

ASSEMBLY BILL

No. 1197

Introduced by Assembly Member Torrico

February 27, 2009

An act to amend Sections 8592.1, 8592.4, and 8592.5 of the Government Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1197, as introduced, Torrico. Public safety: radio communications.

Existing law, the Public Safety Communication Act of 2002, provides that the Public Safety Radio Strategic Planning Committee shall have primary responsibility in state government to develop and implement a statewide integrated public safety communication system that facilitates interoperability among state public safety departments and other first response agencies and to coordinate other shared uses of the public safety spectrum. It requires the committee to make recommendations for state agency purchase of public safety radio subscriber equipment that will enable those agencies to commence conforming to industry and governmental interoperability standards. Existing law specifies that, as technology evolves, the committee shall recommend the purchase of nonproprietary equipment or systems that have open architecture and backward compatibility. The act defines “nonproprietary equipment or systems,” “open architecture,” “backward compatibility,” and other related terms for these purposes.

This bill would delete references in these provisions to “nonproprietary” equipment or systems and instead specify standards-based equipment or systems, defined to mean equipment or systems that are built to a voluntary, consensus-based industry standard

or a governmentally recognized standard, as applicable, to enable the equipment or system to function with another manufacturer's equipment or system. It would recast the definition of "backward compatibility" to mean equipment or systems that are able to function with prior versions of the equipment or systems or to operate with legacy equipment or systems. It also would require that the committee ensure that its recommendations for radio or other technology are consistent and compatible with recommendations and standards established by the United States Department of Homeland Security or the Federal Communications Commission, or both, as applicable.

The act authorizes, but does not require, the committee to make similar equipment recommendations to any other federal, state, regional, or local entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum.

This bill would authorize the California Emergency Management Agency, rather than the committee, to recommend equipment to these other entities. It would also recast other provisions specifying certain industry standards and make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The need to enhance the ability of public safety agencies
- 4 from neighboring cities, adjacent counties, and across the state to
- 5 communicate with one another during emergencies has become
- 6 more evident and essential since the terrorist attacks on September
- 7 11, 2001. The events of September 11, as well as recent federally
- 8 declared natural disasters, clearly demonstrated the need for law
- 9 enforcement, firefighters, emergency medical services personnel,
- 10 and related public and private agencies that have public safety
- 11 responsibilities to be able to effectively communicate in times of
- 12 need so resources can be properly utilized and lives can be saved.
- 13 (b) Currently, it is largely impossible for public safety agencies
- 14 in this state to communicate with each other because of all the
- 15 different communications systems and frequencies being utilized
- 16 by these agencies. This problem has been examined by the
- 17 California Statewide Interoperability Executive Committee, the

1 Public Safety Radio Strategic Planning Committee, and the
2 Legislature.

3 (c) As the state moves to develop regional narrowband or
4 wideband “Project 25” communications systems, the governance
5 of the systems will be the key to success. There are some basic
6 elements that must be included for any regional system to work
7 effectively, including the following:

8 (1) Regional systems should be established taking into
9 consideration topography, contiguous urban areas, and operational
10 efficiency with respect to response agreements with local public
11 safety agencies and, at minimum, should serve a county and be
12 capable of interlinking with other systems simultaneously in real
13 time.

14 (2) Regional systems must be compliant with current and
15 applicable standards.

16 (3) Regional systems should be developed based on a shared
17 governance model, with the use of a joint powers agreement being
18 one workable model. The governance board responsibilities would
19 include, but not be limited to, establishing advisory committees
20 to develop recommendations on system operational issues,
21 technical upgrades, and system financial planning.

22 (4) Regional systems should be developed using costing models
23 that include subscriber fees that cover system operational costs,
24 personnel needed to manage the network, technical upgrades or
25 enhancements, and system replacement costs.

26 (5) Regional spectrum-based interoperability systems should
27 be sized to include sufficient frequency capacity to serve all public
28 interests including state, county, local government, and special
29 districts.

30 (d) In addition to “Project 25” systems, public safety agencies
31 are expected to continue to use legacy radio systems and, in the
32 future, to participate in the national broadband public safety
33 network authorized by the Federal Communications Commission.
34 Interoperability planning must consider all such systems and further
35 one or more of the following goals in conjunction with ongoing
36 regional and statewide planning efforts:

37 (1) To ensure interoperable functionality of wireless network
38 devices in support of mutual aid.

