Before the
Federal Communications Commission
Washington, D.C.

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 Systems, Inc. Petition for Rulemaking;	)	RM-11514
American Association of State Highway and Transportation Officials Petition for Rulemaking	)	RM-11531

Comments of the
United States Department of Transportation

Introduction

Through this proceeding, the Federal Communications Commission ("FCC or "Commission") has requested comment on whether and to what extent it should change its rules and policies with respect to Travelers Information Stations ("TIS") services. *Order and Notice of Proposed Rulemaking*, Dec. 29, 2010 ("*Notice*"); 76 Fed. Reg. 3064 (Jan. 19, 2011). The United States Department of Transportation ("DOT" or "Department") supports measured changes directed at retaining the transportation focus of TIS, but also expanding the scope of information permissibly disseminated in the interests of protecting the life and property of actual and potential travelers.

Background

As the FCC notes, the TIS service was established to convey information of value to travelers, such as road conditions, travel-related emergencies, and messages about local accommodations and points of interest. In keeping with this focus, the FCC prohibited commercial messages and allowed only local government entities to own and operate TIS services. *Notice*, paras. 2-5. To underscore its mission, the TIS service was further limited both in the power and the siting of transmitters (*e.g.,* at roadsides and transportation terminals). *Id.*

Recently, three parties have filed petitions with the Commission seeking to change the TIS service to a greater or lesser extent. Highway Information Systems, Inc. ("HIS"), a manufacturer of electronic communications equipment, envisions wholesale changes that would convert TIS services into a "Local Government Radio Service." Such a service could transmit any non-commercial information, from any otherwise permissible site, at the discretion of local officials. *Id.*, at paras. 7, 20-29.

The American Association of Information Radio Operators ("AAIRO"), an organization of operators and licensees of TIS services, also seeks to expand the scope of information disseminated by TIS. AAIRO would modify the rules to allow "any message concerning the safety of life or protection of property" of both actual and potential travelers, at the sole discretion of TIS operators/licensees. *Id.*, at paras. 8, 15-19. AAIRO would permit, *inter alia*, the broadcast of AMBER Alerts, civil defense announcements, public health warnings, and retransmission of NOAA weather reports. *Id.* The American Association of State Highway and Transportation Officials ("AASHTO"), an association comprised of state departments of transportation, filed a petition to permit TIS services to transmit AMBER Alerts and "information regarding the availability of 511 services." [1] *Id.*, at paras. 9, 35-36.

The Department's Position

DOT s supports the continuation of the travel-centric mission of TIS service, albeit one that encompasses a broader range of information relevant to the protection of life and property

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[1]/ As the Notice explains, "511" is a nationwide telephone number providing information about local or regional traffic and travel conditions. *Id.*, at note 28. AMBER Alerts, of course, concern abducted children; DOT policy allows for their use and for other emergency messages on variable electronic roadway signage. *See* http://www.fhwa.dot.gov/legsregs/directives/policy/ambermemo.htm and http://www.fhwa.dot.gov/legsregs/directives/policy/securmemo.htm.

than existed decades ago. There remains a need for the original traveler-oriented nature of TIS service, for more Americans than ever travel the nation's roadways, and they have the same need for information relevant to their journeys. This includes road conditions, traffic congestion, emergency weather reports, and so forth. Similarly, in the event of natural or man-made disasters, persons who would not otherwise contemplate travel (but who are near roadways and/or transportation facilities and thus within range of TIS service) may need to do so, and to be aware of appropriate routes, among other things. [2]

There is also information broadly directed at the preservation of life and property that did not exist when TIS was established; dissemination of this information to actual and potential travelers would be in the public interest. In DOT's view, examples include terrorism-related information, AMBER Alerts, and the availability of "511" resources. *See* note 1, *supra*.

This is a broad but not limitless category. The Department thus favors allowing local TIS operators/licensees discretion in deciding precisely which messages to transmit in the service of protecting life and property, but oversight by the FCC to guard against abuses that bear no relationship to this fundamental purpose (such as the scheduling of town council meetings or the announcement of winning lottery numbers).

In sum, DOT supports retaining the original mission of TIS service and enlarging the scope of public interest messages they convey, but we oppose efforts, like those of HIS, that would transform TIS into a qualitatively different service limited only by the imagination of local government entities.

Respectfully submitted,

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[2]/ The reverse is also true -- that in some circumstances travelers may need to change routes or to get off the roadway entirely.