

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 90 of the Commission's)	PS Docket No. 15-199
Rules to Enable Railroad Police Officers to)	RM-11721
Access Public Safety Interoperability and)	
Mutual Aid Channels)	

COMMENTS OF THE NATIONAL REGIONAL PLANNING COUNCIL

Region 13 (RPC 13) and Region54 (RPC 54) Planning Committees respectfully files these comments in response to the Commission's Notice of Proposed Rulemaking in the above proceeding.

The Region 13 (RPC 13) and Region54 (RPC 54) Planning Committees and the Statewide Interoperability Executive Committee (SIEC) is made up of public safety volunteer members within Illinois that dedicates their time, in addition to the time spent on their regular positions, to coordinate spectrum efficiently and effectively for the purpose of making it available to public safety agency applicants in their region. The work these people do reflects their dedication to public safety communications and to ensuring local public safety agencies and user needs are heard and met within their regions and beyond.

The Commission is proposing that railroad police agencies and their officers be permitted to use FCC designated public safety interoperability and mutual aid channels to communicate

with public safety entities already authorized to use such channels. REGION 13 (RPC 13) AND REGION54 (RPC 54) thinks the use of these channels by railroad police will be beneficial to public safety users in communities where there is a need to communicate, as needed, with railroad police. While REGION 13 (RPC 13) AND REGION54 (RPC 54) comments will focus primarily on issues associated with regional planning and administration of 700 and 800 MHz public safety spectrum, but also include the public safety interoperability spectrum in other public safety bands, that which is designated as such by the Commission or spectrum designated for interoperable purposes within each state is often administered at the state level by the Illinois Statewide Interoperability Executive Committees (SIEC) which Region 13 (RPC 13) and Region54 (RPC 54) is a member and in collaboration provides the necessary oversight for all interoperable channels within the State of Illinois.

Railroad Police and access to designated interoperability channels in the 700 MHz band

Subsequently, in the above proceeding the Commission seeks comment on how to best “facilitate the use of interoperability and mutual aid channels by railroad police”.

For accessing interoperable spectrum in the 700 MHz band, the REGION 13 (RPC 13) AND REGION54 (RPC 54) recommends that the method used by railroad police to access 700 MHz designated interoperability spectrum should be by entering into sharing agreements with eligible entities (sponsors) that are licensed on those specific channels for their own purposes. In this arrangement the sponsoring agency is fully aware of their own licensed capabilities and can ensure that any sponsored agency will operate within the restraints of the licensee’s FCC authorization.

In the absence of a viable, licensed sponsor to enter into a sharing agreement with, railroad police should license 700 MHz interoperability spectrum for mobile and portable use with the Commission. For 700 MHz spectrum, that process is the same as all other applicants would utilize. Submit to the respective 700 MHz regional planning committee and the State SIEC for pre-coordination and once the RPC and SIEC approves, a letter of concurrence from the 700 MHz regional planning committee should accompany the application and be forwarded to a public safety coordinator.

REGION 13 (RPC 13) AND REGION 54 (RPC 54) feels strongly that railroad police should only seek the ability in sharing agreements to utilize mobile and portable radios with 700 MHz interoperability spectrum. The licensing of temporary or permanent fixed infrastructure (base stations, repeaters, control stations, etc.) that utilizes interoperability spectrum in the 700 MHz band should be limited to entities eligible to license equipment in the band. Operationally, there is no loss of capability or functionality to a sponsored agency by not being able to license fixed equipment for use of 700 MHz interoperability channels. It should be noted that the majority of public safety entities that utilize these 700 MHz Interoperability channels do so under the “licensed by rule” condition of the Commission’s rules and that they would have to be *licensees* of these channels to enter into sharing agreements with railroad police.

If 700 MHz fixed equipment needs to be implemented in the community in question where the sponsoring and sponsored agencies operate, it needs to be licensed by an eligible

entity. If no eligible agency seeks to implement fixed equipment, it may be that no fixed end equipment is necessary to facilitate interoperability in that community. In these instances we urge railroad police agencies to work with eligible entities in their area and enter into a dialogue as to what is needed to further interoperable communications in their community.

