

to strengthen  
and promote  
cities as centers  
of opportunity,  
leadership, and  
governance.



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Written Testimony of

**The Honorable Robert Drake,  
Mayor, Beaverton, Oregon**

On behalf of the National League of Cities

Before the House Homeland Security Subcommittee on Emergency  
Preparedness, Science, and Technology

On

*The State of Interoperable Communications: Perspectives from State  
and Local Governments*

Wednesday, March 1, 2006

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Good afternoon, Chairman Reichert, Ranking Member Pascrell, and distinguished members of the subcommittee. My name is Rob Drake and I am Mayor of the City of Beaverton, Oregon. I have served as mayor since 1993. We are a city of 83,500 citizens and touch Portland on its west side. I am testifying today on behalf of the National League of Cities (“NLC”), where I serve as a member of its Public Safety and Crime Prevention Steering Committee. I also represent NLC on the Department of Homeland Security’s Project SAFECOM Executive Committee.

NLC is the country’s largest and oldest organization serving municipal government, with more than 1,800 direct member cities and 49 state municipal leagues, which collectively represents more than 18,000 United States communities. Its mission is to strengthen and promote cities as centers of opportunity, leadership, and governance, and to serve as a national resource and advocate for the municipal governments it represents.

NLC appreciates the opportunity to present a municipal perspective on the state of interoperable communications. Let me begin with a brief summary of NLC’s initial recommendations to Congress:

- (1) Elevate the visibility of the SAFECOM program for interoperable communications within the Department of Homeland Security.
- (2) Build on the “spine” of existing communications networks to promote enhanced regional public safety and disaster response capabilities.
- (3) Provide state and local governments with federal funding flexibility.
- (4) Accelerate efforts necessary to implement the “date certain” return of analog spectrum required to improve public safety communications.

These recommendations represent a starting point for action. Action is necessary now because no one knows when or where the next natural or man-made crisis may strike that demands a rapid response and seamless communications among and between first responders and others engaged in public safety. For many communities and regions across the country, the challenge of interoperable communications represents an immediate threat to the viability of their public safety operations.

In my hometown of Beaverton, which is part of the greater Portland metropolitan area, we approach interoperable public safety communications from a regional perspective because public safety is an issue that does not respect artificial political or geographic boundaries.

### **I. Interoperability in Beaverton, Oregon**

I have served as Chair of the Portland-area Regional Emergency Management Group (REMG) since 1993. This is a voluntary group formed through intergovernmental agreement between special districts, city, county and regional agencies in the five-county, bi-state Portland/Vancouver Metropolitan area. It includes the American Red Cross and steady participation from utility providers and local and global businesses such as Portland General Electric, Northwest Natural Gas, Bonneville Power Administration, PacifiCorp, and Intel.

Subsequent to the formation of REMG, the Department of Homeland Security Urban Area Security Initiative (UASI) designated the Portland/Vancouver Metropolitan area as one of the key regions nationwide at risk from potential disasters – natural or man-made. The UASI funds provide resources for the equipment, planning, and training needs of these designated regions.

REMG is the vehicle by which the public and private sectors in the Portland/Vancouver region work together to organize, plan and define regional needs and develop common policies and procedures to follow in the event of a disaster. The group is dedicated to providing a long-term

model for regional coordination and planning driven by operational necessity, not by financial incentives. The REMG consists of two committees:

- *Technical Committee* (REMTEC) – Comprised of emergency management professionals from the signatory agencies.
- *Policy Advisory Committee* (REMPAC) – Comprised of elected officials from all the signatory agencies.

