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DIVISION 1

PROCEDURAL RULES

104-001-0000

Notice of Proposed Adoption, Amendment, or Repeal of Rules

Prior to the adoption, amendment, or repeal of any rule, other than a temporary rule which shall be adopted in accordance with ORS 183.335(5), the Executive Department Emergency Management Division shall give notice of the intended action:

(1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 15 days before the effective date of the intended action;

(2) By mailing a copy of the notice to persons on the mailing list established pursuant to ORS 183.335(7); and

(3) By mailing or furnishing a copy of the notice to:

(a) The United Press International;

(b) The Associated Press;

(c) For rules pertaining to 9-1-1 emergency telephone systems: The Oregon 9-1-1 Advisory Committee, the Oregon Chapter of the Associated Public Safety Communications Officers Incorporated, and the Oregon Chapter of the National Emergency Number Association;

(d) For rules pertaining to the Oregon Emergency Response System: the Oregon Emergency Response System Council;

(e) For rules pertaining to Search and Rescue: The Oregon Search and Rescue Advisory Council, the Mt. Hood Search and Rescue Council, the Oregon Association of Mounted Posse's, and the Oregon Mountain Rescue Council;

(f) For all Division rules: The Oregon Emergency Management Advisory Committee; and

(g) Capitol Press Room.

Stat. Auth.: ORS 183.341(4) & 401

Stats. Implemented: ORS 183.341(4)

Hist.: EMD 1-1982, f. & ef. 3-12-82; EMD 4-1992, f. & cert. ef 12-14-92

104-001-0005

Model Rules of Procedure

The Attorney General's Model Rules of Procedure under the Administrative Procedures Act (November 17, 1981), are hereby adopted by reference as general administrative procedural rules of the Executive Department and of the Office of the Director, Accounting Division, Budget and Management Division, Data Systems Division, **Emergency Management Division** Intergovernmental Relations Division, Labor Relations Division, and Commission for Women.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedures is available from the office of the Attorney General or Emergency Management.]
Stat. Auth.: ORS 183 & 184
Stats. Implemented: ORS 183.341(1)
Hist.: ED 1-1982, f. & ef. 1-11-82

DIVISION 10

PARTICIPATION OF LOCAL GOVERNMENTS IN THE EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (EMA) OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

104-010-0005

Participation of Local Governments in the Emergency Management Performance Grant (EMPG) of the Federal Emergency Management Agency (FEMA)

(1) The Department of Oregon State Police, Office of Emergency Management (OEM) and local emergency management/services agencies participating in the Emergency Management Performance Grant (EMPG) will implement the EMPG in the State of Oregon in accordance with the provisions of an annual work plan agreement to be mutually agreed to between each participating local emergency management agency (PLEMA) and OEM.

(2) Minimal requirement for participation in the program consist of the following program Elements (3) through (7).

(3) All local EOPs must be consistent with SLG-100, Guide for All-Hazard Emergency Operations Planning, and current within 5 years in order for a jurisdiction to continue to receive EMPG funding.

(4) A Functional or Full Scale Exercise must be conducted annually as outlined in the annual work plan agreement.

(5) The participating local emergency management agency staff will attend training events during the fiscal year for a minimum combined total of 20 hours.

(6) Consistent with local resources, the jurisdiction may program such additional activities as are deemed necessary by the jurisdiction.

(7) The annual work plan identifies those functions that the jurisdiction intends to complete during the fiscal year.

(8) The participating local emergency management agency will submit quarterly reports on accomplishments of work plan objectives. Where completion of an activity involves production of a tangible product, i.e., Hazard Analysis, Local Mitigation Plan, Emergency Operations Plan, Plan Annex, etc., the jurisdiction will provide a copy of that product to OEM with the report of completion.

(9) The annual work plan agreement must be approved by the governing body of the participating local emergency management agency (reference paragraph (10)(i)). In the final report for the fiscal year, the jurisdiction must certify completion of the minimum requirements for EMPG funding. A failure to meet minimum requirements may result in no funding for the following year, or a demand for a refund of funds for the year covered by the work plan agreement, or both.

(10) Reporting Requirements and Penalties:

(a) All initial submittals must be received by OEM on or before the beginning of the federal fiscal year, October 1st.

(b) All program quarterly reports must be submitted to OEM within 15 days after the close of each quarter; [Table not included. See ED. NOTE.]

(c) All EMPG fiscal quarterly reports must be received by OEM within 60 days after the close of each quarter (or 60 days after the

end of the month if billing is on a monthly basis); [Table not included. See ED. NOTE.]

(d) If a program or fiscal report is not received by the reporting deadline, the program for that jurisdiction may be suspended.

(e) Upon receiving a late report, the Director of OEM may reinstate a jurisdiction if the jurisdiction satisfactorily demonstrates its willingness and commitment to continue the program.

(f) If the program is reinstated by the Director, there will be a reduction of allocation for each day that any report is late. The reduction will be in an amount equal to one day's allocation. (Annual allocation (divided by) 365 = daily penalty x number of days report is late).

(g) If the jurisdiction satisfactorily demonstrates to the Director that the report was late due to circumstances beyond the control of the jurisdictional program manager, the Director may waive all or a portion of the late penalty.

(h) Upon review of the final fiscal and quarterly reports, if a jurisdiction's program is judged to not have met the minimum requirements of the program, all future funding will be suspended. Further, unsatisfactory completion of the annual work plan agreement terms may lead to action demanding a payback of funds received under the EMPG.

(i) Certification Requirement: Each jurisdiction applying for funding, under the EMPG shall complete the following certification:

(A) We, the undersigned, do hereby certify that we understand that Program Functions _____ through _____ as previously listed are the minimum requirements that must be met in order to qualify for Emergency Management Performance Grant funding for the _____ federal fiscal year. All funds must be spent and accounted for in accordance with OMB Circular A 87 and A 102. All funds received through the EMPG Program will be provided on a reimbursable basis.

(B) At the end of the fiscal year we will provide certification to the State of Oregon, Office of Emergency Management that the minimum requirements have been met.

[ED. NOTE: Tables referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 401.270

Stats. Implemented: ORS 401.280

Hist.: OEM 1-2000, f. & cert. ef. 10-17-00

DIVISION 20

EARTHQUAKE PREPAREDNESS DRILLS

104-020-0000

Purpose

The purpose of the rule is to provide guidance for state and local government agencies and employers with 250 or more full-time employees to conduct mandatory annual earthquake drills for employees located within office buildings.

Stat. Auth.: Ch. 366, OL 2001

Stats. Implemented: Ch. 366, OL 2001

Hist.: OEM 1-2002, f. & cert. ef. 4-15-02

104-020-0010

Definitions

(1) "State and local agency" means a state or local government office, department, division, bureau, board, or commission that is assigned, renting, leasing, owning or controlling office space for carrying out its duties either in one or multiple locations. "State or local agency" includes the legislative assembly (i.e. legislators) when in regular session.

(2) "Employers with 250 or more full-time employees" mean employers with 250 or more full time employees in Oregon, who are not state and local agencies.

(3) "Office Building" means a building whose primary function is office work. It does not include those non-office buildings whose primary function is manufacturing, assembly, warehouse, laboratory, maintenance, or other non-office situations.

(4) “Earthquake drill,” as outlined in guidelines established by Oregon Emergency Management, means drop, cover, and hold or other protective action, if drop, cover and hold is not possible.

Stat. Auth.: Ch. 366, OL 2001

Stats. Implemented: Ch. 366, OL 2001

Hist.: OEM 1-2002, f. & cert. ef. 4-15-02

104-020-0020**Drill Requirements**

Those required to conduct the drill are certain office employees of state and local agencies and certain office employees of other employers who have 250 or more full-time employees.

(1) State and local agencies.

(a) State and local agencies fall under the drill requirement regardless of the type (full and part time) and number of employees and number of works sites.

(b) All office employees are required to drill, except where there is a mix of office and non-office employees at a work site. If the office employees at a mixed work site are in the majority they are required to drill. If not, they are not required to drill. If an agency has more than one work site, each work site is evaluated separately according to this majority rule. A work site is defined as a site that has one street address, which may contain one or more buildings.

(2) Employers with 250 or more full time employees.

(a) Employers with 250 or more full time employees fall under the drill requirement regardless of the number of work sites. The 250 or more full-time employees include all full time employees.

(b) All office employees (including both full and part time) are required to drill, except where there is a mix of office and non-office employees at a work site. If the office employees at the mixed work site are in the majority they are required to drill. If not, they are not required to drill. If an employer has more than one work site, each work site is evaluated separately according to this majority rule. A work site is defined as a site that has one street address, which may contain one or more buildings.

Stat. Auth.: Ch. 366, OL 2001

Stats. Implemented: Ch. 366, OL 2001

Hist.: OEM 1-2002, f. & cert. ef. 4-15-02

104-020-0030**Drill Guidelines**

(1) The earthquake drill shall be the drop, cover and hold, or if not possible, other protective action. Written information on pre-designated evacuation routes and procedures for exiting the building shall be made available to employees.

