

# THE GOVERNOR

## GOVERNOR'S OFFICE

### Proclamation of Disaster Emergency

April 3, 2005

*Whereas*, Investigations made at my direction have disclosed that severe storms occurred on April 2 and 3, 2005, and caused widespread flooding and severe, unseasonable winter storm conditions across large regions of Pennsylvania; and

*Whereas*, the flooding conditions resulted in extensive damage to roads and streets, private homes, businesses, and caused other adverse impacts upon the general population in Bradford, Bucks, Columbia, Luzerne, Monroe, Northampton, Pike, Wayne, and Wyoming Counties; and

*Whereas*, severe, unseasonable winter conditions in Erie County caused widespread road closures, stranded motorists, and disrupted public safety services; and

*Whereas*, the serious impact of these storms on both the immediate and long-term economy of these regions and the state represents a major hardship requiring a comprehensive federal, state, and local partnership for effective recovery; and

*Whereas*, the emergency situation has been of such magnitude and 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; and

*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 Bradford, Bucks, Columbia, Erie, Luzerne, Monroe, Northampton, Pike, Wayne, and Wyoming Counties and, 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*, I hereby transfer up to \$1,000,000 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 in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, Act of May 15, 1998, P. L. 358, No. 57, § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; 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 these severe storms and to ensure that highways, bridges, roadbeds, and related facilities and structures, including federal-aid highways, that have sustained damage 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*, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of the emergency/disaster proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the potential danger to public health and safety caused by the aforementioned emergency; and

*Further*, I hereby authorize the Secretary of Environmental Protection to use all available equipment, resources, and personnel of the Department, in whatever manner that she deems necessary, to protect public health and safety or the environment by ensuring that any possible petroleum spills, hazardous materials, and contaminated debris that may be released into the environment as a result of the flooding be remediated; and

*Further*, I have directed that the emergency response and recovery aspects of all the Commonwealth departments and agencies and all applicable county, municipal, and other disaster emergency response and recovery 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

*Still Further*, I hereby 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, in the City of Harrisburg, on this third day of April 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. 05-689. Filed for public inspection April 15, 2005, 9:00 a.m.]