

CORVALLIS CITIZENS ADVISORY COMMISSION ON TRANSIT AGENDA

**Wednesday, February 13, 2013, 8:20 a.m.
Madison Avenue Meeting Room
500 SW Madison Avenue**

- I. INTRODUCTIONS
- II. APPROVAL OF MINUTES
 - December 12, 2012 (January, 2013 meeting was canceled)
- III. CACOT/VISITOR'S COMMENTS
- IV. OLD BUSINESS
- V. NEW BUSINESS
 - Council Policy on Bus Advertising - Discussion on Staff Report
- VI. INFORMATION SHARING
- VII. COMMISSION REQUESTS AND REPORTS
- VIII. PENDING ITEMS
- IX. ADJOURNMENT

Future Meetings:

Wednesday, March 13, 2013, City Hall Meeting Room D

Commission Members:

| | |
|------------------------------|------------------------------------|
| Stephan Friedt, Chair | Robert E. Wilson |
| Brandon Trelstad, Vice-Chair | Kriste York |
| Terry Wright | Robert Monasky |
| Celeste Weaver de Balan | Jacob Kollen, ASOSU Representative |
| Bruce Sorte, Council Liaison | |

The Madison Avenue Meeting Room is accessible to the public.
Please contact Tim Bates at (541) 766-6916
if you need special accommodations to attend the meeting.

**CORVALLIS CITIZENS ADVISORY COMMISSION ON TRANSIT
MINUTES
December 12, 2012**

Present

Stephan Friedt, Chair
Brandon Trelstad, Vice Chair
Robert E. Wilson
Kriste York
Mike Beilstein, Council Liaison

Staff

Tim Bates, Public Works
Brie Caffey, Public Works

Visitors

Jacob Kollen, OSU Student Sustainability Initiative

Absent

Celeste Weaver de Balan
Robert Monasky
Terry Wright

SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|--|------------------|-------------------------|----------------------|
| I. Introductions | X | | |
| II. Approval of October 10, 2012 Minutes | X | | |
| III. CACOT/Visitor Comments | | | N/A |
| IV. Old Business | | | N/A |
| V. New Business | | | N/A |
| VI. Information Sharing | X | | |
| VII. Commission Requests and Reports | X | | |
| VIII. Pending Items | | | N/A |
| IX. Adjournment | | | Adjourned at 9:04 am |

CONTENT OF DISCUSSION

- I. Introductions**
The meeting was called to order at 8:27 am by Chair Friedt. Introductions were made of Commission members and staff. Jacob Kollen arrived later and introduced himself.
- II. Approval of Minutes**
Commissioner Wilson and Vice Chair Trelstad, respectively, moved and seconded to approve the October 10, 2012 minutes. The motion passed unanimously.

III. CACOT/Visitor Comments

None.

IV. Old Business

None.

V. New Business

None.

VI. Information Sharing

Mr. Bates reviewed the written Information Sharing Report. Comments provided in addition to the report included:

Mr. Bates reported that Location Manager Bill Harris has resigned at First Student for another job opportunity. Brian Maxwell is acting as interim Location Manager while First Student conducts interviews for a replacement.

Commissioner Wilson asked if there might be a potential reduction in the Transit Operations Fee (TOF) money collected next year. Mr. Bates said he has been monitoring year-to-date average annual cost of gasoline in the state of Oregon over 2012, which is the mechanism used to set the new TOF rate which will take effect February, 1, 2013. He predicts there will be at least a small increase in the TOF rate in 2013.

Mr. Bates said that the upcoming route change to the Beaver Bus Southwest route, servicing more of Country Club Drive and 35th Street, isn't expected to negatively affect its on-time performance. The new route goes into effect when the Beaver Bus returns from winter break on January 10, 2013.

The Holiday Trolley will continue to operate on Saturday and Sundays until December 23rd.

Mrs. Caffey reported an increase in non-transit related posters being put up in bus shelters, with a disappointing new trend of using spray adhesive on the entire flyer to stick the flyer to the inner roof of the shelter. Chair Friedt said he believes there may be a special spray designed to release spray adhesives; staff will research this.

VII. Commission Requests and Reports

Commissioner Wilson said the City Manager has asked for suggestions for goals for the incoming City Council. Since CTS faces a long-range funding problem with the future elimination of BETC funding, Commissioner Wilson suggested that Commissioners write to the City Manger and suggest that finding a solution to these long-range funding issues be listed as a Council goal. Councilor Beilstein said Council goals tend to be aspirational rather than prescriptive but individuals and groups are certainly welcomed to submit a goal suggestion by no later than January 4, 2013.

