

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Petition for Rulemaking of Highway Information Systems, Inc., To Revise and Update The Travelers' Information Station Rules	)	RM-11514
	)	
Petition of the American Association of Information Radio Operators For Ruling On Travelers' Information Station Rules	)	PS Docket No. 09-19
	)	
To: The Commission		

**STATEMENT OF  
NATIONAL PUBLIC RADIO, INC.**

**Introduction**

Pursuant to Section 1.405 of the Commission's Rules, 47 C.F.R. § 1.405, National Public Radio, Inc. ("NPR") hereby submits its Statement regarding the above-referenced petitions for rulemaking to revise the rules governing the Travelers' Information Stations ("TIS") service.<sup>1</sup>

NPR is a non-profit membership corporation that produces and distributes noncommercial educational ("NCE") radio programs through more than 800 NCE radio stations nationwide. In addition to broadcasting award-winning NPR programming, including *All Things Considered*<sup>®</sup>, *Morning Edition*<sup>®</sup>, and *Talk of the Nation*<sup>®</sup>, NPR's member stations originate significant amounts of news, information and cultural programming. NPR also operates the Public Radio Satellite Interconnection System and provides representation and other services to

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<sup>1</sup> See Petition for Rulemaking to Revise and Update the Travelers Information Service Rules of Highway Information Systems, Inc., filed July 16, 2008 [hereinafter "HIS Petition"]; Petition for Ruling, filed Sept. 9, 2008 [hereinafter "AAIRO Petition"], Public Notice, DA 09-249, File No. RM-11501, PS Docket No. 09-19, Feb. 13, 2009.

its member station licensees.

### **Discussion**

The importance of timely and specific travel-related information is unquestionable. Indeed, that is why NPR's Member stations and other NCE radio stations have long provided traffic, weather, public safety, and other time-sensitive information of particular relevance to the traveling public. Technology is also increasingly affording new and improved ways of delivering information when and where it is most needed. Recognizing the importance of travel related information, however, should not mean a blanket endorsement of every proposal that promises to provide such information.

While the HIS and AAIRO Petitions appear well-intentioned, seeking to revise the existing TIS service rules to improve the availability of public-safety related information, it is incumbent on the Commission to determine whether they have established a compelling need to revise the existing TIS service in the manner proposed. That analysis should consider the Commission's intentions when it originally established the TIS service, the justifications proffered for revising the TIS service rules, and whether revising the TIS service rules would serve the public interest considering alternative means of accomplishing the same objective. Such an analysis should occur before the Commission decides to proceed with the Petitions to assure the efficient use of scarce administrative resources.

**1. The TIS service was intended to provide a highly localized and specific service.** Significantly, when it established the TIS service, the Commission questioned its very need given the availability of travel-related information from existing broadcast stations.<sup>2</sup> The

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<sup>2</sup> Compare In the Matter of 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, 67

Commission ultimately chose to establish the service precisely because of its narrow focus: "serving a 3km zone with generally repetitive information pertinent to travelers."<sup>3</sup> To underscore the narrow purpose of the service, the Commission cited the case of a then-experimental station operating at the Los Angeles International Airport, transmitting traffic advisories to facilitate the flow of automobile traffic.<sup>4</sup> Viewed the other way, the type of information transmitted by TIS stations was understood to be impractical for full service stations to broadcast.<sup>5</sup>

Before considering whether and how to broaden the TIS station mandate, it is appropriate to examine how well such stations have served the unique function that TIS stations were originally intended to serve. It is now more than 30 years since the TIS service was established. How has the service developed? Where are TIS stations located, what services do they provide, are there metrics to measure the extent to which TIS stations serve the public interest, and, if so, what does the history of TIS performance show? Indeed, the HIS Petition itself questions the underlying basis for the TIS service.<sup>6</sup> Is there, in fact, a continuing need for the TIS service as it

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F.C.C.2d 917, 919 (1977) [hereinafter "TIS Report and Order"] ("[I]t should be clearly understood that it is not the intent that TIS facilities duplicate information no available on area wide . . . broadcast stations.") with id. at 931 (dissenting statement of Commissioner Quello) ("I simply do not view this proposed service as performing any needed function that cannot be better performed by (1) existing broadcasting stations or (2) alternative means.").

<sup>3</sup> TIS Report and Order, 67 F.C.C.2d at 925.

<sup>4</sup> Id. at 921.

<sup>5</sup> See id. at 925 ("Because FM stations provide wide area coverage, it would not be feasible to transmit simultaneous travelers information repetitively for several local areas.").

<sup>6</sup> See HIS Petition at ii & 6-8.

currently exists?<sup>7</sup> While the answers to these questions are not immediately known, one thing is certain: wherever a reexamination of the service may lead, it should precede any significant change to the service.

**2. The Petitions propose a significant expansion of the TIS service.** With a proper understanding of the TIS service as it was originally established and as it has evolved over time, the Commission should consider how the Petitions propose to alter the service. The HIS Petition proposes the most radical changes, but the AAIRO Petition proposes an expansion of the TIS service that may be broader than it appears.

The HIS Petition proposes a fundamentally different type of service. Rather than providing "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," as required under the existing rules,<sup>8</sup> TIS stations would be permitted to transmit "information as determined by the government entity licensed to operate the station and other government entities with which the licensee cooperates."<sup>9</sup> In other words, the proposed rule change would lodge complete editorial control over the content of TIS transmissions in the licensee.<sup>10</sup>

The HIS Petition proposes to expand the TIS service in another significant way. It would

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<sup>7</sup> If the TIS rules are "outdated," as HIS insists, *id.* at ii, does that also mean there is no longer a need for a specialized and highly localized travelers' information service? If that is the case, and there is insufficient justification for an expanded TIS service, should the Commission sunset the existing service?

