



PUBLIC NOTICE

Federal Communications Commission
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DA 09-1546

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**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR
WAIVER BY THE NATIONAL TELECOMMUNICATIONS AND INFORMATION
ADMINISTRATION TO ALLOW AERONAUTICAL UTILITY MOBILE STATIONS TO USE
1090 MHZ FOR RUNWAY VEHICLE IDENTIFICATION AND COLLISION AVOIDANCE**

WT Docket No. 09-128

Comment Date: August 7, 2009

Reply Date: August 17, 2009

On May 18, 2009, the National Telecommunications and Information Administration (NTIA) filed a request for waiver of Parts 2 and 87 of the Commission's Rules to permit certain airports to obtain licenses to use the frequency 1090 MHz for runway vehicle identification and collision avoidance, pending the outcome of a rulemaking proceeding on this issue.¹ Specifically, the petition requests waiver of Sections 87.131 (power and emissions), 87.133(a)(7) (frequency stability), 87.137(a) (types of emissions), 87.173(b) (frequencies), 87.345 (aeronautical utility mobile station scope of service), 87.349 (aeronautical utility mobile station frequencies), and 2.901-2.1093 (equipment authorization process).

To address growing concerns about the potential for airplane and service vehicle collisions on airport runways, the Federal Aviation Administration (FAA) has introduced the use of airport surface detection equipment. While air traffic controllers are currently utilizing this technology to manage the movement of aircraft on the airport surface, other vehicles such as snowplows, emergency vehicles and maintenance vehicles that routinely operate on the runway movement area are not currently monitored in the same manner, and therefore are not as quickly identified by air traffic control (ATC). NTIA stated in its rulemaking petition that use of frequency 1090 MHz to identify vehicles transiting within the runway movement area would expedite the development and deployment of vehicle identification capabilities because aircraft are already equipped to transmit on 1090 MHz, so ATC facilities already are equipped to receive the signals.²

¹ On November 13, 2008, the Wireless Telecommunications Bureau released a *Public Notice* requesting comment on whether to initiate a rulemaking proceeding to consider NTIA's petition for rulemaking requesting amendments to Part 87 of the Commission's Rules to allow use of the frequency 1090 MHz for runway vehicle identification and collision avoidance. See *Wireless Telecommunications Bureau Seeks Comment on Petition for Rulemaking by the National Telecommunications and Information Administration to Allow Aeronautical Utility Mobile Stations to Use 1090 MHz For Runway Vehicle Identification and Collision Avoidance*, *Public Notice*, RM-11503, 23 FCC Rcd 16611 (WTB 2008). The petition for rulemaking remains pending.

² The frequency band 960-1215 MHz is designated for the use of airborne electronic aids to navigation and directly associated land stations. See 47 C.F.R. §§ 87.187(n), 87.475(b)(6). Frequency 1090 MHz is currently used for, among other things, the following applications: air-to-ground communications in the Air Traffic Control Radar Beacon System, a system of ground-based transmitters that interrogate airborne transponders for secondary air traffic control surveillance; and air-to-air communications in the Traffic Alert and Collision Avoidance Systems, an airborne warning system designed to avert mid-air collisions.

The FAA anticipates that airports with pressing needs to improve runway safety will seek to implement equipment prior to the completion of a rulemaking proceeding. Consequently, NTIA requests an interim waiver to permit the use of frequency 1090 MHz by aeronautical utility mobile stations at airports that have or are scheduled to receive airport surface detection equipment (ASDE-X) multilateration systems or automatic dependent surveillance broadcast (ADS-B) equipment.³ NTIA proposes certain technical and operational limits on such operations.⁴ We seek comment on whether to grant the waiver requested by NTIA.

Procedural Matters

Comments on the request are due **no later than August 7, 2009**. Reply comments are due **no later than August 17, 2009**. All filings should reference the docket number of this proceeding, WT 09-128.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁵ Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁶ More than a one- or two-sentence description of the views and arguments presented is generally required.⁷

The request is available for public inspection and copying in the Commission's Reference Center, Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554. Copies of the request also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 09-128. Copies of the request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, “get form.” A sample form and directions will be sent in reply.

³ A list of thirty-nine such airports is attached to the waiver request, but the request also extends to any other airports that subsequently implement ADSE-X prior to the completion of the rulemaking proceeding.

⁴ For example, NTIA proposes a maximum transmitter power of twenty watts, a maximum bandwidth of fourteen megahertz, an authorized emission of M1D, and a frequency stability requirement of one part per thousand. It also proposes that licenses for such operations be issued only to airport authorities or entities approved by FAA, and that each application be pre-coordinated with FAA and coordinated with NTIA through the Interdepartment Radio Advisory Committee process. In addition, NTIA proposes that each license be limited to two hundred aeronautical utility mobile stations, and that the vehicles use frequency 1090 MHz only within the runway movement area.

⁵ *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

⁶ *See* Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

⁷ *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are also set forth in Section 1.1206(b). *See* 47 C.F.R. § 1.1206(b).

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.
- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

Comments filed in response to this *Public Notice* will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 09-128. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to access@fcc.gov.

For further information, contact Mr. Tim Maguire of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-2155, tim.maguire@fcc.gov.

Action by the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau.