

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

In the Matter of )  
 )  
Petition for Rulemaking of the American Association ) RM-11531  
of State Highway and Transportation Officials )  
to Modify Section 90.242(b)(7) of the FCC's Rules )

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 petition 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 are significant producers of local, regional, and national news, information and cultural programming. NPR also operates the Public Radio Satellite Interconnection System and provides representation and other services to its member station licensees.

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<sup>1</sup> See Petition for Rulemaking of the American Association of State Highway and Transportation Officials to Modify Section 90.242(b)(7) of the FCC's Rules, filed March 16, 2009 [hereinafter "AASHTO Petition" or "Petition"]. Although the AASHTO Petition is styled as seeking a modification of Section 90.242(b)(7) of the Commission's Rules, the Petition addresses the substance of permissible TIS transmissions codified in Section 90.242(a)(7) of the Commission's Rules. Compare 47 C.F.R. § 90.242(a)(7) with *id.* § 90.242(b) ("Technical standards").

## Summary

NPR supports the AASHTO Petition. It proposes two modest and clearly defined changes to the TIS rules that are generally consistent with the purpose for which the service was established. Clarifying that the TIS service may transmit so-called "AMBER Alerts" and information about the availability of telephonically delivered traveler information services are the types of advisories that can provide valuable information to travelers within a TIS coverage area, without simply duplicating existing broadcast or other services, and that serve the public interest generally. Importantly, these proposed rule changes also do not require a fundamental reevaluation of the TIS service and therefore can be implemented expeditiously through a narrowly focused rulemaking proceeding.

## Discussion

The Commission established the TIS service to serve a narrow purpose of providing highly localized, travel-specific information within limited coverage areas.<sup>2</sup> Thus, "intended programming on Travelers Information Stations would normally consist of a continuously repetitive voice message of short duration containing specific information pertinent only to travelers within a very limited reception area."<sup>3</sup> Such services were intended not to duplicate broadcast services.<sup>4</sup> As an example of the intended service, the Commission cited a then-experimental low power station operating at the Los Angeles Airport that transmitted airport

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<sup>2</sup> 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 F.C.C.2d 917, 925 (1977). See also id. at 923 (The stated purpose is to serve as "a source of localized information pertinent only to the traveler in the immediate proximity of the station.").

<sup>3</sup> Id. at 918-19.

<sup>4</sup> Id. at 919.

specific information on a continuous, repeating basis.<sup>5</sup> Notwithstanding the number and variety of information services increasingly available to the traveling public, including those offered by NCE radio and other broadcast services, the highly localized and travel-specific TIS service has served a useful niche in the Nation's communications system.

The AASHTO Petition proposes two narrow changes to the TIS rules. First, the Petition proposes allowing advisories regarding missing children covered by the America's Missing: Broadcast Emergency Response Alerts ("AMBER Alerts") system. Second, the Petition proposes to permit messages regarding the availability of 511 services, which are traveler advisory services transmitted telephonically. These proposed changes are clearly defined, fall within the general parameters of the TIS service, and should be adopted.

AMBER Alerts provide a method for law enforcement to notify the traveling public about the most serious child-abduction cases.<sup>6</sup> According to the U.S. Department of Justice, "the goal of an AMBER Alert is to instantly galvanize the entire community to assist in the search for and the safe recovery of the child."<sup>7</sup> Success depends on quickly disseminating an

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<sup>5</sup> "Tape-recorded advisories, interspersed with "live" bulletins, concerning specific airline terminal locations and their nearest parking lots; alerts when traffic is congested; estimated time of delay; etc., are transmitted continuously from 7 A.M. to 11 P.M. on 530 kHz to motorists." Id.

<sup>6</sup> See U.S. Dep't of Justice, Office of Justice Programs, AMBER Alert, <http://www.amberalert.gov/>. Under guidelines from the Department of Justice, five criteria must be met for an AMBER Alert: (1) law enforcement must reasonably believe that an abduction has occurred, (2) law enforcement must believe the child is in imminent danger of serious bodily injury or death, (3) enough descriptive information about the victim and the abduction must exist, (4) the child must be 17 years old or younger, (5) the child's name and other critical data elements must have been entered into the National Crime Information Center. See U.S. Dep't of Justice, Office of Justice Programs, AMBER Alert Guidelines, <http://www.amberalert.gov/guidelines.htm>

<sup>7</sup> See U.S. Dep't of Justice, Office of Justice Programs, AMBER Alert, Frequently Asked Questions, <http://www.amberalert.gov/faqs.htm>.

