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OFFICE OF EMERGENCY
REVIEW COMMISSION

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IRRC Number: 2019

Regulatory Analysis Form

(1) Agency

Pennsylvania Emergency Management Agency

(2) I.D. Number (Governor's Office Use)

30-51 R2H

(3) Short Title

Public Safety Emergency Telephone Program

(4) PA Code Cite

4 Pa. Code Chapter 120b

(5) Agency Contacts & Telephone Numbers

Primary Contact: Mark Goodwin
717-651-2010

Secondary Contact:

(6) Type of Rulemaking (Check One)

- Proposed Rulemaking
- Final Order Adopting Regulation
- Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
- Yes: By the Attorney General
- Yes: By the Governor

(8) Briefly explain the regulation in clear and non-technical language.

This regulation establishes the guidelines for the preparation of county 911 emergency communications plans, establishes the minimum standards for the operation of public safety answering points (PSAP's), and sets forth other requirements for the administration of 911 emergency communications systems in the Commonwealth.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The Public Safety Emergency Telephone Act (35 P.S. §§ 7011 - 7021), as amended.

Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

The Public Safety Emergency Telephone Act.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

This regulation is mandated by state law and is intended to promote the public's health, safety and welfare by establishing standards for the preparation of county 911 emergency communications plans and for the actual operation of public safety answering points (PSAP,s) which are the first points at which calls placed by individuals for emergency assistance are answered on a 24 hour/7 day per week basis. The regulation also identifies all of the eligible cost categories for the expenditure of county 911 funds.

(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.

Non-regulation is not an option. As stated above, this regulation is mandated by state law.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

All citizens of the Commonwealth will benefit from this regulation because the operation and administration of the 67 county 911 emergency communications systems provide emergency communications and dispatch services to all of the citizens of those counties.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

This regulation does not adversely affect any people, parties, or groups of people.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

This regulation applies to all county 911 coordinators or other officials responsible for the operation of 911 emergency communications systems in the Commonwealth. This is a small select group of individuals that does not exceed 200 persons statewide.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

This regulation will only make technical changes to the existing regulations in order to make the regulations consistent with the statutory amendments that Act No. 17 of 1998 made to the Public Safety Emergency Telephone Act. Thus, because these amendments are mandated by statute, no public comments were required.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

This proposed regulation does not increase costs to the counties because it does not place any new requirements upon the county 911 emergency communications systems. As a result, there is no change in costs or savings to the regulated community.

Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

As stated in #17, county government's costs and/or savings will not be affected by this regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

State government is not impacted by these regulatory changes.

Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years. **Not applicable.**

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

Not applicable.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.
Not Applicable

Program	FY - 3	FY - 2	FY - 1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

As stated earlier, these regulatory amendments are required by law. As a result, a cost-benefit analysis is not applicable.

(22) Describe the non-regulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

There are no non-regulatory alternatives available.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

These are technical changes to an existing regulation. No other alternatives are available.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

PEMA is not aware of any similar regulations in any other states. This regulation does not put Pennsylvania at a competitive disadvantage with any other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

Yes. This proposed regulation would amend PEMA's current regulations found at 4 Pa. Code Chapter 120b.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

No.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

No special provisions are applicable to this regulatory change.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

To Be Determined.

(31) Provide the schedule for continual review of the regulation.

This regulation will be reviewed in light of any statutory changes to the Public Safety Emergency Telephone Act or when needed to keep the regulations in conformance with technological or other changes in the 911 emergency communications field.

CDL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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LEGISLATIVE REFERENCE BUREAU
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General

[Signature]
(DEPUTY ATTORNEY GENERAL)

MAR 02 1999

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached.

Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:

PENNSYLVANIA EMERGENCY
MANAGEMENT AGENCY
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 30-51

DATE OF ADOPTION:

BY: *[Signature]*
DIRECTOR

TITLE: (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to form and legality. Executive or Independent Agencies

[Signature]

6 Mar 99
DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

Check if applicable. No Attorney General approval or objection within 30 days after submission.

