

**GUIDELINES REGULATING ADVERTISING
ON THE STEAMSHIP AUTHORITY’S FACILITIES**

I. Purpose.

Through these Guidelines, the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (the “Authority”) intends to establish reasonable, uniform and viewpoint-neutral standards for the display of advertising on or in all Authority facilities, including but not limited to all of its terminals, vessels and shuttle buses, and all other buildings, structures and vehicles owner or operated by the Authority that are part of such facilities or used in connection therewith, including the Authority’s website, brochures, schedules, video informational displays, and all of its other publications and media (the “Facilities”). In establishing these Guidelines, the Authority seeks to fulfill the following goals and objectives:

- A. to preserve the Facilities for the purposes for which they are designed and dedicated;
- B. to maximize revenue generated by advertising;
- C. to maintain the safe and orderly operation of the Facilities;
- D. to maintain a safe and welcoming environment for those who utilize or are employed at the Facilities, including minors; and
- E. to avoid the unauthorized identification of the Authority or the Commonwealth of Massachusetts with advertisements, or the viewpoints of the advertisers.

By resolution of the Members of the Authority (the “Board”) and as permitted by law, the Authority reserves the right, at any time and from time to time, to suspend, modify or revoke the application of any or all of these Guidelines as it deems necessary or appropriate to comply with legal mandates, to accommodate its mission, and to fulfill the goals and objectives referred to herein. Each provision of these Guidelines shall be deemed severable from any and all other provisions of these Guidelines.

The Authority intends that its Facilities constitute nonpublic forums.

II. Advertising Program and Administration.

- A. The Authority shall, from time to time, select one or more advertising contractors (“Advertising Contractor”) who shall be responsible for the daily administration of an Authority advertising program, in a manner consistent with these Guidelines and the terms of its agreement with the Authority. Each advertising program shall

include, but not be limited to, promotion, solicitation, sales, accounting, billing, collections, and posting of advertising displays on or in any or all of the Facilities. In the absence of an Advertising Contractor for a particular advertising program with respect to any or all of the Facilities, the Authority's Director of Marketing shall be responsible for the daily administration of such program and for fulfilling all of the duties that an Advertising Contractor would have under these Guidelines with respect to such program.

- B. Each Advertising Contractor shall provide, or shall subcontract for, all employees and equipment necessary to perform the work and provide the services required by the Authority.
- C. The Authority shall designate its Director of Marketing or one or more other employees as its Director of Marketing (the "Director of Marketing") to be the primary contact for each Advertising Contractor. Questions regarding the terms, provisions and requirements of these Guidelines shall be addressed initially to the Director of Marketing.

III. The Authority's Operations and Public Service Announcements.

The Authority has the unqualified right to display, on or in the Facilities, advertisements and notices that pertain to the Authority's operations, facilities, services and public service announcements, consistent with the provisions of its agreement(s) with each Advertising Contractor.

IV. Disclaimer.

The Authority reserves the right, in all circumstances, to require that an advertisement on or in the Facilities include a prominent disclaimer indicating that it is not sponsored by, and does not necessarily reflect the views of, the Authority or the Commonwealth of Massachusetts.

V. Advertising Standards.

- A. The Authority intends that the Facilities constitute nonpublic forums that are subject to the reasonable, uniform and viewpoint-neutral restrictions set forth below. Certain forms of paid and unpaid advertising will not be permitted for placement or display on or in the Facilities. The Authority also reserves the right to disapprove the placement of advertising in certain locations if in its judgment such placement would risk damage or injury to the Facilities, or if such placement would risk distracting the users of the Facilities and such distraction would risk injury or bodily harm, or if such placement would potentially interfere with the Authority's operations.