alert to as many people as possible, which is why AMBER Alerts are transmitted through a broad range of overlapping means, including radio and television broadcast stations, cell phones and other wireless devices, the Internet, e-mail, and even lottery tickets.<sup>8</sup> AMBER Alerts have helped save more than 430 children, with 90 percent of those recoveries occurring since October 2002, as the dissemination of such alerts by broadcast services and other means has become even more wide-spread.<sup>9</sup>

Allowing TIS services to transmit AMBER Alerts could improve the program's reach and help rescue more abducted children. Even though TIS Amber Alerts would duplicate those transmitted by broadcast stations and others, such duplication increases the effectiveness of the alerts. The highly localized nature of the TIS service could also play an important role in solving abductions in the immediate vicinity of TIS stations, which are typically located along roadways, and soon after they occur, which is when AMBER Alerts can be critical to the successful recovery of an abducted child.<sup>10</sup> The existence of national guidelines for AMBER Alerts should assure consistent application across TIS services. Accordingly, NPR sees this as a unique case warranting an amendment to the TIS rules to authorize the transmission of such communications.

For different reasons, NPR supports amending the TIS rules to permit the transmission of

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<sup>8</sup> See id.

<sup>9</sup> See id.

<sup>10</sup> Murders of abducted children typically occur within hours of the abduction. See, e.g., Rob McKenna, Attorney General of Washington, and U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Case Management for Missing Children Homicide Investigation at 13-14 (May 2006) (approximately 46% of abducted children were murdered within 1 hour of their abduction, 76% within 4 hours, and 88.5% within 24 hours), *available at* <http://www.atg.wa.gov/page.aspx?id=2354>.

information about the availability of 511 services. The FCC created the 511 nationwide abbreviated dialing code to enable state and local government authorities to provide a centralized way of obtaining government-sponsored traveler information.<sup>11</sup> These services can also be tailored to specific geographic areas because they typically allow callers to identify specific roads on which they are traveling and receive information specific to that geographic area. Thus, 511 services themselves are comparable to TIS services and do not duplicate services generally available elsewhere. Authorizing TIS messages announcing the availability of 511 services is thus a modest extension of the TIS rules.

Finally, we support the approach taken by the AASHTO Petition of proposing specific, clearly articulated service changes that are generally consistent with the existing rules. By contrast, two petitions pending in a separate proceeding propose far reaching, but ill-defined changes to the TIS service rules.<sup>12</sup> NPR filed a statement questioning the wisdom of initiating a rulemaking proceeding on the basis of those flawed petitions, which would necessitate a fundamental reevaluation of the TIS service itself. While such a reevaluation may be warranted at some point, it is less necessary to proceeding with the specific changes proposed in this case.

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<sup>11</sup> *Petition by the United States Department of Transportation for Assignment of an Abbreviated Dialing Code (N11) to Access Intelligent Transportation System (ITS) Services Nationwide, et. al.*, Third Report and Order on Reconsideration, 15 FCC Rcd 16753 (2000).

<sup>12</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.

## Conclusion

NPR supports the AASHTO Petition and the initiation of a narrowly focused rulemaking proceeding to authorize the TIS transmission of AMBER Alerts and announcements regarding the availability of 511 services.

Respectfully submitted,

**NATIONAL PUBLIC RADIO, INC.**



Joyce Slocum

Vice President for Legal Affairs

General Counsel and Secretary

Michael Riksen

Vice President, Policy & Representation

Michael Starling

Chief Technology Officer and

Executive Director, NPR Labs

Julie M. Kearney

Director of Public Policy and Legislation

Gregory A. Lewis

Associate General Counsel

635 Massachusetts Avenue, N.W.

Washington, DC 20001

202/513-2040

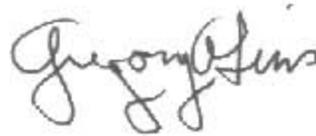
May 26, 2009

**CERTIFICATE OF SERVICE**

I, Gregory A. Lewis, hereby certify that a copy of the foregoing Statement of National Public Radio, Inc. was sent this 26<sup>th</sup> day of May, 2009, by first-class U.S. mail, postage prepaid, to the following:

Russell H. Fox  
Jennifer A. Cukier  
MINTZ LEVIN COHN FERRIS  
GLOVSKY & POPEO, P.C.  
701 Pennsylvania Ave., NW  
Suite 900  
Washington, DC 20004

*Counsel for American Association of State Highway and Transportation Officials*



Gregory A. Lewis