

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
National Railroad Passenger Corporation)	
(Amtrak) Request for Waiver of Certain)	WT Docket No. 11-27
Part 80 Automated Maritime)	
Telecommunications System Rules to)	
Implement Positive Train Control)	
)	

COMMENTS OF PTC-220, LLC

PTC-220, LLC (“PTC-220”) hereby submits these comments in strong support of the above-referenced request for waiver (“Waiver Request”) filed by the National Railroad Passenger Corporation (“Amtrak”).¹ A grant of Amtrak’s request for waiver of various Automated Maritime Telecommunications System (“AMTS”) service rules would be in the public interest as it would enable the most expedient and efficient deployment of Amtrak’s Advanced Civil Speed Enforcement System (“ACSES”), a positive train control (“PTC”) system, along Amtrak’s Northeast Corridor line.² Because the federally mandated deadline of December 2015 for the deployment of interoperable PTC is fast approaching, it is critical that Commission act quickly on Amtrak’s request.

PTC-220’s Network. PTC-220 is a consortium of the four largest railroads in the United States, including Union Pacific Corporation, Norfolk Southern Corporation, Burlington Northern Santa Fe Corporation, and CSX Corporation. PTC-220 was formed to oversee the development

¹ See *National Railroad Passenger Corporation Request for Waiver of Certain Part 80 Technical Rules to Allow Construction of an Advanced Civil Speed Enforcement System in the Automated Maritime Telecommunications System Band*, Public Notice, DA 11-322 (rel. Feb. 18, 2011).

² See *id.* at 1 (noting that Amtrak’s Northeast Corridor line consists of its Washington, D.C. to Boston, Massachusetts route, and traverses 35 counties).

and deployment of PTC systems using spectrum in the 220 MHz band to comply with the requirements imposed by the Rail Safety Improvement Act of 2008.³ PTC-220 expects that its spectrum holdings in that band will be sufficient to support PTC operations for its member railroads and, in most areas, for other railroads that use the same tracks as member railroads. In areas of high volume rail traffic, however, PTC-220's spectrum will not be sufficient to support adequate PTC operations for all trains operating in the area, and other railroads will need to acquire additional spectrum. The area traversed by Amtrak's Northeast Corridor line is one such high-volume area.

AMTS Spectrum is Suitable for Interoperable PTC Operations. Under federal requirements, railroads must deploy PTC systems that are interoperable. PTC-220 supports Amtrak's choice of AMTS spectrum for its ACSES system. The AMTS band is immediately adjacent to the 220 MHz band. Because of this spectral proximity, the radios currently under development for PTC-220 member railroads will be able to access AMTS frequencies, thereby ensuring that AMTS-based PTC will be interoperable with 220 MHz PTC systems.

Indeed, PTC-220 expects that AMTS could become the spectrum of choice for expanding capacity for PTC in other high traffic areas throughout the country, given the relative availability of AMTS spectrum through secondary markets. For example, another passenger railroad, the Southern California Regional Rail Authority ("SCRRA"), has identified AMTS spectrum in the greater Los Angeles area for PTC operations, but is still awaiting Commission action on its applications.⁴ Prompt approval of the Amtrak Waiver Request will provide confidence to other railroads seeking spectrum for PTC that AMTS is a viable option.

³ See Rail Safety Improvement Act of 2008, Pub. L. No. 110-432, 122 Stat. 4848 (2008).

⁴ See Applications of Southern California Regional Rail Authority, ULS File Nos. 004153701 and 0004144435.

Grant of Amtrak's Waiver Request is Consistent with Commission Precedent and the Public Interest. The Commission has found that waivers enabling PTC deployment are in the public interest.⁵ When it granted PTC-220 waivers of certain Part 90 technical rules, the Commission recognized that PTC “has the capability to dramatically improve railroad safety by preventing train-to-train collisions, enforcing speed limits, and protecting roadway workers working near trains, among other things.”⁶ The Commission has similarly found that waivers of AMTS technical rules can be in the public interest, particularly where those waivers promote public safety and efficiency.⁷ Granting Amtrak’s Waiver Request would promote both of these goals.

Granting Amtrak’s Waiver Request would serve the public interest by promoting the efficient and productive use of currently underutilized AMTS spectrum.⁸ When the Commission streamlined its AMTS rules in 2002, it sought to promote more efficient use of maritime spectrum, increase the types of services provided, allow quicker response to market demand, and reduce regulatory burdens on AMTS licensees.⁹ In 2007, the Commission further promoted spectrum efficiency in the AMTS band by granting licensees the flexibility to communicate with stations on land, which put “to use excess [AMTS] capacity that otherwise might remain

⁵ See *Request of PTC-220, LLC for Waivers of Certain 220 MHz Rules*, Memorandum Opinion and Order, 24 FCC Rcd 8537 ¶ 13 (2009).

⁶ See *id.*

⁷ See *Application of AMTS Consortium, LLC to partially Assign License for Station WQCP810 to Northeast Utilities Service Company*, Order, 20 FCC Rcd 17975 (2005) (granting Northeast Utilities Service Company a waiver to permit the use of AMTS spectrum for Private Land Mobile Radio service).

⁸ See *Entergy Nuclear Indian Point 2, LLC Request for Waiver*, Order, 19 FCC Rcd 21256 ¶ 10 (2004) (“We believe that granting the Waiver Request serves the public interest. By allowing efficient use of the subject spectrum, the action taken today will provide improved opportunities for communications by Entergy where no reasonable alternative exists.”).

⁹ *Amendment of the Commission’s Rules Concerning Maritime Communications*, Second Memorandum Opinion and Order and Fifth Report and Order, 17 FCC Rcd 6685 ¶ 2 (2002).

fallow.”¹⁰ The Commission recognized that “demand to use [AMTS] frequencies for maritime public correspondence communications seem[ed] to be waning, due in large part to the availability to mariners of cellular, PCS, and satellite services.”¹¹ The Commission also stated that its actions would “facilitate more efficient use of . . . AMTS spectrum; and provide an additional means to meet growing demand for spectrum by [Private Land Mobile Radio] licensees and end users, including public safety and critical infrastructure industry (CII) entities.”¹²

Amtrak’s requested waiver advances these key public policy goals. Granting Amtrak’s request will put AMTS spectrum to immediate and productive use in serving an important public safety purpose, rather than allowing it to lie fallow.

¹⁰ *MariTEL, Inc. and Mobex Network Services, LLC, Petitions for Rule Making to Amend the Commission’s Rules to Provide Additional Flexibility for AMTS And VHF Public Coast Station Licensees*, Report and Order, 22 FCC Rcd 8971 ¶ 8 (2007).

¹¹ *Id.*

¹² *Id.* ¶ 1.

CONCLUSION

For the reasons explained above, the Commission should promptly grant the Waiver Request so that the public safety benefits associated with deployment of PTC along Amtrak's Northeast Corridor line will not be delayed.

Respectfully Submitted,

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