

To Chairman Apo and the members of the committee:

My name is Keith Higa and I am an FCC-licensed amateur radio operator, also known as a "ham radio operator." I support the intent of City Council Bill 4, CD1 in that it attempts to address the problem of driving while distracted by prohibiting the use of cellular phones and certain other devices while driving. However, as an radio amateur I am troubled by the broad language used in the bill. Specifically, I am troubled by the definition of "mobile electronic device" that would, in its current form, prohibit the use of amateur radio equipment while mobile.

The "amateur" in amateur radio does not imply unskilled. We are more than just a bunch of people playing with glorified walkie-talkies. The Amateur Radio Service is a pool of skilled individuals from all walks of life who share at least a minimum standard of technical knowledge of radio in order to receive their FCC license.

Among the most important of the ham's duties is supporting emergency communication efforts and providing communication support when vital communication infrastructure fails. Hams are trained, individually and collectively, to relay messages in an orderly manner. Hams played an important role in Hurricane Iniki and the October 2006 earthquake.

Most recently, during the islandwide power outage on December 26, 2008, a trained net control operator coordinated the exchange of messages between over 40 hams. Many of these hams were operating from their vehicles, providing vital information on malfunctioning signal lights and traffic situations to the Department of Emergency Management and Hawaii State Civil Defense. Others moved to various locations so that they could relay communications between stations.

In keeping with the strong emergency preparedness ethic among the amateur radio community, many hams either have radios and antennas installed in their vehicles or use a portable radio so that they can transmit in the event of an emergency situation. Even outside of an emergency, it is useful for hams to make sure that their equipment works and that they can make vital contacts when necessary.

Hams are not (and should not be considered to be) "emergency responders," under subsection (c)(1), but they also do not do this for compensation (monetary compensation for ham transmissions is prohibited by FCC rules) and thus do not fall under (c)(2). In formulating similar statutes, other states and jurisdictions have provided for specific exclusions for amateur radio operators. I therefore propose that specific language excluding "amateur radio operators licensed by the Federal Communications Commission" be added to subsection (c).

Thank you for the opportunity to testify.

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