Dallas Area Rapid Transit
P.O. Box 660163
Dallas, Texas 75266-0163
214/749-3278

DART

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May 6, 2002

Via FedEx

William F. Caton
Office of the Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

RE: WT Docket No. 02-55

Dear Mr. Caton:

Dallas Area Rapid Transit submitted comments regarding the proposed rule referenced above via the FCC electronic filing. Enclosed is an original signed document on DART letterhead and 9 copies for distribution to Commissioners.

We appreciate the opportunity to submit comments to the FCC on this matter.

Respectfully submitted,

Jerelyn Arbuckle, Esq.
Senior Project Advisor, Project Management

C:
Michael J. Wilhelm
Public Safety and Private Wireless Division
Wireless Telecommunications Bureau
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William F. Caton
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: 47 CFR Part 90
Docket No. 02-55, FCC 02-81
Proposed Rule: Improving Public Safety Communications in the 800 MHz Band

Dear Mr. Caton:

Dallas Area Raid Transit Authority (DART) provides multi-modal public transit services to 13 cities in the Dallas, Texas metroplex, utilizing licenses within the 800 MHz and 900 MHz bands that are the subject of the above-referenced proposed rule. As a member of the American Public Transit Association (APTA), DART understands that APTA is submitting comments reflecting the input of its membership. DART respectfully submits the following comments in addition to those it understands will be submitted by APTA.

DART utilizes its 800 MHz channels for its 150 member police department, dispatch and radio communications within its 750 square mile system, and various other Intelligent Transportation System uses. DART's bus fleet, comprised of buses, as well as vans, HOV support and paratransit vehicles operate on 900 MHz channels that reside within the spectrum under consideration in the current proposal. DART provides transportation for more than 200,000 people each day, and is licensed by the FCC as a public safety agency. DART has the capability of moving large numbers of people in an emergency situation.

DART is an incumbent user in both the 800 MHz and 900 MHz spectra. The current proposal anticipates relocation of certain users, but does not clearly identify what would be expected of those already residing in the spectrum to accommodate our new "neighbors." If DART is required to move to accommodate the displaced users, the cost could be significant. The cost of relocation of DART 800 and 900 MHz bands could exceed $30 million. Such a cost, and its continuing expenses for operations, would be a hardship to our public transit authority, funded by sales tax revenues, federal grants and passenger fares. Costs include reengineering, purchasing new equipment and redesign of our systems. Continuing burden on public funds for operation and maintenance of

additional transmitters and equipment required as a result of moves should also be considered in the overall cost impact of any plan. The costs of a reorganization should be absorbed by the commercial users that would be the beneficiaries of the plan, without a specific stated maximum.

Impacts to DART communication systems from relocation of our license channels could have a direct effect on the operation of several of the departments within DART, including:

Transportation: Bus, light rail, paratransit, vanpool, and High Occupancy Vehicle lane operations would likely experience interruption and lack of efficiency, resulting in passenger delays, loss of revenue, and decreased safety of drivers and passengers.

Transit Police: Will likely cause disruption of passenger and community safety operations, risk officers' lives, and create lack of security for DART passengers and facilities.

Maintenance: Ability to perform critical maintenance tasks and worker safety would be in jeopardy. DART relies on radio communication for worker safety on railways and roadways.

DART is completing a nearly $1 billion expansion of its light rail system in 2002. Design is underway for the next 47 mile expansion of the light rail – a nearly $2 billlion project. Design and construction of the build-out projects reflect current distribution of channels in DART's licenses.

DART supports the call to designate all public transit uses as Public Safety. DART is an essential element in the region's emergency preparedness and evacuation plans. The ability of the agency to communicate, both internally and externally, is crucial to the success of any emergency plan. The proposed realignment could negatively impact DART's ability to carry out our obligations in case of a disaster or emergency. As we have seen in recent events throughout the world, public transit can be a target for terrorism, as well as a critical link in effective emergency response. DART's light rail system includes a tunnel in which communication utilizing our radio bands is required and necessary. Certain of DART's channels are designated public safety and are used by DART Police and for other public safety uses. Public transit is public service, is funded entirely with public funds and should be classified as Public Safety use.

While DART does not experience the level of interference that has been reported in other regions, it recognizes the need to eliminate harmful interference. However, there is a concern that the proposed solution to interference with public safety users may not solve the problem. There could be continued interference from interleaving channels, under the current FCC rules. DART supports use of technical and technological responses to the problem. DART supports receiver standards for all categories of receivers, stricter limits on out of band emissions, robust safety signals, and enforcement of FCC regulations requiring those that cause interference to remedy the problem.

Utilization of 700 MHz for public safety is an unknown. Equipment necessary for 700 MHz is not currently available in the market for governmental procurements. Public safety use of the 700 MHz spectrum could be extremely expensive and problematic if there is inadequate competition for the manufacture of equipment. Requirements for the new equipment and competitive procurement restrictions could create a situation in which governmental entities essentially could be required to subsidize the development of the technology and equipment with public funds. Taxpayers bearing the costs of such technology development may not be in the public interest.

A moratorium on current plans for auction of certain 700 MHz spectrum could provide additional alternatives for commercial relocation into this spectrum.

Costs to the public could be catastrophic, since switching frequencies could impact public safety uses, as well as computer assisted bus, train and paratransit dispatch, vehicle locator systems and other Intelligent Transportation Systems. Financial burdens resulting from proposed plans should be borne by commercial users, or funding should be provided from other sources to public transit and safety users. DART urges a thorough study of all costs involved in relocating users, and thorough engineering study of all possible alternatives, independent of telecommunication industry representatives, before a final plan is implemented. In the interim, enforcement of regulations and imposition of a moratorium on auctions of the 700 MHz spectrum would reduce interference and preserve options.

We commend the FCC for addressing these matters.

Respectfully submitted,

Paul Ledwitz, TSSF, PMP
Manager of Communications