

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

In the Matter of Application of	)	
	)	
LOS ANGELES WORLD AIRPORTS	)	File No. 0001187565
	)	
For Modification of Conventional Public Safety	)	
Pool Station WNHV296, Los Angeles, California,	)	
and Request for Rule Waiver	)	

**ORDER**

**Adopted: February 24, 2004**

**Released: March 4, 2004**

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau:

1. *Introduction.* On December 4, 2002, Los Angeles World Airports (LAWA) filed the above-captioned application to modify its license for Conventional Public Safety Pool Station WNHV296, Los Angeles, California, a travelers' information station (TIS) located at Los Angeles International Airport (LAX).<sup>1</sup> Specifically, LAWA seeks to increase the authorized power for site 2 of Station WNHV296 from ten watts to one hundred watts. Accordingly, LAWA requests a waiver of Section 90.242(b)(4)(iii) and (iv) of the Commission's Rules.<sup>2</sup> For the reasons set forth below, we grant LAWA's Waiver Request.

2. *Background.* LAWA states that while the need for a power adjustment from ten watts to one hundred watts "was evident prior to the 9/11/2001 terrorist attacks, the adjustment is now essential to facilitate the airport's efforts to provide emergency communications to the traveling public in the event of a terrorist attack."<sup>3</sup> LAWA seeks to communicate information over a larger geographic area in an effort to communicate effectively with more persons than those travelers driving in the immediate vicinity of LAX. LAWA argues that "[i]f the airport is closed or operations are restricted during an emergency security episode in the future, it may prove imperative to keep people away from the facility, or guide them to alternate locations."<sup>4</sup> On March 5, 2003, LAWA supplemented its waiver request with a copy of an article from the Los Angeles Times reporting that the California Attorney General's Office has determined that LAX is the location in California most susceptible to a terrorist attack. On May 22, 2003, LAWA further supplemented its waiver request with a letter of support of LAWA's modification application by the Transportation Security Administration.<sup>5</sup> On February 19, 2004, LAWA provided

<sup>1</sup> See File No. 0001187565, Waiver Request (filed Dec. 4, 2002, amended Feb. 6, 2003, Mar. 10, 2003, May 22, 2003, and February 19, 2004) (Waiver Request). On March 7, 2003, Mt. Wilson Broadcasters, Inc. (Mt. Wilson) filed an informal objection to the application. On July 7, 2003, Mt. Wilson withdrew its informal objection.

<sup>2</sup> 47 C.F.R. § 90.242(b)(4)(iii), (iv). Section 90.242(b)(4)(iii) limits travelers' information stations to ten watts output power. Section 90.242(b)(4)(iv) provides that the field strength of the emission on the operating frequency shall not exceed 2 mV/m when measured with a standard field strength meter at a distance of 1.50 km.

<sup>3</sup> Waiver Request at 1.

<sup>4</sup> *Id.* at 1-2.

<sup>5</sup> See May 22, 2003, Amendment to File No. 0001187565.

further justification for its waiver request.<sup>6</sup>

3. *Discussion.* Pursuant to Section 1.925 of the Commission's Rules, we may grant a request for waiver if it is shown that (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.<sup>7</sup> Based on the information before us, we conclude that LAWA's waiver request meets the second prong of the waiver standard.

4. LAWA has demonstrated unique or unusual circumstances. The record demonstrates that LAX is at a notably higher risk of terrorist attacks than most other airports or major attractions that might operate a TIS. Published news accounts make it clear that LAX was the planned target of terrorists on New Year's Eve 2000, but authorities apprehended those involved before the planned attack could take place.<sup>8</sup> Nevertheless, it appears that LAX, because of its size and importance to Southern California and the nation,<sup>9</sup> remains a potential future target.<sup>10</sup> Recently, LAX was the destination of flights that were canceled due to credible intelligence regarding possible terrorist activity.<sup>11</sup> Indeed, the California Attorney General's Office identified LAX as the number one terrorist target in the State.<sup>12</sup>

