

**National  
League  
of Cities**

# NEWS



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## **National League of Cities Endorses Senator McCain's Bill to Improve Emergency Communication for First Responders**

Washington, D.C., June 14, 2005 ----- The National League of Cities today announced its support for major legislation introduced by U.S. Senator John McCain (R-Ariz) that would significantly improve emergency communications for first responders. The "Spectrum Availability for Emergency-Response and Law Enforcement to Improve Vital Emergency Services Act" (SAVE LIVES Act) would set a firm date for television broadcasters to return the radio frequencies that Congress set aside for public safety purposes.

"Since the 1995 Oklahoma City bombing and then again with the September 11 terrorist attacks, the National League of Cities has asked Congress to clear the frequencies for public safety emergency communication. The SAVE Lives Act would set December 31, 2008 as the date," said Don Borut, executive director of the National League of Cities.

"Our first responders must have the communication tools they need to play a leading role in preventing and responding to emergencies. Unfortunately, because emergency responders don't share common broadcast frequencies, lives are at risk," said Charles Hughes, chair of the National League of Cities' Public Safety and Crime Prevention Steering Committee and president of the Gary, Indiana City Council.

In 1997, Congress promised first responders that the radio frequencies would be available to them by December 31, 2006. The 9/11 Commission's Final Report concluded that the inability of these first responders to talk with each other and their commanders on September 11<sup>th</sup> resulted in the significant loss of life. The Commission also identified the need for more spectrum as crucial to assist police, fire fighters and emergency responders in communicating during an emergency such as a terrorist attack or a hurricane.

"This is a crucial step--but not the only one that Senator McCain's bill addresses. The SAVE Lives Act recognizes that setting a firm date to return the frequencies for public safety use will not eliminate obstacles to improved communications -- funding for equipment is also important," said Chairman Hughes.

NLC supports the SAVES Lives Act because it would authorize funding for enhanced interoperable communication equipment and training for emergency responders. "Senator McCain's bill also provides a realistic and workable plan to free up spectrum for public safety purposes and a workable subsidy plan to ensure that consumers will continue to have access to over the air broadcast television," Hughes said. "We commend him for his leadership on this significant issue."

*Working to strengthen America through strong cities and towns, the National League of Cities is the oldest and largest national organization for American cities. NLC serves as a resource and advocate for 18,000 cities, towns and villages, which collectively serve over 225 million people. Visit [www.nlc.org](http://www.nlc.org).*

public safety use. Also that year, NLC supported the Balanced Budget Act of 1997's requirement that the FCC reallocate 24 megahertz of spectrum in the upper portion of the 700 MHz band (channels 60-69) for public safety use.

In 1998, NLC co-authored with the Department of Justice a guidebook entitled, *Public Safety and Radio Spectrum Guide* to help city leaders enhance their public safety communications capacity. The following year, NLC highlighted the need for continued legislative and regulatory action to clear the radio spectrum for public safety communication needs when Oklahoma City Councilwoman Ann Simank testified before the House Subcommittee on Oversight, Investigations, and Emergency Management. As a representative of NLC's Public Safety and Crime Prevention Committee, Councilwoman Simank described the chaotic scene of the Oklahoma bombing site:

“That morning we learned firsthand the extreme importance of interoperable voice communications. Under the best of circumstances, when terrorism or natural disasters strike, you are working in chaos. But when you can't communicate, your hands are tied.” (*Testimony of Oklahoma City Councilwoman Ann Simank, 1999*)

Two years later, the events of September 11, 2001 and the shortcomings of the public safety communication systems that day served as a reminder of Councilwoman Simank's testimony. Our first responders must be provided with timely information and resources to play a leading role in emergency response. Unfortunately, because emergency responders do not share common broadcast frequencies, lives are at risk. The 9/11 Commission's Final Report specifically stated that the inability of these first responders to talk with each other and their commanders resulted in loss of life on that day. The 9/11 Commission also identified the need for more spectrum as crucial to assist police, fire fighters and emergency responders in communicating during an emergency such as a terrorist attack or a hurricane.

NLC policy calls for the federal government to establish a comprehensive spectrum management master plan that includes input from all stakeholders, including local government. Project SAFECOM at the Department of Homeland Security is a great example of a federal agency incorporating the input of local governments to improve interoperable communications. The events of September 11, 2001 punctuated the fact that the federal government must establish as the highest priority for federal spectrum administration guaranteed, “interference-free”, interoperable domestic public safety and defense communications. This goal can only be achieved if FCC and Congress recognize that our government's primary responsibility is to provide for the safety of its citizens. As such, the clearance of spectrum must be understood as an act of public safety.

NLC is prepared to work with Congress and the FCC, and all key stakeholders to ensure that a firm deadline is set for broadcasters to vacate the spectrum for public safety communication use. Thank you for the opportunity to comment on this most critical issue.

Sincerely,  
/s/ Véronique Pluviose-Fenton  
Principal Legislative Counsel

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April 28, 2005

David Siehl  
Public Safety and Critical Infrastructure Division  
Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RE: WT Docket No. 05-157

Dear Mr. Siehl:

The National League of Cities (NLC) is submitting the following comments in response to the Federal Communications Commission's (FCC) *Public Notice*, FCC 05-80, released March 29, 2005 whereby the FCC seeks the input for a report mandated by §7502 of the Intelligence Reform and Prevention Act (P.L. 108-458). NLC also endorses the comments filed by the Association of Public-Safety Communication Officials-International, Inc.