(2) Guidelines for the drill and evacuation procedures are posted on the web sites of Oregon Emergency Management (OEM) and the State Department of Geology and Mineral Industries (DOGAMI).

Stat. Auth.: Ch. 366, OL 2001

Stats. Implemented: Ch. 366, OL 2001

Hist.: OEM 1-2002, f. & cert. ef. 4-15-02

104-020-0040**Drill Records**

(1) Each state and local agency and employer with 250 or more full-time employees shall maintain a file that documents the date the earthquake drill was conducted. The file can be either maintained at one central location, for those agencies or employers that have multiple locations, or maintained at each location. If maintained at a central location, the record shall be kept in the office of the agency or company head. If maintained at each agency location, then the record shall be kept in the office of the manager at that site.

(2) For those agencies, companies and organizations that fit the drill criteria, drill waivers may be granted each year in exceptional circumstances and for good cause. Petitions must be submitted by the executive head of the state agency, local agency, company, or organization requesting the waiver to the Earthquake Program Coordinator, Oregon Emergency Management, 595 Cottage St. NE, Salem, OR 97301.

Stat. Auth.: Ch. 366, OL 2001

Stats. Implemented: Ch. 366, OL 2001

Hist.: OEM 1-2002, f. & cert. ef. 4-15-02

DIVISION 30**ADOPTION OF A UNIFORM TSUNAMI WARNING SIGNAL****104-030-0000****Purpose**

(1) The rules in this division seek to establish a Uniform Tsunami Warning Siren Signal for the Oregon coast (Oregon Senate Bill 557, Section 2).

(2) The objective of the tsunami statutes and these implementing rules is to reduce the risk of loss of life. Risk will be reduced by applying a uniform siren signal to inform the public of an approaching tsunami on the Oregon coast.

(3) Establish a Uniform Tsunami Warning Siren Signal standard.

(4) Require tsunami warning sirens to adhere to this standard.

Stat. Auth.: ORS 401.863 - 401.864

Stats. Implemented: ORS 401.863

Hist.: OEM 1-2010, f. & cert. ef. 1-21-10

104-030-0010**Applicability**

(1) This rule applies to all Tsunami Warning sirens, including existing Tsunami Warning sirens.

(2) Existing Tsunami Warning sirens must comply within 5 years of the effective date of these rules.

(3) The siren signal is the “wail,” a siren tone that oscillates up and down repeatedly from high to low over a period of three minutes.

(4) Voice broadcast may be included in addition to the wail, but not in replacement of the wail.

Stat. Auth.: ORS 401.863 - 401.864

Stats. Implemented: ORS 401.863

Hist.: OEM 1-2010, f. & cert. ef. 1-21-10

104-030-0020**Definitions**

(1) “Tsunami Warning Siren signal” is the wail, a siren tone that oscillates up and down repeatedly from high to low over a period of three minutes.

(2) “Tsunami inundation zone” for the purpose of these rules means the area subject to tsunami inundation as depicted on maps adopted under OAR 632-005-0030 of these rules and intended for the implementation of ORS 455.446 and 455.447.

(3) A “Tsunami Warning Siren” is a siren or other audible warning device for the purpose of providing warning to the public within the Tsunami Inundation Zone of an approaching tsunami.

Stat. Auth.: ORS 401.863 - 401.864

Stats. Implemented: ORS 401.863

Hist.: OEM 1-2010, f. & cert. ef. 1-21-10

104-030-0030**Guidance on Tone, Signal, and Placement**

A rotating siren using a solid tone that produces the same effect as a fixed siren using a “wail” when observed from a stationary location and meets the intent of these rules.

Stat. Auth.: ORS 401.863 - 401.864

Stats. Implemented: ORS 401.863

Hist.: OEM 1-2010, f. & cert. ef. 1-21-10

104-030-0040**Guidance on Testing**

(1) The siren test time is designed to roughly coincide with the weekly National Oceanic and Atmospheric Administration (NOAA) Weather Radio tests. Tsunami Warning Sirens will be tested on Wednesdays at 11:00 hours (a.m.) for routine testing of tsunami warning systems. Testing will be done on the first Wednesday of each month at 11:00 am.

(2) The recommended siren test duration is not to exceed 60-seconds excluding voice message, except during system coverage evaluations, unless using a unique sound for the test, such as Cows or Chimes.

(3) A sign or placard shall be affixed to each siren stating the routine test time and day.

Stat. Auth.: ORS 401.863 - 401.864

Stats. Implemented: ORS 401.863

Hist.: OEM 1-2010, f. & cert. ef. 1-21-10

104-030-0050

Guidance on Other Methods of Warning

(1) Recommend use of other methods for tsunami warning in conjunction with sirens.

(2) Work with emergency responders to provide alternative means such as weather radios, loudspeakers on beach vehicles, door-to-door notification and welfare-checks.

Stat. Auth.: ORS 401.863 - 401.864

Stats. Implemented: ORS 401.863

Hist.: OEM 1-2010, f. & cert. ef. 1-21-10

104-030-0060

Guidance on Visual Methods of Warning

Consider a visual warning signal recommendation used in conjunction with fixed siren facilities; such as the blue strobe or flashing light, the most commonly used visual warning.

Stat. Auth.: ORS 401.863 - 401.864

Stats. Implemented: ORS 401.863

Hist.: OEM 1-2010, f. & cert. ef. 1-21-10

104-030-0070

Guidance on All Clear Signal

The All Clear signal shall NOT be a Siren sound, either Solid or Wailing.

Stat. Auth.: ORS 401.863 - 401.864

Stats. Implemented: ORS 401.863

Hist.: OEM 1-2010, f. & cert. ef. 1-21-10

104-030-0080

Guidance on Location of Tsunami Warning Systems

Locate sirens in areas where there are either large concentrations of population within the inundation zone; or where other means of warning people is not available and/or practical, such as at parks and beach access areas.

Stat. Auth.: ORS 401.863 - 401.864

Stats. Implemented: ORS 401.863

Hist.: OEM 1-2010, f. & cert. ef. 1-21-10

DIVISION 40

OREGON EMERGENCY RESPONSE SYSTEM

104-040-0000

Purpose

The objectives of the Oregon Emergency Response System are to provide and implement a plan for coordinated state agency action in cases involving natural or technological hazards or civil disorder that threaten the citizens or resources of Oregon. ORS 466.635 requires that any person owning or having control over any oil or hazardous material who has knowledge of a spill or a release shall immediately notify the Emergency Management Division as soon as that person knows the spill or release is a reportable quantity. ORS 761.405 requires each railroad shall notify the Administrator of the Emergency Management Division of the Executive Department by telephone or similar means of communications of any derailment or fire involving or affecting hazardous material. OAR 345-060-0030 requires that the carrier of any radioactive material shall immediately notify local emergency response authorities and the Oregon Emergency Response System of any vehicle accidents regardless of whether radioactive material has been damaged or dispersed; loss of any radioactive material; and tampering with or obstruction of any new shipments. Section 304, Title III of the Federal Superfund Amendments and Re-Authorization Act of 1986 requires facilities to notify the LEPC and the SERC if there is a release of a listed hazardous substance that exceeds the reportable quantity for that substance. State agencies are directed to provide cooperative response assistance within their resources and authority to other agencies,

which may include, but is not limited to federal, state, counties, cities and special districts. This can be accomplished by:

(1) Establishing a Memorandum of Understanding which promises cooperative assistance and coordinated effort among signatory state agencies;

(2) Establishing an Oregon Emergency Response System Council which shall direct activities of the system;

(3) Creating a review process for major incidents that occur in the state;

(4) Developing an exercise program that will test the system on a periodic basis;

(5) Conduct emergency management training for signatory agencies;

(6) Develop and manage an incident report system.

Stat. Auth.: ORS 401.270(1)

Stats. Implemented: ORS 401.275

Hist.: EMD 1-1992, f. & cert. ef. 4-17-92

104-040-0010

Definitions

(1) "OERS" is the Oregon Emergency Response System.

(2) "The Division" is Oregon Emergency Management, a Division of the Executive Department.

(3) "MOU" refers to the Memorandum of Understanding signed by state agencies participating in the Oregon Emergency Response System.

(4) "Signatory Agencies" refers to those state agencies that have a role in emergency response activities, and participate as members of the Oregon Emergency Response System.

(5) "ORS" means Oregon Revised Statutes.

(6) "Hazardous Materials" shall mean "hazardous substance" as that term is defined in ORS 453.307(4).

(7) "LEPC" is the Local Emergency Planning Committee.

(8) "SERC" is the State Emergency Response Commission.

Stat. Auth.: ORS 401.270(1)

Stats. Implemented: ORS 401.275

Hist.: EMD 1-1992, f. & cert. ef. 4-17-92

104-040-0020

Responsibilities

(1) The Oregon Emergency Response System shall be managed by Emergency Management, a Division of the Executive Department. A council shall be established that includes representation from each of the participating state agencies.

(2) The Oregon Emergency Response System shall be the primary point of contact by which any public agency provides the state notification of an emergency or disaster, or requests access to state and federal resources.

