

SAFETY AND TRANSIT EFFICIENCY REVIEW OF BRAND MARKETING EVENTS

In addition to traditional display advertisements, the Metropolitan Transportation Authority and its subsidiaries (“MTA”) work with advertisers engaging in other forms of paid advertising on MTA Property, including but not limited to certain audio advertising, installation advertising, event marketing, sponsorships, and other brand activation including experiential marketing and sampling campaigns (collectively “Brand Marketing”).

All forms of paid advertising and marketing on MTA Property, including Brand Marketing, are governed by the MTA Advertising Policy, and their content is subject to review by the MTA Advertising Committee. Audio advertising may be subject to specific policies as well.

Further, all Brand Marketing is subject to *additional* review, restrictions and requirements by the MTA designed to promote the safe and efficient operation of the MTA’s transportation services and terminals. By the nature of Brand Marketing, it poses risks of potential disruption to the MTA’s operations that are not present with traditional display advertising, including for example because of the physical size of three-dimensional installations or the frequent direct interaction with members of the public, which may cause members of the public to congregate and dwell in ways that impact the orderly movement of MTA customers.

The MTA reserves the right to limit the number, location(s) and time(s) of Brand Marketing activities in order to promote the safe and efficient operation of the MTA’s transportation services, stations and terminals, create a welcoming environment for its customers and protect the character of historical landmarks. Brand Marketing activities shall take place within a physical area designated by the MTA for such purposes and shall be limited to a time period or time periods designated by the MTA. No more than fifty (50) personnel hired by the Brand Marketing advertiser may participate in the Brand Marketing Event. Pamphlets and other physical materials (including samples) may not be distributed by Brand Marketing advertisers beyond the designated physical area or outside the designated time period(s). All Brand Marketing advertisers must remove discarded literature and other distributed materials from MTA Property at the end of each day.

More specifically, the MTA reserves the right to (i) reject and/or limit all Brand Marketing on grounds related to promoting the safety of the public or the safe and efficient operation of the MTA’s transportation services, stations and terminals for its customers, employees and other members of the public; (ii) reject and/or limit all Brand Marketing that is reasonably likely to cause damage to MTA property or equipment; (iii) reject and/or limit Brand Marketing to protect the character of historical landmarks or any related agreements pertaining to historic preservation; and (iv) terminate any previously approved and in-progress Brand Marketing that the MTA, in its sole discretion, concludes has created an unforeseen congestion, disruption or other problem adversely impacting the safety of the public or the safe and efficient operation of the MTA’s transportation services, stations and terminals. Brand Marketing advertisers must not interfere with pedestrian traffic flow and must follow all directions of MTA staff, MTA Police, NY State Police and the National Guard.

Brand Marketing on Metro-North Railroad property, including Grand Central Terminal, must also comply with 21 NYCRR 1085 (the “Rules and Regulations Governing the Conduct and Safety of the Public in the Use of the Metro-North Commuter Railroad Company Terminals, Stations and Trains”), as outlined at: <https://www.mta.info/document/106661>.

The volume of Brand Marketing events must be at a decibel level to allow for announcements to be heard over the public address system in Grand Central Terminal.

All Brand Marketing advertisers will need to enter into an agreement with the MTA on terms acceptable to the MTA, including terms and conditions relating to safety/security and any preparations or briefing to be undertaken by Brand Markers prior to their activities. Under such agreement, the MTA will be not responsible for and will be released from any liability from any injury to persons or damage to property resulting from such activity. Brand Marketing advertisers shall indemnify the MTA and its subsidiaries against any and all losses, claims, or damages which the MTA may sustain or be subjected to on account of activities conducted pursuant to or related to Brand Marketing activities. Brand Marketing advertisers must carry their executed agreement with the MTA at all times while on MTA Property and be prepared to present it upon request to any MTA representatives.

In addition to these general provisions, the MTA will not permit any Brand Marketing that involves the following:

- Any materials or elements that are hazardous or reasonably likely to cause harm;
- The use or storage of any fireworks, illuminating oils, candles, oil lamps, turpentine, benzene, naphtha, or other similar substances, or flammable materials or explosives of any kind;
- Any unlawful use or purpose;
- Any gambling or gaming use;
- The sale, use or display of guns or other weapons;
- Any use that would make void or voidable any insurance then in force for MTA Property, or that violates any insurance requirements;
- Adhering anything to the walls of MTA Property.

Brand Marketing agreements may be suspended, limited or canceled for emergencies, and/or temporarily prohibited on holidays or rush hour black out times as determined necessary by MTA personnel. Violation of the terms of the Brand Marketing agreement or 21 NYCRR 1085 is grounds for cancellation of the agreement and/or eviction of the Brand Marketing advertiser from MTA Property.

The entire MTA advertising program, including display advertisements and Brand Marketing, constitutes a nonpublic forum. The MTA is committed to ensuring that all of its reviews of Brand Marketing are enforced in a viewpoint-neutral fashion. If any advertiser or member of

the public believes that the MTA's review of Brand Marketing is being enforced in a viewpoint discriminatory manner by the MTA or its advertising licensee, please contact:

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