The key initiatives for REMG include:

- Identification and publication of regional emergency transportation routes in cooperation with transportation officials from the region.
- Development of the Great Portland/Vancouver Area Emergency Alert System (EAS) Operation Plan in coordination with broadcasters across the region.
- Development of a regional disaster debris management plan in cooperation with “Metro,” Portland’s regional government, and local solid waste program managers.
- Voluntary agreement between local governments to address emergency management issues for the benefit of the entire region, regardless of resources or participation in the group.
- Staff deployment from participating agencies, without compensation, to work with the regional partners for the benefit of the entire region.
- Involvement of policy level representatives from each signatory agency who provide structure to the group and assist in developing sound policies and procedures for use in disaster situations.
- Emphasis on policy level coordination, resource management, and joint training and information management.

REMG works effectively because its signatory agencies believe in the value of a regional plan. A separate functional policy level allows technical experts such as emergency management professionals to focus solely on achievements at the field level. These officials also provide accountability and oversight for the group. REMG provides a place for business, government, and disaster relief organizations to have a voice and collaborate in disaster planning. REMG does face challenges including its ineligibility to receive federal grant funding directly, and its lack of statutory authority. However, a regional plan ensures the integration of all individual plans within a common plan.

There are many advantages to coordinated emergency response. First, it develops proactive partnerships between likely co-responders. A diverse group of partners provides the opportunity to capitalize on the strengths of each for policies and procedures, knowledge and funding. Second, it brings together from across our region a collective knowledge for the benefit of the entire region. This is more powerful than each entity working alone and in competition for available resources. Third, it reduces duplicate efforts, helps identify and allocate finite resources, maximizes resource utilization, and ensures communication of a consistent message to the public.

As stated in “*A Failure of Initiative*,” a final report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina:

“The failure of initiative was also a failure of agility. Response plans at all levels of government lacked flexibility and adaptability. Inflexible procedure often delayed response. Officials at all levels seemed to be waiting for the disaster that fit their plans, rather than planning and building scalable capacities to meet whatever Mother Nature threw at them.” *Executive Summary at 2* (February 15, 2006).

While direct funding for local projects helps day-to-day, mission-critical capabilities for any given agency, it does not always guarantee a benefit or ensure coordination when major incidents like large weather disasters or an earthquake involving multiple jurisdictions and disciplines strike. To remedy this situation, Congress should support mechanisms that encourage, streamline and improve coordinated planning on a regional level. There is a need to transcend traditional barriers associated with jurisdictional boundaries or “turf issues.”

For instance, regional jurisdictions and disciplines must train together on the plans within the Incident Command System (ICS) environment. Our nation needs a multi-jurisdictional, multi-disciplinary approach to public safety planning inclusive of all levels of government and parties affected – urban and rural. The challenge for our national emergency preparedness system is to integrate local, state, and federal government resources and ensure that federal money provides incentives to develop integrated systems.

## **II. NLC Position on Interoperability**

Since 1995, NLC has been a national leader in support of clearing radio spectrum for public safety use. This was the year when domestic terrorists bombed the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. In the intervening years, our nation has experienced dramatic natural disasters such as Hurricanes Katrina and Rita, and terrorist attacks on the Pentagon and World Trade Centers. NLC’s policy states that “[t]he 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. *National Municipal Policy at §7.04 A.* (2006).

Last December 2005, NLC adopted a resolution during its annual governance meeting that re-affirmed its long-standing position that interference-free broadcast spectrum and reliable and interoperable wireless communications are essential to the public safety role of local officials. *NLC Resolution #2006-46.* The resolution expresses that “past federal public safety frequencies and channels have been scattered and inadequate, resulting in a fragmented public safety spectrum.” *Id.* The federal government “must lead the efforts to resolve interoperability problems that affect emergency communications and data systems throughout the nation.” *Id.*

Since the Oklahoma City bombing in 1995, NLC worked to ensure that city leaders have the resources and the best possible capabilities to prevent serious attacks 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 Janet Reno to obtain new wireless telecommunications capacity exclusively for state and local public safety use. In addition, NLC supported a requirement in the *Balanced Budget Act of 1997* 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 spotlighted the need for vigilant legislative and regulatory action to clear the radio spectrum for public safety communication needs. Oklahoma City Councilwoman Ann Simank, a member of NLC’s Public Safety and Crime Prevention Steering Committee, described the chaotic scene of the bombing site in testimony before the House Government Reform Subcommittee on Oversight, Investigations, and Emergency Management:

"That morning we learned first-hand 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."

