

## NEW YORK CITY FIRE DEPARTMENT

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rule**

**What are we proposing?** The Fire Department is proposing one new rule, and amendments to two existing rules, setting forth requirements for the design, installation, operation and maintenance of in-building auxiliary radio communication systems.

**When and where is the hearing?** The Fire Department will hold a public hearing on the proposed rule. The public hearing will take place at 2:30 p.m. on Thursday, July 30, 2015. The hearing will be in the Fire Department Auditorium at 9 MetroTech Center, Brooklyn, NY 11201.

**How do I comment on the proposed rule?** Anyone can comment on the proposed rule by:

- Website. You can submit comments to the Fire Department through the NYC rule Web site at <http://rules.cityofnewyork.us>, or through the Fire Department's Web site Home Page at [www.nyc.gov/fdny](http://www.nyc.gov/fdny) using the "FDNY Rule" link.
- Mail. You can mail written comments to Code Development Unit, Bureau of Fire Prevention, New York City Fire Department, 9 MetroTech Center, 3rd Floor, Brooklyn, NY 11201.
- Speaking at the hearing. Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak at the hearing. The time that you can speak may be limited.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by July 30, 2015.

**Do you need assistance to participate in the hearing?** You must notify the Bureau of Fire Prevention if you need a sign language interpreter or other reasonable accommodation for a disability at the hearing. Write to us at the address above or telephone us at (718) 999-2042. You must notify us by July 15, 2015.

**Can I review the comments made on the proposed rule?** You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us>. A few days after the hearing, a record of the hearing and copies of the written comments will be available to the public at the Bureau of Fire Prevention.

**What authorizes the Fire Department to make this rule?** Section 1043 of the New York City Charter, Section 917 of the New York City Building Code (Title 28 of the Administrative Code of the City of New York), and Sections FC 102.2, 102.6.3, 113, 115 and 511 of the New York City Fire Code (Title 29 of the Administrative Code of the City of New York) authorize the Fire Department to propose this rule.

**Where can I find the Fire Department rules?** Fire Department rules are codified in Title 3 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Fire Department must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

### **Statement of Basis and Purpose of Proposed Rule**

As of December 31, 2014, the New York City Building Code requires, in Sections 403.4.4 and 907.2.13.2, that an in-building auxiliary radio communication (ARC) system be installed and maintained in all newly-constructed high-rise buildings. An ARC system is a wireless two-way building communication system for Fire Department use only that receives and transmits Fire Department portable radio frequencies within the building. An ARC system typically consists of a transceiver (base station) connected to a building-wide antenna system, with a radio console in the building lobby. Section 917.1.2 of the New York City Building Code and Section FC 511 of the New York City Fire Code together require that ARC systems be installed, acceptance tested, operated and maintained in accordance with the Fire Code and the rules of the Fire Department.

The Fire Department proposes to adopt a new rule to establish requirements for the design, installation, operation and maintenance of ARC systems, including the testing procedures necessary to confirm that the ARC system is providing adequate radio coverage in the building in all areas accessible for firefighting operations. The proposed rule seeks to ensure that ARC systems achieve their intended purpose and, once installed, are continuously maintained in good working order.

The proposed rule, 3 RCNY § 511-01, sets forth standards, requirements and procedures for installation, acceptance testing, daily inspection, annual certification and five-year recertification of ARC systems. It requires that the testing of ARC systems be supervised by a person holding a Fire Department license, known as a Certificate of Fitness, who knows the New York City Building Code, Fire Code and Fire Department rule standards that apply to ARC systems. The proposed rule reflects the Fire Code requirement that this person hold a General Radiotelephone Operator License issued by the United States Federal Communications Commission (FCC).

The proposed rule also addresses the operation and maintenance of in-building repeater systems that were approved for installation by the Department of Buildings and/or the Fire Department prior to December 31, 2014. As set forth in Section 511-01(j) of the proposed rule, a commissioning test must be conducted and the results submitted to the Fire Department; a Fire Department permit must be obtained; operation of the system for maintenance and testing purposes must be under the supervision of a certificate of fitness holder; and the system must be operated and maintained in compliance with the requirements for ARC systems set forth in the rule.

