

THE SENATE  
STATE OF NEW YORK  
ALBANY 12247



GREGORY R. BALL  
SENATOR, 40TH DISTRICT

CHAIRMAN  
VETERANS, HOMELAND SECURITY &  
MILITARY AFFAIRS  
MEMBER  
GOVERNOR'S SPENDING &  
GOVERNMENT EFFICIENCY COMMISSION (SAGE)

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MENTAL HEALTH &  
DEVELOPMENTAL DISABILITIES  
SOCIAL SERVICES

April 13, 2011

President Barack Obama  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear Mr. President:

As you know, we are approaching the 10th anniversary of September 11, 2001. On that tragic day, 2,606 people died in New York City in the terrorist attack on the World Trade Center.

In response to the tragic events of 9-11, President Bush appointed a 9-11 Commission. The Commission developed and published several recommendations to improve America's preparedness against another attack.

Investigations into radio communications during the September 11th attacks revealed that communication systems and protocols were seriously hampered by the lack of interoperability. Moreover, the damage to the network infrastructure during the attack further created enormous difficulties for first responders. The resulting communications systems failures, and the problem of simultaneous communication between superiors and subordinates, undoubtedly proved an impediment to the response efforts made by police, fire and emergency medical service personnel.

Recommendations made in the 9-11 Commission Report proposed that Congress should support pending legislation that would provide for the expedited and increased interoperability and the assignment of radio spectrum for public safety purposes.

It was suggested that, "high-risk urban areas such as New York City and Washington, D.C., should establish signal corps units to ensure communications connectivity between and among civilian authorities, local first responders, and the National Guard." It was also suggested that federal funding for emergency preparedness be based "solely on risks and vulnerabilities, putting New York and Washington, D.C. at the top of the current list. Such assistance should not remain a program for general revenue-sharing or pork-barrel spending."

On April 8, 2011, the New York Senate Standing Committee on Veterans, Homeland Security and Veterans Affairs conducted a hearing in New York City on the status of our preparedness a decade after the September 11<sup>th</sup> attacks. At this recent Hearing, a striking moment occurred when Robert Morris, Vice President of the Port Authority Police Benevolent Association (PAPBA), spoke of serious communication and interoperability problems faced by some New York Police Officers. "The officer carries a radio on his belt but he might as well be wearing a brick," said Morris, when describing the current situation, where some communication devices work so poorly at various locations that officers are forced to use their personal cell phones to communicate.

Previous to Mr. Morris' testimony, on March 9, 2011, I also received a letter from Michael O'Meara, Executive Vice President for the Metropolitan Transit Authority Police Benevolent Association (MTAPBA) informing me

that the police radio and communications system at the MTA Police Department also has serious deficiencies and does not work as needed. Mr. O'Meara explained that this creates a very serious safety hazard, not only to the members of the MTA Police Department, but also to the millions of riders who use that system.

The Metropolitan Transportation Authority Police Department serves as the first responders to the enormous network of subways, buses and commuter trains in and around the New York Metropolitan area. Its jurisdiction extends across fourteen counties in two states, covers approximately 5,000 square miles, including New York City, Long Island, Southeastern New York State and Southern Connecticut, and serves a population of over 14.4 million people.

The department was formed in 1998 with the consolidation of the Long Island Railroad and the Metro-North Railroad Police Departments. Since 9/11, the department has expanded in size and has ramped up dramatically its counter-terrorism capabilities, adding canine teams and emergency services officers. Today the MTAPD comprises 470 police officers, detectives, sergeants and lieutenants of police.

Nearly three years ago, on August 6, 2008, the Department of Labor Public Employee Safety and Health Bureau issued a Notice of Violation and Order to Comply that cited the Metropolitan Transportation Authority for failing to furnish each of its employees, "a place of employment which is free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees" Accordingly, attached you will find a copy of such Notice of Violation, as well as the letter I received from Mr. O'Meara.

Despite nearly a decade passing since the September 11, 2001 attacks, and despite the express recognition by the 9-11 commission over six years ago, our first responders, the brave men and women who will be standing on the front lines of our next attack and running into buildings as most are running out, still, in far too many instances, do not have the proper interoperability they need, and in some cases still cannot communicate at all.

Whether the problem is a technical one, a political one, a funding issue, or a collective action licensing problem, it is imperative to fix our radio interoperability problem once and for all, and to insure the safety of the lives of our first responders, and the millions of New Yorkers they protect. A continuation of a failure to address this situation is simply unacceptable.

Mr. President, this is all our responsibility, and most certainly yours. I therefore ask for your assistance and support in assuring that the issue of radio operability and interoperability become an immediate federal funding priority. As we near the 10 year anniversary of that horrific day, I join the undersigned in demanding that this important issue be fixed immediately.

We can wait no longer.

