

On October 24, 1995, RADAR, Inc., filed a petition for rule making (RM-8734) requesting amendment of Subparts B and F, Part 90 of the Commission's rules to permit the transmission of safety related signals in the 24 GHz frequency band used by non-government radar operations. The petition was initially placed on Public Notice and several comments were received by the Commission. Subsequent to that proceeding, the subject of the initial rulemaking was subsumed into WT Docket No. 97-153, and has again been available for public comment. In the current proceeding, the numerous comments directed to this specific subject are favorable. Only three commenters take issue with aspects of the Commission's proposal introduced in WT Docket No. 98-153.¹ The issues raised by these commenters focus mainly upon 1) the possibility that the proposed safety warning system would "legitimize" the use of currently legal radar detectors and 2) possible interference problems with current radar devices. Reply comments addressed these issues and noted, in part, that the development of a receiver, which will not serve as a radar detector, is currently being designed. The designs are for both a stand-alone device and as an installed automobile accessory. Further, the replies addressed concerns that the transmitters would cause interference to law enforcement radar devices by noting that extensive technical testing has indicated otherwise.

As noted, extensive laboratory tests have been conducted and the results of those tests have been made available to the Commission's staff and are part of the Commission's file, awaiting an order in the latter of the two proceedings. Safety Warning System, L.C. (Safety) wishes to continue field tests and to continue its current demonstrations in conjunction with governmental and safety officials. To such end, Safety seeks an Experimental License for this service.

Safety has previously been able to conduct testing, demonstrations and limited market studies as a result of the Commission's grant of Special Temporary Authority (see Station KS2XAR, File Nos. S-2463-EX-96, S-2695-EX-96 and S-2899-EX-97). Safety now seeks grant of an Experimental License in order to continue tests and demonstrations. The results would be made available to the Commission's staff and will assist the Commission in reaching a decision on the petition.

Safety's proposed radar traffic safety warning system would take advantage of the millions of radar detectors already in the hands of the public and, in effect, utilize them for traffic safety purposes. The system provides for police speed detection radio equipment to be augmented with a signal that can be detected by a customized receiver to be integrated with a conventional radar detector. The proposed transmitters would be installed in hazardous highway and road areas, such as road construction sites, road closings, flooded areas, railroad crossing, among others, and will provide warnings to motorists in those areas. The warning will be "received" by radar detectors. Current detectors would receive the radar signal. Future detectors will be able to receive a message, such as a light of a particular color identifying the hazard involved.

¹ The three commenters were the U.S. Department of Transportation, the National Association of Governor's Highway Safety Representatives, and the International Association of Chiefs of Police.

EXHIBIT 2

200X

Applicant has currently limited distribution of the safety warning transmitters to federal, state and local governmental agencies, to railroad companies and to entities operating emergency response vehicles, who operate the transmitters under the Applicant's license. In addition, applicant has agreed that distribution of safety warning transmitters would require the return of the equipment if the service is not authorized by the Commission on a regular basis.

Request for Waivers

Safety Warning System, L.C. (Safety) respectfully requests that the following sections of the Commission's rules are waived, in association with its Application for Experimental License:

not, see 53304-98

Section 5.53(c) - Safety seeks a waiver of Rule Section 5.53(c) in order for its Application to be acted upon in less than 60 days from the date of this filing. As noted in Exhibit 1, Safety currently has been granted an STA to operate, pending Commission action in rulemaking RM-8734. Safety, as well as various governmental and safety industry organizations, have been conducting tests and demonstrations under the current STA. The current STA expires in less than 60 days and Safety seeks a waiver of Section 5.53(c) to maintain continuity in its testing and demonstration process.

Section 5.65 - Safety seeks a waiver of Rule Section 5.65 in order to be exempt from notifying the Engineer in Charge for the Radio District of operations. As noted in Exhibit 2, the operators are federal, state and local governmental agencies, railroad companies and entities operating emergency response vehicles. Operators may place transmitters in fixed locations, such as at railroad crossings and dangerous driving areas, however transmitters may also be located in temporary positions such as upon emergency vehicles or at accident and emergency scenes. The requirements of Section 5.65 would be burdensome to both the Applicant and the governmental and organizational entities who operate transmitters.

not, "mobile" equipment

Section 5.152 - As noted in response to Item 14, Safety has no way of transmitting station identification. Consequently, Safety seeks a waiver of Rule Section 5.152.