<sup>8</sup> 47 C.F.R. § 73.242(a)(7).

<sup>9</sup> HIS Petition, Attachment A.

<sup>10</sup> HIS Petition at 10.

eliminate the requirement limiting the location of stations to the vicinity of roads, highways or public transportation terminals.<sup>11</sup> Subject to interference criteria, "[t]he determination of site locations [w]ould be left to the governmental licensee."<sup>12</sup>

As envisioned in the HIS Petition, the TIS service would enable prospective station licensee to operate an apparently limitless number of stations, located throughout the country, and transmitting content of the licensee's choosing, subject only to the restriction that it not include advertising.<sup>13</sup> Perhaps there is a compelling need for such a service. It is imperative, however, that the Commission consider the need for such a service and how it might fit within the Commission's responsibilities for assuring effective means of communicating public safety information in times of emergency.

The AAIRO Petition proposes changes more limited in scope, but it too warrants careful scrutiny. The Petition would expand the existing types of information to include the following: "any message concerning the safety of life or protection of property that may affect any traveler or any individual in transit or soon to be in transit."<sup>14</sup> On its face, this expanded authorization would seem to require some type of emergency, since it is tied to the "safety of life or protection of property." That is not necessarily the case, however, because the Petition then identifies less urgent types of information, such as "travel weather forecasts" and retransmission of NOAA

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<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> See id. at ii ("The rules should ensure that TIS stations [sic] are licensed to and operated by federal, State [sic] and local government entities and are used for the dissemination of information of a non-commercial nature as deemed appropriate by the licensees.").

<sup>14</sup> AAIRO Petition at 1.

weather radio generally.<sup>15</sup> One is left to wonder, therefore, where the precise limits of the newly expanded TIS service would extend.

In examining whether to expand the TIS service as the Petitions propose, the Commission should scrutinize the specific justification for the changes each Petition proposes. Has HIS demonstrated a compelling need to transform the existing TIS service from one narrowly focused on travel-related information to one that is widely disbursed geographically and with an unlimited scope of content? Without any specific obligations to transmit public safety information, how would such a service improve the dissemination of public safety information? While somewhat more limited in scope, has the AAIRO Petition justified broadening the TIS service to permit the retransmission of existing, generally available services? The Commission should consider these and other important questions in assessing whether the Petitions have justified initiating a proceeding aimed at a substantial altering of the existing TIS service.

**3. Existing broadcast services and emerging new ones are alternative means of disseminating public safety and other travel related information.** As noted above,<sup>16</sup> the Commission established the TIS service, notwithstanding the availability of alternative means of disseminating travel related information, precisely because of its unique niche of providing specialized information on a highly localized basis. In consider whether to change and expand the service, the Commission should also consider whether a newly expanded TIS service will duplicate other existing or emerging means of disseminating traffic, weather, and other travel-

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15 See id. at 4-7.

16 See pages 2-3, supra. Other options also exist, including the SDARS service, at least for the most populous markets. See In re XM Satellite Radio Holdings, Inc., 23 FCC Rcd 12348, 12354, 12356 (2008)

related information.

For many Americans, radio broadcast stations are a significant source of traffic, weather, emergency and other local news and information.<sup>17</sup> The opportunity for radio stations to offer multiple audio program services by virtue of the HD Radio technology is also spurring stations and program producers to develop programming beyond what is available today. NPR itself is a member of the Broadcast Traffic Consortium ("BTC"), the very purpose of which is to provide localized traffic and related travel information via a datacast stream.<sup>18</sup> Indeed, "[t]he BTC's immediate goal is to build a nationwide network to distribute Navteq traffic information -- such as traffic flow and points of interest -- via HD Radio technology."<sup>19</sup> We expect stations to use their HD Radio multicast capability in other ways to provide homeland security related services, addressing local, regional, or national events and emergencies, and expanded weather alerts, traffic safety, and other public safety services.

Given the ubiquity of full service NCE and other radio stations, the Commission must ask whether there is a compelling need to recast the existing TIS service if doing so will merely duplicates existing and emerging broadcast services. If the proposed changes to the TIS service will produce a unique and important new service, the Commission should identify the specific ways in which it will do so. As important as public safety is, achieving an effective and efficient system of transmitting traffic and other public safety information cannot be accomplished without asking and answering these and other important questions.

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17 See Nielsen Media Research, Inc., Federal Communications Commission, Telephone Study, at 72, June 2007, *available at* <http://www.fcc.gov/ownership/studies.html>.

18 See "Radio Groups Build a Shared Data Channel," Radio World, at 4, Aug. 1, 2008.

19 Id.

## Conclusion

The Commission should carefully consider whether the Petitions have justified the potentially far reaching changes they propose.

Respectfully submitted,

**NATIONAL PUBLIC RADIO, INC.**



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March 16, 2009

## CERTIFICATE OF SERVICE

I, Gregory A. Lewis, hereby certify that a copy of the foregoing Statement of National Public Radio, Inc. was sent this 16<sup>th</sup> day of March, 2009, by first-class U.S. mail, postage prepaid, to the following:

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A handwritten signature in black ink, appearing to read "Gregory A. Lewis". The signature is written in a cursive style with a large initial "G".

Gregory A. Lewis