Notice of

Proposed Rulemaking

Pennsylvania Emergency Management Agency

4 Pa. Code Chapter 120b.

Public Safety Emergency Telephone Program

PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

4 Pa. Code Chapter 120b.

Public Safety Emergency Telephone Program

The Pennsylvania Emergency Management Agency (PEMA), under the authority contained in 35 Pa. C. S. § 7313 (relating to powers and duties) and 35 P.S. § 7013 (relating to power to adopt regulations) proposes amendments to Chapter 120b. as set forth in Annex A.

This regulation is intended to promote the public's health, safety and welfare by establishing standards for the development of county 911 emergency communications plans. Those plans and the technical requirements of this regulation set forth minimum standards for the operation of public safety answering points (PSAPs). A PSAP is a telephone answering point within a county that an individual seeking emergency assistance (e.g. fire, police, medical) can call on a 24 hour a day, 7 days per week basis. In addition, this regulation also identifies all of the eligible cost categories for the expenditure of county 911 fees that are collected from telephone subscribers under the authority of the Public Safety Emergency Telephone Act.

Need for the Proposed Amendments.

These proposed amendments are needed to make the regulations consistent with several statutory changes that Act No. 17 of 1998 (P.L. 64, No. 17) made to the Public Safety Emergency Telephone Act. In particular, Act No. 17 expanded the types of expenditures that counties can incur for the operation of their 911 emergency communications systems to include training for their 911 personnel, the purchase of mobile communications equipment, the development and maintenance of a master street address guide, the erection of street signs on State and local highways, and the conduct of public education activities. Act No. 17 also increased from 60 days to 90 days the time period that PEMA, the Pennsylvania Emergency Management Council, and the Public Utility Commission have to review and approve county 911 emergency communications plans and their contribution rates. All of the above-mentioned statutory changes have been incorporated into these proposed regulations.

Affected Persons

These amendments should have a favorable impact on all counties operating a 911 emergency communications system because it expands the eligible cost categories for the expenditure of county 911 funds for the operation of those 911 systems.

Sunset Requirement

PEMA has not set a sunset date for this regulation because all county 911 emergency communications systems operate on a continuing basis. PEMA continues to monitor those systems and will propose improvements such as this amendment when required.

Paperwork Requirements

These proposed amendments will not change the amount of paperwork that State agencies and counties must prepare as part of the administration of their 911 emergency communications systems.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), a copy of these proposed amendments was submitted on 3/18/99 to the Independent Regulatory Review Commission, the Senate State Government Committee and the House Veterans Affairs and Emergency Preparedness Committee. In addition to the proposed amendments, the Commission and the Committees were provided with a copy of a detailed regulatory analysis form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of the form is available to the public from the agency upon request. The agency will consider any comments or suggestions received from the Commission or the Committees, together with any comments or suggestions received from the public, prior to adopting the proposed amendments.

As provided by sections 5(c) and 6(a) of the Regulatory Review Act, the proposed amendments will be deemed approved by the Committees on _____ and by the Commission on _____, unless the Committees or the Commission recommend disapproval before these dates. If the Committees or the Commission recommends disapproval, the Regulatory Review Act provides detailed procedures for review by the agency, the Governor and the General Assembly.

Contact person

Interested persons are invited to submit written comments, suggestions or objections regarding these amendments to Mark Goodwin, Chief Counsel, Pennsylvania Emergency Management Agency, P.O. Box 3321, Harrisburg, Pennsylvania 17105, within 30 days following publication of this proposed amendment in the Pennsylvania Bulletin.

Charles F. Wynne
Director

Pennsylvania Emergency Management Agency

4 Pa. Code Chapter 120b

Public Safety Emergency Telephone Program

§ 120b.102. Definitions

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

County plan-An emergency communications plan developed by a county or two or more counties in concert and submitted to the Agency on a triennial basis outlining the [proposed] county's 9-1-1 system, including the contribution rate. The plan shall be unique to the county to meet the individual needs of the county, the local governments and emergency service providers within the county.

