

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Travelers Information Stations;)	PS Docket No. 09-19
)	
American Association of Information Radio Operators Petition for Ruling on Travelers' Information Station Rules;)	
)	
Highway Information Services, Inc. Petition for Rulemaking;)	RM-11514
)	
American Association of State Highway and Transportation Officials Petition for Rulemaking)	RM-11531
)	

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (“NAB”)¹ respectfully submits comments on the above-captioned Notice of Proposed Rulemaking (“Notice”).² The Notice starts a rulemaking proceeding in response to petitions for rulemaking filed by Highway Information Services, Inc. (“HIS”) and the American Association of State Highway and Transportation Officials (“AASHTO”), and seeks comments on issues raised in another petition submitted by the American Association of Information Radio

¹ NAB is a nonprofit trade association that advocates on behalf of local radio and television stations and also broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² Travelers Information Stations; American Association of Information Radio Operators Petition for Ruling on Travelers’ Information Station Rules; Highway Information Services, Inc. Petition for Rulemaking; RM-11514; American Association of State Highway and Transportation Officials Petition for Rulemaking; RM-11531, *Notice of Proposed Rulemaking*, PS Docket No. 09-19 (*rel.* Dec. 30, 2010) (“Notice”).

Operators (“AAIRO”) (collectively, the “Petitions”).³ The Petitions seek various changes to the Commission’s rules governing Travelers’ Information Station (“TIS”) operations. 47 C.F.R. § 242. As discussed below, NAB’s views of the Petitions are guided by whether a proposed change to the TIS rules would expand public access to travel-related information or emergency situations without changing the fundamental nature of TIS operations.

I. **Background**

TIS operations are authorized to transmit “noncommercial travel-related information to motorists on a localized basis.” Notice at 2. The Commission’s rules governing the content of TIS operations are purposely narrow, limiting TIS broadcasts to “only noncommercial voice information pertaining to traffic and road conditions, traffic hazard and travel advisories, directions, availability of lodging, rest stops and service stations, and descriptions of local points of interest.”⁴ A typical TIS broadcast consists of a “continuous, repetitive voice message of short duration” that provides “specific information relevant only to travelers.” TIS Order, 67 FCC 2d at 919. The Commission also set power limits and coverage boundaries to make certain that TIS broadcasters would be focused on serving travelers in the “immediate vicinity” of TIS stations. Notice at 3 citing 47 C.F.R. § 90.242(a)(5). The Commission adopted these rules pertaining to

³ Petition for Rulemaking to Revise and Update the Travelers Information Service Rules of Highway Information Systems, Inc. (filed July 16, 2008) (“HIS Petition”); Petition for Rulemaking of the American Association of State Highway and Transportation Officials (filed March 16, 2009) (“AASHTO Petition”); Travelers’ Information Service Provision of Localized Public Safety and Emergency Information Pursuant to 47 C.F.R. Sections 90.242 and 90.407, Petition for Rulemaking (filed Sep. 9, 2008) (“AAIRO Petition”).

⁴ 47 C.F.R. § 90.242(a)(7), see also *Amendment of Parts 2 and 89 of the Rules to Provide for the Use of Frequencies 530, 1606 and 1612 kHz by Stations in the Local Government Radio Services for the Transmission of Certain Kinds of Information to the Traveling Public*, Report and Order, Docket No. 20509, 67 FCC 2d 917 (1977) (“TIS Order”).

TIS operations as a means to ensure that TIS stations offered information relevant to travelers, while discouraging the unnecessary duplication of information already available to the public via full-power radio stations. TIS Order, 67 FCC 2d at 919.

II. Discussion

A. AASHTO Petition

NAB believes that the petition filed by AASHTO, which seeks to permit TIS operations to broadcast AMBER Alerts and information about the availability of 511 services, is consistent with the fundamental nature and purpose of the TIS service. Permitting TIS services to carry these additional messages will expand motorists' access to critical, emergency-related information, without altering the essential character of TIS operations, as set forth in the Commission's rules.

Since the launch of AMBER Alerts in 1996, broadcasters have partnered with public safety officials to promptly air an emergency warning when a child is abducted and may be in imminent danger. To date AMBER Alerts have helped to recover 525 missing or abducted children.⁵

The effectiveness of an AMBER Alert turns on the prompt distribution of an alert to as wide an audience as possible. Extending AMBER Alerts to TIS operations would increase the number of listeners who might be able to assist in the recovery of a child. Moreover, the location of TIS stations along major highways could prove critical to informing motorists who might be well positioned to help recover an abducted child.

