

FCC Proposes to Repurpose Spectrum for Auto Safety and Unlicensed Uses

December 18, 2019

The FCC has released a [notice of proposed rulemaking](#) in which it proposes to repurpose 75 MHz of spectrum from 5.850 to 5.925 GHz (known as the 5.9 GHz band) currently allocated for automobile safety. In 1999, the FCC allocated the 5.9 GHz band to be used for dedicated short range communications (DSRC) in vehicles and by highway authorities to enable transportation and vehicle safety-related communications. In the intervening 20 years, automobile manufacturers have not widely incorporated DSRC technology into their fleets, and it is largely unused in the US. In addition, an alternative auto safety technology – cellular vehicle to everything (C-V2X) – has emerged but cannot be widely used in the 5.9 GHz band because of the allocation for DSRC. Finally, the FCC has been working to make available additional spectrum for unlicensed operations like Wi-Fi. In furtherance of that goal, the FCC proposes to reallocate most of the 5.9 GHz band for unlicensed operations. In total, the FCC's NPRM proposes to reallocate 65 MHz of the spectrum to permit C-V2X and Wi-Fi operations in spectrum that currently is lying fallow. These changes would have a significant impact on a wide array of industries, including those that plan to incorporate intelligent systems in vehicles or any technologies that use unlicensed spectrum.

Specifically, the FCC proposes to continue utilizing the upper 30 MHz of the 5.9 GHz band (5.895 – 5.925 GHz) for transportation and automobile safety-related communications. The upper-most 20 MHz would be allocated for C-V2X operations. The FCC seeks comment on whether the remaining 10 MHz of the spectrum should be available for DSRC systems or whether it too should be allocated for C-V2X technologies. The FCC proposes that any spectrum allocated for C-V2X use comply with the existing DSRC coordination rules to protect federal users in the 5.9 GHz band. The FCC also proposes that DSRC operations (if retained) continue to comply with the existing technical and coordination rules. The FCC asks for comments on how to transition existing DSRC users should it choose to reallocate the spectrum.

The FCC proposes to reallocate the remaining 45 MHz of the 5.9 GHz band (5.850 – 5.895 GHz) for unlicensed operations. Because this allocation of spectrum is adjacent to an existing unlicensed band (5.725 – 5.850 GHz), the FCC believes that allocating the 5.9 GHz spectrum for unlicensed use will support high-throughput applications. Indeed, the FCC proposes to make the 45 MHz of reallocated spectrum subject to all the Part 15 operational principles for unlicensed spectrum and proposes technical and operational rules similar to those in the existing adjacent unlicensed band.

Comments and reply comments on the NPRM are due 30 days and 60 days after Federal Register publication. Cooley lawyers can provide additional information about the FCC's proposals and assist interested parties with participation in the proceeding.

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or entity (collectively referred to as "Cooley"). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction, and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty to keep any information you provide to us confidential. When advising companies, our attorney-client relationship is with the company, not with any individual. This content may have been generated with the assistance of artificial intelligence (AI) in accordance with our AI Principles, may be considered Attorney Advertising and is subject to our [legal notices](#).

Key Contacts

| | |
|--------------------------------------|--|
| J.G. Harrington Washington, DC | jgharrington@cooley.com +1 202 776 2818 |
| Robert M. McDowell Washington, DC | rmcdowell@cooley.com +1 202 842 7862 |
| Henry Wendel Washington, DC | hwendel@cooley.com +1 202 776 2943 |

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

Copyright © 2023 Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304; Cooley (UK) LLP, 22 Bishopsgate, London, UK EC2N 4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.