

**RHODE ISLAND GOVERNMENT REGISTER**  
**PUBLIC NOTICE OF PROPOSED RULEMAKING**

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**AGENCY:** Rhode Island Airport Corporation (RIAC)

**RULE IDENTIFIER:** 800-RICR-20-00-1            ERLID # 1990

**REGULATION TITLE:** Advertising Standards for the Rhode Island Airport Corporation

**RULEMAKING ACTION:** Proposed Rulemaking

**TYPE OF FILING:** Amendment

**DATES:**

Public Notice Date: **March 30, 2018.**

Comment Period Ends: **April 30, 2018.**

**SUMMARY OF PROPOSED RULE:** The purpose of this regulation is to identify the standards that shall apply to all licenses and contracts for the installation, display and maintenance of advertising on properties and facilities operated by the Rhode Island Airport Corporation. This rule is being reformatted for eventual inclusion in the Rhode Island Code of Regulations. Most of the changes are technical in nature and to remove superfluous language. There are also several additions to limitations on advertising content and clarification of requirements with regard to advertisement of alcoholic beverages.

**COMMENTS INVITED:**

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **April 30, 2018** to the addresses listed below.

**ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:**

**Mailing Address:** Rhode Island Airport Corporation, Attn: Legal Department,  
2000 Post Road, Warwick, RI 02886

**Email Address:** [ajacques@pvdairport.com](mailto:ajacques@pvdairport.com)

**WHERE COMMENTS MAY BE INSPECTED:**

A copy of the proposed amendments will be available for examination from March 30, 2018 to April 30, 2018, by mail or at the offices of the Rhode Island Airport Corporation, Attn: Annette P. Jacques, Esq., 2000 Post Road, Warwick, RI 02886, or requested by emailing [ajacques@pvdairport.com](mailto:ajacques@pvdairport.com) or by calling Annette Jacques at (401) 691-2307. Electronic copies of the proposed amendment will also be available on the RIAC website at [www.pvdairport.com](http://www.pvdairport.com) and Secretary of State's at <http://www.sos.ri.gov/ProposedRules/>. A copy of the proposed annotated regulation is also found below in the body of this document.

**PUBLIC HEARING INFORMATION:**

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

**SUPPLEMENTARY INFORMATION:**

**Regulatory Analysis Summary and Supporting Documentation:**

This proposed amendment will result in little to no small business economic impact and will have no effect on regulatory filings.

**Authority for This Rulemaking:** R.I. Gen. Laws §§ 42-64-7.1 (b) and 1-2-1 *et seq.*

**Regulatory Findings:**

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

**The Proposed Amendment:**

The Rhode Island Airport Corporation proposes to amend 800-RICR-20-00-1 – Advertising Standards for the Rhode Island Airport Corporation, as shown in the attached redlined document.

800-RICR-20-00-1

## TITLE 800 - AIRPORT CORPORATION

### CHAPTER 20 - ADVERTISING AND EXPRESSIVE ACTIVITY

#### SUBCHAPTER 00 - N/A

PART 1 - Advertising Standards for the Rhode Island Airport Corporation

#### 1.1 Purpose

The following Standards shall apply to all licenses and contracts for the installation, display and maintenance of advertising on properties and facilities operated by the Rhode Island Airport Corporation (RIAC).

#### 1.2 Authority

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws §§ 42-64-7.1(b) and 1-2-1 et. seq.

#### 1.3 Definitions

A. The following terms shall apply to this regulation:

1. “Family advertising” means content suitable and appropriate for and in keeping with common values and notions associated with family audiences.
2. “RIAC property” means T.F. Green Airport, Block Island State Airport, Newport State Airport, North Central State Airport, Quonset State Airport and Westerly State Airport to include all land areas and structures, facilities, or improvements thereon.

#### 1.4 Advertising Standards

~~A. The following Standards shall apply to all licenses and contracts for the installation, display and maintenance of advertising on properties and facilities operated by the Rhode Island Airport Corporation (“RIAC”) executed on or after April 10, 2002.~~

AB. All advertising displayed on RIAC property at T.F. Green Airport, Block Island State Airport, Newport State Airport, North Central State Airport, Quonset State Airport and Westerly State Airport (collectively, “the Airports”) shall comply with the following standards:

1. Content Guidelines and Permitted Subject Matter. Advertising content shall be of such high quality as to contribute to the establishment of the airports as prestigious locations for commercial advertising. All advertising accepted by RIAC and/or its advertising concessionaire shall meet the guidelines generally accepted by the publishing/advertising industry for "family advertising," and ~~t~~The subject matter of the advertisement shall be limited to speech which is within one or more of the following permissible areas:
  - a. proposes a commercial transaction;
  - b. proposes the patronage of a commercial business;
  - c. promotes a particular industry;
  - d. promotes tourism; or
  - e. promotes economic development.
  