We also note that U.S. Department of Justice guidelines specify the conditions under which an AMBER Alert may be issued, the procedures for issuing alerts, and the

⁵ See <<http://www.amberalert.gov/statistics.htm>> (last visited Feb. 12, 2011).

content of these alerts.⁶ As a result, AMBER Alerts are typically limited in both location and duration, with clear, succinct messages. These guidelines should also help ensure that AMBER Alerts are consistent across TIS operations. For these reasons, NAB endorses a narrow amendment to the TIS rules to allow TIS facilities to provide AMBER Alerts.

For the same reasons, NAB also supports AASHTO's request that TIS stations be allowed to carry information about 511 services. The Commission designated 511 as the nationwide dialing code for use by state and local officials to offer travel-related information to the public. AASHTO Petition at 8. As AASHTO states, the Commission created 511 service for reasons similar to those for TIS service, namely, to make travel-related information more readily accessible to motorists, for the purposes of reducing traffic congestion and improving traveler safety. *Id.* at 9.

Information about 511 services falls within the type of content that should be permitted via TIS operations. Like AMBER Alerts, 511 service is adopted by localities around the country based on a uniform set of nationally-recognized guidelines, which will help to ensure that TIS stations provide consistent information about 511 service, within the boundaries of the Commission's rules. Because 511 service serves essentially the same purpose as TIS operations, allowing TIS stations to carry 511 service information will not significantly alter the nature or intended purpose of TIS service. Accordingly, allowing TIS facilities to provide information about the availability of 511 information also appears consistent with the TIS rules.

⁶ See <http://www.amberalert.gov/guidelines.htm>.

B. AAIRO and HIS Petitions

In contrast, the changes to the TIS rules requested by AAIRO and HIS would allow TIS operations to carry an almost unlimited range of routine, non-emergency government, weather and other information that would dilute the value of TIS service and substantially change the nature of TIS service. In addition to AMBER Alerts, AAIRO urges the Commission to expand permitted TIS content to include NOAA Weather Radio,⁷ 900 system alternate phone numbers, terror threat levels, and general public health warnings.⁸ The HIS Petition goes even further, asking that TIS service be re-titled “Local Government Radio Service,” and that the TIS rules be expanded to permit such service to broadcast information “as determined by the government entity licensed to operate the station.” HIS Petition at 9-10. HIS also seeks to eliminate the geographical restrictions that confine TIS operations to locations near roads and highways. *Id.* at 10.

NAB fully supports expanded public access to emergency alerts and warnings. The ability of television and radio stations to reach virtually all Americans gives local stations a unique role in the distribution of emergency warnings, as well as live, continuing coverage of emergency situations. Local broadcasters are the backbone of the nation’s primary alerting system -- the Emergency Alert System (“EAS”) – that enables the President to communicate with the public during emergencies, and is also an important public alert and warning tool of state and local governments. Broadcasters take their emergency warning responsibilities seriously, and the radio industry is

⁷ The U.S. National Oceanic and Atmospheric Administration’s (“NOAA”) “NOAA Weather Radio” service is a nationwide network of radio stations broadcasting continuous weather information directly from the nearest National Weather Service office. NWR broadcasts routine weather forecasts, as well as official Weather Service warnings, watches, and other hazard information 24 hours a day, 7 days a week.

⁸ AAIRO Petition at 3.

currently working to increase public access to EAS alerts and other emergency information by expanding consumer access to radio service over mobile phone handsets.

Thus, NAB is not opposing requests to enlist TIS operations to help warn and inform travelers during emergency situations. This would include, as discussed above, information on AMBER Alerts. However, we question both the need and prudence of expanding TIS content to a wide variety of routine, non-emergency information, as the HIS and AAIRO petitions requested.

The Commission's rules allow TIS stations to air "voice information pertaining to traffic and road conditions, traffic hazard and travel advisories, directions" 47 C.F.R. § 90.242(a)(7). Since the inception of TIS service, and in keeping with this rule, local authorities have successfully used TIS stations to deliver highly-localized bulletins to travelers regarding non-routine traffic conditions, such as delays due to construction, accidents, traffic volume, hazardous material spills, and severe weather. Emergency messages are also delivered over TIS operations concerning natural disasters and other events that could affect travelers. TIS stations are also located at airports to provide information about airline travel, and some municipalities use TIS stations to provide information about local tourism attractions such as parks and monuments. There is no evidence that the current TIS rules have hindered municipalities in providing this range of traveler-related information.

