



PUBLIC NOTICE

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DA 25-651

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COMMENT REQUESTED ON APPLICATION AND WAIVER REQUEST FILED BY THE NEW YORK CITY TRANSIT AUTHORITY FOR OPERATION IN THE 4.9 GHZ BAND

ULS File Number 0011366120

Comments Due: August 22, 2025

Reply Comments Due: September 8, 2025

The Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau (jointly the Bureaus) seek comment on an application and waiver request filed on January 10, 2025, by the New York City Transit Authority on behalf of the Metropolitan Transit Authority (otherwise known as the MTA). MTA seeks to license fixed base stations and mobile units throughout numerous counties in New York on channels in the 4940-4990 MHz (4.9 GHz) band to facilitate deployment of a 5G communications system to replace outdated signaling technology used for train safety.¹ Specifically, MTA seeks to license “wayside” transmitters as temporary fixed stations but requests a waiver of certain technical rules to operate them at permanent locations.² In addition, MTA seeks a waiver of the 4.9 GHz application freeze on new deployments so it can continue expanding its operations in the future.³

We seek comment on whether the Bureaus should grant MTA a waiver of Sections 90.1207(c) and (e)(1) of the Commission’s rules and the freeze on new deployments in the band.⁴ In particular, we seek comment from any party who would be affected by MTA’s proposal to: (1) license wayside stations as temporary fixed based stations, and (2) continue the deployment of 5G CBTC technology throughout its system after July 9, 2025.⁵

¹ New York City Transit Authority Application, ULS File no. 0011366120 (dated Jan. 10, 2025) (MTA Application). MTA seeks to operate temporary fixed sites and mobile units on channels in the 4.9 GHz band throughout Bronx, New York, Queens, Kings and Richmond Counties, New York. *Id.*

² Attachment to Application labeled “Waiver Request – Updated” at 1 (attached Jan. 10, 2025) (Waiver Request).

³ *Id.* See also *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Further Modify Temporary Filing Freeze on the Acceptance and Processing of Certain Part 90 Applications for the 4940–4990 MHz Band*, Public Notice, 39 FCC Rcd 12317 (PSHSB WTB 2024) (suspending acceptance of new applications or applications to modify existing licenses in the 4.9 GHz band) (*4.9 GHz Freeze PN*).

⁴ Waiver Request at 1.

⁵ *Id.* The Commission has recently collected granular data concerning the existing operations of licensees in the 4.9 GHz band. After initially directing licensees to submit that data on or before June 9, 2025, *The Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Establish Deadline for 4.9 GHz Public Safety Licensees to Provide Granular Licensing Data*, WP Docket No. 07-100, DA 24-1137 (PSHSB/WTB Dec. 9, 2024), the Commission subsequently extended the deadline for submissions through July 9, 2025, *Deadline for 4.9 GHz Public Safety Licensees to Provide Granular Licensing Data Extended by 30 Days*, Public Notice, WP Docket No. 07-100, DA 25-463 (PSHSB/WTB July 9, 2025).

Interested parties may file comments on or before **August 22, 2025**. Parties may file replies on or before **September 8, 2025**.

Instructions for Filing Comments

All comments and reply comments should reference the subject MTA Waiver Request and the DA number indicated on this *Public Notice*. Comments may be filed: (1) electronically by accessing the applicant's file number(s) in the Commission's Universal Licensing System (ULS),⁶ or (2) by filing paper copies.

Electronic Filers: Pleadings may be submitted electronically as follows:

- Begin the process by using the following link to the ULS website <https://wireless2.fcc.gov/UlsEntry/pleadings/pleadingsType.jsp>. The link will take you to the "Pleading Information" screen for "Non-docketed Pleadings" where you select "Reply" in the drop-down window for the type of pleading and then enter the pleadings filer information. Completion of the contact information is optional. Upon completion of this screen, please note the instructions for the filing: "*Pleadings must be dated and must include a signature, in this instance an electronic signature, and the address and phone number of the signing party.*"⁷ Click on "CONTINUE."
- The second step is to complete the *File Numbers/Call Signs* screen. Click if the pleading pertains to a File Number or Call Sign and enter the File Number or Call Sign. Please note that you must enter a File Number or Call Sign to continue. If the pleading pertains to multiple applications or licenses, you must enter each File Number or Call Sign as appropriate. After clicking the "SUBMIT" button, the screen will update to show all the File Numbers/Call Signs associated with the pleading. At this time, you may delete selected File Numbers/Call Signs from the page before continuing.
- The third step is to complete the *Attach File* screen to attach the pleading document. Use the drop down box to select Pleading or Confidential Pleading. The "BROWSE" button opens a file upload window where you will locate and select your pleading file. The Description field allows you to enter a brief description for the pleading. Click the "ADD ATTACHMENT" button to upload your pleading. You may submit up to thirty files for each pleading but each file must be smaller than 10 MB in size. You also can delete any selected file from the pleading.
- Finally, to complete your electronic pleading submission, click on the "SUBMIT PLEADING" button and the *Confirmation* screen will be displayed. The *Confirmation* screen will display your Confirmation Number as well as your entered pleadings information. You may print this page for your records by selecting the Print Page link at the top of the page and have the option of submitting another pleading or returning to the ULS website by selecting a link at the bottom of the page.

The ULS Application Search results will display pleadings under the ADMIN tab when a comment or reply comment has been filed. Users can view the pleading by clicking on the link for the specific comment or reply comment in the Description field. The general public will not be able to view

⁶ *Wireless Telecommunications Bureau Enhances the Commission's Universal Licensing System to Implement Electronic Filing for Pleadings*, Public Notice, 21 FCC Rcd 424 (WTB 2006). See http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-06-125A1.pdf.

⁷ See 47 CFR Part 1.

confidential pleadings.

For additional information or assistance on how to file a comment or reply comment or other relevant pleading, you may visit the Web at <https://www.fcc.gov/available-support-services>. You may also call the FCC ULS Customer Support Center at (877) 480-3201 and select option 2. For TTY, please call (717) 338-2824. Assistance from the FCC ULS Customer Support Center is available between the hours of 8 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (except Federal holidays). To provide quality service and ensure security, all telephone calls to the FCC ULS Customer Support Center are recorded.

Paper Filers: Parties who choose to file by paper must submit an original and one copy of each filing.

- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street NE, Washington, DC 20554

The application(s), waiver request, and comments and reply comments can be accessed electronically via the Commission's Universal Licensing System, <http://wireless.fcc.gov/uls>.

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).

For further information regarding this Public Notice, please contact Brian Marengo, Brian.Marengo@fcc.gov, of the Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418-0838 or Paul Powell, Paul.Powell@fcc.gov, of the Mobility Division, Wireless Telecommunications Bureau, (202) 418-1613.

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