

**TITLE 21. MISCELLANEOUS
CHAPTER LX. NEW YORK STATE 911 BOARD**

**PART 5200. MINIMUM STANDARDS REGARDING DIRECT DISPATCH OF ALL
EMERGENCY SERVICES**

§ 5200.1 Purpose

Many emergencies require immediate response from emergency service provider, whether police, fire, or emergency medical service. This need requires that 911 dispatch facilities must be able to dispatch any and all of such providers to ensure the highest level of service and protection to the community.

§ 5200.2

"Director dispatch" means that the public safety answering point (PSAP) can, by encoding or toning, alert the responding agency without having to relay or reroute calls unless the call originates outside the jurisdiction

All PSAPs shall have the capability of direct dispatch as so defined.

§ 5200.3

A PSAP shall transfer all wireless 911 calls originating outside its jurisdiction to the appropriate agencies pursuant to existing local practice

§ 5201.1 Definitions

(a) PSAP means Public Safety Answering Point, a site designated and operated by a governmental entity for the purpose of receiving emergency calls from customers of a wireless telephone service supplier.

(b) Board means the New York State 911 Board.

(c) Call-taker/dispatcher means any person employed by or in any local or state government agency either full or part-time whose duties include the answering of emergency telephone calls and/or the dispatching of emergency services personnel.

(d) ESDTEP means Emergency Services Dispatch Training/Evaluation Program.

(e) Trainer means any individual designated by the authority to train call-takers/dispatchers.

(f) Trainee means a call-taker/dispatcher who is currently being trained.

(g) Authority means the local governmental authority operating the PSAP.

§ 5201.2 Educational qualifications

(a) A call-taker/dispatcher shall have obtained a diploma or Regents diploma evidencing completion of a course of study at an accredited high school or secondary school. Alternatively, he or she shall have obtained a General Equivalency Diploma or its equivalent. Provided, any call-taker/dispatcher who commences employment in such capacity prior to January 1, 2004 shall not be required to meet this qualification.

(b) An applicant for employment as a call-taker/dispatcher shall show proof of the qualification set forth in subdivision (a) of this section, in a form satisfactory to the hiring authority.

§ 5201.3 Basic training standards

(a) Emergency Services Dispatch Training Evaluation Program.

(1) The authority shall have in place for each PSAP an Emergency Services Dispatch Training/Evaluation Program (ESDTEP). Except for those commencing employment in such capacity prior to January 1, 2004, all call-takers/dispatchers must satisfactorily demonstrate competency in the performance criteria established therein.

(2) The ESDTEP shall consist of a minimum of 200 hours of training, including, but not limited, to:

(i) specific performance criteria;

(ii) daily written evaluations;

(iii) observation of the trainee while interacting with the public and all relevant public safety agencies and organizations serviced by the PSAP.

(3) A call-taker/dispatcher who is otherwise subject to the training requirements set forth in this section, but who has been previously employed in such capacity, may in lieu of completing the training requirements, show competency in specific performance areas pursuant to a protocol established by the employing jurisdiction.

(4) Completion time. Every call-taker/dispatcher subject to the training requirements of this section shall satisfactorily complete the ESDTEP training program:

(i) within 18 months of the date of initial appointment for persons employed more than 20 hours per week; or

(ii) within 24 months of the date of initial appointment for persons employed 20 hours per week or less.

(5) Supervision.

(i) The ESDTEP program training shall occur under the immediate supervision of a competent trainer.

(ii) Call-takers/dispatchers shall not be assigned to unsupervised duty until the

training is satisfactorily completed.

(6) Administrative requirements. The authority shall:

(i) maintain accurate and current copies of curricula consisting of course outlines, descriptions, and specific lesson plans for all training courses that are completed through an in-house training program;

(ii) maintain and make available accurate training records of all trainees, including daily written evaluations.

(b) Classroom and related instruction.

(1) In addition to the ESDTEP program training, all call-takers/dispatchers shall complete the following:

(i) a course of classroom instruction consisting of a minimum of 40 hours, including but not limited, to the following topics:

(a) rules and responsibilities;

(b) legal aspects;

(c) interpersonal communications;

(d) technologies;

(e) telephone techniques;

(f) call classification;

(g) radio communications;

(h) stress management; and

(ii) a course of study in incident command system, to include, but not be limited, to:

(a) IS-700, or the equivalent, as required by Homeland Security Presidential Directive Number Five; and

(b) ICS-100, or the equivalent, as required by Homeland Security Presidential Directive Number Five.

(2) Completion time. Every call-taker/dispatcher subject to the training requirements of this section shall satisfactorily complete the classroom and related instruction training set forth above within 12 months of the date of initial appointment.

(3) The Board may establish a list of approved classroom and related instructional programs which meet the requirements set forth above.

(4) All call-takers/dispatchers who are in a supervisory position shall complete the following:

(i) IS-700, or the equivalent, as required by Homeland Security Presidential Directive Number Five;

(ii) ICS-100, or the equivalent, as required by Homeland Security Presidential Directive Number Five; and

(iii) ICS-200, or the equivalent, as required by Homeland Security Presidential Directive Number Five.

(5) Every call-taker/dispatcher who is in a supervisory position shall satisfactorily complete the training requirements set forth in the section above within 12 months of the date of appointment to a supervisory position.

(6) Administrative requirements. The authority shall:

(i) maintain accurate and current copies of curricula consisting of course outlines, descriptions, and specific lesson plans for all training courses that are completed through an in-house training program;

(ii) maintain and make available accurate training records of all trainees, including daily written evaluations.

(c) Extensions of time.

(1) The Board may grant an extension of time for completion of the training required under subdivision (b) of this section under the following conditions:

(i) illness;

(ii) injury;

(iii) military service;

(iv) special duty assignment required and performed in the public interest;

(v) administrative leave involving the determination of workers' compensation or disability retirement issues, or suspension pending investigation or adjudication of an offense; or

(vi) any other reason documented by the authority, which reason shall be specifically described.