(3) The responsibilities of the Council include but are not limited to the following:

(a) Establish planning guidelines and review procedures;

(b) Develop criteria for the provision of call lists and the notification of personnel through the Oregon Emergency Response System;

(c) Conduct reviews of major incidents that occur in the state;

(d) Develop and conduct emergency management training for signatory agencies; and

(e) Advise the Division on changes necessary to improve or update Oregon's emergency management and operations plans.

(4) The responsibilities of the Division for managing the Oregon Emergency Response System include but are not limited to the following: The Division's OERS Program Coordinator shall chair the OERS Council and will be responsible for the maintenance of OERS plans, guidelines, procedures, call-lists, and the dissemination of information to participant agencies. The chair shall coordinate review of major incidents and planning of exercises. The chair shall establish technical advisory committees to advise on special problems or issues as needed. The chair shall establish and manage an incident report system, consolidated monthly reports of which shall be made available to the OERS Council, SERC, LEPC and any other interested parties or individuals.

(5) The Oregon Emergency Response System shall be the point of contact for notification of the SERC and LEPC when there is a

release by an Oregon facility of a listed hazardous substance that exceeds the reportable quantity for that substance. Such facilities will make this notification by contacting OERS and stating that they are making a spill notification to the LEPC and SERC.

(6) The Oregon Emergency Response System is funded under the provisions of ORS 465.104 which identifies disposition in ORS 465.127.

Stat. Auth.: ORS 401.270(1)

Stats. Implemented: ORS 401.275

Hist.: EMD 1-1992, f. & cert. ef. 4-17-92

DIVISION 50

OREGON SEISMIC REHABILITATION GRANTS PROGRAM

104-050-0000

Purpose

(1) The Director of the Office of Emergency Management (OEM), pursuant to Oregon Revised Statutes (ORS) 401.300, shall develop and administer grant programs for the seismic rehabilitation of critical public buildings.

(2) The funds for the seismic rehabilitation of critical public buildings under the grant program are provided from the issuance of bonds pursuant to the authority provided in Articles XI-M and XI-N of the Oregon Constitution.

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Hist.: OEM 1-2009, f. & cert. ef. 4-22-09; OEM 3-2010, f. & cert. ef. 11-1-10

104-050-0010

Definitions

(1) "OEM": Office of Emergency Management, Oregon Military Department.

(2) "Acute inpatient care facility": Means a licensed hospital with an organized medical staff, with permanent facilities that include inpatient beds, with comprehensive medical services, including physician services and continuous nursing services under the supervision of registered nurses, to provide diagnosis and medical or surgical treatment primarily for, but not limited to acutely ill patients and accident victims. "Acute inpatient care facility" includes the Oregon Health and Science University.

(3) "Applicant": A school district, community college, education service district, higher education institution, police, sheriff, fire, hospital which is applying for a grant from the Seismic Rehabilitation program.

(4) "Collapse Prevention": Means a building at this performance level is capable of maintaining gravity loads though structural damage is severe and risk of falling hazard is high as set forth in the American Society of Civil Engineers Standard for Seismic Rehabilitation of Existing Buildings newest edition.

(5) "Critical Public Buildings": Includes hospital buildings with acute inpatient care facilities, fire stations, police stations, sheriffs' offices, other facilities used by state, county, district, or municipal law enforcement agencies and buildings with a capacity of 250 or more persons that are routinely used for student activities by kindergarten through grade 12 public schools, community colleges, education service districts and institutions of higher education.

(6) "Director": The Director of the Office of Emergency Management.

(7) "Distressed or Impoverished": All Oregon cities and counties designated by Oregon Business Development Department as distressed or impoverished by established methodology.

(8) "Division": Office of Emergency Management.

(9) "Education Service District (ESD)": Means a district created under ORS 334.010 that provides regional educational services to component school districts.

(10) "Grant Program": The Seismic Rehabilitation Grant Program.

(11) "Grant Selection Committee": The committee that is charged with evaluating grant applications for the purpose of determining which projects receive funding. The grant selection com-

mittee membership shall include representatives of Oregon Department of Education, The Department of Human Services, The State Department of Geology and Mineral Industries, Oregon Seismic Safety Policy Advisory Commission, The Oregon Department of Administrative Services, The Oregon Fire Chiefs' Association, The Oregon Association of Chiefs of Police, Community Colleges and Workforce Development, Oregon University System, The Oregon Association of Hospitals and Health Systems, and others who possess expertise in construction, construction grants and structural design as determined by the Director.

(12) "Grantee": Means applicant awarded grant funds for seismic rehabilitation project.

(13) "Holistic Project": Means a project emphasizing the whole building instead of the separation of its parts.

(14) "Immediate Occupancy": Means a building at this performance level is expected of being sufficiently functional for occupancy as set forth in the American Society of Civil Engineers Standard for Seismic Rehabilitation of Existing Buildings newest edition.

(15) "Life Safety": Means a building at this performance level is expected to present low risk of life threatening injury to building inhabitants as set forth in the American Society of Civil Engineers Standard for Seismic Evaluation of Existing Buildings newest edition.

(16) "Match": is any contribution to a project that is non-seismic grant funds. Match may include:

(a) Cash on hand or cash that is pledged to be on hand prior to commencement of the project; and,

(b) Secured funding commitments from other sources.

(17) "Project": Seismic rehabilitation activity (or activities) to a building that is eligible for assistance from the Seismic Rehabilitation Grant Program.

(18) "Seismic Rehabilitation": Means construction of structural improvements to a building that results in the increased capability of the building to resist earthquake forces and that are based on standards adopted by the State of Oregon or by local governments.

(19) "Small Impoverished Community": As defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5133, means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President. Small and impoverished community must meet all of the following criteria:

(a) Must be a community of 3,000 or fewer individuals that is identified by the State as a rural community, and is not a remote area within the corporate boundaries of a larger city;

(b) Must be economically disadvantaged, with residents having an average per capita annual income not exceeding 80% of the national per capita income, based on best available data. (The Department of Commerce Bureau of Economic Analysis (BEA) website states that the per capita personal income for the United States in 2006 was \$31,794.) More up-to-date information may be used. Please see the BEA website at: <http://www.bea.gov>;

(c) Must have a local unemployment rate that exceeds by one percentage point or more the most recently reported, average yearly national unemployment rate. (According to the US Bureau of Labor Statistics (USBL), the current average unemployment rate for 2006 is 4.6%.) For up-to-date information, please see the USBL website located at: <http://stats.bls.gov/>; and

(d) Must meet any other factors as determined by the State in which the community is located.

(20) "Structural": Means components of a building that support or resist loads. Parts of a building that bear weight.

(21) "Tsunami Inundation Zone": Means for purposes of the SRGP, the area depicted as the tsunami inundation zone in Oregon Department of Geology and Mineral Industries Open-File Reports O-95-09 through O-95-38, O-95-43 through O-95-66 and O-97-31 through O-97-32.

(22) "Useful Life": Means the length of time that the building or structure is expected to be used, or 30 years, whichever is greater.

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Hist.: OEM 1-2009, f. & cert. ef. 4-22-09; OEM 3-2010, f. & cert. ef. 11-1-10

104-050-0020

Eligible Applicants

The following are eligible to apply for a Seismic Rehabilitation Grant, except those determined to be ineligible by the Department because of nonperformance under a prior Seismic Rehabilitation Grant contract:

(1) All hospital buildings with acute inpatient care facilities, fire stations, police stations, sheriffs' offices, other facilities used by state, county, district or municipal law enforcement agencies.

(2) Kindergarten through grade 12 public schools, community colleges, education service districts and institutions of higher education buildings with a capacity of 250 or more persons that are routinely used for student activities and are owned by the State Board of Higher Education, a school district, an education service district, a community college district or a community college service district.

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Hist.: OEM 1-2009, f. & cert. ef. 4-22-09; OEM 3-2010, f. & cert. ef. 11-1-10

104-050-0030

Program Information

(1) OEM shall prepare a Grant Application Package. The application package may contain a guidance document, application forms, and other supplementary information that may help eligible applicants prepare grant applications.

(2) The guidance document will include a description of eligibility criteria, and ranking factors used to evaluate and select applicants for funding.

(3) The Grant Application Package on file with OEM is incorporated as part of these rules by reference.

(4) OEM will provide to Seismic Rehabilitation grantee a Grant Contract which specifies legal requirements for grant management, reporting, and record keeping, and OEM's monitoring and grant closeout procedures.

(5) OEM shall administer Seismic Rehabilitation Grants in compliance with the requirements of applicable statutes, rules, and the Grant Guidance Document.

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Hist.: OEM 1-2009, f. & cert. ef. 4-22-09; OEM 3-2010, f. & cert. ef. 11-1-10

104-050-0040

Program Sanctions

The grantee shall be responsible for taking all actions necessary to enforce the terms of the grant contract against any private or public participant who fails to comply with applicable provisions of the grant contract, and to recover on behalf of the state any liabilities that may arise as the result of the breach of the grant contract by any participant. Nothing in this paragraph shall restrict the state's rights to enforce independently the terms of any grant contract or to recover any sums that may become due as the result of a breach of such a contract.