Sincerely,

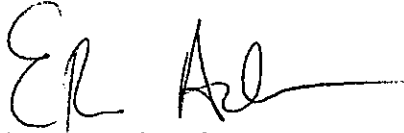
A handwritten signature in black ink that reads "GREG Ball". The signature is stylized, with the first name "GREG" in all caps and a large, looped "G". The last name "Ball" is written in a cursive script.

Senator Gregory R. Ball  
New York 40<sup>th</sup> District  
Chairman, New York State Senate Standing Committee on  
Veterans, Homeland Security and Military Affairs

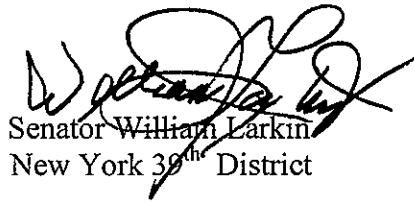
CC: All Members of United States Congress

Veterans, Homeland Security and Military Affairs  
Letter to President Obama  
on Interoperable Communications  
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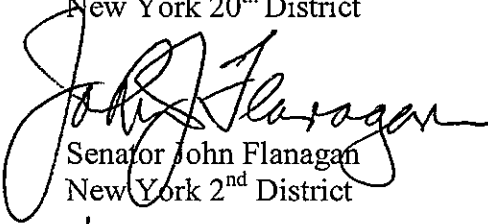
Committee Members



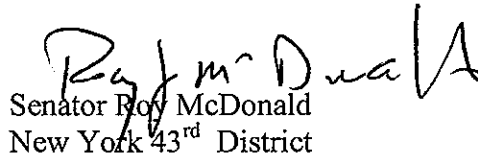
Senator Eric Adams  
New York 20<sup>th</sup> District



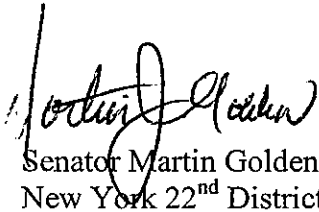
Senator William Larkin  
New York 39<sup>th</sup> District



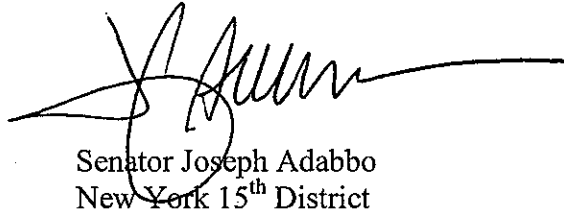
Senator John Flanagan  
New York 2<sup>nd</sup> District




Senator Roy McDonald  
New York 43<sup>rd</sup> District



Senator Martin Golden  
New York 22<sup>nd</sup> District



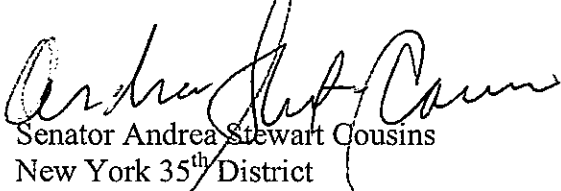
Senator Joseph Adabbo  
New York 15<sup>th</sup> District



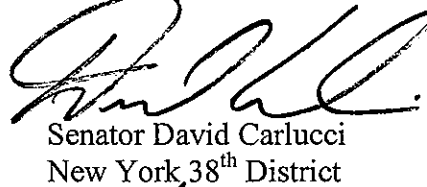
Senator Lee Zeldin  
New York 3<sup>rd</sup> District



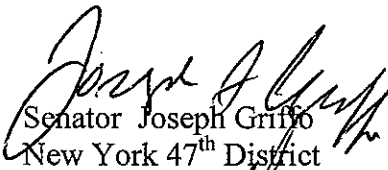
Senator Tony Avella  
New York 11<sup>th</sup> District



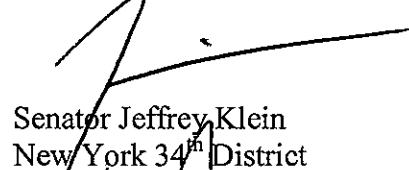
Senator Andrea Stewart Cousins  
New York 35<sup>th</sup> District



Senator David Carlucci  
New York 38<sup>th</sup> District



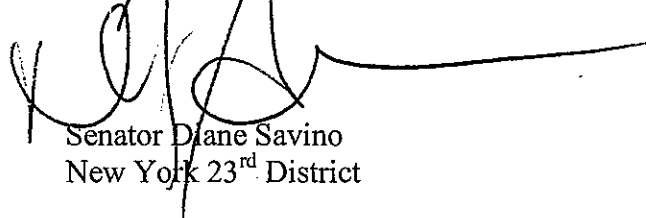
Senator Joseph Griffo  
New York 47<sup>th</sup> District



Senator Jeffrey Klein  
New York 34<sup>th</sup> District



Senator Mark Grisanti  
New York 60<sup>th</sup> District



Senator Diane Savino  
New York 23<sup>rd</sup> District