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STATE RECORDS

DEC 22 2023

DEPARTMENT OF STATE



No. 35

EXECUTIVE ORDER

Declaring an Emergency in Order to Appoint New Jersey and Connecticut Police Officers as Railroad Police Officers to Provide Enhanced Security on Commuter Trains, Buses, and Ferries

WHEREAS, the holiday season is a time of heightened alert and increased risk of terrorist attack as terrorists typically consider significant, symbolic dates when planning attacks, with the objective of inflicting mass casualties and maximizing the economic and psychological damage to the United States, as evidenced by the November 2010 plot to bomb a holiday tree lighting ceremony in Portland, Oregon by a homegrown violent extremist; the December 2010 attack on a market filled with Christmas shoppers in Stockholm, Sweden by a suicide bomber; the December 2010 arrests in the United Kingdom of 12 individuals plotting to conduct attacks during the holiday season; the December 2016 attack in Berlin where a truck was driven into a crowd of people located at the Christmas market next to the Kaiser Wilhelm Memorial Church; the 2016 nightclub attack in Istanbul that left 39 people dead during a New Year's Eve celebration in 2016; the December 2017 bombing in a tunnel in New York City's Port Authority Bus Terminal, which was inspired by the Islamic State in Iraq and Syria ("ISIS") Christmas propaganda and conducted after the attacker saw holiday-themed posters on the tunnel walls; the continued threats issued in 2018 by pro-ISIS social media users calling for ISIS supporters to conduct attacks during the upcoming holiday season; and the December 2018 active shooter attack by a terrorist at a popular Christmas Market in Strasbourg, France, which killed 5 and injured 11 more; and on November 21, 2023, German Police arrested three individuals allegedly planning attacks at Christmas markets throughout Germany in support of the Islamic State.

WHEREAS, New York State has been subject to terrorist attacks and plots, including the World Trade Center bombing in 1993; the attacks on the World Trade Center on September 11, 2001; the Brooklyn Bridge Plot in 2003; the Financial Centers Plot in 2004 targeting the New York Stock Exchange and Citigroup Center in New York City and the Prudential Plaza in Newark, New Jersey; the 2007 plot to blow up jet fuel supply tanks and the pipeline that fed the tanks located underneath the John F. Kennedy International Airport; the May 2009 plot to bomb a Bronx synagogue and to shoot down military planes at Stewart Air National Guard Base; the failed plot of Faisal Shahzad in May 2010; the May 2011 plot by Ahmed Ferhani and Mohamed Mamdouh to bomb New York City Synagogues, during which Ferhani and Mamdouh discussed additional targets in New York City, and the Empire State Building; the October 2012 foiled attempt by Quazi Mohammad Rezwanul Ahsan Nafis to detonate a 1,000 pound car bomb outside the Federal Reserve Bank of New York in Lower Manhattan; the planned attacks by Raees Alam Qazi and his brother in November 2012 directed at New York City; the 2014 indictment of Mufid Elfgeeh, a Rochester resident who is alleged to have provided material support to ISIS; the September 2016 attack in New York City involving a pressure cooker style bomb that injured more than 30 people and involved additional detonated and undetonated devices; the October 2017 attack in Lower Manhattan involving Sayfullo Saipov, who drove a rented Home Depot truck down a bike path killing eight people and injuring 12; the October 2018 plot by a Rockland County man to detonate a 200 pound explosive device on Election Day; the October 2018 package bombs that were sent to multiple locations in New York, including CNN's Headquarters in NYC and a Westchester residence; the Queens resident who was arrested in June 2019 for purchasing firearms with obliterated serial numbers and was plotting to attack Times Square; the Brooklyn man who was arrested in November 2019 for allegedly disseminating ISIS propaganda and bomb-making instructions in an effort to incite violence in New York City and elsewhere; the machete attack during Hanukkah in Monsey, New York on December 28, 2019; the November 2022 arrest of two men in connection threats to attack a New York City synagogue; the August 2022 attempt to murder Salman Rushdie at a speaking event in Chautauqua, NY; and December 2022 New Year's Eve attack by Trevor Bickford against three NYPD officers with an edged weapon. All of these examples demonstrate that terrorists continue to pose a persistent threat to the State of New York;

WHEREAS, while there is no known confirmed threat to the New York City metropolitan area, New York transportation systems have been repeatedly targeted by terrorists, including: the previously mentioned 2017 Port Authority Bombing; the 2016 plot by three men planning to conduct bombings and shootings in Times Square and within the City's subway system during the month of Ramadhan on behalf of ISIS; the 2013 al-Qa'ida - directed plot to derail a passenger train traveling from Toronto to New York; the Zazi plot against New York City subways in 2009; the 2008 plot by Bryant Neal Vinas aimed at the Long Island Railroad; the 2006 plot to bomb the Port Authority-Trans Hudson (PATH) train tunnels; and the 2004 plot to bomb Herald Square in Manhattan. The targeting of transportation systems by terrorist groups is further demonstrated by the bombing on the Saint Petersburg Metro in Russia and the Parsons Green tube station in London, England in 2017; the bombings at an airport and metro station in Brussels, Belgium in 2016; and coordinated bombings across London's mass transit system in 2005 and in Madrid in 2004;

