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WIRELESS COMMUNICATIONS AND PUBLIC SAFETY ACT OF 1999

PURPOSE AND SUMMARY

The purpose of H.R. 438, the Wireless Communications and Public Safety Act of 1999, is to promote and enhance public safety through the use of wireless communications services. The bill does so by requiring that the Federal Communications Commission (FCC or the Commission) designate '911' as the universal emergency telephone number for both wireline and wireless telephone calls. H.R. 438 also requires the FCC to provide support to the States in the development of State-wide coordinated plans for the deployment of end-to-end communications infrastructure for emergency services, and provides incentives for greater deployment and use of wireless telecommunications services.

To encourage the rapid deployment of wireless telecommunications facilities, the bill provides the same degree of protection from liability for emergency telephone and other services to wireless carriers in each State as provided in that State to a wireline carrier. Currently, in many areas across the country, there are 'holes' or 'dead zones' in the wireless network where a wireless call cannot be transmitted due to the absence of a nearby cellular or personal communications services (PCS) antenna. The extension of protection from liability to wireless carriers, of the same degree enjoyed in a particular State by a wireline carrier, will facilitate filling in these dead zones and the provision of emergency wireless services, thereby enhancing public safety. The bill also encourages the provision and use of wireless services by providing protection to users' location information by specifying the conditions under which such information may be disclosed to third parties.

BACKGROUND AND NEED FOR LEGISLATION

In 1997, nearly 42,000 people were killed in the 6.8 million motor vehicle crashes reported to police. In addition, those crashes resulted in nearly 3.4 million injuries. And while deaths from motor vehicle crashes have been declining in recent years, deaths at the scene prior to receiving emergency medical care have doubled in the past 20 years, totaling more than 20,000 per year. For 40 percent of crash fatalities, the response time for emergency personnel is 20 minutes or more. In urban areas, response times for fatal crashes is often as much as 30 minutes; in rural areas it can be as long as 50 minutes. Among the most commonly used methods for requesting emergency assistance is the use of the 911 service, which permits callers to dial the digits 911 to reach public safety personnel.

The traveling public has responded in a variety of ways to these realities. They are driving safer cars and are exercising better judgment in their driving behavior. Another way in which they are providing themselves with an extra measure of security is through the use of wireless phones.

Today, approximately 68 million Americans subscribe to cellular or other personal wireless services, with millions of new subscribers added each year. As a result of this increase, there are now 36 million calls to 911 placed on wireless phones annually, or 98,000 a day. The call volume has increased from 30 million in 1997, or 84,000 a day. This volume is expected to increase 20 percent annually. Consumers are using these phones to call for help when they need it, to report other drivers' accidents or injuries, and to report erratic or aggressive drivers to authorities before those drivers have an opportunity to injure others.

While wireless phones have enabled people to save countless lives, it is clear that improvements need to be made to the wireless network if emergency personnel are to improve response times and ultimately reduce fatalities on our nation's highways. The first of these improvements is that the wireless network must be as seamless as possible. A wireless telephone is worthless unless the call goes through.

Despite a 1995 Presidential memorandum directing Federal agencies to facilitate the placement of wireless antennas on Federal property and section 704(c) of the Telecommunications Act of 1996 (47 U.S.C. 332 note), which directs Federal agencies to make property available for the placement of wireless antennas, Federal agencies generally have been reluctant to facilitate the placement of antennas on property under their control. According to testimony received by the Committee, only the Postal Service and, to a lesser extent, the General Services Administration (GSA) have engaged in any kind of concerted effort to make their properties available for antenna siting. The Committee believes the Administration must expeditiously address this failure by numerous agencies to comply with the President's 1995 memorandum and provisions in the 1996 Telecommunications Act.

While the siting of antennas on Federal property will not patch every hole in the wireless network, it will provide coverage to areas where there are few other alternatives. Further, it permits the Federal government to lead by example, demonstrating to localities and others the need for a seamless and ubiquitous wireless network to improve public safety. The Committee,

therefore, notes with encouragement the National Park Service (NPS) memorandum, included in this report, in which NPS commits to facilitating and expediting the leasing of Federal property under its control to site wireless telecommunications antennae.

If the first issue is ensuring that the call goes through, then the second issue is ensuring that the public knows whom to call. In most areas of the country, 911 is the number to call from a wireline phone when requesting emergency assistance or reporting a crime. However, in many States 911 is not the emergency number to call over a wireless phone. These can range from #77 for the Pennsylvania State Police, to *MSP