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Hist.: OEM 1-2009, f. & cert. ef. 4-22-09; OEM 3-2010, f. & cert. ef. 11-1-10

104-050-0050

Project Eligible Activities

Projects must meet the following criteria to be eligible for this program:

(1) Education buildings rehabilitated to life safety seismic safety performance level as defined in OAR 104-050-0010.

(2) Emergency services buildings rehabilitated to immediate occupancy seismic safety performance level as defined in OAR 104-050-0010.

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Hist.: OEM 1-2009, f. & cert. ef. 4-22-09; OEM 3-2010, f. & cert. ef. 11-1-10

104-050-0055

Project Ineligible Activities

Project ineligible activities include, but are not limited to:

(1) The demolition and rebuild of an existing critical public building.

(2) Rehabilitation to a building located in the Tsunami Inundation Zone as defined in OAR 104-050-0010.

(3) Rehabilitation of a building located in the flood zone, with no previous mitigation activities completed.

(4) Partial rehabilitation of a building that does not holistically address all known seismic deficiencies, as defined in OAR 104-050-0010.

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Hist.: OEM 3-2010, f. & cert. ef. 11-1-10

104-050-0060

Application Submittal, Review and Approval

(1) OEM shall announce deadlines for submitting applications, how to obtain an application form, and required supplemental documents.

(2) An eligible critical public building may submit an application after consulting with OEM on a preliminary determination of eligibility and otherwise follow OEM's procedures for submitting applications. The application must be in the form provided by OEM and must contain or be accompanied by such information as OEM may require. OEM will process only completed applications.

(3) Upon receipt of signed application, OEM will notify the applicant within 30 days as to the receipt of the application.

(4) Upon receipt of a completed application, OEM will provide the Grant Selection Committee with copies of the application materials to evaluate the application using ranking factors and point values to determine the project's prioritization ranking during a public meeting.

(5) Once a completed application is evaluated for a grant award, the Grant Selection Committee will, within 90 days, notify applicants of the status of their grant application.

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Hist.: OEM 1-2009, f. & cert. ef. 4-22-09; OEM 3-2010, f. & cert. ef. 11-1-10

104-050-0070

Project Administration

(1) OEM and the applicant must execute a grant contract prior to disbursement of grant funds.

(2) Documentation of project costs incurred by entity must be submitted to OEM prior to disbursement of funds.

(3) Disbursement of grant funds to entity will be made on the schedule determined by OEM.

(4) Prior to final disbursement, OEM will review and evaluate all documents produced as a result of the project, perform a final on-site inspection of the completed project and determine how closely the project delivered the outcome anticipated in the application.

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Hist.: OEM 1-2009, f. & cert. ef. 4-22-09; OEM 3-2010, f. & cert. ef. 11-1-10

104-050-0080

Grant Awards and Match

(1) Grants will be awarded only when there are sufficient funds available in the Seismic Rehabilitation Grants program.

(2) Grant funds shall be distributed proportionately between public education facilities and emergency services facilities as allocated by the Legislative Assembly.

(3) The maximum grant award is \$1.5 million.

(4) There is no required match for this program. Additional application points may be considered for applicants that provide matching funds.

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Hist.: OEM 1-2009, f. & cert. ef. 4-22-09; OEM 3-2010, f. & cert. ef. 11-1-10

104-050-0090

Grant Agreement Conditions

(1) OEM will only enter into new agreements or amendments to existing agreements, with prior Grantees, if all reporting obligations under earlier agreements have been met.

(2) If the grant agreement has not been fully executed by all the parties within 60 days of grantee receiving contract document, fund-

ing shall be terminated. The money allocated to the grant shall be available for reallocation by the grant committee.

(3) The Director or designee shall establish grant agreement conditions. Grantees shall comply with all grant agreement conditions.

(4) The Grantee shall comply with all federal, state and local laws and ordinances applicable to the work to be done under the agreement.

(5) Upon notice to the Grantee in writing, the Director may terminate funding for projects not completed in the prescribed time and manner. The money allocated to the project but not used will be available for reallocation by the grant committee.

(6) The Grantee will account for funds distributed by the grant committee, using project expense forms provided by OEM.

(7) The Grantee will obtain the necessary permits and licenses from local, state or federal agencies or governing bodies and provide a copy to OEM.

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Hist.: OEM 1-2009, f. & cert. ef. 4-22-09; OEM 3-2010, f. & cert. ef. 11-1-10

104-050-0100

Waivers, Exceptions and Appeals

(1) The Director may provide authority to the grant committee to waive non-statutory requirements of the grant program based on special circumstances, such as:

- (a) Proximity to fault hazards;
- (b) The community value of the structure;
- (c) Emergency functions provided by the structure; and,
- (d) Storage of hazardous materials.

(2) The Director may consider appeals of the grant committee's funding decisions. Only the applicant may appeal. Appeals must be submitted in writing to the Director within 30 days of the event or action that is being appealed. The Director's decision is final.

(3) The Director may waive non-statutory requirements of this program if it is demonstrated such a waiver would serve to further the goals or objectives of the program.

Stat. Auth.: ORS 401.300

Stats. Implemented: ORS 401.300

Hist.: OEM 1-2009, f. & cert. ef. 4-22-09; OEM 3-2010, f. & cert. ef. 11-1-10

DIVISION 60

9-1-1 STANDARDS AND TRAINING

104-060-0000

Purpose

The purpose of the 9-1-1 Standards and Training program is:

(1) To identify the basic and minimum standards needed for public safety telecommunicators.

(2) To identify the basic and minimum standards for telecommunicators that have a responsibility to dispatch emergency medical care providers.

(3) To recognize the basic training for telecommunicators that operate a terminal to access the LEDS network.

Stat. Auth.: ORS 401.735(1)

Stats. Implemented: ORS 401.735

Hist.: EX 2-1990(Temp), f. 6-28-90, cert. ef. 7-1-90; EMD 1-1991, f. 2-25-91, cert. ef. 7-1-93

104-060-0010

Definitions

(1) "Telecommunicator" is any person employed as an emergency telephone worker as defined in ORS 243.736, or public safety dispatcher whose primary focal duties are receiving, processing, and transmitting public safety information received through a 9-1-1 emergency reporting system as defined in ORS 401.720.

(2) "Public or Private Safety Agency" means any unit of state or local government, a special purpose district or a private firm which provides or has authority to provide fire-fighting, police, ambulance or emergency medical services.

(3) "Coordinator" is the 9-1-1 Standards and Training Coordinator as designated by Oregon Emergency Management.

(4) "Employed" shall mean any person paid or unpaid by a public safety agency as a telecommunicator.

(5) "Course" shall mean any grouping of classes or series of lectures or lessons combined to attain a mandated training program.

(6) "Committee" shall mean the 9-1-1 Standards and Training Advisory Committee.

(7) "Medical Care Provider" shall mean any agency dispatched to provide pre-hospital care to any ill, injured or disabled person.

(8) "LEDS" shall mean the Executive Department, Criminal Justice Services Division, Law Enforcement Data System.

(9) "Certified" shall mean meeting the training standards established by statute and/or rule as determined by the Coordinator.

(10) "EMD" shall mean emergency medical dispatch.

Stat. Auth.: ORS 401.735(1)

Stats. Implemented: ORS 401.735

Hist.: EX 2-1990(Temp), f. 6-28-90, cert. ef. 7-1-90; EMD 1-1991, f. 2-25-91, cert. ef. 7-1-93

104-060-0020

Training Program Descriptions

(1) Basic Program. This program provides basic skills and knowledge for the person entering the field of public safety communications. The training shall consist of several courses that cover basic competencies. This training program shall be established by the Committee.

(2) Basic Refresher Program. This program is designed for: Telecommunicators employed in Oregon for more than two years; certified telecommunicators from another state; or those who have been not working in the field less than two years. This program is an abbreviated version of the basic program resulting in certification as a Basic Telecommunicator. This program shall be established by the Committee.

(3) Emergency Medical Dispatch Program. This program is required for all telecommunicators that process telephone request for, and/or dispatch emergency medical care providers. This program will give the telecommunicator the background, basic skills and medical principles needed to give a caller pre-arrival instructions. This program is mandated by administrative rules of the Oregon State Health Division (OAR 333-028-0063, 333-028-0125, 333-200-0080). The Committee working with the State Health Division and Oregon Emergency Management will establish this program.

(4) LEDS. This program is required for all telecommunicators that operate a terminal to access the LEDS network. This program gives the telecommunicator the working knowledge of how to operate the system. This program is mandated by administrative rules of LEDS.

Stat. Auth.: ORS 401.735(1)

Stats. Implemented: ORS 401.735

Hist.: EX 2-1990(Temp), f. 6-28-90, cert. ef. 7-1-90; EMD 1-1991, f. 2-25-91, cert. ef. 7-1-93

104-060-0030

Minimum Training Standards for Certification

(1) Basic Program:

(a) All telecommunicators must satisfactorily complete the basic program within the first 12 months of appointment, except as provided in subsections (e) and (f) of this section;

(b) The basic program shall be conducted under the supervision of the 9-1-1 Standards and Training Coordinator;

(c) Upon satisfactory completion of the basic program the telecommunicator will become certified as a Basic Telecommunicator;

(d) Telecommunicators who have previously completed the Basic Program, but have not been employed as a telecommunicator during the last two years, must again satisfactorily complete the Basic Program to qualify for certification. This requirement shall be waived by the Coordinator if the applicant successfully completes a written test;

(e) Telecommunicators who have previously completed basic telecommunicator training out of state, or who have been employed for more than two years in a public safety communications center prior to the adoption of this standard, may become certified as a Basic Telecommunicator by:

(A) Successfully completing a written test;

(B) Attending and successfully completing the Basic Refresher Program;

(C) Attending and successfully completing the Basic Program; or

(D) Submitting documentation of successful completion of equivalent training as determined by the Coordinator.

