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April 24, 1995

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

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RE: PR Docket No. 93-61

Dear Mr. Caton

Enclosed please find the original and 10 copies of the Petition for Reconsideration in the above referenced proceeding. Pursuant to Section 1.419 (b), five of the copies are intended for distribution as personal copies for members of the Commission.

Sincerely



Allan R. Adler

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APR 24 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

BEFORE THE

Federal Communications Commission

In the Matter of

Amendment of Part 90 of the
Commission's Rules to Adopt
Regulations for Automatic
Vehicle Monitoring Systems

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DOCKET FILE COPY ORIGINAL

PR Docket No. 93-61
RM 8013

TO: The Commission

PETITION FOR RECONSIDERATION

The New Jersey Highway Authority, the New Jersey Turnpike Authority, the New York State Thruway Authority, the Pennsylvania Turnpike Commission, the Metropolitan Transportation Authority Bridges and Tunnels, the Port Authority of New York and New Jersey, the South Jersey Transportation Authority and -- new to this coalition since our last filing -- the Delaware River Port Authority (collectively hereinafter "the Interagency Group"), by their attorneys and pursuant to Section 1.429 of the Commission's Rules (47 C.F.R. Sec. 1.429), hereby respectfully request that the Commission reconsider and modify certain portions of its Report and Order in the above-referenced proceeding, 60 Fed. Reg. 15248 (daily ed. March 23, 1995).

In previous filings in this proceeding, the Interagency Group explained that its members are toll agencies in the states of New York, New Jersey and Pennsylvania that conduct a combined total of over 1.4 billion toll transactions annually, a figure representing approximately 40% of all tolls transacted and two-thirds of all toll revenues collected in the United States. The members of the Interagency Group have joined together to implement

the “E-ZPass Plan,” a region-wide electronic toll collection system which will encompass all major toll portals in the three States and eventually, it is hoped, in adjacent jurisdictions.

Specifically, the Interagency Group requests that the Commission reconsider and modify its Report and Order with respect to the following two issues:

1. Blanket Licensing Procedures

Throughout this rulemaking proceeding, the Interagency Group has urged the Commission to devise a blanket license authorization procedure for non-multilateration systems used in large-scale, public service projects like the E-ZPass Plan in order to ensure that necessary frequencies are available when required during a lengthy build-out schedule.

But in its Report and Order, the Commission “decline[d] to adopt a blanket licensing procedure for non-multilateration systems.” (R&O Paragraph 67). The Commission stated:

“In a shared use environment, it is important that applicants and other co-channel users know exactly where systems are located if they are to avoid interference. If we issue blanket licenses, it will be difficult for the Commission or the public to ascertain the exact location of LMS transmitters.” Id.

By the nature of its response, the Commission appears to have misunderstood the basis of the Interagency Group’s blanket licensing request. The Interagency Group does not seek such a procedure “for non-multilateration systems” generally, but only for such systems deployed in projects like the E-ZPass Plan (i.e., publicly-funded, public service systems with multiple sites and multiple readers at individual sites). Moreover, the Interagency Group is not seeking such a procedure to obtain licensing for as-yet unknown or unidentified sites; rather, it is seeking a stream-lined, single-application procedure for obtaining all licenses required to operate all necessary sites on a system-wide basis after such sites have been identified. Thus, instead of separately considering the license applications of each member

of the Interagency Group, the Commission would receive and consider the applications as jointly made for purposes of deploying a single region-wide collection system.

The Commission's stated concern regarding its ability "to ascertain the exact location of LMS transmitters" is unfounded in this context, since the procedure would apply only where, as in the case of the E-ZPass Plan, the Commission is provided with specific information identifying the site of the transmitters and the number of transmitters at each site. See attached map.

The Interagency Group believes that the development of such a procedure would facilitate planning, cut administrative costs during the application process, and ensure that necessary frequencies will be available when required during a lengthy build-out schedule. It will benefit the Commission, as well as the applicant for licensing, because it would allow the Commission to utilize its licensing resources more efficiently and to address at the front-end any potential licensing problems presented in a multi-site system scheme like E-ZPass.

2. Grandfathering Provisions for Existing Non-Multilateration AVM Licensees

In its Report and Order, the Commission stated that "non-multilateration systems currently licensed to operate in spectrum other than the 902.000-904.000 and 909.750-921.750 MHz bands must apply to modify their licenses by April 1, 1998, to specify operation solely in those bands and to operate their systems consistently with the rules we are adopting. . ." (R&O Paragraph 70). See also 47 C.F.R. Part 90.363(b). The Commission stated that "authorizations not so modified within this period will cancel automatically." Id.