- B. The Authority shall not display or maintain any advertisement that falls within one or more of the following categories:
1. Demeaning or Disparaging. The advertisement contains material that demeans or disparages an individual or group of individuals. For purposes of determining whether an advertisement contains such material, the Director of Marketing (or the Authority's General Manager or the Board) will determine whether a reasonably prudent person, using prevailing community standards, would believe that the advertisement contains material that ridicules or mocks, is abusive or hostile to, or debases the dignity or stature of, an individual or group of individuals.
 2. Tobacco. The advertisement promotes the sale or use of tobacco or tobacco-related products, including depicting such products.
 3. Electronic Nicotine Delivery Systems. The advertisement promotes the sale or use of Electronic Nicotine Delivery Systems ("ENDS"), including but not limited to electronic cigarettes, vaporizers ("vapes") and other similar devices used for "vaping," including depicting such products.'
 4. Marijuana. The advertisement promotes the sale or use of marijuana or marijuana-related products, including depicting such products.
 5. Profanity. The advertisement contains profane language.
 6. Weapons. The advertisement contains either (a) an image of a weapon in the foreground of the main visual, or (b) image(s) of weapon(s) that occupy 15% or more of the overall advertisement.
 7. Violence. The advertisement contains an image or description of graphic violence, including but not limited to (a) the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition or disfigurement, and (b) the depiction of weapons or other implements or devices used in the advertisement in an act or acts of violence or harm on a person or animal.
 8. 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.
 9. 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.

10. Obscenity or Nudity. The advertisement contains obscene material or images of nudity. For purposes of these Guidelines, the terms “obscene” and “nudity” shall have the meanings contained in section 31 of chapter 272 of the Massachusetts General Laws, as it may be amended from time to time.
11. 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. For purposes of these Guidelines, the term “minor” shall mean a person under eighteen (18) years of age.
12. “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 that are identifiable with, films rates “X” or “NC-17,” adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments, adult telephone services, adult Internet sites or escort services.
13. Political Campaign Speech. The advertisement contains political campaign speech. For purposes of these Guidelines, the term “political campaign speech” is speech that refers to (a) a specific ballot question, initiative petition or referendum, or (b) any candidate for public office.
14. Endorsement. The advertisement, or any material contained in it, implies or declares an endorsement by the Authority or the Commonwealth of Massachusetts of any service, product or point of view, without the Authority’s prior written authorization.
15. False, Misleading or Deceptive Speech. The advertisement proposes a transaction and the advertisement, or any material contained in it, is false, misleading or deceptive.
16. Libelous Speech, Copyright Infringement, et cetera. The advertisement, or any material contained in it, is libelous or an infringement of copyright, or is otherwise unlawful or illegal or likely to subject the Authority to litigation.
17. Special Provisions Regarding Web Addresses and Telephone Numbers. The advertisement is such that (a) the message or sponsorship of the advertisement cannot reasonably be determined without accessing a website or telephone number that is listed in the advertisement, or (b) the website prominently contains, or the telephone number directs callers to, material that violates these Guidelines.

18. Advertisement of Alcoholic Beverages. The advertisement promotes the sale or use of alcoholic beverages, including depicting such beverages.
 19. Advertisement of Competitors' Operations. The advertisement promotes or encourages the use of ferry, parking or other operations that compete against the operations of the Authority, unless the Authority's General Manager or the Board determines that the revenues derived from such advertisement reasonably can be expected to be greater than the adverse financial consequences to the Authority of the potentially resulting loss of ridership, patronage or other business to that competitor.
- C. Review of Advertisements. The Advertising Contractor shall review each advertisement submitted for display on or in the Facilities to determine whether the advertisement falls within, or may fall within, one or more of the categories set forth in Section B above. If the Advertising Contractor determines that an advertisement falls with, or may fall within, one or more of the categories set forth in Section B above, then:
1. Referral to Director of Marketing. The Advertising Contractor shall promptly send the advertisement along with the name of the advertiser, the size and number of the advertisements, and the dates and locations of display to the Director of Marketing for review of the advertisement by the Authority.
 2. Initial Review by the Authority. Upon the Director of Marketing's receipt of the advertisement and supporting information, the Director of Marketing shall review the advertisement and supporting information to determine whether the advertisement falls within one or more categories set forth in Section B above. In reaching this determination, the Director of Marketing may consider any materials submitted by the advertiser and may consult with the Advertising Contractor. In the event that the Director of Marketing determines that the advertisement does not fall within any of the categories set forth in Section B above, the Director of Marketing shall advise the Advertising Contractor that the advertisement is in conformity with the Authority's Advertising Guidelines.
 3. Subsequent Review by the Authority. In the event that the Director of Marketing determines that the advertisement falls within, or may fall within, one or more of the categories set forth in Section B above, then the Director of Marketing shall, in writing, specify which of the categories within which the advertisement falls, or may fall, and shall refer the advertisement and supporting information to the Authority's General Manager. Likewise, the General Manager shall review the advertisement and supporting information to determine whether the advertisement falls within one or more of the categories set forth in Section B. In reaching this determination, the General Manager may consider any materials submitted by the

