



June 17, 2016

Fire Department City of New York (FDNY)
Testimony before the City Council Committee on Technology Hearing,
Chairman Council Member James Vacca
Re: Intro. 951 / Requiring Direct Telephone Access to 911 Service

Good morning Chairman Vacca and all of the Councilmembers present. Thank you for the opportunity to speak with you today about Introduction 951, legislation introduced by Councilmember Crowley that would increase direct access to 911 service from multi-line phone systems.

Intro 951 mandates certain businesses and New York City agencies with multi-line phone systems to allow callers to directly dial 911 instead of having to first dial 9 or some other prefix. It also requires these entities to configure their phone systems to provide notification of any 911 call made within the system to a centralized location on the same system, provided that the system's hardware would not need to be changed solely to comply with that requirement.

The Fire Department considers this concept an interesting idea with an extremely worthwhile goal. This legislation was inspired by a tragic event in Texas during which a child, seeing her mother being attacked, dialed 911 from a motel room to no avail, not realizing that the motel's system required dialing "9" to reach an outside line. We recognize that preventing further occurrences of what happened in Texas would positively influence public safety. However, we do not believe that the Fire Department is the appropriate agency to administer this law or to provide ongoing oversight of this policy, as is called for in the bill.

The primary goal of the Fire Department is to protect public safety and save lives. We receive and respond to calls via the 911 system. However, we don't administer the 911 system, and in fact we receive only a small portion of the calls in the system. Our focus is on responding to fires, rescues, and medical emergencies, and we are concerned that the requirements of this bill – including devoting staff time and resources to issuing violations, evaluating requests for and issuing exemptions, and creating annual reports on such activities – would not put us in the best position to carry out our mission.

One reason that the Fire Department would not be the appropriate agency to administer this requirement is that our inspection schedule doesn't conform to the kind of oversight that would be necessary under the proposed legislation. The Fire Department performs different types of inspections at different frequencies. Some of our inspections are associated with permits, as required under the Fire Code. In those cases, the focus of the inspection is the permit that has been issued and a more general inspection does not occur. For example, if a business obtains a permit for a particular sprinkler system, a Fire Prevention team periodically visits the location and inspects the sprinkler system. These permit-associated inspections take place only at locations where permits have been issued.

The Fire Department also inspects buildings that it has a statutory authority to inspect for fire safety purposes. The frequency of an inspection of this nature is determined using a risk-based matrix of over 60 factors, including age of the building, height of the building, history of fire and

incidents at the building, and many others. As a result, some buildings receive frequent inspections – usually older buildings with a greater fire risk – and some buildings with a lower risk factor go longer periods of time without inspections. In addition, the cost of our Fire Prevention Bureau is offset by the fees charged for inspections.

Under our current system, there would be no way to inspect all the entities covered by this legislation under any regular or equitable schedule. To do so would require either instituting a completely new inspection regime or drastically changing the way we currently perform inspections. Neither case is preferable.

Our inspection schedule is not the only challenge to administering the requirements of this bill. Inspecting and testing telephone systems would be a significant departure from the current training and expertise of Fire Department inspectors, firefighters, and fire officers who focus primarily on fire safety and prevention rather than the 911 system generally. They do not have the technical expertise to determine whether a given system complies with the requirements of the bill, including the requirement that a central location in the business is also alerted when a 911 call is made.

For similar reasons, the Fire Department is also not an appropriate agency to assess requests for exemptions from the proposed law. As written, the bill would authorize the Fire Department to grant exemptions in cases where applicants show that replacing or reprogramming a phone system as required under the bill would present an undue and unreasonably costly burden to the building. Assessing the validity of such requests for exemptions is simply beyond the scope of the Fire Department's functions or the expertise of its members.

