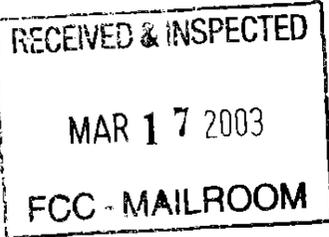


THE PORT AUTHORITY OF NY & NJ



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March 13, 2003

Federal Communications Commission
Washington, DC 20554

In the Matter of: Amendment of the Commission's Rules Regarding Dedicated Short-Range Communications in the 5.850–5.925 GHz Band (5.9GHz Band), WT Docket No. 01-90

To The Commission:

**COMMENTS OF THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY –
TUNNELS, BRIDGES, & TERMINALS DEPARTMENT**

The Port Authority of New York and New Jersey, through its Tunnels, Bridges, & Terminals Department (hereinafter "PA-TBT"), hereby submits the following comments in response to the Commission's Notice of Proposed Rulemaking and Order, FCC'02-302, released November 15, 2002 in the above referenced matter concerning the establishment of Dedicated Short-Range Communication ("DSRC") services in the 5.850-5.925 GHz band.

INTRODUCTION

The Port Authority of New York and New Jersey is a bi-state agency created under compact between the States of New York and New Jersey with the consent of Congress. The mandate of the agency is to promote and protect the commerce of the bi-state port and to undertake port and regional improvements promoting the region's economic wellbeing. Through its Tunnels, Bridges, & Terminals Department, the Port Authority operates some of the busiest transportation links in the region including the George Washington Bridge; Holland and Lincoln Tunnels; three bridges connecting Staten Island to New Jersey; and the Port Authority Bus Terminal and George Washington Bridge Bus Station in midtown and northern Manhattan, respectively. The vehicular facilities handled a cumulative 240 million vehicles in 2001, while the bus facilities handled almost 6 million bus movements and over 02 million bus passengers.

USE OF THE BAND

PA-TBT believes the principal purpose of **DSRC** must be to promote public safety on the nation's highways. At the same time, PA-TBT supports private use within the Band. Such "private" uses will help drive research and development of DSRC technologies and increase vendor interest in the service, thereby promoting the widespread deployment of on-board units (OBUs). This will lead ultimately to OEM installation of OBUs into vehicles. Only with OEM OBUs can a truly effective distribution of ITS public safety and service occur. A low-cost, high performance communication device, such as those envisioned in the Band, can

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only be achieved through large volume production. Private systems operating in the Band will lead to large volume production of OBUs and road-side units (RSUs).

Notwithstanding the above, it is crucial that the the Commission fashion licensing rules and policies that will provide a reasonable balance of use recognizing the priority of use for licensed facilities which are used to protect the safety of life, health and/or property. In this regard, private use would not displace core DSRC safety services. PA-TBT supports licensing rules to ensure that public safety retains its priority status. In short, public safety DSRC use clearly must be accorded primary status over private use.

SERVICE ELIGIBILITY

Public safety includes much more than communications used by police, fire, and ambulance services. Public safety is served whenever a driver is provided with reliable and timely highway information. Information provided to vehicle drivers regarding construction, road hazard, traffic congestion, and route guidance information add to the public's driving safety. Therefore, any system that provides this type of information is providing a public safety service. As such, PA-TBT believes that public authorities with a main purpose of operating public highways, bridges and tunnels clearly qualify as public safety users for DSRC licenses.

INTEROPERABILITY

PA-TRT believes the adoption of, and compliance with a common standard will serve the best interests of the end user, equipment manufacturers, installers and service provider communities. Compliance with a national standard for DSRC systems will ensure interoperability, enhance competition and market growth, reduce both component and installation costs and shorten the time between development and the marketplace. Interoperability should be achieved using standards such as ASTM and IEEE. De facto standards based on specific vendors will lead to sole source procurements and higher end costs. The development of ASTM E2213-02 DSRC Standard is a product of a rigorous and concerted effort, for several years, which involved extensive participation of a broad cross section of the international scientific, manufacturing and user communities. We firmly support the ASTM E2213-02 DSRC Standard and urge the FCC to adopt it as an open, non-proprietary wireless transmission standard for DSRC applications in the 5.9GHz band.