The Fire Department is additionally proposing to amend two existing Fire Department rules in connection with the ARC system requirements of the Fire Code and proposed Section 511-01.

The Fire Department proposes to amend Fire Department rule 3 RCNY § 115-01 to establish a company certificate for businesses that test ARC systems. These company certificates seek to ensure that the businesses that test ARC systems, including operating the systems to perform the required testing, are subject to the same standards as the individual Fire Department Certificate of Fitness holders whom they employ to perform the testing. The Fire Department regulates blasting and fireworks contractors, private fire alarm central stations, fumigation companies, portable fire extinguisher sales and servicing companies, and smoke detector maintenance companies in a similar fashion by requiring both the individuals who perform the work and the companies that employ them to be certified.

The Fire Department also proposes to amend Fire Department rule 3 RCNY §4601-01 to adopt fees for the ARC system testing company certificate and for ARC system acceptance testing by Fire Department personnel. The proposed fee for the ARC system testing company certificate will cover the Fire Department's costs in issuing the certificate and programming and periodically inspecting the portable radios that each company will use to operate on Fire Department frequencies to test the ARC systems. The fee for the ARC system permit is proposed to be amended to cover the cost of acceptance testing by the Fire Department.

Terms used in the proposed rule that are defined in the Fire Code or elsewhere in the Fire Department's rules are indicated by *italics*.

Text proposed to be deleted is indicated by [brackets]. Text proposed to be added is underlined.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in Fire Department rules, unless otherwise specified or unless the context clearly indicates otherwise.

Guidance with respect to the interpretation of the Fire Code and Fire Department rules may be obtained using the Public Inquiry Form on the Fire Department's website, [www.nyc.gov/html/fdny/html/firecode/index.shtml#p6](http://www.nyc.gov/html/fdny/html/firecode/index.shtml#p6).

Section 1. Chapter 5 of Title 3 of the Rules of the City of New York is proposed to be amended by adding a new section 511-01, to read as follows:

### **§511-01 In-Building Auxiliary Radio Communication Systems**

- (a) **Scope.** This section sets forth requirements for the design, installation, operation and maintenance of *in-building auxiliary radio communication systems*. *In-building repeater systems* that were approved for installation by the *Department of Buildings* and/or the *Department* prior to December 31, 2014, and that were designed to enhance *Department communications* in a manner similar to an *in-building auxiliary radio communications system* designed in accordance with Appendix Q to the Building Code, shall be subject to the requirements of this section to the extent set forth in R511-01(j).
- (b) **Definitions.** The following terms shall, for purposes of this section and as used elsewhere in the rules, have the meanings shown herein:

**Appendix Q.** Section 24.5.2 of Appendix Q to the *Building Code*, as codified in *Department of Buildings* rule 1 RCNY 3616-04. *Appendix Q* amends NFPA Standard 72, a Referenced Standard to the *Building Code* and Fire Code.

**ARC system.** *An in-building auxiliary radio communication system.*

**Base station.** A transceiver that receives radio signals from an antenna system and retransmits them through the antenna system in an amplified and/or otherwise enhanced manner.

**Critical areas.** Areas of a building within which radio communication is critical for emergency response operations.

**FCC.** United States Federal Communications Commission.

**General areas.** All areas of a building within which radio communication is to be made available for emergency response operations, excluding *critical areas*.

**In-building auxiliary radio communication system.** A wireless two-way building communication system dedicated for *Department* use that propagates *Department* wireless radio frequencies within a building. Such a system typically consists of a dedicated radio console, base station, cabling, amplifiers and antenna system.

**In-building repeater system.** Any in-building communication system that was approved for installation by the *Department of Buildings* and/or the *Department* prior to December 31, 2014, and that was designed to enhance *Department* communications in a manner similar to an *in-building auxiliary radio communications system* designed in accordance with Appendix Q to the Building Code.

**Technical criteria.** Technical specifications and standards for the design and operation of *ARC systems* established pursuant to Section 24.5.2.7 of *Appendix Q*. *Technical criteria* include but are not limited to operating frequencies; maximum time domain interference; unit ID and emergency alert signaling; dedicated radio console and other installation specifications; and testing equipment specifications.

