§ 90.379

<table>
<thead>
<tr>
<th>Channel No.</th>
<th>Frequency range (MHz)</th>
<th>Max. EIRP(^1) (dBm)</th>
<th>Channel use</th>
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<td>181</td>
<td>5895–5915</td>
<td>23</td>
<td>Service Channel. 3</td>
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<td>182</td>
<td>5905–5915</td>
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<td>184</td>
<td>5915–5925</td>
<td>33/40</td>
<td>Service Channel. 4</td>
</tr>
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</table>

\(^1\) An RSU may employ an antenna with a height exceeding 8 meters but not exceeding 15 meters provided the EIRP specified in the table above is reduced by a factor of 20 \(\log(Ht/8)\) in \text{dB} where \(Ht\) is the height of the radiation center of the antenna in meters above the roadway bed surface. The EIRP is measured as the maximum EIRP toward the horizon or horizontal, whichever is greater, of the gain associated with the main or center of the transmission beam. The RSU antenna height shall not exceed 15 meters above the roadway bed surface.

\(^2\) Channel 172 is designated for public safety applications involving safety of life and property.

\(^3\) Channel Nos. 174/176 may be combined to create a twenty-megahertz channel, designated Channel No. 175. Channels 180/182 may be combined to create a twenty-megahertz channel, designated Channel No. 181.

\(^4\) Channel 184 is designated for public safety applications involving safety of life and property. Only those entities meeting the requirements of §90.373(a) are eligible to hold an authorization to operate on this channel.

(c) Except as provided in paragraphs (d) and (e) of this section, non-reserve DSRCS channels are available on a shared basis only for use in accordance with the Commission’s rules. All licensees shall cooperate in the selection and use of channels in order to reduce interference. This includes monitoring for communications in progress and any other measures as may be necessary to minimize interference. Licensees of RSUs suffering or causing harmful interference within a communications zone are expected to cooperate and resolve this problem by mutually satisfactory arrangements. If the licensees are unable to do so, the Commission may impose restrictions including specifying the transmitter power, antenna height and direction, additional filtering, or area or hours of operation of the stations concerned. Further the use of any channel at a given geographical location may be denied when, in the judgment of the Commission, its use at that location is not in the public interest; use of any such channel may be restricted as to specified geographical areas, maximum power, or such other operating conditions, contained in this part or in the station authorization.

(d) Safety/public safety priority. The following access priority governs all DSRCS operations:

1. Communications involving the safety of life have access priority over all other DSRCS communications;

2. Subject to a control channel priority system management strategy (see ASTM E2213-03 DSRC Standard at §4.1.1.2(4)), DSRCS communications involving public safety have access priority over all other DSRCS communications not listed in paragraph (d)(1) of this section. Roadside Units (RSUs) operated by state or local governmental entities are presumptively engaged in public safety priority communications.

(e) Non-priority communications. DSRCS communications not listed in paragraph (d) of this section, are non-priority communications. If a dispute arises concerning non-priority communications, the licensee of the later-registered RSU must accommodate the operation of the early registered RSU, i.e., interference protection rights are date-sensitive, based on the date that the RSU is first registered (see §90.375) and the later-registered RSU must modify its operations to resolve the dispute in accordance with paragraph (f) of this section.

(f) Except as otherwise provided in the ASTM–DSRC Standard (see §90.379) for the purposes of paragraph (e) of this section, objectionable interference will be considered to exist when the Commission receives a complaint and the difference in signal strength between the earlier-registered RSU and the later-registered RSU (anywhere within the earlier-registered RSU’s communications zone) is 18 dB or less (co-channel). Later-registered RSUs causing objectionable interference must correct the interference immediately unless written consent is obtained from the licensee of the earlier-registered RSU.

[71 FR 52794, Sept. 7, 2006, as amended at 72 FR 35199, June 27, 2007]
§ 90.383 RSU sites near the U.S./Canada or U.S./Mexico border.

Until such time as agreements between the United States and Canada or the United States and Mexico, as applicable, become effective governing border area use of the 5850–5925 MHz band for DSRCs, authorizations to operate Roadside Units (RSUs) are granted subject to the following conditions:

(a) RSUs must not cause harmful interference to stations in Canada or Mexico that are licensed in accordance with the international table of frequency allocations for Region 2 (see § 2.106 of this chapter) and must accept any interference that may be caused by such stations.

(b) Authority to operate DSRC Roadside Units is subject to future agreements between the United States and Canada or the United States and Mexico, as applicable.

[69 FR 46445, Aug. 3, 2004]

Subpart N—Operating Requirements

§ 90.401 Scope.

The subpart prescribes general operating requirements for stations licensed under this part. This includes station operating procedures, points of communication, permissible communications, methods of station identification, control requirements, and station record keeping requirements.

§ 90.403 General operating requirements.

(a) Licensees of radio stations in the private land mobile radio services shall be directly responsible for the proper operation and use of each transmitter for which they are licensed. In this connection, licensees shall exercise such direction and control as is necessary to assure that all authorized facilities are employed:
   (1) Only for permissible purposes;
   (2) Only in a permissible manner; and
   (3) Only by persons with authority to use and operate such equipment.

(b) In carrying out their responsibilities under §90.403(a), licensees shall be bound by the provisions of the Communications Act of 1934, as amended, and by the rules and regulations of the Commission governing the radio service in which their facilities are licensed; and licensees may not, through written or oral agreements or otherwise, relieve themselves of any duty or obligation imposed upon them, by law, as licensees.

(c) Except for stations that have been granted exclusive channels under this part and that are classified as commercial mobile radio service providers pursuant to part 20 of this chapter, each licensee must restrict all transmissions to the minimum practical transmission time and must employ an efficient operating procedure designed to maximize the utilization of the spectrum.

(d) Communications involving the imminent safety-of-life or property are to be afforded priority by all licensees.

(e) Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other