March 9, 2020

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: ET Docket No. 19-138; FCC 19-129; FRS 16447, Proposed Rule on Use of the 5.850-5.925 GHz Band

On behalf of the more than 8,000 members of the American Road & Transportation Builders Association (ARTBA), I respectfully offer comments on the Federal Communications Commission’s (FCC) proposed rule on use of the 5.850-5.925 GHz Band.

ARTBA’s membership includes private and public sector members that plan, design, build and maintain the nation’s roadways, waterways, bridges, ports, airports, rail and transit systems. Our industry generates more than $380 billion annually in U.S. economic activity and sustains more than 3.3 million American jobs.

Roadway safety is at the core of ARTBA’s mission to maintain and improve our nation’s transportation infrastructure. Nationally, nearly 50,000 people are injured or die in and around U.S. transportation infrastructure projects each year, including 145 industry workers, according to the Federal Highway Administration. The human toll and economic costs of these tragic incidents are staggering. As such, any new regulatory effort impacting our nation’s roadways must be viewed with safety in mind.

The FCC is proposing to permit unlicensed devices (such as wireless phones and remote control toys) to operate in the lower portion of the 5.850-5.925 spectrum of airwaves. Commonly referred to as the “Safety Band” spectrum, it has been previously reserved for use by transportation safety devices. The Safety Band is also increasingly being utilized for autonomous vehicle technology.

ARTBA opposes opening any portion of the Safety Band to unlicensed devices. We agree with the following statement given by the U.S. Department of Transportation Deputy Assistant Secretary for Research and Technology Diana Fuchtgott-Roth earlier this year before the Transportation Research Board’s annual meeting:

“The Federal Aviation Administration (FAA) would never allow unlicensed devices to operate in FAA bands for radar and communications that protect the safety of hundreds of thousands of air travelers at any time. The safety of hundreds of millions of automobile passengers would be no less important. The integrity of the Safety Band should be preserved.”
Additionally, the continued development of and demand for automated vehicle technology will result in increased use of the Safety Band for this important purpose. Therefore, the FCC should preserve the Safety Band to ensure that, once ready, these new technologies have a spectrum on which they can operate without fear of interference from unlicensed devices.

Preserving the integrity of the Safety Band is essential to both improved roadway safety and continued development of life-saving innovations in the transportation sector. ARTBA urges the FCC not to open the “Safety Band” to unlicensed devices and thanks the agency for the opportunity to present our views on this important matter.

Sincerely,

David Bauer
President & CEO