

# REGULATIONS CONCERNING THE USE OF WMATA PROPERTY

AND  
RELATED BOARD RESOLUTIONS

OCTOBER 2008

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**PART 100**  
**REGULATIONS CONCERNING THE USE OF WMATA PROPERTY**  
**PREAMBLE**

On March 27, 1980, the WMATA Board of Directors (the "Board") adopted Board Resolution No. 80-19, which detailed the limited use by others of property owned or controlled by WMATA. The Board recognized that WMATA property had been purchased with public funds, that there was a significant demand for the use of the property, and that the Board had a responsibility for the safety of the riding public. The approved activities included certain commercial, transit-related, real property and first amendment uses such as expressions of political thought and religious belief.

Since the adoption of Board Resolution No. 80-19, WMATA has been receiving an increasing number of requests from commercial establishments and other interest groups seeking access to WMATA facilities. This proposed Use Regulation has been developed to ensure that WMATA property is used safely, and in furtherance of its dedicated purpose. The Use Regulation will have the effect of binding WMATA to its provisions unless it is later amended at a public session of the Board. The intent of the Use Regulation is to make it clear that upon its adoption by the Board, all WMATA operating and non-operating property shall be preserved for the use to which it was lawfully dedicated, and that the use and activities by the public of WMATA property shall be consistent with that status. The Use Regulation will not permit any discretion on the part of the staff or the Board with respect to the particular activities allowed.

Because advertising is a source of significant revenue to WMATA, advertising will be allowed in/on Board-approved inventory of buses, bus shelters, railcars and Metrorail stations, including tunnels. Bus shelter advertising will be conditional on obtaining the necessary authorizations from the surrounding jurisdictions. Advertising will also be allowed on the WMATA's website, but such advertising will be restricted to noncontroversial commercial advertising that is not contrary to the best interests of the transit system, and that does not place WMATA in a negative light or otherwise result in public criticism of WMATA. In addition to advertising, other revenue producing activities that will be allowed are: filming and photography; automated teller machines; electronic graphics; fiber optics; leasing of excess and future operational property; paid public-telephone service; newspaper vending machines; incidental, non-transit public use of WMATA-owned parking facilities; civic use of WMATA-owned parking facilities; and commercial use of WMATA-owned facilities. This Use Regulation excludes from its scope the following uses of WMATA property: transit-related uses, joint development, and utility activities.

Uses of WMATA property not described in this Use Regulation or specifically excluded from its scope are prohibited.

Modifications to this Use Regulation must be made by an affirmative vote of the Board at a public session.

## **SUBPART A - GENERAL**

### **Section 100.1 Applicability**

The Use Regulation describes the types of activities that may be conducted on WMATA property by non-WMATA personnel or by the public. This Use Regulation also establishes criteria under which a permit or contract may be obtained that will enable the requestor to use the property for one of the allowed purposes. This Use Regulation is necessary to preserve the facilities of WMATA for their dedicated purpose, to provide for the safe and efficient operation of the system and to further the equitable distribution of licenses and contracts to the public for allowable activities.

No person shall be allowed to use WMATA property except:

- (a) WMATA employees, officers, and directors acting within their official capacity. When not acting within their official capacity: employees, officers, and directors of the WMATA shall be treated as "others."
- (b) Officials, employees and agents of the signatories to the WMATA Compact (Maryland, Virginia, and the District of Columbia); of the Washington Metropolitan Area Transit Zone; of the District of Columbia; of the cities of Alexandria, Falls Church and Fairfax and the counties of Arlington and Fairfax and political subdivisions of the Commonwealth of Virginia located within those counties; of the counties of Montgomery and Prince George's in the State of Maryland and the political subdivisions of the State of Maryland located in those counties; and of the U.S. Government while acting on official business as it relates to WMATA facilities.
- (c) Contractors, agents, subcontractors and suppliers under contract with WMATA and only with respect to designated physical areas covered by the contract.
- (d) Passengers on the WMATA rail and bus system and other transit-related users.
- (e) Individuals or corporations who by the issuance of a permit or contract pursuant to these Use Regulations are granted limited use access to WMATA property for the purpose of engaging in allowable activities will only be authorized when the safety of WMATA employees and transit patrons can be assured, ingress and egress of patrons accommodated and normal transportation services operated without disruption. Permits and/or contracts for limited use shall be granted for the following purposes:
  - (1) Filming/Photography

