

**SEPARATE STATEMENT OF
CHAIRMAN MICHAEL K. POWELL**

Re: In re Amendment of the Commission's Rules Regarding Dedicated Short-Range Communication Services in the 5.850-5.925 GHz Band (5.9 GHz Band) (WT Docket No. 01-90); and Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850-5.925 GHz Band to the Mobile Service for Dedicated Short Range Communications of Intelligent Transportation Services (ET Docket No. 98-95, RM-9096).

Smart radio technology means smarter highways, safer roads and a more secure homeland. By our action today, the Commission takes a giant step toward ensuring that all Americans have access to these life saving services provided through advanced telecommunications platforms. The Commission also demonstrates its continued commitment to assisting the United States Department of Transportation (DOT) in improving the safety and efficiency of the nation's surface transportation infrastructure through the use of Dedicated Short Range Communications (DSRC) Service in the 5.9 GHz band. DSRC provides critical communications links for Intelligent Transportation Systems (ITS) systems, and is essential to achieving a top priority of the DOT, reducing highway fatalities.

Specifically, in this *ITS Report and Order*, the Commission adopts the interoperability standard (ASTM E2213-02 or "ASTM-DSRC) supported overwhelmingly by the commenters and developed through an accredited standard setting process. The Report and Order makes it possible to license both public safety and non-public safety use of the 5.9 GHz band and will provide for open eligibility for licensing and technical rules, most of which are embodied in the standard. The Commission will also license DSRC Roadside Units (RSUs) that will receive non-exclusive geographic-area licenses utilizing seventy megahertz of the 5.9GHz band and will help provide a framework that ensures priority for public safety communications. Finally, although significant progress has been made in the industry discussion protocol regarding the sharing of DSRC and FSS operations in the 5.9 GHz band, the Commission has deferred a decision on the matter until the ongoing technical studies and industry discussions are completed. Give the importance of public safety applications in the DSRC, I urge the parties to conclude their discussions to ensure that the ASTM-DSRC Standard will provide reliable and robust operations.

I would like to thank the staffs of the National Telecommunications and Information Administration under the leadership of Michael D. Gallagher, Acting Assistant Secretary of Commerce for Communications and Information, and the Department of Transportation, headed by Norman Y. Mineta, Secretary of Transportation, for working closely with us to develop rules that will bring the benefits of this technology to our citizens.