

April 13, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W
Washington, D.C. 20554

RE: RM-11721 – 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.

Dear Chairman Wheeler:

I am writing to request that the Commission expeditiously consider amending its regulations to allow Railroad Police to access frequencies reserved for public safety operability to better facilitate communication between Railroad Police and other public safety entities.

On October 23, 2013, the International Association of Chiefs of Police adopted a resolution supporting access to public safety frequencies for certain commissioned railroad police. The National Public Safety Telecommunications Council (NPSTC) submitted a Petition for Rulemaking requesting modification of Part 90 of the Commission's rules to permit Railroad Police to access public safety frequencies on May 27, 2014. During the comment period on the NPSTC's petition, the Commission received supportive comments from the Department of Transportation, Federal Railroad Administration, the Association of American Railroads, and others.

Rail is an integral part of how Pennsylvanians and Americans travel, as well as being critical to economic growth by allowing businesses reliable and affordable transportation of goods. According to Amtrak, an average of more than 86,000 passengers ride more than 300 Amtrak trains each day. In Pennsylvania alone, Amtrak saw six million passengers board trains in Fiscal Year 2014. Amtrak Police are responsible not only for the security of these passengers, but for the security of stations in more than 500 destinations, as well as the rail lines that connect those stations.

At stations across the country, railroad police are tasked with addressing civil and criminal infractions, responding to safety emergencies such as fires and train derailments and monitoring possible threats to national security. It is truly an enormous undertaking, deserving of tools that will facilitate communication with state and local law enforcement as well as other public safety organizations to enforce laws and respond to emergencies as quickly and effectively as possible.

Pennsylvania, like many other states, requires that railroad officers be commissioned under state law. Furthermore, federal law gives railroad police commissioned as law enforcement officers under state law authority to enforce the laws of jurisdictions in which the rail carrier owns property to protect passengers, employees, property and equipment, including authority to protect "personnel, equipment, and material moving by rail that are vital to the national defense." This grant of authority evidences the critical role of railroad police in law enforcement and the safety of our transportation system. However, railroad police are limited in their ability to communicate on the same frequencies that are available to law enforcement and public safety officials performing similar duties. Particularly given the frequency with which railroad police cross jurisdictional boundaries, reliable communication with state and local law enforcement and public safety officials is critical to their ability to prevent illegal activity, respond to emergencies and engage in public safety campaigns.

As we approach a year following the filing of NPSTC's petition, I respectfully urge the Commission to initiate a formal rulemaking process that will allow a full and fair consideration of this issue. I appreciate your consideration of my views, and I look forward to your reply.

Sincerely,



Robert P. Casey, Jr.
United States Senator