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Secretary Elaine L. Chao
US Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

May 25, 2017

Chairman Ajit Pai
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

*Re: Federal Motor Vehicle Safety Standards: Vehicle-to-Vehicle (V2V)
Communications, Docket No. NHTSA-2016-0126*

*Revision of Part 15 of the Commission's Rules to Permit Unlicensed National
Information Infrastructure (U-NII) Devices in the 5 GHz Band, ET Docket No. 13-49*

Dear Secretary Chao and Chairman Pai:

We write to inform the Secretary that we are wary of NHTSA's recent moves to standardize Dedicated Short Range Communications (DSRC) as a mandatory technical standard for all vehicles. We are supportive, however, of the FCC's investigation of the alternative uses and opportunities for spectrum sharing within the 5.9 GHz band.

Vehicle manufacturers have strong incentives to provide a safe consumer experience, so we should expect them to think hard about the best kinds of technologies to accomplish their goals. For instance, when it comes to V2V communication, if DSRC will provide enormous boosts to safety relative to the price of implementation, there can be little doubt that companies will work to pursue the technology voluntarily.

To date, NHTSA and the FCC have been overly aggressive in pushing DSRC as a specific technical standard. The federal government does not have a good track record at maintaining flexible technical standards when compared to industry self-regulation.

Consider, for example, the consistent evolution of cellular standards which have been modified many times over the past 20 years without specific device mandates. Contrast that with the FCC's mandate for broadcast television standards which have remained mostly stagnant for 60

years.¹ The cost of implementing a mandatory rollout of DSRC has the potential to be very expensive.² Meanwhile, alternative 5G approaches have emerged that avoid many of the potential downsides of DSRC.³ On this basis, consumers are better served by NHTSA taking a technology neutral role and allowing a multi-stakeholder, industry-driven model to set the standard.

Simultaneously, *we applaud* the FCC's recent moves to investigate spectrum sharing within the 5.9 GHz band. Spectrum is too valuable a commodity to waste, and the 5.9 GHz band has laid fallow over the past 20 years. If there are ways we can more efficiently use this spectrum without locking automakers out of the band entirely, we should pursue them.

Respectfully submitted,

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¹ Brent Skorup, "The Department of Transportation's Proposed Vehicle-to-Vehicle Technology Mandate Is Unprecedented and Hasty," *Mercatus Center Public Interest Comments*, April 14, 2017. <https://www.mercatus.org/publications/departament-transportation-v2v-technology-mandate>.

² Coleman Bazelon and Lucrezio Figurelli, "The Economic Costs and Benefits of a Federal Mandate that All Light Vehicles Employ 5.9 GHz DSRC Technology", *National Cable & Telecommunications Association*, May 2, 2016. http://www.brattle.com/system/publications/pdfs/000/005/284/original/Brattle_Costs_Benefits_of_V2V_Mandate_May_2_2016.pdf

³ Dino Flore, "Initial Cellular V2X standard completed", *3GPP*, September 26, 2016. http://www.3gpp.org/news-events/3gpp-news/1798-v2x_r14