

# THE GOVERNOR

## GOVERNOR'S OFFICE

### Amendment to Proclamation of Disaster Emergency

March 16, 2005

*Whereas*, On September 17, 2004, I declared a State of Disaster Emergency in Allegheny, Armstrong, Butler, and Washington Counties due to widespread and unusually severe storms, heavy rain, high winds, and flooding, which struck the counties and caused extensive damage to roads, streets, bridges, private homes, and businesses, and posed other adverse life-safety impacts upon the general population of the counties; and

*Whereas*, on September 18, 2004, I amended said proclamation to include Beaver, Bedford, Bradford, Centre, Clarion, Clinton, Clearfield, Columbia, Cumberland, Dauphin, Fulton, Indiana, Jefferson, Juniata, Lackawanna, Luzerne, Lycoming, Mifflin, Monroe, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Susquehanna, Union, Wayne, Westmoreland, and Wyoming Counties; and

*Whereas*, on September 19, 2004, I amended said proclamation to include Blair, Bucks, Cameron, Carbon, Greene, Lehigh, Huntingdon, and Somerset Counties; and

*Whereas*, on September 21, 2004, I amended said proclamation to include Franklin, Lebanon, Montour, Tioga, and York Counties; and

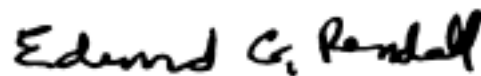
*Whereas*, on October 6, 2004, I amended said proclamation to include Chester, Crawford, Delaware, Lawrence, Montgomery, Philadelphia, and Sullivan Counties; and

*Whereas*, on December 16, 2004, I amended said proclamation to extend the period of the state of disaster emergency to March 16, 2005.

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq. as amended), I do hereby amend my Proclamation of September 17, 2004, as follows:

1. The period of the state of disaster emergency is extended from March 16, 2005, to June 16, 2005.
2. I hereby direct that the other operational provisions of the September 17, 2004, Proclamation that remain applicable to the current emergency circumstances in the counties shall continue in full force and effect.
3. This amendment to Proclamation shall take effect immediately.

*Given* under my hand and the Seal of the Governor, at the city of Harrisburg, this sixteenth day of March in the year of our Lord, two thousand and five and of the Commonwealth, the two hundred and twenty-ninth.



Governor

[Pa.B. Doc. No. 05-537. Filed for public inspection March 25, 2005, 9:00 a.m.]

## Proclamation of Disaster Emergency

March 11, 2005

*Whereas*, the weather across the western part of Pennsylvania during the first half of January 2005 consisted of a freeze-thaw cycle, which was further exacerbated by significant precipitation in the form of rain for 12 of the first 16 days of January; and

*Whereas*, starting on January 5 and lasting through February 1, 2005, there were at least three significant snowstorms throughout the eastern and central part of the state, while the western part of the state had mostly rainfall; and

*Whereas*, a storm event consisting of a heavy rainfall during a 24-hour period on January 5, 2005, caused 33 catastrophic-type embankment failures causing numerous road closures and lane restrictions in Beaver, Greene, Washington, and Westmoreland Counties and caused economic and other adverse impacts upon the general population of the region; and

*Whereas*, the serious impact of this storm on both the immediate and long-term economy of this region and the state represents a major hardship requiring a comprehensive federal, state, and local partnership for effective recovery.

*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 affected areas of Beaver, Greene, Washington, and Westmoreland Counties. In accordance with the State Emergency Operations Plans, I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

*Further*, this Proclamation shall serve as the written determination of the basis for the emergency under Section 516 of the Commonwealth Procurement Code, Act of May 15, 1998, P. L. 358, No. 57, § 516. All Commonwealth agencies are authorized to procure supplies, services, and construction in response to this emergency and to dispense with time-consuming bid and contract procedures and formalities, in whatever manner necessary to cope with this emergency situation; and

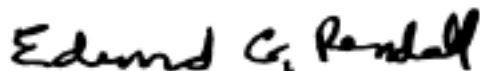
*Further*, I hereby authorize the Secretary of Transportation to use all available equipment, resources and personnel of the Department, in whatever manner that he deems necessary, to ensure that all state highways in the disaster-affected areas are cleared of debris and any other obstructions resulting from this severe storm and to ensure that highways, bridges, roadbeds, and related facilities and structures, including federal-aid highways, that have sustained damage from this storm in the disaster affected-area 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 real property; and

*Further*, I have asked the Federal Emergency Management Agency to join with key state, county, and community officials to conduct a more detailed Preliminary Damage Assessment of the storm impact; and

*Still Further*, I hereby continue to urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this proclamation, namely: 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 eleventh day of March in the year of our Lord, two thousand five and of the Commonwealth, the two hundred and twenty-ninth.



*Governor*

[Pa.B. Doc. No. 05-538. Filed for public inspection March 25, 2005, 9:00 a.m.]

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