

Title 23
BOARD OF PUBLIC WORKS
Subtitle 03 PUBLIC SCHOOL CONSTRUCTION
23.03.02 Administration of the Public School Construction Program
 Authority: Education Article, §5-301, Annotated Code of Maryland

Notice of Proposed Action

[14-245-P]

The Board of Public Works proposes to Amend Regulation .29 under **COMAR 23.03.02 Administration of the Public School Construction Program**. This action was considered at a public meeting held on July 2, 2014, notice of which was published pursuant to State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require that all school construction projects that include constructing, replacing, or upgrading the electrical system be designed and constructed to be fully-powered in the event of an emergency.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Revenues are not affected.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
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A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Varies
	Benefit (+)	
	Cost (-)	Magnitude
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D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. Cost impacts will depend on the type of technology selected to meet the requirement.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

The potential economic impact on small businesses cannot be anticipated, since it will depend on which schools will be proposed in local and State capital budgets that must meet the requirement to be fully powered, and on the type of technology chosen to meet the requirement.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:
The potential economic impact on individuals with disabilities cannot be anticipated, since it will depend on the nature of the emergency event and sheltering determinations made by local and State officials.

Opportunity for Public Comment

Comments may be sent to David Lever, Executive Director, Public School Construction Program, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0610, or email to dlever@msde.state.md.us, or fax to 410-333-6522. Comments will be accepted through September 22, 2014. A public hearing has not been scheduled.

.29 Emergency Power Generation.

A. Definitions.

(1) *“Fully power” means the capability to provide electrical power to the fixtures, services, appliances, and/or outlets within a specified facility or portion of a facility.*

(2) *“Public shelter” means temporary operations that meet the base humanitarian needs of the whole community before, during, or after an emergency event.*

(3) *“Replacement of the electrical system” means a complete new electrical system is installed in an existing or new facility, including when major components of the pre-existing electrical system are either removed or abandoned in place.*

(4) *“Upgrade of the electrical system” means an existing electrical system of a facility or a major portion of a facility is improved through either:*

(a) The replacement or upgrade of existing components; or

(b) Other improvements that alter the performance characteristics of the electrical system.

[A.] *B. This section applies to all school construction projects that include [replacing or upgrading] new construction, replacement, or upgrade of the electrical system.*

[B.] *C. Local officials shall consult with the Maryland Emergency Management Agency (MEMA) to determine those areas of the facility that are necessary for public safety when circumstances require use of the facility as a public shelter [which areas of the school facility may be designated for public shelter use] during or after a federal, State, or local declared emergency.*

[C.] *D. The LEA shall ensure that the [designated public shelter area is] areas determined by MEMA are designed and constructed to be fully powered in the event of an emergency through installation of:*

(1) [An] A permanent, on-site emergency [generator] power source; or

(2) Other means to accept temporary emergency [electrical] power [generation] source.

SHEILA McDONALD
Executive Secretary
Board of Public Works