NLC, established in 1924, is the oldest and largest national organization representing municipal governments throughout the United States. NLC serves as a national resource and advocate on behalf of over 1,600 member cities and for 49 state municipal leagues whose membership totals more than 18,000 cities and towns across the country. Acting on behalf of local governments, NLC aims to develop and advocate policies that strengthen and support cities.

NLC is pleased to provide comments to the FCC pursuant to the charge directed by Congress in §7502 (c) of the Intelligence Reform and Prevention Act which reads:

"The Commission shall:

- (1) Seek input from Federal, State, local, and regional emergency response providers regarding the operation and administration of a potential nationwide interoperable broadband mobile communications network; and
- (2) Consider the use of commercial wireless technologies to the greatest extent practicable."

NLC has lobbied Congress for cleared spectrum for public safety use based on its policy adopted after the Oklahoma bombing. NLC policy specifically states:

"The Federal government must allocate sufficient telecommunications spectrum to cities for public safety use in order to enhance interoperable communications among public safety and service agencies, and to ensure the ability of local governments to meet their responsibilities for public safety and emergency services. The Federal government must also involve cities as it develops standards for the delivery of emergency information on cable systems." (*National Municipal Policy §7.04 (A)*)

Since the bombing of the Oklahoma City Murrah Federal Building in 1995, NLC worked to ensure that city leaders have the resources and the best possible capability to prevent serious attacks to public safety in their communities and to respond when a catastrophic event occurs. In 1997, NLC coordinated with key Senate leaders and then U.S. Attorney General Reno to obtain new wireless telecommunications capacity exclusively for state and local

## NLC's Interoperability/Spectrum Policy

### ***2005 National Municipal Policy – Public Safety and Crime Prevention §6.02(E)(2)***

“The federal government should take immediate action to provide local governments with the broadcast channels needed to enhance their communications capabilities. Reliable and interoperable wireless communications are essential to public safety’s mission to protect life and property. The federal government should encourage regional planning for public safety communication needs and address the current shortage of spectrum channels with a long-term plan that ensures available broadcast channels to meet future public safety needs across the nation. If federal reallocation of radio spectrum forces a municipality to change radio frequencies and/or channels to preserve its public safety and emergency communications services, there should be prompt and fair compensation made for transfer costs, such as new equipment and additional personnel and training.” *(See Related Policy under ITC 7.04 - Spectrum)*

## **7.04 Spectrum**

### **A. General**

The electronic spectrum is the collective term for the categories of radiation ranging from very low frequency infra-sonics to very high frequency cosmic rays. While the electromagnetic spectrum also encompasses infrared, visible light, ultraviolet, w-rays, and gamma rays the portions of the spectrum primarily regulated by the federal government and the chief focus of this policy are those covering radio and microwave spectrum which are used for communications purposes. Spectrum is a finite non-renewable natural resource owned by the people and managed by the government. The federal government must allocate sufficient telecommunications spectrum to cities for public safety use in order to enhance inter-operable communications among public safety and service agencies, and to ensure the ability of local governments to meet their responsibilities for public safety and emergency services. The federal government must also involve cities as it develops standards for the delivery of emergency information on cable systems. *(See Related Policy under PSCP 6.05 (B) (1) Public Safety Technologies.)*

If federal reallocation of radio spectrum forces a municipality to change frequencies, channels, or both to preserve their public safety and emergency communications services, there should be fair compensation made for transfer costs. Such compensation should include all costs reasonably incurred by the municipality, including, but not necessarily limited to, new equipment and infrastructure for broadcasting under a different frequency, and additional personnel and training.

### **B. Spectrum Fees**

The federal government should discontinue its practice of selling the spectrum. The federal government should instead lease or rent the spectrum. This change will allow the federal government to assure users sufficient time to recover investments and at the same time provide the federal government the authority to reallocate this public resource, spectrum, as technologies and public needs evolve.



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### The Issue: Public Safety Communication

Clear and efficient communication among public safety personnel from multiple jurisdictions is vital during an emergency. Cities and towns need more radio frequency dedicated to public safety communication and federal support to set a firm date for broadcasters to release the spectrum and create a grant program to provide enhanced interoperability of communications.

### Message to Congress

- *The nation's first responders need compatible communication systems.* The inability to share common broadcast frequencies endangers the lives of first responders and the public they serve.
- *Congress must establish a firm date* for broadcasters to return the radio spectrum for public safety purposes. Access to the spectrum would provide vital and necessary support to first responders in the form of additional wireless capacity for emergency communications.
- *Local governments need a one-stop grant program* to facilitate the administration of public safety communications grants.
- *Congress should require the creation of a clearinghouse* of best practices and voluntary national consensus standards as a guide to cities and towns with regard to public safety communication equipment.

### Request for Congress

- Enact a bill that improves emergency communication for first responders by setting a firm date for broadcasters to return the radio frequencies, creating a one-stop grant program to enhance interoperability of communications, and establishing a clearinghouse of best practices.