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Keeping Us Safe: The Need for a Nationwide Public Safety Network

Statement by

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Chair, Committee on Criminal and Social Justice
The United States Conference of Mayors

before the
Committee on Commerce, Science, and Transportation
United States Senate

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Chairman Rockefeller, Ranking Member Hutchison, members of the Committee, I am Annise D. Parker, Mayor of Houston and Chair of the United States Conference of Mayors Committee on Criminal and Social Justice. I appreciate having the opportunity to discuss why it is important to reallocate the D Block to public safety and also provide assistance to states and localities in the build-out, maintenance, and operation of a nationwide public safety communications system.

Senator Rockefeller, I want to thank you for your leadership on this issue. You listened to the strong concerns which public safety and local and state government officials had with the plan to auction off the D Block to the highest bidder for commercial applications. Your legislation, the Public Safety Spectrum and Wireless Innovations Act of 2010 (S. 3756), would ensure that our nation's first responders are able to access a broadband network capable of providing reliable high speed data and voice applications so that they can meet current and future public safety needs. Be assured that the Conference of Mayors enthusiastically supports S. 3756 and looks forward to working with you to see it enacted into law.

Senator Hutchison, I greatly appreciate your strong support for the city of Houston in Washington and for public safety agencies around the state and I look forward to working with you in support of this legislation.

The Conference strongly supports reallocating the D Block of the 700 megahertz spectrum to public safety. While we have had policy to that effect for several years, last June we expanded that policy by adopting a resolution which:

- opposes the FCC proposal in the National Broadband Plan to auction the D Block spectrum to a commercial provider;
- calls upon Congress to immediately pass legislation that prevents the FCC from undertaking an auction in 2011, and conditions further FCC action on formal Congressional approval of plans for the D Block and meeting public safety spectrum needs;
- calls upon Congress to reallocate the D Block to public safety; and
- endorses identification of alternative federal funding sources to ensure that all states and localities can afford the costs associated with transition to a nationwide network.

The D Block's Importance to Public Safety

Mayors and city council members know that the location of the D block offers a one-time opportunity to improve first responder communications and emergency response capabilities. We also know that allocating the D block to public safety would double the amount of spectrum available for first responder communications, yet remove less than two percent of the spectrum that the FCC and the Administration propose to make available for commercial use. And we know that without the D block, first responder communications will continue to lack access to the technologies commercial customers take for granted.

Commercial networks cannot guarantee first responders have priority access over other users. When lives are at stake, firefighters and police officers cannot have their calls dropped or wait to get a signal.

Most of us take for granted text messaging, sharing pictures and distributing videos via commercial wireless devices. First responders can only do this through commercial networks, which do not meet mission critical needs. First responders should be able to distribute and receive pictures, video and data in real-time from other officers, citizens and emergency dispatch systems.

Existing research and the variety of broadband applications for public safety use indicate that public safety needs at least 20 MHz of contiguous spectrum. This can only be achieved by combining the D block with the 10 MHz already allocated to public safety. Failure to reallocate the D block will force public safety to continue to rely on separate data and voice networks, limiting the kinds of applications first responders can utilize.

In disaster situations, customers clog commercial systems as they attempt to communicate with friends and loved ones, access information, and try to document the event online. This usage blocks first responders from accessing the network. To protect life and property, first responders require what is referred to as ruthless preemption, or the ability to kick commercial customers off the network. From a commercial provider standpoint, this is not an acceptable business practice. Therefore, efforts to provide priority to public safety on commercial networks will not meet public safety needs for assured access.

Reallocating the D block would give public safety officials sufficient spectrum to utilize a variety of applications while also controlling access to the network during times of emergency. Providing public safety officials with priority access to commercial networks is insufficient and jeopardizes the public's safety.

To date, public safety has been granted only small sections of spectrum over time, but never enough to consolidate communications into a single frequency band. This means that when multiple agencies respond to an event, they cannot communicate with each other because they each use radios that operate on different portions of the spectrum. Many police carry multiple radios just to ensure they can communicate with other responding agencies during emergencies. Giving public safety the D block would help end the need to utilize multiple communications systems which adds significantly to the cost and complexity of emergency communications.

The Situation in Houston

The City of Houston is the fourth largest city in the country. We have the two largest public safety agencies in the State of Texas. The Houston Police Department has over 5,300 sworn officers and the Houston Fire Department has over 4,000 sworn firefighters. There are a similar number of police, fire and EMS first responders in the other cities and counties that make up our region.

The City of Houston has 18 different large wireless projects in progress at this time. Many of these projects are hampered by a lack of available, licensed spectrum. This lack of available spectrum to license leaves the City in a position to be forced to use unlicensed and/or shared spectrum. Unlicensed spectrum leaves the City vulnerable to security issues that would be greatly minimized if a broadband public safety grade network were available. Some examples of these projects are:

- Office in the patrol car, which is intended to allow police officers to conduct all aspects of their business from the patrol car. This will require access to large reports, images, and files making broadband a critical element for successful deployment.
- Public safety video, which provides video for many locations deemed critical infrastructure or high crime hot spots.
- New records management system, which will replace a 20+ year-old system and provide wireless access to most police records and crime databases.

