

**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 ILLINOIS STATEWIDE INTEROPERABILITY
EXECUTIVE COMMITTEE
TECHNICAL SUBCOMMITTEE**

The Illinois Statewide Interoperability Executive Committee (SIEC), Technical Sub-Committee respectfully files these comments in response to the Commission's Notice of Proposed Rulemaking in the above proceeding.

Illinois SIEC Technical Sub-Committee is an advocacy body comprised of public safety communications subject matter experts that represent law enforcement, fire service, emergency medical services, emergency management and public works/highway disciplines from the state, county and local levels. The focus of this sub-committee is to foster interoperable communications, both within and between, public safety disciplines throughout the state of Illinois and with our neighboring state partners by resolving technical barriers and encouraging pre-planning for incidents, small and large scale.

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. The SIEC Technical Sub-

Committee endorses railroad police use of interoperable and mutual aid frequencies provided that such use is in accordance with state and regional Statewide Communications Interoperability Plans (SCIP) and Tactical Interoperable Communications Plans (TICP).

In Illinois, railroad police officers are authorized by state statute:

(610 ILCS 80/0.01) (from Ch. 114, par. 97.9)

Sec. 0.01. Short title. This Act may be cited as the Railroad Police Act.

(Source: P.A. 86-1324.)

(610 ILCS 80/2) (from Ch. 114, par. 98)

Sec. 2. Conductors of all railroad trains, and the captain or master of any boat carrying passengers within the jurisdiction of this State, are vested with police powers while on duty on their respective trains and boats, and may wear an appropriate badge indicative of this authority.

In the policing of its properties any registered rail carrier, as defined in Section 18c-7201 of the Illinois Vehicle Code, may provide for the appointment and maintenance of a police force to aid and supplement the police forces of any municipality in the protection of its property and the protection of the persons and property of its passengers and employees, or in furtherance of the purposes for which the

railroad was organized. While engaged in the conduct of their employment, the members of the railroad police force have and may exercise the same police powers conferred upon any peace officer employed by a law enforcement agency of this State, including the authority to issue administrative citations in accordance with the provisions of county or municipal ordinances.

Based on the Sub-Committee’s understanding of Illinois statutes, railroad police officers may exercise the same police powers as any peace officer employed by a law enforcement agency. It could further be argued that based on Illinois statute and Commission rules (Part 90, Subpart B, 90.20(a)(1)(ii)), that railroad police have the same powers as any other law enforcement agency within the State and therefore could be construed as a “governmental institution authorized by law to provide its own police protection”, currently meeting Commission eligibility for Public Safety Pool frequencies for their official police activities.

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

Perhaps the easiest method to clarify the role of railroad police, instead of the complex language in the proposed rule change, would be to modify Section 90.20(a)(1)(ii) of the Commission’s Rules (Public Safety Pool Eligibility) to read something to the effect of “A governmental institution or railroad police agency authorized by law to provide its own

police protection.” This places the determination of eligibility only on the fact that the police agency has been duly authorized by law. Further, the Commission through its Third Memorandum Opinion and Order and Third Report and Order (WT Docket No. 96-86), adopted on September 18, 2000 and released on October 10, 2000, specifically grants public safety licensees who are eligible to hold a Part 90 license, or who are licensed under Part 90 of the Commission’s rules, to operate mobile units on the interoperability frequencies without an individual license utilizing the blanket licensing approach. Railroads currently hold Part 90 licenses under Subpart C – Industrial/Business Radio Pool. By identifying railroad police as eligible public safety entities, and by holding Part 90 authorizations, railroad police would be eligible for the frequencies identified for interoperability in Part 90.20. Usage of the designated interoperability and mutual aid frequencies as intended without the construction and operation of base stations is logical.

The second portion of the Commission’s question at hand regards railroad police use of mutual aid frequencies below 512 MHz. Traditionally, these frequencies have been identified by the Commission for “inter-system use”. Unlike the interoperability frequencies described previously that are covered by the blanket licensing approach, these frequencies require station authorizations from the Commission. To facilitate railroad police use of these frequencies, railroads would require individual authorizations or enter into frequency sharing agreements with existing licensees, as authorized by Section 90.179, Shared Use of Radio Stations.

An opportunity exists for the Commission to address all public safety mutual aid channels by extending the blanket licensing approach for mobile operation to the identified mutual aid frequencies below 512 MHz. The current list of frequencies included in the NPRM falls short. The United States Department of Homeland Security's Office of Emergency Communications has identified a number of mutual aid frequencies as described in the National Interoperability Field Operations Guide (NIFOG). Extending the blanket licensing approach to these frequencies for inter-system mutual aid mobile operations would benefit railroad police and all other eligible public safety eligibles.

Concerns remain that granting railroads unfettered access to Public Safety Pool frequencies could work against coordinated use of these frequencies and add congestion and interference in areas where frequencies are already congested. We urge the Commission to require railroad police agencies to coordinate with Public Safety Pool eligible entities in their areas, recognizing the existence of SCIP and TICP plans at the local regional and state levels. For frequencies in the 700 and 800 megahertz bands, operation should be consistent with plans filed by the affected Regional Planning Committees (RPC). The use of interoperability and mutual aid frequencies should remain limited to inter-system use only. Certainly fixed and control stations should require frequency coordination through the existing frequency coordination process.

Illinois SIEC Technology Sub-Committee 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 on behalf of the Sub-Committee,

Paul Maplethorpe, Chairman
Illinois Statewide Interoperability Executive Committee
Technical Sub-Committee
November 28, 2015