

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

In the Matter of  
Notice of Proposed Rulemaking:

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 Due: 09/18/2013
	)	Reply Comments Due: 10/03/2013
	)	

**COMMENTS OF DANIEL R. GROPPER**

Daniel R. Gropper (“GROPPER”)<sup>1</sup> respectfully submits comments on the above-captioned Petitions for Rulemaking.<sup>2</sup> As discussed below, GROPPER is in favor of the

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<sup>1</sup> Daniel R. Gropper is an individual with over twenty (25) years of experience in the improvement of, and successful integration of, NOAA Weather Radio (“NWR”) into other communications systems. GROPPER has played many roles in this process which are set out in the last section of these comments. Any comments made herein by GROPPER are solely his own and are not representative of the positions or opinions of any entity mentioned herein.

<sup>2</sup> Notice of Proposed Rulemaking, Travelers’ Information Stations, released December 30, 2010; American Association of Information Radio Operators (“AAIRO”) Petition for Ruling on Travelers’ Information Station Rules, filed Sep. 9, 2008; Highway Information Systems, Inc. (“HIS”) Petition for Rulemaking, RM-11514, filed July 16, 2008; American Association of State Highway and Transportation Officials (“AASHTO”) Petition for Rulemaking, RM-11531, filed March 16, 2009, adopted July 18, 2013, and released July 23, 2013.

modernization of, and integration of NOAA Weather Radio (“NWR”) into what is currently the Travelers Information Station (“TIS”) low power AM radio service.

### **Summary of GROPPER’s Comments**

1. GROPPER is appreciative of the FCC's foresight in modernizing the Part 90 FCC TIS rules to provide the maximum benefit to public safety through use of these systems.
  2. GROPPER asks the FCC to reconsider its ruling prohibiting the retransmission of 'routine' weather information on TIS.
  3. As will be set out below, due to the way in which the National Weather Service (NWS) randomly intersperses 'routine' weather observations and forecasts with severe weather forecasts and observations, without any automatically detectable content demarcation identifier, it will be almost impossible to comply with the current FCC rules prohibiting such routine retransmission.
  4. A potentially more workable ('occasional') standard for rebroadcast of routine weather information is proposed herein which will comply with the FCC's position NOT to permit the continuous retransmission of NWR on TIS.
  5. GROPPER is in favor of removing the filtering requirement of 3 KHz to make the audio more understandable, but also is in favor of making this change voluntary with the operators and not requiring recertification of the transmitters.
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## Discussion

### Compliments to the FCC for taking major life saving steps to make TIS a powerful interoperable emergency Part 90 public service tool in the post 9/11 era

Gropper is sure that the new TIS “ribboning” provisions<sup>3</sup> (permitting a ribbon of interconnected TIS transmitters along a travel route with locally relevant travel and evacuation information) will save lives and property in future mass coastal evacuations due to hurricanes and other emergencies.

Attached (Exhibit 1) are a few pages from the current Virginia Hurricane Evacuation Guide. Note the complexity of the instructions for evacuation lane reversal (gas, food, restrooms, exits, and medical facilities) on page 6. Under the revised FCC rules, the up to the minute status of these critical facilities can now be effectively transmitted to the traveling public through TIS. This is a wonderful instance of an administrative rule change that has the potential to make a real and positive impact in making mass evacuations flow more smoothly. This will result in the saving of lives and property at no

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<sup>3</sup> 2. In today’s *Report and Order*, we both clarify and amend our TIS rules in order to promote a more efficient and effective service. First, we clarify that permissible content under the TIS rules must continue to have a nexus to travel, an emergency, or an imminent threat of danger. Second, we amend Section 90.242 of our rules, which defines and authorizes TIS, to cross-reference Sections 90.405(a)(1) and 90.407 of the rules,<sup>5</sup> which respectively allow the use of all Part 90 facilities, including TIS, 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>6</sup> Third, we partially remove the present restriction on so-called “ribbon” networks of TIS transmitters (*i.e.*, multiple simulcast transmitters), requiring only that simulcast TIS transmissions be relevant to travelers in the vicinity of each transmitter in the network. Finally, we update the definition of TIS in Section 90.7 to replace the reference to the former Local Government Radio Service with a reference to the Public Safety Pool.<sup>7</sup>

additional cost to the TIS operators. The FCC is to be congratulated for its leadership and foresight on this issue.