- (2) Advertising on Metrobus and Metrorail Systems
- (3) Free Speech Activities
- (4) Vending of Newspapers
- (5) Interim Use of Excess Property
- (6) Interim Use of Future Operational Property
- (7) Automated Teller Machines
- (8) Computerized Electronic Passenger Information and Advertising Displays
- (9) Communications Equipment
- (10) Public Telephone Service
- (11) Incidental, Non-Transit Public Use of WMATA-Owned Parking Facilities
- (12) Civic Use of WMATA-Owned Parking Facilities
- (13) Commercial Use of WMATA-Owned Facilities

This Use Regulation excludes from its scope of the following uses of WMATA property: transit-related uses, joint development, and utility activities.

WMATA expressly reserves the right to cancel for a reasonable period of time any permit activity for operational or safety reasons.

## **SUBPART B - PERMIT AND CONTRACT PROCEDURE**

### **Section 100.2 Permits**

- (a) Issuance. Subject to the availability of space, a permit shall be issued giving the applicant the privilege to conduct a specific allowable activity on WMATA's property. Permits shall be issued at 600 5<sup>th</sup> Street, N.W., during normal business hours of the Office of General Counsel or by mail on a "first-come first-served" basis and shall be limited in duration in accordance with the demand schedule for the selected property. Permits are not transferable. Should WMATA determine that the number of applications for permits exceeds the space available at any location, WMATA shall allocate the remaining available space by a random lottery.

- (b) Contents. The permit shall contain the following terms and conditions: the name of the individual or group; the number of individuals in the group; the activity time and duration of activity; and location of the allowed activity. The permit will also provide that the permittee will be responsible for depositing any trash resulting from free speech activities in appropriate trash containers.
- (c) Extensions. The specified duration of the permit will not be extended. The permit holder may file an application for a new permit at any time, which shall be issued on a space available, "first-come first-served basis." In such a case, the applicant may incorporate by reference any required documentation filed with a previous permit application.
- (d) Denial of Permit. An application for a permit for an allowable activity will only be denied if a person designated by WMATA signifies that the requested space is unavailable, the proposed activity would cause a safety problem, or the planned activity is prohibited. Such denial will be made promptly. Revocation of a prior permit is a basis for the denial of a subsequent application for a reasonable period of time, not to exceed three (3) months.
- (e) Revocation. A permit may be revoked if the permit holder violates the terms and conditions of the permit.

### **Section 100.3 Contracts**

- (a) Issuance. Where a contract is required as specified below, the applicant shall enter into a contract with WMATA concerning the allowed activity.
- (b) Contents. The contract shall contain the name of the individual or group, the activity, time and duration of activity, the location of the allowed activity, and indemnification and insurance provisions.
- (c) Compliance. Contracts shall be entered into between WMATA and the applicant in accordance with WMATA's procurement regulations.

### **Section 100.4 Indemnification and Insurance**

- (a) Indemnification. Each applicant who requests to undertake an approved activity on WMATA property shall agree to fully indemnify and save harmless WMATA against any and all liability arising out of its activities. The requirement for indemnification shall not be applicable to those individuals exercising First Amendment activities.
- (b) Insurance. Prior to commencing activities on WMATA property, each applicant who requests to undertake an approved activity on WMATA property

shall provide an acceptable policy of insurance coverage appropriate to the activity in accordance with the established insurance schedule. The requirement for insurance shall not be applicable to those individuals exercising First Amendment activities.

#### **Section 100.5 Standards of Conduct**

- (a) Time and Number of Individuals. The allowed activity shall be conducted within the time period stated in the permit or contract, and with a maximum number of individuals as stated in the permit or contract.
- (b) Interference with Transit Riders, the Public, and Other Activities. Even when an activity has been approved, the performance of that activity shall not interfere with the safety of transit riders or the public, the efficient operation of the transit system, or other activities being conducted on WMATA property.