**Testable area.** Locations within a building in which an *ARC system* commissioning test can be conducted, including all areas designed for human occupancy. Mechanical rooms and other utility areas are testable areas if, and to the extent that, they are accessible.

(c) **Permit.** Pursuant to FC105.6, a *permit* shall be obtained from the *Department* to maintain or operate an *ARC system*. Application for a *permit* shall be made in accordance with R511-01(d)(3).

(d) **General Provisions**

- (1) **General.** *ARC systems*, whether required by Sections 403 or 917 of the *Building Code* or installed voluntarily, shall be designed, installed, operated and maintained in compliance with FCC regulations, FC511, Section 917 of the *Building Code*, NFPA Standard 72 as amended by *Appendix Q*, this section and applicable *technical criteria*. Any potential conflicts among these requirements shall be promptly reported to the Technology Management Unit of the *Bureau of Fire Prevention*.
- (2) **Required frequencies.** An *ARC system* shall be designed to operate on the simplex *Department* frequencies designated as Channels 1 through 10, the duplex *Department* frequencies designated as Channels 11 and 12, and the emergency notification frequency designated as Channel 16, as set forth in the *technical criteria*. Pursuant to Section 24.5.2.4.2 of *Appendix Q*, *ARC systems* shall be designed to be upgraded to accommodate changes in *Department* frequencies. The design, installation, operation and maintenance requirements set forth in *Appendix Q*, the *technical criteria* and this section may not be applicable to other *Department* communications and the frequencies on which they are propagated. Any *owner* seeking to design and maintain an *in-building repeater system* that operates on any *Department* frequency other than the channels specified in this section shall first obtain *Department* approval in such manner and subject to such terms and conditions as the *Department* may prescribe.
- (3) **Application and approval process.** The following *Department* approvals shall be obtained to install and operate an *ARC system*:

  - (A) **Application for system design approval.** An application shall be filed by or on behalf of the *owner*, and include *design and installation documents* prepared in accordance with FC105.4 and R511-01(e) and detailing the design and intended operation of the *ARC system*; a written agreement executed by the *owner*, for use of *Department* frequencies, as set forth in R511-01(d)(4); and such other documentation as the *Department* may require.
  - (B) **Plan approval.** The *Department* will review the application for system design approval in accordance with FC105.4 and, if it determines the application to be satisfactory, will approve the documents in accordance with FC105.4.4 and issue a temporary *City* authorization for use of *Department* frequencies, as set forth in R511-01(d)(4).
  - (C) **Commissioning test and application for system acceptance and permit issuance.** Upon installation of an *ARC system* in accordance with the *Department*-approved documents, a commissioning test shall be conducted in accordance with FC511.2.2.1 and R511-01(f)(2). The test shall be performed by a person holding a *certificate of fitness* for *ARC system* professional, who is employed by a business holding a *Department* company certificate, as set forth in R115-01. Upon successful completion

of the commissioning test, the *owner* shall file an application with the *Department* requesting an acceptance test of the system and issuance of a *permit*. The application shall include a detailed report of the results of the commissioning test, as set forth in R511-01(e)(2) and R511-01(f)(2), and such other information and documentation as the *Department* may require.

(D) **Acceptance test.** The *owner* shall request that the *Department* schedule an acceptance test. The *certificate of fitness* holder who conducted the commissioning test shall be present at the acceptance test and demonstrate operation of the *ARC system* in the presence of *Department* representatives. The *Department* representatives will not conduct a second commissioning test but perform a limited test of the *ARC system* to confirm its operational readiness for *Department* use.

(E) **Permit issuance.** Upon successful completion of the acceptance test, the *Department* will issue a *permit* to maintain and operate the *ARC system*, and will provide to the *owner* a copy of the written agreement executed by the City of the New York for use of *Department* frequencies, as set forth in R511-01(d)(4).

