



Frequently Asked Questions

Why did Enterprise Services put a bridge banner moratorium in place?

Enterprise Services put the bridge banner moratorium in place on Oct. 21, 2016, after reviewing its existing policies and identifying it did not have a consistent policy regarding the content of bridge banners, including commonly-applied content restrictions. The moratorium was adopted so the department could take a pause from considering new banner permits, gather more information, seek public feedback, and evaluate whether to continue the bridge banner program – including identifying what, if any, restrictions would be appropriate.

What caused Enterprise Services to review its existing policies?

Periodically reviewing our policies is an agency best practice. Earlier this year, Enterprise Services began reviewing its bridge banner program due to concerns regarding the safety and management of the banners. As a result, the department changed its policy in October to that only Enterprise Services can hang bridge banners to ensure all banners are properly installed and don't cause an immediate safety hazard to passing motorists and pedestrians. Further safety concerns were raised related to bridge banner content as well as questions about lack of clear and consistent criteria for evaluating banners.

Has a bridge banner ever caused harm or potential harm to passing motorists or pedestrians on Capitol Way?

There have been a few occasions where a banner has partially fallen off the bridge. In addition, several banners have been improperly installed, posing an immediate danger to passing motorists and pedestrians below. Enterprise Services updated its policy earlier this year to address the concern over proper installation so now the department has sole responsibility for properly attaching all banners to the bridge.

Has Enterprise Services decided if it will apply content restrictions on bridge banners? If so, what those will be?

Enterprise Services has not made a final decision on potential restrictions on banners or banner content. The department is considering a variety of possible approaches ranging from prohibiting all bridge banners, some banner content restrictions, or having no restrictions on banner messaging.

What about individuals or groups who received permits before the moratorium was put in place? Does the moratorium apply to them, too?

Before the moratorium was adopted, Enterprise Services had already issued 37 permits to hang banners from the bridge. The department will honor those permits while the moratorium is underway.

For years, my group has hung or gotten permits from DES to hang banners from the bridge. Why are you considering making changes to this public messaging location?

We are taking a second look at our bridge banner program, which began in the 1990s. From the beginning, the state has restricted banners that promote political campaigns and ballot, initiative and referenda measures. Enterprise Services has identified it lacks clear criteria and basic restrictions on messages that are commonly applied in a limited public forum like the bridge.

Do potential content restrictions on bridge banners violate the First Amendment?

No, because the bridge is considered by Enterprise Services to be a “limited public forum.” This is because a bridge is not considered a place where people would be expected gather to exercise their free speech rights. U.S. Supreme Court rulings allow governments to put in place location-specific restrictions on certain messaging such as promoting alcohol or other drugs, topics for mature audiences, and other commonly-applied restrictions.

How long will the bridge banner moratorium be in effect?

The latest the moratorium would end is April 19, 2017.

In an average year, how many banners does Enterprise Services permit? What types of banners have been permitted?

Enterprise Services permits about 120 bridge banners a year. In 2015, the department issued banner permits for:

- 58 commercial activities or events
- 41 public activities or events
- 7 private activities or events
- 37 government activities or events