(2) Prior to the expiration of the time required for completion, the authority shall present written notification that the trainee is unable to complete such training due to one or more of the reasons set forth in paragraph (1) herein, accompanied by appropriate documentation.

(3) Any extension of time approved by the Board shall not exceed a single 12-month extension.

(d) The training standards set forth in this rule shall be met through attendance at either a recognized training academy or through an in-house training program.

Trainees shall be required to attend all classes and shall not be placed on duty or on call during such training except in cases of emergency.

§ 5201.4 Annual in-service training standards

(a) Effective January 1, 2004, all call-takers/dispatchers shall:

(1) within each calendar year, complete a minimum of 21 hours of in-service training consisting of, but not limited to, the following:

(i) TTD Devices;

(ii) Stress Awareness;

(iii) Community Relations;

(iv) Legal Updates;

(v) Review of Agency Policies and Procedures; and

(2) satisfy any and all applicable mandatory re-certifications, including, but not limited, to:

(i) Emergency Medical Dispatching;

(ii) New York Statewide Police Information Network.

(b) A call-taker/dispatcher who has failed to satisfy the annual in-service training standards set forth herein for any calendar year shall not be eligible for, or be assigned to, duty until such time as the training is successfully completed.

(c) The Annual In-Service Training Standards set forth in this rule shall be met through attendance at either a recognized training academy or through an in-house training program.

(d) Administrative requirements. The authority shall:

(1) maintain accurate and current copies of curricula consisting of course outlines, descriptions, and specific lesson plans for all training courses that are completed through an in-house training program;

(2) maintain and make available accurate training records of all trainees, including daily written evaluations.

§ 5201.5 Specialty training

(a) The authority may identify positions for which specialized technical and job-specific training is to be required, and shall require completion of such training pursuant to the protocol established within that job specialty.

(b) If the authority has established an Emergency Medical Dispatch (EMD) program

at any PSAP, such program shall include and require instruction which meets or exceeds the standard established by the National Highway Traffic Safety Administration (NHTSA) approved program of instruction. All persons employed therein shall complete training for such program within 12 months of the date of appointment. The Board may establish a list of approved EMD training programs.

§ 5201.6 Appendix A

A-1 The following courses of instruction meet or exceed the classroom instruction requirements set forth in 21 NYCRR § 5201.3(b)(1)(i): A-1.1 Association of Public Safety Communications Officials Basic Telecommunicator Course, Forth Edition, Version 3 (2000).

A-1.2 National Academies of Emergency Dispatch, Emergency Telecommunicator Manual, Edition 1 (2001).

A-1.3 New York State Municipal Police Training Council, Public Safety Telecommunicator's Course. A-2 The following programs meet or exceed the NHTSA EMD approved program of instruction:

A-2.1 Priority Dispatch.

A-2.2 PowerPhone.

§ 5201.7 Variances

(a) The Board shall have authority to grant variances from the strict provisions of this Part, upon application therefor and upon a showing of:

(1) unnecessary hardship; and

(2) that an alternative measure or method to be adopted will meet the objectives of the standards.

(b) In granting such variance, the Board shall provide that such variance shall be for a stated period of time.

Appendix 5201A

APPENDIX A

A-1 The following courses of instruction meet or exceed the classroom instruction requirements set forth in 21 NYCRR § 5201.3(b)(1)(i): A-1.1 Association of Public Safety Communications Officials Basic Telecommunicator Course, Fourth Edition, Version 3 (2000).

A-1.2 National Academies of Emergency Dispatch, Emergency Telecommunicator Manual, Edition 1 (2001).

A-1.3 New York State Municipal Police Training Council, Public Safety Telecommunicator's Course. A-2 The following programs meet or exceed the NHTSA EMD approved program of instruction:

A-2.1 Priority Dispatch;

A-2.2 PowerPhone

PART 5202. MINIMUM STANDARDS REGARDING STAFFING OF PUBLIC SAFETY ANSWERING POINTS

§ 5202.1 Definitions

(a) PSAP means Public Safety Answering Point, a site designated and operated by a governmental entity for the purpose of receiving emergency calls from customers of a wireless telephone service supplier.

(b) Call-taker/dispatcher means any person employed by or in any local or state government agency either full- or part-time whose duties include the answering of emergency telephone calls and/or the dispatching of emergency services personnel.

(c) Certified means having a formal program of related instruction and testing as provided either by a recognized organization or by the authority having jurisdiction over the PSAP.

(d) Qualified means that the employee has been properly trained and credentialed pursuant to all applicable laws and regulations.

§ 5202.2 Standards

(a) All PSAPs shall be staffed 24 hours a day, seven days a week, by a minimum of two qualified, certified call-takers/dispatchers with at least one person designated as in charge.

(b) All PSAPs shall have staffing adequate to answer 90 percent of all incoming wireless 911 calls within ten seconds of connection.

(c) All wireless 911 requests shall be dispatched immediately, or as soon thereafter as possible within the practicalities of responding to other 911 calls, in accordance with the PSAP's written policies and procedures for prioritizing service needs.

(d) All PSAPs shall have the following on file:

(1) a written job description for each job title staffed by the PSAP;

(2) a written procedure for the emergency recall of off-duty employees;

(3) a written procedure for quality control of services;

(4) a written policy and procedure for, or equivalent measures to assess, employee

performance; and

(5) a written policy and procedure for the handling of customer complaints.

(e) All employees assigned to call-taker and/or dispatcher duties shall meet minimum training standards as required by the New York State 911 Board.

(f) All PSAPs shall have on file an organizational chart that is current and available to all personnel. The chart shall reflect the chain of command and lines of authority for communications within the PSAP and shall be organized in a hierarchy.

(g) All PSAPs shall have on file a written procedure that requires personnel to obey any lawful order of a superior transmitted by any duly authorized agent of that superior, regardless of rank involved, and which establishes procedures to be followed when a conflicting order or directive is received.