(4) **City agreement to operate on FCC-licensed radio frequencies.** *ARC systems* operate on radio frequencies licensed by the *FCC* to the City of New York. The installation of an *ARC system* in accordance with *Building Code* and *Fire Code* requirements does not constitute legal authority to operate on such licensed radio frequencies. The *owner*, prior to operating an *ARC system*, must obtain the consent of the City of New York to operate on such licensed radio frequencies by executing a written agreement with the City of New York in a form *approved* by the *Department* and submitting it to the *Department* as set forth in R511-01(d)(2)(A). The City will grant a temporary authorization for purposes of system installation and commissioning testing, and provide to the *owner* upon system acceptance a fully-executed copy of the written agreement for use of *Department* frequencies.

(5) **Prevention of interference.** An *ARC system* shall be designed, installed, operated and maintained in a manner that does not interfere with any other FCC-licensed radio frequency, including police department, fire department and other public safety agency radio communications. Immediate measures shall be taken to remedy any such interference, including interference intermodulation and spurious emissions, in accordance with *FCC* regulations (as set forth in 47 CFR Part 90), this section and other applicable laws, rules and regulations. The *owner*, and its contractors and agents, shall cooperate with the *Department* in immediately addressing interference issues, and shall repair or replace any *ARC system* or system component causing interference.

(6) **Supervision.** Operation of the *ARC system*, other than by *Department* personnel, including inspection and testing for the commissioning test, annual certification

and five-year recertification required by R511-01(f) and (g), shall be under the personal supervision of a person holding a certificate of fitness as ARC system professional and a General Radiotelephone Operator License issued by the FCC pursuant to 47 CFR Part 90, who is employed by a company holding an ARC testing company certificate. The duties of such certificate of fitness holder include ensuring that:

- (A) use of the ARC system is immediately discontinued if, upon testing, it is found to cause interference in violation of FCC regulations and/or other applicable laws, rules and regulations, or upon being directed to do so by a Department representative;
- (B) the portable radios programmed with Department frequencies are used solely for purposes of ARC system testing, and for no other purpose; and
- (C) notifications to the Department required by this section are made in accordance with this section.

(e) **Design and Installation Requirements.** An ARC system shall be designed and installed in accordance with Section 917 of the Building Code, the Electrical Code, FC 511, NFPA Standard 72 as amended by Appendix Q, this section and the technical criteria. ARC system design and installation documents shall set forth the information and documentation required by Section 917 of the Building Code and such other information and documentation as the Department may require, including the following documents:

- (1) **Application for system design approval.** A riser diagram and floor plan showing the location of base stations, amplifiers, antennas and other ARC system components, formatted and submitted for Department review and approval in the same manner as fire alarm system installations, as set forth in R105-01(c)(1).
- (2) **Application for system acceptance and permit issuance.** A floor plan containing the information set forth in R511-01(f)(2), formatted to folio (11" x 17") size, with a copy of the plan in an approved electronic format on a compact disk.

(f) **Commissioning and Acceptance Testing.** Commissioning and acceptance testing shall be conducted in accordance with the following requirements, standards and procedures.

(1) **Radio coverage performance standards.** ARC systems shall be designed to achieve, and in operation shall achieve, the radio coverage performance standards set forth in Sections 24.5.2.2 and 24.5.2.3 of Appendix Q, as measured in the manner set forth in this section.

(A) **Required minimum signal strength and delivered audio quality.** The minimum signal strength of inbound ARC system radio signals (as received by a Department portable radio at a location remote from the

dedicated radio console) and outbound *ARC system* radio signals (as received by the dedicated radio console from a *Department* portable radio) and the average delivered audio quality shall be as set forth in Sections 24.5.2.1.3 and 24.5.2.2 of *Appendix Q*.

**(B) Signal strength measurements.** The signal strength of radio signals received or retransmitted by the *ARC system* shall be measured in the following manner:

(1) Measurements shall be taken using:

(a) two (2) portable radios, lawfully programmed to transmit on *Department* frequencies pursuant to R115-01(d)(4), one to transmit a radio communication to the *ARC system* and one to receive the retransmission from the *ARC system*;

(b) a calibrated spectrum analyzer or a calibrated automatic signal level measurement recording system;

(c) a receiving antenna with a gain equal to the antenna on a *Department* portable radio; and

(d) a resolution bandwidth nearest the bandwidth of the channel being tested.

(2) Signal strength measurements shall be taken as close as possible to the center of each grid cell.

