

THE GOVERNOR

Proclamation of Disaster Emergency

February 6, 2010

Whereas, a winter storm, accompanied by substantial accumulations of snow and high winds, began on February 5, 2010 and has significantly impacted the Commonwealth of Pennsylvania with severe weather conditions; and

Whereas, the winter storm conditions, including heavy snowfall and high winds, have resulted in substantial power outages, community public safety delays, property damage, and other adverse impacts upon the population of the Commonwealth; and

Whereas, these severe winter weather conditions have prompted affected county and municipal governments to declare local disaster emergencies or snow emergencies to exist; and

Whereas, the emergency situation 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 provision of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 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 \$1 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 snow and any other obstructions resulting from this severe winter storm. 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 snow 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. 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 this severe winter storm; 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, on this sixth day of February in the year of our Lord two thousand ten, and of the Commonwealth the two hundred and thirty-fourth.

Edmund G. Rendell

Governor

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