



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

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Republican Staff Director

March 18, 2021

The Honorable Jessica Rosenworcel
Acting Chairwoman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Acting Chairwoman Rosenworcel:

I am writing to express my continued strong opposition to the Federal Communications Commission's (FCC) decision to share the 5.9 GHz radio frequency band (or Safety Band) with unlicensed Wi-Fi. Since 1999, the 5.9 GHz band has been reserved for dedicated short-range communications to enable vehicle-to-everything (V2X) communications.¹ V2X communications and the technologies they will enable—namely connected vehicles—will make our transportation networks smarter, more efficient, and, most importantly, safer. Simply put, V2X technologies will save lives.

Unfortunately, in its actions to date, the FCC appears more concerned with faster Wi-Fi than transportation safety. The parameters in the FCC's First Report and Order (R&O) will make V2X communications vulnerable to harmful interference and leave V2X with little dedicated spectrum.² If the interference issues are not resolved, V2X may have no usable spectrum at all.

I remain deeply disturbed that the FCC's R&O did not address the U.S. Department of Transportation's (DOT) many technical concerns about the safety impacts of the FCC's proposal.³ On October 15, 2020, Secretary Elaine Chao wrote to the FCC in response to their draft R&O,

¹ 47 C.F.R. § 2.106 (1999); *see also* Dedicated Short Range Communications of Intelligent Transportation Services, 64 Fed. Reg. 66,405 (Nov. 26, 1999).

² In the Matter of Use of the 5.850-5.925 GHz Band, FCC 20-164, ET-Docket 19-138 *available at* <https://docs.fcc.gov/public/attachments/FCC-20-164-A1.pdf>.

³ Letter from Stephen G. Bradbury, General Counsel and Performing the Functions and Duties of Deputy Secretary, DOT, to FCC (Nov. 6, 2020), *available at* <https://bit.ly/39x8Joi>.

saying that the FCC “ignored or rejected DOT’s previous comments in this proceeding, and has failed to give sufficient weight to the Department’s expertise in matters of transportation safety.”⁴

The FCC’s decision ignored the safety concerns raised by DOT, bipartisan opposition from 38 Members of Congress, every state Department of Transportation in the nation, and the entire transportation stakeholder community. Instead, the Commission, “which is not an auto safety expert,” according to FCC Commissioner Michael O’Rielly, approved an unsafe proposal that stands to undermine roadway safety.⁵

As Chair of the Committee on Transportation and Infrastructure, ensuring that the investments Congress makes in our transportation networks generate safety improvements is among my top priorities and responsibilities. I have discussed this issue with DOT Secretary Buttigieg, as one of the top transportation priorities of the Biden administration is improving safety. It is my hope that the FCC will take a more measured approach to the 5.9 GHz band under the Biden administration and provide the proper consideration to the impacts that this decision stands to have on the lives of the traveling public.

Thank you for your consideration and attention to this urgent matter, and I would welcome a discussion with you directly on this at any time.

Sincerely,



PETER A. DeFAZIO
Chair

Cc: The Honorable Pete Buttigieg, Secretary of Transportation

⁴ Letter from Hon. Elaine Chao, Secretary, DOT, to Adam Candeub, Acting Assistant Secretary of Commerce for Communications and Information, NTIA (Oct. 15, 2020), *available at* <https://subscriber.politicopro.com/f/?id=00000175-7039-dc1a-a5f7-f87f452c0000>.

⁵ Statement of Hon. Michael O’Rielly, Commissioner, FCC (Nov. 18, 2020), *available at* <https://docs.fcc.gov/public/attachments/FCC-20-164A3.pdf>.