



June 20, 2011

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William Millar

Federal Communications Commission
Attn: Wireless Telecommunications Bureau
FCC Headquarters
445 12th Street, SW
Washington, DC 20554

RE: WT Docket No. 11-79

Dear Chairman Genachowski and Commissioners:

On behalf of the 1,500 member organizations of the American Public Transportation Association (APTA), I write to provide comments on the U.S. Federal Communications Commission (Commission) Notice for comments on Spectrum Needs for the Implementation of the Positive Train Control Provisions of the Rail Safety Improvement Act of 2008, released May 5, 2011, DA No. 11-838.

About APTA

APTA is a non-profit international trade association of 1,500 public and private member organizations, including public transit systems; high-speed intercity passenger rail agencies; planning, design, construction and finance firms; product and service providers; academic institutions; and state associations and departments of transportation. More than ninety percent of Americans who use public transportation are served by APTA member transit systems. Virtually all passenger railroad operators in the United States are counted among APTA's members.

Our Comments

We urge the Commission to make spectrum available to facilitate implementation of Positive Train Control (PTC) as described below.

Under the terms of the *Rail Safety Improvement Act of 2008*, PTC must be implemented on all rail lines where, *inter alia*, passengers are carried on or before December 31, 2015. Spectrum is an indispensable aspect of meeting that deadline. The spectrum required must be in the 217-220 MHz range to meet the designs of this evolving technology and be compatible with the spectrum already purchased by America's freight railroads, primarily in the 220 MHz band. This suggests use of the Interactive Video and Data Service (IVDS) and Automated Maritime Telecommunications System (AMTS) bands.

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While we believe the requirement will be limited to those metropolitan areas where heavy rail traffic exacerbates the need, we note that the Transportation Research Board of the National Academy of Science is currently studying the specific needs under Transportation Cooperative Research Program (TCRP) Project J6, Task 079. This study will provide definitive guidance on the system-wide spectrum requirements for all economic areas.

This allocation of spectrum must be made without auction. PTC is a public safety issue, carried out by public agencies providing public transportation. Any auction would be counter-productive, inviting speculators to profit from a Congressional mandate to the detriment of taxpayers and public welfare.

While we make no specific recommendation at this time, we believe this spectrum may be properly awarded to the public agencies providing rail service, to combinations of those agencies where appropriate, or to an entity representing their interests in managing this asset.

We appreciate the opportunity to assist the Commission in this important endeavor. For additional information, please contact James LaRusch, APTA's chief counsel and vice president - corporate affairs, at (202) 496-4808 or jlarusch@apta.com.

Sincerely yours,



William Millar
President

WM/jr