



# State of New York

## Executive Chamber

### EXECUTIVE ORDER

No. 26

#### DECLARING A DISASTER EMERGENCY IN THE STATE OF NEW YORK

**WHEREAS**, on December 22, 2022 and continuing thereafter, a severe winter storm is expected to create hazardous conditions in New York State posing an imminent danger to public transportation, utility service, public health, and public safety systems statewide;

**WHEREAS**, the storm is anticipated to produce blizzard-like conditions, high winds, extreme drop in temperatures and flash freezing, and coastal and lakeshore flooding resulting in road closures, travel disruptions, power outages, and damage to public and private property throughout the State, which pose a threat to the public health and safety;

**NOW, THEREFORE, I, KATHY HOCHUL**, Governor of the State of New York, by virtue of 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, do hereby find that a disaster is imminent for which the affected local governments are unable to respond adequately. Therefore, I hereby declare a State Disaster Emergency effective December 23, 2022 for the entire State of New York. This Executive Order shall be in effect through January 22, 2023; and

**FURTHER**, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize, effective December 23, 2022, State agencies as necessary, and the American Red Cross, 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 to ensure that crews can clear vital roadways and hasten the movement of utility power restoration crews into New York State;

**FURTHER**, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through January 22, 2023, the following laws:

- Section 97-G of the State Finance Law, to the extent necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency;
- Section 112 of the State Finance Law, to the extent consistent with Article V, Section I of the State Constitution, and to the extent necessary to add additional work, sites and time to State contracts;
- Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent necessary to purchase commodities, services, technology and materials without following the standard notice and procurement processes;
- Section 136-a of the State Finance Law, to the extent necessary to combine design and construction services in one contract and/or to obtain design and construction inspection services to respond to and to recover from the disaster emergency;
- Section 38 (1),(2) and (3) of the Highway Law to the extent necessary to authorize the award of emergency contracts;
- Sections 375, 385 and 401 of the Vehicle and Traffic Law to the extent that exemption for vehicles validly registered in other jurisdictions from vehicle registration, equipment and dimension requirements is necessary to assist in preparedness and response to the emergency;

- Section 107.1 of Title 21 of the New York Codes, Rules and Regulations, to the extent necessary to provide the Governor with the authority to regulate traffic and the movement of vehicles on roads, highways, and streets; and
- Section 359-a and Section 2879 of the Public Authorities Law to the extent of allowing the New York State Thruway Authority to purchase necessary goods and services without following the standard procurement processes.



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-  
two.

*Ruth Hochul*

BY THE GOVERNOR

*[Signature]*  
Secretary to the Governor