TO: Mr. Chairman and the Systems Committee
FROM: Lee Burns
DATE: September 25, 2007
SUBJECT: Operations Unit Report

This represents a summary of activities the Operations Unit has been involved with since your last meeting. As you read through this report, please feel free to ask questions of the staff.

Appeals to Article 30 actions - The second appeal of the Hudson Mohawk REMSCO decision on the Northeast Advanced Life Support (NEALS) was mailed to the SEMSCO and Systems Committee members on July 5, 2007.

Municipal CON Declarations - The Department has received notification of a new municipal declaration from:
- The Town of Macedon

As usual, we frequently field telephone calls requesting information. Based on these requests, we continue to send out the SEMSCO guidance document and policy statements to municipalities that have indicated interest in this process.

Since the last meeting the Department accepted the surrender of the following Operating Certificates.
- Newfield Fire Department - ALS-FR
- Columbia-Litchfield Fire Dept - ALS-FR
- Moyers Corners Fire Dept - ALS-FR
- Hyde Park Fire Department - Ambulance Service

As a point of information, the Department found out through a site inspection that an ambulance service in the NYC metropolitan region is not currently providing ambulance service and has not been in service for a protracted period of time. We are in the process of determining its viability and if it becomes necessary, we will be annulling its operating certificate.

"OFFICIAL" Vehicle Registrations - The Department of Motor Vehicles (DMV) has asked the Bureau of EMS to assist to assist them in their review of EMS/ambulance related vehicle registrations. The review was prompted by a series of issues in New York City where "OFFICIAL" license plates had been issued to non-governmental organizations. As a part of this review, we are working with DMV to identify ambulances as a vehicle type and to issue all ambulance vehicles the "AMBULANCE" series of license plates.
Included in the handout is a sample of a letter sent to EMS services whose vehicles have been issued "OFFICIAL" license plates. In order to keep the "OFFICIAL" registration type, the agency must produce documentation to the DMV proving that they are a governmental agency or a political subdivision. If the service can not satisfy the DMV's request, they will have to make application for an appropriate vehicle registration.

We have been visiting a number of REMSCO meetings via the webcasts.

The SEMAC’s Air Medical Services (AMS) TAG developed an information and educational DVD for use by the EMS community statewide. The DVD is interactive and contains an overview of the AMS system in NYS as well as very good information about each of the helicopter services in the state. The Department was able to make enough copies of the DVD to be able to distribute them to EMS agencies, Course Sponsors, REMSCOs and REMACs. We should be mailing them out in the next few weeks.

In May of 2007, the US Fire Administration published a very good resource document called Recruitment and Retention for the Volunteer Emergency Services - Challenges and Solutions. We have looked through the publication and have found it to provide some very good ideas. If you are interested, it can be downloaded and printed from the following web address.


Handouts - Included are a number of items that are for your information. The following items are of importance.

- NYS Office for Technology - Non Governmental Organization Participation on the Statewide Wireless Network
- Department of Motor Vehicles Letter
New York State Office for Technology

Non-Governmental Organization Participation On the Statewide Wireless Network

Mission of the NYS Statewide Wireless Network

The New York State Statewide Wireless Network (SWN) is a land mobile radio (LMR) communication system intended to support federal, state, and local first responders with a public safety mandate to serve citizens, residents, and visitors throughout the State of New York. The New York State Office for Technology (OFT) administers this network, overseeing the State's prime contractor as it designs, constructs, operates, and maintains the radio infrastructure.

Public Safety Role of Non-Governmental Organizations

The State of New York recognizes that, while emergency response operations are the responsibility of state, local, and federal agencies, many such governmental entities rely on the services of private, Non-Governmental Organizations (NGO) to deliver public safety services within their jurisdictions. Alternatively, NGOs may work cooperatively with other neighboring jurisdictions to affect service delivery. NGOs are essential to the daily safety and security of many communities and play an integral role in providing a seamless and coordinated emergency response system during times of crisis and disaster.

As the Federal Communications Commission (FCC) Public Safety Pool licensee for the SWN, the State of New York fully supports the participation of authorized public safety NGO's on the SWN for the exclusive purpose of coordinating public safety operations within local or adjoining jurisdictions.

Authorized NGO Participation on the SWN

NGOs who qualify under: a) Federal Communication Commission (FCC) regulations pertaining to Public Safety Pool Frequencies; b) New York State law, and c) SWN NGO Partnership Guidelines, may be authorized to participate on the SWN as follows:

1. FCC Regulations for Public Safety Pool Frequencies

The SWN is a public safety radio network and as such uses radio frequencies licensed by the Federal Communication Commission (FCC) exclusively for emergency response
operations carried out by public safety and public service response agencies. FCC rules\(^1\) permit NGOs to operate on FCC-designated public safety pool frequencies provided that:

1. The NGO is actively engaged in the provision of public safety or public service functions on behalf of a local municipality;
2. The NGO is authorized in writing by the local municipality it serves to use Public Safety Pool frequencies; and
3. The local municipality NGO authorization is approved by FCC Public Safety Pool licensee. [*For purposes of the SWN, New York State OFT is the designated FCC licensee.]*

