State of New York

JUL 05 2013

Department of State
Secretary of State

State of New York

Executive Chamber

No. 108

EXECUTIVE ORDER

DECLARING A DISASTER IN THE COUNTY OF NIAGARA

WHEREAS, on June 27, 2013 and continuing thereafter, severe storms and flooding disrupted public transportation and utility service, and threatened public health and safety systems within the Counties of Broome, Chenango, Clinton, Delaware, Essex, Franklin, Herkimer, Madison, Montgomery, Oneida, Otsego, Tioga, Schoharie, St. Lawrence and Warren; and

WHEREAS, on June 28, 2013 I issued Executive Order Number 103 declaring a disaster emergency in the Counties of Broome, Chenango, Clinton, Delaware, Essex, Franklin, Herkimer, Madison, Montgomery, Oneida, Otsego, Tioga, Schoharie, St. Lawrence and Warren; and

WHEREAS, on June 27, 2013 and continuing thereafter, severe storms and flooding disrupted public transportation and utility service, and threatened public health and safety systems within the County of Niagara; and

WHEREAS, this event has caused flooding, damaged public and private property, including homes, apartments and businesses, damaged and downed trees and washed out roadways and will continue to pose a threat to public health and safety;

NOW, THEREFORE, I, ANDREW M. CUOMO, 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 has occurred to which the affected local governments are unable to respond adequately. 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 do hereby amend Executive Order Number 103 to declare a State Disaster Emergency effective June 28, 2013 within the territorial boundaries of the additional County of Niagara; and

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Disaster Preparedness Plan and authorize, effective June 28, 2013, the Division of Homeland Security and Emergency Services, the State Office of Emergency Management, the Department of Health, the Department of Transportation, the State Police, the Division of Military and Naval Affairs, the Department of Environmental Conservation, the Department of Corrections and Community Supervision, the Public Service Commission, the Office of Fire Prevention and Control, the Office of Temporary and Disability Services, the Office for the Aging, the Office for People with Developmental Disabilities; the Office of Parks, Recreation

and Historic Preservation, the Office of General Services, the State University of New York, the Thruway Authority, the American Red Cross and other State agencies as necessary, to take appropriate action to protect State property and to assist affected local governments and individuals in responding to and recovering from this disaster, and to provide such other assistance as necessary to protect the public health and safety.

IN ADDITION, this declaration satisfies the requirements of 49 C.F.R. §390.23(a)(1)(A), which provides relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSR). Such relief from the FMCSR is necessary in order to hasten the movement of utility power restoration crews into New York State.

FURTHER, I have designated Jerome M. Hauer, Commissioner of the State Division of Homeland Security and Emergency Services, as the State Coordinating Officer for this event.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifth day of July in the year two thousand thirteen.

BY THE GOVERNOR

Secretary to the Governor