



# State of New York

## Executive Chamber

No. 178

### EXECUTIVE ORDER

#### DECLARING A DISASTER IN THE COUNTIES OF DUTCHESS, PUTNAM, SULLIVAN, AND WESTCHESTER, AND THEIR CONTIGUOUS AREAS

**WHEREAS**, on March 2, 2018, a Nor'easter created hazardous conditions impacting New York State. Snowfall totals included up to 40 inches with wind speeds up to 50 miles per hour. This storm impacted New York State and continues to pose an imminent danger to vital public transportation, utility service, and public health and public safety systems within the counties of Dutchess, Putnam, Sullivan, and Westchester, and their contiguous areas; and

**WHEREAS**, this winter event caused widespread power outages throughout Dutchess, Putnam, Sullivan, Westchester, and surrounding counties, travel disruptions and road closures, uprooted trees, coastal and localized flooding, damage to homes, apartments, businesses, and public and private property, and continues to pose a threat to the public health and safety; and

**WHEREAS**, the continued loss of power to over 182,000 customers adversely affects a variety of critical systems including communications services, and such sustained disruption of the power supply and its cascading damage to other critical systems, as well as the continued prevalence of downed utility lines, and has jeopardized the health and safety of New Yorkers;

**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 for 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 hereby declare a State Disaster Emergency effective March 4, 2018 within the territorial boundaries of the counties of Dutchess, Putnam, Sullivan, Westchester, and their contiguous areas. This Executive Order shall be in effect until March 17, 2018; 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 March 4, 2018, the State Office of Emergency Management, the Department of Health, the Department of Transportation, the Division of 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 Department of Labor, the Office of Parks, Recreation and Historic Preservation, the Office of General Services, the State University of New York, the Thruway Authority, the Division of Homeland Security and Emergency Services, other 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)(i)(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 hasten the movement of utility power restoration crews into New York State.

**FURTHER**, I have designated Roger Parrino, Commissioner of the Division of Homeland Security and Emergency Services, as the State Coordinating Officer for this event.

**FURTHER, I, ANDREW M. CUOMO**, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend specific provisions of any statute, local law, ordinance, orders, rules or regulations, 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, hereby temporarily suspend, for the period from the date of Executive Order through March 17, 2018, the following laws:

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;

Section 97-G of the State Finance Law, to the extent that the Commissioner of General Services or the Commissioner of the Division of Homeland Security and Emergency Services determines it necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services, including but not limited to, building design and construction 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 1 of the State Constitution, and to the extent that the Commissioner of Transportation, the Commissioner of General Services, or the Commissioner of the Division of Homeland Security and Emergency Services determines it necessary to add additional work, sites and time to State contracts, to award emergency contracts or award leases for relocation and support of State operations under Public Buildings Law Section 3, to award emergency contracts under Public Buildings Law Section 9, to award emergency contracts for professional services under Section 136-a of the State Finance Law and to award emergency contracts for commodities, services, technology and materials pursuant to Section 163 of the State Finance Law;

Section 136-a of the State Finance Law, to the extent that the Commissioner of Transportation or the Commissioner of General Services determines it necessary to combine design and construction services in one contract and/or to obtain design and construction inspection services;

Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent of allowing the Commissioner of Transportation, the Commissioner of General Services, or the Commissioner of the Division of Homeland Security and Emergency Services to purchase necessary commodities, services, technology and materials without following the standard notice and procurement processes;

Section 359-a and Sections 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;

Sections 375, 385 and 401 of the Vehicle and Traffic Law, to the extent that exemption for vehicles validly registered in other jurisdictions from the vehicle registration, equipment and dimension requirements is necessary to assist in disaster preparedness and recovery efforts;

Part F of Chapter 60 of the Laws of 2015, and Chapter 596 of 2017 to the extent of allowing the Commissioner of Transportation or the Commissioner of General Services to award design-build and best value contracts without following the proscribed procurement process.

**FURTHER**, actions pursuant to this emergency necessary for the replacement, rehabilitation, or reconstruction of structures are Type II actions not subject to further review under Article 8 of the Environmental Conservation Law pursuant to 6 NYCRR Part 617.5(c)(33).

**FURTHER**, I hereby temporarily modify, for the period from the date of this Executive Order through March 17, 2018, the following laws:

Section 24 of the Executive Law; Sections 104 and 346 of the Highway Law; Sections 1602, 1630, 1640, 1650, and 1660 of the Vehicle and Traffic Law; Section 14(16) of the Transportation Law; Sections 6-602 and 17-1706 of the Village Law; Section 20(32) of the General City Law; Section 91 of Second Class Cities Law; and 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.



GIVEN under my hand and the Privy Seal of the  
State in the City of Albany this fourth  
day of March in the year two thousand  
eighteen.

A handwritten signature in black ink, appearing to read "A. Cuomo", written in a cursive style.

BY THE GOVERNOR

A handwritten signature in black ink, appearing to read "M. C.", written in a cursive style.

Secretary to the Governor