#### **Section 100.6 Violation of Regulations**

- (a) Unauthorized Activity. If WMATA determines that any organization or individual is conducting an unauthorized activity on WMATA property, WMATA shall so notify the violator and the activity shall be stopped or the violators shall immediately leave the WMATA property. Failure to stop the unauthorized activity or to leave the WMATA property when so requested shall constitute a trespass and the violators shall be arrested and subject to fine or imprisonment in accordance with local criminal laws and ordinances.
- (b) Unauthorized Performance of an Authorized Activity. If WMATA determines that any organization or individual is conducting an authorized activity in an unauthorized manner in violation of these regulations, the permit, or the contract, WMATA shall so notify the violator and the authorized activity shall either be conducted in the authorized manner, or shall be stopped and the violators shall immediately leave the WMATA property. Failure to stop the unauthorized performance of the authorized activity when so requested shall constitute a trespass and the violators shall be arrested and subject to fine or imprisonment in accordance with local criminal laws and ordinances.

### **SUBPART C - DEFINITIONS**

#### **Section 100.7 Definitions**

- (a) “Advertising” means a printed or electronic media display for the purpose of conveying a message.

- (b) “Automated Teller Machine” (ATM) means electronic banking equipment that permits patron access to routine banking functions. ATMs located on WMATA property will be allowed to display the name, slogan and/or logo of the originating bank/entity.
- (c) “Civic Use of WMATA-Owned Parking Facilities” means use of WMATA-owned parking facilities by municipal, county or state agencies/organizations of the Compact jurisdictions or organizations sponsored or created by municipal, county or state agencies/organizations of the Compact jurisdictions for non-commercial activities that support/serve WMATA Compact jurisdiction communities.
- (d) “Commercial Activity” means any enterprise or venture by groups or individuals for the purpose of promoting or selling products or services, except food, drink and tobacco to transit patrons or the public.
- (e) “Commercial Use of WMATA-Owned Facilities” means the use of WMATA's parking facilities/structures, Metrorail stations, Metrobus garages, rail yards and office buildings for commercial ventures, such as, office space, and retail ventures (sale of products or services, except food, drink and tobacco, deemed to reduce the travel time of transit users by providing easy access to frequently used/needed products or services). Each commercial use requires Board approval.
- (f) “Community Purpose” means any use of WMATA property that provides a benefit to the surrounding neighborhood or jurisdiction and/or WMATA customers.
- (g) “Computerized Electronic Passenger Information and Advertising Displays” include, but are not limited to, light emitting diode (LED) displays, video monitors, computer monitors and plasma screens.
- (h) “Director” means a member or alternate member of the WMATA Board of Directors.
- (i) “Employee” means any part-time or full-time, temporary or permanent, exempt or non-exempt, represented or non-represented individual including interns who is compensated by WMATA for his or her services by wages, salary or other remuneration.
- (j) “Excess Property” means any real property designated excess by the General Manager following a screening process verifying that there are no construction, operation, maintenance, or transit-related requirements for the property.



- (k) “Executive Order” means a description of an internal administration procedure that implements WMATA policy or that defines standard operating procedures.
- (l) “Free Speech Activity” means the organized exercise of rights and privileges that deal with political, religious, or social matters and are non-commercial.
- (m) “Incidental Non-Transit, Public Use of WMATA-Owned Parking Facilities” means the use of WMATA parking facilities by non-transit or non-transit-related users for parking only.
- (n) “Joint Development Use” or “Joint Development” is defined as the development of WMATA-owned or controlled real property interests at or near mass transit facilities that have significant development potential - including, but not limited to, incidental non-transit, public use of parking spaces and/or commercial or retail use in parking facilities - to achieve close physical integration of transit facilities with commercial/retail, recreational/entertainment, and residential development with the objective of developing transit-oriented development projects that encourage reduced automobile dependency, promote and enhance ridership and patron convenience by providing the opportunity to obtain goods and services near transit stations, and encourage revitalization and growth in communities that WMATA serves.
- (o) “Leaflet” means small printed material unfolded or folded.
- (p) “Newspaper” means any publication, intended for general circulation, published regularly or in short intervals, and containing information and editorials on current events and news of general interest.
- (q) “Not-For-Profit” means any activity by a religious, educational, scientific, philanthropic, agricultural, labor, veteran's or fraternal organization or association that is not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual.
- (r) “Public Service” means the objects and enterprises that specifically serve the needs of the general public or are conducive to the comfort and convenience of the entire community.
- (s) “Space Available” means that sufficient square footage is available so that the activity will not adversely affect the safety or security afforded the general public nor will the activity interfere in the normal operation of the public transportation system.
- (t) “Transit-Related Use” means use of Metrorail transportation facilities by (1) Metrobus; (2) transit services operated by or for WMATA Compact member

jurisdictions; (3) transit services operated by or for other public agencies; and (4) private providers of transit services to the general public; and activities related to the promotion of the above transit services on WMATA facilities.

