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ITS AMERICA

May 10, 2011

FILED ELECTRONICIALLY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150, Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, Amendment of Part 90 of the Commission's Rules, WP Docket No. 07-100, FCC 11-6, Third Report and Order and Fourth Further Notice of Proposed Rulemaking: Reply Comments of the Intelligent Transportation Society of America

Dear Ms. Dortch:

The Intelligent Transportation Society of America ("ITS America") hereby submits its Reply Comments regarding the *Third Report and Order and Fourth Further Notice of Proposed Rulemaking*[1] in the above-captioned proceedings regarding the implementation of a nationwide, broadband, interoperable public safety network in the 700 MHz Band.

Established in 1991, ITS America is the leading advocate for the deployment and development of communications and other advanced technologies that improve the safety, security and efficiency of the nation's surface transportation system. Its members include private corporations, public agencies, and academic institutions involved in the research, design, development and deployment of Intelligent Transportation Systems (ITS) that enhance safety, increase mobility and sustain the environment.

Intelligent Transportation Systems (ITS) provide significant public safety benefits. For example, Emergency Vehicle Signal Preemption technologies enable traffic signals to detect approaching ambulance and other emergency service vehicles and provide a "green" signal at intersections. Traffic Management Centers, employing signal preemption, response routing, and other technologies may assist emergency responders by identifying and facilitating the safest and quickest routes to incidents, avoiding traffic congestion en route. Transportation agencies also

[1] *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, WT Docket No. 06-150, *Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band*, PS Docket No. 06-229, *Amendment of Part 90 of the Commission's Rules*, WP Docket No. 07-100, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, FCC 11-6, 26 FCC Rcd 733 (2011).

can establish temporary or permanent traffic control devices, such as portable message signs, to assist emergency service responders by actually directing traffic around or away from the major incident.

These examples highlight the fact that the transportation network – highways, secondary and local roads, rail, bus and subway transit systems – have a direct impact on the ability of emergency service providers to respond to incidents in a safe and efficient manner.[2] As more ITS technologies are deployed, transportation agencies will have a wider variety of improved management and decision support tools that enhance the safety, security, resiliency and efficiency of the transportation network and systems for all users, including emergency service providers. The ability to communicate with transportation network operators without hindrance is vital for police, fire and medical emergency services as they attempt to move critical assets and personnel in response to complicated emergencies.

ITS America agrees with the several commenters that urge the Commission not to limit access to the 700 MHz nationwide, broadband, interoperable public safety network only to emergency service providers – police, fire and medical – but also include eligibility for other providers of public safety services, including transportation authorities.[3] All of these commenters note the critical nexus between emergency service providers and the transportation network. For example, AASHTO, APTA, and IMSA describe the need for close coordination between emergency service providers and transportation authorities during incidents and emergencies, such as hurricane or other mass evacuations.[4] According to NPSTC, there is often a need for police, fire, EMS, transportation, road crews to share information from databases and videos from various sources.[5] Absent the ability of relevant transportation authorities to access the 700 MHz broadband network, the goal of enhancing interoperability for public safety providers would be defeated.

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[2] We note that the Commission's build-out rules adopted in the *Second Report and Order* in Docket No. 06-150 envisioned deployment along major highway corridors. Therefore, ITS America believes there is a commonality of interest between the deployment of a nationwide interoperable broadband service for Public Safety and the availability of communications infrastructure to help serve Intelligent Transportation Systems needs. *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands*, WT Docket No. 06-150, Second Report and Order, 22 FCC Rcd 15289, ¶ 453 (2007).

[3] *See* Comments of City of Chesapeake, Virginia, Dallas/Fort Worth International Airport, Joint Council on Transit Wireless, and America Association of State Highway & Transportation Officials, at 15-18, (April 11, 2011) (hereinafter "*AASHTO Joint Comments*"); Comments of William Millar/American Public Transit Association, at 2 (April 11, 2011) (hereinafter "*APTA Comments*"); Comments of the International Municipal Signal Association, at 5-7 (April 11, 2011) (hereinafter "*IMSA Comments*"); Comments of the National Public Safety Telecommunications Council, at 22 (April 11, 2011); Comments of the Public Safety Spectrum Trust Corporation, at 22 (April 11, 2011); Comments and Petition for Reconsideration of Andrew M. Seybold, at 6 (April 11, 2011); and Comments of the Utilities Telecom Council, at 5, 12, 14, 15 (April 11, 2011) (hereinafter "*UTC Comments*").

[4] *AASHTO Joint Comments* at 17, *APTA Comments* at 2, *IMSA Comments* at 5.

[5] *NPSTC Comments* at 22.

In addition, ITS America agrees with those commenters that contend that the plain language of Section 337(f) (47 U.S.C. § 337(f)) does not exclude transportation authorities from eligibility.[6] Section 337(f) does not mandate that the eligibility requirements in the statute be interpreted more narrowly.[7] A principal purpose of transportation authorities is to provide a safe transportation network for all users. Realizing interoperable communications among all public safety providers that use the transportation network will enhance the safety of these users, as well as the traveling public. ITS America believes it is not in the public interest to deny such access.

Extending eligibility under Section 337(f) to transportation authorities and other public safety providers supports the Commission's goal of providing interoperable communications for public safety providers and also enhances the ability of police, fire and medical services to respond more quickly and safely to emergencies, incidents, and evacuations. ITS America agrees with the statement from NPTCA that: "Given that interoperability is the foundational goal of the nationwide public safety broadband network, it is counterproductive for the FCC to proscriptively limit which government users can have access to the broadband network."[8]

ITS America appreciates the opportunity to provide these reply comments in support of a nationwide, broadband public safety communications network and access to that network by transportation authorities.

Respectfully submitted,
Intelligent Transportation Society of America

Scott Belcher
President and CEO

[6] *AASHTO Joint Comments* at 18; *APTA Comments* at 2; *IMSA Comments* at 5-6.

[7] In its submission, UTC provides a detailed discussion of the legislative history behind 47 U.S.C. 337(f), which shows the Congressional intent to implement the statutory language broadly to include critical infrastructure industries, including governmental transportation entities and authorized providers transportation services. *UTC Comments* at 7-8; 32-34.

[8] *NPTSC Comments* at 22.