Equally important to having a standard is ensuring compliance with such. OmniAir™ is working with DSRC manufacturers to develop a certification process that tests and verifies performance with the standard and the interoperability of all ITS RS band OmniAir™ certified devices. Standard compliance and interoperability certification is essential for national ETC interoperability. PA-TBT supports the position that an independent organization, such as the IBTTA's OmniAir™, be used to provide an independent determination of interoperability and standard compliance.

BAND PLAN AND CHANNELIZATION

PA-TBT supports the band plan developed and forwarded to the FCC by ITS America, with one exception. The NPRM designates private DSRC services as a secondary

use where an interference condition exists for the vehicle-to-vehicle channel (#172) and the high power channel (#184). Given the public safety allocation of the band, PA-TBT suggests extension of this principle to all Band Plan channels.

The ITS America band plan's development has been coordinated in both Canada and Mexico, which is critical since numerous border crossings occur between the US and Canada and Mexico. As a number of these border crossings utilize toll fees for their maintenance and operation, a common band plan is required to avoid interference across these international borders.

LICENSING

As suggested in the NPRM, DRSC licenses in the 5.9 GHz band should not be issued by auction. The Commission should instead issue licenses subject to frequency coordination to reduce the potential for interference among users. Arbitrary geographic areas (e.g., states or "Economic Areas") should not be used for DRSC licenses, as users requirements will in most cases be at a far more narrowly defined location(s) or within more narrowly defined areas (e.g., along certain highway corridors, river crossings, etc). Thus, while the Commission should not grant licenses for arbitrary geographic areas, service area blanket licenses would be appropriate in many instances.

The licenses for Road Side Units (RSU) should be granted with each RSU corresponding to a specifically defined "communications zone". However, public agencies such as toll operators, responsible for a large number of facilities across a wide geographic area, should be able to obtain a single "blanket" license to operate their systems with the appropriately defined respective "communications zone". This would save the agencies unnecessary cost and effort required to file for multiple licenses. It should also relieve the spectrum administrator from any unnecessary administrative burden. We urge the FCC to use the DSRC device classes for the RSU as well as transmission power ranges that are proposed in the ASTM E2213-02 DSRC standard as a frame of reference for issuing appropriate licenses to applicants.

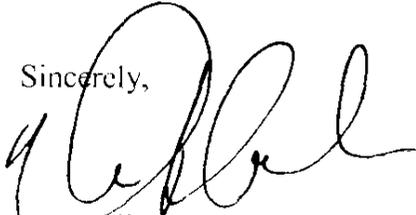
With regard to OBUs, PA-TRT recommends that licenses for OBU's operating in the 5.9 GHz band be licensed and granted by rule rather than licensed individually or treated as unlicensed devices. Licensed by rule OBU emissions should include controls on transmissions to mitigate interference with RSU communications. We do not believe Part 15 OBUs would provide adequate protection for public safety and public service applications.

CONTINUITY OF OPERATIONS IN THE 900MHz BAND

The Commission should clearly establish that the new 5.9 GHz allocation does not have any impact on continued DSRC use of the 900 MHz band. While agencies such as the Port Authority of New York & New Jersey intend to migrate operations to the 5.9 GHz band, there will necessarily be an extended implementation process requiring dual, transitional operations in both 900 MHz and 5.9 GHz for the foreseeable future.

The migration to 5.9 GHz will occur over time, as OBUs are installed in vehicles for a variety of public safety and private applications. With sufficient deployment, 5.9 GHz systems will be phased in, but agencies will need to maintain the current 900 MHz operations for existing users until market conditions and technology are sufficient to convert all users to the 5.9 GHz system.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Philmus', written over the word 'Sincerely,'.

Ken Philmus
Director
Tunnels, Bridges & Terminals