



Federal Communications Commission
Washington, D.C. 20554

May 13, 2014

DA 14-651

Small Entity Compliance Guide

**Travelers' Information Stations;
American Association of Information Radio Operators Petition for Ruling on
Travelers' Information Station Rules;
Highway Information Systems, Inc. Petition for Rulemaking;
American Association of State Highway and Transportation Officials Petition
for Rulemaking**

Report and Order and Further Notice of Proposed Rulemaking

FCC 13-98

PS Docket No. 09-19, RM-11514, RM-11531

Released July 23, 2013

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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Key Definitions

Travelers' Information Station. A base station in the Public Safety Pool used to transmit non-commercial, voice information pertaining to traffic and road conditions, traffic hazard and traveler advisories, directions, availability of lodging, rest stops, and service stations, and descriptions of local points of interest.

511 service. A nationwide telephone service for traveler information.

Background

The Commission authorizes Public Safety Pool-eligible entities such as state and local governments to use Travelers Information Stations (TIS) to transmit noncommercial, travel-related information over AM band frequencies to motorists on a localized basis. In 2010, the Commission sought comment on a variety of issues, primarily, the expansion of permissible TIS broadcast content. Except for one decision, the decisions of the *Report and Order* have no new compliance requirements as described below.

Summary of Compliance Requirements Discussed in the *Report and Order*

Removal of Certain Restrictions on Use of “Ribbon” Networks

- The Commission amended the rules to provide TIS licensees with the flexibility to operate so-called “ribbon” networks of TIS transmitters (*i.e.*, systems that employ multiple simulcasting transmitters), to the extent the information transmitted over such networks is limited to travel and emergency information that is relevant to travelers in the vicinity of each transmitter in the network. The TIS license holders are charged with the responsibility to determine such relevancy in the first instance, by using their best judgment to make sure that transmitted travel-related information is applicable to the locations of all the simulcast transmitters, rather than specific to only a single transmitter or subset of transmitters in the simulcast ribbon network. This requirement is designed to avoid causing the confusion that might otherwise ensue if a traveler were to receive a simulcast transmission of information unrelated to that traveler’s current location.

Summary of Decisions in this Report and Order with No New Compliance Requirements

- The Commission noted and clarified that current Section 90.242 already permits transmission of weather alerts regarding difficult or hazardous conditions, 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.
- The Commission clarified that information on the availability of 511 service is already allowed under our TIS rules, because such information directly relates to the provision of travel-related information.
- The Commission amended Section 90.242(a)(7) to cross-reference Sections 90.405(a)(1) and 90.407 of the Commission’s rules, 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.” While the Commission concluded that the TIS licensees – which consist of various local authorities that have intimate knowledge of local conditions – are in the

best position to make determinations in the first instance of what information qualifies for carriage on a TIS, the Commission emphasized that their discretion to make these determinations is limited by the Part 90 rules, and their operation of these stations must comply with these rules.

- The Commission declined to expand the TIS rules to allow the transmission of other noncommercial content, including non-emergency, non-travel-related information, because it would dilute the effectiveness of TIS in assisting travelers and providing geographically focused emergency information.
- The Commission declined to allow the routine retransmission of NOAA weather radio broadcasts, noting that 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.
- The Commission declined to change the field strength limit of 2 microvolts per meter when measured with a standard field strength meter at a distance of 1.5 kilometers from the transmitting antenna system. The Commission encouraged licensees to continue to work together to resolve interference issues that occur under the existing technical rules, noting that the Commission may modify a TIS authorization if a legally-operating TIS station causes interference.
- The Commission declined to lift current site location restrictions. The current restriction is “the immediate vicinity of the following specified areas: Air, train, and bus transportation terminals, public parks and historical sites, bridges, tunnels, and any intersection of a Federal Interstate Highway with any other Interstate, Federal, State, or local highway.”
- The Commission declined to adopt “Local Government Radio Service” as a new service name for TIS and updated 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.” The revised definition of TIS reads: “A base station in the Public Safety Pool used to transmit non-commercial, voice information pertaining to traffic and road conditions, traffic hazard and traveler advisories, directions, availability of lodging, rest stops, and service stations, and descriptions of local points of interest.”

Dates

The above-summarized rules that the Commission adopted in the *Report and Order* were published in the Federal Register on August 19, 2013 and became effective on September 18, 2013.

Internet Links

- Travelers’ Information Stations; American Association of Information Radio Operators Petition for Ruling on Travelers’ Information Station Rules; Highway Information Systems, Inc. Petition for Rulemaking; American Association of State Highway and Transportation Officials Petition for Rulemaking, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 13-98 (released July 23, 2013).
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