## **SUBPART D - ALLOWABLE ACTIVITIES**

### **Section 100.8      Filming and Photography**

(a)    Activities.    This section applies to the following activities:

(1)    The filming of motion pictures, television commercials, and promotional and educational films.    Television and newspaper press crews of five (5) or fewer individuals and without any "plug-in" equipment are not subject to this Use Regulation.

(i)    Fees.

(A)    The fees and charges assessed "commercial activity" filming will provide for a one-time set-up and ongoing administrative and operational hourly costs plus a 35 (thirty-five) percent margin of overhead.

(B)    The fees and charges for "not-for-profit" filming will be sufficient to cover all one-time and ongoing administrative and operational costs.

(C)    A schedule shall provide hourly charges for the use of stations, and necessary administrative, security and operational personnel, and required equipment.

(D)    The entire estimated fee to be charged for "commercial activity" and "not-for-profit" filming must be paid prior to the scheduled start of filming.    Any charge over the estimate will be payable within thirty (30) days of billing.

(ii)    Time of Activity.    Request for filming will be assessed on an individual basis.    The times authorized will be granted when the safety of employees and patrons can be assured, ingress and egress of patrons accommodated and normal services operated without interruption.

(iii)    Permit.    Requests for a permit will be accompanied by scripts and story boards at least ten (10) working days prior to the requested filming date.    Requests will not be authorized that would suggest

to viewers activities that would be in violation of the laws of the signatories; the laws, ordinances, and regulations of the political subdivisions in the transit zone; or the rules and regulations of WMATA.

- (2) Still photography that does not require a tripod, special lighting, film crews, models, impair the normal ingress/egress or operation of WMATA services and can be accomplished by a hand-held camera by one person is not regulated. Requests for photographic access that involve a camera crew of three (3) or less, two (2) pieces of lighting equipment or less, does not involve the use of a tripod, does not require assistance of WMATA technical personnel or significantly impair the normal ingress/egress or operations will be allowed. Requests for a permit must be made two (2) working days prior to the requested date of photography. Photography and filming that requires the use of models, special lighting equipment beyond two (2) pieces, tripods, assistance and supervision from WMATA staff, crews of more than three (3), or that impairs ingress/egress or normal system operations shall be governed by Section 100.8(a)(i). Television and newspaper press crews of five (5) or fewer individuals and without any "plug-in" equipment are not subject to this Use Regulation.

- (i) Fees. The fee charged for each hour of use of WMATA's property shall be in accordance with a schedule established by WMATA. The fee must be paid in advance by cash, certified check or money order. A fee shall not be charged for photography by an individual with a hand-held camera for an individual's own use.
  - (ii) Time of Activity. Requests for photography will be assessed on an individual basis. The times authorized will be granted when the safety of employees and patrons can be assured, ingress and egress of patrons accommodated and normal services operated without interruption.

(b) Permits and Contracts.

- (1) Each person who requests and is granted authorization to undertake "commercial" or "not-for-profit" filming or photography activity on WMATA property shall enter into a contractual agreement with WMATA in accordance with Section 100.3, Contracts.
- (2) Each person except as stated in Section 100.8(a)(2) who requests and is granted authorization to undertake still photography or hand-held

camera filming shall be issued a permit issued by WMATA in accordance with Section 100.2, Permits.

(c) Indemnification and Insurance.

- (1) Each person who requests to undertake “commercial” or “not-for-profit” filming on WMATA property shall provide a policy of liability insurance and shall agree to indemnify WMATA for any and all liability arising out of that person's activities pursuant to Section 100.4, Indemnification and Insurance.
- (2) Each person who requests to undertake still photography or hand-held camera filming on WMATA property shall not be required to provide a policy of insurance or indemnification.