WHEREAS, hundreds of thousands of commuters travel between the states of New York, New Jersey, and Connecticut via mass transit systems that include interstate rail, bus, and ferry systems accessible to the public, and enhanced law enforcement presence on these conveyances is prudent to protect public safety;

WHEREAS, on September 24, 2014, in response to heightened concerns of terrorist activities, New York State and New Jersey formalized a counterterrorism partnership through a Memorandum of Understanding whereby additional security measures and protocols were agreed upon in an effort to bolster the security posture of the Bi-State Region;

WHEREAS, ISIS and other extremist groups continue to use social media to repeatedly call on sympathizers to carry out attacks within the United States and Western countries in any manner;

WHEREAS, at least 130 people were murdered and over 400 were injured in multiple, simultaneous terrorist attacks in Paris, France on November 13, 2015; at least 20 people were murdered in a November 20, 2015 terrorist attack in Bamako, Mali; 32 people were killed and more than 300 people were injured after three coordinated suicide bombings at an airport and metro station in Brussels, Belgium on March 22, 2016; 86 people were murdered and 434 people were injured after a terrorist attack on a Bastille Day celebration in Nice, France on July 14, 2016; 5 people were murdered and 50 more injured on the Westminster Bridge and areas outside of the Parliament Building in a vehicle and knife attack in London, England on March 22, 2017; 5 people were murdered and 14 people were injured in a truck attack in Stockholm, Sweden on April 7, 2017; 22 people were murdered outside of Manchester Arena in Manchester, England on May 22, 2017; 8 people were murdered and 48 people injured during an attack on and around London Bridge in London, England on June 3, 2017; 16 people were murdered and 152 people were injured in multiple attacks involving vehicles, knives and explosives in Barcelona and Cambrils, Spain between August 17 and 18, 2017; 4 people were murdered and 15 people were injured in March 2018 during an ISIS-inspired active shooter attack and hostage situation in Trebes, France; authorities in the Netherlands foiled a complex coordinated attack in September 2018 by arresting 7 men who planned to target a mass gathering event with firearms and explosives; 4 people were killed and 2 were injured at the Central Police headquarters in Paris, France, after a radicalized terrorist went on a stabbing spree in October 2019; and 2 people were stabbed to death and 3 more were injured near London Bridge in November 2019, by a terrorist wielding a knife and wearing a hoax suicide vest; and In December 2023, an ISIS-supporter killed one person and injured two others in a knife and hammer attack in Paris France;

WHEREAS, 49 people were murdered and 53 people were injured in a terrorist attack on the Pulse Nightclub in Orlando, Florida on June 12, 2016; 13 people were injured in a terrorist attack perpetrated by Abdul Arran at the Ohio State University on November 28, 2016; threats were issued in 2016 involving the 90th Annual Macy's Thanksgiving Day Parade in New York City; 60 people were murdered and more than 800 were injured during a mass shooting in Las Vegas on October 1, 2017; 26 people were murdered and 22 people were injured in a church shooting in Sutherland Springs, Texas on November 5, 2017; two people were murdered and five were injured in March 2018 after several package bombs were sent indiscriminately to residents of Texas; 11 people were murdered and six people were injured in an anti-Semite active shooter attack in October 2018 at the Tree of Life Synagogue in Pittsburgh, Pennsylvania; 12 people were murdered and more than 15 people were injured in a November 2018 shooting at a restaurant in Thousand Oaks, California; four people were killed in two different attacks, including a law enforcement officer in Jersey City, NJ in December 2019; two people were killed and one injured in two separate attacks in California on May 29 and June 6, 2020; eight people were killed in March 2021 after a firearms attack on several businesses near Atlanta, Georgia and in May 2022 ten people were murdered during a mass shooting at a Tops grocery store in Buffalo, New York;

WHEREAS, On December 10, 2023, the al-Qa'ida aligned Ah-Nusra Media Foundation encouraged supporters to carry out attacks against the transportation sector in the US and in support of Hamas;

WHEREAS, ISIS has released a propaganda video containing images of New York City purportedly under attack;

WHEREAS, various terrorist groups continue to issue threats in an attempt to motivate homegrown terror attacks in the United States;

WHEREAS, on November 25, 2023, the leader of al-Qa'ida in the Indian Subcontinent (AQIS) urged Muslims to kill US and Israeli officials and to attack their embassies worldwide to liberate the Al-Aqsa Mosque and free Palestine;

