



April 23, 2020

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: ET Docket No. 19-138 – Use of the 5.850-5.925 GHz Band Proposed Rulemaking

Dear Madam Secretary:

The National Federation of the Blind appreciates the opportunity to provide reply comments on the Federal Communications Commission (FCC) proposed rule on use of the 5.9 GHz Band (FCC 19-129). Since 1940 the National Federation of the Blind has advocated for the rights of all blind Americans in critical areas such as education, employment, civil rights, and transportation.

The National Federation of the Blind has significant concerns regarding the FCC's proposal to permit unlicensed devices to operate in the lower 45 megahertz (MHz) portion of the band, as this spectrum is presently reserved for transportation safety technologies. Vehicle-to-everything (V2X) communications technologies are a vital tool in promoting national transportation safety as it pertains to the proliferation of autonomous vehicles.

For many blind Americans, the prospect of fully autonomous vehicles (SAE Level 4 and 5) represent a new era in transportation efficiency and independence. Given that the 5.9 GHz Band was originally set aside for the application of V2X communications, and considering that we are just now getting to the point where these communications are going to be critical, it makes little sense to use the band for other purposes. We believe that taking away the majority of the spectrum available for V2X technologies threatens to undermine the ability of these technologies to function, and should not be considered when we are closer than ever before to having fully autonomous vehicles on our roadways. This is especially true, given the recent announcement by the Alliance for Automotive Innovation that the industry will be committing to the deployment of five million radios for V2X communications over the next five years. Each of these devices will need to use the 5.9 GHz band without the possibility of interference in order to maintain safety on American roadways.

We are not alone in our desire to have this band remain reserved for its original purpose. These concerns were shared by the overwhelming majority of comments filed in this proceeding. Of the roughly 150 comments from organizations focused on the discussion of spectrum arrangement between V2X and unlicensed devices, more than 85 percent opposed the FCC's proposal and supported preserving the entire band for V2X technologies. Commenters in opposition to this

NPRM came from a diverse coalition of organizations and stakeholders across the transportation and telecommunications industries. The record accompanying this proceeding can only be viewed as a compelling rebuke of the NPRM, both in terms of the number and variety of groups opposed to taking spectrum away from transportation safety technologies.

Crucially, the United States Department of Transportation (USDOT), the expert agency on transportation safety, commented that “the full 75 MHz of the 5.9 GHz band should be retained for safety and other transportation purposes; that FCC should revisit its proposal and seek broader stakeholder engagement on any reworking of the 5.9 GHz band; and that any reallocation of this band to include unlicensed use should be grounded in robust science demonstrating that V2X applications will not be subject to harmful interference, and showing that these applications will retain their key functionality.”¹ The National Federation of the Blind strongly believes that the FCC cannot move forward with a proceeding directly impacting transportation safety and the proliferation of autonomous vehicles when that proposal has been consistently and vocally opposed by the federal authority on transportation safety.

The National Federation of the Blind fully supports maintaining the current 75 MHz allocation for transportation communications in the 5.9 GHz band. We cannot support the major shift in federal transportation policy that this NPRM proposes while the USDOT continues to speak forcefully against it. To that end, we support USDOT’s request for a negotiated rulemaking on this decision, and agree that such an action would result in “an improved proposal that would be more widely embraced, leading to a durable, comprehensive solution for the 5.9 GHz band.”² We have not seen compelling evidence that the spectrum plan proposed by this NRPM would allow V2X technologies to function without harmful interference. Finally, we stand behind V2X technologies as a crucial tool in our national toolbox to usher in the new era of fully autonomous vehicles, improve safety on American roads, and increase transportation options for blind Americans. We ask that the FCC heed the overwhelming view of the transportation safety community that their proposal to split the 5.9 GHz band should not move forward.

Sincerely,



Mark A. Riccobono, President
National Federation of the Blind

¹ Comments of U.S. Department of Transportation, ET Docket No. 19-138, at 3 (filed Mar. 13, 2020).

² Comments of U.S. Department of Transportation, ET Docket No. 19-138, at 7 (filed Mar. 13, 2020).