(f) The Coordinator may grant an extension of the time limit for the completion of the minimum training standards required upon presentation of evidence by the employing public safety agency administrator that such telecommunicator was unable to complete the required training due to illness, injury, military service, special duty assignment required or performed in the public interest, or other prudent reason(s). The public safety agency administrator must request such extension prior to expiration of any time limit;

(g) All applicants must obtain a minimum passing score on the competency test as provided by the Coordinator;

(h) The Coordinator or his/her designee shall administer and proctor the examination;

(i) All telecommunicators have until July 1, 1993 to comply with these standards.

(2) Emergency Medical Dispatch:

(a) All telecommunicators who have a responsibility to process requests for medical assistance from the public, and/or dispatch medical care providers must have satisfactorily completed a state certified EMD training program;

(b) Participants must maintain current certification in:

(A) Cardio-Pulmonary Resuscitation (CPR) at or above the equivalent of the American Heart Association (AHA) "B" level; and

(B) Basic first aid (minimum).

(c) Upon satisfactory completion of a state approved program, and achieving a passing score on a state approved examination, the participant will be certified as an Emergency Medical Dispatcher (EMD);

(d) Telecommunicators who have previously completed Emergency Medical Dispatch training may submit proper documentation and request certification from the Coordinator. Certification may be granted if the training meets state standards, and the applicant achieves a passing score on a state approved EMD examination;

(e) Telecommunicators who only dispatch medical care providers shall be exempt from the Basic Program requirement and need only EMD Certification;

(f) Combined faculty for EMD courses must include instructors that have documented knowledge and/or experience in: telecommunications skills, medical care commensurate with the level of materials presented, local EMS operations, and the curriculum of the course that is being presented;

(g) All applicants must obtain a minimum passing score on the competency test as provided by the Coordinator;

(h) The Coordinator or his/her designee shall administer and proctor the examination;

(i) All telecommunicators have until July 1, 1993 to comply with these standards.

Stat. Auth.: ORS 401.735(1)

Stats. Implemented: ORS 401.735

Hist.: EX 2-1990(Temp), f. 6-28-90, cert. ef. 7-1-90; EMD 1-1991, f. 2-25-91, cert. ef. 7-1-93

104-060-0040

Maintenance of Certification

(1) Basic Certification:

(a) All certified telecommunicators shall annually participate in 12 hours of training. The contents of the training is determined by the public or private safety agency administrator;

(b) The employing agency shall maintain documentation of required telecommunicator training on each telecommunicator;

(c) The employing agency shall notify the Coordinator of all telecommunicators employed annually, and provide documentation as to the training status of all employed telecommunicators.

(2) Emergency Medical Dispatch Certification:

(a) All certified Emergency Medical Dispatchers must:

(A) Maintain CPR and minimum basic first aid certifications; and

(B) Complete four hours of approved in-service training in EMD annually.

(b) The employing agency shall submit recertification forms to the Coordinator annually.

Stat. Auth.: ORS 401.735(1)

Stats. Implemented: ORS 401.735

Hist.: EX 2-1990(Temp), f. 6-28-90, cert. ef. 7-1-90; EMD 1-1991, f. 2-25-91, cert. ef. 7-1-93

104-060-0050

Certification of Schools or Courses

(1) The Coordinator may certify schools or courses as adequate to effectively provide one or more approved subjects based on an examination and evaluation of course curriculum and instructors.

(2) On-site evaluations may be conducted by the Coordinator.

(3) Agencies, organizations, community colleges, or individuals requesting course certification shall submit an application at least 30 day prior to the start of the course. The Coordinator may waive the time requirement at his/her discretion.

(4) Course certification shall remain in force for two years unless significant changes occur as a result of review or legislative mandate.

(5) After certification, any changes in the course or instructors must be approved by the Coordinator.

(6) The requesting agency has the responsibility for administering the course and overseeing the preparation of curriculum to insure its compliance with the requirements.

(7) The Coordinator shall not certify courses after they have been completed. Records of attendance for courses or training not certified in advance may be maintained by individual agencies as in-service training.

Stat. Auth.: ORS 401.735(1)

Stats. Implemented: ORS 401.735

Hist.: EX 2-1990(Temp), f. 6-28-90, cert. ef. 7-1-90; EMD 1-1991, f. 2-25-91, cert. ef. 7-1-93

DIVISION 80

E9-1-1 EMERGENCY TELEPHONE SYSTEMS PROGRAM

104-080-0000

Purpose

The purpose of the E9-1-1 Emergency Telephone System Program is:

(1) To provide uniform statewide access to police, fire, or medical service through the emergency telephone number 9-1-1.

(2) To provide the continued operation of E9-1-1 telecommunications service statewide.

(3) To provide and monitor the distribution and expenditure of E9-1-1 telephone tax funds in all accounts to E9-1-1 jurisdictions who provide E9-1-1 emergency telephone system services in Oregon.

(4) To study the efficiency of E9-1-1 telecommunications services throughout the State of Oregon.

(5) To implement the requirements of ORS 403.105 to 403.165.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented: ORS 403.105 - 403.165

Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 3-1992(Temp), f. & cert. ef. 7-15-92; EMD 3-1993(Temp), f. & cert. ef. 1-15-93; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10

104-080-0010

Definitions

(1) "Enhanced 9-1-1 (E9-1-1)" means the delivery of automatic number and location identification of a 9-1-1 call for service.

(2) "Automatic Location Identification (ALI)" means the automatic display at a public safety answering point of the subscriber telephone number, the service address for the telephone and supplementary information.

(3) "Automatic Number Identification (ANI)" means the automatic display at a public safety answering point of the subscriber telephone number. "Pseudo-ANI (pANI)" means the number assigned to a wireless 9-1-1 call identifying the tower or sector from

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which the call originated. It is used for the routing of 9-1-1 Wireless calls to the designated E9-1-1 Primary PSAP.

(4) "CAD" includes Computer Aided Dispatch; Computer Assisted Dispatch.

(5) "Geographic Information Systems" (GIS) means a mapping system utilized in support of E9-1-1 for the manipulation and display of mapping data at the PSAP.

(6) "Data Base" includes:

(a) The data required to direct network routing of an emergency call to the primary public safety answering point responsible for the emergency service zone of the calling party;

(b) The data used to identify the jurisdictional boundaries within an E9-1-1 service area for each associated public or private safety agency;

(c) The data required to transfer an emergency call from a primary public safety answering point to either another primary public safety answering point or a secondary public safety answering point; and

(d) The data required to assign default routing within Oregon to a designated public safety answering point at times of network routing failure.

(7) "Data Management System" means the combination of manual procedures and computer programs used to create, store, manipulate and update data required to provide selective routing and ALI/GALI.

(8) "Primary PSAP" means a primary public safety answering point or local E9-1-1 jurisdiction which is currently an enhanced entity. Primary PSAPs are the only entities for which continued E9-1-1 will be deployed for purposes of these rules.

(9) "Emergency Service Zone" means a defined geographical territory consisting of a specific combination of law enforcement, fire and EMS coverage areas.

(10) "Geographic Automatic Location Identification (GALI)" means the automatic display at a primary public safety answering point of the positional location of the subscriber, ten-digit ANI for the device and supplementary information.

(11) "Interoperability" means deployment of E9-1-1 technologies having been engineered to allow full functionality when providers' resources are shared by two or more PSAPs or where a PSAP's E9-1-1 telecommunications service is derived from two or more utilities regardless of whether the call is received directly from the calling party or by transfer from a contiguous PSAP.

(12) "Master Street Address Guide (MSAG)" means a database of street names containing address ranges with their associated communities that denotes emergency service numbers for E9-1-1 purposes.

(13) "Network" includes:

(a) A series of connecting points which can be joined to create communications channels intended to allow public access into the E9-1-1 emergency reporting system;

(b) Connecting points which include all Oregon providers, facility and services required to complete the emergency call; and

(c) Provider based connection of both switched and dedicated channels ultimately terminating upon station terminal equipment within each primary public safety answering point.

(14) "Network Exchange Services" includes:

(a) Intrastate telecommunications services required to deliver E9-1-1;

(b) Any telecommunications service in which the information transmitted originates and terminates within the boundaries of the State of Oregon.

(15) "On-Premises Equipment (Also referred to as Customer Premise Equipment or CPE)" includes:

(a) Those devices required to decode network signaling allowing the display of ALI/GALI;

(b) The station terminal equipment required for display of decoded signaling and voice contact with the calling party in a synchronous manner.