(3) Signal strength measurements shall be taken with the antenna held in a vertical position with a center-line between three (3) and four (4) feet above the floor.

(4) The delivered audio quality readings shall be assessed and documented on the floor plans.

(5) The gain values of any and all amplifiers shall be measured and documented.

**(C) Critical area radio coverage.** The radio coverage performance standard set forth in *Appendix Q* of 100 percent of floor area shall be met in the *critical areas* designated in Section 24.5.2.2.1 of *Appendix Q*, including *sprinkler system* control valves and *standpipe system* hose connections, and any other area of a building designated by the *Department* as a *critical area* based on the *Department's* review of the *design and installation documents* submitted for an *ARC system* in a particular building.



(D) **General area radio coverage.** The radio coverage performance standard set forth in *Appendix Q* of 95 percent of floor area shall be met or exceeded in all *general areas*.

(2) **Commissioning test.** Upon installation of an *ARC system*, a commissioning test of the *ARC system*, including a radio coverage survey and an inspection and testing of system components, shall be conducted, and the results reported to the *Department*, as follows:

(A) **Radio coverage survey.** The commissioning test shall be conducted in accordance with Annex O of NFPA Standard 1, this section and the *technical criteria*, and shall be considered successful if it confirms that the *ARC system* meets or exceeds the following radio coverage performance standards:

(1) On each floor, radio coverage meets or exceeds the standards set forth in R511-01(f)(1).

(2) There shall not be a failure of radio coverage in the same grid area on consecutive floors, such as a consistent failure to achieve the required radio coverage in vertically corresponding grids on multiple consecutive floors of a building.

(3) The dedicated radio console is functioning properly and monitoring all system components in accordance with *Appendix Q*.

(B) **Inspection and testing of system components.** *ARC system* components, including those listed on Table 1 of this section, shall be inspected and tested to confirm that the system components are in good working order and are operating as designed.

(C) **Retesting.** Any floor of a building that initially fails to meet or exceed the radio coverage standards shall be retested. The resolution of the floor grid size used for testing purposes shall be decreased by reducing the size of each grid area by at least 50 percent to facilitate precise identification of the building areas in which radio coverage is lacking. A commissioning test that fails to confirm radio coverage requirements meeting or exceeding the standards set forth in R511-01(f)(1) shall be treated as unsuccessful and shall result in a redesign of the *ARC system* on the floor or floors found to have failed the commissioning test.

(D) **Submission of commissioning test results.** The results of the radio coverage survey and inspection and testing of system components shall be signed by the *certificate of fitness* holder who personally supervised the test and submitted by the *ARC system testing* company that employs the certificate holder to the *Department* for review and acceptance. The

commissioning test results shall be submitted in the form prescribed by the Department and shall include the following information and documentation, and such other information and documentation as the Department may require:

- (1) An audio recording of delivered audio quality at each grid location, with an audio description of the floor designation, marker location and the time of recording.
- (2) A table setting forth the following information for each test location:
  - (a) Marker location;
  - (b) Received signal strength;
  - (c) Radio frequency used for test;
  - (d) The average delivered audio quality value; and
  - (e) Date of last calibration of spectrum analyzer test equipment used to conduct test.
- (3) A floor plan for each floor, showing the building's floor area on a series of grids. Each grid shall be a maximum of five (5) percent of the total square footage of testable area on each floor, but not more than 1,600 square feet. If an irregular shaped floor plate makes this grid criteria unsatisfactory for testing purposes, an alternative testing grid may be used, subject to Department approval. The floor plan shall set forth the following information for each test location:
  - (a) Marker location, correlated with the tabular submission;
  - (b) Grid size(s);
  - (c) Critical areas;
  - (d) General areas; and
  - (e) Areas that are not testable areas, with an explanation as to why such areas are not testable areas.
- (4) A description of the inspection and testing conducted of each of the system components.

(5) A summary and conclusions section. The report shall clearly summarize the test results, and shall include a statement as to whether the test results confirm that the ARC system meets or exceeds the standards required by this section, or if not, in what respects it is deficient.

(g) **Operational and Maintenance Requirements.** An ARC system shall be operated and maintained in accordance with FC511, this section and the *technical criteria*.

(1) **General.** An ARC system shall be maintained in good working order.

