

THE GOVERNOR

Proclamation of Emergency

April 23, 2012

Whereas, ongoing monitoring and projections made at my direction have disclosed that a winter storm, accompanied by substantial accumulations of snow and ice, will strike the Commonwealth of Pennsylvania beginning on April 23, 2012; and

Whereas, the winter storm conditions have the potential to cause extensive power outages, road closures, community public safety delays, property damage and other significant adverse impacts throughout the Commonwealth; and

Whereas, these winter storm conditions may prompt affected county and municipal governments to declare local disaster emergencies to exist; and

Whereas, the emergency situation caused by the winter storm may be 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.

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 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 Commonwealth departments and agencies utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this disaster emergency.

Further, I hereby direct the Pennsylvania Emergency Management Agency to activate and staff the State Emergency Operations Center for the duration of this emergency situation and to augment it with personnel from other state agencies and departments. I also authorize the Agency to coordinate the response activities through the implementation of the State Emergency Operations Plan; and

Further, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth (51 Pa.C.S. 508), I hereby authorize the Adjutant General of Pennsylvania to place on state active duty, for the duration of this disaster emergency, such individuals and units of the Pennsylvania National Guard for missions requested by the Pennsylvania Emergency Management Agency that are needed to address the threats caused by, and the consequences of, this disaster emergency; 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 areas that may be affected by the disaster are cleared of snow and any other obstructions resulting from this 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 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 property. I further 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 the application of state and federal motor carrier regulations to accommodate truck drivers engaged in opera-

tions across the state, including the finding and transporting of fuel, food, or other commodities, to provide relief during this emergency, I authorize the Department of Transportation to hereby waive any laws or Federal or state regulations related to drivers of commercial vehicles; 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 he deems necessary, to aid in the response to this impending emergency; and

Further, I direct that the emergency response and recovery aspects of the Commonwealth 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

Further, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this disaster emergency. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials and expenditures of public funds; and

Further, all Commonwealth agencies purchasing supplies or services, including those for construction purposes, 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. § 51). This Proclamation shall serve as the written determination of the basis for the emergency under Section 516 and 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

Still Further, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this disaster emergency to act as necessary to meet the current exigencies as legally authorized, 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 twenty-third day of April in the year of our Lord two thousand twelve, and of the Commonwealth the two hundred and thirty-sixth.



Governor

[Pa.B. Doc. No. 12-798. Filed for public inspection May 4, 2012, 9:00 a.m.]