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LETTER REPORT

PRELIMINARY ASSESSMENT OF THE  
LEGAL FEASIBILITY OF CITIZENS BAND RADIO  
DISSEMINATION OF INFORMATION CONCERNING  
POLICE ENFORCEMENT

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Prepared for  
U.S. Department of Transportation  
National Highway Traffic Safety Administration  
Washington, D.C. 20590

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## INTRODUCTION

This is a letter report prepared under Contract DOT-HS-7-01536 that addresses the legal feasibility of using citizens band radio (CB) to disseminate information on police traffic enforcement activity. The information would be disseminated to influence drivers to drive safely.

The research and analysis leading to the preparation of this letter report was conducted by staff of the Policy Analysis Division of The University of Michigan Highway Safety Research Institute (HSRI) under sponsorship of the National Highway Traffic Safety Administration (NHTSA).

## BACKGROUND

The CB radio has recently come into wide use by the driving public. It has become a means of transmitting information about traffic conditions and the presence and activity of police (Moore 1976; Reese 1977). Information on police traffic enforcement activities has been broadcast primarily by individual drivers to provide information to other drivers. Evasion of traffic laws--especially maximum speed limits--is believed to be a primary objective of such transmissions.

Driver response to the messages has been noted. Traffic flow speeds decrease and increased compliance with speed laws occurs in the presence of a police vehicle. The CB radio appears to enhance the "halo" effect of a marked police vehicle. Thus, a countermeasure concept has been suggested that would use CB to increase awareness of police activity, with increased compliance with traffic laws a hoped-for result. Three possible ways of implementing this countermeasure have been suggested:

- first, private citizens would be encouraged to report information on police traffic activity to other drivers;
- second, a central broadcasting service, perhaps operated by a police agency, would report information on police activity on a regular basis; and
- third, the police or a civilian central broadcasting service

would report information on police activity that would include false information on police presence in addition to accurate information. The objective of this third approach would be to create an increased perception of police presence.

The following section provides a brief discussion of law-based constraints that affect the implementation of the three proposed approaches.

#### DISCUSSION OF LEGAL CONSTRAINTS

Exclusive power over the use of CB radios is vested in the Federal Communications Commission (FCC) (1). The primary legal constraints are found in the legal regulations issued by the FCC.

Any person over the age of eighteen is eligible for a CB license except a foreign government or its representatives (2). No licensee can hold more than one license at a time (3). The regulations specifically apply to agencies of government at the state and local level (4). Thus, a police agency or central information service could obtain a CB license and transmit messages in accordance with the FCC regulations. Note that CB frequencies are shared with all licensees, so that police transmissions could not take precedence over other transmissions except in certain emergency situations that do not appear contemplated in this countermeasure concept (5).

The CB radio may be used to transmit any communications that facilitate the personal or business activities of the licensee (6). Thus, the use of CB to transmit valid information on police traffic services, whether implemented by the police or by citizens, appears to be permitted by FCC regulations. The fact that the information may result in action by drivers to avoid the police is not likely to constitute a legal constraint. It may reasonably be argued that the most likely public response will be increased compliance with traffic laws. As this may be expected to increase traffic safety, no significant legal constraints can be seen that would prohibit or restrain the implementation of the first two countermeasure approaches described above.

A minor practical constraint may arise in that FCC regulations prohibit transmission by any one licensee for more than five minutes, after which the licensee must stop transmitting for at least one minute before making another broadcast (7). Uninterrupted transmissions by a single licensee are specifically prohibited (8). Another regulation is more general and prohibits any licensee from intentionally interfering with communications of other licensees (9). Thus, continuous broadcasting (e.g., a recording) would be prohibited. An approach that provides for short transmissions at fixed intervals on specific channels would appear to address any problem created by the regulations just discussed.

The third contemplated approach that would involve the transmission of false information is not legally feasible. FCC regulations specifically prohibit the transmission of false information or deceptive communications (10). This regulation precludes any implementation of a countermeasure that would use CB radios to transmit false or misleading information on police traffic enforcement activities.

#### CONCLUSIONS AND RECOMMENDATIONS

The use of CB radios to inform the driving public of the presence of police or present or planned police enforcement activity is not prohibited by law. In fact, the wording of the FCC regulations indicates that transmission of information that facilitates the traffic safety objectives of a licensee police agency will be allowed.

The transmission of false information is prohibited. Thus, any countermeasure program would necessarily be restricted to transmission of accurate information on present or future police enforcement activity. Such information could be transmitted by the police, by a central information service, or by individual citizens.

The provisions of the FCC regulations that require sharing of the channels and prohibit continuous broadcasting do not appear to constitute a legal constraint. An approach that uses intermittent broadcasts at scheduled times on specified channels is recommended to address this requirement.

Thus, we conclude that the countermeasure concepts suggested in the

first two approaches are legally feasible. Note, however, that this analysis has not addressed either the political or practical feasibility of the approaches as these are the subject of analyses by NHTSA and other NHTSA contractors.

## FOOTNOTES

1. 47 U.S.C.A. §§ 151 (West 1962), 301 (West 1962), 303 (West Supp. 1978).
2. 47 C.F.R. §§ 95.411(a), 95.413 (1977).
3. 47 C.F.R. § 95.411(b) (1977).
4. 47 C.F.R. § 95.411(a) (1977).
5. 47 C.F.R. § 95.457 (1977).
6. 47 C.F.R. § 95.461(a) (1977).
7. 47 C.F.R. § 95.469(b) (1977).
8. 47 C.F.R. § 95.469(a) (1977).
9. 47 C.F.R. § 95.501(a)(5) (1977).
10. 47 C.F.R. § 95.503 (1977).

## REFERENCES

Moore, C.D., Jr. 1976. Michigan emergency patrol: A major motorist communication project that uses CB radio. In Transportation Research Record, no. 600, pp. 60-67. Washington, D.C.: National Academy of Sciences.

Reese, G.H. 1977. CB radio for highway safety communications. SAE paper 770318. Paper presented at The International Automotive Engineering Congress and Exposition, 28 February--4 March 1977, at Detroit, Michigan.