(2) **Daily inspection.** The *dedicated radio console* shall be inspected daily to confirm that the ARC system is operational and that there is no indication of a system malfunction. Daily inspection may, with *Department* approval, be conducted by means of remote monitoring.

(3) **Annual certification.** An ARC system shall be inspected and tested not less than once every 12 months to confirm that the system is in good working order, except that every fifth year a five-year recertification pursuant to R511-01(g)(4) shall be conducted in lieu of the annual certification. The inspection and testing of the ARC system shall include the system components listed in Table 1, except that a radio coverage survey is not required. Certification of such inspection and testing and satisfactory system performance shall be submitted to the *Department* in connection with the application for *permit* renewal in such form and manner as the *Department* may prescribe.

(4) **Five-year recertification.** An ARC system shall be recertified as properly functioning not less than once every five (5) years in the following manner.

(A) A radio coverage survey of the ARC system shall be conducted in the same manner as the commissioning test, and the radio coverage performance standards set forth in R511-01(f) shall apply.

(B) The *Department* shall be given reasonable advance notice of the date of each five-year certification test, which shall be conducted within a continuous 72-hour period. The *Department* reserves the right to require that such test be conducted in the presence of *Department* representatives, and to conduct its own operational readiness testing.

(C) The recertification test shall compare the results with those of the original commissioning test to determine whether there has been any degradation in system performance. If the ARC system fails to meet or exceed the applicable radio coverage performance standards, the system shall be repaired or upgraded to achieve such standards.

- (D) ARC system components, including each of the components listed on Table 1, shall be inspected and tested to confirm that the system components are in good working order and are continuing to operate as designed. Any system component impairing ARC system operation or reliability shall be repaired or replaced prior to submission of recertification results.
- (E) Successful recertification test results shall be submitted to the Department in connection with the application for permit renewal in such form as the Department may prescribe.
- (5) **Department-ordered testing and demonstrations.** Upon reasonable notice to the owner, the Department may order a test of an ARC system to confirm that it is in good working order or to familiarize Department personnel with use of such system.
- (h) **Out-of-service systems.** The following actions shall be taken to mitigate the consequences of any ARC system that is not fully functional, whether as a result of planned removal from service for maintenance, repair or construction, or an unplanned malfunction affecting system operation.
- (1) **Impairment coordinator.** The owner shall designate an impairment coordinator to take the actions required by this section when an ARC system is out of service. In the absence of a specific designee, the owner will be considered the impairment coordinator.
- (2) **Planned removal from service.** The impairment coordinator shall be made aware in advance of any planned removal from service of an ARC system for maintenance, repair or construction. The impairment coordinator shall authorize the removal of the ARC system from service. Before authorizing removal of the system from service, the impairment coordinator shall:
- (A) determine the extent and expected duration of the out-of-service condition;
- (B) maintain the system in service until the maintenance, repair or construction work is ready to begin;
- (C) place an impairment tag indicating the nature of the out-of-service condition at the dedicated radio console, fire command center or other approved location indicating that the ARC system is out of service; and
- (D) notify the Department as set forth in R511-01(h)(4).
- (3) **Unplanned out-of-service condition.** Any person who becomes aware that an ARC system is out of service for any reason other than a planned removal from service must, upon becoming aware of the out-of-service condition, notify the

owner, the impairment coordinator or, if such persons are not known or not available, any person in charge of the premises of such condition. The owner or impairment coordinator shall promptly act to address the out-of-service condition in accordance with the procedures set forth in R511-01(h)(2)(A), (C) and (D).

(4) **Notification of Department.** Pursuant to FC107.1, ARC systems shall be continuously maintained in good working order. Notification shall be made to the Department of any condition impairing the operational readiness of the ARC system, including complete or partial system failure or loss of radio coverage in one or more areas of the building, when the system is not restored to service within 48 hours. Such notification shall be made by calling the telephone number set forth in FC401.2.2 for the borough in which the ARC system is located, and shall include the information set forth in FC901.7.5.3 as it relates to the out-of-service condition affecting the ARC system. Notification shall not be made for conditions that do not presently affect the operational readiness of the system, such as warning signals of the need for future servicing.