2. Limitations Upon Advertisements. The licensee shall not display or maintain any advertisement that falls within one or more of the following categories:
  - a. The advertisement or information contained in it is false, misleading or deceptive.
  - b. The advertisement or information contained in it promotes unlawful or illegal goods, services or activities.
  - c. The advertisement or information contained in it implies or declares an endorsement by the RIAC of any service, product or point of view without prior written authorization of the RIAC.
  - d. The advertisement contains obscene material. For purposes of this provision, the term "obscene" shall have the meaning contained in R.I. Gen. Laws § 11-31-1, as such provision may be amended, modified or supplemented from time to time.
  - e. The advertisement 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 R.I. Gen. Laws § 11-31-10, as such provision may be amended, modified or supplemented from time to time.
  - f. The advertisement contains an image or description which, if displayed in a transportation facility with knowledge of its character and content, would give rise to a violation of R.I. Gen. Laws § 9-1-

28.1, as such provision may be amended, modified or supplemented from time to time.

- g. The advertisement, or any information contained in it, is libelous.
- h. The advertisement promotes the use of consumption of alcohol, tobacco or tobacco-related products, including "electronic" cigarettes or other tobacco substitutes. Advertisements proposed for alcoholic beverages are subject to approval per § 1.5(-B)(-3) of this Part.
- i. The advertisement contains an image of a person, who appears to be a minor, in sexually suggestive dress, pose, or context.
- j. The advertisement contains images or information that demean an individual or group of individuals on account of race, color, religion, national origin, ancestry, gender, age, disability or sexual orientation.
- k. The advertisement contains images or information that are so violent, frightening, or otherwise disturbing as to be harmful to the general public ~~minors~~. This includes images of actual or realistic violence, and the use or depictions of weapons of any sort.
- l. The advertisement promotes an escort service, dating service, or sexually orientated business.
- m. The advertisement promotes or endorses political positions, parties, or candidates.
- n. The advertisement contains or presents religious beliefs, views, blasphemy, mockery, aggression, or irreverence towards religious institutions or the icons or symbols that represent them.
- o. The advertisement contains images of symbols of the occult, Satan, pentagrams, etc.
- p. The advertisement contains references to the Transportation Security Administration (TSA), unless placed by TSA themselves.

## 1.5 Review of Advertisements

A3. Review of Advertisements. RIAC's advertising concessionaire ~~tractors~~ shall forward to RIAC each advertisement submitted for installation, display and maintenance on RIAC properties and facilities to determine whether the advertisement falls within, or may fall within, one or more of the categories set forth in § 1.4 of this Part.

B. All prospective advertising which proposes the promotion or consumption of alcoholic beverages of any sort under one or more of the categories set forth in § 1.1(-B)(-1) of this Part shall be highly regulated and require special approval by RIAC on a case-by-case basis without exception.

C. ~~If a~~ RIAC determines that an advertisement falls within or may fall within one or more of the categories set forth in § 1.1(B)(2) of this Part:

1a. RIAC shall advise the advertising ~~contractor~~ concessionaire of its determination.

2b. The advertising ~~contractor~~ concessionaire may, in consultation with ~~the~~ RIAC's AVP of Business Development & Commercial Programs ~~Director of Property Management~~ or his/her designee, discuss with the advertiser one or more revisions to the advertisement, in order to bring the advertisement into conformity with the Standard regulations. The advertiser shall then have the option of submitting a revised advertisement for review in accordance with these procedures.

3c. In the event that the advertising ~~con~~ cessionaire ~~contractor~~ and the advertiser do not reach agreement with regard to a revision of the advertisement, or in the event that the advertising ~~contractor~~ concessionaire determines that no appropriate revision would bring the advertisement into conformity with the Standards regulations, the advertiser may request that the advertising ~~contractor~~ concessionaire obtain a formal determination from the RIAC Director of Property Management or his/her designee. In reaching a formal determination, the RIAC AVP of Business Development & Commercial Programs ~~Director of Property Management~~ or his/her designee may consider any materials submitted by the advertiser, and may consult with the advertising contractor, or with the RIAC General Counsel, the Executive Director, the Chairman of the Board, or their respective designees.

4d. The RIAC AVP of Business Development & Commercial Programs ~~Director of Property Management~~ or his/her designee shall promptly provide the advertising ~~contractor~~ concessionaire with a written notice of the formal determination, and the advertising ~~contractor~~ concessionaire shall relay the formal determination to the advertiser. RIAC's formal determination shall be final.

## 1.6 Unsold Space

4 ~~Unsold Space~~. Any advertising space not sold or traded for value may be used by RIAC for displays promoting use of ~~the~~ RIAC property ~~Airport~~ and/or economic development in the State of Rhode Island.

5. ~~Severability. The provisions of these Advertising Standards are severable, and if any provision thereof shall be held invalid in any circumstances, such invalidity shall not affect any other provisions or circumstances. These Advertising Standards regulations shall be construed in all respects so as to meet all constitutional and other legal requirements.~~