

# THE GOVERNOR

## GOVERNOR'S OFFICE

### Proclamation of Emergency Regarding Oversize Vehicles

September 3, 2005

*Whereas*, The President of the United States has declared major disaster emergencies for impacted areas in Louisiana, Mississippi, and Alabama due to the catastrophic events caused by Hurricane Katrina; and

*Whereas*, the U. S. Department of Homeland Security (DHS) is actively managing federal assistance to these affected communities in an effort to expedite response efforts and save lives; and

*Whereas*, the Federal Emergency Management Agency (FEMA) of DHS has issued a "Request for Waiver of State Law" to the Governors of the fifty states, requesting waivers of the enforcement of state laws and regulations that govern the transport of oversized tractor trailer loads for the limited purpose of allowing Federal Government contractors to transport mobile homes for Hurricane Katrina relief efforts.

*Now Therefore*, pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq., as amended) and Section 6108 of the Pennsylvania Vehicle Code (75 Pa.C.S. Section 101, et seq.), I do hereby proclaim the existence of an emergency for the limited purpose of allowing Federal Government contractors to transport mobile homes for Hurricane Katrina relief; and

*Further*, I hereby direct as follows:

1. I have determined that, in order to aid in the alleviation of the emergency conditions, it is necessary to waive enforcement of applicable state laws and regulations that govern the transport of oversized loads, solely for the limited purpose of allowing Federal Government contractors to transport mobile homes for Hurricane Katrina relief efforts for a period of ninety (90) days, subject to renewal if necessary.

2. Notification of said waiver shall be disseminated to all applicable law enforcement, turnpike, and transportation authorities.

3. Confirmation by September 3, 2005, through official channels that the Commonwealth has voluntarily waived its sovereign right to enforce the applicable laws and regulations, except for the following restrictions:

A. Oversized loads up to and including fourteen (14) feet wide may move unescorted at all times. These loads and their trailers shall be well lighted front and back and along both sides during nighttimes;

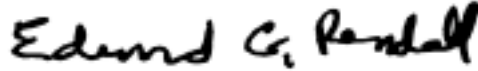
B. Loads wider than fourteen (14) feet must be escorted and may travel in convoys of not more than ten (10) vehicles with one team of escort vehicles both day and night. These loads and their trailers shall be well lighted front and back and along both sides during nighttime travel.

4. This waiver is only for the limited purpose of allowing Federal Government contractors to transport mobile homes for Hurricane Katrina relief efforts and is inapplicable to the transporting of manufactured housing units or mobile homes for normal business purposes or to any other vehicles.

*Still Further*, I direct the Departments of Transportation and State Police to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation in carrying out this directive, including notification of the public of this

Proclamation to increase public awareness and precautions in light of the possible increase in oversize loads traveling on Commonwealth highways.

*Given* under my hand and the Seal of the Governor, at the City of Harrisburg, on this third day of September in the year of our Lord two thousand and five, and of the Commonwealth the two hundred and thirtieth.



Governor

[Pa.B. Doc. No. 05-1701. Filed for public inspection September 16, 2005, 9:00 a.m.]

## Proclamation of Emergency to Render Mutual Aid and to Receive and House Evacuees

September 6, 2005

*Whereas*, the President of the United States has declared major disaster emergencies for impacted areas in Louisiana, Mississippi, Alabama and Florida due to the catastrophic events caused by Hurricane Katrina; and

*Whereas*, the Commonwealth of Pennsylvania has been requested to render mutual aid to assist in the implementation of federal and state disaster emergency functions in accordance with the Emergency Management Assistance Compact, (35 Pa.C.S. Section 7101 et seq.), including those mutual aid actions listed in the letter of September 6, 2005, from Governor Edward G. Rendell to the President; and

*Whereas*, the continued evacuation of individuals and families from the affected areas has produced a state of emergency in several of the neighboring states; and

*Whereas*, the serious impact of this catastrophic event that has displaced thousands of families requires a comprehensive partnership of all levels of government 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

*Whereas*, coordination of activities relating to temporary housing by agencies and officers of this state is an express purpose of the Pennsylvania Emergency Management Services Code (35 Pa.C.S. Section 7302).

*Now Therefore*, pursuant to the provisions 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 an emergency in the Commonwealth of Pennsylvania to adequately respond to the emergency situation caused by Hurricane Katrina.

*Further*, 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 \$50,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned

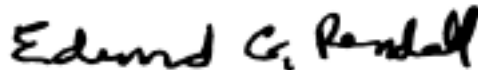
funds shall be used for disaster-related expenses incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize 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.

*Further*, I hereby waive any laws or regulations that would restrict the application and use of the Departments' and Agencies' resources and personnel to assist local jurisdictions in meeting the express requirements of Section 7302. This assistance to local jurisdictions may be provided solely at the discretion of the respective Secretaries and Agency Directors.

*Further*, I direct that the emergency response 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.

*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 sixth day of September in the year of our Lord two thousand and five, and of the Commonwealth the two hundred and thirtieth.



*Governor*

[Pa.B. Doc. No. 05-1702. Filed for public inspection September 16, 2005, 9:00 a.m.]