertising that implies or declares that STA endorses a product, service, viewpoint, event or

program. This definition does not include advertising for a service, event or program for which STA is an official sponsor, co-sponsor or participant.

~~44.10.~~ Constitutes a religious advertisement defined as advertising that contains direct or indirect reference to religion, or to a deity or deities, or which includes ~~reference to~~ the existence, non-existence 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 includes 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.

~~Advertising that encourages person to refrain from using SunLine Transit Agency services or public transit in general.~~

~~Advertising that explicitly and directly promotes or encourages the use or means of transportation in direct competition with public transit.~~

PERMITTED ADVERTISING

In permitting limited advertising, STA seeks only to supplement fare revenue and other income that funds its operations and to promote its services.

~~STA does not desire to have its passengers subject to advertisements containing controversial material relating to political, religious or other issues about which public opinion can be widely divergent.~~

To realize the maximum benefit from the sale of advertising space, all advertising ~~programs~~ must be managed in a manner that will generate as much revenue as practicable while ensuring that the advertising does not discourage use of the system, does not diminish STA's reputation in the communities it serves, and is consistent with the goal of providing safe and efficient public transportation. To attain these objectives, STA will only allow advertising on its Transit Facilities that do not qualify as Excluded Advertising, as defined above ("Permitted Advertising"). Permitted Advertising includes:

1. Commercial Aadvertising, defined as advertising for has a the sole purpose of promoting or soliciting the sale, rental, or distribution of a business or to sell products, goods, or services, entertainment, events, programs, or real or personal property for commercial purposes. It does not include advertising that also conveys both promotes a business or offers to sells products, goods or services and also conveys a political or religious message or can be construed as issue advocacy or which expresses an opinion or position, content that constitutes Excluded Advertising under this policy.

2. ~~Operations advertising is permitted. This is defined as a~~Advertising that promotes STA and its services.
3. ~~Governmental advertising is permitted. This is defined as a~~Public Service Advertising, defined as advertising proposed by either a that promotes programs and events of governmental entityies, political subdivisions and state agencies, academic institution or tax-exempt nonprofit organization that relates to: community, art, culture, education/training, health, provision of children and family services, provision of services and programs that provide support to low income citizens, senior citizens and people with disabilities, or safety or special events, programs and/or messages and does not include or contain any content that constitutes Excluded Advertising. Upon STA'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.
4. ~~Political advertising is permitted. Ad content must be approved and must state "Paid Advertisement" as part of the creative artwork. The font must be an appropriate size.~~
- 5.4. ~~Entering into barter deals is permitted if Sunline determines that it is a benefit to Sunline Transit Agency.~~Cross-Promotional Advertising, defined as advertising in which STA collaborates with for-profit or non-profit entities to promote using STA as a conveyance to a specific event; such advertising may not contain any content that constitutes Excluded Advertising.
6. ~~Customers requesting advertisement orders will need to provide payment upfront — before each advertising period (flight) begins.~~

ADMINISTRATION AND ENFORCEMENT OF POLICY

Advertisers must pay the applicable fee for the advertising space before the advertisement is installed. STA may, by mutual agreement with a city within its service area, waive this fee for a city wishing to advertise city sponsored events, city programs, or city agencies on a STA bus shelter located within the city's jurisdiction so long as (i) the bus shelter advertising space is not occupied by a revenue generating advertisement, and (ii) the advertisement is consistent with this policy.

~~Review by the General Manager.~~

The Board designates the CEO/General Manager to administer the Advertising Policy. This delegation ~~includes with the power of re-delegation by the CEO/General Manager to appropriate staff.~~ The CEO/General Manager or designee shall review all advertisement content and determine

whether it complies with this policy.

If the CEO/General Manager or designee determines that the advertisement does not comply with this policy, written notification of same specifying the standard(s) with which the advertisement does not comply and the appeal process shall be provided to the advertiser with a copy of this policy.

On an as needed basis, the CEO/General Manager may refer any controversial proposed ad content to the Board for approval or rejection with a majority vote.

The Board of Directors may, on its own action or at the request of an advertiser wishing to appeal the CEO/General Manager's determination of an advertisement in accordance with appeal procedures developed by the CEO/General Manager, override any decision by the CEO/General Manager on ad content with a majority vote. The Board's decision shall be final.

