

# THE GOVERNOR

## Proclamation of Disaster Emergency

September 30, 2010

*Whereas*, heavy and continuous rainfall began on September 30, 2010 and has impacted the entire Commonwealth of Pennsylvania with severe weather conditions; and

*Whereas*, the heavy and continuous rainfall is likely to result in moderate to major river and creek flooding, flash flooding, and other adverse impacts upon the population of the Commonwealth; and

*Whereas*, the heavy and continuous rainfall may result in individuals trapped in high fast moving water, critical infrastructure flooding, including human services facilities such as hospitals, nursing homes and personal care homes, and a significant threat to high risk dams and bridges; and

*Whereas*, these severe weather conditions may prompt affected county and municipal governments to declare local disaster emergencies or flood emergencies to exist; and

*Whereas*, the emergency situation may become 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 provision of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. §§ 7101 et seq., as amended), 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 his 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 his 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 million in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses that may be 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, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; the time consuming bid and contract procedures and formalities normally prescribed by law shall be waived for the duration of the Proclamation, mandatory constitutional requirements excepted; and

*Further*, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department, in whatever manner he deems necessary, to ensure that all interstate and other federal and state highways in the Commonwealth 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 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 clearing and removal of debris and any other obstructions from non state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. However, this assistance does not apply to privately owned

highways, roads, streets, or other types of property; and 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 emergency; and

*Further*, if investigations made on my behalf determine that the Commonwealth is in need of greater flexibility in truck driver regulations to accommodate truck drivers in the finding and transporting of fuel or other commodities across the state to provide emergency relief during this emergency, I direct the state Department of Transportation to hereby waive any laws or federal regulations related to drivers of commercial vehicles; 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 use her discretion in placing 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 Commissioner of the Pennsylvania State Police to use all available resources and personnel of the Department, in whatever manner that he deems necessary, to aid in the recovery aspects related to all interstate as well as other federal and state highways in the Commonwealth to address the emergency resulting from the heavy and continuous rainfall and potential river flooding; and

*Further*, I direct that the emergency response and recovery aspects of the Commonwealth and all applicable county, municipal, and other disaster 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

*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, at the City of Harrisburg, this thirtieth day of September in the year of our Lord two thousand ten, and of the Commonwealth the two hundred and thirty-fifth.



Governor

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