



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

Mike O'Rielly
Commissioner

June 12, 2015

The Honorable John Thune
Chairman
Senate Committee on Commerce, Science &
Transportation
512 Dirksen Senate Building
Washington, D.C. 20510

The Honorable Bill Shuster
Chairman
House Committee on Transportation
2251 Rayburn House Office Building
Washington, DC 20515

The Honorable Ron Johnson
Chairman
Senate Committee on Oversight &
Government Reform
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Jason Chaffetz
Chairman
House Committee on Oversight &
Government Reform
2157 Rayburn House Office Building
Washington D.C. 20151

The Honorable Thad Cochran
Chairman
Senate Committee on Appropriations
S128 The Capitol
Washington, DC 20510

The Honorable Hal Rodgers
Chairman
House Committee on Appropriations
H305 The Capitol
Washington, DC 20515

Dear Mr. Chairmen,

I write to seek Congress' furthered attention to the issue of expanded consumer access to the 9-1-1 system and other communications capabilities within the D.C. Metro system, particularly the tunnels, underground stations and other areas between transit stops. While I recognize Congress has been actively involved in this matter, I find it necessary to implore your increased participation and leadership to rectify this major shortcoming of the D.C. 9-1-1 system. As it stands today, D.C. Metro passengers and workers are at increased risk of harm due to the Washington Metropolitan Area Transportation Authority's (WMATA) unwillingness to take seriously its responsibility to allow improved wireless network deployment within its system.

Despite commitments to Congress, D.C. Metro is little closer to having ubiquitous wireless coverage for multiple wireless carriers than in October 2008 when Congress passed the Passenger Rail Investment and Improvement Act of 2008, which provided WMATA with funding in exchange for access to install competitive wireless services within its facilities.¹ In fact, even in those twenty

¹ Federal Rail Safety Improvements Act Pub. L. No. 110-432, § 601 (2008).

Metro stations that should have coverage pursuant to the first deadline contained in the statute, service continues to be unreliable. Sadly, the latest word from Metro is that plans to ensure wireless capability throughout the entire Metro system may not be completed until 2019.²

As you may know, the Federal Communications Commission has taken several actions recently to improve communications with emergency services. Over the last eighteen months, the Commission has taken action on no fewer than ten major items to improve the reliability, integrity, and effectiveness of our nation's 9-1-1 system. From taking steps to improve location accuracy, to allowing wireless subscribers to text to 9-1-1, to enhancing the reliability and resiliency of our emergency communications networks, the Commission has sought to ensure that American wireless subscribers can get assistance in their time of need. While I have not always agreed with the totality of these items, they have reaffirmed the fundamental principle that consumers only benefit if America's communications networks can actually be deployed.

In the case of the D.C. metropolitan area, the inability of D.C. Metro passengers, workers and officials to use wireless devices in and between Metro stations increases the likelihood of further tragedies. Recently, Metro has experienced several events that resulted in 9-1-1 calls being initiated from various locations within its system. In January 2015, a major incident in the Yellow Line tunnel between L'Enfant Plaza and the Pentagon tragically led to one death and multiple passenger injuries. Evidence presented before Congress during a February 13, 2015 House Oversight and Government Reform Committee hearing showed the traumatized passengers trying to place a 9-1-1 call from within the Metro system.³ Just last month, there were substantial delays on the Blue, Orange and Silver lines due to smoke in the tunnel between Rosslyn and Foggy Bottom. And, weeks ago, there was smoke in the Red Line tunnel between the Bethesda and Medical Center stations.

Notwithstanding past disputes among involved parties, America's wireless carriers appear to be prepared to improve deployment within the tunnels and make their individual networks operational throughout the D.C. Metro system. Unfortunately, WMATA is in the process of reviewing the wireless deployment issue within its tunnels and is preparing yet another report due later this summer. In the meantime, it appears that nothing is being done to wire the Metro system to allow Americans to use their wireless phones. This does not bode well for the safety and security of the D.C. Metro system and its passengers.

I would respectfully suggest that it would be appropriate to demand commitments from WMATA officials that all appropriate steps will be taken so that wireless providers have immediate and reasonable access in order to install and maintain equipment in the Metro system and that initial

² Brian Warmouth, *Here's How Long It Will Take for WMATA to Equip Tunnels With Full Cell Coverage*, DCINNO (Apr. 17, 2015), <http://dcinno.streetwise.co/2015/04/17/heres-how-long-it-will-take-for-wmata-to-equip-tunnels-with-full-cell-coverage/>.

³ See <http://oversight.house.gov/wp-content/uploads/2015/02/9-Trimmed.mp3> and <http://oversight.house.gov/wp-content/uploads/2015/02/7-Trimmed.mp3>

deployments would be completed within a strict, set timeframe. Accordingly, it would certainly seem to make sense to expect such commitments by the time America sets to celebrate our nation's birthday on July 4th, given Metro's status as the prevalent method of transportation to the National Mall.

I make myself available to discuss this matter with you or your staff members if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mike Rielly".

Michael O'Rielly
Commissioner

cc: The Honorable Bill Nelson
The Honorable Peter A. DeFazio
The Honorable Elijah Cummings
The Honorable Barbara A. Mikulski
The Honorable Nita Lowery