(5) **Restoring system to service.** When the ARC system has been repaired and restored to service, the impairment coordinator shall:

(A) verify that all inspections and tests required by law, rule, regulation or Referenced Standard, including Annex O of NFPA Standard 1, have been conducted to confirm that the system has been restored to good working order;

(B) if notification was required to be made to the Department pursuant to R511-01(h)(4), notify the Department that the system has been restored to good working order; and

(C) remove impairment tags.

(i) **Recordkeeping.** A logbook or other approved form of recordkeeping for the maintenance of the ARC system shall be maintained for a period of six (6) years, together with a complete copy of test results and other documentation of ARC system maintenance. The logbook shall include entries for the following maintenance requirements:

(1) Commissioning test results, as required by R511-01(f)(2);

(2) Daily inspection of the system status, as required by R511-01(g)(2);

(3) Annual certification test results, as required by R511-01(g)(3);

(4) Five-year recertification test results, as required by R511-01(g)(4);

- (5) Planned removals from service for maintenance, repair or alteration of the *ARC system*, including the extent and duration of any removal and related notifications to the *Department*; and
- (6) Unplanned out-of-service conditions, including a description, extent and duration of any system malfunction, corrective actions taken, and related notifications to the *Department*.
- (j) **Lawfully Existing In-Building Repeater Systems.** Notwithstanding the provisions of this section, the operation of an *in-building repeater system* may be continued under the following circumstances and subject to the following requirements:
  - (1) **Prior approval.** Such system must have been approved for installation by the *Department of Buildings* and/or the *Department* prior to January 1, 2015.
  - (2) **Applicable standards.** Such system shall be operated and maintained in compliance with the *design and installation documents* and standards under which such system was approved, and the following requirements:
    - (A) **Permit.** A *permit* shall be obtained for such system.
    - (B) **Use of City frequencies and compliance with FCC regulations.** A written agreement with the City of New York for use of *Department* frequencies shall be executed and such system shall be operated and maintained in compliance with R511-01(d)(1), (2), (4), (5) and (6).
    - (C) **Supervision.** Operation of such system shall be supervised in accordance with R511-01(d)(6).
    - (D) **Radio coverage.** A commissioning test shall be conducted in accordance with Section R511-01(f)(2) within one (1) year from [EFFECTIVE DATE OF THIS SECTION], and an *ARC system* company certificate holder shall submit such results to the *Department*. Any such system that fails to meet or exceed the radio coverage performance standards set forth in R511-01(f)(1) shall be upgraded to meet or exceed such standards, or an application made to the *Department* for approval of appropriate mitigation measures to address gaps or other deficiencies in radio coverage. Such measures may include signage in building lobbies and/or in areas of the building in which such gaps exist.
    - (E) **Operational and maintenance requirements.** Such systems shall be operated and maintained in accordance with R511-01(g), (h) and (i).

**3 RCNY 511-01**  
**Table 1**  
**Commissioning Test and Periodic Maintenance Requirements for**

## In-Building Auxiliary Radio Communication Systems

<b><u>ARC System Component/System Malfunction</u></b>
<b><u>Dedicated Radio Console</u></b>
<u>Control unit</u>
<u>Lamps and LEDs</u>
<u>Radio desk-set</u>
<u>Audio levels</u>
<u>Control levels</u>
<b><u>Base Station</u></b>
<u>Wireless signals</u>
<u>Transceivers</u>
<u>System performance</u>
<u>Radio ID pass-through</u>
<u>Emergency alert pass-through</u>
<b><u>Base Station Failure Monitoring</u></b>
<u>Low transmit power</u>
<u>Over temperature</u>
<u>High voltage standing wave ratio</u>
<u>Loss of alternating current (AC) or primary power source on the base station</u>
<u>Low battery capacity</u>
<u>Antenna failure</u>
<u>Signal amplification</u>
<u>Tamper switch</u>
<b><u>Antenna Systems</u></b>
<u>Amplifiers</u>
<u>Antennas</u>
<b><u>Power Supply</u></b>
<u>Primary (main) power supply</u>
<u>Engine-driven generator</u>
<u>Secondary (standby) power supply</u>
<u>Uninterrupted power supply (UPS)</u>
<b><u>Battery Tests</u></b>