Two years later, the events of September 11, 2001, and the shortcomings of public safety communication systems that day served as a deadly reminder of Councilwoman Simank's testimony. Our first responders must have timely information and resources to lead the way 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 that day. The 9/11 Commission identified the need for more spectrum as crucial to assist police, firefighters, and emergency responders in communicating during an emergency such as a terrorist attack or a hurricane.

The radio spectrum is a finite, non-renewable natural resource owned by the people and managed by its elected officials. Having the capability to transmit vital information to different emergency response personnel among all levels of government without interference and delay is key to disaster preparedness and emergency response. Only the federal government can remedy the current availability shortage of broadcast spectrum for public safety needs across the nation.

### **III. Recommendations to Congress to Improve Interoperability**

Whether at the local, county, regional, state, or federal level, as elected officials we have one common link. We generally represent the same constituents and they remind us of shortfalls when large disasters such as Hurricane Katrina befall us.

The challenge of integrating levels of service provision is daunting. I have helped guide regional cooperation among local officials for the last 13 years and it has taken skill and commitment to keep us on task. We began the REMG in 1993, but our work became even more focused after a major windstorm hit the Portland/Vancouver area in late 1995. Our collective response was weak with poor communication and cooperation between agencies and the utility providers. In post-event evaluations, we recognized that we failed in many ways and committed to improving communication, response and planning. All of this happened long before the tragic events of 9/11. We seek partnership and financial assistance from Congress to implement local and regional plans. Moving beyond our own boundaries to a collective response is desirable, but funding becomes the big obstacle at each turn.

I would recommend the following to strengthen the federal role in interoperable communications:

- (1) Elevate the Visibility of Project SAFECOM.

NLC policy calls for the federal government to establish a comprehensive spectrum management master plan that includes input from all stakeholders, including local government. *National Municipal Policy* at §7.04 C. 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 plans and guidelines. Elevate the visibility of Project SAFECOM and its mission because interoperable communications capacity influences hometown security directly.

While we have built a functional and interoperable radio communication system in the Portland/Vancouver area, this is not the case on a national basis. 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, channels, or both to preserve its public safety

and emergency communications services, then in consideration there should be prompt and fair compensation paid for transfer costs, such as new equipment and additional personnel and training.

(2) Build on the “spine” of existing communications networks.

NLC recommends that Congress encourage states to facilitate local and regional interoperable communications efforts that build on the “spine” of communications networks that promote enhanced public safety and disaster response capabilities across multiple jurisdictions and areas. The federal government should design programs that benefit first responders at the local level, but within a national scheme. Congress should support the construction and maintenance of emergency preparedness plans and communications infrastructure systems that operate not only within the internal system for day-to-day mission-critical tasks, but are also “interoperable” between disciplines when major emergencies escalate.

Related, the federal government should commit to link all emergency warning systems and supply all areas with appropriate equipment so that we leave no area unprotected. *National Municipal Policy* at §6.02 E.2. (2006). Emergency alert systems should be used to ensure that any emergency declared by the President, homeland security, or through National Weather Services alerts are timely and accurate and provide direction on recommended protective measures local governments should take when the threat level is increased. Reimbursements to local governments for any costs associated with heightened alerts are necessary.