Appendix 5202A

APPENDIX A

Reference Materials for Guidance in Staffing Standards A-1 The Math of Call Center Staffing, Penny Reynolds, ICCM Weekly (Aug. 8, 2002). A-2 How Many Do We Really Need? A Simple Solution for Determining Staffing, Jennifer Hagstrom, Ed. (Sept. 2000). A-3 Communications Center Staffing Formulas: Old Studies in a New Environment, APCO Int'l. Pub. Safety Commun., APCO Bulletin, Project (40) RETAINS, Yvonne Klees, Features Ed. (Mar. 2001).

A-4 Standard for Public Safety Communications Agencies, Commission on Accreditation for Law Enforcement Agencies.

A-5 Standard for Professional Qualifications for Public Safety Telecommunicator, National Fire Protection Agency 1061 (1996 Ed.).

A-6 Public Safety Answering Point (PSAP) Accreditation Program, Program Standards Manual, New York State Sheriffs' Association.

A-7 Staffing formulas as may be provided by telephone service suppliers in the particular jurisdiction.

PART 5203. MINIMUM STANDARDS REGARDING EQUIPMENT, FACILITIES AND SECURITY FOR PUBLIC SAFETY ANSWERING POINTS

§ 5203.1 Definitions

(a) PSAP means Public Safety Answering Point, a site designated and operated by a governmental entity for the purpose of receiving emergency calls from customers

- of a wireless telephone service supplier.
- (b) IWS means Intelligent Work Station.
- (c) CAD means Computer Aided Dispatch.
- (d) ANI means Automatic Number Identification.
- (e) ALI means Automatic Location Identification.
- (f) WSP means Wireless Service Provider.
- (g) ACDR means Automatic Call Detail Record.
- (h) Authority means the local governmental authority operating the PSAP.
- (i) TDD means Telecommunications Device for the Deaf.
- (j) TTY means Teletypewriters.
- (k) NYSPIN means New York Statewide Police Information Network.
- (l) Re-Bid means the ability to request updated ALI information as needed to plot latitude and longitude coordinates.
- (m) eJusticeNY means the browser-based application for access to criminal justice information systems in New York State.

§ 5203.2 Equipment

- (a) Intelligent Workstations (IWS).
 - (1) All PSAPs shall have the ability to integrate multiple systems (CAD, IWS, and Mapping) into one operational system.
 - (2) All PSAPs shall have the ability to accept and process 10 digits of ANI information and 20 digits (10 ANI & 10 pANI) of ALI information.
- (b) Computer Aided Dispatch (CAD) System.
 - (1) A PSAP's CAD system shall accommodate call volumes and other sizing parameters as required by the authority.
 - (2) A PSAP's computer system shall provide operational capabilities as required by the authority.
 - (3) A PSAP's CAD system shall have the capabilities of displaying the location of all wireless calls using latitude and longitude, if a CAD based mapping solution is used.
 - (4) The authority shall have a written procedure for the use of a manual backup system in the case of failure of the CAD system.

(c) Mapping program (Other than CAD based).

(1) All mapping programs shall be compatible with the IWS system.

(2) All mapping programs shall be able to plot and display X and Y coordinates provided by all wireless service providers.

(3) All mapping programs shall be updated at least every three years to reflect changes in the PSAP's coverage area.

(4) All mapping systems shall display a map display which can be navigated based on address and location coordinates provided from the PSAP's ALI system.

(d) ANI/ALI Operations. All PSAPs shall:

(1) have enhanced 911 capability, including Automatic Number Identification (ANI) and Automatic Location Identification (ALI);

(2) have the ability to receive 20 digit ANI/ALI data from all wireless service providers;

(3) have dedicated redundant data links to the designated ALI/ANI database providers;

(4) have the capability to receive the ANI/ALI information as soon as the call is answered by a call-taker; and

(5) have the ability to re-bid for ALI information.

(e) Recorder system. The authority shall:

(1) ensure that all emergency communications to and from all PSAPs, including telephone and radio transmissions, shall be recorded;

(2) have a written policy establishing procedures for the playback and recording of emergency communications;

(3) have a written policy for the securing and storage of recordings;

(4) establish criteria, and have a written policy for, access to recordings;

(5) retain PSAP recordings for at least 90 days; and

(6) ensure that instant playback units are located at all call-taker positions.

(f) Call detail record. All PSAPs shall have the capability to provide an automatic call detail record (ACDR) of every emergency call received either by recording equipment or CAD log.

(g) Telecommunications devices for the deaf (TDD).

(1) All PSAPs shall meet all requirements of the Americans with Disabilities Act (ADA), including but not limited to:

- (i) direct access for all teletypewriters (TTY); and
- (ii) equipping of each call-taking position with a TTY or TTY-compatible device.
- (2) The authority shall have a written procedure for the handling of silent or open line TDD calls.
- (h) Criminal justice information system.
 - (1) All PSAPs shall have direct access to the NYSPIN or eJusticeNY systems.
 - (2) The authority shall have a written procedure for participation in the system or systems the PSAP utilizes.
- (i) System service. The authority shall have a service agreement or agreements for all PSAPs, for the timely repair of equipment.
- (j) System clock.
 - (1) All PSAPs shall have a time synchronization package for the purpose of coordinating system-wide timing among the various 911 systems and support systems.
 - (2) The time synchronization package shall provide the means for wireless enhanced 911 systems, CAD systems, recorders, display clocks, and all other automated systems containing clocks to operate on the same time source.
 - (3) All system clocks shall automatically adjust for Daylight Savings Time and leap second, and shall have a time zone offset for UCT (Universal Coordinated Time).

