

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

In the Matter of)
)
Petition for Rulemaking of the American)
Association of State Highway and Transportation) RM-11531
Officials to Modify Section 90.242(b)(7) of the)
FCC's Rules)

**REPLY COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (“NAB”)¹ respectfully submits reply comments on the above-captioned Petition for Rulemaking.² AASHTO asks the Commission to “clarify” that Travelers’ Information Station (TIS) facilities may be used to broadcast AMBER Alerts as well as information regarding 511 services.

NAB has previously opposed petitions for rulemaking that sought, without a sound basis, to fundamentally transform TIS services.³ As NPR notes, however, AASHTO’s Petition is significantly narrower and appropriately defined. Accordingly, NAB agrees with NPR that initiating a rulemaking to explore enabling TIS facilities to

¹ NAB is a nonprofit trade association that advocates on behalf of more than 8,300 free, local radio and television stations and also broadcast networks before Congress, the Commission and the Courts.

² Petition for Rulemaking of the American Association of State Highway and Transportation Officials to Modify Section 90.242(b)(7) of the FCC’s Rules, RM-11531, filed March 18, 2009 (AASHTO Petition). As National Public Radio (NPR) notes, AASHTO’s request is more properly characterized as a petition for rulemaking to amend the substance of the TIS rules because it seeks to change the codified list of content that may be transmitted over TIS facilities, and not a request to merely clarify the rules. Comments of National Public Radio (NPR) Comments, RM-11531, at 1 n.1.

³ Comments of the National Association of Broadcasters, RM-11514, filed March 16, 2009, at 3-5.

broadcast AMBERT Alerts and the availability of 511 services is consistent with the public interest. NPR Comments at 1-2.

Since the inception of AMBER Alerts in 1996, broadcasters have worked with law enforcement officials to quickly transmit an emergency alert when a child has been abducted and may be in imminent danger. In addition, NAB partners with the U.S. Department of Justice to provide broadcasters with AMBER Alert public service messages for both radio and TV. These PSAs have featured John Walsh of America's Most Wanted and Ed Smart, the father of Elizabeth Smart (who was abducted from her Salt Lake City, Utah bedroom and recovered nine months later) and are available for stations to download and broadcast. Expanding the availability of AMBER Alerts is certainly a worthwhile goal, and we note that providing these alerts to local travelers through TIS operations may be useful.⁴ We also note that the content and nature of AMBER Alerts are prescribed by national guidelines, which should help ensure that TIS facilities provide consistent content. For these reasons, NAB agrees with NPR that allowing TIS facilities to provide AMBER Alerts is a “unique case warranting an amendment to the TIS rules.” NPR Comments at 4.

NAB also agrees with NPR regarding TIS transmission of information about 511 services. These services allow state and local officials to offer a centralized location for telephone information for local travelers, such as weather-related road conditions and construction and congestion notices. As such, these services are comparable to the

⁴ See, e.g., Kate Paul, *Amber Alert Brings Rescue of 5-Year Old Hines Boy*, KTVZ.com, April 23, 2009) (describing the recovery of an abducted child from a car traveling on Highway 205 near Fields, Oregon after police and broadcasters issued an Amber Alert that included the year, make and license plate number of the car in which the child was driven away), available at <http://www.ktvz.com/Global/story.asp?S=10228933>.

traveler-related information that TIS facilities may transmit, and permitting TIS facilities to provide information about the availability of 511 information appears consistent with the spirit of the TIS rules.

Unlike two earlier petitions concerning TIS,⁵ AASHTO's request is narrowly-defined and does include potential TIS content that is consistent with the existing TIS rules. NAB did not support those earlier requests because the petitioners failed to provide sufficient evidence to justify the fundamental transformation of TIS operations they sought. For example, the Association of Public-Safety Communications Officials-International, Inc. (APCO) filed comments on AASHTO's Petition reiterating its view that TIS facilities should be permitted to broadcast NOAA weather reports and public health messages and "other civil defense notices."⁶ Given their very broad nature, NAB would caution the Commission against linking the earlier petitions with AASHTO's more focused request.

In sum, NAB endorses the views of NPR that the Commission should initiate a rulemaking to explore AASHTO's request for a narrow and well-defined modification of the TIS rules.

⁵ Petition for a Rulemaking, Revise and Update the Travelers' Information Services Rules, Highway Information Services Inc., RM-11514, filed July 16, 2008 (HIS Inc. Petition); Petition for Ruling, Travelers' Information Service Provision of Localized Public Safety and Emergency Information Pursuant to 47 C.F.R. Section 90.242 and 90.407, American Association of Information Radio Operators (AAIRO), PS Docket No. 09-19, filed Sep. 9, 2008 (AAIRO Petition).

⁶ Comments of APCO, RM-11531, filed May 26, 2009, at 1-2.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Lawrence A. Walke". The signature is written in a cursive style with a large initial "L" and a distinct "W".

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Jane E. Mago
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Dated: June 8, 2009