



*Signature on file*

**Lynn Peterson**  
Secretary of Transportation

*June 23, 2015*

Date

## **Advertising Policy**

### **I. Introduction**

#### **A. Purpose**

This Secretary's Executive Order informs employees of the department's advertising policy and guidelines for commercial advertising on its websites, mobile app, and social media tools, as well as the department's approach to advertising solicitations.

The Washington State Department of Transportation (WSDOT) operates a number of digital communication tools used by members of the public. WSDOT established these tools to communicate traffic, travel, and transportation system information with the public.

In an effort to generate a new source of revenue, WSDOT operates a digital advertising pilot to allow commercial advertising through its websites and social media tools.

#### **B. Background**

The legislature, through the 2009-11 and 2011-13 transportation budgets, directed the department to implement a pilot project allowing advertisement and sponsorships on sections of its website to determine the feasibility of monetizing its digital assets to generate revenue. This policy was created at that time to address WSDOT's use of paid advertising on its website.

WSDOT is also occasionally approached by entities to advertise in magazines, newsletters, newspapers, etc. This policy is also intended to address those solicitations. The advertising policy in this Secretary's Executive Order is based on:

- Advertising guidelines in WSDOT's ferry advertising concessions contract.
- Policies from other government agencies.
- Initial results of the pilot project on ferries-related Web pages.
- Findings from a formal study designed to assess the impact of commercial advertisements on the usability of WSDOT's website.

#### **C. Supersession**

This Secretary's Executive Order supersedes and replaces the prior version titled *Digital Advertising Policy* dated February 17, 2012. All references to the superseded E 1071.00 now reference E 1071.01.

## **D. What Has Changed**

- The policy is no longer limited to digital advertising. The title and sections I., II., and III. have been revised accordingly.
- Sections I., II., and III.B. have added language to address the department's approach to advertising solicitation.
- Item III.D.2.d. has added *legal or illegal drug use* to the list of prohibited advertising content.
- In section IV., references to the Communications Office have replaced references to the Public-Private Partnerships Division.
- In section VI., references to the Assistant Secretary of Strategic, Enterprise and Employee Services have replaced references to the Assistant Secretary of Strategic Planning and Finance.

## **II. Secretary's Executive Order**

Employees are directed to follow this advertising policy for the posting of all advertising through the agency's digital tools, as well as any solicitations by external organizations to publish WSDOT advertising, to the extent allowed by law and in accordance with this Secretary's Executive Order. This policy advances the advertising program's revenue-generating objective by prohibiting advertisements that could detract from that goal by creating substantial controversy or by interfering with and diverting resources from transportation system operations, and/or that could be viewed as offensive, inappropriate, or harmful to the general public.

## **III. Information to Carry Out This Secretary's Executive Order**

The department establishes policies, rules, and procedures for advertising that are consistently and fairly applied to protect the traveling public and state resources.

### **A. Advertising Goals**

Any WSDOT advertising program will be sensitive to public perception and balance revenue-generating goals with public policy issues.

1. Generate new revenue for the transportation system through digital advertising.
  - Use a partnership ad placement business model to minimize costs and risks, while maintaining an opportunity for revenue generation. Under this arrangement, the partner would sell the ad space, coordinate ad requirements and delivery from advertisers, and serve the ads from its existing ad serving technology. WSDOT would not need to build a sales force, create market awareness, or license any ad serving technology.
  - Apply business enterprise principles, providing detail on operating costs and the project's ability to deliver net revenue to the state.
  - Establish a sustainable revenue-sharing business model.
2. Protect the traveling public and state resources.
  - Evaluate the public's perception and online experience navigating sites with digital advertising by collecting and tracking public feedback.

- Protect the WSDOT brand and agency credibility for providing accurate, convenient, and current information through its website and social media channels.
- Prohibit advertising that is controversial, offensive, inappropriate, or harmful to the general public.
- Maintain website usability by conducting usability testing.
- Use third party ad serving software to protect Internet security.

