

COMMENTS BEFORE THE HOUSE VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS COMMITTEE

TITLE 35, CHAPTER 53, THE 911 EMERGENCY TELEPHONE ACT

PRESENTED BY DOUGLAS E. HILL, EXECUTIVE DIRECTOR

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Harrisburg, PA

Good afternoon. I am Douglas E. Hill, Executive Director of the County Commissioners Association of Pennsylvania. We are a non-profit, non-partisan association providing legislative, educational, insurance, technology, research, and other services to all of the Commonwealth's 67 counties.

We appreciate the invitation to present our remarks on needed updates to Title 35, Chapter 53, the Emergency Telephone Act, and we appreciate the consistent and long-term leadership this Committee has demonstrated in pursuit of legislative remedies to the problems confronting the system.

2014 will be a watershed year for 911 service as the system faces significant challenges to meet rapidly changing technology requirements, a funding stream whose failure to keep pace with need requires counties to rely both heavily and increasingly on the property tax, and the June 30, 2014 sunset of one key funding source, the wireless telephone surcharge.

Title 53, and more specifically its predecessor the Public Safety and Emergency Telephone Act of 1990, set in place a requirement for counties to assume responsibility for 911, with concurrent planning processes and lines of authority between counties and the Pennsylvania Emergency Management Agency (PEMA), and a funding stream based on telephone subscriber surcharges. Prior to the act's passage, 911 was a municipal responsibility and on that basis was fragmented and virtually non-existent in the commonwealth. Within five years of passage, counties had developed 911 systems statewide.

Calls arrive at county call-taking centers, which then dispatch the appropriate emergency response. Automatic systems give call takers information on the location of the call's origin, with most counties implementing newer technologies to capture this information regardless of the medium used.

Calls come in through many media, including traditional wireline phones, wireless phones, and VoIP. Beginning in 2014, counties are required to upgrade systems to receive emergency calls by

text message. And they are now developing, with PEMA, strategic plans to accommodate the full range of next generation (Next Gen) technologies.

From the callers' perspective, Next Gen is likely to include calls from video, non-human (e.g. OnStar), non-specific devices (e.g. iPad), and as-yet unimagined sources. On the administrative end, Next Gen includes developing shared broadband backbones for 911 public safety answering points (PSAPs), shared network switching and better regional system redundancy. There are also discussions at the federal level surrounding newer location-finding technologies for wireless callers.

The challenge is to accommodate these rapid changes in technological advancement through a law that was adopted in 1990 and amended in piece-meal fashion to accommodate intermediate technologies. The concurrent challenge is to fund the system, which has seen no adjustment since 1990 in its basic funding mechanism, telephone subscriber fees; even the wireless and VoIP fees, added in later years, were keyed to the 1990 rates, and specifically to the lowest of the 1990 rates.

The costs and the complexities of the statute are exacerbated by the manner in which the act was amended over time to accommodate system changes. Despite the success of the act, it was not structured in a way that anticipated or accommodated new developments in technology, including wireless and VoIP telephony. Further, the law remains inadequate on PBX technology and wholly lacking regarding Next Gen technology. The amendments adopted to date were keyed to the individual technology, and consequently the act has inconsistencies in system planning, development, funding and administration among technological platforms.

Many of these shortcomings were recognized in the 911 systems report issued in May 2012 by the Legislative Budget and Finance Committee. The report accurately reflects the technological, financial, organizational and administrative challenges facing the system, and makes multiple recommendations on ways in which it can be improved.

The report also notes that the current funding structure covers only an average of 70% of counties' costs to provide this vital service – and that percentage is calculated only against reimbursable costs which exclude part of personnel costs and exclude the entirety of county investments in radio dispatch systems and bricks-and-mortar facility improvements.

The funding structure is a monthly surcharge on wireline, wireless (standard and pre-paid) and VoIP subscribers, ranging from \$1.00 to \$1.50 per month for wireline, and set at \$1.00 per month for wireless and VoIP. And while system demands for technology upgrades escalate, the number of wireline subscribers is well under half of its historic levels and continues to decline, and the number of wireless subscribers is beginning to plateau.

The intent of the original law was to fully fund counties' eligible 911 costs, with a presumption that counties would have an initial capital cost to install the systems, and then the funds would be used for system operation and periodic equipment replacement. In fact the \$1.00 to \$1.50 scale was a set of caps rather than set rates, and was, in the early years, sufficient for most counties to meet the funding objective.

What none of us could foresee was the onslaught of technological change. Capital costs, unanticipated in both their size and their frequency, rapidly pushed every county to the statutory limit. And so the bottom line for counties is a significant and growing backfill of local property tax dollars needed to keep 911 systems operational for their residents and for all those who visit or travel through their communities. The need to address the funding stream is immediate, and will reach crisis proportions if action is delayed past the June 30, 2014 expiration of the wireless telephone subscriber surcharge.

A comprehensive rewrite of the act is a county priority for 2014, and CCAP is actively working with PEMA, legislative committees, emergency management professionals, the communications industry and other interests on system reform, keying off the Next Gen strategic plan and improvements in system efficiency. Outcomes will include ability to accommodate all current communication technologies including social networking platforms, ability to anticipate and fold in future technologies, consolidation of some elements of the system, and improvement in and consolidation of funding streams.

Counties are proud to be the providers of the 911 call-taking and dispatch system. But to do this successfully and efficiently we need a law that addresses and keeps pace with technology demands and user expectations. We need to learn from experience, and understand that the new law must be unified, must facilitate systems integration, must accommodate technologies as yet undreamed of, and must provide fair growth in revenues to relieve property taxpayers of the burden of increased costs.

We are grateful for the support and encouragement this Committee and its leadership has given us – counties, emergency professionals, communications providers, and others with a stake in 911 service – as we make our way through this complex and comprehensive rewrite. We look forward to working with you over the coming months to achieve passage of legislation that helps us all better provide this core service to Pennsylvania's citizens.