NLC urges the federal government to ensure that all areas of the country have access to modernized 911 technologies for emergency use. Currently, cities and towns that do not have timely emergency response services usually have not implemented a 911 system or their systems are antiquated. NLC also urges the federal government, in particular the Department of Justice and the Federal Communications Commission, to continue its efforts to improve the wireless 911 or E-911 services by working in partnership with state and local land use authorities, public safety officials, and the telecommunications industry. In addition, the telecommunications industry must fully develop and fund wireless emergency locator services, tracking systems, and lead efforts to resolve interoperability problems that affect emergency communications systems throughout the nation. These efforts must continue to respect the premise of local autonomy, avoid burdensome mandates, and reflect the need for greater funding in underserved jurisdictions.

The federal government must also involve cities as it develops standards for the delivery of emergency information on cable systems. *National Municipal Policy* at §7.04 A. (2006).

(3) Funding Flexibility.

NLC urges Congress to allow more flexibility in the use of federal public safety funds for upgraded technology communication systems and training. Many municipalities face great difficulty in purchasing necessary public safety equipment because of budget constraints or their inability to qualify for available funds. New duties placed on law enforcement related to homeland security have shrunk budgets further. NLC urges the federal government to assist all municipalities in advancing their public safety capabilities without imposing inflexible compliance guidelines.

Local governments are the first level of government to respond to most disasters and emergencies. The federal government should provide funding directly to local governments for homeland security, emergency preparedness, and response because we are the initial focal point of all disaster mitigation and recovery activities. The structure of federal and state technical and financial assistance should allow local officials maximum flexibility in meeting identified needs. Regarding the homeland security funding formula, NLC supports the federal government continuing to fund risk-based threats in highly populated and high-threat areas. NLC also supports a minimum level of funding for state grants sufficient to allow jurisdictions to prepare for

possible terrorist-based threats, with flexibility to use the funds for dual-use (risk and all-hazards) pursuant to their state homeland security plans. *National Municipal Policy* at §6.03 A. (2006).

(4) Federal Commitment to "Date Certain" for Return of Analog Spectrum.

While NLC acknowledges the political challenges that led to a "date certain" return of analog spectrum by February 19, 2009, NLC reminds Congress that more lives than necessary may be lost between now and then because of a lack of spectrum. No one should lose his or her life because public safety officials cannot communicate with one another. NLC urges Congress to lead the efforts to accelerate, if possible, efforts to resolve interoperability problems that affect emergency communications and data systems throughout the nation. Reliable and interoperable wireless communications are essential to public safety's mission to protect life and property.

\* \* \*

Thank you for the opportunity to present the views of municipalities on the important work of building interoperable communications networks.

ATTACHMENT ONE

**NLC RESOLUTION #2006-46**

**IN SUPPORT OF INTEROPERABLE PUBLIC SAFETY  
COMMUNICATIONS SYSTEMS AND FUNDING**

**WHEREAS**, interference-free broadcast spectrum and reliable and interoperable wireless communications are essential to the public safety role of local officials;

**WHEREAS**, the federal government has a responsibility in providing adequate telecommunications spectrum to enhance interoperable communications among public safety and emergency services;

**WHEREAS**, past federal public safety frequencies and channels have been scattered and inadequate, resulting in a fragmented public safety spectrum;

**WHEREAS**, the federal government must provide funding to purchase the necessary equipment and training; and

**WHEREAS**, federal funding of interoperable public safety equipment continues not to meet the new needs and requirements of the post September 11<sup>th</sup> environment.

**NOW, THEREFORE, BE IT RESOLVED** that the federal government must lead the efforts to resolve interoperability problems that affect emergency communications and data systems throughout the nation;

**BE IT FURTHER RESOLVED** that the federal government must remedy the current shortage of broadcast spectrum availability for public safety needs across the nation;

**BE IT FURTHER RESOLVED** that the federal government must provide adequate funding for interoperable equipment to better facilitate coordinated and effective emergency response in cities and across jurisdictions; and

**BE IT FURTHER RESOLVED** that the National League of Cities (NLC) insist that Congress adhere to the December 31, 2006 compliance date for vacation of television channels currently blocking radio spectrum required for public safety radio communications systems.