

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

In the Matter of
HUDSON COUNTY, NEW JERSEY
Request for Special Temporary Authority
File No. 0009014193

ORDER

Adopted: March 20, 2020

Released: March 20, 2020

By the Chief, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. On March 17, 2020, Hudson County, New Jersey (Hudson, or the County), filed a request for Special Temporary Authority (STA) to operate its Travelers' Information Station (TIS) at 100 watts, rather than 10 watts as limited by the Commission's rules. Hudson filed the request to expand the TIS signal's reach during the national- and state-level emergencies associated with the Novel Coronavirus Disease (COVID-19) pandemic. For the reasons set forth below, we grant Hudson's STA request as conditioned herein.

II. BACKGROUND

2. The Commission authorized Travelers' Information Stations in 1977 to "establish an efficient means of communicating certain kinds of information to travelers over low power radio transmitters licensed to Local Government entities." The Commission specifically noted that such stations had been used to reduce traffic congestion and to transmit "road conditions, travel restrictions, and weather forecasts to motorists." Further, the Commission anticipated that such stations also would be used to "transmit travel related emergency messages concerning natural disasters (e.g., forest fires, floods, etc.), traffic accidents and hazards, and related bulletins affecting the immediate welfare of citizens." In 2013, the Commission issued a Report and Order in which it modified the TIS rules to

1 File No. 0009014193 (filed Mar. 17, 2020), attached Request for Special Temporary Authority (Exhibit).

2 47 CFR § 90.242(b)(4)(iii).

3 Exhibit at 1.

4 See 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, Docket No. 20509, Report and Order, 67 FCC 2d 917 (1977) (TIS Report and Order).

5 Id. at 917 para. 1.

6 Id. at 922 para. 16.

allow “ribbon” transmitters but emphasized that a TIS was only allowed to transmit “travel and emergency information that is relevant to travelers in the vicinity of each transmitter.”<sup>7</sup>

3. Hudson is located adjacent to New York City in northeastern New Jersey. Hudson operates a single TIS transmitter in Jersey City, New Jersey, call sign WQFG689, operating on 1710 kilohertz (“kHz”), outside of the designated TIS frequencies from 530 kHz to 1700 kHz, pursuant to a waiver granted in 2008.<sup>8</sup> In February 2014, the Public Safety and Homeland Security Bureau denied a request for waiver filed by the County for permanent authorization to operate its TIS at 100 watts.<sup>9</sup> The Bureau stated, however, that in the event of a major emergency, the County could request an STA to operate its station in excess of 10 watts.<sup>10</sup>

4. On March 13, 2020, the President declared a National Emergency related to the spread of COVID-19. Similarly, on March 9, 2020, the Governor of New Jersey declared a State of Emergency and a Public Health Emergency as a result of COVID-19. Hudson states that “[s]pecial temporary authority is required in this case as the County’s Travelers Information Station is its only means of communicating with all of its residents and transients during this national emergency, and the station has only limited reach within the County at its licensed power.”<sup>11</sup> Hudson argues that “[u]nder 47 C.F.R. § 1.915, an emergency involving danger to life or property is sufficient grounds for receiving special temporary authority. That standard is clearly met in this case, as the County will be unable to communicate with all of its citizens during this pandemic and national emergency without the requested special temporary authority to operate at 100 watts.”<sup>12</sup>

### III. DISCUSSION

5. Hudson’s temporary TIS operation at 100 watts would contravene two TIS rules:

- Section 90.242(b)(4)(iii),<sup>13</sup> which limits TIS transmitter output power to 10 watts; and
- Section 90.242(b)(4)(iv),<sup>14</sup> which imposes a field strength limit of 2 millivolts per meter (mV/m) at a distance of 1.5 kilometers from the TIS transmitter.

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<sup>7</sup> *Travelers’ Information Stations*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 11276, 11290, para. 41 (2013).

<sup>8</sup> See Letter from Thomas J. Beers, Chief, Policy Division, Public Safety and Homeland Security Bureau, to William Baker, Information Station Specialists (Nov. 14, 2008) (on file in File No. 0003568733).