~~Sunline Transit Agency shall submit bus shelter ad content to the corresponding city, delegated to the City Manager, for approval. The cities have five business days to respond. Sunline Transit Agency will have ad content approval discretion, if the corresponding city fails to respond within the five day period.~~

~~The Board designates the General Manager to administer the Advertising Policy. This delegation is with the power of re-delegation to appropriate staff.~~

SunLine Transit Agency
Advertising Policy
Policy No: B-020598

Adopted: 01/28/98
Revised: 05/28/25

ADVERTISING POLICY

PURPOSE AND SCOPE

SunLine Transit Agency (STA), acting in a proprietary capacity, is engaged in the sale of advertisement space to earn revenue to supplement operating costs that are not otherwise met through farebox revenue and local, state and federal levies, taxes and grants.

This policy applies to the sale of all forms of advertising space in and upon STA's property and transit vehicles ("Transit Facilities"), including but not limited to: (1) advertising on the exterior of STA buses, (3) advertising on the interior of STA buses, and (3) advertising displayed on bus shelters in STA's service area.

By allowing limited types of advertising on the Transit Facilities, STA does not intend to create a public forum for political discourse or expressive activity, or to provide a forum for all types of advertisements. All advertising shall be subject to this uniform viewpoint neutral policy.

STA will not permit the types of advertising defined as Excluded Advertising in this policy. Excluded Advertising may not be displayed and, if displayed, will be removed by STA.

By not allowing Excluded Advertising, STA seeks to maintain a professional advertising environment that will maximize advertising revenue and minimize interference with or disruption to its transit system. STA further seeks to maintain an image of neutrality on political, religious and other issues that are not the subject of Commercial Advertising and are the subject of public debate and concern. Finally, STA's goal is to continue to build and retain ridership.

EXCLUDED ADVERTISING

An advertisement 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, as determined by SunLine, in its sole discretion:

1. Defamatory or likely to hold up to scorn or ridicule a person or group of persons.

2. Is false, misleading or deceptive.
3. Relates to or promotes any illegal activity.
4. Obscene or pornographic.
5. Depicts or promotes the sale of alcohol, cannabis, tobacco products, any illegal product, service, or entity, and/or firearms.
6. Depicts or advocates violence.
7. Demeans, degrades or has the effect of promoting discrimination against any group or individual on the basis of race, color, religion, national origin, age, sex, disability, ancestry or sexual orientation.
8. Constitutes a political or public issue defined as advertising that contains political speech referring to a particular ballot question, initiative, petition, referendum, candidate, political party, or viewpoint or expresses or advocates opinions or positions upon any of the foregoing or on a matter of public debate about economic, political, religious, or social issues. This prohibition includes any advertisement referring to or depicting a candidate for public office in any context.
9. Constitutes an unauthorized endorsement defined as advertising that implies or declares that STA endorses a product, service, viewpoint, event or program. This definition does not include advertising for a service, event or program for which STA is an official sponsor, co-sponsor or participant.
10. Constitutes a religious advertisement defined as advertising that contains direct or indirect reference to religion, or to a deity or deities, or which includes the existence, non-existence 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 includes 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.

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2. Advertising that promotes STA and its services.
3. Public Service Advertising, defined as advertising proposed by either a governmental entity, academic institution or tax-exempt nonprofit organization that relates to: community, art, culture, education/training, health, provision of children and family services, provision of services and programs that provide support to low income citizens, senior citizens and people with disabilities, or safety or special events, programs and/or messages and does not include or contain any content that constitutes Excluded Advertising. Upon STA'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.
4. Cross-Promotional Advertising, defined as advertising in which STA collaborates with for-profit or non-profit entities to promote using STA as a conveyance to a specific event; such advertising may not contain any content that constitutes Excluded Advertising.

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The Board designates the CEO/General Manager to administer the Advertising Policy. This delegation includes the power of re-delegation by the CEO/General Manager to appropriate staff. The CEO/General Manager or designee shall review all advertisement content and determine whether it complies with this policy.

If the CEO/General Manager or designee determines that the advertisement does not comply with this policy, written notification of same specifying the standard(s) with which the advertisement does not comply and the appeal process shall be provided to the advertiser with a copy of this policy.

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