§ 5203.3 Building

- (a) Fire protection. All PSAPs shall comply with the New York State Uniform Fire Prevention and Building Code.
- (b) Facility power.
 - (1) All PSAPs shall have an engine driven generator as an emergency source of power.
 - (2) All PSAPs shall have an uninterruptible power system (UPS) which shall maintain the power connection during the transition from commercial power to the standby generator power for critical systems and applications.
 - (3) The authority shall have a written procedure for the testing of standby power sources.
 - (4) The authority shall conduct documented inspections and testing of standby power sources at least monthly.

(c) Facility hours of operation. All PSAPs shall be fully operational 24 hours a day, 7 days a week, and 365 days a year (366 days during leap year).

§ 5203.4 Security

(a) Facility access.

(1) All PSAPs shall be locked and secured from intrusion.

(2) Access to a PSAP shall be restricted to authorized persons only.

(b) System protection. All PSAPs shall be equipped with software protection as required by the authority including a means of access that requires each authorized user to utilize unique identifiers to enter the systems.

§ 5203.5 General

(a) Backup site. The authority shall:

(1) maintain a backup PSAP site, separate and apart from the primary PSAP site, wired and ready with the ability to receive and dispatch emergency calls, for use in case of the necessity to vacate the primary PSAP;

(2) have a written continuity of operations plan for evacuating the primary PSAP and transferring operations to the backup site; and

(3) conduct and document no less than one exercise per year that utilizes the continuity of operations plan.

(b) Overflow calls. The authority shall have a written policy to handle overflow of wireless 911 calls.

§ 5203.6 Variances

(a) The Board shall have authority to grant variances from the strict provisions of this Part, upon application therefor and upon a showing of:

(1) unnecessary hardship; and

(2) that an alternative measure or method to be adopted will meet the objectives of the standards.

(b) In granting such variance, the Board shall provide that such variance shall be for a stated period of time.

PART 5204. MINIMUM STANDARDS REGARDING EXPEDITED DEPLOYMENT FUNDING

§ 5204.1 Definitions

- (a) Board means the New York State 911 Board.
- (b) PSAP means public safety answering point, a site designated and operated by a local governmental entity for the purpose of receiving emergency calls from customers of a wireless telephone service supplier.
- (c) Expedited Deployment Funding means the State assistance provided pursuant to this Part to local public safety answering points for eligible wireless 911 costs.
- (d) Plan or Plans means a priority enhanced wireless 911 plan or plans.

§ 5204.2 State assistance

Subject to the appropriation of funds, the Department of State shall provide State assistance to local PSAPs for eligible wireless 911 costs. Such State assistance may be up to ninety (90) percent of the total amount of eligible costs to implement the enhanced wireless 911 plan approved pursuant to this Part. This funding is provided to encourage the rapid deployment of enhanced wireless 911. Expedited deployment funding will be provided to PSAPs for reasonable enhanced wireless 911 costs which conform to the FCC order. Funding will be provided to PSAPs based on need and readiness to receive and utilize enhanced wireless 911 information within 180 days of submission of the plan. Funding may be provided prospectively.

§ 5204.3 Time frame for submission of plans

The Board shall administratively establish and publicize a time frame for submission of plans, which shall be subsequent to its adoption of this Part.

§ 5204.4 Criteria for approval of plans

- (a) To be eligible for expedited deployment funding a PSAP must:
 - (1) be operated by a local governmental entity other than the State Police; and
 - (2) be designated by resolution of a county governing board pursuant to County Law §330(1)(b) to receive all wireless 911 calls within the county.
- (b) Priority in approving plans will be given to those PSAPs which had not attained enhanced wireless 911 capability as of May 15, 2003.

§ 5204.5 Contents of plans

All plans submitted for expedited funding approval shall set forth the following:

- (a) a timeframe for planned enhanced wireless 911 implementation;
- (b) a list of all wireless service suppliers licensed to provide service in the county;

- (c) a financial plan, including a summary of projected costs related to equipment purchase, installation and maintenance necessary to provide enhanced wireless 911 service;
- (d) a list of specific projects eligible for expedited deployment funding contained in the financial plan;
- (e) a description of technologies to be used to provide enhanced wireless 911 service;
- (f) documentation supporting the PSAP's ability to receive and utilize enhanced wireless 911 information within one hundred eighty days of the submission of the plan;
- (g) a resolution from the governmental entity supporting the local PSAP's request for expedited deployment funding;
- (h) an inventory of the names and ages of all existing items of wireless equipment at the PSAP; and
- (i) a statement setting forth the existing numerical volume of both hardwire and wireless 911 calls received during both the immediately preceding 12 months and the next preceding 12 months; and
- (j) documentation sufficient to establish that at least (10) percent of eligible costs shall be funded and provided by the PSAP. Such local share may include in-kind costs.

§ 5204.6 Standards governing reasonable eligible wireless 911 service costs

Eligible wireless 911 service costs may be paid or reimbursed for the eligible items set forth in subdivision (a) of this section to the extent such items relate to the provision of enhanced wireless service. For purposes of this section, "eligible wireless **911** service costs" shall mean the actual costs incurred by the governmental entity seeking payment or reimbursement which are related to the acquisition, design, installation, customization and delivery of eligible items, including shipping and handling fees, site-surveying and engineering costs, construction and renovation costs incidental to the installation of eligible items, and non-recurring costs incurred for the modification or customization of eligible items to enable such eligible items to be operational for their intended purpose and to ensure functionality and compatibility with the software and equipment of and services provided by wireless telephone service suppliers, provided, however, that any such costs for consultant services for software improvements and training of those personnel of the local governmental entity primarily responsible for the instruction of local government employees in the proper use of eligible items of equipment or software are an integral part of a hardware/software procurement package and are incurred not later than one year after the later of the date the eligible items to which such costs relate is delivered or accepted.

