



PUBLIC NOTICE

Federal Communications Commission
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DA 09-249

Released: February 13, 2009

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON THE
PETITION FOR RULEMAKING OF HIGHWAY INFORMATION SYSTEMS, INC. TO REVISE
AND UPDATE THE TRAVELERS' INFORMATION STATION RULES AND ON THE
PETITION OF THE AMERICAN ASSOCIATION OF INFORMATION RADIO OPERATORS
FOR RULING ON TRAVELERS' INFORMATION STATION RULES**

**RM-11514
PS Docket No. 09-19**

Comment Date: March 16, 2009
Reply Comment Date: March 30, 2009

The Public Safety and Homeland Security Bureau (Bureau), on delegated authority, seeks public comment on two petitions that address various aspects of the Federal Communications Commission's (Commission) regulation of Traveler's Information Station (TIS) operations.¹

On July 16, 2008, Highway Information Systems, Inc. (HIS) filed a petition for rulemaking (HIS Petition) requesting the Commission to amend certain of its TIS rules.² Specifically, HIS asks the Commission to (1) re-title the TIS service rules as "Local Government Radio Service;"³ (2) amend references in Section 90.242 from "Travelers' Information Stations" to "Local Government Radio Stations;"⁴ (3) revise the permissible use rule in Section 90.242(a)(7) to "provide that stations in the local government radio service may be used to broadcast information of a non-commercial nature as determined by the government entity licensed to operate the station and other government entities with which the licensee cooperates;"⁵ and (4) "eliminate the limitation on the sites for local government radio

¹ See 47 C.F.R. § 90.242.

² Petition for a Rulemaking to Revise and Update the Travelers Information Service Rules of Highway Information Systems, Inc. (filed July 16, 2008) (HIS Petition).

³ HIS Petition at 9.

⁴ *Id.* at Attachment A.

⁵ *Id.* at 10.

stations that confines such stations to areas near roads, highways and public transportation terminals.”⁶ The Bureau seeks comment on whether to grant HIS’s request to initiate a rulemaking proceeding to consider the above-listed rule changes.

On September 9, 2008, the American Association of Information Radio Operators (AAIRO) filed a petition for ruling (AAIRO Petition)⁷ that seeks clarification of current Section 90.242 requirements.⁸ Specifically, the AAIRO Petition asks for (1) a “[r]uling that 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, may be transmitted on Travelers’ Information Stations (“TIS”), at the sole discretion of officials authorized to operate such stations;” and (2) “a clear directive that such messages, by definition, are expressly included in the permissible content categories defined by 47 C.F.R. Sec. 90.242(a)(7).”⁹ The Bureau also seeks comment on the AAIRO Petition.

Pursuant to Section 1.405, 47 C.F.R. § 1.405, interested parties may file statements in support of or in opposition to the HIS Petition on or before March 16, 2009. Parties interested in submitting replies to such statements must do so on or before March 30, 2009. All statements in support of or in opposition to the HIS Petition and replies to such statements should reference the HIS Petition and RM-11514.

Interested parties may file statements in support of or in opposition to the AAIRO Petition on or before March 16, 2009. Parties interested in submitting replies to such statements must do so on or before March 30, 2009. All statements in support of or in opposition to the AAIRO Petition and replies to such statements should reference the AAIRO Petition and PS Docket No. 09-19.

All statements in support or opposition of either the HIS or AAIRO Petitions may be filed using: (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Statements in support of or in opposition to the Petition and replies to such statements may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the rulemaking number. Parties may also submit an electronic statement in support of or in opposition to the Petition and/or replies thereto by Internet e-mail. To get filing instructions, filers should send an e-mail to

⁶ *Id.*

⁷ Travelers’ Information Service Provision of Localized Public Safety and Emergency Information Pursuant to 47 C.F.R. Sections 90.242 and 90.407, Petition for Ruling (filed Sep. 9, 2008) (AAIRO Petition).

⁸ 47 C.F.R. § 90.242.

⁹ AAIRO Petition at 1.

ecfs@fcc.gov and include the following words in the body of the message: “get form.” A sample form and directions will be sent in response.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to: Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554. Parties must also serve one copy with the Commission’s copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

- The Commission’s contractor will receive hand-delivered or messenger-delivered paper filings for the Commission’s Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, M.D. 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Documents submitted in either RM 11514 or PS Docket No. 09-19, including the Petitions, will be accessible via the Commission’s ECFS (at: <http://www.fcc.gov/cgb/ecfs>) by listing either RM 11514 or PS Docket No. 09-19, respectively, in the “Proceeding” search field. These documents also will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

Both matters shall be treated as a “permit-but-disclose” proceedings in accordance with the Commission's *ex parte* rules.¹⁰ Persons making oral *ex parte* presentations are reminded that memoranda summarizing such presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and

¹⁰ 47 C.F.R. § 1.1200 *et seq.*

arguments presented generally is required.¹¹ Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.¹²

For further information regarding these proceedings, contact Thomas J. Beers, Chief, Policy Division, Public Safety and Homeland Security Bureau, (202) 418-0952.

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¹¹ See 47 C.F.R. § 1.1206(b)(2).

¹² 47 C.F.R. § 1.1206(b).