## **B. Advertising Review and Approval or Denial**

To provide fair and consistent agency review, advertising proposals will be reviewed using a process consistent with federal and state legislation, state and agency directives, sound business practices, and this Secretary's Executive Order.

1. WSDOT will review and approve all advertising content. The department retains the right to refuse any advertiser and any ad posting. The advertising contractor will immediately remove any advertisement that the department, at any time, directs it to remove.
2. Prior to placing an advertisement, the advertising sales contractor(s) will screen and evaluate the ad content to confirm compliance with the guidelines set forth in this policy and will forward the submission to WSDOT's Communications Office for further evaluation, compliance determination, and approval. The department shall conduct a final review of proposed advertising and the decision to approve or reject any proposed advertising shall be final.
3. On its Web pages with advertising space, the department shall include a clearly posted policy and a disclaimer disavowing endorsement of products and services advertised.
4. If WSDOT is approached by an external entity soliciting advertisement from the agency, that solicitation will be reviewed carefully to:
  - Confirm alignment with current department priorities.
  - Confirm an established need for paid advertisement by the department.
  - Confirm alignment of the type of advertisement with the type of proposed media to target audiences.
  - Use limited agency resources wisely.
  - Protect the WSDOT brand and agency credibility regarding use of taxpayer dollars for paid advertisement.

## **C. Permitted Advertising Content**

Third party advertising sold, solicited, or allowed on WSDOT's Web pages shall be limited to commercial advertising. By offering third party advertising for this limited purpose, WSDOT is not creating a public forum. WSDOT retains the right to limit advertising to the purposes set out in this policy or to discontinue the sale of commercial advertising at its discretion.

1. Any and all advertising sold shall be limited to informing members of the public of the availability of commercial goods or services. No statements of public policy,

opinion, or public matters shall be permitted, whether or not in the form of an advertisement.

2. Content will be in keeping with contemporary community standards and any standards for public area advertising.
3. WSDOT may use the advertising space for transportation/travel-related information including emergency, traffic, or road closure information; promotion of WSDOT programs, projects, and services; and driver safety messages meeting WSDOT's [Variable Message Signs \(VMS\) use policy](#).
4. WSDOT reserves the right to work with other state government agencies to co-promote transportation related initiatives.

#### **D. Prohibited Advertising Content**

1. Content containing any of the following characteristics is not permitted:
  - a. **Obscene or indecent.**
  - b. **Discriminatory.**
  - c. **Religious.**
  - d. **Political** advertising promoting or opposing a political party; the election of any candidate or group of candidates for federal, state, or local government offices; and initiatives, referendums, and other ballot measures.
  - e. **Public issue** advertising expressing or advocating an opinion, position, or viewpoint on matters of public debate about economic, political, religious, or social issues.
2. Advertising that depicts or promotes the following products, services, or other material will not be permitted:
  - a. **Tobacco** products.
  - b. **Alcohol.**
  - c. **Gambling.**
  - d. **Legal or illegal drug use.**
  - e. **Firearms** including ads promoting or soliciting the sale, rental, distribution, or availability of firearms or firearms-related products.
  - f. **Adult/mature rated films, television, or video games** or other products rated by the industry as only suitable for mature audiences.
  - g. **Adult entertainment or establishments** including but not limited to adult book or video stores, adult Internet sites, adult telephone services, and adult escort services.
  - h. **False or misleading material** that the advertiser knows or should know is false, fraudulent, misleading, deceptive, or would constitute a tort of defamation or invasions of privacy.
  - i. **Objectionable sexual or harmful subject matter** that is offensive based on

contemporary community standards and is reasonably foreseeable that it would result in harm to, disruption of, or interference with the transportation system.