- (a) Eligible items:

- (1) equipment, including, but not limited to, computers, connection equipment providing automatic number identification (ANI) and automatic location information (ALI) operations, and uninterruptible power systems (UPS);
 - (2) consoles and furniture for additional positions and/or required for new equipment;
 - (3) software, including software licensing fees.
- (b) Funding shall not be awarded for any items purchased prior to May 15, 2003.
- (c) Except to the extent otherwise provided above, funding shall not be awarded for:
- (1) construction and renovation costs, other than costs incidental to the installation of eligible items;
 - (2) personal services;
 - (3) training of personnel; or
 - (4) ordinary or recurring maintenance charges.

§ 5204.7 Standards governing repayment provisions

Within six months following receipt of funding, the local governmental entity operating the PSAP shall submit to the Board all receipts documenting approved expenditures, in a single package. Immediately upon receipt of notice by the Board of any unauthorized expenditure or undocumented funds, the entity operating the PSAP shall cease making unauthorized expenditures. Within 30 days following the Board's final determination that any expenditure is unauthorized or is not sufficiently documented, the PSAP shall refund such amount.

PART 5250. MINIMUM STANDARDS REGARDING JURISDICTIONAL PROTOCOLS

§ 5250.1 Purpose

All law enforcement agencies have a common goal of providing the highest level of police protection to the communities they serve. Fulfilling that goal requires the coordination and cooperation of all law enforcement agencies at the local, county and state levels. In the interest of providing the highest levels of law enforcement services and protection to the public, the Legislature has therefore required the 911 Board to adopt minimum standards for jurisdictional protocols.

§ 5250.2 Definitions

(a) A jurisdictional protocol is a written agreement entered into by two or more law enforcement agencies setting forth procedures to ensure the organized, coordinated, and prompt mobilization of personnel, equipment, services, or facilities in order to

achieve the fastest response to a 911 emergency.

(b) AVL means Automatic Vehicle Locator.

(c) CAD means Computer Aided Dispatch.

§ 5250.3 Wireless 911 calls shall be routed pursuant to County Law @ 330

The jurisdictional protocols utilized by the law enforcement agencies shall be in the form of a written agreement that, at a minimum, includes or provides for the following:

(a) a list of all participating law enforcement agencies;

(b) if the PSAP has the authority to do so, a method of providing for the dispatch of the closest police unit, which may be via any of the following:

(1) AVL (CAD mapping);

(2) indirect polling (asking for any unit in the area);

(3) direct polling (determining the location of a unit by its number);

(c) a method of transferring calls to the proper agency or jurisdiction;

(d) that the methods provided for pursuant to subdivisions (b) and (c) of this section shall be used in the case of all 911 calls, and all emergency calls received by any other means, dispatched for service;

(e) that the agreement shall be reviewed at least annually to ensure that the most efficient procedures are being used;

(f) that all investigative duties shall be conducted by a law enforcement agency having ordinary investigative jurisdiction in any area, regardless of initial response to an emergency, provided, that no law enforcement agency shall be prohibited from requesting assistance from any other agency as may be provided under current law or regulation; and

(g) a procedure for resolving all disputes among the parties relating to the operation of the protocol, which may include referral of such disputes to a body designated by agreement among the parties.

§ 5250.4 Model protocol

The 911 Board has approved as a model the jurisdictional protocol titled "Memorandum of Understanding (Jurisdictional Protocol for Law Enforcement Agencies)."

**PART 5300. RULES GOVERNING THE CONDUCT AND SAFETY OF THE PUBLIC
IN THE USE OF THE FACILITIES OF CAPITAL DISTRICT TRANSPORTATION
AUTHORITY**

§ 5300.1 Authorization and purpose

(a) The provisions of section 1307(4) of the Public Authorities Law provide the Capital District Transportation Authority and its subsidiaries with the power to make rules and regulations governing the conduct and safety of the public in the use and operation of the transit facilities of the authority and its subsidiaries.

(b) These rules are established by the Capital District Transportation Authority to promote safety, to facilitate the proper use of the transit facilities of the authority and its subsidiaries, to protect those transit facilities and their passengers, and to assure the payment of fares and other lawful charges for the use of their systems.

(c) These rules may be amended or added to, from time to time, at the sole discretion of the Capital District Transportation Authority in accordance with law.

§ 5300.2 Definitions

The following terms as used in these rules shall have the following meanings:

(a) Authority means collectively the Capital District Transportation Authority and its subsidiaries, Capital District Transit System, Capital District Transportation District, Inc., Capital District Transit System, Number One, Capital District Transportation District Inc.; Capital District Transit System, Number Two, Capital District Transportation District, Inc., Access Transit Services, Inc., CDTA Facilities, Inc., public benefit corporations of the State of New York, except if the context in which the word authority is used indicates that it is either (but not both) Capital District Transportation Authority or the subsidiary to which reference is being made.

(b) Facilities includes all property and equipment, including, without limitation, rights of way and related signal, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices and other real estate or structures used or held for or incidental to the operation, rehabilitation or improvement of any rapid transit or omnibus line of the authority.

(c) Sound production device includes, but is not limited to, any radio receiver, phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker device or system and any sound amplifier.

(d) Conveyance includes any omnibus or other vehicle previously used or held for use by the authority as a means of transportation of passengers.

(e) Rules means these rules.

(f) Person means any individual, firm, copartnership, corporation, association or company.

(g) Fare means the lawful charges established by the authority for the use of its facilities.

(h) Fare media means the various instruments issued by or on behalf of the authority to use for the payment of fare, including, but not limited to, tokens, passes, fare cards, swipers, go cards, transfers, tickets, and vouchers.

§ 5300.3 Construction

In interpreting or applying the rules, the following provisions shall apply:

(a) The authority reserves the right from time to time to suspend, modify or revoke the application of any or all of the rules as it deems necessary or desirable.

(b) Any act otherwise prohibited by any of the rules is lawful if specifically authorized by agreement, permit, license, or other writing duly signed by an authorized officer of the authority or if performed by an officer, employee or designated agent of the authority acting within the scope of his or her employment or agency.

(c) Rules shall apply with equal force to any person assisting, aiding or abetting another, including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting another in the avoidance of any of the requirements of the rules.