(16) "Open Systems" includes but is not limited to:

(a) System Application Program Interface (ISO/IEC 9945-1:1990);

(b) Information technology-Portable Operating System Interface (POSIX) (IEEE Std1003.1-1990).

(17) "P.O1 Grade of Service" means emergency telecommunications service in which no more than one call in 100 attempts will receive a busy signal on the first attempt during the average busiest hour.

(18) "Positional Location" means:

(a) The means by which to describe a point on the surface of the Earth usually termed an "x, y" coordinate;

(b) "x, y" coordinate information will be provided in decimal degrees with six places of accuracy based on the North American datum (NAD) 83-91;

(c) "x, y" shall also include a "z" element when available. "z" is intended to reflect elevation in feet from Mean Sea Level.

(19) "Primary Utility" means:

(a) A utility having an exchange boundary that contains a primary PSAP point and is therefore responsible for providing network access;

(b) The utility responsible as the first point of contact for coordination of network maintenance and repair.

(20) "Provisioning" means the process of providing or obtaining needed equipment or services.

(21) "Selective Routing" means the capability of routing an E9-1-1 call from a central office to a designated PSAP based upon the telephone number and/or the location of the calling party.

(22) "Automatic Telephone Number Identification (ATNI)" means:

(a) All forms of Automatic Number Identification (ANI), Automatic Location Identification (ALI), and database information used in the processing of an E9-1-1 emergency telephone call;

(b) ATNI refers to the utility customer's telephone number, the customer's main telephone service location and the name of the utility customer required pursuant to OAR 104-080-0050(11)(a) to be supplied to the primary PSAP or E9-1-1 jurisdiction through an E9-1-1 telephone system. This reference to ATNI does not include Wireless E9-1-1 services;

(c) ATNI information may be displayed either on a video monitor or hard copy printer.

(23) "Private Switch ALI (PS/ALI)" means a service option which provides E9-1-1 features for telephone stations behind private switches. e.g. PBXs.

(24) "DMS" means Data Management System as defined in OAR 104-080-0010 (7).

(25) "Official Report" means:

(a) A final document, created by a PSAP or other public safety agency, for incident reporting purposes;

(b) After all confidential data received from the (NP) or (NL) data source are edited or deleted in compliance with ORS 403.135(2) and this rule; and

(c) Which is incident specific and is not co-mingled with other related incidents.

(26) "Official report" does not mean:

(a) An intermediate or temporary record;

(b) An automatic electronic display, and hard copy or electronic storage of ATNI;

(c) Call logs, either manual or automated, unless separated by incident;

(d) Computer Aided Dispatch records, unless separated by incident;

(e) Call detail voice and log recorders;

(f) ATNI, ANI, or ALI display units and printers.

NOTE: Unless otherwise noted above, terms used in these rules are defined in

ORS 403.105(1) through (18), and OAR 104-080-0010(1) through (26).

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented: ORS 403.105 - 403.165

Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 3-1992 (Temp), f. & cert. ef. 7-

15-92; EMD 3-1993(Temp), f. & cert. ef. 1-15-93; EMD 1-1997, f. & cert. ef. 8-

15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10

104-080-0020

Planning Considerations

(1) The Division shall maintain a file of PSAP disaster recovery plans for each E9-1-1 jurisdiction per ORS 403.150. Annual

review of plans will be conducted by the E9-1-1 jurisdiction responsible for each plan. Revisions shall be submitted to the Division immediately upon completion.

(2) The Division shall maintain a file of the description and/or documentation from the primary utility that the E9-1-1 system within the jurisdiction is designed to a P.01 grade of service. A plan to monitor and maintain this grade of service must be included by the primary utility and reviewed annually by the division.

(3) The Division shall maintain a listing of the non-emergency 24-hour published number for each PSAP or E9-1-1 jurisdiction and each participating Public and Private Safety Agency.

(4) The Division shall maintain a listing of primary and secondary PSAP(s) 7 or 10-digit 24-hour emergency numbers.

(5) The Division shall maintain an itemized listing of the primary PSAP(s) on-premise equipment that is necessary to maintain the Enhanced 9-1-1 system. The listing shall include the appropriate equipment lifespan and update schedule.

(6) The Division shall maintain a list of costs of the Network Exchange Services necessary to provide the minimum of P.01 grade of service, provided by the serving Utility and approved within a tariff schedule by the Oregon PUC.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented: ORS 403.105 - 403.165

Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 3-1992(Temp), f. & cert. ef. 7-15-92; EMD 3-1993(Temp), f. & cert. ef. 1-15-93; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10

9-1-1 Automatic Telephone Number Identifications

104-080-0021

Purpose

The standards and procedures set out in this rule will be followed to insure the calling party's right to confidentiality is not breached in violation of ORS 403.135(2).

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented:

Hist.: EMD 1-1993, f. & cert. ef. 1-15-93; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10

104-080-0022

Definitions

(1) "Automatic Telephone Number Identifications (ATNI)" means:

(a) All forms of Automatic Number Identification (ANI), Automatic Location Identification (ALI), and database information used in the processing of an E9-1-1 emergency telephone call.

(b) ATNI refers to the utility customer's telephone number, the customer's main telephone service location and the name of the utility customer required pursuant to OAR 104-080-0050(11)(a) to be supplied to the primary PSAP or E9-1-1 jurisdiction through an E9-1-1 telephone system. This reference to ATNI does not include Wire-9-1-1 service.

(c) ATNI information may be displayed either on a video monitor or hard-copy printer.

(2) "DMS" means Data Management System as defined in OAR 104-080-0010(7).

(3) "Official Report" means a final document, created by a PSAP or other public safety agency, for incident reporting purposes:

(a) After all confidential data received from the (NP) or (NL) data source are edited or deleted in compliance with ORS 403.135(2), this rule; and

(b) Which is incident specific and is not co-mingled with other unrelated incidents.

(4) "Official Report" does not mean:

(a) An intermediate or temporary record;

(b) An automatic electronic display, and hard copy or electronic storage of ATNI;

(c) Call logs, either manual or automated, unless separated by incident;

(d) Computer Aided Dispatch records, unless separated by incident;

(e) Call detail voice and log recorders;

(f) ATNI, ANI or ALI display units and printers.

NOTE: Unless otherwise noted above, terms used in these rules are defined in ORS 403.105(1) through (18), and OAR 104-080-0010(1) through (26).

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented:

Hist.: EMD 1-1993, f. & cert. ef. 1-15-93; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10

104-080-0023

Use of 9-1-1 ATNI Information

(1) All telecommunicators, as defined in OAR 104-060-0010, shall not rely solely on the automatic display of ATNI information to determine the location of the call unless no other information is available.

(2) The telecommunicator, to the extent practicable under the circumstances existing at the time of the call, shall confirm the accuracy of ATNI information, and the identity of the calling party because the calling party and the utility customer whose name is displayed may not be presumed to be one-in-the-same person.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented:

Hist.: EMD 1-1993, f. & cert. ef. 1-15-93; OEM 1-2003, f. & cert. ef. 1-15-03

104-080-0024

Use of Non-Published or Non-Listed ATNI Information

(1) When a telecommunicator has determined that the automatic display ATNI is derived from a non-published (NP) or non-listed (NL) data source, the telecommunicator shall obtain from the calling party permission to disclose the information to the general public before it is used in an official report. Permission shall be deemed to have been granted only if the calling party identifies him or herself as the person listed in the NP or NL data source and indicates that it is acceptable that the NP or NL ATNI information may be disclosed to the general public. However, any information obtained from a calling party in a 9-1-1 call may be used for emergency dispatch purposes without restriction. The utilities shall provide a NP or NL designation with the ID in their data sources and shall notify their customers of privacy limitations associated with calls placed to 9-1-1.

(2) All records and reports relating to the call shall be reviewed for confidential information prior to public release and disclosure. Upon determination that confidential information exists, disclosure shall take place only after all data received from the (NP) or (NL) data source are edited or deleted in compliance with ORS 403.135(2).

(3) Upon receipt of ID with a (NP) or (NL) designation, when transferring the ID to the dispatcher or a public or private safety agency, the PSAP operator or E9-1-1 jurisdiction telecommunicator shall identify the information as having been received from a non-published or non-listed data source.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented:

Hist.: EMD 1-1993, f. & cert. ef. 1-15-93; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10

104-080-0025

Official Reports

(1) A PSAP is not required to write an official report. Should an E9-1-1 jurisdiction or primary PSAP choose not to write an official report, all of its records must be kept confidential and are not subject to disclosure until an official report is written by another public or private safety agency.

