

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

May 3, 2002

In the Matter of)
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Improving Public Safety Communications in the) WT Docket No. 02-55
800 MHz Band)
)
Consolidating the 900 MHz Industrial/Land)
Transportation and Business Pool Channels)
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To: The Commission

COMMENTS OF
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

The San Francisco Bay Area Rapid Transit District (BART) is a heavy rail public transit district organized under the California Public Utilities Code. BART operates a 39-station, 95 mile electrically powered rail system serving approximately 3.1 million people in the San Francisco Bay Area. BART is governed by an elected Board of Directors and as such is considered "Local Government" by the FCC. BART maintains a police department comprised of approximately 200 sworn police officers. On a typical day, 320,000 people use BART for a portion of their transportation needs.

BART is an owner and operator of an 800 MHz trunked radio system on the NPSPAC frequency band. BART has 2,650 radios distributed among 3,500 employees in the counties of Alameda, Contra Costa, San Francisco, and San Mateo. BART is therefore directly affected by the proposals set forth in this NPRM.

It should be noted that BART is currently experiencing some minor daily interference, as described in the NPRM. This interference is caused by the increased development of the SMR system owned and operated by Nextel Communications, Inc., and by cellular providers in the 800 MHz band adjacent to the NPSPAC channels.

It is BART's position that the interference to public safety systems caused by the cellularized CMRS systems should be alleviated by the relocation of the CMRS systems to a new spectrum. Public safety users, such as BART have used the 800 MHz frequencies relatively free of interference and with no loss of coverage until the recent frenzy of development and construction of cellular systems during the 1990's. The entities that have created this interference to the public safety operators should be the ones to relocate.

BART objects to any relocation that would require BART to move from the present NPSPAC channels for the following reasons:

First, BART and other public safety operators are not the cause of the harmful interference. As set forth above, BART is the victim of the encroachment of the CMRS system operators. FCC regulations set the stage for the creation of the current interference problems, and even though CMRS development was identified several years ago as the cause of the problem, the FCC took no action, allowing CMRS development to continue to expand. BART should not be required to assume a burdensome and costly solution to a problem caused by others. An equitable solution calls for the CMRS operators to be moved to another band. CMRS operators operate with a steady and profitable revenue stream, derived from selling the services that cause the interference problems. CMRS usage has matured recently, for the benefit of a relatively new market, whereas public safety communications systems have been in place for decades, providing vital communications for the community. Relocation of the CMRS system should be considered as the first priority in resolving this harmful interference.

Second, since receiving this NPRM, BART has reviewed its radio equipment's technical capabilities with respect to an in band 800 MHz channel relocation. Our initial cost estimate to relocate within the 800 MHz band is approximately \$3.25 Million. This estimate is for direct costs only, and does not include indirect costs, such as loss of revenue due to cessation of train operation, or lost time and wages of the traveling public. It also does not account for the costs required for relocation BART outside of the 800 MHz band. The budget forecast for BART for FY2003 calls for an extremely frugal budget, reflecting the status of the Bay Area economy. Furthermore, there is no opportunity for a public agency such as BART to develop the necessary funding pool in short order to pay for some or all of the necessary costs to relocate BART from NPSPAC channels to other channels. BART presently has a perfectly sound radio system, with the exception of the current interference. By relocating, BART would achieve very little at great expense.

Third, there is no short and relatively painless migration path from NPSPAC channels to any other. NPSPAC Operators were able to migrate to the band because they had an existing and in-service radio system during their NPSPAC system design and construction. We (again in BART's case specifically, and most public safety in general) no longer have the old systems in service to utilize during a conversion process. In BART's particular case, we would have to cease operations until our above and below ground radio equipment was modified and made ready to begin operation on new bands. This activity would take many weeks due to the nature of the equipment we use. Our trains must remain in constant voice communication with our dispatch center, a requirement of safety and mandated by the California Public Utilities Commission. What becomes of the regional need for public transportation and public safety during the conversion process? Further, migration to another frequency requires the previous licensee to have ceased operation on it. Where do those operators go, and when?

Finally, if relocation to a different band was demanded of NPSPAC operators, there is no guarantee that the desired results would be achieved. The interference mechanisms are many and dynamic, and any one mitigation plan would yield different results for each and every operator. Extensive “clean-up” efforts would undoubtedly be necessary, further extending the day when the desired results would be obtained. When coupled with the disruption, cost, and inconvenience to the community, public cries of incompetence or worse would be the letter of the day. They might not be too far from wrong, either.

In summary, BART objects to any solution that requires relocation from the NPSPAC channels we presently operate upon. We make this statement even though we are experiencing some of the interference the NPRM describes. In reviewing the NPRM alternatives, a move from NPSPAC channels would be costly and not possible without regional consequences to public safety and public transportation. We applaud that the FCC is dealing with the issue of 800-MHz interference, and suggest that the CMRS operators be tasked with relocation as a remedy.

Respectfully submitted,

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