<u>Primary battery performance test</u>
<u>Secondary battery/batteries performance test</u>

§2. Subdivisions (a), (d), and (f) of Section 115-01 of Title 3 of the Rules of the City of New York are proposed to be amended by amending subdivision (a) and adding a new paragraph eight to subdivision (d) and a new paragraph four to subdivision (f) to read as follows:

**§ 115-01 Company Certificates**

(a) Scope. This section sets forth standards, requirements and procedures for issuance of company certificates, including blasting contractor, central station, commercial cooking exhaust system servicing, fireworks contractor, fumigation and [thermal] insecticidal fogging operation, portable fire extinguisher sales, portable fire extinguisher servicing, pyrotechnic supplier [and], smoke detector maintenance company certificates and ARC system testing.

\* \* \*

(d) Special Qualifications. In addition to general qualifications set forth in R115-01(c), applicants for the following company certificates shall possess and satisfactorily demonstrate to the *Department* that the company, its principals and officers, possess the following qualifications:

\* \* \*

(8) ARC system testing company certificates.

(A) One (1) or more principals or officers of the company shall hold a General Radiotelephone Operator License issued by the FCC pursuant to 47 CFR Part 90.

\* \* \*

(f) Special Application Requirements. In addition to the general application requirements set forth in R115-01(e), applications for the following company certificates shall include the following information and documentation:

\* \* \*

(4) ARC system testing company certificates. Application for such a company certificate shall include:

(A) a list of the ARC systems, or other in-building radio communication systems, installed and/or tested by the company, its principals or officers,



in the three-year period prior to the date of filing, including the addresses of the buildings in which such systems were installed and/or tested and the dates of such installation and/or testing;

- (B) documentation of any enforcement action taken by FCC or other governmental authority with respect to an FCC General Radiotelephone Operator License or other radio communication-related license or permit held or formerly held by any principal or officer of the company in the five-year period prior to filing;
- (C) a request, in a form approved by the Department, for Department approval to purchase two (2) or more portable radios of the type utilized by Department personnel, and for Department programming of such portable radios to operate on radio frequencies licensed by the FCC to the City of New York, solely for purposes of the company certificate holder's testing of ARC systems; and
- (D) A written agreement, executed by a principal or officer of the company, in the form specified by the Department, that sets forth terms and conditions for use, by the company and its personnel, of portable radios that operate on Department frequencies, including compliance with FCC regulations and other applicable, laws, rules and regulations, and the authority of the Department to direct the company and its personnel to immediately discontinue operating on the frequencies and to submit the company's portable radios to the Department for removal of Department programming.

§3. Subdivision (c) and item 24 of subdivision (e) of Section 4601-01 of Title 3 of the Rules of the City of New York are proposed to be amended to read as follows:

- (c) Certificate Fees (FC A01). [Reserved] FCA01.1 is amended to read as follows:

\* \* \*

**16. ARC system testing company certificate**

<u>Original application</u>	<u>\$ 105.00</u>
<u>Renewal application</u>	<u>\$ 50.00</u>
<u>Original portable radio programming (per radio)</u>	<u>\$ 75.00</u>
<u>Portable radio inspection (per radio)</u>	<u>\$ 75.00</u>

- (e) Permit, Inspection and Plan Examination Fees (FC A03). [Reserved] FC A03 is amended to read as follows:

\* \* \*

24. [Fire department in-building] In-building auxiliary radio communication systems

To maintain and operate an in-building auxiliary radio communication system

<u>Original application (including acceptance testing)</u>	\$ 105.00, plus <u>\$50.00 per building floor included in application</u>
<u>Renewal application</u>	<u>\$ 105.00</u>

511-01 (ARC) (6/24/15 publication)

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Requirements for In-Building Auxiliary Radio Communications Systems

**REFERENCE NUMBER:** 2015 RG 026

**RULEMAKING AGENCY:** New York City Fire Department

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: June 19, 2015

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Requirements for In-Building Auxiliary Radio Communications Systems**

**REFERENCE NUMBER: FDNY-6**

**RULEMAKING AGENCY: FDNY**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

June 19, 2015  
Date