

# **THE PORT AUTHORITY OF NY & NJ**

Ken Philmus  
Director  
Tunnels, Bridges & Terminal

April 30, 2004

The Honorable Chairman Michael Powell  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

Re: Notice of Proposed Rulemaking and Order, FCC 03-322 – Comments

Dear Honorable Chairman:

I am the Director of Tunnels, Bridges and Terminals of The Port Authority of New York and New Jersey, a member agency of the E-ZPass Interagency Group (IAG). I am submitting these comments in support of formal comments filed by the IAG in response to the Commission's proposals in its Notice of Proposed Rulemaking and Order, FCC 03-322, released December 30, 2003 (NPRM) in the above referenced matter to permit usage of "higher power by unlicensed devices in rural and other areas of limited spectrum use in the 902-928 MHz band."

The IAG is a regional consortium of 22 public transportation agencies spanning eleven (11) eastern states offering a fully interoperable electronic toll collection system, popularly known as E-ZPass. Since its introduction in 1993, the E-ZPass network has grown rapidly and now serves motorists using approximately ten million reader tags. E-ZPass is the largest Electronic Toll Collection (ETC) network in the world and is heavily relied upon by its customers, who in 2003 used the system for approximately 1.3 billion toll transactions over a mileage network of thousands of miles of both urban and rural travel lanes.

Even though the operation of electronic tolls is designed to and reduces congestion in heavily traveled areas, the system of transponders uses radio identification frequencies that serve many rural areas along interstate highways in the States of Pennsylvania, West Virginia, New York, New Jersey, Maine, Massachusetts, New Hampshire, Delaware, Virginia and Maryland. In addition, the States of Illinois and Indiana are currently in the process of joining the IAG because so many of their commercial vehicle customers use E-ZPass transponders for toll collection.

Over 500,000 trucks deployed throughout the United States are currently using E-ZPass transponders for not only electronic toll collection but for electronic credentialing such as safety checks and weigh station bypasses. The E-ZPass network has recently joined with Pre-Pass, a nation-wide commercial vehicle electronic credentialing operation that serves 25 states throughout the nation including rural areas along the interstate system for weigh stations and safety checks. Interference with these types of checks could be not only wasteful of fuel and time for the trucking industry, but could be detrimental to the safety of the traveling public.

As the FCC considers the advantages of modifying its regulations in an effort to increase power level flexibility for licensed services in rural areas, I ask that such flexibility be done in conjunction with the electronic toll industry so as to reduce interference, false reads and equipment failures. While the goal of improved customer service is a worthy one for all governmental agencies, changes that cause interference and/or degradation of the existing services should not be made.

I thank you for allowing me to provide comments to the Federal Communications Commission on this important subject.

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