



AMERICAN PUBLIC WORKS ASSOCIATION

Your Comprehensive
Public Works Resource

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March 6, 2020

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Comments on Notice of Proposed Rulemaking on Use of the 5.9 GHz band (5.850-5.925 GHz band)
Docket No. 19-138

The American Public Works Association (APWA) is grateful for the opportunity to submit comments to the Federal Communications Commission (FCC) regarding its Notice of Proposed Rulemaking (NPRM) on the use of the 5.9 GHz band (5.850-5.925 GHz band). APWA appreciates the Commission taking time to conduct a review of the band rules to ensure its best use. Since 1999, the 5.9 GHz band has been reserved completely for use by Dedicated Short Range Communications (DSRC) to enable transportation and vehicle safety-related communications.

For awareness, APWA represents over 30,000 public works professionals across North America, dedicated to providing essential and high-quality services to millions of people in rural and urban communities. APWA members serve in both the public and private sectors providing expertise to local, state, and federal government. Working in the public interest, our members are responsible for designing, planning, building, operating, and maintaining all facets of our nation's vast infrastructure—including our transportation network. APWA is committed to improving safety for travelers on our nation's roadways. It is important to note that local governments own and maintain approximately 75% of our nation's four million-mile roadway network, 51% of our nation's bridges, and manage 90% of our transit systems. Almost every trip begins and ends on a local road, street, or sidewalk.

For APWA, safety is a central tenet of our public policy priorities for transportation, and for this reason, we disagree with the FCC's proposal to release the lower 45-megahertz portion of the 5.9 GHz band intended for operation of the Intelligent Transportation System (ITS). According to the National Highway Traffic Safety Administration (NHTSA), there were 36,560 roadway fatalities in 2018. This number is far too many. In fact, U.S. Department of Transportation Secretary Elaine Chao cited in her November 2019 comments to the Commission regarding the possible reallocation of a large portion of the 5.9 GHz band to other purposes, that in 2017, "...there were over 6 million police-reported vehicle crashes in the U.S. that resulted in 37,133 lives lost, as well as 2,746,000 injuries." It is imperative that the safety of the traveling public be the top priority when reviewing, updating, operating, and maintaining our transportation infrastructure. Technology—ITS, connected vehicles, connected vehicles-to-everything (CV2X)—

PRESIDENT
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CHIEF EXECUTIVE OFFICER
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is a key component of increasing safety and decreasing roadway-related deaths and injuries.

Technology is continuing to advance quickly, and though the Commission has cited that the DSRC has “evolved slowly”, according to the National Academies of Sciences, Engineering, and Medicine National Cooperative Highway Research Program, many state departments of transportation (DOTs) are “...engaged in pilot projects and long-term deployment of CV technology based on the current rules governing the 5.9 GHz spectrum.” Should there be a disruption in these projects due to a change in the use of the 5.9 GHz spectrum, all the current CV efforts could be harmed, or even lost. The technology, its ultimate capacity, and what is needed for it to live up to its potential, are not fully known. Therefore, to continue progress already made, and to do so responsibly with the overriding goal being safety, the dedication of the 5.9 GHz spectrum must remain as it was intended.

Another key consideration is cybersecurity and protecting the data of the traveling public. Many of our citizens are skeptical of connected technology, CVs, and whether their personal information, and most importantly, their safety can truly be fully protected. By opening a portion of the 5.9 GHz band to purposes other than its dedicated safety intention, any mistakes that occur and lead to disruption, failure, or even injuries and death, would result in a loss of faith by an already skeptical public. Of course, these are ‘doomsday’ scenarios, but there have been highly visible failures in advancing the work of CVs, as well as past failures in safety communications technology. Therefore, it is critical that progress be deliberate, and continue building upon success.

APWA strongly believes that technology plays a vital role in protecting lives, improving our infrastructure, and continuing to provide a high-quality of life to our communities. We value the opportunity to share our concerns about this FCC proposal, and appreciate your consideration. Should you need additional information about APWA, or have questions, please contact APWA’s Director of Government and Public Affairs Andrea Eales at 202-218-6730 or aeales@apwa.net.

Sincerely,

William E. (Bill) Spearman III, P.E.
President

Scott D. Grayson, CAE
Chief Executive Officer

PRESIDENT
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