(d) The order or judgment of a court or other tribunal of competent jurisdiction that any provision of the rules is invalid shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate any other provision of the rules or the application of any part of the rules to any other person or circumstances; the provisions of the rules are declared to be severable.

(e) The singular shall mean and include the plural; the masculine gender shall mean the feminine and the neuter genders; and vice versa.

§ 5300.4 Payment of fare and access to authority facilities

(a) No person shall use or enter upon the facilities or conveyances of the authority, for any purpose, without the payment of the fare or tender of other valid fare media used in accordance with any conditions and restrictions imposed by the authority. For the purposes of this section, it shall be considered an entrance into a facility or conveyance whenever a person passes through a point at which a fare is required or collected.

(b) Except for employees of the authority acting within the scope of their employment, no person shall sell, provide, copy, reproduce or produce, or create any version of any fare media or otherwise authorize access to or use of the facilities, conveyances or services of the authority without the written permission of a representative of the authority duly authorized by the authority to grant such right to others.

(c) No person shall put or attempt to put any paper, article, instrument or item, other than fare media issued by the authority and valid for the place, time and

manner in which used, into any farebox, turnstile, pass reader or other fare collection instrument, receptacle, device, machine or location.

(d) Fare media that have been forged, counterfeited, imitated, altered or improperly transferred or that have been used in a manner inconsistent with the rules shall be confiscated.

§ 5300.5 Property and equipment

(a) No person shall destroy, mark, soil or paint, or draw, inscribe, write, spray paint or place graffiti upon, or remove, injure or tamper with any facility, conveyance, sign, advertisement or notice of the authority, except that this provision shall not apply to any work within the scope of any contract made by or on behalf of the authority.

(b) No person shall post, distribute or display any sign, poster, notice, advertisement or other printed or written matter in or on any facility or conveyance without the permission of the authority, except as otherwise provided by law.

(c) Except as an incident to travel on authority facilities for which a fare has been paid or which has otherwise been duly authorized by the authority, no conveyance or facility may be occupied, used or handled, except by permit, agreement, license or other authorization of the authority duly made.

§ 5300.6 Use of the transit system

(a) No person may vandalize or attempt to vandalize any facility or conveyance, or perform any act which causes or may tend to cause damage to any facility or conveyance, interfere with the provision of transit service or obstruct the flow of traffic on facilities or conveyances or which would in any way interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances of the authority.

(b) No person, unless duly authorized by the authority shall engage in any commercial activity upon any facility or conveyance. Commercial activities include:

(1) the advertising, display, sale, lease, offer for sale or lease, or distribution of food, goods, services or entertainment (including the free distribution of promotional goods or materials); and

(2) the solicitation of money or payment for food, goods, services or entertainment. No person shall panhandle or beg upon any facility or conveyance.

(c) Except as expressly authorized and permitted in this subdivision, no person shall engage in any nontransit uses upon any facility or conveyance. Nontransit uses are noncommercial activities that are not directly related to the use of a facility or conveyance for transportation. The following nontransit uses are authorized and permitted by the authority, provided they do not impede transit activities and they are conducted in accordance with the rules governing the conduct and safety of the public in the use of the facilities of Capital District Transportation Authority: public speaking; distribution of written noncommercial materials; artistic performances,

including the acceptance of donations; solicitation for religious or political causes; solicitation for charities that (1) are duly registered as charitable organizations with the Secretary of State of New York under section 172 of the New York Executive Law or any successor provision, or (2) are exempt from Federal income tax under section 501(c)(3) of the United States Internal Revenue Code or any successor provision. Solicitors for such charities shall provide, upon request, evidence that such charity meets one of the preceding qualifications.

(1) Permitted nontransit uses may be conducted in the transit system except when on or within; an omnibus; any area not generally open to the public; or 50 feet from the marked entrance to an authority office or tower. The following activities are not subject to the distance requirements from an authority office or tower: leafleting or distribution of literature, campaigning, public speaking or similar activities, provided that no sound production device is used and no physical obstruction, such as a table or other object, is present.

(2) In no event will an activity be permitted in a location which interferes with the access onto or off of an escalator, stairway or elevator, or otherwise interferes with or impedes transit services or the movement of passengers.

(3) No activity permitted by this authorization shall be conducted in any area where construction, renovation or maintenance work is actively underway, or on or near the staircases, escalators, or elevators leading to the platform and including any such work in or near track areas.

(4) No activity may be permitted which creates excessive noise or which emits noise that interferes with transit operations. The emission of any sound in excess of 85 dBA on the A weighted scale measured at five feet from the source of the sound or 70 dBA measured at two feet from a token booth is excessive noise and is prohibited. In no event will the use of amplification devices of any kind, electronic or otherwise, be permitted.

(5) No person shall use media devices such as films, slides or videotapes.

(6) No person shall conduct or continue to conduct an activity permitted by this authorization which includes the use of a sound production device during any announcement made over the public address system or by a police officer or by an authority employee.

(7) No person shall misrepresent through words, signs, leaflets, attire or otherwise such person's affiliation with or lack of affiliation with or support by any organization, group, entity or cause, including any affiliation with or support by the authority or the Capital District Transportation Authority or any of their programs.

(8) Any person using the transit system for nontransit activities permitted pursuant to this rule does so at his or her own risk, and the authority assumes no liability by the grant of this authorization.

(d) All persons on or in any facility or conveyance of the authority shall:

(1) comply with all lawful orders and directives of any police officer or other authority employee acting within the scope of his or her employment;

(2) obey any instructions on notices or signs duly posted on any authority facility or conveyance; and

(3) provide accurate, complete and true information or documents requested by police officers or other authority personnel acting within the scope of their employment and otherwise in accordance with law.

(e) No person shall bring or carry onto a conveyance any liquid in an open container.

(f) No person shall falsely represent himself or herself as an agent, employee or representative of the authority or falsely represent himself or herself as a member of any Police Department.

