Introduction and History of Public Alerting in New York City

Thank you, Chairman Donovan, Ranking Member Payne, and Members of the Subcommittee for the opportunity to speak with you today about the very important topic of emergency alerts and warnings. This is a topic that we take very seriously in New York City and have invested considerable resources in over the past decade, thanks, in part, to funding from the Urban Area Security Initiative. New York City’s emergency public information system, called Notify NYC, began as a pilot program in 2007 following the tragic Deutsche Bank fire on Liberty Street in Manhattan. This fire blanketed Lower Manhattan with smoke and ash but the City did not have the ability to proactively issue a warning. In 2009, Notify NYC began offering services citywide as an opt-in service. Since the inception of the program, New York City Emergency Management has considered public alert and warning to be a full time job and our agency maintains a cadre of Public Warning Specialists who work in Watch Command, a 24x7 operations center responsible for coordinating emergency activity in New York City on a daily basis. There is always a Public Warning Specialist on-duty and his or her primary function is to issue public alerts and warnings as quickly and accurately as possible.

Since the program’s inception, we have issued more than 10,000 messages. With more than 200 languages spoken in New York City, most of our messages are translated into the top 13 languages, including American Sign Language through a linked website. By mid-2019, we’ll offer multilingual messaging to our subscribers directly through e-mail, text message, and telephone call. Enrollment in
the program increases every year and today, almost 675,000 people have enrolled to receive Notify NYC messages via e-mail, telephone call, text message, and through social media. Most recently – during National Preparedness Month in September 2017 – we released a mobile application dedicated to public alert and warning in New York City. This state-of-the-art application is location-aware, allowing users to get messages based on their present location and not just pre-registered locations, has a mapping interface so users are able to view their location relative to the location of an emergency, and streamlines the enrollment process to promote user adoption.

**Wireless Emergency Alerts in New York City**

While we are very proud of the emergency public information system that we've built and work tirelessly on marketing and improving the program, we recognize that 675,000 subscribers in a city of 8.5 million residents is not enough. Additionally, we know that there are large populations that we need to reach during emergencies that are unlikely to enroll in the City’s notification system, including more than 60 million annual tourists and business travelers who are only in the city for a short period of time. To reach these individuals New York City relies on the federal Wireless Emergency Alert – better known as WEA – system to deliver high-priority, time-sensitive messages to mobile phones. The beauty of WEA is that it is an opt-out system, and the messages that consumers receive are based on their present location, not their home or billing address.

New York City has a strong history with WEA. The program was originally announced at the site of the World Trade Center and New York City Emergency Management worked with the Federal Emergency Management Agency, the Federal Communications Commission, and the wireless industry on testing the WEA system in 2011. In 2012, New York City became the first state or local government in the country to issue a WEA message announcing the evacuation order ahead of Hurricane Sandy. Since gaining access to the WEA technology New York City has activated the system eight times: three messages related to
Hurricane Sandy, two messages announcing travel bans related to severe winter weather, and three messages in response to the terrorist bombing in Chelsea.

The Need for WEA Enhancements

Our experience with WEA messages during actual emergencies underscores the power of the system but also highlights many of its shortcomings that we feel need to be addressed in the near term. Before I discuss our top issues, let me say that New York City appreciates the attention that the FCC has paid to this important issue. Since the FCC released its first Notice of Proposed Rulemaking in 2015, rules have been adopted that permit the inclusion of links and telephone numbers in WEA messages, require geotargeting below the county-level, and – as of May 2019 – will allow for messaging in Spanish and expand the number of available characters from 90 to 360 which will make it easier for emergency managers to provide detailed, actionable information. On January 30th of this year, the FCC also adopted a number of rules that have had broad support by emergency management and public safety agencies across the country including requiring WEA messages to be preserved on the device for 24 hours and, most importantly, improved message geo-targeting.

