

RADIO FREQUENCY USE AGREEMENT

between

Marin County Emergency Radio Authority (MERA)

and

Golden Gate National Recreation Area

Whereas the Code of Federal Regulations, Title 47, Telecommunications, Part 80 to the end, separates radio frequency usage into distinctive Governmental and non-Governmental bands, and

Whereas Sections 2.103 and 90.421 of the Federal Communications Commission (FCC) Rules and Regulations, and Parts 7.12 and 8.3.3 of the National Telecommunications and Information Administration Manual of Regulations and Procedures for Federal Radio Frequency Management (NTIA Manual), require a mutually approved arrangement for a Government radio station to use any frequency authorized to a non-Government radio station, and

Whereas Golden Gate National Recreation Area (hereinafter referred to as the GGNRA) requires radio communications access to the Marin County Emergency Radio System Known as MERA

(hereinafter referred to as the Cooperator) **trunked radio system** within the 480 - 500 MHz Frequency Bands which are authorized solely to the cooperator for internal communications, and

Whereas such communications are essential for joint operations or mutual aid, this agreement is entered into. It provides for joint operations on non-government frequencies on a planned or scheduled basis in accordance with the following stipulations:

- 1) GGNRA will submit a copy of this agreement through their authorized Bureau Radio Liaison (the Chief, NPS Wireless Programs Office) requesting issuance of a radio frequency authorization (RFA). Operations are not authorized until the RFA is approved by the NTIA unless a prior agreement and supporting RFA exists. This agreement does not include radio operations between the Cooperator and the Point Reyes National Seashore, which is handled under a separate agreement.
- 2) Use of the authorized frequencies is restricted to intercommunications between GGNRA and the Cooperator for the purpose of public safety and mutual aid communications.
- 3) Federal Government (GGNRA) operations under this agreement must conform in all respects to any restriction or limitation imposed by the FCC on the principal licensee (Cooperator).
- 4) GGNRA will follow the communication procedures established by the Cooperator, send GGNRA Park Rangers, Firefighters, and United States Park Police Officers to any training established by the Cooperator that is necessary to fulfill the terms of this agreement, and GGNRA shall bear all costs associated therewith.

- 5) GGNRA will purchase its own equipment, and any equipment necessary for the GGNRA to operate on the system, and shall pay all expenses associated with the operation of said equipment on the system.
- 6) The Cooperator shall incur no additional costs as a result of GGNRA's use of the system, and the GGNRA shall bear all costs associated therewith.
- 7) All radios operated by GGNRA utilizing the system shall be programmed, serviced and repaired only by an authorized service station, and the GGNRA shall bear all costs associated with therewith.
- 8) Liability: To the full extent authorized by applicable law, the GGNRA and Marin County Emergency Radio Authority shall be liable for the acts and omissions of their respective employees, officers, agents, and representatives in connection with this Agreement.
- 9) Legality of Agreement: Any obligations created by this Agreement which are hereafter determined by court of competent jurisdiction to be illegal are void, and neither party will be obligated to further perform as to such obligations. Should a nonmaterial provision of this Agreement be determined to be illegal and/or void, that provision will be severed, but the parties will continue to perform the lawful provisions hereof.
- 10) No change, alteration or amendment of this Agreement may be made except by the written consent of both parties.
- 11) Either party may cancel this agreement upon 90 days written notice to the other.
- 12) This agreement will be reviewed and re-certified every five years to validate continued operational requirements.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed on the day and year written below:

\_\_\_\_\_  
Signature and Date

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Organization

\_\_\_\_\_  
Signature and Date

Brian O'Neill  
\_\_\_\_\_  
Typed Name

Superintendent  
\_\_\_\_\_  
Title

Golden Gate Natl. Recreation Area  
\_\_\_\_\_  
Organization

- Original - Park NPS Radio Coordinator
- Marin County Emergency Radio Authority (MERA)
- Copy - Regional NPS Radio Coordinator
- Chief, NPS Wireless Programs Center, WASO (Denver)

**INFORMATION TO NPS STAFF RE LICENSING FOR COOPERATORS:**

While the FCC controls the use of non-government frequencies, it does not issue licenses to stations owned or operated by the federal government. The FCC will generally grant authority through the NTIA for this operation when the requirements are well defined and the federal government is in direct support of a non-federal entity.

To obtain authority for the pre-planned use of a cooperator's frequency, submit an application along with a letter of authorization from the appropriate agency (typically the owner of the station). This is really only a letter of concurrence (only the FCC and the NTIA have the power to authorize use). ***The letter of concurrence must not be over 18 months old at the time it is submitted to the Wireless Programs Center; the names of the signatories must be typed (for the FCC to be able to read who signed the document) as well as signed by the principals. Renewals may simply have the statement that the grantor and grantees still agree with the terms of the agreement, e.g. "STILL CONCUR" with a new signature, typed name, title and date affixed for each party to the agreement.***

When another agency or a federal cooperator needs to operate on one or more of the Service's frequencies, a letter of concurrence from the unit manager to that organization is warranted and authorized. A clause should be included to indicate that the concurrence takes effect only upon (1) the organization agreeing to abide by Departmental and NPS rules of operation and (2) the applicant presenting to the unit manager a copy of the FCC or NTIA license showing that the organization has obtained authority to use the Service's frequency(ies).