



"Citrus Capital of the World"

# City of Santa Paula

970 Ventura Street • Santa Paula, California • Mailing Address: P.O. Box 569 • 93061 • Phone: (805) 525-4478 • Fax: (805) 525-6278

May 3, 2016

**The City of Santa Paula (City), licensee of Travelers Information Service (TIS) station WQFE310, respectfully requests a Federal Communications Commission (FCC) waiver to certain sections of 47 CFR 90.242 (a) (7).<sup>1</sup> The City requests this waiver with a conditional 12-month sunset or expiration period and submission of a report to the Commission on operations and effectiveness based on the Commission granting this Waiver.**

## Background

The City is aware that Commission in Docket 13-98 reviewed many conditions set forth in 90.242 triggered by a petition filed by Highway Information Systems (HIS). However, we believe that a specific waiver should be granted for Santa Paula's TIS beyond the scope of the Docket 13-98 discussion and outcome.<sup>2</sup>

While 13-98 clarified that permissible content under the TIS rules so TIS stations must continue to have a focus on travel, and an emergency, or an imminent threat of danger component was added, this in our opinion does not go far enough to embody current views of emergency public information (EPI) and emergency management experts. Their views now take into account that special efforts must be made to provide a public at risk with education as well as information on ongoing timely and effective protective actions from all available sources, including TIS stations., not just during declared emergencies, and provide means to do this when regular means to communicate with the public fail.<sup>3</sup>

The intent of this waiver request by the City is to build on the following statement made in 13-98 that clearly authorized the use of TIS facilities for the transmission of "any communications related directly to the imminent safety-of-life or property," and for emergency communications..."during a period of emergency in which the normal communication facilities are disrupted as a result of hurricane, flood, earthquake or similar disaster." <sup>4</sup>

While The City acknowledges that there is now a wide and growing range of social media, broadcasting and other sources for emergency public information and warnings, we feel that the requested TIS waiver could address two concerns that fit in with updated risk assessments to our immediate community and real world concerns about inevitable communications infrastructure failures that invariably accompany major emergencies of many types.

<sup>1</sup> WQFE310 has been licensed on 1610 MHz since 2006

<sup>2</sup> On July 16, 2008, HIS filed a petition for rulemaking (HIS Petition) to amend the TIS rules. The HIS Petition requested that the Commission: (1) re-title TIS as the "Local Government Radio Service;"<sup>26</sup> (2) expand the permissible use rule in Section 90.242(a)(7) to "provide that stations in the local government radio service may be used to broadcast information of a non-commercial nature as determined by the government entity licensed to operate the station and other government entities with which the licensee cooperates;"<sup>27</sup> and (3) "eliminate the limitation on the sites for local government radio stations that confines such stations to areas near roads, highways and public transportation terminals.

<sup>3</sup> <http://eas.radiolists.net/commentary-on-where-we-must-take-eas-in-the-future/>

<sup>4</sup> Final Regulatory Flexibility Analysis -13-98 (A) (2) : Need for, and Objectives of, the Report and Order

## **El Nino Forecasts Led to This Waiver Request**

At a recent Santa Paula El Nino flood emergency preparedness planning meeting a suggestion was made to request a waiver from the Commission to use WQFE310 for a limited number of situations and events that, while they cannot be directly classified as real time emergency related, fit well in with the growing realization that public education, reinforcement of public preparedness, warnings and follow-on emergency public information are all an integral part of community-based emergency preparedness. Stating the obvious, a key goal of this waiver is to teach the public where to go for this information before it is needed for real emergency response is a key rationale for requesting this waiver.

There are real concerns within the elected leadership of the City of Santa Paula and its emergency response department heads based on a devastating historical flood years ago that wiped out a lot of the city.<sup>5</sup>

NASA's West Coast Earth Science Mission Operations (ESMO) forecasts for this past year's El Nino conditions impelled the City's fire and police emergency managers to reinforce and update all possible means to not only prepare the City for life-threatening floods, but to build enhanced community awareness of communications resources available to them when cell phones fail, the Internet goes down, power goes out, and real-time protective action information must be delivered to a local public at risk to save lives and property. While the City was able to deal with the El Nino conditions for this year, the need to reinforce ongoing local emergency public information education and dissemination is now a core mandate.

