



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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2012

April 30, 2012

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Re: GN Docket No. 12-52

Dear Ms. Dortch:

The San Francisco Bay Area Rapid Transit District (BART)¹ hereby submits this brief comment in response to the Public Notice² issued in the above-referenced proceeding. Specifically BART addresses certain of the questions asked in Section 5, Authority to Interrupt Service. BART recognizes and respects the public's need for access to cellular phones and other wireless devices, both for safety and convenience and that such services should be kept available, except in extreme circumstances. BART is concerned, however, that, as the agency responsible for the public safety of more than 350,000 passengers each weekday, that it must have the tools at its disposal to protect that public from wrongful use of wireless devices, as they can be used as an instrument for doing harm to passengers and BART employees.

A temporary interruption of cell phone service, under extreme circumstances where harm and destruction are imminent, is a necessary tool to protect passengers and respond to potential acts of terrorism or other acts of violence. For example, wireless devices may be used to detonate explosives. Such an explosion in a system like BART, with much of its approximately 100 miles of track located under either metropolitan downtown areas or the San Francisco Bay itself, would be devastating, not just for the passengers, but for the public at large located around the devastation or affected by flooding that could be caused by damage to the transbay tube.

BART's existing policy regarding the temporary interruption of cellular service, a copy of which is attached, requires a determination that strong evidence of imminent unlawful activity exists and that temporary interruption of cellular service is essential to protect against potential harm to passengers,

¹ BART, a special purpose public transit district is a rapid transit system serving the San Francisco Bay Area.

² Public Notice, Commission Seeks Comment on Certain Wireless Service Interruptions, GN Docket No. 12-52, DA-12-311 (rel. March 1, 2012).

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employees and/or public property. BART's policy also requires that any such interruption be promptly reported to first responders and the District's governing Board of Directors. The overarching goal of the policy is to permit the District this potential tool to protect the public, while balancing the important interests that same public has in having access to these communication devices.

During its' deliberations on this important matter, the Commission may wish to consider adopting requirements which include a prompt report to it of the circumstances surrounding any future shutdowns, as well as a requirement that notice to passengers and the public of what has occurred during the temporary unavailability of wireless services be given.

BART looks forward to working with the FCC on this important policy issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Grace Crunican", written in a cursive style.

Grace Crunican
General Manager

Attachment

Cell Service Interruption Policy

The primary mission of the San Francisco Bay Area Rapid Transit District (the "District" is providing safe, efficient and reliable public transit services. The District recognizes that the availability of equipment inside the District's system facilitation cellular communications in its stations and trains (the "System Cellular Equipment") is a valuable and important service to District passengers, that should be interrupted only in the most extraordinary circumstances that threaten the safety of District passengers, employees and other members of public, the destruction of District property, or the substantial disruption of public transit service. The District also recognizes that any interruption of cellular service poses serious risks to public safety and that available open communications networks are critical to our economy and democracy and should be preserved to the fullest extent possible. The District is also fully committed to its existing long-standing policy of allowing the exercise of First Amendment rights of expression in the areas of its stations where it can be done safely and without interference with the District's primary mission. The District is also committed to full compliance with all state and federal regulatory laws applicable to a temporary interruption of operation of the System Cellular Equipment.

In accordance with these principles, it shall be the policy of the District that the District may implement a temporary interruption of operation of the System Cellular Equipment only when it determines that there is strong evidence of imminent unlawful activity that threatens the safety of District passengers, employees and other members of the public, the destruction of District property, or the substantial disruption of public transit services; that the interruption will substantially reduce the likelihood of such unlawful activity; that such interruption is essential to protect the safety of District passengers, employees and other members of the public, to protect District property or to avoid substantial disruption of public transit services; and that such interruption is narrowly tailored to those areas and time periods necessary to protect against the unlawful activity. Any such interruption shall include measures to ensure the rights of the disabled to information and assistance and shall be promptly reported to first responders and the Board of Directors. Any decision to implement a temporary interruption must be pursuant to a determination that the public safety benefits outweigh the public safety risks of an interruption. The decision to implement a temporary interruption of operation of the System Cellular Equipment requires the establishment of an operational procedure approved by the General Manager (i).

Illustrative examples of "extraordinary circumstances" include, but are not limited to, strong evidence of use of cell phones (i) as instrumentalities in explosives; (ii) to facilitate violent criminal activity or endanger District passengers, employees or other members of the public, such as hostage situations; (iii) to facilitate specific plans or attempts to destroy District property or substantially disrupt public transit services. Such circumstances may justify a narrowly tailored interruption of service only if they meet the principles listed above.

(i) Nothing herein is intended to restrict the District's ability to implement a temporary interruption of the operation of the System Cellular Equipment for maintenance or other operational reasons.