We look forward to continuing fruitful discussion with the Council and with our fellow City Agencies on how to achieve the goals underlying this bill. In addition to the concerns I've discussed, an additional issue that will need to be further explored is how testing for compliance would occur. We do not want to put into place a testing system that increases the number of non-emergency calls to the 911 system, particularly during the day (when the volume of 911 calls is higher) for the purposes of assessing compliance with these requirements. A small number of other jurisdictions have enacted laws similar to this bill, and there may be lessons to be learned from those jurisdictions. In addition, we are aware that a bill on this topic passed the Assembly in the most recent session, and there is similar legislation pending at the federal level, both of which would be good to take into account as the discussion proceeds. In short, we are open to having further conversations with our partners to explore how to best achieve the goals underlying this bill. Thank you.

**DEPARTMENT OF INFORMATION TECHNOLOGY & TELECOMMUNICATIONS
TESTIMONY BEFORE THE CITY COUNCIL COMMITTEE ON TECHNOLOGY
RE: INTRO. 1158 / REPORTING ON THE ROUTING OF CALLS NEAR THE
BOUNDARIES OF NYC**

Good morning Chairman Vacca and members of the City Council Committee on Technology. My name is David Kirks, and I am the Associate Commissioner and Director for Public Safety IT Programs at the Department of Information Technology and Telecommunications (DoITT).

Thank you for the opportunity to testify today on Intro. 1158, which would require DoITT to develop a report on the routing of certain cellular 9-1-1 calls as well as other information. While DoITT supports the goals of this legislation, we have concerns relative to the bill as written. We look forward to working with the bill sponsor and the Council on addressing the subject matter of Intro.1158 so that we can work towards solutions and ideas that fit within NYPD's operations over 911 and within DoITT supported technologies that support 911 call-taking operations.

The Administration is keenly aware of the challenges for telecommunications carriers in routing wireless calls to the correct public safety answering center. We share the Council's goal of ensuring the public has immediate access to emergency services in all of New York City through our 9-1-1 system, however, we have found that some of the data requested as part of this bill is not something that is tracked or collected, such as the number of 9-1-1 calls originating from cellular phones within the City that were routed to a public safety answering point (PSAP) outside the City.

The larger goal of ensuring immediate access to emergency services for the residents of New York City is one of several drivers behind the City's long-term plan to implement a Next Generation 9-1-1 (NG911) system and DoITT will be leading the implementation of NG911, working of course with our partners at NYPD and FDNY. A NG911 system will help address part of the challenge of routing wireless 911 calls to the correct PSAP by enabling the transmission of the caller's exact telephone location information (i.e. the latitude and longitude coordinates), which can be used for the initial routing of a wireless call to the appropriate PSAP.

That said, our agencies would be happy to have follow-up discussions with the City Council to discuss each of our roles in more detail to help you draft a bill that takes into account all of our concerns.

We thank Council Member Borelli for raising this issue, and we look forward to working with you to ensure the safety of the public.

I am joined here today by Inspector Richard Napolitano of the NYPD, and we look forward to answering any questions you may have.

Over 240 million times each year, which is over 34,000 times each hour, in nearly 6100 emergency communications centers across North America, tens of thousands 911 call takers answered desperate calls from citizens who are likely having the worst day possible in their lives. Families are torn apart in car accidents, love ones fall sick or become injured, and innocent lives are taken in incidents in our homes, our schools and our places of work.

The common thread behind all 240 million incidents are three simple digits; 911. In every city across America, on every police car, on every fire truck, and on every ambulance are the words, "in case of emergency, dial 911." Our children are taught this, in many cases before they can even speak. In fact, it is been said many times that it is by far the most recognized "brand" around the world. Even in many countries that utilize a different number, such as 999 in the UK, and 112 in the European Union, the digits 911 are also recognized as a universal emergency number.