39 (2) To ensure the ability of public safety agencies to
40 communicate with each other within the region and outside the

1 region in support, and with state, county, local government, and
2 special districts as applicable.

3 (3) To ensure interoperability with legacy public safety systems
4 operating in the region.

5 (4) To enable interoperable broadband communications systems
6 in support of data, sensor, and video technology.

7 SEC. 2. Section 8592.1 of the Government Code is amended
8 to read:

9 8592.1. For purposes of this article, the following terms have
10 the following meanings:

11 (a) “Backward compatibility” means that ~~the equipment is or~~
12 ~~systems purchased are~~ able to function with ~~older, existing prior~~
13 ~~versions of the equipment or systems, or to operate with legacy~~
14 ~~equipment or systems.~~

15 (b) “California Emergency Management Agency” or “Cal
16 EMA” means the executive branch entity, or its successor,
17 responsible for emergency management of state entities.

18 ~~(b)~~

19 (c) “Committee” means the Public Safety Radio Strategic
20 Planning Committee, which was established in December 1994 in
21 recognition of the need to improve existing public radio systems
22 and to develop interoperability among public safety departments
23 and between state public safety departments and local or federal
24 entities, and which consists of representatives of the following
25 state entities:

26 ~~(1) The Office of Emergency Services~~ California Emergency
27 Management Agency, who shall serve as chairperson.

28 (2) The Department of the California Highway Patrol.

29 (3) The Department of Transportation.

30 (4) The Department of Corrections and Rehabilitation.

31 (5) The Department of Parks and Recreation.

32 (6) The Department of Fish and Game.

33 (7) The Department of Forestry and Fire Protection.

34 (8) The Department of Justice.

35 (9) The Department of Water Resources.

36 (10) The State Department of Public Health.

37 (11) The Emergency Medical Services Authority.

38 (12) The Department of General Services.

39 ~~(13) The Office of Homeland Security.~~

40 ~~(14)~~

1 (13) The Military Department.

2 ~~(15)~~

3 (14) The Department of Finance.

4 ~~(e)~~

5 (d) "First response agencies" means public agencies that, in the
6 early states of an incident, are responsible for, among other things,
7 the protection and preservation of life, property, evidence, and the
8 environment, including, but not limited to, state fire agencies, state
9 and local emergency medical services agencies, local sheriffs'
10 departments, municipal police departments, county and city fire
11 departments, and police and fire protection districts.

12 ~~(d) "Nonproprietary equipment or systems" means equipment~~
13 ~~or systems that are able to function with another manufacturer's~~
14 ~~equipment or system regardless of type or design.~~

15 (e) "Open architecture" means a system that can accommodate
16 equipment from various vendors because it is ~~not a proprietary~~
17 ~~system~~ *standards based*.

18 (f) "Public safety radio subscriber" means the ultimate end user.
19 Subscribers include individuals or organizations, including, for
20 example, local police departments, fire departments, and other
21 operators of a public safety radio system. Typical subscriber
22 equipment includes ~~end instruments, including client devices,~~
23 mobile radios, hand-held radios, mobile repeaters, fixed repeaters,
24 transmitters, or receivers that are interconnected to utilize assigned
25 public safety communications frequencies.

26 (g) "Public safety spectrum" means the spectrum allocated by
27 the Federal Communications Commission for operation of
28 interoperable and general use radio communication systems for
29 public safety purposes within the state.

