

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Improving Public Safety Communications)
In the 800 MHz Band)
)
Consolidating the 900 MHz Industrial/Land)
Transportation and Business Pool Channels)

WT Docket No. 02-55

To: The Commission

Comments of the Association of American Railroads

The Association of American Railroads ("AAR"), by its undersigned counsel, hereby submits its Comments in response to the Commission's Notice of Proposed Rulemaking (NPRM) in the above-referenced matter.

AAR is a voluntary non-profit organization composed of Class I member railroad companies operating in the U.S, Canada and Mexico. One of AAR's roles is to represent its members in connection with federal regulatory matters of concern to the railroad industry, including matters relating to communications and access to radio frequency spectrum. Also, AAR is the organization certified by the Federal Communications Commission ("FCC) as the designated frequency advisory committee that coordinates licensing in the Private Land Mobile Radio (PLMR) bands for railroad use. In this regard, AAR serves as the frequency coordinator not only for its own members, but also for other entities that meet the definition of "railroad licensee" in

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Section 90.7 of the FCC's rules (such as metropolitan transit authorities and regional and short-line railroads).

Radio communications systems are a vital component of the railroad industry's operations, and AAR's members have a strong interest in this proceeding arising from the railroad industry's use of frequencies in the 800 MHz and 900 MHz bands. As to the 800 MHz reallocation proposal submitted by Nextel at the commencement of this proceeding (Nextel "White Paper," filed November 21, 2001), AAR agrees with the Comments of the Private Wireless Coalition ("Coalition"), of which AAR is a member. In particular, AAR supports the Coalition's position that (1) reallocation of spectrum currently used by 800 MHz Industrial/Land Transportation licensees should be undertaken only as a last resort, and (2) any such reallocation must include a means for reimbursing the displaced licensees for all costs involved in moving their stations to other frequencies.

Regarding the 900 MHz band, AAR urges the Commission not to allow the history of interference in the 800 MHz band to repeat itself in the 900 MHz band. This is extremely important for the railroad industry in view of the six channel pairs in the 900 MHz band that were set aside by the FCC in 1988 for the development of a nationwide train control system (*Use of Six 900 MHz Frequency Pairs for an Advanced Train Control System*, 3 FCC Rcd 427 (1998)). Last year, hundreds of individual station licenses operating on these 900 MHz channels at rail locations throughout the U.S. were converted by the FCC into a single nationwide geographic "ribbon" license covering all railroad rights-of-way in the U.S. (*In Re Petition of Association of American Railroads for Modification of Licenses For Use in Advanced Train Control Systems and*

Positive Train Control Systems, DA 01-359, released February 15, 2001). These six channel pairs¹ (which are also licensed in Canada to the Canadian railroad industry for the same type of train control systems using a comparable geographic “ribbon” license) constitute an extremely important component of the North American railroads’ communications safety infrastructure. (See Comments of United States Department of Transportation, filed March 18, 2002, in the FCC’s proceeding on the Report of the National Telecommunications and Information Administration (“NTIA”) entitled “Current and Future Spectrum Use by the Energy, Water, and Railroad Industries.”²

AAR is concerned that the same sort of interference problems that now plague many 800 MHz public safety systems as a result of “cellularization” of the 800 MHz band (i.e., the proliferation of low power, low elevation cell sites that are proximate, both spectrally and geographically, to other licensees’ mobile stations that are communicating with traditional “high-site” base stations) might occur at some time in the future in the 900 MHz band. Accordingly, AAR urges the Commission to consider favorably Nextel’s proposal (Item 4 at page 29 of Nextel’s “White Paper”) to vacate the “interleaved” spectrum it currently holds at 896/901 MHz and 934/940 MHz so that the Commission could then re-designate those channels for traditional “high-site” use by Business, Industrial and Land Transportation licensees. In this fashion, the Commission can avoid a repetition of the same types of interference problems that

¹ The six frequency pairs are 896.8875/935.8875 MHz, 896.9375/935.9375 MHz, 896.9875/935.9875 MHz, 897.8875/936.8875 MHz, 897.9375/936.9375 MHz, and 897.9875/936.9875 MHz. In Section 90.613 of the Commission’s rules, they are channels 71, 75, 79, 151, 155 and 159.

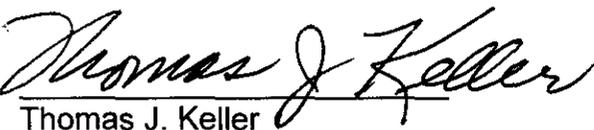
² NTIA Special Publication No. 01-49, January 2002.

have occurred in the 800 MHz band as a result of allowing different system architectures (i.e., cellular vs. traditional) to co-exist on interleaved channels.

In conclusion, AAR respectfully requests the Commission to take action in this proceeding in a manner that is consistent with the views expressed herein.

Respectfully submitted,

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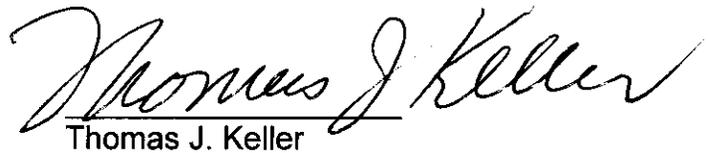
Date: May 6, 2002

Certificate of Service

I, Thomas J. Keller, hereby certify that a copy of the foregoing "Comments of the Association of American Railroads" was mailed this 6th day May, 2002, by U.S. mail, postage prepaid, to the following:

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