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**ROOSEVELT ISLAND
OPERATING CORPORATION**
of The State of New York



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**Roosevelt Island Operating Corporation
Advertising and Posting Standards for
Red Buses, the Tram, and Main Street Kiosks**

The following Standards shall apply to all licenses and permissions for the installation, display and maintenance of advertising on the Roosevelt Island Operating Corporation (collectively, “RIOC”) Red Bus, Tram, and designated posting areas on RIOC’s Main Street kiosks, which are properties owned and operated by RIOC.

RIOC is a New York State public benefit corporation created with the mission to plan, design, develop, operate, maintain and manage Roosevelt Island (the “Island”). Paid Advertising on RIOC’s buses and Tram cabin monitors is intended to raise revenue and promote ridership. RIOC also makes a designated area in Main Street kiosks available for the posting of flyers at no charge. RIOC has opened space to paid “Advertising” and kiosk “Postings” to further RIOC’s efforts to enhance the Island's mixed-use residential community, including public transportation, public safety, public works, and parks and recreation.

(a) Limitations Upon Advertisements and Postings. Advertisements and Postings that fall within any of the following categories are prohibited:

- i. The Advertisement or Posting proposes a commercial transaction, which contains information that is false, misleading or deceptive.
- ii. The Advertisement or Posting contained therein promotes unlawful or illegal goods, services or activities.
- iii. The Advertisement or Posting contained therein implies or declares an endorsement by RIOC of any service, product or point of view without prior written authorization by RIOC.
- iv. The Advertisement or Posting is obscene as a matter of law, or the Advertisement depicts or describes in a patently offensive manner sexual or excretory activities so as to satisfy the definition of obscene material as contained in New York Penal Law § 235.00 as such provision may be amended, modified or supplemented from time to time.
- v. The Advertisement or Posting contains an image or description, which, if sold or loaned to a minor for monetary consideration with knowledge of its character and content, would give rise to a violation

of New York Penal Law § 235.21 (see also New York Penal Law § 235.20 (definitions of terms), as such provision may be amended, modified or supplemented from time to time.

- vi. The Advertisement contains an image or description which, would give rise to a violation of New York Penal Law § 245.11 (see also Exhibit 5 (New York Penal Law § 245.10 (definitions of terms)), as such provision may be amended, modified or supplemented from time to time.
- vii. The Advertisement or Posting contained therein, is defamatory or libelous or violates New York Civil Rights Law § 50, as such provision may be amended, modified or supplemented from time to time.
- viii. The Advertisement or Posting proposes a commercial transaction that promotes tobacco or tobacco-related products.
- ix. The Advertisement or Posting proposes a commercial transaction that promotes alcohol or alcohol-related products.
- x. The Advertisement or Posting contains an image of a person, who appears to be a minor, in sexually suggestive dress, pose, or context.

- xi. The Advertisement or Posting contains material the display of which RIOC reasonably foresees would incite or provoke violence or other immediate breach of the peace, and so harm, disrupt, or interfere with safe, efficient, and orderly transit operations or operation of the kiosks.
- xii. The Advertisement or Posting contains images or information that are so violent, frightening, or otherwise disturbing as to be harmful to minors.
- xiii. The Advertisement or Posting promotes an escort service or sexually oriented business.

(b) Additional Provisions Relating to Advertisements. To avoid identification of RIOC with messages or images contained within Advertisements displayed on RIOC properties and to avoid the appearance of RIOC endorsement of products, services, events, or viewpoints promoted by advertisers, the following shall apply:

- i. Advertisements shall readily and unambiguously identify the person, corporation, or entity paying for the Advertisement and an advertiser may be required to include in the Advertisement a statement explicitly doing so.
- ii. An Advertisement that primarily or predominately expresses or advocates a viewpoint on a political, moral, or

religious issue or related matter shall not imply or appear to imply an endorsement by the Roosevelt Island Operating Corporation of any views expressed.

- iii. RIOC may require that an Advertisement that promotes a commercial transaction also incorporate language to avoid the appearance of RIOC endorsement.
- iv. RIOC shall adopt (and may amend from time to time) guidelines for the sizes, placements, and formats of each type of statement required to be included in Advertisements pursuant to Sections (b)(i), (ii), and (iii) above.
- v. Notwithstanding Section (b)(i) above, RIOC may permit the display of "Teaser ads" promoting a commercial transaction that do not readily and unambiguously identify the sponsor, provided a similar number of follow up Advertisements that do readily and unambiguously identify the sponsor are posted within a time specified by RIOC.
- vi. In furtherance of RIOC's mission to promote ridership on the Red Bus and Tram, RIOC may in its discretion give priority to Advertisements on the Red Bus and Tram placed by Island businesses and organizations, addressing Island issues, or advertising Island events.

vii. In furtherance of RIOC's mission to raise revenue through transit advertising, RIOC may in its discretion give Advertisements on the Red Bus and Tram at a full commercial rate priority over Advertisements at a reduced not-for-profit rate.

(c) Review of Tram and Red Bus Advertisements. RIOC shall review each Advertisement submitted for installation, display and maintenance on RIOC's Tram and Red Bus properties to determine whether the Advertisement falls within, or may fall within, one or more of the categories set forth in Section (a) of these Standards or fails to comply with the additional provisions relating to Advertisements set forth in Section (b) of these Standards. If RIOC determines that an Advertisement falls within or may fall within one or more of the categories set forth in Section (a) of these Standards:

i. RIOC shall contact the advertiser to discuss whether one or more revisions to the Advertisement could bring the Advertisement into conformity with the Standards. The advertiser shall then have the option of submitting a revised Advertisement for review in accordance with these procedures.

ii. In the event that RIOC and the advertiser do not reach agreement with regard to a revision of the Advertisement, the advertiser may request a formal

determination from RIOC. In reaching a formal determination, RIOC may consider any materials submitted by the advertiser.

iii. RIOC shall promptly provide the advertiser a written notice of the formal determination. RIOC's formal determination shall be final.

(d) Kiosk Posting Limitations. In furtherance of RIOC's mission to promote the Island's mixed-use community, Main Street kiosks are available for Postings by the public at no charge, subject to all requirements pertaining to "Postings" listed above, which facilitate equitable public access to kiosks and communication of new community information and upcoming events:

i. Kiosk Postings should be approximately 8 ½ x 11 inches, and may not exceed 24 x 36 inches.

ii. Advertisers are limited to two postings per kiosk on any given event or subject.

iii. RIOC generally removes all Postings from kiosks on or around the beginning and middle of each month. In addition, RIOC will regularly inspect kiosks and remove Postings that are outdated or expired, poorly secured, damaged, or that violate any of the above Standards.