Chair Freidt, a member of the Area Commission on Transportation (ACT), mentioned that the City of Corvallis recently submitted a grant application requesting three new

buses from ODOT. He said Corvallis' request was accepted by the ACT, which is the first step toward obtaining the funding.

Vice Chair Trelstad asked that the wording of the ridership statistics in the Information Sharing report be changed to make it clear that the percentages listed reflect rides per service hour. Mr. Bates agreed.

Chair Freidt noted reports of an increase in behavior problems at the Downtown Transit Center (DTC) with individuals hanging out in the area and harassing passengers. Mr. Bates said he was aware of the issue. The City continues to encourage riders, drivers and staff to call the Corvallis Police Department anytime they believe there is an issue at the DTC.

Chair Freidt asked about the status of a proposed City operations and maintenance facility. Mr. Bates said the City is still interested in building one, but needs approximately ten million dollars to accomplish the task. Councilor Beilstein asked if building a facility would allow CTS to bring transit operations and maintenance in-house and Mr. Bates replied that it would both open that possibility and make bidding for those services more competitive.

VIII. Pending Items

None.

IX. Adjournment

Commissioners Wilson and York, respectively, moved and seconded that the meeting be adjourned. The motion passed unanimously.

The meeting was adjourned at 9:04 am.

NEXT MEETING: January 9, 2013, 8:20 am, Madison Avenue Meeting Room

MEMORANDUM

To: Citizens Advisory Commission on Transit (CACOT)

From: Tim Bates, Transit Coordinator

Date: February 7, 2013

Subject: Council Policy #CP 07-1.10, Advertising on Corvallis Transit System Buses

ISSUE

City Council, at its March 5th, 2007 meeting, approved a Council Policy regarding advertising on Corvallis Transit System (CTS) buses. The policy is required to be reviewed every three years by the Public Works Director, and updated as necessary.

BACKGROUND

Prior to 2006, the City had an informal policy regarding advertising standards. In 2006, the City proceeded with placing a political ad on buses following a request to do so, since it was determined that there was no adopted policy that would allow the City to restrict the ad. A protest was lodged as a result of this ad placement. Subsequently, staff developed and the City Council adopted the existing Council Policy in March, 2007. The policy served to comprehensively outline categories of ads deemed appropriate or inappropriate for use on the buses. This policy has remained virtually unchanged since its adoption.

In March, 2011, the Oregon Court of Appeals upheld a 2008 ruling that TriMet's long-running policy of accepting only commercial advertisements violates constitutional free speech protections.

DISCUSSION

As a result of the 2011 court ruling and on the recommendation of the City Attorney, the City has accepted forms of advertising that were previously not allowed under the Council Policy governing advertising on CTS buses. The City Attorney had expressed concerns about the number of restrictions in the existing policy, but this draft addresses the 2011 court ruling to ensure the policy is legally sound. Input provided by this City Attorney has been incorporated into the policy.

The City receives 35% of net sales made by its bus advertising contractor, Lamar Advertising. Below is a breakdown of bus advertising revenue for the previous three calendar years.

| <u>Contract Period</u> | <u>Net Sales</u> | <u>35% Net Sales</u> | <u>Monthly Avg. 35% Net Sales</u> |
|------------------------|------------------|--------------------------|---------------------------------------|
| 2010 | \$51,734.20 | \$18,106.97 | \$1,508.91 |
| 2011 | \$58,597.09 | \$20,508.98 | \$1,709.08 |
| 2012 | \$42,735.40 | \$14,957.39 | \$1,246.45 |

REQUESTED ACTION

Staff requests that CACOT review the draft policy and make a recommendation to the Administrative Services Committee.

CITY OF CORVALLIS
COUNCIL POLICY MANUAL

POLICY AREA 1 - GENERAL

CP 07-1.10 Advertising on Corvallis Transit System Buses

Adopted March 5, 2007

Revised March 15, 2010

Revised March _____, 2013

1.10.010 Purpose

A. The purpose of this policy is to establish standards for the display of advertising in or on the Corvallis Transit System (CTS) buses. This policy is intended to provide objective and enforceable standards for determining the scope of permissible advertising on city buses. It is intended that these standards be applied consistent with the free speech guarantees of the constitutions of the United States and the State of Oregon.