**Section 100.9 Advertising on Metrobus and Metrorail Systems and WMATA's Website**

(a) Activities. This section applies to the following activities:

- (1) Advertising on WMATA's Metrobus and Metrorail systems installed in Board-approved advertising inventory of buses, bus shelters, railcars, and Metrorail stations, including tunnels, and on WMATA's website. See Appendix A (List of Board-approved advertising inventory).

(b) Type of Advertising.

- (1) All advertising on WMATA's property shall comply with the applicable advertising guidelines that govern the advertising inventory.
- (2) All advertising shall be truthful and in compliance with the laws of the signatories; the laws, ordinances, and regulations of the political subdivisions in the transit zone; and the rules and regulations of WMATA.
- (3) Advertising which is false or misleading is prohibited.
- (4) The use of WMATA's graphics or representations in advertising is subject to WMATA's approval.
- (5) WMATA reserves the right to reject or remove any advertising that is in violation of the laws of the signatories; the laws, ordinances and regulations of the political subdivisions in the transit zone; or the terms and conditions of the contractual agreement.

- (c) Website Advertising. Advertising on the WMATA's website shall be restricted to noncontroversial commercial advertising that is not contrary to the best interests of the transit system and that does not place WMATA in a negative light or otherwise result in public criticism of WMATA. Pop ups and other similar features are prohibited. Such website advertising shall also comply with subsection (b) of this section, including the Guidelines Governing Commercial Advertising.
- (d) Contract. An advertising franchise shall be established in accordance with WMATA's procurement regulations. The franchisee shall enter into a contract with WMATA in accordance with Section 100.3, Contracts.
- (e) Indemnification and Insurance. Each person who requests to undertake "commercial" and "not-for-profit" advertising on WMATA property in accordance with Section 100.7 shall indemnify WMATA for any and all liability arising out of that person's activities pursuant to Section 100.4, Indemnification and Insurance.

#### **Section 100.10 Free Speech Activities**

- (a) Activities. This section applies to free speech activities as defined in Section 100.7.
- (b) Location. Free speech activities are permitted in the free-area - "above ground" of Metro stations. All free speech activities are to take place at a distance greater than fifteen (15) feet from any escalator, stairwell, faregate, mezzanine gate, kiosk, or fare card machine. In no instances are any free speech activities to take place in the paid or platform areas of the station, or in the underground portions of stations. No free speech activities may interfere with the pedestrian traffic flow in the usual egress and ingress to the station proper or to the faregate.
- (c) Leafleting. The distribution of leaflets in connection with free speech activities is permitted.
- (d) Prohibitions. No individual carrying out free speech activities will carry out any commercial activity. Those carrying out free speech activities will not:
  - (1) Distribute food or drink or tobacco.
  - (2) Post any commercial signs, advertisements, circulars, or printed material.

- (3) Set up any tables or other portable equipment. This prohibition does not apply to official use by local jurisdictions or to nonpartisan voter registration activities at those stations where WMATA has determined that space is available. For the purposes of this exception, the term "nonpartisan" shall include a voter registration effort which contains no visible affiliation with any candidate or political party, including flyers, posters, buttons, signs or any other indication of support for any such candidate or party.
- (4) Carry any signs or placards that are more than 18" x 18" or are affixed to a pole.
- (5) Affix any material to any part of the WMATA structure.
- (6) Permit leaflets or other printed material to be left unattended.

### **Section 100.11 Vending of Newspapers**

- (a) Activities. This section applies to the sale and distribution of newspapers from vending machines at Metrobus terminals and Metrorail stations. Because of safety and fire considerations, human vendors and the chaining of any newspaper vending machines to WMATA property is prohibited.
  - (1) Newspaper vending machines (vendors) may be located where designated by WMATA. At underground Metrorail stations, vendors shall be placed on the underground mezzanine level, i.e., in the free area between the bottom of the first entrance escalator and the fare paying area. At certain underground and surface stations, vendors may be placed at ground level mezzanine or surface exterior locations designated by WMATA pursuant to subparagraph (3) below. Newspaper vending activities are prohibited on the subway platform area of the stations and on the trains. At designated Metrobus terminals, exterior newspaper vendors may be located where determined by WMATA.
  - (2) All newspaper vendors whether located in the interior or on the exterior of station property or on the exterior of Metrobus terminals shall be designed in accordance with plans and specifications adopted by WMATA. WMATA shall adopt a uniform design for all interior vendors and a second uniform design for exterior vendors. The design will be in conformance with applicable Use Regulations, and in furtherance of the aesthetic integrity of the property. The total cost of the construction and installation of the machines shall be borne by the vendor owners.