5. LAWA also has demonstrated that grant of its request would be in the public interest because it would allow LAWA to modify Station WNHV296 to cover a wider area. LAX is by far the nation's busiest airport as measured by originating and terminating passengers.<sup>13</sup> Almost all of these passengers travel to or from the airport by automobile.<sup>14</sup> No other airport has anywhere near the number of passengers using local roadways to travel to and from the airport.<sup>15</sup> Thus, based on the information presented, we believe that the degree to which travelers in the area around LAX are dependent on the highway system and automobiles is considerably greater than with respect to other airports. Further, we afford great weight to the judgment of the Transportation Security Administration's Federal Security Director for LAX that, in the event the airport is closed or operations are restricted during an emergency security episode, LAWA would need to disseminate information over a wider area than that served by other airports' TIS stations.<sup>16</sup> In addition, we note that automobile traffic approaching LAX travels on

<sup>6</sup> See Letter dated Feb. 4, 2004 from Thomas D. Winfrey, Principal Public Relations Representative, LAWA to Scot Stone, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau (2004 Supplement).

<sup>7</sup> 47 C.F.R. § 1.925(a)(3).

<sup>8</sup> Waiver Request at 1.

<sup>9</sup> LAX is one of the five busiest airports in the world. *Id.*

<sup>10</sup> 2004 Supplement at 3.

<sup>11</sup> *Id.*; see also, e.g., John Mintz and Sara Kehaulani Goo, *Paris-L.A. Flights Canceled; Security Tightened in Calif.*, Washington Post, December 25, 2003, at page A1 (*Paris-L.A. Flights Canceled*).

<sup>12</sup> See Steve Hyman, *LAX Heads State List of Attack Targets*, Los Angeles Times, February 22, 2003, at Part 2, page 1.

<sup>13</sup> 2004 Supplement at 2. That is, while LAX is the nation's third-busiest airport overall, it handles the greatest number of passengers who are either beginning or ending their trips, as opposed to changing planes. LAWA states that seventy percent of the fifty-four million passengers that used LAX last year either began or ended their journeys there. *Id.*

<sup>14</sup> *Id.* LAWA states that less than one-half of one percent of LAX passengers use public transportation. *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> See Letter dated May 7, 2003 from Lawrence Fetters, Federal Security Director, Transportation Security Administration, to Lydia Kennard, Executive Director, LAWA.

some of the busiest freeways in the country, including Interstates 10, 105, and 405.<sup>17</sup> Moreover, the airport is in the middle of residential and business areas where hundreds of thousands of people live and work.<sup>18</sup> We are persuaded that grant of the requested power increase would enable LAWA to contact a greater number of vehicles en route to, or in the vicinity of, LAX.<sup>19</sup> In addition, a wider service area also would allow for better traffic management, including helping people leave the area as well as helping emergency vehicles make their way to the airport.<sup>20</sup>

6. Based on the record before us, we find that LAWA has demonstrated sufficient grounds for grant of its Waiver Request. In this connection, we find that LAX presents unique or unusual circumstances with respect to the danger from a terrorist attack and the means by which passengers travel to and from the airport. In addition, we conclude that enabling LAWA to communicate with the general public over a wider area in the event of an emergency is in the public interest, in order to facilitate traffic control, evacuation procedures, and emergency response.

7. Accordingly IT IS ORDERED, pursuant to Section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925, that the request for waiver filed by Los Angeles World Airports on December 4, 2002, IS GRANTED. Further, we SHALL PROCESS application File No. 0001187565 consistent with this *Order* and the Commission's Rules.

8. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry  
Chief, Public Safety and Critical Infrastructure Division  
Wireless Telecommunications Bureau

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<sup>17</sup> Waiver Request at 1.

<sup>18</sup> 2004 Supplement at 5.

<sup>19</sup> For example, the current service contour of Station WNHV296 covers only a short portion of Interstate 405, and no other freeway. The proposed expanded contour would cover the interchanges between Interstate 405 and other major freeways, and portions of those other freeways. This would allow travelers to obtain information about the airport situation prior to entering the section of Interstate 405 adjacent to LAX.

<sup>20</sup> *Id.* at 5-6. In December 2003, LAX officials had to completely alter ground transportation access within a matter of hours. *Id.* at 3-4; *see also, e.g., Paris-L.A. Flights Canceled* at page A10.