911 is a number that can change people's lives, but Dec. 1 of 2013, 911 didn't do its job, and because of that, a loving mother of three from East Texas is no longer with us today. On that fateful day, Kari René Hunt, a 31-year-old mother of three went to a Bay Mont suites Hotel in Marshall Texas. It was there that she was going to meet her estranged husband, Brad Dunne, for a visitation session with the children. Once in the hotel room, Brad brought Kari into the bathroom, and lock the door. An argument ensued, and Brad began to stab Kari with a knife. She cried out to her children, just feet away, to call 911. Hearing the screams and the struggle, the eldest child, who was 9 years old, did exactly what she was taught to do by her mother, her grandparents, and even her Dare officer at school. She went to the telephone in the hotel room, picked it up and dialed the digits 911.

But instead of hearing that lifesaving voice on the other end, "911, what's your emergency?" She only heard what she described as static. Assuming she must've done something wrong, she hung up the phone and try dialing again 911, all while hearing her mother being brutally murdered in the bathroom. Once again she reached static, and assumed she must be doing something wrong in all the excitement. For third time, she dialed 911, and even a fourth as she was determined to do what she was taught and save her mother's life.

Completely confused as to what the problem might have been, she had enough composure to realize it was time for Plan B. She grabbed her younger brother and sister ages four and five, and ran from the room seeking help.

Later that evening, in the Marshall Texas police station, Kari's father, Hank Hunt sat with police detectives sorting through the tragic events of the day. As he sat there with his granddaughter on his lap, she said over and over to him, "I tried Pa Pa, but it didn't work." "What did you try sweetheart?," Hank said to her. She replied, "I pushed 911, but all I got was static." This not only confused, but infuriated Hank. How could 911 not work? And this is when he painfully learned about dialing 9 for an outside line on a multiline telephone system.

Personally, I've been involved in telecommunications for over the past 30 years. Before that, I was a police dispatcher at a small town in New Jersey. Because of this, I have always been sensitive to being able to call 911 despite the type of telephone system being used, or access codes being required for normal dialing. In my current role at Avaya, as the chief architect for Public Safety Solutions, my responsibility includes making sure that our communications equipment has the ability to initiate emergency calls, as well as receive them where we are installed in 911 centers around the world. In addition to that role, I am a member of NENA, the National Emergency Number Association, where I sit on the NENA Institute Board, I have served as the vice chair of the European Emergency Number Association Next Generation 112 committee, as well as a member of the Association of Public Safety Communications Officials, where I serve on the Standards Development Committee. At the federal level, I have been appointed to several federal advisory committee workgroups and task forces such as the FCC's Emergency Access Advisory Committee, and I'm currently serving on the FCC Disability Advisory Committee, and the Task Force for Optimized PSAP Architecture.

When I read the tragic story approximately one week after Kari was murdered, I reached out to Hank Hunt and offered my help in raising awareness about dialing 911 from multiline telephone systems requiring an access code. Using my connections in Washington DC, along with an open letter to Chairman Tom Wheeler and all four FCC commissioners, as well as a few targeted tweets to FCC Commissioners Ajit Pai, I found myself with an appointment with Commissioner Pai, Jan. 10 of 2014. Meeting for nearly one hour with the Commissioner, and his entire staff, I told the tragic story of Dec. 1, and they sat back in awe and disbelief. Determined to take action and validate my wild claims of massive noncompliance with most brand-name hotels, the Commissioner sent letters to the top 10 hotel chains asking five very relevant questions:

1. How many hotel and motel properties in the United States does your company own?
2. In how many of those properties would a guest dialing 911 from the phone in his or her room reach a public safety answering point or 911 call center? In such cases, does the phone system also alert a hotel employee that an emergency call has been placed?
3. In how many of those properties with a guest dialing 911 from the phone in his or her room reach a hotel employee? In those cases, have hotel employees answering such calls received appropriate training and how to respond to emergency calls?
4. And how many of those properties with a guest dialing 911 from the phone in his or her room not complete a call to anyone?
5. In your company has any properties where a guest dialing 911 from the phone in his or her room does not reach emergency personnel, what is your company's plan for remedying this situation? If you do not have a plan, why not?

