State of Utah

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DEPARTMENT OF TRANSPORTATION

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FCC Mail Room

March 28, 2013

Mr. Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Mr. Genachowski:

SUBJECT: Proposed Rulemaking Docket Number 13-49: Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band

As the Director of the Utah Department of Transportation (UDOT), I am writing to express opposition to the proposal to share the radio frequency spectrum allocated for dedicated short-range communications systems (DSRCS) with commercial, non-transportation users.

I am the founding chair of the Executive Leadership Team, a consortium of representatives of the auto industry, state departments of transportation through the American Association of State Highway and Transportation Officials (AASHTO), modal administrations from the U.S. Department of Transportation (USDOT), and others interested in connected vehicle technology. Since 2004, we have focused on the development of vehicle-to-vehicle (V2V) and vehicle-to-infrastructure (V2I) systems and the applications for public safety and transportation mobility. Collectively, the state departments of transportation, the USDOT, and the automobile industry have invested millions of dollars in this program which holds the promise of saving lives by preventing and mitigating traffic crashes. The USDOT estimates that V2V and V2I technology could mitigate 80 percent of vehicle crashes that occur today involving non-impaired drivers, a big leap in our goal of reducing roadway fatalities and injuries. DSRCS, operating in the 5.9 GHz band, is the key communications technology necessary for this system to operate effectively.

As you know, in October 1999, the Federal Communications Commission (FCC) allocated 75 MHz of spectrum in the 5.9 GHz band (5.850-5.925 GHz) to be used for DSRCS by the Intelligent Transportation Systems (ITS) community. Recent proposals to share some of this critical spectrum with Unlicensed-National Information Infrastructure (U-NII) devices introduce enormous potential risks to the viability of this critical transportation safety system.

I am encouraged by the recent efforts of the National Telecommunications & Information Administration (NTIA) to evaluate the potential risks of sharing the 5.9 GHz spectrum with U-NII devices, and to include the transportation industry perspective, both government and

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private, in their evaluation. Their initial report, issued in January, concludes that further analysis is required to fully understand the risks that spectrum sharing will pose to critical transportation industry applications. Specifically, the NTIA has concluded that U-NII technologies may not be able to detect DSRCS signals and that DSRCS may experience serious performance degradation from interference. The fact that many of the DSRCS devices that will be deployed will be mobile (mounted within moving vehicles) complicates these risks. I am greatly concerned by these conclusions and the risks to our ability to effectively operate the vast array of connected vehicle applications being developed. I urge you to seriously weigh the subsequent, quantitative studies of the NTIA before forming any conclusions about sharing spectrum.

DSRCS meets all of the current and future needs of the connected vehicle program, including the technical requirements needed to enable the challenging safety and mobility applications envisioned. It is capable of reliable, high-speed data communications between fast-moving vehicles and roadside infrastructure. Some of the safety applications will require data to be transferred in milliseconds. Other communications technologies are not capable of performing reliably under these constraints. If the FCC allows shared use of this spectrum, these critical advantages of DSRCS could be compromised and degraded, negatively impacting public safety.

The Utah Department of Transportation, along with its public and private partners, is opposed to any proposal to share the 5.9 GHz spectrum outside of the intent of the original 1999 rulemaking. Sharing this spectrum with non-transportation users could jeopardize critical safety applications, impede our ability to improve transportation mobility, a key economic driver, and put at risk the significant investments made in developing connected vehicle systems. I urge the FCC to preserve the current usage of the DSRCS band solely for the purpose of transportation to ensure that the next generation of drivers can enjoy safer roads.

Sincerely,

John R. Njord, P.E.
Executive Director

JRN/BL/dej

Cc: Marlene H. Dortch, Secretary, FCC
David Turetsky, Chief, Public Safety and Homeland Security Bureau, FCC
Bud Wright, Executive Director, AASHTO
Ahmad Jaber, Operations Director, UDOT
Rob Clayton, Traffic Operations Director, UDOT