



King County

**Pete von Reichbauer
Metropolitan King County Council**

Dow Constantine
King County Executive
King County Chinook Building
401 5th Ave. Suite 800
Seattle, WA 98104

Dear Dow:

I received numerous expressions of concern over the weekend from many of King County residents over the proposed advertising on Metro buses referencing the state of Israel.

We do not have to reflect long in time to remember that on July 28, 2006 a mad man broke into the Seattle Jewish Federation building shooting six women, one fatally, and now I ask the question why a public transportation system would advertise polarizing political statements.

I am a strong advocate of freedom of speech and a strong believer of common sense. And I believe very strongly that dangerous language can create dangerous environments in a society. I believe that this proposed bus advertising needs to be reviewed and reevaluated. For \$1,800 on December 27, twelve buses will begin advertising material that can incite a "breach of public safety, peace and order." (See Agency rules on Restrictions on Advertising; section 6.4 D & E)

Please contact my office if you want to discuss this further.

With best wishes,

Peter von Reichbauer
Metropolitan King County Council
Vice Chair, Environment and Transportation Committee
20 December 2010

CC: King County Council Members

6.0 Restrictions on Advertising

6.1 The Consultant agrees that it will strictly comply with the restrictions set forth in this Section and any other restrictions imposed by the County during the term of this Agreement. In no event, however, shall the Consultant be entitled as a result of complying with this Section to any additional compensation or to a reduction in the guaranteed amounts owed to the County under Section 16. In the event a proposed advertisement contains non-English language words or symbols, the Consultant shall be responsible for obtaining an interpretation from a qualified interpreter in order to determine whether the proposed advertisement complies with this Section. The Consultant also agrees to exercise its best efforts to encourage advertisers to use good taste in creating their displays. The Consultant shall immediately remove, at the Consultant's sole expense, any advertisement which the County has directed be removed.

6.2 The Consultant shall not place in or on a transit vehicle any advertising that (i.) promotes or depicts the sale, rental, or use of, or participation in, the following products, services or activities; or (ii) that uses brand names, trademarks, slogans or other material which are identifiable with such products, services or activities.

A. tobacco products

B. beer, wine, distilled spirits or any alcoholic beverage licensed and regulated under Washington law

C. films rated "X" or "NC-17" or video games rated "A" or "M"

D. adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments

E. adult telephone services, adult Internet sites and escort services

6.3 The Consultant shall not place in or on a transit vehicle any advertising that promotes any activity or product that is illegal under federal, state or local law.

6.4 The Consultant shall not place in or on a transit vehicle any advertising that contains or involves the following:

A. Any material that describes, depicts or represents sexual or excretory organs or activities in a way:

(1) which the average adult person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest of minors in sex; and

(2) which is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable material for minors to see; and

(3) which, when considered as a whole in the context in which it is used, lacks serious literary, artistic, political, medical, health or scientific value.

For purposes of this subsection, "sexual or excretory organs" shall mean and include the male or female pubic area, anus, buttocks, genitalia, or any portion of the areola or nipple of the female breast and "sexual or excretory activities" shall mean and include actual or simulated sex acts of every nature (including but not limited to touching of one's own or another's clothed or unclothed sexual or excretory organs), urination and defecation.

B. Any material that depicts, or reasonably appears to depict, a person under the age of eighteen (18) exhibiting his or her sexual or excretory organs or engaging in sexual or excretory activities.

C. Any material that the Consultant knows or reasonably should have known is false, fraudulent, misleading, deceptive or would constitute a tort of defamation or invasion of privacy.

✗ D. Any material that is so objectionable under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of, or interference with the transportation system.

E. Any material directed at a person or group that is so insulting, degrading or 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.

F. Flashing lights, sound makers, mirrors or other special effects that interfere with the safer operation of the bus or the safety of bus riders, drivers of other vehicles or the public at large.

6.5 Prior to giving notice to an advertiser that a proposed advertisement has been rejected pursuant to Subsections 6.2, 6.3 or 6.4 the Consultant shall inform the County.

6.6 The Consultant is permitted to sell political and other noncommercial advertising but shall ensure that any advertising which does not relate to a clearly-identifiable commercial product, service or business must include the following phrase in clearly visible letters (in letters no smaller than 72 point type for exteriors and 24 point type for interiors):

"Advertisement paid for by _____"