A few short months later, at the 911 goes to Washington conference in Washington DC, Commissioner Pai reported that none of the major hotel chains required their franchises to permit direct 911 dialing, and the results of the hotel survey were sobering at best. At 68 percent of independently owned hotels and that 55 percent of franchised hotels directly dialed 911 calls would NOT go through, and only 25 percent of the surveyed MLTS vendors reported that their products shipped with a direct setting allowing direct 911 dialing.

Also present for the Commissioner's speech, was Suffolk County New York legislator Rob Trotta, on the job only a few weeks. Having just finished a career in law enforcement, legislator Trotta took the issue to heart, representing a large summer population with many hotels and businesses. Upon returning to his offices in Long Island, he was shocked to find that even on his office phone system, he was unable to dial 911 directly. From his efforts, the very first instance of Kari's Law was put into place and passed unanimously. While many laughed and amusement at a seemingly unimportant County law, I was optimistic that it would raise awareness, and insight other initiatives. Almost immediately we were made aware of updated legislation in Illinois, as sponsored by Illinois Sen. Jennifer Bertino-Tarrant, which immediately sparked interest for new legislation in Maryland, where State Delegate Joseline Peña-Melnick sponsored the bill, again with near unanimous bipartisan support.

The Hunt's home state of Texas passed legislation after carefully discussing the issue nearly a year, and Pennsylvania added specific language to House Bill 911 shortly thereafter. Just last week, Hank Hunt and his granddaughter traveled to Nashville Tennessee, where he met with Tennessee Gov. Haslam, as Senate Bill 2137 was signed into law. After signing the bill Gov. Haslam told Hank's granddaughter how proud of her she was and offered her the pen he used to sign the bill. While she graciously accepted it, she informed the governor that, "she already had six of these."

Whenever I'm approached about Kari's law, I'm typically asked the same X questions. By far, the first and foremost is, "how much is this going to cost?" I can safely tell you that in addition to the Avaya telephone systems that I'm directly responsible for, every major manufacturer that I'm aware of can be made compliant with Kari's law without any major upgrade in hardware or software. In fact in most cases it's a simple configuration task. The task is so simple that when I approached four of our major distribution channels in the area, such as DJJ Technologies, and CSDNet in New York, CSG In Philadelphia and TelServ in Connecticut, all of which you have customers in the Metro New York area, each of them have committed to performing a 911 checkup on their customers MLTS systems ensuring proper 911 compliance and dialing capabilities, and performing that service at no charge.

So as you can see, the task at hand is a simple one. For decades hotels, schools, businesses and even government agencies, have all ignored this problem. It is only when legislation is put into place, and appropriate penalties for noncompliance applied, that we can ensure that 911 means 911 on any device, at any time and in any place. And while Hank's granddaughter now has seven commemorative pens memorializing her brave actions two and a half years ago, I sincerely hope that Mayor DeBlasio can present her with her eighth. On behalf of the Hunt family, I thank you for your time and attention and I am happy to take any questions.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0951-2015 Res. No. _____

in favor in opposition

Date: 6/17/2015

(PLEASE PRINT)

Name: MARK J. FLETCHER

Address: 46 HILLSIDE RD, RINGWOOD, NJ

I represent: AVAYA

Address: 211 Mt. Airy Rd, BASKING RIDGE, NJ

◆ Please complete this card and return to the Sergeant-at-Arms ◆

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/17

(PLEASE PRINT)

Name: DAVID KINIS

Address: Assoc. Comm. and Dir. of Pub. Safety IT

I represent: Programs at DoITT

Address: _____

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6-17-16

(PLEASE PRINT)

Name: Jason Snelly Intro 951

Address: 9 MetroTech

I represent: FDNY

Address: 9 MetroTech

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1158 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Insp. Richard Napolitano

Address: _____

I represent: NYPD

Address: 1 Police Plaza

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