WHEREAS, on October 29, 2023, the leader of al-Qa'ida in the Arabian Peninsula (AQAP) called on fighters and lone-offenders to strike American, British, and French nationals and Jewish people globally, urging attacks on maritime targets, aircraft, and military personnel and installations. He also encouraged attacks on public events and large gatherings;

WHEREAS, the September 2023 issue of al-Qa'ida's "One Ummah" magazine showed an image of the World Trade Center on September 11, 2001, with smoke pouring from the towers. The magazine used the 22nd anniversary of the attack to assert that it is still capable of executing sophisticated attacks against the United States;

WHEREAS, in September 2023, a prominent Islamic State (IS)-aligned unit celebrated the 22nd anniversary of the 9/11 attacks with a video combining clips of the event and Usama bin Laden with present-day IS fighters;

WHEREAS, New York's sister states, Connecticut and New Jersey, have agreed to deploy police officers to provide increased security on commuter trains, buses, and ferries going in and out of New York State;

WHEREAS, sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, and sworn police officers of any county or municipality in the State of New Jersey are restricted in their law enforcement authority once such a conveyance crosses the jurisdictional boundary between Connecticut and New York or between New Jersey and New York;

WHEREAS, New York, New Jersey, and Connecticut are all members of the Emergency Management Assistance Compact (EMAC), which allows for mutual assistance and resource sharing among sister states;

WHEREAS, the EMAC provides that emergency forces from the sending state, while operating within the jurisdictional boundaries of the receiving state pursuant to the compact, shall have the same powers (except that of arrest, unless specifically authorized by the receiving state), duties, rights and privileges as are afforded forces of the receiving state in which they are performing emergency services;

WHEREAS, to utilize the police resources provided by New York's sister states, New York State must confer police officer powers, including arrest powers, on such officers while they are within its geographic jurisdiction;

WHEREAS, Section 88 of the Railroad Law authorizes the Superintendent of the State Police to appoint any person as a railroad police officer only under prescribed circumstances and subject to certain limitations;

WHEREAS, if such circumstances and limitations were applied to sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, and sworn police officers of any county or municipality in the State of New Jersey who are serving as railroad police officers from 12:01 A.M. on December 22, 2023 through 12:01 A.M. on January 2, 2024, such application would prevent, hinder, and delay action necessary to respond to a terrorist attack or a threat thereof;

WHEREAS, Section 29-a of the Executive Law authorizes the suspension, alteration and modification of statutes, local laws, ordinances, orders, rules or regulations, or parts thereof, if compliance with such provisions would prevent, hinder or delay actions necessary to cope with a disaster emergency and the inclusion of any other terms and conditions;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby find that a disaster may be imminent to which the affected local governments are unable to respond adequately without assistance. Therefore, pursuant to the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, I hereby declare a State Disaster Emergency effective December 22, 2023;

FURTHER, pursuant to the authority vested in me by Section 29-a of the Executive Law to temporarily suspend and modify specific provisions of any statute, local law, ordinance, order, rule or regulation, or parts thereof, of any agency during a State Disaster Emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, I hereby temporarily suspend and modify, for the period from 12:01 AM on December 22, 2023 until 12:01 AM on January 2, 2024, the following laws for purposes of appointment of sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, and sworn police officers of any county or municipality in the State of New Jersey as Railroad Police;

FURTHER, Subdivision 1 of Section 88 of the Railroad Law insofar as it requires the Superintendent of the State Police to appoint railroad police officers only upon the application of a corporation, express company, or steamboat company, is modified to the extent necessary to allow the Governor to appoint, and I do hereby appoint, sworn members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, sworn members of the New Jersey State Police, and sworn police officers of any county or municipality in the State of New Jersey as railroad police officers, and to include all rail and bus facilities and property owned, operated or in the custody or control of the Port Authority of New York and New Jersey or its subsidiaries, the Metropolitan Transit Authority or its subsidiaries, New Jersey Transit or its subsidiaries, and ferries certified to carry passengers to and from New York State; and Subdivisions 2 through 17 of Section 88 of the Railroad Law, as necessary to effectuate this Order; and

FURTHER, this Order shall take effect at 12:01 AM on December 22, 2023 and shall remain in effect until 12:01 AM on January 2, 2024, and may be extended, with further notice consistent with Section 29-a of the Executive Law, upon consideration of a continued heightened alert of potential attack, at which time the suspension of laws may be extended upon consideration of a continued heightened alert of potential attack.



GIVEN under my hand and the Privy Seal of the State
in the City of Albany this twenty-second day
of December in the year two thousand
twenty-three.

Kathy Hochul

BY THE GOVERNOR
[Signature]
Secretary to the Governor