(2) As defined in the Oregon Public Records Law, ORS 192.430, all records of a public body including PSAPs are "public records" and are subject to public disclosure unless otherwise expressly prohibited by law or withheld from disclosure in whole or in part by an agency pursuant to an express exemption from the Oregon Public Records Law. ORS 403.135(2) establishes an exception.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented:

Hist.: EMD 1-1993, f. & cert. ef. 1-15-93; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10

**104-080-0026
DMS**

The DMS used by the PSAP or E9-1-1 jurisdiction must be approved as part of the primary PSAP's final plan.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented:

Hist.: EMD 1-1993, f. & cert. ef. 1-15-93; OEM 1-2003, f. & cert. ef. 1-15-03;
OEM 2-2010, f. & cert. ef. 2-5-10

104-080-0027

Reverse Query Without 9-1-1 Activation

(1) Nothing in these rules shall be interpreted as allowing "reverse query" of any utility supplied Automatic Location Information DMS unless and until a primary PSAP has received a live 9-1-1 call from the public or received a 9-1-1 call from the public providing a telephone number to an unknown location where threat to life or property is eminent, and then only for the purpose of identifying the customer name, address and phone number of the phone from which the call was made or where the threat is located.

(2) Reverse query includes any ability to search the utility DMS regardless of the technological ability of the Customer Premises Equipment.

(3) Reverse query may be conducted at the discretion of the PSAP management for the purpose of testing equipment, connection, and training of personnel only.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented:

Hist.: EMD 1-1993, f. & cert. ef. 1-15-93; OEM 1-2003, f. & cert. ef. 1-15-03;
OEM 2-2010, f. & cert. ef. 2-5-10

104-080-0028

Procedures for Obtaining ATNI Information Without 9-1-1 Activation

(1) Each primary PSAP shall establish policy and procedures to allow the prompt acquisition of ATNI information through a Utility's DMS in the absence of a 9-1-1 activation.

(2) Procedures shall include agreements with each utility(s) security system and be subject to periodic testing to assure accuracy.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented:

Hist.: EMD 1-1993, f. & cert. ef. 1-15-93; OEM 1-2003, f. & cert. ef. 1-15-03

104-080-0030

Administrative Considerations

(1) Except as otherwise provided by local agreement that has been approved by the Division, 9-1-1 callers shall first be routed to the primary PSAP serving the caller's primary law enforcement agency.

(2) Transfers shall be kept to an absolute minimum. As a standard, a 9-1-1 call should not be transferred more than once. 9-1-1 calls subject to multiple transfers shall be allowed only when absolutely necessary. Any deviation from this section shall be subject to division approval.

(3) Auto-dialing alarms and/or automated voice announcers shall not be allowed to access 9-1-1 telephone lines unless utilized to meet the requirements of the Americans with Disabilities Act.

(4) All 9-1-1 calls generated within the State of Oregon, shall be answered in the State of Oregon, to the extent telecommunications technology will allow. Exceptions to this rule shall be granted subject to conditions in 104-080-0070(2).

(5) No E9-1-1 emergency reporting system shall use on-premises equipment designed to offer a 9-1-1 caller a choice of options for determining the disposition of their 9-1-1 call without the assistance of a 9-1-1 call taker. Devices specifically prohibited are known generically as "Automated Call Attendant" or "Voice Mail". The use of unintended/overload cell call screening systems may be utilized with prior approval from the Division.

(6) Allowable devices are limited to pre-recorded messages informing the 9-1-1 caller that all call taking positions are currently busy and to remain on the line. These "queue" devices shall be capable of sequencing calls in a manner that forces the oldest call in the queue to be answered first by the next available call taker.

(7) All telecommunicators, as defined in OAR 104-060-0010, should not rely solely on the automatic display of ATNI information to determine the location of the call unless no other information is available.

(8) The telecommunicator, to the extent practicable under the circumstances existing at the time of the call, should confirm the accuracy of the ATNI information, and the identity of the calling party because the calling party and the utility customer whose name is displayed may not be presumed to be the one-in-the-same person.

(9) A PSAP replacing E9-1-1 call taking equipment will only be authorized E9-1-1 telephone positions equal to those currently in use. A PSAP may request an increase of E9-1-1 telephone positions subject to approval of the Division. All requests shall be in writing and based on the following criteria:

(a) Population increase of PSAP service area;

(b) Increased 9-1-1 call volume;

(c) PSAP consolidation.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented: ORS 403.1105 - 403.165

Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 3-1992(Temp), f. & cert. ef. 7-15-92; EMD 3-1993(Temp), f. & cert. ef. 1-15-93; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10

104-080-0040

Operations

(1) TTY equipment required. Each PSAP shall be equipped with a Telephone Typewriter (TTY) for which it is possible to connect an incoming TTY call on any line to the TTY. TTY access shall meet all Federal requirements outlined in the American Disabilities Act of 1990.

(2) Logging recorder equipment is recommended:

(a) It is recommended each PSAP have a logging recorder in operation equipped to record all voice conversations of each call as well as the date and time of each call;

(b) It is recommended each call taker station be equipped with an instant playback type of recorder to record each incoming 9-1-1 call. At least 10 minutes of storage capacity should be included. It is highly recommended that the recorder be of a digital voice storage type with no moving parts.

(3) Back-up power equipment is recommended:

(a) It is recommended each primary PSAP have a gasoline, diesel, propane or other powered motor generator set for powering the primary PSAP during long term power outages;

(b) Each primary public safety answering point shall have a battery powered Uninterruptible Power Supply (UPS) which should be capable of powering the essential customer premise equipment at the primary PSAP for a period sufficiently long to enable the motor generator recommended in subsection (3)(a) of this rule to start and stabilize. No calls shall be lost during the transition to the UPS.

(4) Each primary PSAP shall have building security to restrict intentional disruption of operations. All 9-1-1 processing and control equipment shall be accessible only to authorized personnel. Display and printing equipment shall be located so that the information is limited to those with a need to know.

(5) All exposed 9-1-1 circuit facilities and E9-1-1 customer premise equipment (CPE) rooms at the primary PSAP shall be protected and internally marked to prevent accidental damage or tampering. For this section "protected" includes maintaining the ambient room temperature per the CPE manufacturers' requirements.

(6) A primary PSAP call taker station shall consist of an operator position equipped with (minimum):

(a) Telephone device;

(b) ANI display; and

(c) ALI display.

(7) Any equipment, supplies and services purchased from the Enhanced 9-1-1 Subaccount shall be for the provisioning of Enhanced 9-1-1 telecommunications services.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented: ORS 403.1105 - 403.165

Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 3-1992(Temp), f. & cert. ef. 7-15-92; EMD 3-1993(Temp), f. & cert. ef. 1-15-93; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10

104-080-0050**Technical**

(1) All plans or contracts submitted for State review will be approved by the Division on the basis of service and cost for the E9-1-1 service area impacted.

(2) Subscriber information data shall be the responsibility of the providers and made available through a Data Management System (DMS) to the requesting primary PSAP at time of receipt of an Enhanced 9-1-1 call.

(3) Unless approved by the division no primary utility shall require any primary PSAP to query more than one Data Management System for all E9-1-1 calls.

(4) The primary PSAP, primary utility, and the Division shall mutually identify the need for selective routing and the associated devices through which all calls for service are to be processed.

(5) Where interoperability requires the affected telephone utility to share its automatic location identification, a Division approved method shall be implemented.

(6) Provisioning on-premise equipment is subject to approval by the Division and must meet open systems requirements:

(a) Two methods of provisioning on-premise equipment will be considered by the Division:

(A) Provided by the primary utility and billed as non-recurring charges with monthly maintenance included; and

(B) Customer Owned and Maintained.

(b) On-premises equipment shall perform the following minimal functions:

(A) Line hold and line indicator for E9-1-1 service;

(B) Common control equipment and, when determined necessary by the Division, Automatic Call Distribution equipment and call sequencers;

(C) Telephone sets as indicated for primary interrogation and dispatch positions only;

(D) Automatic Number Identification controller(s) and associated display(s) as indicated for primary interrogation and dispatch positions only;

(E) Automatic Location Identification controller(s), data device(s), data channel(s) and display(s) as indicated for primary interrogation and dispatch positions only;

(F) Call detail recorder defined as a character print device;

(G) Holdover battery supply for paragraphs (A) through (E) of this subsection;

(H) An Uninterrupted Power Supply (UPS) shall be allowed in lieu of battery holdover when prior approval is received from the Division. Any allowed UPS device shall be only for the purpose of supporting a PSAP's E9-1-1 CPE.

(c) When a primary PSAP elects to purchase CPE that is intended to be Customer Owned and Maintained the primary PSAP shall comply with the following:

(A) The equipment must be compatible with and functionally equivalent to the primary utility provided E9-1-1 network;

(B) Mean time to repair must be equal or better to that provided by the primary utility;

(C) Equipment must be FCC approved and provide noiseless supervised transfer and conferencing.

(d) All Customer Owned and Maintained equipment is the responsibility of the primary PSAP regarding maintenance and provisioning of these standards.

(9) All installations shall be capable of both analog and digital receipt of incoming E9-1-1 calls. Digital compatibility for voice includes, but is not limited to, Signaling System 7, Feature group "X" and ISDN. Digital compatibility for data includes the ability to accept location information on a single digital transport provided by the prime utility.

(10) Every utility providing Automatic Location Identification shall present uniform data streams as required for contiguous primary PSAP operations. Such data streams may be transmitted in such a manner to allow each primary PSAP's station terminal equipment to display automatic location identification in a predetermined manner. Unless otherwise approved by the Division, every provider will adhere to the statewide data format. Any vendor supplied data man-

agement system shall search other vendors' data management system to respond to an ALI request from a PSAP when the requested data does not reside on the vendors' system.