- (3) WMATA will conduct a station-by-station survey to determine the amount of space available that may be used for newspaper vending machines. Safety and ingress/egress of passengers will be the principal considerations in evaluating space limitations.
- (b) Contract. A Newspaper Vending Agreement shall be executed with WMATA and shall grant to the vendor the non-exclusive right to place newspaper vending machines in designated Metrobus terminals and Metrorail stations for a one (1) year period of time. The number of vendors at each location shall be determined by the availability of space. Selection of vendors shall be made by a station-by-station lottery after the available space is determined by survey. Any one newspaper may receive a maximum of three (3) vending machine spaces per station through the lottery. Should any space remain available following the lottery, a newspaper may apply for that space and shall not be restricted to a maximum of three (3) machines at that location. Contractual agreements will be granted pursuant to Section 100.3, Contracts.
- (c) Indemnification and Insurance. The newspaper vendor shall, as part of the contractual agreement, agree to fully indemnify WMATA for any and all liability arising out of the operation of the newspaper vendors and provide a policy of liability insurance pursuant to Section 100.4, Indemnification and Insurance.

#### **Section 100.12 Interim Use of Excess Property**

- (a) Activities. This section applies to the use of excess property where final disposition is pending and where the property is not part of the planned operating system. Activities shall be allowed that foster:
  - (1) maintenance of properties in a neat and orderly condition;
  - (2) non-profit individual and community purposes;
  - (3) reduction or avoidance of maintenance costs by WMATA;
  - (4) revenues offsetting any administrative costs; and
  - (5) production of revenues through out-leasing.
- (b) Permits and Contracts. Each person who requests and is granted authorization to undertake an approved activity on WMATA's excess property shall be accommodated by a contract pursuant to Section 100.3, Contracts, and shall be issued a permit pursuant to Section 100.2, Permits.

- (c) Indemnification and Insurance. Each person who requests and is granted authorization to undertake an approved activity on WMATA's excess property shall agree to indemnify WMATA for any and all liability arising out of their activities and provide a policy of insurance pursuant to Section 100.4, Indemnification Insurance.

### **Section 100.13 Interim Use of Future Operational Property**

- (a) Activities. This section applies to the interim use of property owned or controlled by WMATA which is temporarily not required but will be needed in the future as part of the operating system. Activities shall be allowed which foster and are consistent with:

- (1) production of revenue in excess of costs for the WMATA; and
- (2) maintenance of properties in a neat and orderly condition.

The following specific uses among others are specifically authorized:

- (1) holdover use by former owners or tenants; and
  - (2) out-leases with former owners, or their tenants in possession, or new leases.
- (b) Permits and Contracts. Each person who requests and is granted authorization to undertake an approved activity on WMATA's property in accordance with this section shall be accommodated by a contract pursuant to Section 100.3, Contracts, and shall be issued a permit.
  - (c) Indemnification and Insurance. Each person who requests and is granted authorization to undertake an approved activity on WMATA's property in accordance with this section shall agree to indemnify WMATA for any and all liability arising out of their activities and provide a policy of insurance pursuant to Section 100.4, Indemnification and Insurance.

### **Section 100.14 Automated Teller Machines**

- (a) Activities. This section applies to the placement of Automated Teller Machines (ATMs) at Metrorail stations.
- (b) Location. The installation of ATMs is only permissible within the free area of the station mezzanine in close proximity to the station manager's kiosk and the farecard sales area. The exact location of the ATM will be determined by WMATA.



- (c) Contract. An ATM license shall be established in accordance with WMATA's procurement regulations. The licensee shall enter into a contract with WMATA in accordance with Section 100.3, Contracts.
- (d) Indemnification and Insurance. Each entity that is granted an ATM license shall indemnify WMATA for any and all liability arising out of its activities pursuant to Section 100.4, Indemnification and Insurance.