As noted by AASHTO, the principle purpose of TIS service is to promote situational awareness by informing travelers of non-routine road conditions and

advisories relating to the “immediate safety or comfort of the traveler.”⁹ NAB agrees that such information could reasonably include NOAA Weather Radio in certain cases to promote situational awareness during severe weather conditions. NOAA’s processes already announce when non-routine weather warnings are about to be aired, by attaching a Specific Area Message Encoding (“SAME”) signal at the initiation of a weather warning, as well as a closing end-of-message burst of information at termination of the temporary warning message.¹⁰ This would help ensure that TIS operators broadcast NOAA Weather Radio for only a specific period of time during an emergency. Moreover, like AMBER Alerts, the issuance of a NOAA weather warning and the associated content is guided by federal authorities, and does not vary among local jurisdictions, thereby helping to ensure that, if permitted, TIS broadcasters’ carriage of NOAA weather warnings would be consistent and useful for travelers. Given the potential benefits of allowing TIS operations to carry NOAA weather warnings during certain emergency situations, the Commission should further consider this proposal.

However, expanding TIS operations to routine matters, or turning it into a generalized broadcast service for local municipalities as suggested by HIS, would dilute the unique value of TIS service as a source for emergency and other travel-related information. NAB agrees with AASHTO that, instead of eliminating the unique focus of TIS, the Commission could consider refining the types of information that could be transmitted over TIS, so long as such information is timely and relevant to travelers, and most importantly, designed to foster

⁹ AASHTO Comments, RM-11514, PS Docket No. 09-19 (filed Mar. 16, 2009) at 5-6.

¹⁰ *Id.* at 6.

situational awareness, as opposed to routine government information. AASHTO Comments at 9. Expansion of TIS content, as HIS proposes, would weaken the utility of TIS operations as a radio dial destination for timely, critical, localized information of relevance to travelers. Listeners already have access to many and growing numbers of alternative outlets for the kind of routine, non-situational information, such as weather forecasts and public health campaigns, that AAIRO and HIS seek permission to carry on TIS stations. *Id.*

NAB also respectfully opposes the request of HIS that the Commission delete the geographic limitation on where TIS stations may be sited. HIS Petition at 9-10. Such a change would delink TIS operations from its intended purpose of transmitting “noncommercial travel-related information to motorists on a localized basis” in the “immediate vicinity” of TIS stations.¹¹

Acceptance of HIS’s proposals would result permit use of the TIS service by local officials to broadcast a wide variety of non-travel and non-emergency information of all types (indeed, conceivably even politically-oriented messages favorable to those local public officials). HIS states only that TIS stations should be allowed to transmit “non-emergency information they [local governments] deem necessary or desirable.” HIS Petition at 6-7. Grant of HIS’ requests will fundamentally change the nature of TIS operations, and require a wholesale overhaul of the Commission’s TIS rules. There is no basis for granting such requests, as nothing in the record to date provides any

¹¹ 47 C.F.R. § 90.242(a)(5). It could also ultimately undermine the Commission’s decision against creating a network or “ribbon” consisting of TIS stations. TIS Order, 67 FCC 2d at 923. The Commission previously determined that, although multiple TIS stations are permitted, each TIS site must broadcast localized targeted information focused on the immediate vicinity surrounding each station. In this manner, the Commission intended to prevent TIS stations from coordinating the continuous delivery of “superfluous information” that might distract from the timely, important, traveler-related information that TIS stations offer. *Id.*, at 923-24.

evidence that the current TIS service rules have been unduly restrictive or have prevented local governments from using TIS operations for their intended purpose.

III. Conclusion

For the reasons stated above, the targeted expansion of TIS to allow the broadcast of AMBER alerts and information about 511 services is consistent with the fundamental nature and purpose of TIS operations and promotes the public interest. NAB therefore supports the proposals of AASHTO. However, we respectfully oppose the proposals of AAIRO and HIS as diluting the intended value of TIS operations and requiring a fundamental change in the nature of TIS service, in the absence of any showing that a complete transformation – rather than a targeted refining – of the TIS service rules are needed.

Respectfully submitted,

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