



The State Of Public Safety And Inside Wireless Coverage

Fireman Jack to Fireman Ted: "Can you hear me now?"

By Jason Kerben ■ *Shulman, Rogers, Gandal, Pordy & Ecker*

It is no secret that one of the difficulties that first responders encountered on September 11th was poor communications among and between themselves. Aside from the interoperability issues (different services utilizing different communication technologies that are unable to communicate with one another) the lack of proper inside wireless coverage severely ham-

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pered first responders in the critical minutes as the tragedy unfolded. In response, several jurisdictions throughout the country have taken it upon themselves to take proactive measures and implement local ordinances that offer guidelines and, in some cases, mandate levels of inside wireless coverage.

Traditionally, wireless coverage has been weak inside large buildings. Reasons range from the type and density of the material used to construct the building to the distance of the building from the nearest radio site. Setting aside the inconvenience that is experienced by a cell phone user when a call is dropped, the inability of first responders to adequately communicate inhibits their ability to perform their mission and threatens their lives.

Local jurisdictions have implemented "in-building communication ordinances." The level of complexity and type of ordinances are as diverse as the jurisdictions themselves.

An example of a jurisdiction that has implemented a relatively thorough in-building communication ordinance is the village of Schaumburg, Illinois. The ordinance provides that "no person shall erect, construct, maintain or modify any building or structure or any part thereof...which fails to support adequate radio coverage for village public safety services." The ordinance

specifies that failure to comply may result in the revoking of one's previously issued Certificate of Occupancy for the building or structure (in the case of a new structure, the certificate will not be issued). The minimum level of acceptable coverage is a signal level of DAQ3 (Delivered Audio Quality—see table) in 95% of the agreed upon area. The ordinance establishes that the responsibility falls solely and exclusively upon "any owner of a building or structure which currently holds a Certificate of Occupancy or allows the building or structure to be used for any purpose other than construction." In keeping with the jurisdictions attempt to take proactive measures, the ordinance also requires an annual test of all active components and a radio coverage test every five years.

It is critical for localities to be mindful of the jurisdictional lines when drafting ordinances that seek to protect public safety communications. Currently, one locality in California pro-

vides "no existing or future wireless communications facilities shall interfere with any public safety radio communications systems." In light of a recent FCC decision with regards to an Anne Arundel County, Maryland zoning ordinance, the California ordinance may be unable to sustain a legal challenge. The Anne Arundel zoning ordinance required that, prior to receiving a County zoning certificate, owners and users of telecommunications facilities must show that their facilities will not degrade or interfere with the County's public safety communications systems. The FCC struck down the ordinance by reasoning that the federal courts have consistently found that the Commission's authority in the area of radio frequency interference ("RFI") is exclusive and any attempt by State or local governments to regulate in the area of RFI is preempted.

In addition to the village of Schaumburg, Illinois, local jurisdictions in California, Arizona, Florida, Nevada, Wisconsin, Colorado, Texas, and Rhode Island have also implemented in-building communication ordinance. The wide attention given to public safety communications coupled with the Department of Homeland Security funds being made available to localities to enhance public safety communications (see September issue of Broadband Properties) are some of the reasons why this initiative is expected to continue to grow.

The practical effects of in-building communication ordinances will impact public safety, building owners, building firms, building tenants and communications manufacturers. Greater inside wireless coverage will strengthen the tools public safety uses to perform its mission. Building tenants will be

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afforded another level of protection at some cost that will probably be passed down from the building owner in the form of higher rent. Unfortunately, as someone always has to lose, building owners will likely bear the burden of the costs and the responsibility for ensuring that inside wireless coverage satisfies the requirements. Both building firms and communications manufacturers stand to benefit by being the person with something to sell that someone needs to buy. In the end, all parties involved should hope that Fireman Ted will be able to clearly hear from Fire-

man Jack from deep inside the skyscraper, "We found another live one....and we're bringing him out." ■

About the Author

Jason Kerben is an attorney with the telecommunications group of the law firm of Shulman, Rogers, Gandal, Pordy & Ecker. Mr. Kerben represents a number of communications providers and tower owners before the Federal Communications Commission and local state public utility commissions. Contact Jason Kerben at 301-230-5200 or jkerben@srgpe.com.

Delivered audio quality is a numeric rating of speech intelligibility. A number of ordinances apply the rating table as a measure of acceptable communications.

1. Unusable, speech present but unreadable
2. Understandable with considerable effort. Frequent repetition to noise / distortion
3. Speech understandable with slight effort. Occasional repetition due to noise / distortion.
4. Speech easily understood. Infrequent noise / distortion.
5. Speech easily understood.

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