* * * * *

Directly related personnel salary and benefit costs-Wage, salary and benefit costs for personnel responsible for provision of 9-1-1 services. The term may include PSAP personnel at telephone answering or dispatch stations, or both, and 9-1-1 supervisory personnel. The amount of the contribution rate dedicated to salary, training and benefit costs may not exceed [60%] 70% of the total surcharge, subscriber fee, collected during each county's fiscal year.

* * * * *

§ 120b.103. Development of county plan.

Upon the agreement of the governing authority of a county to establish a 9-1-1 system, a plan shall be drafted which meets, at least, the minimum technical standards promulgated by the [Council] Agency. The formation of multijurisdictional or regional 9-1-1 systems is authorized.

(1) In counties which currently have a 9-1-1 system in operation, if a contribution rate is to be established, a 9-1-1 coordinator shall be appointed and a plan shall be developed that meets the minimum technical standards promulgated by the [Council] Agency.

(2) In counties which currently do not have an operational system, if a system is to be developed and a contribution rate is to be established, a 9-1-1 coordinator shall be appointed and a county plan shall be developed that meets the minimum technical standards as promulgated by the [Council] Agency.

* * * * *

(7) At a minimum, each county 911 plan shall contain the following information:

* * * * *

- (iii) A description of the operational plan for the system, including the technical components as required by the [Council] Agency and as outlined in §120a.104 (relating to technical standards for plans) in sufficient detail to describe the operational aspects of the system, including staffing, supervision, training, interrelationship with public agencies, daily operations, emergency operations and equipment requirements.

* * * * *

(8) Updating and expanding the present system shall require an amended plan to be filed with the Agency. A public meeting is not required for the amended plan unless the county proposes to change the contribution rate established in the existing county plan. An amended plan shall contain [the same information as an original plan as provided for in paragraph (7) and shall:] the following information:

- (i) Include specific information concerning the changes to the original plan made by the amended plan.
- (ii) Specifically indicate the actions taken and modifications made to the original plan as a result of comments made by the Agency, the Commission and the Council as a part of the approval of the plan.
- (iii) Provide a 911 fund balance summary statement indicating, by year, revenues accrued and expenditures totals for personnel, training, [and] equipment and other eligible cost categories together with [by category, and] the current fund balance.

* * * * *

(10) A request solely to change a contribution rate shall comply with:

- (i) Paragraphs (5) and (6) with respect to holding of a public meeting and the actions to be taken as a result thereof.
- (ii) paragraph (7) (vii)-(xi).
- (iii) Section 120b.105 (relating to contribution rate).

(11) A county plan shall be considered a public record under the provision of the Right To Know Act (65 P.S. §66.1 - 66.4).

* * * * *

§ 120b.105. Contribution rate.

* * * * *

- (3) The estimated non-recurring and recurring costs, if applicable, for each component of the 911 system for which the county is eligible for reimbursement, the costs may include the following:

* * * * *

(xii) Personnel salary, training and benefits.

* * * * *

§ 120b.106. Eligible costs.

- (a) The contribution rate may be used for recurring and nonrecurring costs associated with implementing, expanding, upgrading and operating a 911 emergency communications system.
- (b) The costs may include the following items:
 - (1) Nonrecurring Costs

* * * * *

- (xiii) Mobile communications equipment.
- (xiv) Development and maintenance of a master street address guide.
- (xv) Erection of street signs on state and local highways.
- (xvi) [(xiii)] Other non-recurring costs as deemed eligible by the Agency:

- (2) Recurring Costs

* * * * *

- (vii) Personnel salary, training and benefit costs directly related to the provision of 911 services subject to a maximum of [60%] 70% of the contribution rate revenue.
- (viii) Audit costs.
- (ix) Carryover costs.
- (x) Public education costs.