- j. **Insulting, disparaging, or degrading material** directed at a person or group that is intended to be, or could be interpreted as being, disrespectful based on characteristics protected under federal or state law or that is so offensive as to be reasonably foreseeable that it will incite or produce imminent lawless action in the form of retaliation, vandalism, or other breach of public safety, peace, and order.
- k. **Illegal activity** including any advertising that promotes any activity or product that is illegal under federal, state, or local law or any advertising that contains material that is an infringement of copyright or trademark or is otherwise unlawful or illegal.
- l. **Profanity and violence** including advertising that contains any profane language or portrays images or descriptions of graphic violence or intentional infliction of pain or violent action towards or upon a person or animal.
- m. **Products, services, or messages which might be contrary to the best interests of the traveling public or department** including any advertisement that encourages or depicts unsafe behavior with respect to transportation-related activities, such as not driving within speed limits or not complying with traffic laws. Advertisements will not be allowed for products such as radar detectors to avoid speeding tickets or for legal services such as attorneys defending drunk driving arrests.

## E. Additional Restrictions

In addition to general restrictions, the following guidelines apply to advertisements on WSDOT's websites and social media tools:

- 1. Popup ads are not allowed. To minimize distractions and interruptions from the agency's information, advertisers are not allowed to use pop-up ads (ads that appear to "pop up" in a new window as users browse a website) including pop-under, hover ads, floating ads, and slide-in ads.
- 2. The department shall specifically designate the advertising spaces available on its website. It is within the department's sole discretion to determine which Web pages or portions thereof shall be available.
- 3. Advertising will not slow or degrade access to information.
- 4. The federal General Services Administration prohibits placing any commercial advertising on a domain ending in ".gov." Therefore, all commercial advertising will be placed on a domain ending in ".com."
- 5. The advertising shall adhere to WSDOT's online privacy policy, Internet security requirements, and accessibility guidelines.
- 6. All advertisements, including any JavaScript and/or tracking code, placed on any WSDOT website will be served from a secure location/server. As applicable, ads shall be served through third party ad serving software. Advertisers need to certify that content is free from any virus, infection, malware, or other code that places the website, its users, or any state resources in jeopardy.

7. The advertising content needs to be clearly identifiable as an advertisement, distinctive from WSDOT content. Advertisements cannot mimic news headlines or WSDOT content in design, tone, third person sentence structure, or topic.
8. Advertising content cannot mislead the user. For example, advertisements cannot be designed to appear as though they are a functional part of the department's websites or mimic or resemble operating system or Internet browser error message or dialog boxes (dropdown menus, search boxes, etc.). Actual interactive ads approved by WSDOT are accepted.
9. Audio events in advertisements are required to be initiated by a user click, will include a clearly labeled button or link to stop audio, and cannot loop.
10. Advertisements that include links to websites outside of the department's control need to allow users to return to WSDOT's websites by using their browser's "back" button; trap door effects are not permitted. Advertisements cannot launch multiple browser windows upon a user click.
11. All advertisers will execute contracts approved by WSDOT setting out the rights and liabilities of WSDOT and the advertiser. Contracts will include a requirement that the advertiser agree to hold the State of Washington and WSDOT harmless and to indemnify the State of Washington and WSDOT for any loss associated with the placement of an advertisement. WSDOT will consult with the Office of the Attorney General regarding the appropriate form of such advertising contracts.

#### **IV. Contact for More Information**

For more information about this Secretary's Executive Order, please contact WSDOT's Communications Office at 360-705-7872.

#### **V. References**

- [Variable Message Signs \(VMS\) use policy](#)
- WSDOT [Digital Advertising](#) Web page
- [WSDOT Web Site Monetizing Feasibility Study](#), Public-Private Partnerships Office, January 2010
- [Department of Transportation Website Usability Study](#), Department of Information Services, June 30, 2011

#### **VI. Review and Update Requirements**

When changes are necessary to update this document, please inform the Assistant Secretary of Strategic, Enterprise and Employee Services.

The Assistant Secretary of Strategic, Enterprise and Employee Services reviews this document periodically and proposes updates to the Secretary of Transportation for approval.

#### **Americans with Disabilities Act (ADA) Information**

This material can be made available in an alternate format by emailing the WSDOT Diversity/ADA Compliance Team at [wsdotada@wsdot.wa.gov](mailto:wsdotada@wsdot.wa.gov) or by calling toll free, 855-362-4ADA (4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.