

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Review of Personal Radio Services Rules; Proposed Rule)	WT Docket No. 10-119
)	
and)	
)	
Auction of 218-219 MHz Radio Service and Phase II 220 MHz Service Licenses)	AU Docket No. 10-107

**COMMENTS OF THE JOINT COUNCIL ON TRANSIT WIRELESS
COMMUNICATIONS**

The Joint Council On Transit Wireless Communications (the “Joint Council”), pursuant to Section 1.415 of the Federal Communication Commission (“FCC” or “Commission”) Rules and Regulations, 47 C.F.R. § 1.415, respectfully submits these comments regarding WT Docket No. 10-119¹ and AU Docket No. 10-107.

The Joint Council is an alliance of professionals and transportation organizations created to represent surface land passenger transportation service operators nationwide within the United States on matters of wireless voice and data communications. The Council membership is drawn from public agencies, private providers and industry serving road, water, and rail transit. The council seeks to educate and inform public and private transportation agencies and providers on issues relating to their use of wireless communications. For additional detail regarding the Joint Council, please refer to our website – www.transitwireless.org

¹ Part III FCC 47 CFR Parts 1, 27 and 95 Review of Personal Radio Service Rules and proposed rule [FCC 10-106] as published in the Federal Register, Doc. No. 10-119 (released August 4, 2010).

COMMENTS

The Joint Council commends the FCC for opening a comment period to consider various changes of its rules regarding spectrum in the 218-219 MHz band and various other items. The spectrum identified in the NPRM² is uniquely suitable for Federal Railroad Administration (FRA)³ mandated Positive Train Control (PTC) applications by commuter rail passenger transport providers in the United States because of its proximity to the 220 to 222 MHz band (220 band) that will be utilized by the Class 1 freight railroads. The Class 1 freight railroads collectively have indicated that their plan to implement PTC is dependent upon radio communications in the 220MHz band and have acquired spectrum in the 220-222 MHz band to implement their PTC systems. Radio equipment is currently under development that will utilize radios with a spectrum range of 217.5 MHz to 222 MHz. This frequency range has been specifically selected to accommodate use of these radios within this range.

As part of the federal mandate to ensure public safety, commuter railroads must implement a PTC system which is interoperable with Class 1 Freights and Amtrak with which they share trackage. To provide mandated interoperability and promote economies of scale, Commuter rail operators will require suitable spectrum in order to comply with FRA mandate to implement PTC, which encompasses technologies designed to automatically stop or slow a train before certain incidents occur. Commuter rail operators have recently filed PTC Implementation Plans (PTCIP) with the FRA; it is

² Federal Register Vol. 75 No. 149 August 4, 2010

³ The Rail Safety Improvement Act of 2008, (PL 110-432), mandated that a Positive Train Control (PTC) system be implemented throughout the US railway network by 2015.

apparent from those filings that suitable spectrum will need to be acquired, allocated, leased or otherwise licensed.

We therefore support the FCC's recent decision to delay Auction 89⁴ originally scheduled for December 7, 2010. Additionally we respectfully request that the FCC reconsider the use of the Auction approach planned in Auction 89 and make spectrum available exclusively for PTC use and develop a rulemaking which allocates, rather than auctions spectrum essential for commuter rail use within rail corridors subject to the FRA PTC regulation.

The Metropolitan Transportation Authority (MTA) has recently filed comments regarding the two above referenced proceedings. In both of these proceedings by MTA, the commission was asked to set aside spectrum for use by MTA for PTC systems. The Joint Council supports MTA's request. It is furthermore anticipated that without further action by the FCC, other commuter rail operators will be required to make similar requests of the FCC consistent with their individual PTCIP filings. It is our view that implementation of the FRA mandate would be better served by the FCC and the industry taking a comprehensive view of the total PTC spectrum needed, rather than a patch work of individual requests by each commuter rail operator over a period of several years.

The Joint Council is pleased to present these comments to the Commission and urges consideration of our suggestions and welcomes further discussion on these issues to the benefit of the commuter rail industry.

⁴ *Public Notice*, "Auction of 218-219 MHz Service and Phase II 220 MHz Service Licenses Scheduled for December 7, 2010: Comment Sought on Competitive Bidding Procedures for Auction 89," DA 10-849, reI. May 24, 2010 ("*Public Notice*").

Respectfully submitted,

Joint Council on Transit Wireless
Communications
8211 S 48th Street
Phoenix, AZ 85044
(602) 707-4680

By: /s/ Karl Witbeck

Karl Witbeck, PMP
Chair, Coordination Committee
Vice Chair, Joint Council