



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

**General Counsel**

1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

July 18, 2014

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Public Notice DA 14-747, RM-11721  
Modification Of The Commission's Rules To Enable Railroad Police  
To Access Frequencies Reserved For Public Safety Interoperability**

Dear Secretary Dortch:

The United States Department of Transportation (DOT or the Department) and the Federal Railroad Administration (FRA), an operating administration of DOT, support the petition for rulemaking to consider the amendment of the Commission's rules on public safety communications as they relate to railroad police.

DOT is charged with promoting "transportation policies and programs that contribute to providing fast, safe, efficient and convenient transportation," consistent with "the public interest."<sup>1</sup> Safety is the top priority for DOT and FRA, and railroad operations are safer with reliable, interoperable communications systems. Railroad operators and employees must be able to communicate quickly and efficiently with first responders to address problems and respond to emergencies.

In the Department's view, these concerns are particularly important with respect to the work performed by railroad police. In addition to protecting railroad property and facilities, railroad police play a key role in promoting the safety and security of the rail network. Railroad police work in tandem with local authorities, including other police officers, firefighters, and emergency medical responders, to prevent crime and to address security concerns, identifying suspicious activity and otherwise helping to protect members of the public.

In recognition of these functions, Congress provided the Secretary of Transportation with the authority to prescribe regulations relating to the certification and commissioning of railroad police, so that in specified circumstances, a railroad police officer certified or commissioned in one state "may enforce the laws of any jurisdiction in which the rail carrier owns property."<sup>2</sup> FRA has promulgated such regulations under a delegation of authority from the Secretary, set forth in Part

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<sup>1</sup> 49 U.S.C. § 101.

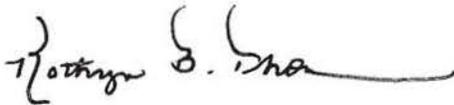
<sup>2</sup> 49 U.S.C. § 28101(a).

207 of Title 49 of the Code of Federal Regulations. Under these regulations, a railroad police officer designated by a railroad, and commissioned under the laws of one state, is authorized in many instances to enforce the laws of any state in which the railroad owns property, so long as the railroad provides proper notice to state officials. 49 C.F.R. § 207.5.

We understand that the railroads have filed comments supporting the petition for rulemaking, expressing similar interests in ensuring that railroad police have interoperable communications with other public safety officials.<sup>3</sup> We agree that the public would be well served by a reconsideration of the Commission's rules on this issue.

We appreciate the Commission's consideration of DOT's and FRA's comments. If you have further questions or would like more information about DOT's and FRA's interests in this proceeding, please feel free to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Kathryn B. Thomson". The signature is written in a cursive style with a long horizontal stroke at the end.

Kathryn B. Thomson

cc: Edward Drocella (National Telecommunications & Information Administration)

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<sup>3</sup> See Corrected Comments of the Association of American Railroads at 4 (“Access to the specified public safety frequencies will ensure sustained effective communication and coordination between railroad police and local and State law enforcement on a range of matters.”) (filed July 9, 2014); Comments of the American Short Line and Regional Railroad Association at 3 (explaining “the need for effective and expeditious communications interoperability between railroad police and members of local and state law enforcement”) (filed June 30, 2014).