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May 6, 2002

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: WT Docket Number 02-55

Dear Mr. Caton:

The American Public Transportation Association (APTA) appreciates the opportunity to provide comments to the Federal Communications Commission's (FCC) WT Docket Number 02-55.

About APTA

APTA is a nonprofit international association of over 1,400 member organizations including transit systems; planning, design, construction and finance firms; product and service providers; academic institutions, and state associations and departments of transportation. APTA members serve the public interest by providing safe, efficient and economical transit services and products. Over ninety percent of persons using public transportation in the United States and Canada are served by APTA members.

Background

On April 5, 2002, the FCC published a notice of proposed rulemaking (NPRM) in which it announced that it will seek comments on proposals made by the National Association of Manufacturers and MRFAC, Inc. and Nextel Communications (hereinafter referred to as the Nextel proposal), for alleviation of interference to public safety communications in the 800 MHz band.

General Comments

While APTA is supportive of the FCC's effort to alleviate radio interference with public safety operations, we do not believe the Nextel proposal will achieve this goal. APTA's transit agency members, which are local public bodies, use both public safety and business/land transportation portions of the 800 MHz spectrum. Reallocation of frequencies currently held by transit operators would create substantial adverse financial and operational impacts, and would significantly affect critical safety and security matters.

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019

Mr. William F. Caton
May 6, 2002

Page 2

Financial Impacts

The financial impact of requiring transit agencies to switch frequencies to a band outside 800 MHz could be substantial. The radio equipment currently used by 800 MHz licensees is incompatible for use on the 900 MHz band. Indeed, many transit agencies use costly sophisticated communications systems, such as computer-aided dispatch and automatic vehicle location systems, that rely on use of the 800 MHz band. One mid-sized transit agency estimates the dollar value of band relocation to exceed \$10 million, while another estimates it would cost it \$14 million to \$40 million. More than 50 large agencies would be affected by the proposals and face these costs, which do not include indirect costs such as impacts to operations, increased risk, and loss of customer good will. While the Nextel proposal would commit up to \$500 million in Nextel resources toward the cost of relocating bands, it is not clear that amount would be sufficient to cover the actual costs of relocation or even if transit systems would be eligible for such compensation. Meeting these increased costs, then, would be extremely difficult; unlike commercial entities, public transit agencies cannot readily raise revenue by charging more for their services. In short, before FCC takes further action, we recommend that cost-benefit analyses be undertaken so that the true cost impact of any relocation on transit properties is available to decision-makers.

Further, the proposed alternative band of 900 MHz has different performance characteristics, which may require additional radio sites. In certain locations, agencies would need two 900 MHz channels for each current 800 MHz channel to support the data requirements of transit applications now prevalent in the industry. This characteristic could translate into a significant increase in associated capital costs and ongoing support and maintenance requirements.

The proposed 700 MHz alternative is also unacceptable because there are currently no Transportation Management System (TrMS) software implementations using that band. In our view it would be unwise and inappropriate to expose public transit agencies and their 14 million daily riders to the risk and uncertainty associated with this unfamiliar and uncharted territory. The FCC may want to consider whether it would be more appropriate to consider placing commercial licensees on the 700 MHz band if the commercial users want their frequencies on the same band.

Public Safety Considerations

Finally, if the FCC does decide to relocate the business/land transportation users, we strongly urge the FCC to recognize the critical role transit agencies perform as "public safety" agencies and the corresponding need to retain their licenses on the 800 MHz band, particularly in these times of heightened sensitivity to safety and security issues.

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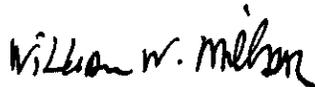
Page 3

Public transit agencies play a key role in moving people safely on a daily basis as well as in times of emergency, most notably on September 11, 2001, when transit systems in New York and Washington, D.C. and around the country helped safely evacuate millions from downtown areas and airports closed because of the acts of terrorism. Public transit agencies are often assigned their licenses by local public safety entities, and transit agencies work with public safety and law enforcement agencies to promote public safety. Operating in the common 800 MHz band allows direct and integrated communications and improves public safety and interagency communications and operations. Again, we strongly urge the FCC to weigh these significant safety and security concerns as it considers this matter.

Conclusion

We appreciate the opportunity to comment on this petition, and stand ready to provide further advice to the FCC regarding the Nextel proposal. We also understand that many APTA members will be submitting their own comments separately to the FCC on this proposal. We look forward to commenting further at the next stage of this rulemaking in June, 2002. For further information, please contact Kristin O'Grady at (202) 496-4808, or internet e-mail at kogrady@apta.com.

Sincerely yours,



William W. Millar
President

WWM/cbo