#### **Section 100.15 Computerized Electronic Passenger Information and Advertising Displays**

- (a) Activities. This section applies to the implementation of Computerized Electronic Passenger Information and Advertising Displays on platforms and in mezzanines of Metrorail stations as well as in Metrorail cars and Metrobuses.

The principal function of the system(s) will be to display useful, timely, and accurate Metro service updates and/or news updates to rail and bus patrons. A secondary function of the hardware will be to allow commercial advertisements to be displayed in a manner that does not interfere with the principal function of the equipment. The type of advertising allowed is governed by Section 100.9, Advertising on Metrobus and Metrorail Systems.

- (b) Contract. A computerized electronic display contract shall be entered into between the applicant and WMATA pursuant to WMATA's procurement regulations and in accordance with Section 100.3, Contracts.
- (c) Indemnification and Insurance. Each person who requests and is granted authorization to undertake computerized electronic display advertising shall indemnify WMATA for any and all liability arising out of its activities and provide a policy of liability insurance pursuant to Section 100.4, Indemnification and Insurance.

#### **Section 100.16 Communications Equipment**

- (a) Activities.
  - (1) Fiber optic cables will be installed along WMATA's rights-of-way service corridors. Any fiber optic cable capacity not required by WMATA may be leased for commercial purposes.
  - (2) WMATA may with the approval of the Board, also lease its property for the installation and operation of communications equipment, including without limitation, antennas and cellular cells, for commercial purposes. Such activity will take place in conformance with all applicable standards

established by the American National Standards Institute. Landscaping shall be provided where practicable.

- (b) Contract. A contract shall be entered into between the applicant and WMATA pursuant to WMATA's procurement regulations, and in accordance with Section 100.3, Contracts.
- (c) Indemnification and Insurance. Each person who is granted a franchise shall indemnify WMATA for any and all liability pursuant to Section 100.4, Indemnification and Insurance.

#### **Section 100.17 Public Telephone Service**

- (a) Activities. This section applies to the installation of a public telephone service located in the Metrorail and Metrobus systems. The service shall be provided by either WMATA directly or through contract pursuant to WMATA's procurement regulations and in accordance with Section 100.3, Contracts.

#### **Section 100.18 Incidental, Non-Transit, Public Use of WMATA-Owned Parking Facilities**

- (a) Activity. This section applies to incidental non-transit, public use of WMATA-owned parking facilities, as defined in Section 100.7, that are normally allocated for use by WMATA rail and bus system patrons and other transit-related users.
- (b) Time. Incidental, non-transit, public use of WMATA-owned parking facilities may take place only during off-peak and/or non-revenue time periods, or as otherwise approved by the Board.
- (c) Availability. Incidental, non-transit, public use of WMATA-owned parking facilities may be available when (i) WMATA deems that the use does not present a safety concern; (ii) there are sufficient remaining parking spaces for transit system patrons and other transit-related users; and (iii) the use is consistent with FTA requirements, WMATA bonds and other indebtedness, including, but not limited to, the WMATA 1993 Gross Revenue Transit Bond Resolution, the WMATA 2003 Gross Revenue Bond Resolution, any supplemental bond resolutions and applicable agreements concerning funding facilities.
- (d) Fees. The appropriate compensation for the use of WMATA-owned parking facilities shall be established by the General Manager, or his/her designee, and approved in accordance with Board Resolution #2000-42, which establishes Board approval levels, to include, at a minimum, the surcharge amount, if any,

established for the particular Metrorail station plus an amount sufficient to cover all administrative, operating and maintenance costs.