### **Retransmission of NWR on TIS**

GROPPER is most thankful for the FCC's permission to retransmit NOAA Weather Radio (NWR) tone and non tone alerted life critical alert messages on TIS.<sup>4</sup>

There is one issue GROPPER would like the FCC to revisit as it is inconsistent with how NWR programming works and is also inconsistent with the non-tone alerted permission for retransmission granted in this rulemaking.<sup>5</sup>

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<sup>4</sup> 17. As a threshold matter, we note that the current TIS rules already permit transmission of much of the information cited by AAIRO and other commenters. Section 90.242 expressly allows TIS transmission of, *inter alia*, “noncommercial voice information pertaining to traffic and road conditions, traffic hazards and travel advisories, directions [and] rest stops.”<sup>43</sup> Thus, under this provision of the rule, TIS operators may transmit weather alerts regarding difficult or hazardous conditions (whether or not “tone alerted”), as well as information regarding motor vehicle crashes, emergency points of assembly, road closures and construction, parking, current driving travel times, air flight status, truck weigh stations, driver rest areas, locations of truck services, and road closures.<sup>44</sup>

<sup>43</sup> See 47 C.F.R. § 90.242(a)(7).

<sup>44</sup> See AAIRO Comments at 13; AAIRO Dec. 28 Ex Parte at 2.

21. We agree with AASHTO that TIS broadcasting of emergency information and information related to imminent threats to safety and property, whether travel-related or not, is already allowed under our Part 90 rules. Section 90.405(a)(1) allows all Part 90 licensees, which includes TIS licensees, to transmit “any communications related directly to the imminent safety-of-life or property.”<sup>57</sup> For example, this allows use of TIS for AMBER and Silver Alerts, as well as transmission of information about other imminent threats. Similarly, Section 90.407 allows Part 90 licensees to transmit 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>58</sup> In an emergency context, this clearly could include transmission by TIS stations of information regarding evacuation routes and the location of shelters, health care, and other emergency facilities. To further clarify that TIS transmitters may be used to transmit non-travel related emergency information in accordance with those rules, we add the following sentence at the end of Section 90.242(a)(7): “Travelers Information Stations may also transmit information in accordance with the provisions of §§ 90.405(a)(1) and 90.407.”

<sup>57</sup> 47 C.F.R. § 90.405(a)(1).

The NWR programming cycle is a 10-15 minute mix of everything from warnings to observations. The cycle is randomly changed by the NWS depending on conditions.

The NWS does NOT send any differentiating signal so users might be able to automatically differentiate between an alert message and a 'routine' message. In fact, 'routine' messages are normally interspersed between alert NWS messages and these 'routine' messages provide important safety information to travelers and listeners to help interpret the current status of the 'imminent 'threat'. For example, while flash flood warnings are playing in the NWR cue, rain fall amounts and flood levels of rivers, lakes and streams are normally broadcast.

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<sup>5</sup> 25. We find that expanding the TIS rules to allow the transmission of non-emergency, nontravel-related information would dilute the effectiveness of TIS in assisting travelers and providing geographically focused emergency information. Routine weather information is widely available on commercial radio stations and increasingly available over cell phone, mobile internet, automobile based information systems, and satellite radio. While motorists should not access weather information from cell phones and the mobile internet while driving, they may safely do so through the other foregoing means. By limiting TIS weather information to potentially hazardous conditions, drivers and other travelers will know immediately that they are receiving non-routine weather information that could negatively impact driving conditions. Moreover, prohibiting the routine retransmission of NOAA weather radio broadcasts does not thereby prohibit the “integration” of NOAA weather radio or NOAA radio all-hazards information into TIS during times of hazardous or potentially hazardous conditions. TIS stations may transmit NOAA broadcasts, whether “tone alerted” or not, so long as they relate to an existing or potential hazard. Similarly, we find that allowing routine TIS broadcast during nonemergency periods of terrorist threat levels, public health alerts, emergency preparedness messages, conservation messages, and the like, is not in the public interest, as such routine broadcasts also would dilute situational awareness pertinent to the traveling motorist. The primary purpose of the TIS is to assist motorists in the process of traveling and to provide emergency and imminent threat information in covered areas. Therefore, we will continue to disallow messages that do not have a travel nexus, are not emergency-related, or do not relate directly to an imminent threat because such messages would dilute the convenience and efficacy of TIS.

Even 'routine' observations are important to traveler's safety. For example, knowing that temperatures are 33 and not 28 will mean that the road will probably not be icy, or more importantly, when the temperature is 30, that the roads and overpasses may be icy.

This same type of critical weather information is used nationwide for airline safety in the ATIS system: (referring to weather information as essential to travelers)

[http://en.wikipedia.org/wiki/Automatic\\_Terminal\\_Information\\_Service](http://en.wikipedia.org/wiki/Automatic_Terminal_Information_Service)

**Automatic Terminal Information Service, or ATIS**, is a continuous broadcast of recorded *noncontrol* aeronautical information in busier [terminal](#) (i.e. airport) areas. ATIS broadcasts contain essential information, such as [weather information](#), which runways are active, available approaches, and any other information required by the pilots, such as important [NOTAMs](#). Pilots usually listen to an available ATIS broadcast before contacting the local control unit, in order to reduce the controllers' workload and relieve frequency congestion.