The TIS 1610 transmitter was located at the Santa Paula hospital on one of the highest hills in the city because of an ongoing concern for another flood caused by a severe storm sweeping down the Heritage Valley's usually dry bed through our city.<sup>6</sup>

## **No Exclusive Broadcast Service Currently Exists for the City of Santa Paula**

The City of Santa Paula is a community of approximately 30,000 residents according to the 2010 census. While in the southern California radio and television market (Ventura County), The City is not served exclusively at this time by any commercial broadcast facilities or the local cable system (Time Warner) willing and able to devote the necessary time and effort to educate Santa Paula's residents on emergency preparedness, and to deliver 24/7 emergency public information when disaster strikes. Further, the City is cognizant of the fact that no communications resources exist for our community when utility power fails and the Internet goes down.<sup>7</sup>

---

<sup>5</sup> From < <http://heritagevalley.net/>> "Two and one-half minutes before midnight on March 21, 1928, the St. Francis Dam catastrophically failed. As the dam collapsed, twelve billion U.S. gallons (45 billion liters) of water surged down San Francisquito Canyon in a dam break wave destroying everything in its path. The flood traveled south down Santa Clara River bed, flooding the towns of Castaic Junction, Fillmore and Bardsdale. The flood continued west through Santa Paula in Ventura County, emptying its victims and debris into the Pacific Ocean at Montalvo, 54 miles (87 km) from the reservoir and dam site. When it reached the ocean at 5:30 a.m., the flood was almost two miles (3km) wide, traveling at a speed of 5 miles (8km) per hour. Bodies of victims were recovered from the Pacific Ocean, some as far south as the Mexican boarder. Telephone operators in Fillmore (notably Louise Gipe) and two motorcycle policemen in Santa Paula notified people in their homes of the danger, until the rising floodwater forced their retreat."

<sup>6</sup> From <http://www.weather.com/news/news/south-carolina-historic-flood-rainfall-record-extreme> : "One possibility is the Weather Underground personal weather station on White Birch Circle in Columbia, which reported 18.71 inches of rain between 3:55 p.m. EDT on Oct. 3 and the same time Oct. 4. The site piled up 17.72 inches on Oct. 4 itself, of which 15.12 inches – enough to break the 24-hour record – fell in less than 10 hours during the morning..."

<sup>7</sup> We have however obtained a letter of intent for blanket rebroadcast rights to rebroadcast Gold Coast Broadcasting LLC's Ventura County News radio station, KVTA/1590 during regional emergencies on WQFE310, and the local cable provider does air local preparedness information to Santa Paula subscribers.

While our TIS station can and will be on the air at such times, we have been advised by our local EPI subject expert who is the vice chair of the California State Emergency Alert System Committee (SECC)<sup>8</sup> that the public needs constant and ongoing reminders on where they can get protective action information when all else fails.

### **Some Examples of Uses to be Covered by the Requested Waiver**

1. During delivering traffic information before and during Friday night high school football games use WQFE310 broadcast scores and plays along with community preparedness information. The current TIS prohibition of commercials and music would of course be observed.
2. Another waiver required benefit would be to air City Council meetings that deal with safety and emergency response and preparedness issues for fire and police services as well as other City agencies like Public Works. While the local cable system covers the meetings, there are a number of people in town who do not have cable because of their income level, their off air reception of Los Angeles TV, or other reasons.
3. During community gatherings such as Santa Paula's First Friday summer events on Main Street, traffic information could be supplemented by emergency preparedness information broadcast live from these events.

### **Building Awareness: A Key Rationale for this Waiver**

The rationale for our waiver request is simple -- to build awareness of this local emergency TIS communications resource for times when it can help save lives and property during declared local emergencies. All too often TIS stations in local communities are not built into community awareness so the public instinctively knows where to get specialized emergency public information issued by Santa Paula's fire and police emergency managers. EAS, while good for warnings, is not effective for delivering long form ongoing information that can prevent or limit loss of lives and property.

### **Why Not a Community-Based LPFM?**

A Santa Paula community Low Power FM (LPFM) station could meet Santa Paula's needs, our research so far has found that there are no available frequencies in the Ventura County due to its proximity to Los Angeles County existing licensed Ventura County FM band stations.

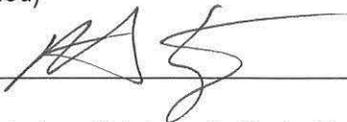
### **One-Year Waiver Report**

Should the Commission grant the waiver the City is requesting with a conditional 12-month sunset or expiration period the City is requesting, the City would be pleased to submit a report to the Commission on observations and results regarding this real-world attempt to improve emergency public information awareness in the City of Santa Paula that would lead to an extension of the waiver, or other action(s) as the Commission deems appropriate.

### **Summary**

The City of Santa Paula requests a waiver with a conditional 12-month sunset or expiration period of applicable sections of 47 CFT 90.242 for the abovementioned purposes, and offers to file a report on observations and operations at or near the end of the waiver period.

(Signed)



Rick Araiza, Chief, Santa Paula Fire Department  
[raraiza@spcity.org]

<sup>8</sup> This waiver request was researched and drafted by Santa Paula citizen Richard Rudman, a Certified Professional Broadcast Engineer, who is the Vice-Chair for the California's Emergency Alert System State Committee. He can be contacted regarding technical details related to this waiver at [rar01@mac.com].