30 (h) *"Standards-based equipment or systems" means equipment*
31 *or systems that are built to a voluntary, consensus-based industry*
32 *standard or a governmentally recognized industry standard, as*
33 *applicable, to enable the equipment or system to function with*
34 *another manufacturer's equipment or system.*

35 SEC. 3. Section 8592.4 of the Government Code is amended
36 to read:

37 8592.4. (a) The committee shall determine which state public
38 safety departments listed in subdivision (b) of Section 8592.1 need
39 new or upgraded communication equipment and shall establish a
40 program for equipment purchase. In establishing this program, the

1 committee shall recommend the purchase of public safety radio
2 subscriber equipment that will enable state agencies to commence
3 conforming to industry and governmental standards for
4 interoperability as set forth in Section 8592.5. ~~As technology~~
5 ~~continues to evolve, the~~ *The committee shall recommend the*
6 *purchase of nonproprietary standards-based equipment or systems*
7 *that have open architecture and backward compatibility whenever*
8 *possible, and that are in compliance with paragraphs (1) and (2)*
9 *of subdivision (a) of Section 8592.5. The committee shall ensure*
10 *that its recommendations for radio or other technology are*
11 *consistent and compatible with those recommendations and*
12 *standards established by the United States Department of*
13 *Homeland Security or the Federal Communications Commission,*
14 *or both, as applicable.*

15 (b) ~~The committee~~ *California Emergency Management Agency*
16 *may recommend to any other federal, state, regional, or local entity*
17 *with responsibility for developing, operating, or monitoring*
18 *interoperability of the public safety spectrum, the purchase of*
19 *public safety radio subscriber equipment that will enable first*
20 *response agencies to commence conforming to industry and*
21 *governmental standards for interoperability as set forth in*
22 *paragraphs (1) and (2) of subdivision (a) of Section 8592.5. As*
23 ~~technology continues to evolve, the committee~~ *Cal EMA may*
24 *recommend the purchase of nonproprietary equipment or systems*
25 ~~*that have open architecture and backward compatibility, and that*~~
26 ~~*are, in addition to standards-based radio subscriber equipment,*~~
27 ~~*other standards-based equipment or systems that are backward*~~
28 ~~*compatible. Recommended radio systems shall be in compliance*~~
29 ~~*with paragraphs (1) and (2) of subdivision (a) of Section 8592.5.*~~

30 (c) This section does not mandate that a state or local
31 governmental agency affected by this section is required to
32 compromise its immediate mission or ability to function and carry
33 out its existing responsibilities.

34 SEC. 4. Section 8592.5 of the Government Code is amended
35 to read:

36 8592.5. (a) Except as provided in subdivision (c), a state
37 department that purchases public safety radio communication
38 equipment *or systems* shall ensure that the equipment purchased
39 complies with applicable provisions of the following:

1 (1) ~~The~~ *For radio-based technology, the common system*
2 *standards for digital public safety radio communications commonly*
3 *referred to as the “Project 25 Standard,” or ANSI/TIA-102 series*
4 *of standards, as that standard those standards may be amended,*
5 *revised, or added to in the future jointly by the Associated*
6 *Public-Safety Communications Officials, Inc., National*
7 *Association of State Telecommunications Directors, and agencies*
8 *of the federal government, commonly referred to as*
9 *“APCO/NASTD/FED.”*

10 (2) ~~The~~ *For radio-based technology, the operational and*
11 *functional requirements delineated in the Statement of*
12 *Requirements for Public Safety Wireless Communications and*
13 *Interoperability developed by the SAFECOM Program under the*
14 *United States Department of Homeland Security.*

15 (3) *For radio-based technology, voluntary consensus-based*
16 *standard technology that will be used in the construction of the*
17 *FCC-authorized national public safety broadband network.*

18 (4) *For IP interoperability solutions, use a standards-based*
19 *equipment or systems.*

20 (b) Except as provided in subdivision (c), a local first response
21 agency that purchases public safety radio communication
22 equipment, in whole or in part, with state funds or federal funds
23 administered by the state, shall ensure that the equipment purchased
24 complies with paragraphs (1) and (2) of subdivision (a).

25 (c) Subdivision (a) or (b) shall not apply to ~~either~~ *any* of the
26 following:

27 (1) Purchases of equipment to operate with existing state or
28 local communications systems where the latest applicable standard
29 will not be compatible, as verified by the Telecommunications
30 Division of the Department of General Services.

31 (2) Purchases of equipment for existing statewide low-band
32 public safety communications systems.

33 (3) *Purchases of standards-based IP interoperability solutions*
34 *or systems that link radio systems together.*

35 (d) This section ~~may~~ *shall* not be construed to require an affected
36 state or local governmental agency to compromise its immediate
37 mission or ability to function and carry out its existing
38 responsibilities.