



PUBLIC NOTICE

Federal Communications Commission
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DA 14-747

Released: May 30, 2014

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENT ON
PETITION FOR RULEMAKING OF THE NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS COUNCIL REQUESTING MODIFICATION OF PART 90 OF
THE COMMISSION'S RULES TO ENABLE RAILROAD POLICE TO ACCESS
FREQUENCIES RESERVED FOR PUBLIC SAFETY INTEROPERABILITY**

RM-11721

Comment Date: June 30, 2014

Reply Comment Date: July 15, 2014

The Public Safety and Homeland Security Bureau seeks comment on a Petition for Rulemaking (Petition) filed by the National Public Safety Telecommunications Council (NPSTC),¹ which requests that the Commission initiate a rulemaking proceeding to consider amending Sections 90.20, 90.523, and 90.617² of the Commission's rules to enable railroad police to be eligible to license and operate on public safety interoperability frequencies.³

NPSTC suggests "that Police organizations operated by the railroads do not fall within the eligible organizations as defined in Sections 90.20, 90.617, or 90.523 of the rules." Yet, NPSTC submits that "bonafide Railroad Police have an increasing need for effective and expeditious communications interoperability with members of local and state law enforcement, fire and emergency medical organizations who do meet the Commission's eligibility requirements."⁴ Accordingly, NPSTC urges the Commission to amend the eligibility rules governing public safety spectrum. NPSTC proposes that the Commission adopt eligibility criteria endorsed by the International Association of Chiefs of Police

¹ Petition for Rulemaking of the National Public Safety Telecommunications Council, RM-11721 (filed May 27, 2014) (Petition).

² 47 C.F.R. §§ 90.20; 90.523; 90.617 (respectively, these rules govern eligibility for public safety spectrum below 512 MHz, 700 MHz and 800 MHz). NPSTC notes that Section 90.523 of the rules implements the definition of "public safety services" contained in 47 U.S.C. § 337(f)(1) which is somewhat more restrictive than that in Section 90.20. Petition at 4.

³ *Id.*

⁴ *Id.*

(IACP).⁵ The IACP Resolution referenced by NPSTC specifically supports such eligibility for railroad police who:

“...are certified and/or commissioned as a police officer under the laws of any state, in accordance with the regulations issued by the Secretary of the U.S. Department of Transportation and employed full time as a railroad police officer for a Class I, II, or III railroad, as defined by the U.S. Department of Transportation’s Surface Transportation Board and recognized by the Federal Railroad Administration.”⁶

We seek comment on whether to initiate a rulemaking proceeding to consider the above-described rule changes, as requested in the NPSTC Petition. We note that while the IACP Resolution also supports the need for Railroad Police to be deemed eligible users of the Nationwide Public Safety Broadband Network, NPSTC believes that is a matter that must be addressed with FirstNet, the Congressionally established nationwide licensee of the 700 MHz band public safety broadband spectrum.⁷ Accordingly, the NPSTC Petition focuses only on Railroad Police eligibility on “land mobile” frequencies reserved for public safety interoperability.⁸

Procedural Matters

Interested parties may file comments and reply comments in response to the Petition for Rulemaking on or before the dates listed on the first page of this *Public Notice*. All pleadings must reference RM-11721. Parties may file comments using (1) the Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies.⁹

- **Electronic Filers:** File comments electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, “get form.” A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and two copies of each filing.

Send filings by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal

⁵ Petition at 1 citing Resolution CTC.027.a13, IACP Support for Improved Railroad Police Communications, adopted at the 120th Annual Conference of the IACP, Philadelphia, PA, October 23, 2013 (IACP Resolution).

⁶ Petition at 5.

⁷ *Id.* at 4 note 3.

⁸ *Id.*

⁹ See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

Service mail). Address filings to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Deliver hand-delivered or messenger-delivered paper filings to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554 between 8:00 AM and 7:00 PM. Use rubber bands or fasteners to hold deliveries together. Dispose of all envelopes before entering the building.
- Send commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- Send U.S. Postal Service first-class, Express, and Priority mail to 445 12th Street, SW, Washington DC 20554.¹⁰

Parties are requested to send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The requests, and comments and reply comments filed in response to this *Public Notice* are available for viewing via the Commission's Electronic Comment Filing System (ECFS), <http://www.fcc.gov/cgb/ecfs>, by entering the rulemaking number, RM-11721. The documents also will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail FCC@BCPIWEB.com.

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹¹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations,

¹⁰ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd. 14312 (2009).

¹¹ See 47 C.F.R. §§ 1.1200(a), 1.1206.

and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information regarding this proceeding, contact Michael J. Wilhelm, Deputy Chief, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418-0870 or michael.wilhelm@fcc.gov.

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