#### **Section 100.19 Civic Use of WMATA-Owned Parking Facilities**

- (a) Activities. This section applies to civic activities sponsored by municipal, county or state agencies/organizations of the Compact jurisdictions.
- (b) Time. Civic use of WMATA-owned parking facilities shall take place only during off-peak and/or non-revenue time periods.
- (c) Availability. WMATA-owned parking facilities may be available for civic activities only when (i) WMATA deems that the use does not present a safety concern; (ii) the use allows sufficient remaining parking spaces for passengers of the transit system and other transit-related users; (iii) WMATA determines that the planned activity serves/supports the surrounding community; and (iv) the use is consistent with FTA requirements, the WMATA bonds and other indebtedness, including, but not limited to, the WMATA 1993 Gross Revenue Transit Bond Resolution, the WMATA 2003 Gross Revenue Bond Resolution, any supplemental bond resolutions and applicable agreements concerning funding facilities.
- (d) Permit. Each organization that is allowed to host an activity where/when space is available shall enter into a license, lease, or other appropriate agreement that satisfies the requirement of Section 100.4, Indemnification and Insurance, of this Use Regulation. Such license/lease/agreement shall also establish that WMATA restrooms are not available to attendees at the civic activity; shall require the organization hosting the activity to provide its own restroom facilities, if necessary; and shall require the organization to clean up and remove all trash that results from the activity.
- (e) Fees. The appropriate compensation for the use of WMATA-owned parking facilities shall be established by the General Manager or his/her designee, and approved in accordance with Board Resolution #2000-42, which establishes Board approval levels, to include, at a minimum, the surcharge amount, if any, established for the particular Metrorail station plus an amount sufficient to cover all administrative, operating, and maintenance costs, including the cost of additional electricity and any additional clean up and removal of trash needed.

#### **Section 100.20 Commercial Use of WMATA-Owned Facilities**

- (a) Activity. This section applies to commercial use of WMATA-owned facilities as defined in Section 100.7, Definitions.

- (b) Availability. Commercial use of WMATA-owned facilities may be available when (i) WMATA determines that the use serves a community purpose; (ii) WMATA deems that the use does not present a safety concern and does not interfere with transit operations; (iii) the use is consistent with FTA requirements, the bond and other indebtedness, including, but not limited to, the WMATA 1993 Gross Revenue Transit Bond Resolution, the WMATA 2003 Gross Revenue Bond Resolution, any supplemental bond resolutions and applicable agreements concerning funding facilities; and (iv) the use is approved by the Board.
- (c) Permit. Each entity/person that/who is allowed to sell products or services (excluding food, drinks and tobacco) or rent space where/when space is available shall enter into a license, lease, or other appropriate agreement in accordance with WMATA procurement regulations and the requirement of Section 100.4 of this Use Regulation concerning indemnification and insurance. Such license/lease/agreement shall also establish that WMATA restrooms are not available to customers of the commercial entity who are not transit customers; shall require the commercial entity to provide its own restroom facilities if necessary; and shall require the commercial entity to provide clean up and removal of all trash that results from the commercial use.
- (d) Fees. The appropriate compensation for the use of WMATA-owned facilities shall be established by the General Manager, or his/her designee, and approved in accordance with Board Resolution #2000-42, which establishes Board approval levels. At a minimum, the amount should be enough to cover administrative, operating and maintenance costs, including the cost of additional electricity due to the commercial use, trash removal and additional clean-up costs generated by the commercial use.

#### **Section 100.21 Implementation of this Use Regulation**

The General Manager of WMATA is directed to implement this regulation through appropriate executive orders.

## **APPENDIX A**

### **LIST OF BOARD APPROVED ADVERTISING INVENTORY**

#### **A. Buses**

- (1) Queen-size frames
- (2) King-size frames
- (3) Rear frames
- (4) Exterior Head-liners
- (5) Video monitors
- (6) Partial exterior wraps
- (7) Interior Bus Cards

#### **B. Railcars**

- (1) Interior car cards (21" x 22")
- (2) Interior head-liners
- (3) Video monitors
- (4) Partial exterior wraps
- (5) Exterior railcar King-size displays
- (6) Interior railcar doors (excluding bulkhead doors)
- (7) Railcar Ceilings

#### **C. Metrorail Stations**

- (1) Dioramas (back-lighted advertising display)
- (2) Two-Sheet Posters (non-backlighted advertising display)
- (3) Station banners
- (4) Larger Dioramas
- (5) Pylons and Pillars
- (6) Floor Graphics
- (7) Trash Receptacles
- (8) Wall Projections

#### **D. Tunnels**

#### **E. Bus Shelters**

#### **F. Wallscapes**

#### **G. Website Advertising – for Commercial Advertising only in accordance with Section 100.9 ( c ) of this Use Regulation.**