

December 16, 2019

The Honorable Frank Pallone, Chairman, House Committee on Energy and Commerce  
The Honorable Roger Wicker, Chairman, Senate Committee on Commerce, Science, and  
Transportation

The Honorable Greg Walden, Ranking Member, House Committee on Energy and Commerce  
The Honorable Maria Cantwell, Ranking Member, Senate Committee on Commerce, Science,  
and Transportation

Subject: Preserve the 5.9 GHz band to improve transportation safety and save lives

Dear Congressional Leaders:

As the organization representing all 50 state departments of transportation (state DOTs), the District of Columbia, and Puerto Rico, the American Association of State Highway and Transportation Officials (AASHTO) writes to seek your support in directing the Federal Communications Commission (FCC) to preserve the current 75 MHz allocation in the 5.9 GHz band (5.850-5.925 GHz) for transportation safety applications and to require the FCC to complete a rigorous and objective analysis on real-world interference impacts in coordination with the US Department of Transportation (USDOT) before any new plan for the 5.9GHz “safety band” is considered.

Our state DOT members, as infrastructure owners and operators, have been involved extensively in deployment of safety technology in the 5.9 GHz safety band developed for vehicles, infrastructure, and pedestrian applications. Based on the National Highway Traffic Safety Administration’s estimate that these technologies could prevent 80 percent of unimpaired crashes, loss of any part of the 5.9 GHz band will jeopardize the ability to significantly reduce fatalities on our nation’s roadways—which, at 36,750 lives lost last year, is a public health crisis.

We believe that taking away transportation’s 75 MHz allocation in this band by 60 percent, as proposed in the FCC’s Notice of Proposed Rulemaking approved on December 12, will greatly hinder the well-identified life-saving benefits of transportation safety technologies. The FCC’s proposal lacks a rigorous and objective analysis that properly assesses whether Wi-Fi can operate beside transportation safety applications without harmful interference based on real-world testing conditions. Furthermore, limiting transportation applications to 30 MHz could lead to a situation where proven transportation safety tools are crowded out. Limiting spectrum could force a choice between technologies that allow for work zone alerts, critical winter weather information, traffic signal operations, freeway lane management, or identifying a pedestrian in a crosswalk—rather than simultaneously deploying all of these and other safety-enhancing tools. The USDOT’s own research demonstrates that unlicensed Wi-Fi in the lower 45 MHz of the 5.9 GHz

band will degrade the rest of the band, leaving the remaining transportation safety uses not functional or unreliable.

We also note that comparatively, the cable and internet industry utilizing Wi-Fi is already highly profitable based on their current 660MHz allocation; and they are now pushing to take another 1200 MHz in the upper band beyond 5.9GHz away from utility companies that utilize microwave links on which their networks depend. Transferring another 45MHz to these commercial entities would give away an important public safety asset. As a stark example of the tradeoffs involved, the FCC proposal would give up the ability to reduce travel time for an ambulance to reach a hospital by 23 percent in exchange for a marginal improvement in performance of Wi-Fi hotspots.

Lastly, we firmly reject the notion that the safety band has been underutilized. In the face of state DOTs and their private sector partners' multimillion dollar investment in deployment, the FCC's recent licensing process itself has slowed down expanded applications while introducing uncertainty in the investment climate that has undermined additional deployments.

In summary, we appreciate your consideration of our request for the FCC to preserve the full transportation safety spectrum in the 5.9 GHz band and to require them to complete a rigorous and objective analysis on real-world interference impacts in coordination with the USDOT before any new plan for this valuable public spectrum is considered.

Thank you for your consideration of our request. If you would like to discuss further, please contact Joung Lee, AASHTO's Policy Director, at 202-624-5818 or [jlee@aaashto.org](mailto:jlee@aaashto.org).

Sincerely,

A handwritten signature in black ink that reads "Patrick K. McKenna". The signature is written in a cursive, flowing style.

Patrick K. McKenna  
President, American Association of State Highway and Transportation Officials  
Director, Missouri Department of Transportation

cc:

The Honorable Peter A. DeFazio, Chair, House Transportation and Infrastructure Committee

The Honorable John Barrasso, Chair, Senate Environment and Public Works Committee

The Honorable Sam Graves, Ranking Member, House Transportation and Infrastructure Committee

The Honorable Thomas R. Carper, Ranking Member, Senate Environment and Public Works Committee

The Honorable Eleanor Holmes Norton, Chair, House Transportation and Infrastructure Subcommittee on Highways and Transit

The Honorable Shelley Moore Capito, Chair, Senate Environment and Public Works Subcommittee on Transportation and Infrastructure

The Honorable Rodney Davis, Ranking Member, House Transportation and Infrastructure Subcommittee on Highways and Transit

The Honorable Ben Cardin, Ranking Member, Senate Environment and Public Works Subcommittee on Transportation and Infrastructure