~~B. It is the City's declared intent and purpose not to allow or cause any of its buses to become a public forum for the dissemination, debate, and/or discussion of public issues.~~

~~B.~~ It is the City's declared intent and purpose to take into account interests which are of importance to the operation of the transit system. These interests include:

- (1) Maximizing revenues to CTS operations by selling advertising space;
- (2) Promoting and maintaining an orderly administration and operation of the transit system, which includes maximizing revenues by attracting and maintaining the patronage of passengers;
- (3) Maintaining the safety of passengers;
- (4) Protecting minors who travel on the City's transportation system;
- (5) Avoiding any potential identification of the City with viewpoints,

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express or implied, by any advertisement permitted on City buses;
and

- (6) Maintaining neutrality on political and religious issues.

~~DC.~~ The City reserves the right to amend these policies and standards at any time, including the right to declare a complete ban on all advertising on all City buses and direct that no advertisements of any kind be accepted for display and posting.

1.10.020 Definitions

Advertiser - An individual, company, agency, association, organization, or any other type of entity proposing to place an advertisement on or in CTS buses.

Advertising Contractor - An individual or company under contract to the City of Corvallis to sell, install, maintain, and remove advertisements on CTS buses, and to administer the bus advertising program in accordance with the requirements of this policy.

Corvallis Transit System (CTS) - A public transportation system operated by the City of Corvallis.

~~Political Speech - Speech that (1) refers to, supports or opposes a political committee, specific ballot question, measure, initiative, referendum or recall petition, or (2) refers to, supports or opposes any candidate for public office.~~

Public Service Announcements - Viewpoint-neutral messages which are not commercial in nature.

1.10.030 Policy

A. Attribution. All advertisement on City buses shall clearly and unambiguously identify the person or entity that has sponsored, paid for, or caused the ad to be placed on city buses. Web site addresses or phone numbers without definition or identification of sponsorship, are insufficient to satisfy this section.

B. Disclaimer. City ~~reserves the right~~ **requires**, in all circumstances, **that to require** an advertisement on or in its buses ~~to include a disclaimer indicating that it is not sponsored by, and does not necessarily reflect the views of the City.~~ **This provision does not apply to advertisements that the City sponsors or co-sponsors.**

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C. Limitations Upon Advertisements. ~~The City intends that its facilities constitute nonpublic forums that are subject only to the viewpoint-neutral restrictions set forth below.~~ Certain forms of paid and unpaid advertising will not be permitted for placement or display on or in City buses. No advertisement will be displayed or maintained if the advertisement or information contained in it falls within one or more of the following categories:

- (1) False, misleading, or deceptive commercial speech. The advertisement proposes a commercial transaction, and the advertisement, or any material contained in it, is false, misleading, or deceptive.
- (2) Unlawful goods or services. The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services.
- (3) Unlawful conduct. The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal behavior or activities.
- (4) Endorsement. The advertisement, or any material contained in it, implies or declares an endorsement by the City of any service, product or point of view, without prior written authorization of the City.
- (5) Obscenity or Nudity. Contains any nudity, obscenity, sexual conduct, sexual excitement, or sadomasochistic abuse as those terms are now, or may hereafter be, defined in ORS 167.002~~051~~ to ORS 167.100. It is the intent of this category to restrict any proposed advertisement which violates any provision of the statutory scheme set forth in ORS 167.002 **051** to ORS 167.100, including amendments or supplements thereto. All proposed advertisements considered pursuant to this category must clearly and unmistakably demonstrate compliance with the statutory scheme.
- ~~(6) Prurient sexual suggestiveness. The advertisement contains material that describes, depicts, or represents sexual activities or aspects of the human anatomy in a way that the average adult, applying contemporary community standards, would find appeals to the prurient interest of minors or adults in sex.~~

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- ~~(7)~~(6) Libelous speech, copyright infringement. The advertisement, or material contained in it, is libelous or an infringement of copyright, or is otherwise unlawful or illegal or likely to subject the City to liability.
- ~~(8)~~ Tobacco. The advertisement promotes the sale or use of tobacco or tobacco-related products, including depicting such products.
- ~~(9)~~ Alcohol. Promotes the sale of wine, liquor, beer, or distilled spirits or other alcoholic beverages.
- ~~(10)~~ Political Speech. The advertisement contains political speech.
- ~~(11)~~ Religious. Supports or opposes a religion, denomination, creed, tenet, or belief.
- (12)(7) Interference. Displays any word, phrase, symbol, or character likely to interfere with, mislead, or distract traffic, or conflict with any traffic control device.
- ~~(13)~~ "Adult"-oriented goods or services. The advertisement promotes or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans or other materials which are identifiable with, material rated "X" or "NC-17" or equivalent, adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments, adult telephone services, adult Internet sites, and escort services.
- ~~(14)~~ Special provisions regarding Web addresses and telephone numbers. The advertisement directs viewers to a Web site or telephone number that contains material that violates these guidelines.

