



PUBLIC NOTICE

Federal Communications Commission
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DA 00-1171

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON ASSOCIATION OF AMERICAN RAILROADS PETITION FOR MODIFICATION OF LICENSES FOR USE IN ADVANCED TRAIN CONTROL SYSTEMS AND POSITIVE TRAIN CONTROL SYSTEMS

Comment Date: June 26, 2000

Reply Date: July 11, 2000

On March 24, 2000, the Association of American Railroads (AAR), an association representing the U.S. railroad industry and licensee of 1,069 land mobile base stations used for Positive Train Control (PTC), petitioned the Commission to modify the licenses for those stations into a single geographic license whose total area would be defined as a 70-mile zone on either side of the rights-of-way of all operating rail lines in the United States. PTC, once called an Advanced Train Control System (ATCS), operates on six Industrial/Land Transportation frequency pairs in the 900 MHz band and is designed to prevent train collisions, high speed accidents, or incursions into locations reserved for roadway workers. *See* Waiver of Sections 90.621(d), 90.623(a), 90.629, 90.633, and 90.651(c) of the Commission's Rules to License Use of Six Conventional 900 MHz Frequency Pairs for an Advanced Train Control System, 3 FCC Rcd 427, 427 ¶¶ 1-6 (1988). If this petition for a single geographic license is granted, AAR plans to issue sub-licenses to the individual railroads who use ATCS/PTC while it maintains a computerized database of all site-specific information pertaining to such sub-licenses. Under AAR's proposal, the FCC and FCC-certified frequency coordinators will have access to the AAR database via the Internet. In support of its request, AAR notes that the Canadian government recently adopted the same approach to licensing the six 900 MHz channel pairs that are used for ATCS/PTC when it issued a single nationwide, geographic area license to the Railway Association of Canada.

AAR states that grant of its petition is in the public interest because it will (1) streamline the Commission's licensing process; (2) provide AAR with needed flexibility when choosing where to deploy and site future base stations; (3) promote full spectrum utilization by allowing the six channel pairs to be fully accessed by non-railroad users who operate outside the boundary of the single geographic license; (4) conform the United States licensing approach with the recently adopted approach of the Canadian Government; and (5) ensure non-interference with the railroads' safety-critical communications data links.

Interested parties may file comments on the subject petition on or before June 26, 2000. Parties interested in submitting reply comments must do so on or before July 11, 2000. All comments should reference the subject petition, including the DA number of the Public Notice, and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554. A copy of each filing should be sent to 1) the Office of Public Affairs, Reference Division, 445 Twelfth Street, S.W., Room CY-A257, Washington, D.C. 20554, 2) International Transcription Services, Inc. (ITS), 1231 20th Street, N.W., Washington, D.C. 20036, (202) 857-3800, and

3) Keith Fickner, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, S.W., Room 4-C423, Washington, D.C. 20554, (202) 418-7308 or via e-mail to kfickner@fcc.gov.

The full text of the petition, comments and reply comments will be available for inspection and duplication during regular business hours in the Reference Information Center (RIC) of the Consumer Information Bureau (CIB), Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. Copies may also be obtained from ITS. For further information regarding the public reference file for this petition, contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1350.

Because of the policy implications and potential impact of this proceeding on persons not parties to this petition, we believe it would be in the public interest to treat this matter as a permit-but-disclose proceeding under the *ex parte* rules, *see* Sections 1.1200(a) and 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1200(a), 1.1206, rather than a restricted proceeding under Section 1.1208 of the Commission's Rules, 47 C.F.R. § 1.1208. Therefore, any *ex parte* presentations that are made with respect to the issues involved in the subject petition, subsequent to the release of this Public Notice, will be permissible but must be disclosed in accordance with the requirements of Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206(b).

For further information, contact Keith Fickner of the Policy and Rules Branch, Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau at (202) 418-7308, TTY (202) 418-7233, or via e-mail to kfickner@fcc.gov.

By the Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

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