§ 5300.7 Disorderly conduct

No person on or in any facility or conveyance shall:

(a) litter, dump garbage, liquids or other matter, create a nuisance, hazard or unsanitary condition (including, but not limited to, spitting, urinating, except in facilities provided). Trash and other waste materials contained in waste receptacles shall not be removed, except by persons duly authorized by the authority;

(b) smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except in those areas or locations specifically designated by the authority as authorized for smoking;

(c) sleep or doze where such activity may be hazardous to such person or to others or may interfere with the operation of the authority's transit system or the comfort of its passengers;

(d) engage in any form of gambling, except as specifically authorized as, for example, at OTB parlors;

(e) create any sound through the use of any sound production device, except as authorized by section 5300.6(c) of this Part. Use of radios and other devices listened to solely by headphones or earphones and inaudible to others is permitted;

(f) throw, drop or cause to be propelled any stone, projectile or other article at, from, upon, in or on a facility or conveyance;

(g) drink any alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants;

(h) enter or remain in any facility or conveyance while his or her ability to function safely in the environment of an authority transit system is impaired by the consumption of alcohol or by the taking of any drug;

(i) conduct himself or herself in any manner which may cause or tend to cause annoyance, alarm or inconvenience to a reasonable person or create a breach of the peace;

(j) occupy more than one seat on a station, platform or conveyance; lie on the floor, platform, stairway, landing or conveyance; or block free movement on a station, stairway, platform or conveyance; or

(k) commit any act which causes or may tend to cause harm to oneself or to any other person including, but not limited to riding a bicycle, skateboard, rollerskates, in-line skates or any self-propelled or motor-propelled vehicle. This provision does not apply to the proper use of self-propelled or motor-propelled wheelchairs or similar devices by a nonambulatory individual.

§ 5300.8 Weapons and other dangerous instruments

(a) No weapon, dangerous instrument, or any other item intended for use as a weapon may be carried in or on any facility or conveyance. This provision does not apply to law enforcement personnel and persons to whom a license for such weapon has been duly issued and is in force (provided in the latter case the weapon is concealed from view). For the purposes hereof, a weapon or dangerous instrument shall include, but not be limited to, a firearm, switchblade knife, box cutter, straight razor or razor blades that are not wrapped or enclosed in a protective covering, gravity knife, sword, shotgun or rifle.

(b) No explosives or other highly combustible materials, or radioactive materials, may be carried on or in any facility or conveyance, except as authorized by the authority.

(c) Subject to other provisions of the law, this section shall not apply to a rifle or shotgun which is unloaded and carried in an enclosed case, box or other container which completely conceals the item from view and identification as a weapon.

§ 5300.9 Restricted areas and activities

(a) No person, except as specifically authorized by the authority, shall enter or attempt to enter into any area not open to the public, including but not limited to bus operator's seat location, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, roadbeds, tunnels, plants, shops, barns, garages, depots or any area marked with a sign restricting access or indicating a dangerous environment.

(b) No vehicle, except as specifically authorized, may be parked on authority property.

(c) Photography, filming or video recording in any facility or conveyance is permitted except that ancillary equipment such as lights, reflectors, or tripods may not be used. Members of the press holding valid identification issued by the local Police Department are hereby authorized to use necessary ancillary equipment. All photographic activity must be conducted in accordance with the provisions of this Part.

(d) No person shall extend his hand, arm, leg, head or other part of his or her person, or extend any item, article or other substance outside of the window or door of a bus or other conveyance operated by the authority.

- (e) No person shall enter or leave a bus or other conveyance operated by the authority except through the entrances and exits provided for that purpose.
- (f) No person may carry on or bring to any facility or conveyance any item that:
- (1) is so long as to extend outside the window or door of a bus or other conveyance;
 - (2) constitutes a hazard to the operation of the authority, interferes with passenger traffic, or impedes service; and
 - (3) constitutes a danger or hazard to other persons.

Nothing contained in this section shall apply to the use of wheelchairs, crutches, canes or other physical assistance devices.

(g)(1) No person may bring any animal on or into any conveyance or facility unless enclosed in a container and carried in a manner which would not annoy other passengers.

(2) Paragraph (1) of this subdivision does not apply to working dogs for law enforcement agencies, to service animals which have been trained or are being trained to aid or guide a person with a disability and are accompanying persons with disabilities, or to service animals which are being trained by a professional trainer. All service animals must be harnessed or leashed.

(3) Upon request by a law enforcement officer or other designated employee of the authority, a trainer must display proof of affiliation with a professional training school and that the animal is a licensed service animal or a service animal in training. Upon request of designated authority personnel, a passenger must display a service animal license issued by the Department of Health of the City of New York or by other governmental agencies in New York or elsewhere authorized to issue such licenses, or an identification from a professional training school that the animal is a trained service animal.

(4) Persons with disabilities who use service animals who do not have a service animal license or other proof that the animal is professionally trained as described in this subdivision may apply to the Capital District Transportation Authority on behalf of the authority for a service animal identification card.

(5) Designated authority personnel have the right to refuse admission to or eject any passenger accompanied by an animal which posed a direct threat to the safety of other passengers.

§ 5300.10 Fines and penalties

Pursuant to section 1307 of the Public Authorities Law, any person committing one or more violations of these rules shall be subject to:

(a) ejection from the facility or conveyance at the time of the violation as may be directed by the duly authorized transit supervisor, superintendent or manager; and/or

(b) criminal prosecution for trespass and/or the violation in the criminal court of the jurisdiction where the violation occurs, which court may impose a fine not to exceed \$ 25 or a term of imprisonment for not longer than 10 days, or both.

§ 5300.11 Ejectment

(a) Any person who is observed by an employee of the Capital District Transportation Authority to be violating any of these rules may be ejected from the facility or conveyance as directed by a manager, superintendent, or transit supervisor; or by any other employee of the Capital District Transportation Authority when duly authorized by a manager, superintendent, or transit supervisor.

