



PUBLIC NOTICE

Federal Communications Commission
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Washington, DC 20554

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**OFFICE OF ENGINEERING AND TECHNOLOGY SEEKS COMMENT ON
HITACHI RAIL STS USA REQUEST FOR WAIVER OF SECTION 15.205(A) OF THE
COMMISSION'S RULES FOR OPERATION IN THE 3.8-4.5 MHZ BAND**

ET Docket No. 25-225

Comment Date: August 15, 2025
Reply Comment Date: September 2, 2025

By this public notice, we seek comment on a request by Hitachi Rail STS USA (Hitachi) to waive Section 15.205(a) of the Commission's rules to allow Hitachi's Communications Based Train Control (CBTC) system to operate in the 3.8-4.2 MHz band.¹

Hitachi states its train protection system is intended to provide high-resolution train location determination; continuous, high-capacity, bi-directional train-to-wayside data communications; and a network of processors installed on board trains.² Hitachi intends to upgrade the Bay Area Rapid Transit District (BART) train control system with its new system which is comprised of three units: the transponder installed along the train track, the antenna installed at the bottom of the train, and the transponder reading system located onboard the train.³ The antenna located under the train energizes the passive transponder as the train passes over it.⁴ The transponder then transmits its location as a FSK modulated signal at a center frequency of 4.234 MHz.⁵ Once the onboard reading system detects the transponder it can evaluate the position of the train. The train's location is subsequently relayed to the wayside system.⁶ The wayside system, not considered as a part of the automatic train protection system, then determines safe movement authority for all trains.⁷ Hitachi claims its upgraded system will allow BART to safely operate trains on tighter schedules and at more closely spaced intervals, significantly increasing the throughput and passenger capacity all without introducing risk of causing harmful interference.⁸

¹ Hitachi Rail STS USA Request for Waiver of Section 15.205(a) of the Commission's Rules, ET Docket No. 25-225 (filed May 14, 2025), <https://www.fcc.gov/ecfs/search/search-filings/filing/1051405095037> (Hitachi Waiver).

² Hitachi Waiver at 3.

³ *Id.* at 5.

⁴ *Id.* at 5.

⁵ *Id. Exhibit 1* at 27.

⁶ *Id.* at 5.

⁷ *Id.* at 5.

⁸ Hitachi Waiver at 2.

Section 15.205(a) of the Commission's rules does not permit intentional radiators to be operated in the 4.125-4.128 MHz, 4.17725-4.17775 MHz, and 4.20725-4.20775 MHz bands.⁹ The rules only permit spurious emissions in these bands to protect maritime safety-of-life related operations in the bands.¹⁰ Hitachi claims that its system will not present a significant risk of harmful interference given the very limited space and time in which the transponder transmits.¹¹ Additionally, Hitachi states that interference will not occur because none of the protected maritime licensees could operate at locations within a few meters of any BART track with a moving train.¹² Hitachi seeks a waiver to permit its system to operate as an intentional radiator across the 3.8-4.5 MHz band.¹³

We seek comment on Hitachi's Waiver Request. To develop a complete record on the issues presented by this request, this proceeding will be treated, for ex parte purposes, as "permit-but-disclose" in accordance with Section 1.1200(a) of the Commission's rules, subject to the requirements under Section 1.1206(b). Hitachi filed its petition electronically as a non-docketed proceeding in the Commission's Electronic Comment Filing System.¹⁴ We have opened a new docket, **ET Docket 25-225** to facilitate consideration of this request and have moved Hitachi's submission into this docket. Parties should file all comments and reply comments in **ET Docket 25-225**.

Filing Requirements. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.149, interested parties may file comments in ET Docket No. 25-101 on or before the date indicated on the first page of this document and should reference this public notice. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <https://apps.fcc.gov/ecfs/>
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service mail. **All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.**
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

⁹ 47 CFR § 15.205(a).

¹⁰ The 4.125-4.128 MHz band is allocated for primary shared use by federal and non-federal users in the Maritime Mobile service for distress and safety communications by maritime stations and aircraft; 47 CFR §§ 80.369(b), 2.106(b)(130). The 4.17725-4.17775 MHz band is allocated for primary shared use by federal and non-federal users in the Maritime Mobile service for maritime search and rescue; 47 CFR § 2.106(b)(110). The 4.20725-4.20775 MHz band is allocated for primary shared use by federal and non-federal users in the Maritime Mobile service for maritime distress and safety purposes; 47 CFR § 2.106(b)(109).

¹¹ The transmission is limited in time since the transponder is only energized for the brief moment the train passes over and it is limited in space due to the enclosed space between the antenna underneath the train and the transponder located on the train tracks. *Hitachi Waiver* at 6.

¹² *Hitachi Waiver* at 9-10.

¹³ *Hitachi Waiver* at 11.

¹⁴ Hitachi filed its request in INBOX-PART15 ("Petition for Waiver of Part 15"), which is located under the Non-Docketed Filing tab in the Commission's Electronic Comment Filing System (ECFS).

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L St. NE, Washington, DC 20554.
- *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Parties should also send a copy of their filings to Damian G. Ariza, Office of Engineering and Technology, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20002, or by e-mail to damian.ariza@fcc.gov. Documents associated with this docket will be available for public inspection through the Commission's ECFS.

By the Acting Chief, Office of Engineering and Technology

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