- (c) The following costs are deemed to be ineligible costs:

- (1) Costs necessary to house a 911 system.
- (2) Purchase of real estate.
- (3) Cosmetic remodeling.
- (4) Central office upgrading.
- (5) Recruitment and training of dispatchers, call takers or telecommunications officers or operators.
- [(6) Mobile communications equipment including pagers, scanners, or portable communications devices.]
- (6) [(7)] Ambulances, fire engines, emergency equipment or vehicles of any kind.
- (7) [(8)] Utilities including electric, gas, oil, water, sewer and solid waste.
- (8) [(9)] Telephone costs not directly associated with the provision of 911 services.
- (9) [(10)] Taxes or other expenses deemed ineligible by the Agency.

* * * * *

§ 120b.108. Review and approval of plans.

* * * * *

(e) The Council shall have [60] 90 days to review the plan and make suggested revisions to the plan. The Council may contact the county for clarification or further information during the review of the plan.

(f) The [60] 90-day review period shall consist of [60] 90-calendar days, beginning with the day the council receives the plan from the Agency.

(g) The Council shall submit its review findings along with a recommendation for approval or denial to the Agency. If the Council recommends denial, the reasons for the denial shall be provided along with recommendations for changes to the plan.

(h) The Commission will have [60] 90 days to review the plan. The Commission's review applies only to the proposed contribution rate.

(i) The Commission may modify only rates which it finds excessive to meet the costs stated in the plan.

(j) The [60] 90-day review period shall consist of [60] 90-calendar days, beginning the day the Commission receives the plan from the Agency.

* * * * *

§ 120b.112. Accuracy Standards for 911 database systems.

The Master Street Address Guide (MSAG) is an information file prepared by a county that contains a list of all street names and address ranges within a county's 9-1-1 service area. Associated with each street are the low/high address ranges as well as a designation for odd, even or all numbers as appropriate; street directionals, such as N, S, E, W; and street types such as ST (street), RD (road), LN (lane). The MSAG may also contain a Public Safety Answering Point (PSAP) designation and the appropriate emergency service providers (police, fire and medical) assigned to each address range. A Local Exchange Carrier (LEC) customer database contains the billed customer's telephone number, name and service address. Once a county creates an MSAG, the county and the LEC shall perform a database validation process every six months by comparing LEC customer data with the MSAG data. When substantive database mismatches are detected during the validation process and are subsequently corrected to the extent that at least 95% of the LEC's customer database matches the MSAG database, then the LEC customer database may be loaded into the county's MSAG database. When 100% street addressing has not taken place within a certain geographical area of a county, the use of a partial county MSAG may be used as long as the data load represents an accuracy rate of at least 95%. Thereafter, additional validation processes shall be implemented by a county and the LEC or LECs to eliminate, insofar as possible, any substantive mismatches between the county's MSAG and LEC's customer database.

§ 120b.[112.]113. Reports.

For counties where a 911 system has been established a report shall be submitted to the Agency annually detailing the status of 911 systems. The report shall be on a form provided by the Agency and shall include information including contribution rate, progress reports, installation schedules, installation expenses, anticipated 911 system changes, other system related costs and other information deemed necessary by the Agency. The report will be for the current calendar year and shall be forwarded to the Agency by December 1st of the current year.

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

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INDEPENDENT REGULATORY
REVIEW COMMISSION

I.D. NUMBER: 30-51
SUBJECT: Public Safety Emergency Telephone Program
AGENCY: PA EMERGENCY MANAGEMENT

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
- a. With Revisions b. Without Revisions

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
3-18-99	<u>Carol Absher</u>	HOUSE COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS
3-18-99	<u>Shelly J. Tades</u>	
3-18-99	<u>J. J. Jada</u>	SENATE COMMITTEE ON STATE GOVERNMENT
3-19-99	<u>Valerie Hoover</u>	
3/19/99	<u>Kern C. Maxner</u>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
3/19/99	<u>Maysa Garcia</u>	LEGISLATIVE REFERENCE BUREAU

February 4, 1999