Appendix A NEW YORK STATE 911 BOARD

MINIMUM STANDARDS

REGARDING JURISDICTIONAL PROTOCOLS

APPENDIX A MODEL MEMORANDUM of UNDERSTANDING (JURISDICTIONAL

PROTOCOL for WIRELESS 911 CALL SERVICES) COUNTY of _____

COMMUNICATIONS CENTER DISPATCH PROCEDURES FOR

REQUESTS FOR POLICE SERVICES

NEAREST AVAILABLE UNIT CONCEPT

WHEREAS, the Legislative Body of the County of _____ (the "County") has established a County Public Safety Answering Point (PSAP); and

WHEREAS, the primary goal of the county PSAP Communications Center is to provide call taking services for, and dispatch services to, all emergency service providers in the County; and WHEREAS, all emergency services are publicly supported, maintained, and operated by public funding and through the election and appointment of officers and employees; and

WHEREAS, the residents of the County deserve and expect the availability of all public safety resources; and that such resources shall be provided in the most expeditious manner; now, therefore, be it

RESOLVED, that the operation of the "nearest available unit concept" as related to police dispatch procedures shall be as described below: Section 1. PSAP Communications Center Operations. PSAP Operation Practices Board.* A. The PSAP Communications Center shall be under the direct control and supervision of the E-911 Supervisor, reporting to the _____ [Sheriff, County Executive, or other supervisory official].

B. The County PSAP Operation Practices Board shall ensure compliance with all sections of this agreement, thereby fostering mutual cooperation and effective use of all police resources. The Operation Practices Board shall be appointed by the County Legislative Body and shall consist of at least five (5) members, one of whom shall be a member of the County Legislative Body, one of whom shall represent the State Police, one of whom shall represent the County Sheriff, one of whom shall represent

a local police agency, and one of whom shall represent a fire or emergency services agency. The procedures outlined in this document may be reviewed at the request of any one principal whose agency is so represented through this agreement but may only be altered by action of the Operation Practices Board. All changes, additions, or deletions shall be made a part of and attached to this document and shall bear the signature of each principal or designee. C. The County Operation Practices Board shall meet as necessary for the purpose of reviewing dispatch protocols, thereby ensuring the adoption of the most professional and efficient procedures. The review should include call taking, information routing during the dispatch process, command and control, and nearest available car protocols. Agencies patrolling in areas of the county secured by multiple police departments hereby agree to work continuously to improve coordinated coverage of posts or sectors. D. The agencies represented in this agreement recognize that the complexities involved in multi-agency emergency dispatching will require continuous review and improvement. On occasion, problems or concerns between agencies or disciplines will occur. First and second line supervisors assigned to those agencies, departments, or organizations experiencing those concerns shall work to resolve such issues at their level. Should the issue rise to the level of Chief Law Enforcement Executive and a resolution is not reached in satisfaction of all parties, the issue shall be brought before the PSAP Operation Practices Board for its action.

Section 2. Dispatch Procedures. A. The County PSAP Communications Center shall have the ability to cause the dispatch of emergency service agencies whose jurisdiction is, in whole or in part, within the County. B. Dispatch procedures for requests for police services shall be in accordance with applicable laws and policies. C. The following dispatch procedures are applicable to all state, county, and local law enforcement agencies operating within the County: All citizens requesting the non-emergency services of a specific police agency shall be dispatched through the County PSAP Communications Center to the requested agency's post car, unless otherwise directed by that agency due to its unavailability. Walk-in requests for non-emergency services which involved the jurisdiction of a particular police agency shall be treated as a request for that specific agency, thus requiring referral of that request to the appropriate agency.

D. The County PSAP Communications Center shall adhere to the following dispatch protocols regarding all requests for police services within the County: 1. All 911 and seven digit wireline and wireless calls for police services in a city, town or village that is patrolled by a police department other than the Sheriff's Department or the New York State Police shall be assigned to such city, town or village department unless the primary agency in that jurisdiction instructs the PSAP Communications Center otherwise due to the unavailability of that agency. This should not preclude any police officer traveling through the jurisdiction or another police department from responding to an emergency request and rendering assistance until the arrival of the primary agency. 2. All 911 calls, seven digit emergency wireline and wireless calls for police services in areas of the County served by multiple police agencies, including walk-in complaints of an emergency nature, shall be dispatched through the County PSAP Communications Center to the nearest available patrol regardless of agency affiliation. However, such calls or walk-ins that are for complaints occurring within cities, towns or villages with an on-duty police force shall be referred to any of such city, town or village department as established by local protocol.

3. The County PSAP Communications Center will dispatch all calls for police service on a frequency or talk-group of a trunking system designated for that purpose.

E. The following investigative protocols shall guide all State, County, and local police officers working under this agreement:

1. In all cities, towns and villages with a sworn police department, all investigations within their jurisdiction will be conducted by that respective police department, regardless of which agency may have arrived on the scene first, unless the agencies are guided by other established and agreed-upon protocols.

2. In the areas of the County patrolled by multiple police agencies, the agency assigned to the call will be responsible for the investigation pursuant to existing local protocols. 3. This memorandum of understanding in no way precludes any police agency from requesting assistance from any other police agency.

Section 3. Effective Date.

The conditions and procedures outlined in this Memorandum of Understanding shall be in full force and effect immediately upon execution of this agreement.

Section 4. Agreements.

Compliance with the terms and conditions of this Memorandum of Understanding shall be effectuated by the signatures of the following: [Agency], by _____ Date _____ [Agency], by _____ Date _____ [Agency], by _____ Date _____ [Agency], by _____ Date _____

* In lieu of an Operation Practices Board, the parties may include in the Memorandum of Understanding a process by which disputes are resolved by designated supervisors, culminating, if necessary, by a resolution by the chief officer of each of the respective police agencies, and if no such resolution is made by such chief officers, then by the appropriate county legislative committee.