December 11, 2012

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

Re: ET Docket Nos. 11-90 and 10-28; Report No. 2965
Petitions for Reconsideration of FCC Rules to Allow Operation of Radar Systems in the 76-77 GHz Band

Dear Ms. Dortch:

The Technical Affairs Committee of the Association of Global Automakers[1] submits the following Reply to Oppositions in regard to Petitions for Reconsideration of the Commission's August 13, 2012, final rule (see 77 Fed. Reg. 48097). That rule amended Commission rules to provide for more efficient use of the 76-77 GHz band and enable certain advanced automotive safety technologies. In this reply comment, we support the Opposition filed on December 3 by Toyota Motor Corporation. As noted by Toyota, to date no substantial evidence of non-interference between fixed infrastructure scanning radar and automotive radar exists.

We urge the Commission to consider the following points in its evaluation of the Petitions for Reconsideration:

- The Commission correctly found that "the 76-77 GHz band is well suited for unlicensed use by vehicular radar technologies." See 77 Fed. Reg. 48098. Radar technologies are used in several advanced crash avoidance technologies. For example, the National Highway Traffic Safety Administration (NHTSA) recently issued a notice inviting public comment on its research report on advanced braking technologies that rely on radar sensing. See 77 Fed. Reg. 39561, July 3, 2012.

- Substantial safety benefits are estimated for the proliferation of these radar-based crash avoidance technologies. Available evidence supports the Commission's finding that radar-based vehicle safety systems "will offer significant safety benefits to the public."

[1] The Association of Global Automakers represents international motor vehicle manufacturers, original equipment suppliers, and other automotive-related trade associations. Our Technical Affairs Committee members include: American Honda Motor Co., American Suzuki Motor Corp., Aston Martin Lagonda of North America, Inc., Ferrari North America, Inc., Hyundai Motor America, Isuzu Motors America, Inc., Kia Motors America, Inc., Maserati North America, Inc., McLaren Automotive Ltd., Nissan North America, Inc., Peugeot Motors of America, Subaru of America, Inc., ADVICS North America, Inc., Delphi Corporation, Denso International America, Inc., and Robert Bosch Corporation. We work with industry leaders, legislators, regulators, and other stakeholders in the United States to create public policy that improves motor vehicle safety, encourages technological innovation and protects our planet. Our goal is to foster an open and competitive automotive marketplace that encourages investment, job growth, and development of vehicles that can enhance Americans' quality of life. For more information, visit www.globalautomakers.org.

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Id. NHTSA states in its research report on advanced braking systems that its preliminary estimate is that the number of equivalent lives saved by a combination of forward collision warning (FCW) and advanced braking is "over 1,000 annually." See http://www.regulations.gov/#!documentDetail;D=NHTSA-2012-0057-0001 . The National Transportation Safety Board (NTSB) stated that it "agrees with NHTSA's assessment that advanced braking technologies show promise for enhancing vehicle safety by helping drivers avoid or mitigate the severity of crashes." See http://www.regulations.gov/#!documentDetail;D=NHTSA-2012-0057-0006 . NTSB recommends that NHTSA mandate a number of these advanced crash avoidance technologies in new vehicles.

- Major efforts are now underway to increase the use of these technologies. NHTSA recommends forward collision warning technology through the New Car Assessment Program. In addition, NHTSA has established "forward collision avoidance and mitigation" as a priority project in its current Rulemaking and Research Priority Plan. The agency states that it will soon decide whether to "initiate rulemaking to require forward collision warning and/or automatic crash-imminent braking." See Plan, http://www.nhtsa.gov/ (link in lower right corner of page).

Given the reliance of these technologies on the 76-77 GHz band, the substantial safety benefits expected to be achieved from the widespread use of the technologies, and the current level of government and industry activity aimed at increasing the use of the technologies, a high burden of proof should apply in evaluating any potential interfering uses of that band. As pointed out in the Toyota opposition, currently available information does not approach the level required to meet such a burden.

Global Automakers appreciates the Commission's consideration of our comments. Should you have any questions on this matter, please contact me.

Sincerely,

Michael X. Cammisa
Director, Safety

cc: Aamer Zain, Policy and Rules Division, Office of Engineering and Technology