



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, DC 20590

October 15, 2020

**VIA E-MAIL**

Adam Candeub

Acting Assistant Secretary of Commerce for Communications and Information  
National Telecommunications and Information Administration  
1401 Constitution Ave., N.W.  
Washington, D.C. 20230

**Re: Draft of First Report and Order and Further Notice of Proposed Rulemaking  
From the Federal Communications Commission  
*In the Matter of Use of the 5.850-5.925 GHz Band*  
ET Docket No. 19-138**

Dear Mr. Candeub:

The Department of Transportation (DOT or the Department) appreciates the opportunity to review the draft of the above-referenced decision of the Federal Communications Commission (FCC or the Commission) dated October 1, 2020. This proceeding involves issues that are of critical importance to the Department, given the impact upon transportation safety and innovation. We appreciate the efforts of the National Telecommunications and Information Administration (NTIA) to consider DOT's input and to seek further dialogue with FCC.

Nonetheless, the Department remains deeply concerned about the path that FCC has chosen for the 5.9 GHz spectrum band, the "Safety Band," which the American public and stakeholders have relied upon for over two decades to improve the Nation's transportation system. We are disappointed that FCC has ignored or rejected DOT's previous comments in this proceeding, and has failed to give sufficient weight to the Department's expertise in matters of transportation safety. For these reasons, and for the reasons expressed in Steven Bradbury's October 8, 2020 letter to NTIA on DOT's behalf, we urge the Commission to pause this proceeding and to reconsider its approach.

As you know, the Safety Band is vital to innovations in Vehicle-to-Everything (V2X) communications used to prevent motor vehicle crashes and to improve mobility. There is no higher priority for the Department than to reduce the number of injuries and fatalities resulting from these crashes. As we have previously explained, our Nation suffers extraordinary harm from motor vehicle crashes—more than 36,000 lost lives; over 2.7 million injuries; and nearly \$800 billion in direct and indirect costs per year. Traffic congestion adds to these costs and puts further strain upon our roadways. In addition, DOT is concerned about any measures that might adversely affect the safety of first responders, including firefighters, police officers, and emergency medical technicians, who must rely upon an efficient transportation network to ensure public safety.

At DOT, we remain convinced that V2X communications will reduce these harmful effects, based upon our extensive analysis and engagement with transportation stakeholders. We continue to support the efforts of States and municipalities, the automotive industry, safety advocates, and others who have already made great strides in the deployment of V2X communications, and who continue to innovate in this area.

FCC's decision puts these efforts in peril. The Commission plans to cut back the spectrum available for V2X communications by more than half. As we have explained in previous comments, V2X simply will not work as intended under this arrangement. Indeed, unless the Commission resolves the problem of interference from Wi-Fi devices into the remaining 30 megahertz of spectrum reserved for V2X, it remains unclear how much usable spectrum will actually be available for transportation applications, if any.

Furthermore, FCC has compounded the problem by prematurely selecting a "winner," Cellular Vehicle-to-Everything technology (CV2X), while discarding the Dedicated Short-Range Communications (DSRC) technology that stakeholders have already deployed. This decision, which is at odds with the regulatory approaches of other countries, is not a market-driven solution, nor is it grounded in data or sound science. It will also reduce the ability of U.S. companies to compete in the global connected vehicle and safety arena. The Commission's benefit-cost analysis is also fatally flawed. FCC undervalues the safety benefits of this spectrum band, and underestimates the significant cost of transitioning the existing V2X ecosystem to fit into these new regulatory strictures.

As NTIA requested, DOT is now providing a detailed set of specific comments and suggestions on the draft of FCC's decision on the 5.9 GHz band. These comments expand upon the points in Mr. Bradbury's October 8 letter. We ask NTIA to provide these comments to FCC and to reiterate our concerns about the Commission's course of action. DOT remains committed to working closely with FCC, NTIA, and other interested parties in the public and private sectors to develop a more sustainable solution for the 5.9 GHz band in the public interest.

Sincerely,

 Elaine L. Chao

Enclosure

cc: Doug Kinkoph, NTIA  
Peter Tenhula, NTIA  
Ed Drocella, NTIA