Commonwealth of Pennsylvania

Governor's Office

PROCLAMATION OF DISASTER EMERGENCY

October 26, 2012

WHEREAS, ongoing monitoring and projections made at my direction by the National Weather Service have disclosed that Hurricane Sandy is going to strike the Commonwealth of Pennsylvania; and

WHEREAS, Hurricane Sandy has the potential to cause widespread and heavy rains and high winds throughout the Commonwealth of Pennsylvania, which in turn poses a serious threat of flooding and other adverse impacts throughout the Commonwealth; and

WHEREAS, Hurricane Sandy's potentially heavy rains, high winds, and risk of flooding may result in extensive damage to roads, streets, bridges, private homes, businesses, and may cause other adverse impacts upon the general population of Pennsylvania; and

WHEREAS, Hurricane Sandy may combine with approaching frontal systems to create heavy snowfall, particularly in higher elevations; and

WHEREAS, these storm conditions have the potential to cause extensive power outages, road closures, community public safety delays, property damage and other significant adverse impacts throughout the Commonwealth; and

WHEREAS, the emergency situation caused by Hurricane Sandy and associated weather events may be of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county and municipal emergency response plans;

NOW THEREFORE, pursuant to the provisions of Subsection §7301(c) of the Emergency Management Services Code (35 Pa. C.S. Section §7101 et seq.,) I do hereby proclaim the existence of a disaster emergency in the Commonwealth and authorize and direct that the Pennsylvania Emergency Management Agency Director or designee assume command and control of all statewide emergency operations and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director or designee, utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

FURTHER, I hereby transfer up to $5,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services or

construction in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa. C.S. Section 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; and

FURTHER, I hereby direct the Pennsylvania Emergency Management Agency to staff the State Emergency Operations Center for the duration of this emergency situation and to augment it with personnel from other state agencies and departments. I also authorize the Agency to direct and coordinate the emergency response, recovery, and mitigation activities of other state agencies and departments as deemed necessary to deal with the exigencies of this impending disaster emergency through implementation of the State Emergency Operations Plan; and

FURTHER, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the areas that may be affected by the disaster are cleared of debris and any other obstructions resulting from this severe storm and to ensure that highways, bridges, roadbeds, and related facilities and structures, including federal-aid highways, that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed, or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property. I hereby authorize the Secretary of Transportation, in his sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which he is authorized by law to administer or enforce as may be necessary to respond to this impending disaster emergency; and

FURTHER, if investigations made on my behalf determine that the Commonwealth is in need of greater flexibility in the application of state and federal motor carrier regulations to accommodate truck drivers in the finding and transporting of fuel, food or other commodities across the state to provide emergency relief during this disaster emergency situation, I hereby direct the Department of Transportation to waive any laws or Federal or state regulations related to drivers of commercial vehicles; and

FURTHER, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth (51 Pa.C.S. §508), I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of this disaster emergency proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by this impending disaster emergency; and

FURTHER, I hereby authorize the Commissioner of the Pennsylvania State Police, in coordination with the Pennsylvania Emergency Management Agency Director or designee, to use all available resources and personnel of the Department, in whatever manner he deems necessary, to aid in the recovery aspects related to all interstate, other federal and state highways in the Commonwealth to address this impending disaster emergency; and

FURTHER, I hereby direct that the emergency response, recovery, and mitigation aspects of the Commonwealth and all applicable county, municipal, and other emergency response plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

FURTHER, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this impending disaster emergency. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

STILL FURTHER, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, including by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

GIVEN under my hand and the Seal of the Governor, at the City of Harrisburg, this twenty-sixth day of October in the year of our Lord two thousand twelve, and of the Commonwealth the two hundred and thirty-seventh.

Tom Corbett

TOM CORBETT
Governor