<sup>9</sup> *Hudson County, New Jersey, Application for Modification of Travelers’ Information Station WQFG689 and Request for Waiver of Section 90.242 of the Commission’s Rules*, File No. 0005809584, Order, 29 FCC Rcd 1759 (PSHSB 2014) (*Hudson County Order*). The County filed a petition for reconsideration of the order, but has consented to the petition being held in abeyance pending resolution of certain AM radio issues in MB Docket No. 13-249. See Letter from Gerard Lederer, Attorney for Hudson County, New Jersey, to Ms. Marlene Dortch, Secretary, Federal Communications Commission (filed Dec. 14, 2015); see also *AM Service Revitalization*, MB Docket No. 13-249, First Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 30 FCC Rcd 12145 (2015).

<sup>10</sup> *Hudson County Order*, 29 FCC Rcd at 1764 para. 15.

<sup>11</sup> Exhibit at 1.

<sup>12</sup> *Id.* See 47 CFR § 1.915(b)(1)

<sup>13</sup> 47 CFR § 90.242(b)(4)(iii).

<sup>14</sup> 47 CFR § 90.242(b)(4)(iv).

6. The Commission's rules permit an STA to be granted in emergency situations.<sup>15</sup> Given the national emergency, we find that Hudson meets the threshold for consideration of an emergency STA. We find that the public interest would be served by granting an STA ending after a period of 90 days or after the cessation of the national emergency, whichever comes first. Content shall be limited to that authorized by the Commission's rules, which may include information regarding the location of COVID-19 testing sites.

7. We note that Hudson's TIS is also within 15 kilometers of the 0.5 mV/m contour of an AM broadcast station operating on a first adjacent channel 1700 kHz, Station WRCR, Ramapo, New York.<sup>16</sup> Under the Commission's rules, STAs will be authorized on a secondary, non-interference basis.<sup>17</sup> Accordingly, we impose special conditions below to reduce the possibility of interference and address potential interference. We stress that conditional grant of this STA is solely intended to address the critical needs of Hudson County's community during the national emergency. Granting this STA does not prejudice the outcome of any pending or future request by Hudson for a permanent waiver allowing TIS operation with a power exceeding 10 watts.

8. For the foregoing reasons, we grant Hudson's STA request as conditioned below, in addition to standard STA special conditions:

- This Special Temporary Authority shall be authorized for a period ending the sooner of (1) the cessation of the current national emergency, or (2) 90 days.
- The licensee shall filter audio bandwidths above 3 kHz. Specifically, this Travelers Information Station (TIS) shall be equipped with an audio low-pass filter installed between the modulation limiter and the modulated stage. At audio frequencies between 3 kHz and 20 kHz this filter shall have an attenuation greater than the attenuation at 1 kHz by at least 60 log<sub>10</sub>(f/3) decibels, where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.
- The licensee shall notify Station WRCR when it begins operating at a power exceeding 10 watts.
- Should the licensee receive a complaint of suspected interference, the licensee will reduce power to 10 watts and/or cease operations if necessary pending resolution of the interference issue. The licensee shall work with the complainant to the extent possible to investigate and resolve the interference.

#### IV. ORDERING CLAUSES

9. Accordingly, IT IS ORDERED that, pursuant to Sections 1, 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), and 303(r), and Section 1.931 of the Commission's Rules, 47 CFR § 1.931, the Request for Special Temporary Authority filed by Hudson County, New Jersey on March 17, 2020, IS GRANTED as conditioned herein.

10. IT IS FURTHER ORDERED that the application, File No. 0009014193, SHALL BE PROCESSED in accordance with this order

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<sup>15</sup> 47 CFR § 1.931(b)(2)(i).

<sup>16</sup> 47 CFR § 90.242(a)(2)(i). Hudson's site is approximately 4 kilometers from the authorized WRCR predicted 0.5 mV/m contour at the closest point.

<sup>17</sup> 47 CFR § 1.931(b)(1)

11. This action is taken pursuant to delegated authority under Sections 0.191 and 0.392 of the Commission's rules, 47 CFR §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Lisa M. Fowlkes  
Chief  
Public Safety and Homeland Security Bureau