(11) Each Automatic Location Identification data set shall include at a minimum:

(a) Area Code and Telephone number, ten digit ANI when available;

(b) Class of service;

(c) Time in 24-hour format;

(d) Date;

(e) Subscriber name or non-published;

(f) House number;

(g) House number suffix;

(h) Prefix and or Post directional;

(i) Street name including type;

(j) Emergency Service Number location;

(k) Postal community;

(l) State;

(m) Emergency Service Number;

(n) Pilot number;

(o) Emergency Service Number translation;

(p) Latitude & Longitude of wireless caller location for Phase II wireless, or that of the cell tower for Phase I.

(12) Each utility shall provide to the primary PSAP a Master Street Address Guide in either printed or electronic format as agreed to within the plan.

(13) Ownership of the Master Street Address Guide shall be jointly held between the primary PSAP, the utility, and Division.

(14) Each utility shall provide an updated Master Street Address Guide to the primary PSAP on a quarterly basis or as agreed upon within the contract for service upon each primary PSAP's installation and thereafter at intervals agreed upon between the Division and providers.

(15) The provider of each Data Management System shall be responsible for the provider based Master Street Address Guide process including compilation and continued maintenance. Submitted changes from a primary PSAP shall be incorporated into the MSAG within 72 hours of such change. Exception may be granted by the division with proper justification.

(16) The selective routing database contained within each approved selective routing device shall be maintained by the vendor(s) of such selective routers in such a manner as to accurately reflect the most recent issuance or change of address, service or service account datum within 48 hours of such change.

(17) The Division shall approve all Emergency Service Numbers assigned by a primary PSAP and primary utility. The Division will make a reasonable attempt to prevent duplication of these Emergency Service Numbers. The Division may, as required, assign or direct reassignment of Emergency Service Numbers to prevent unnecessary duplication or confusion. All geographic information data provided or produced from Enhanced 9-1-1 Sub-Account funding shall be jointly owned between the primary PSAP and the Division.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented: ORS 403.1105 - 403.165

Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10

104-080-0060**Funding Considerations**

(1) Emergency Communications Account:

(a) Telephone tax funds shall be distributed in January, April, July and October of each year;

(b) Cities and Counties shall determine the appropriate E9-1-1 jurisdiction to which their distribution shall be directed;

(c) E9-1-1 jurisdictions shall receive telephone tax funds directly from their respective city(s) and county(s) within 45 days from the date city(s) and county(s) receive tax funds from the division unless prior arrangements have been made and approved by the Division;

(d) The Division shall maintain a current listing of recognized E9-1-1 jurisdictions eligible to receive and expend E9-1-1 telephone tax funds;

(e) Allowable Emergency Communications Account expenditures at the primary PSAP include only:

- (A) E9-1-1 call taking personnel;
- (B) E9-1-1 telephone line charges;
- (C) E9-1-1 telephone system for call processing of 9-1-1 calls;
- (D) Transfer and relay telephone line charges to secondary PSAPs;

(E) Fifty percent funding of radio base stations necessary to notify responders of a 9-1-1 call for service;

(F) E9-1-1 telephone system maintenance costs;

(G) Receive only pagers if this is primary means of notifying responders of 9-1-1 call for service;

(H) Fifty percent funding of transmit/receive pagers, portable or mobile radios and repeater stations when used as primary means of notification of responding agencies of a 9-1-1 call for service;

(I) Training expenses for E9-1-1 call takers;

(J) 9-1-1 answering contracts for primary PSAPs;

(K) Telephone and radio recording equipment used to record 9-1-1 telephone calls and notifications of responding agencies of 9-1-1 calls for service;

(L) Uninterruptible power supply systems for E9-1-1 telephone systems;

(M) Pllectrons and encoders if this is the primary means of notifying responding agencies of a 9-1-1 call for service;

(N) Public education regarding 9-1-1 use and availability;

(O) Computer data links to responding agencies if this is the means used to notify responding agencies of 9-1-1 calls for service;

(P) Rural addressing;

(Q) Base rate charges for seven or ten digit emergency and non-emergency PSAP reporting numbers.

(R) Emergency Notification System or "reverse 9-1-1 systems".

(f) The following items are allowed on a percentage basis of funding with Emergency Communications Account funds with prior approval of the Division as to the percentage allowed:

(A) Computer aided dispatch systems that handle E9-1-1 call processing and notification of responding agencies of 9-1-1 calls for service;

(B) Telephone and radio consoles;

(C) Administration and overhead (rent, utilities, and maintenance) of a multi-use PSAP that includes dispatching of public safety services;

(D) Backup power systems (generators);

(E) Alternate PSAP sites and circuit routing when used for disaster recovery;

(F) Planning costs for the preliminary and final plan preparation for E9-1-1 Plans required in Section 6 and 7, chapter 743, Oregon Laws 1991.

(g) Any other items not covered by these rules that after application by the primary PSAP and concurrence of the Division are necessary in providing E9-1-1 services in the primary PSAP service area;

(h) Secondary PSAPs are not eligible for funding from this account.

(2) Enhanced 9-1-1 Sub-Account: The following costs of providing E9-1-1 telephone service shall be reimbursed from the Enhanced 9-1-1 Sub-Account of the Emergency Communications Account, subject to available funds and the following requirements, to those 9-1-1 Planning Committees that have been issued an E9-1-1 Service Plan Approval by the Division:

(a) Costs of the Network Exchange Services necessary to provide the minimum grade of service defined in ORS 403.115(5)(d);

(b) Costs for on-premises equipment:

(A) Allowances for Customer Owned and Maintained on-premises equipment will be limited to the estimated cost of the primary utility supplied solution or actual costs, whichever is less;

(B) Integration of Automatic Number Identification and Automatic Location Identification into a Computer Aided Dispatch system in use by a primary PSAP may be compensated in lieu of on-premise display equipment with the exception that one Automatic Number Identification display and one Automatic Location Identification display must be actively in use on-site. Compensation will

be limited to the cost of such displays as provided by the primary utility;

(C) On-going maintenance costs following the warranty period, if any, for on-premises equipment;

(D) Payment of costs for on-going maintenance of the on-premises equipment following the expiration of the warranty period for the equipment shall be made by submitting a copy of the maintenance contract with an itemized listing of hourly labor rates and equipment costs to the Division for approval;

(E) The Division shall make payment directly to the vendor upon verification that the charges are for the E9-1-1 on-premises equipment and services originally contracted for and that the vendor's hourly labor rate does not exceed the prevailing labor rate for similar communication equipment and services.

(c) Database, MSAG, GIS development and maintenance based on the hourly wage including benefits of employee(s) doing this work for the primary PSAP and the number of hours the employee(s) devotes to this process as approved by the Division;

(d) Payment of costs for consulting related to E9-1-1 shall be made by the Division directly to the consultant, but only after verification that:

(A) The need and proposed cost of consulting services were identified in either the original E9-1-1 Service Plan; and

(B) A copy of the consultant's contract and fees have been submitted and approved by the Division.

(C) Units of local government not directly providing PSAP operation and having investments as defined in Chapter 533, Section 20(2) of Oregon Laws 1981 as amended shall first expend such investments.

(3) Equipment Replacement Sub-Account: The Equipment Replacement Sub-Account was established to replace E9-1-1 customer premises equipment currently in service that does not accomplish the functional requirements for processing E9-1-1 calls as determined by the Division and may include:

(a) Maintenance issues based on the age of the equipment, and the availability of the parts;

(b) Ability to meet open systems requirements of the State of Oregon;

(c) Ability to migrate to new technologies developed for E9-1-1 services.

(4) The Division shall work with a PSAP that has requested CPE replacement to determine the need for equipment replacement and will make the final determination whether or not to replace the CPE.

(5) The process for provisioning replacement CPE will follow the same process outlined in OAR 104-080-0050(6), and is required to have Division approval.

(6) Funding from the Equipment Replacement Sub-Account will only be authorized for those PSAPs that comply with these rules.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented: ORS 403.105 - 403.165

Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10

104-080-0070

Variance

(1) The mediation of disputes between a governing body, E9-1-1 jurisdiction and public or private safety agency regarding an E9-1-1 system, not otherwise resolved in accordance with a written agreement, shall be undertaken as provided in ORS 403.160.

(2) Any deviation from these guidelines is subject to approval by the Division. Requests for deviation shall identify which section(s) are affected and include supporting documentation of the device or process involved. The Division may require additional clarification at its discretion.

(3) Primary PSAPs geographically situated in such a manner that interoperability with another primary PSAP is believed to be an unreasonable goal, shall request a variance from the applicable provisions of these rules.

Stat. Auth.: ORS 403.120(1)(a)

Stats. Implemented: ORS 403.1105 - 403.165

Hist.: EMD 2-1992, f. & cert. ef. 4-17-92; EMD 1-1997, f. & cert. ef. 8-15-97; OEM 1-2003, f. & cert. ef. 1-15-03; OEM 2-2010, f. & cert. ef. 2-5-10

