

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

In the Matter of)	
)	
Petition for a Rulemaking, Revise and Update the Travelers' Information Services Rules, Highway Information Services, Inc.)	RM-11514
)	
Petition for Ruling, Travelers' Information Service Provision of Localized Public Safety and Emergency Information Pursuant to 47 C.F.R. Section 90.242 and 90.407, American Association of Information Radio Operators)	PS Docket No. 09-19
)	

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters ("NAB")¹ respectfully submits comments on the above-captioned Petitions for Rulemaking.² As discussed below, both petitions should be denied because they do not provide sufficient evidence to justify approval of their requests for a fundamental transformation of Travelers' Information Station ("TIS") operations.

Highway Information Services Inc. ("HIS Inc."), a leading manufacturer of TIS equipment, asserts that the Federal Communications Commission's ("Commission")

¹ NAB is a nonprofit trade association that advocates on behalf of more than 8,300 free, local radio and television stations and also broadcast networks before Congress, the Commission and the Courts.

² Petition for a Rulemaking, Revise and Update the Travelers' Information Services Rules, Highway Information Services Inc., RM-11514, filed July 16, 2008 ("HIS Inc. Petition"); Petition for Ruling, Travelers' Information Service Provision of Localized Public Safety and Emergency Information Pursuant to 47 C.F.R. Section 90.242 and 90.407, American Association of Information Radio Operators ("AAIRO"), PS Docket No. 09-19, filed Sep. 9, 2008 ("AAIRO Petition").

limits on TIS operations are overly restrictive. HIS Inc. specifically asks the Commission to expand the parameters on content that may be provided on TIS stations so that equipment it has manufactured to include “additional capabilities” would not violate the Commission’s rules. HIS Inc. Petition at 2-3.

The American Association of Information Radio Operators (“AAIRO”) similarly urges the Commission to expand the range of content allowed on TIS by giving local governments discretion over the types of messages they can transmit via TIS operations. In large part, this petition focuses on an appeal for permission to run the weather forecast loop from the National Oceanic and Atmospheric Administration’s (“NOAA”) National Weather Service. AAIRO Petition at 4-8.

The Commission’s rules governing TIS operations are purposely narrow. In relevant part, 47 C.F.R. § 90.242(a)(7) states:

Travelers’ Information Stations shall transmit 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.

When the Commission established TIS in 1977,³ it specifically crafted this rule to ensure that the service would not be used to deliver disguised commercials or political messages. TIS Order, 67 FCC 2nd at 919-920.

For over 30 years numerous local authorities have successfully used TIS stations located on highways to deliver highly-localized bulletins to travelers regarding traffic conditions, such as delays due to construction, accidents,

³ *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 2nd 917 (1977) (“TIS Order”).

volume, 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.

The limits on the use of TIS operations have rarely presented any problems in the three decades since the Commission established TIS. Indeed, in support of its petition, HIS Inc. cites only two instances in which licensees sought unsuccessfully to use TIS operations for prohibited purposes. First, the Commission denied a waiver request by the California Department of Transportation (“CalTrans”) to use its TIS operations to deliver ongoing messages promoting energy conservation, and second, the Commission issued a Notice of Violation to the City of Santa Monica for using its TIS station to run NOAA’s national weather forecast loop.⁴ Two examples do not establish that the Commission’s long-standing regulations on TIS operations are unwarranted and certainly do not justify wholesale changes to this service.

Moreover, TIS service is a low-power service with an extremely limited, highly-targeted reception area, that is incapable of reaching the vast majority of people potentially affected by an emergency. Thus, contrary to HIS Inc.’s suggestion that

⁴ HIS Inc. Petition at 8 citing *California Department of Transportation Request for Waiver of Section 90.242(a)(7) of the Commission’s Rules*, DA 07-439 (Jan. 31, 2007), and *City of Santa Monica Licensee of Radio Station WQGR42*, Notice of Violation, File No. EB-07-LA-216 (Jul. 12, 2007).

amending the TIS rules as it proposes would improve emergency alerting,⁵ such a change would not have any significant benefits for the public.

Additionally, the Commission's existing rules permit 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). There is no evidence that this language has ever prevented TIS operators from providing any information they want that could affect motorists and other travelers during times of emergency.

It appears that HIS Inc.'s actual goal is to overhaul the Commission's TIS rules to allow local governments to use TIS stations to transmit a myriad of other ongoing, "non-emergency information they deem necessary or desirable" and to site TIS operations at additional locations unrelated to travelers. HIS Inc. Petition at 6-9. These requests will fundamentally change the nature of TIS operations, but HIS Inc. offers virtually no evidence that the current TIS service is unsuccessful or unduly restricted or fails to fulfill its stated purpose. Granting HIS Inc.'s request would require the Commission to completely reverse its original findings regarding the purpose and nature of TIS operations. There is simply no justification for the Commission to advance HIS Inc.'s Petition to the rulemaking stage.

The same reasoning applies to AAIRO's Petition. NAB respectfully disagrees with AAIRO's Petition to the extent it seeks an unnecessary makeover of the TIS rules to enable local authorities to use TIS operations to broadcast ongoing messages that are neither related to emergency situations nor specifically directed "only to travelers at specific locations (e.g., a highway intersection, an airport entrance and parking facility, a

⁵ HIS Inc. Petition at 3-5 citing *The Commercial Mobile Alert System*, First Report and Order, PS Docket No. 07-287 (rel. Apr. 9, 2008).

county park, etc.).” TIS Order, 67 FCC 2nd at 919. AAIRO has not presented evidence supporting more fundamental changes to TIS rules and operations. For example, with regard to AAIRO’s request to run NOAA’s National weather forecast loop, the Commission has already answered this question multiple times, issuing Notices of Violation to the Cities of Santa Monica, California and Richmond, California for transmitting information “which did not contain content pertaining to traffic and road conditions, traffic hazard and travel advisories,” or the other circumstances listed in Section 90.242(a)(7) of the rules.⁶

In sum, neither Petition presents evidence sufficient to warrant a complete transformation of TIS operations. Accordingly, the Commission should not commence the rulemaking proceeding requested by HIS Inc. and AAIRO.

Respectfully submitted,

NATIONAL ASSOCIATION OF BROADCASTERS
1771 N Street, NW
Washington, DC 20036
(202) 429-5430



Lynn Claudy
John Marino
NAB Science & Technology

Jane E. Mago
Jerianne Timmerman
Lawrence A. Walke

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⁶ *City of Santa Monica Licensee of Radio Station WQGR42*, Notice of Violation, File No. EB-07-LA-216, Santa Monica, CA (Jul. 12, 2007); *City of Richmond Licensee of Radio Station WPED339*, Notice of Violation, File No. EB-07-SF-237, Richmond, California (Mar. 6, 2008). NAB also notes that the airing of national weather forecasts may not be particularly useful on stations devoted to highly localized traffic and road information.