Use of SWN Public Safety Pool frequencies for private or commercial purposes, including but not limited to operation in support of private, non-governmental commercial business or personal communications, is prohibited by federal law. NGOs which perform both governmental public safety/service functions and private or commercial activities are subject to certain additional limitations when using the SWN and its Public Safety Pool frequencies. NGO operations which are of a non-governmental nature must be conducted on other non-SWN LMR frequencies, or through cellular, PCS or other non-SWN method. If the NGO operates on the SWN through a gateway, operation on the SWN by the NGO cannot be used as a means of circumventing regulations on the NGO which result from their own license including but not limited to interconnection, control points and identification requirements.

2. **New York State Laws**

New York State law governs the legal authority of political subdivisions to contract with private, non-governmental organizations for the provision of public safety or public services.\(^2\) A local municipality cannot authorize an NGO to provide public safety or public services on its behalf unless the local government entity: (1) is specifically authorized by law to have the governmental function performed by an NGO, and (2) enters into a contract with the NGO to provide the public safety or public services in question. The local government entity must have executed a contract with the NGO for the NGO to be eligible to participate on the SWN.

3. **SWN NGO Partnership Guidelines**

SWN NGO partnership guidelines require the authorizing local government entity to assume responsibility for supervising, monitoring and enforcing the NGO's ongoing legal eligibility to participate on the SWN under federal and state law, as well as monitoring the NGO's appropriate use of SWN Public Safety Pool frequencies on the municipality's behalf.

Requests for NGO participation on SWN must be submitted by the authorizing local government entity to OFT along with a certified copy of the letter or contract authorizing the NGO to conduct public safety operations within its jurisdiction. Authorized NGOs operating on SWN are subject to all rules, regulations, policies and protocols governing such operation. Authorization to operate on the SWN may be revoked at any time by the authorizing local municipality. New York State may permanently revoke or temporarily suspend, in the State's sole discretion, an NGO authorization to operate on the SWN to the extent the State deems necessary to preserve operational, administrative and/or security integrity of the SWN.

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\(^1\) The FCC's eligibility rules for the Public Safety Pool are in 47 CFR subpart B § 90.15 through 20.

\(^2\) See, e.g.: New York State General Municipal Law, § § 119-o, 122-b (1); County Law § § 225-a, 301.
September 13, 2007

Dear Registrant:

The New York State Department of Motor Vehicles is reviewing all vehicles registered in the Government/Official political subdivision plate class, and our records indicate such plates have been issued to vehicles within your organization. A political subdivision is defined as a subdivision of New York State that has been delegated certain official functions of state or local government, including a government entity created by, or under the authority of, State law. A vehicle assigned Government/Official plates must be owned or controlled by a political subdivision and operated by its employees/designated agents. The vehicle must also be titled and/or registered in the name of that political subdivision.

We are unable to confirm that your organization is a political subdivision based on available information obtained from the NYS Office of the Comptroller. Please confirm that your organization meets the above criteria for receiving Government/Official plates. We have enclosed Form MV-653 (Certification of Eligibility for Government/Official Plates) and an inventory of the vehicles with Official plates currently registered to your organization. Please complete and return both forms, noting on the inventory the disposition of each vehicle. When we receive your completed forms, the Certification will be reviewed to verify your eligibility for these plates.

Please return the completed MV-653 and inventory before October 13, 2007 to:

Government/Official Plate Certification Unit
P.O. Box 2195
Albany, NY 12220

If your organization does not meet the criteria for receiving Government/Official plates, please turn in your Government/Official plates and have the proper plates issued to you. These plates must be surrendered to your local issuing office no later than September 19, 2007. At the time of surrender, plates with an appropriate plate class will be issued to replace your surrendered plates.
Please bring the following with you to the DMV office:

- The Official plates, for surrender
- A Certificate of Incorporation or Filing Receipt
- A title for each vehicle
- A valid NYS Insurance card for each vehicle
- Form MV-82 for each vehicle
- Form DTF-802 for each vehicle (if the organization is not tax-exempt) OR
- Form DTF-803, only one copy needed (if tax-exempt), and one copy of the New York State and
  Local Sales and Use Tax Exempt Organization Certification, Form ST-119.1.
- Form UT-11 or UT-11C, if exempt from NYC or county use tax (one copy).

You can obtain most forms on our web site at www.nysdmv.com/forms.htm.

Should your organization not meet the criteria to retain Government/Official plates, you may be eligible for an exemption of registration fees under the NYS Vehicle & Traffic Law, § 401(6) (b). Your local issuing office will determine eligibility for the registration fee exemption when you surrender the Government/Official plates.

If you no longer have these plates in your possession, or if you have any questions or concerns about the Government/Official plate program, please contact the Government/Official Plate Certification Unit at 1-800-697-1553.

Sincerely,

Joseph P. Crisafulli

Joseph P. Crisafulli

JP/tct