D. Accepted Advertising. The spaces available on the City buses may become limited in number. Therefore, advertising that meets the requirements set forth herein, will be accepted on a first-come, first-served basis.

E. Advertising Program and Administration. The City may, from time to time, select an "Advertising Contractor" who, if selected, shall be responsible for the daily administration of the City's advertising program, in a manner consistent with this policy.

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F. Severability. If any category set forth in Section 1.10.030.C is determined to be invalid as applied in a specific context, the category shall remain applicable in all other permissible contexts.

~~G. Public Service Announcements. The Advertising Contractor for the City may, from time to time, make unsold space available for public service announcements proposed by non-profit corporations that are exempt from taxation under Section 501(c)(3) of the Internal Revenue Code or by federal, state or local government agencies or subdivision thereof. Each such non-profit corporation shall provide the Advertising Contractor with documentation demonstrating that it currently qualifies under the above-referenced provision of the Internal Revenue Code. A public service announcement shall not contain a message that is retail or commercial in nature and shall comply with the advertising standards set forth in this policy . A public service announcement is required to bear the following legend if the sponsor is not readily or easily identifiable from the content or copy of the proposed advertisement: "This message is sponsored by _____."~~

HG. CTS promotions. Consistent with the limitations contained herein, Corvallis Transit System may display on City buses materials, including advertisements and notices, that pertain to operations, service promotions or any other non-commercial purpose.

IH. Disclaimer of Liability. Upon submission of advertising, Advertiser expressly agrees that the City is not liable for any damages, whether direct or indirect, arising out of delays in posting of the advertisement due to the review process. Advertisers are urged to submit their advertisements with sufficient lead time to allow for review, if necessary.

1.10.040 Implementation

This policy will be incorporated by reference in the contract between the City and the Advertising Contractor, and the City will provide oversight to ensure that the content standards set forth in this policy are adhered to.

1.10.050 Review and Update

This policy shall be reviewed every 3 years by the Public Works Director; ~~beginning in February 2007~~, and updated as necessary.

MEMORANDUM

DATE: February 11, 2013
TO: CACOT Members
FROM: Tim Bates, Transit Coordinator
SUBJECT: Information Sharing Report

Replacement Vehicle Information System (VIS) - Staff has been working on the RFP for a replacement VIS and the RFP is expected to be solicited in the near future.

CTS Ridership Survey - Corvallis Area MPO will conduct an on-board and on-line ridership and demographic survey of the Corvallis Transit System. The survey will be conducted February 25 through March 4th.

Ridership - Percentage changes are based on rides per service hour.

- **CTS provided 73,365 rides in December, an average of 33.4 rides/service hour, a 2.1% decrease from December 2011.** Ridership for December 2011 was 79,456, an average of 34.2 rides/service hour.
CTS provided 110,539 rides in January, an average of 48.5 rides/service hour, a 3.7% increase from January 2012. Ridership for January 2012 was 103,182, an average of 46.7 rides/service hour.
- **Philomath Connection provided 1,700 rides in December, an average of 13.1 rides/service hour, a 14.3% decrease from December 2011.** Ridership for December 2011 was 2,181, an average of 15.3 rides/service hour.
Philomath Connection provided 2,511 rides in January, an average of 17.6 rides/service hour, an 11.8% decrease from January 2012. Ridership for January 2012 was 2,846, an average of 19.9 rides/service hour.
- **Beaver Bus provided 564 rides in December, an average of 3.6 rides/service hour, a 63.5% decrease from December 2011.** Ridership for December 2011 was 713, an average of 9.9 rides/service hour.
Beaver Bus provided 1,459 rides in January, an average of 9.4 rides/service hour, a 30.5% decrease from January 2012. Ridership for January 2012 was 1,453, an average of 13.5 rides/service hour.
- **ADA Paratransit - December ridership was 529.** Ridership for December, 2011 was 426. **January ridership was 644.** Ridership for January, 2012 was 402.
- **99 Express Adair Village** - December ridership was 473, an average of 3.7 rides per service hour. January ridership was 665, an average of 4.6 rides per service hour.