The Interagency Group believes that the Mark IV system now being deployed to implement the E-ZPass Plan will operate in conformance with the rules adopted in the Commission's Report and Order. However, the Interagency Group is concerned that the "grandfathering" provisions adopted in the Report and Order for non-multilateration systems will not be sufficient to allow the transportation agencies participating in the E-ZPass Plan

to recoup their investments for equipment deployed prior to the finalization of the Report and Order.

Although the electronic toll collection equipment now in place or scheduled for installation by some of the participants in the E-Z Pass program is located in the appropriate frequency band as allocated by the Commission in the Report and Order, neither the agencies nor the supplier could predict during the course of this lengthy rulemaking proceeding the precise requirements relating to out-of-band emissions. Because the members of the Interagency Group are quasi-governmental agencies that follow a multi-year cycle for the planning, approval, funding and purchasing of the E-ZPass system, equipment was ordered prior to the issuance of the Report and Order -- some of which is in use now and some of which is scheduled for installation in the near term -- which does not meet the new technical standards for out-of-band emissions adopted in the Report and Order. The Commission is requested to address this problem in its Order on reconsideration by grandfathering pre-installed or pre-ordered equipment for a longer period than is currently provided to permit the agencies to avoid the public expense of replacing such equipment prematurely.

The extent of early construction of portions of the E-Z Pass system, while minor in relation to the whole proposed system, is nevertheless considerable in terms of the investment which would be placed at risk if the Commission were to require total compliance with the out-of-band emission standards by April 1, 1998, or require immediate conformance with these standards for any equipment installed pursuant to licenses issued after February 1, 1995, but prior to the effective date of the new rules. Agencies that have installed or are scheduled to install within the next few months (and even weeks) electronic toll readers which do not yet conform to the out-of-band emission standards include the New York State Thruway Authority, Metropolitan Transit Authority Bridges and Tunnels, and

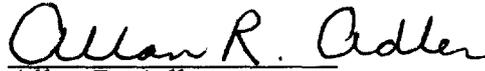
TRANSCOM.^{1/} Approximately 160 such readers are installed or scheduled for immediate installation, involving a total investment for these readers alone of over \$3.1 million. The useful life of this equipment is estimated to be between 8 and 10 years, and the immediate cost of replacement or modification of the equipment to meet the new out-of-band emission standard would exceed \$1 million. This would be a very high price for public agencies to pay to achieve strict compliance with new rules for equipment which fully met the requirements of the FCC's rules that were applicable until the adoption of the Report and Order in February.

Because of the limited range of the electronic toll collection installations, the minor degree of out-of-band emissions should not adversely affect any other nearby radio frequency operations. For this reason, the Interagency Group urges the Commission to help its members avoid a substantial expenditure of additional public funds by extending its grandfathering policy under Part 90.363(b) an additional three years beyond the recently-adopted April 1,

^{1/} In addition to their participation in the E-ZPass Plan for electronic toll collection, five of the Interagency Group's eight member agencies are also members of TRANSCOM, a transportation operations coalition of fourteen agencies in New York, New Jersey and Connecticut. Through TRANSMIT, an Intelligent Transportation System operational test funded by the Federal Highway Administration, TRANSCOM is testing the same frequencies and compatible equipment being used for toll collection to demonstrate the value of this technology in traffic management, an important ancillary function. At present, operational roadside readers have been placed at 22 locations along nineteen miles of the New York State Thruway and the Garden State Parkway to enable remote incident detection by tracing the movement of tagged vehicles. Remote incident detection reduces response time with resulting benefits in safety, convenience and air quality.

1998 deadline. By that time, the E-ZPass Plan is expected to be fully deployed in full compliance with the Commission's rules..

Respectfully submitted



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New Jersey Turnpike Authority
New York State Thruway Authority
Pennsylvania Turnpike Commission
Metropolitan Transportation Authority Bridges
and Tunnels
Port Authority of New York and New Jersey
South Jersey Transportation Authority
Delaware River Port Authority

