



PUBLIC NOTICE

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DA 26-145

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COMMENT REQUESTED ON WAIVER REQUEST FILED BY THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (BART) FOR OPERATION IN THE 4.9 GHZ BAND

ULS File Number 0011761238

Comments Due: March 16, 2026

Reply Comments Due: March 31, 2026

The Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau (collectively the Bureaus) seek comment on a waiver request filed on July 8, 2025, by the San Francisco Bay Area Rapid Transit District (BART), which BART later amended and re-filed on September 22, 2025.¹ BART is deploying a Communications Based Train Control (CBTC) system in the 4940-4990 MHz (4.9 GHz) band to “support its public safety and transit operations.”² BART seeks a waiver of the 4.9 GHz application freeze to permit continued deployment and modification, after July 9, 2025,³ of “1,500 additional fixed locations along its transit route.”⁴ It also seeks a waiver of section 90.1207(c) of

¹ On July, 8, 2025, BART submitted its initial waiver request as an attachment to its application in the FCC’s Universal Licensing System (ULS). See Attachment to ULS File No. 0011330279 labeled “Request for Waiver” (attached Jul. 8, 2025) (requesting a waiver to permit future operation and modification of wayside stations) (Waiver Request). BART subsequently amended its waiver request and re-filed it as an attachment to its September 22, 2025, application for three base stations and associated mobile units in San Mateo County. See San Francisco Bay Area Rapid Transit District Application, ULS File No. 0011761238 (dated Sep. 22, 2025). BART stated that the base stations listed on the September 2025 application “are illustrative of the type of sites BART will need to support the geographic reach of its San Francisco Bay Area transit operations, but are not an exhaustive list of all such future sites.” See Attachment to BART Application labeled “BART Request for Waiver 09 22 2025” (attached on Sep. 22, 2025) (Waiver Amendment).

² Waiver Amendment at 1. CBTC is a railway signaling system that makes use of the telecommunications between the train and track equipment for the traffic management and infrastructure control. Wayside stations in a CBTC system refers to the equipment installed along the railway tracks that communicate with the trains.

³ The Bureaus gave incumbent licensees until July 9, 2025 to submit granular technical data in ULS on their existing operations in the band. See *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) (initially establishing June 9, 2025 as the deadline for submission of granular data), the Bureaus 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).

⁴ In response to a staff inquiry, on November 24, 2025, BART supplemented its waiver request with an email statement of its intent to deploy no more than 1,500 base stations. BART indicated that these stations would only operate within a two-kilometer radius of its tracks and provided staff with a map showing its rail lines with a two-kilometer buffer zone. To create an easily accessible record, this document is labeled as “Waiver Amendment No. 2” and is attached to BART’s pending application. See Attachment to BART Application labeled “Waiver Request Amendment No. 2.” (attached Jan. 30, 2026) (Waiver Amendment No. 2).

the Commission's rules so it can "retain geographic capability to add or move fixed sites throughout its service territory by treating temporary fixed sites as permanent."⁵

On November 15, 2024, the Bureaus modified the temporary filing freeze on the acceptance and processing of certain applications in the 4.9 GHz band.⁶ The Bureaus had initially imposed the freeze on September 8, 2020, to maintain a stable spectral environment in the 4.9 GHz band while the Commission considered changes to the service rules governing operations in the band. The Public Notice announcing the most recent modification of the freeze stated that requests for waiver of this freeze on a case-by-case basis could be filed pursuant to section 1.925 of the Commission's rules and encouraged applicants requesting such a waiver to document their state or local authority to operate and to address the existing use of 4.9 GHz band spectrum by other state or local entities in the same jurisdiction.⁷

We seek comment on whether the Bureaus should grant BART a waiver of the freeze on new deployments in the band and a waiver of section 90.1207(c).⁸ In particular, we seek comment from any party who would be affected by BART's proposal to: (1) continue the deployment of its CBTC technology throughout its system after July 9, 2025, and (2) license "1,500 additional fixed locations along its transit route" as temporary fixed stations so it can maintain the flexibility to "add or modify technical parameters or locations without the need for additional licensing filings."⁹

Interested parties may file comments on or before **March 16, 2026**. Parties may file replies on or before **March 31, 2026**.

Instructions for Filing Comments

All comments and reply comments should be attached to ULS File Number 0011761238 and reference the subject BART Waiver Request and the DA number of 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), 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

⁵ Waiver Amendment at 4. BART says that grant of the waiver would give it "the ability to add and modify sites based upon real world testing" and that without the waiver, its "CBTC system cannot be fully implemented." Waiver Amendment at 3. BART also seeks a two-kilometer "exclusion zone" around its transit route in which other licensees would be prohibited, asserting that the exclusion zone is needed to prevent harmful interference to its CBTC system. Waiver Amendment No. 2 at 2, 5. See also 47 CFR § 90.1207(c) (specifying that for a base station to be considered a temporary fixed station it must remain in one location for no longer than one year). Absent a waiver of section 90.1207(c), BART would need to license its track-side base stations as permanent fixed stations and submit a new application every time it adds a new station or modifies the technical parameters of an existing station.

⁶ *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*, WP Docket No. 07-100, Public Notice, DA 24-1136, 39 FCC Rcd 12317 (PSHSB/WTB 2024) (2024 Freeze Modification Public Notice).

⁷ See *id.* at 4, 39 FCC Rcd at 12320.

⁸ Waiver Amendment at 1.

⁹ Waiver Amendment at 1, 9-10.

the drop-down menu for the type of pleading and then enter the 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.*” 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 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/wtbhelp>. 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 Susan Mort, Susan.Mort@fcc.gov, of the Wireless Telecommunications Bureau, (202) 418-2429.

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