Per GROPPER'S comments on page 15 of the comments filed in the above proceeding on February 18, 2011, GROPPER would again like to ask for the standard for retransmission of NWR on TIS to be "only occasionally, as an incident of normal TIS communications." This is similar to the Part 97 rules that have worked well for years without hindering the public service purpose of the amateur radio service.<sup>6</sup>

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<sup>6</sup> With respect to the rebroadcast of weather forecast information, GROPPER

Such an 'occasional' standard would provide the correct balance between the FCC's requirement that NWR NOT be continuously retransmitted on TIS, while permitting TIS operators the ability to tailor content to locally necessary requirements without fear that an inadvertent retransmission of 'routine' weather information might result in a violation of the FCC rules. Such a standard would be consistent with the FCC's ruling in the current proceeding to permit the licensees to determine permissible content of TIS transmission within the FCC broad guidance.<sup>7</sup> The FCC rightly maintains enforcement authority on this issue to clarify the best operating parameters determined in actual TIS operation.

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recommends that the FCC adopt a TIS rule similar to amateur radio rule 97.113(e):

§ 97.113 Prohibited transmissions other service as a control operator.

(e) No station shall retransmit programs or signals emanating from any type of radio station other than an amateur station, **except** propagation and weather forecast information intended for use by the general public and originated from United States Government stations and communications, including incidental music, originating on United States Government frequencies between a space shuttle and its associated Earth stations. .... Propagation, weather forecasts, and shuttle retransmissions may not be conducted on a regular basis, but only occasionally, as an incident of normal amateur radio communications.<sup>31</sup> (Emphasis added.)

<sup>7</sup> 28. We are persuaded by those commenters that argue that the Part 90 rules should allow discretion on the part of TIS licensees regarding use of the TIS service. Given their intimate knowledge of local conditions and considering the limited area of operation of TIS base stations, TIS licensees are in the best position to determine what constitutes an “imminent [threat to] safety-of-life or property,” as well as when emergency conditions reach the level of a “hurricane, flood, earthquake or similar disaster.” Again, permissible use of the TIS in such conditions could include the transmission of evacuation routes and the location of shelters, health care and other emergency facilities, as well as weather or other conditions that may negatively impact driving conditions. These clarifications are consistent with the Commission’s longstanding recognition of the public interest in ensuring that TIS stations timely inform traveling motorists about emergency events and situations that may have a bearing on the immediate welfare and safety of the public. Nevertheless, we also emphasize that local authorities only have discretion within the scope of the Part 90 rules, and that with that discretion comes responsibility for compliance. The discretion afforded to local authorities therefore does not in any way limit our authority to take enforcement action to the extent a TIS station operates in violation of this *Report and Order* or the Part 90 rules.

### **Permit Removal of the 3 KHz Audio Passband Filters**

GROPPER is in favor of removing the 3 KHz audio passband filter to make TIS content more understandable and useful. GROPPER supports making the audio passband filter removal discretionary with the TIS operator and not requiring the transmitter to be recertified should the filter be removed.

### **Conclusion**

The FCC is again congratulated on making solid policy rule changes to TIS that will enhance the usefulness of the system for years to come and will result in saving lives and property.

### **GROPPER'S Experience**

GROPPER was a fireman in New York. In 1989 GROPPER was asked by the NWS to organize and lead the NWS' modernized volunteer severe weather spotting program called Skywarn®. GROPPER wrote the Skywarn operations manual, which has been adopted nationwide. GROPPER is a leading designer of NWR receivers and interfaces and holds many patents on innovative designs with Thunder Eagle, Inc.

Over the past twenty five years the NWS has often asked for GROPPER's assistance and recommendations concerning the performance of the national NWR system and on EAS/SAME policy and procedure. For the above efforts, GROPPER has been awarded numerous NWS and U.S. Department of Commerce Public Service Awards, a 2006 National NOAA NWR Mark Trail Award for the improvement of NWR operations, and was one of ten National 2008 awardees of the NOAA Hero Award for a lifetime of public

service activities in furtherance of NOAA's mission of saving lives and property. Starting on 9/11/2001, GROPPER became a part time telecommunications specialist in the Federal Emergency Management Agency's, and U.S. Department of Health and Human Services', National Disaster Medical System emergency operations center, where he was responsible for the operation and design of many national alerting and communications systems.

Respectfully Submitted,

/Daniel R. Gropper/

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Exhibit 1

# VIRGINIA HURRICANE EVACUATION GUIDE



Ready  Virginia

Ready  Hampton Roads

**VDOT**  
Virginia Department of Transportation