Railroad Police and access to designated interoperability channels in the 800 MHz band

Designated interoperability spectrum in the National Public Safety Planning Advisory Committee (NPSPAC) 800 MHz band is limited to five (5) 20 KHz channel pairs administered by each region's 800 MHz regional plan. They are:

Channel 1	851/806.0125 MHz
Channel 21	851/806.5125 MHz
Channel 41	852/807.0125 MHz
Channel 61	852/807.5125 MHz
Channel 81	853/808.0125 MHz

The manner in which the channels are utilized are outlined in each 800 MHz regional plan and specific to that regional plan. Similar to 700 MHz interoperable spectrum, public safety mobile and portable operation of 800 MHz interoperable spectrum is also considered by the Commission to be "licensed by rule" and does not require eligible entities to acquire a specific authorization from the Commission for mobile and portable use. Unlike the 700 MHz band, interoperability administration of 800 MHz interoperable spectrum has always been documented and resided within each 800 MHz regional plans. Historically, eligible entities seeking to license 800 MHz interoperability spectrum using permanent or temporary

fixed infrastructure have applied to 800 MHz regional planning committees seeking concurrence letters supporting such use which are required by the Commission for licensing.

The REGION 13 (RPC 13) AND REGION54 (RPC 54) feels that railroad police access to 800 MHz interoperability channels should be limited to mobile and portable operation and access should be the result of entering into a sharing agreement with an eligible, public safety licensee of the channels being sought. It should be noted that the majority of public safety entities that utilize these 700 MHz Interoperability channels do so under the “licensed by rule” condition of the Commission’s rules and that they would have to be *licensees* of these channels to enter into sharing agreements with railroad police.

In the absence of an eligible, public safety license for railroad police to enter into sharing agreements with, a railroad police agency should license mobile and portable use of the 800 MHz mutual aid channels indicated above with the Commission via a certified public safety frequency coordinator. For 800 MHz spectrum, that process is the same as all other applicants would utilize. Submit to the respective 800 MHz regional planning committee and SIEC for pre-coordination and once the RPC and SIEC approves, a letter of concurrence from the 800 MHz regional planning committee should accompany the application and be forwarded to a public safety coordinator.

Railroad Police and access to designated interoperability channels below 512 MHz band

While the administration of designated interoperability spectrum below 512 MHz is outside of the purview of regional planning committees, it should be noted here that some of the same bodies that are tasked with administering interoperability spectrum in the 700 MHz

band, for example, also administer FCC designated multi-discipline public safety spectrum in the VHF band (VTAC) and UHF band (UTAC). These bodies often took the responsibility of coordinating and developing plans in these bands due to no other oversight being established. The creation of these interoperability channels in the VHF and UHF bands (Interoperability Channels below 512 MHz VTAC/UTAC Docket 96-86, FCC 00-348, Paragraph 90 released October 10, 2000) was not accompanied with an entity being tasked with oversight of the use of the channels or requirements for plans on how the channels are to be used to be established. Subsequently, many statewide interoperable coordination bodies developed plans for how these channels were to be utilized in their states on a voluntary basis from creation of the channels, through their co-primary status with wideband adjacent channels to the date in which interoperable use of the channels were to be considered primary.

In developing such plans in a state or region, a number of operational and technical variables need to be established including whether the channels, initially simplex non-paired interoperability channels, whether to utilize tone coded squelch or operate in carrier squelch mode and operating guidelines for use in each state or region. Today, recommendations for the use of these channels have been published by the US Department of Homeland Security in their National Interoperability Field Operations Guide (NIFOG) and accepted to varying degrees in states across the country. A number of these recommendations may be inconsistent with the manner in which some states or regions implemented these Commission designated interoperability channels since 2001 so disparities in the use and implementation of these channels may exist within the public safety community.

Again, while public safety spectrum, including Commission designated interoperability spectrum, is outside the purview of REGION 13 (RPC 13) AND REGION54 (RPC 54) it does fall within the oversight of the SIEC in Illinois, we feel a consistent policy should be in place with regard to railroad police accessing public safety interoperability spectrum. Since guidelines and operational characteristics for 700 MHz interoperable spectrum may have been addressed by the same bodies that have developed guidelines for the use of interoperability spectrum below 512 MHz, we feel that a similar practice for accessing these channels by railroad police is beneficial to public safety and interoperable communications overall. Subsequently, the REGION 13 (RPC 13) AND REGION54 (RPC 54) supports the access to interoperability spectrum below 512 MHz by railroad police to be limited to entering into sharing agreements with eligible, licensed public safety entities and approval of the SIEC for mobile and portable operation of these channels. In the absence of any eligible, licensed public safety entities to enter into sharing agreements with, railroad police should request approval of the SIEC for a license of these channels for mobile and portable use directly with the Commission.

The REGION 13 (RPC 13) AND REGION54 (RPC 54) thanks the Commission for the opportunity to comment on these important issues and looks forward to further contributing to the dialogue associated with railroad police interoperable communications in the future.

Respectfully,

William Carter, Chairperson Region 13

Christopher Kindelspire Chairperson Region 54

Region 13 (RPC 13) and Region54 (RPC 54) Planning Committee

November 9, 2015