Further, the City is in the process of building a \$125+ million land mobile radio system on 700 MHz narrowband channels. This system utilizes all remaining 700 MHz narrowband channels in the Houston area. The useful life of this new system will be at least 15-20 years. Therefore, the City is absolutely committed to preserving the 700 MHz narrowband spectrum for land mobile radio voice systems.

Any use of these channels for dissimilar technology would put the integrity of our system in jeopardy. We believe that opening up this spectrum for broadband, even on a secondary basis, could result in devastating interference to our voice radio systems. It is critical that these systems be available for our first responders to use at all times. We have a motto for our system, “first time-every time.” This means that our first responders must be able to push their transmit button and get through the first time and every time ALWAYS. Anything less is a safety hazard and is not acceptable.

All major metropolitan areas will need at least 10 x 10 MHz of broadband. Our needs are just beginning to come to light. We already have unmet needs for broadband, and the technology is still very new. I believe that the demand for these services is just beginning to be identified. Shouldn't our first responders have access to technology at least as good as that available to our teenagers? It is imperative that we ensure our major investment into broadband technology will meet our everyday needs and our large-scale emergency needs. This can only be accomplished by pairing the D Block with the adjacent broadband spectrum already licensed to public safety.

The Public Safety Spectrum and Wireless Innovations Act of 2010

Senator Rockefeller, I have already mentioned our strong support for the Public Safety Spectrum and Wireless Innovations Act of 2010. Your bill would ensure the deployment of a nationwide public safety interoperable broadband network in the 700 MHz band in both rural and urban areas, and it would ensure that the nationwide public safety broadband network is fully interoperable on a nationwide basis.

It would reallocate and integrate the 700 MHz D block spectrum for use by public safety entities. It would authorize the FCC to auction at least 25 MHz of other portions of the spectrum and deposit the proceeds into a Public Safety Interoperable Broadband Network Construction Fund and a Public Safety Interoperable Broadband Maintenance and Operation Fund, with the first \$5.5 billion to go to the construction fund and any additional proceeds up to \$5.5 billion to go to the maintenance and operation fund.

It would also direct the FCC to establish standards for secondary use of the public safety network, allowing licensees to lease capacity on a secondary, but preemptible basis to non-public

safety governmental users, commercial users, utilities, and federal agencies. And it would require that any proceeds from those leases be deposited in the maintenance and operation fund and be used for “constructing, maintaining, improving, or purchasing equipment to be used in conjunction with the network.”

There is one area in which we would suggest some changes. While we understand the important role that states must play in the development of a nationwide interoperable broadband network, and that it’s easier for the federal government to deal with 50 states than thousands of local governments, we do hope that you will include some language that will make it possible for funding to also go directly to local agencies which are responsible for the build out, operation, and maintenance of broadband networks. You will note that seated with me at this table are local public safety officials, and that they are the ones charged with protecting our people, and who every day put their lives on the line.

Specifically we ask that you include in the bill a provision which allows grant funds to go directly to local governments or local public agencies, such as regional entities. Allowing localities to apply for grants directly will ultimately benefit the entire state and region. While it is vital that these local governments work collaboratively with their state and federal partners, allowing municipalities to become early adopters has already proven to accelerate the roll out of the nationwide interoperable public safety broadband network.

For instance, both Seattle and New York City were granted waivers allowing their public safety agencies to build interoperable broadband networks in the 700 MHz spectrum. Based on New York City’s success, New York State has applied for and received conditional approval to move forward with the construction of statewide interoperable wireless broadband networks in the public safety broadband spectrum. Washington State similarly hopes to use grants from your bill to rapidly expand the Seattle network throughout the Puget Sound region and across the State of Washington. Since the State of Oregon also applied for and received a grant request to build a 700 MHz broadband network, those in Seattle are already working with their partners in Oregon to make sure the networks work with each other seamlessly. By starting in these city centers, large rural areas of the Pacific Northwest and Mid-Atlantic may soon have access to a nationwide interoperable public safety broadband network much sooner than otherwise imaginable.

These waiver projects provide a ray of hope. It is unconscionable that nine years after September 11 and five years after Hurricane Katrina we still do not have a nationwide interoperable public safety broadband network. Your bill would move us significantly closer to the nationwide network that our first responders need to meet the challenges of the next decade. All Americans deserve to be able to live in communities that are safe and secure, and effective communications among police, fire, and other first responders are essential to this. We look forward to working with you to see the Public Safety Spectrum and Wireless Innovations Act of 2010 enacted into law this year.