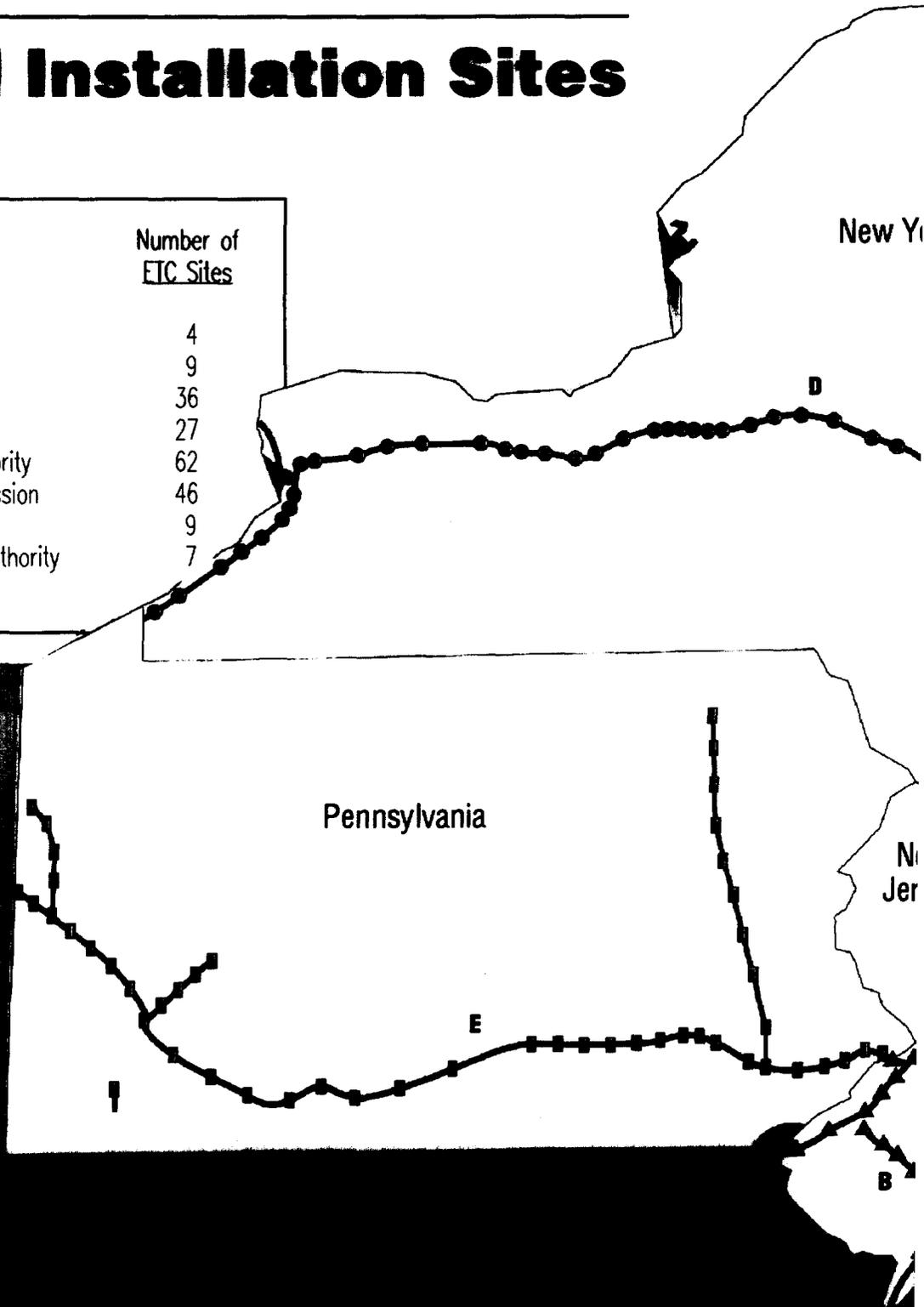
April 24, 1995

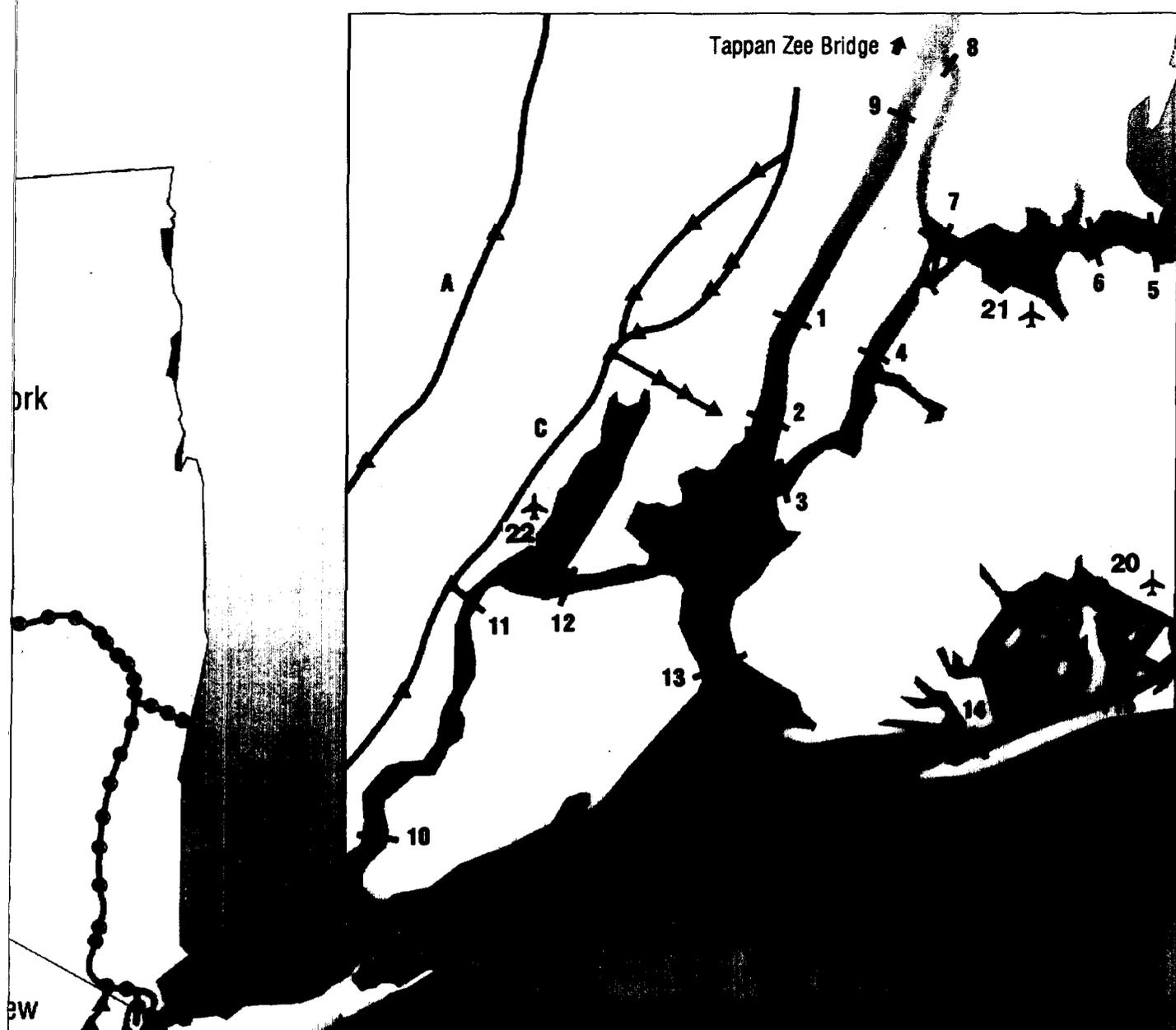


Projected Installation Sites

Agency	Number of ETC Sites
Delaware River Port Authority	4
MTA Bridges & Tunnels	9
New Jersey Highway Authority	36
New Jersey Turnpike Authority	27
New York State Thruway Authority	62
Pennsylvania Turnpike Commission	46
Port Authority of NY & NJ*	9
South Jersey Transportation Authority	7

*Includes 3 Airports





Facilities

- ▲ New Jersey Toll Facilities
- New York Toll Facilities
- Pennsylvania Toll Facilities

Roadway

- A. Garden State Parkway
- B. Atlantic City Expressway
- C. New Jersey Turnpike
- D. New York State Thruway
- E. Pennsylvania Turnpike

Tunnels

- 1. Lincoln Tunnel
- 2. Holland Tunnel
- 3. Brooklyn-Battery Tunnel
- 4. Queens-Midtown Tunnel

Bridges

- 5. Throgs Neck Bridge
- 6. Bronx-Whitestone Bridge
- 7. Triborough Bridge
- 8. Henry Hudson Bridge
- 9. George Washington Bridge
- 10. Outerbridge Crossing
- 11. Goethals Bridge
- 12. Bayonne Bridge
- 13. Verrazano-Narrows Bridge
- 14. Marine Pkwy.-Hodges Mem. Br.
- 15. Cross Bay Veterans Mem. Br.
- 16. Betsy Ross Bridge*
- 17. Benjamin Franklin Bridge*
- 18. Walt Whitman Bridge*
- 19. Commodore John Barry Bridge*

Airports

- 20. John F. Kennedy Airport
- 21. LaGuardia Airport
- 22. Newark International Airport

* Delaware River Port Authority - Bridges are not shown