advertiser and may consult with the Director of Marketing. In the event that the General Manager determines that the advertisement does not fall within any of the categories set forth in Section B above, the Director of Marketing shall advise the Advertising Contractor that the advertisement is in conformity with the Authority's Advertising Guidelines. In the event that the General Manager determines that the advertisement falls within one or more of the categories set forth in Section B above, then the General Manager shall, in writing, specify each of the categories within which the advertisement falls, and the Director of Marketing shall advise the Advertising Contractor that the Authority has determined that the advertisement is not in conformity with its Advertising Guidelines.

4. Opportunity for Revision by Advertiser. In the event that the Authority determines that the advertisement falls within one or more of the categories set forth in Section B above, the Advertising Contractor may, in consultation with the Director of Marketing, discuss with the advertiser one or more revisions to the advertisement which, if undertaken, would bring the advertisement into conformity with the Authority's Advertising Guidelines. The advertiser shall then have the option of submitting a revised advertisement for review by the Authority.
5. Formal Determination by the Authority. In the event that the Authority and the advertiser do not reach agreement with regard to a revision of the advertisement, the advertiser may request that the Authority memorialize its formal determination in the form of a final written notice of its decision, which shall then be delivered to the advertiser. The Authority's formal determination shall be final.

D. Removal of Non-Complying Advertisements. Notwithstanding the foregoing Section C, if the Director of Marketing or the General Manager determines at any time that an advertisement already accepted for display by the Advertising Contractor falls within one or more of the categories set forth in Section B above:

1. The Director of Marketing or the Authority's General Manager shall:
 - (a) specify in writing the categories in Section B within which the advertisement falls;
 - (b) notify the advertiser that the Authority has determined that the advertisement is not in conformity with its Advertising Guidelines and that the advertisement shall be promptly removed; and
 - (c) instruct the Advertising Contractor to remove the advertisement.
2. Upon such instruction to remove the advertisement, the Advertising Contractor shall forthwith remove the advertisement, shall provide the

advertiser with a copy of these Advertising Guidelines, and may with the Director of Marketing discuss with the advertiser one or more revisions to the advertisement which, if undertaken, would bring the advertisement into conformity with the Authority's Advertising Guidelines. If the Advertising Contractor fails to remove the advertisement within three (3) hours after being instructed by the Director of Marketing or the General Manager to do so, the Authority may (but is not required to) remove the advertisement itself and the Advertising Contractor shall indemnify and reimburse the Authority for any and all damages and claims resulting or arising from such removal.

3. The advertiser shall then have the option of submitting a revised advertisement for review by the Authority. In the event that the Authority and the advertiser do not reach agreement with regard to a revision of the advertisement, the advertiser may request that the Authority memorialize its formal determination in the form of a final written notice of its decision, which shall then be relayed to the advertiser. The Authority's formal determination shall be final.

VI. Public Service Announcements.

The Authority may, at any time and from time to time, make unsold advertising 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 governmental entities. Each such non-profit corporation shall provide the Advertising Contractor or the Authority with documentation demonstrating that it currently qualifies as a non-profit corporation under Section 501(c)(3) of the Internal Revenue Code. A public service announcement cannot contain a message that is retail or commercial in nature and shall comply with the Advertising Standards set forth in these Guidelines. A public service announcement may be 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 _____."