

August 2, 2019

The Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

RE: Notice of Proposed Rulemaking for the 5.9 GHz Spectrum Band

Dear Chairman Pai,

We write you today to express our support for an open, thorough, fact-based and data driven process regarding how the 5.9 GHz Band would best benefit Americans.

As you know, the 5.9 GHz Band was originally reserved for the development and deployment of transportation safety systems for the advancement of roadway safety, also known as Dedicated Short-Range Communications. Over the last 20 years, the automotive industry, the technology sectors, both Federal and State Departments of Transportation, local municipalities and the Department of Commerce have spent billions of dollars and countless hours developing, testing and deploying these safety-critical communications. More recently, with the further advancement of cellular technologies, Cellular Vehicle-to-Everything (C-V2X) has emerged as another potential communications platform that could utilize the 5.9 Band to help orchestrate traffic and improve roadway safety. According to the National Highway Traffic Safety Administration (NHTSA), these technologies have the potential to mitigate or eliminate up to 85% of all vehicle accidents in the United States. To put this into perspective, last year in the US, approximately two million people were injured and roughly thirty-seven thousand people were killed in motor vehicle crashes at a cost of over \$800 billion to all taxpayers. These are incredible numbers. Now, with the addition of Vehicle-to-Pedestrian, Vehicle-to-Cyclists, and other modern technologies including C-V2X, collectively known as Vehicle-to-Everything (V2X), our nation is on the cusp of radically changing and improving automotive and pedestrian safety forever.

To help these V2X communications technologies achieve their full potential, we urge you to take a technology neutral approach and allow for the testing of C-V2X in the upper two channels of 5.9 GHz Band. V2X technologies are proven and being deployed in more than half of the states and dozens of cities (see attachment) for the purposes of improving roadway safety. With your recent announcement of a new NPRM for a “fresh look” at the 5.9 GHz Band, we are concerned that any non-data driven reallocation of the band could jeopardize and/or render useless these promising automotive safety-critical technologies.

As Members of House Energy and Commerce Committee, we are aware of and understand the need for additional spectrum for unlicensed use and support such measures. We also have a commitment to our constituents and to roadway safety and believe that there is a way for these two technologies to be supported and protected.

It is our understanding that the Federal Communications Commission, Department of Transportation and the Department of Commerce made a commitment in 2015 to complete three phases of testing to determine if unlicensed devices operating in the 5.9 GHz Band would cause harmful interference to all V2X communications. To our knowledge, only one phase was completed using only DSRC devices. At a recent Senate hearing, NHTSA Acting Administrator, Heidi King, announced that the Department of Transportation will commence phase II and III of interference testing and is to be completed by the summer of 2020. Whether the forthcoming NPRM maintains this precise format or not, we urge the FCC to not open the 5.9 GHz Band for unlicensed use until all rigorous, meaningful testing is completed and clearly demonstrates that unlicensed devices can operate harmoniously with all V2X technologies without causing harmful interference and jeopardize automotive and pedestrian safety.

Additionally, Congress assigned the FCC authority to manage commercial spectrum allocations, therefore any testing undertaken by DOT should be done in collaboration with the FCC. It is also critical that any test plans be made public prior to use so interested parties can comment and that all test results be made public. We would also ask that DoT and the Commission complete Phases II and III testing in a timely manner. This spectrum is too valuable to leave its future uncertain.

We thank you in advance for your consideration of our request and look forward to working with you to ensure a safer future.

Sincerely,



Debbie Dingell  
Member of Congress



Fred Upton  
Member of Congress