

**SEPARATE STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

Re: Amendment of Parts 2, 73, 74 and 90 of the Commission's Rules to Permit New York Metropolitan Area Public Safety Agencies to use Frequencies at 482-488 MHz, Notice of Proposed Rulemaking, ET Docket No. 03-158 and MB Docket No. 03-159.

I strongly support this proposal to permanently reallocate Channel 16 in New York City to land mobile service for public safety communications. The men and women working for New York's public safety agencies learned first-hand almost two years ago how critical reliable communications networks are in times of crisis. The ability to communicate with other public safety personnel can determine the difference between life and death. Harmful interference and inadequate networks can prevent first-responders from doing their jobs – protecting the people of New York – and can endanger their lives.

Over a year ago, I talked with local government officials and members of the public safety community in New York about what steps the Commission could take to improve their plight. Their primary concern was the need for spectrum in the crowded New York City airspace. In discussing the unique spectrum needs of New York – marked by an exceptionally dense population with a high concentration of tall buildings – they emphasized their reliance on Channel 16. In particular, they asked that their temporary authority to use Channel 16 be made permanent, so that they could continue to make the substantial investment necessary in enhancing their use of this frequency.

I am extremely pleased that the Commission is finally acting on this request. It is my hope that the step we take today will facilitate and accelerate the development, integrity, and coordination of these agencies' communications systems.