While these are enhancements are long overdue and welcomed, the new rules do not go far enough and continue to limit the effectiveness of the WEA system. Missing from the FCC’s latest order is multimedia alerting, “many-to-one” communication, and multilingual alerting beyond Spanish. Further, the law still permits consumers to opt out of receiving WEA messages, except those issued by the President of the United States.

Multimedia Alerting

There is currently no ability to embed multimedia – like images, maps, infographics – in WEA messages. This major capability gap was exemplified on Monday, September 19, 2016 when NYPD needed the public’s assistance in locating the suspected bomber before he placed or detonated another device. Within minutes of receiving the request our office issued a citywide WEA that included the suspect’s
name, age, instructions to call 911 if seen, and a statement “see media for pic.” Instead of being able to include an image in the message – like the tens of millions of picture and video messages that are sent between consumers on a daily basis – recipients of the WEA message needed to take an extra step and go to a different source in order to see an image of the suspect. To quote a recent letter sent to Chairman Pai from New York City Police Commissioner James O’Neil:

“We cannot continue to rely on the public taking this extra step, and when it comes to our city’s most critical cases, the law enforcement community can no longer afford to depend on an emergency wireless response system that is lagging far behind what technology can offer. . . Pictures provide instant recognition and speak a universal language. . . the Chelsea bombings highlighted this major weakness in the Wireless Emergency Alert system: millions of New Yorkers who wanted to help us find the suspect were given no other option but to take the additional time to search for his photo. In any case like this, that time is often a commodity we can’t afford to waste.”

Following this instance, New York City commissioned a survey of New Yorkers who received the WEA to determine what action, if any, they took upon receiving the WEA message. While 89% of New Yorkers felt that our use of WEA in this case was appropriate, only 45% of message recipients took the extra step to look for the photo.

Many-to-One

Today’s WEA system is one-directional and does not offer emergency management and public safety the ability to determine how many devices received a message nor does it offer the public the ability to respond to the WEA message to provide information back to government. In 2010, a severe thunderstorm with embedded tornadoes caused damage to buildings, vehicles, infrastructure, and more than 7,000 trees in New York City. In order to identify the hardest hit areas, city residents were asked to report damage by calling 3-1-1. The information provided was then sorted, mapped, and analyzed in
order to determine the hardest hit areas, a process that took hours but could take minutes by leveraging the broad reach of WEA messages and adding the ability for the public to reply to messages. Simply put, the ability to rapidly collect and aggregate de-identified but location-specific information would allow for the more efficient deployment of scarce resources following an emergency.

**Opting Out & National Threats**

When the Wireless Emergency Alert system was first created by Congress, it required that the public have the right to opt out of receiving messages, except those issued by the President of the United States. While New York City respects consumer choice and supports the President’s need to alert the country during national emergencies, it is important to note that all emergencies begin and end locally and local governments need the same unimpeded ability to reach their populations. False alerts, like the unfortunate situation in Hawaii, and poorly targeted messages likely lead to consumer opt outs and will prevent those from receiving future messages that may save their life. As such, we encourage Congress to change the law to eliminate the opt out provision. Such a change, combined with other WEA improvements, will help to ensure that critical warnings reach their intended audience. With respect to national threats, like an inbound missile, New York City feels that the federal government, as part of its national defense responsibility, is in the best position to issue timely warnings. We encourage Congress to work with the Departments of Defense and Homeland Security on operationalizing the ability for issuance of public alerts when an inbound missile – or similar – threat is detected.

**Conclusion**

In closing, the Wireless Emergency Alert system is one of the greatest advances in public alert and warning in our country’s history and has been used thousands of times across the country to protect lives and property and is a cornerstone element of our public alert and warning strategy in New York
City. However, the capability offered by WEA has not kept up with the times and needs further enhancement in order to support the response to today’s threats and hazards. New York City looks forward to working with Congress and our federal partners on continuing to improve this important tool. Thank you.