



# State of New York

## Executive Chamber

No. 195

### EXECUTIVE ORDER

#### **DECLARING A DISASTER IN THE COUNTIES OF CAYUGA, JEFFERSON, MONROE, NIAGARA, ORLEANS, OSWEGO, ST. LAWRENCE, AND WAYNE**

WHEREAS, high water levels on Lake Ontario and the St. Lawrence River, due to above average precipitation and snow melt throughout April and into May, continue to rise causing the potential for lakeshore flooding, widespread erosion, and water damage within the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne.

WHEREAS, this flooding event has the potential to cause damage to homes and other residential structures, businesses, public and private property, and public infrastructure, and poses 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 is imminent 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 May 20, 2019 within the territorial boundaries of the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, St. Lawrence, and Wayne. This Executive Order shall be in effect until September 1, 2019; 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 May 20, 2019, 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 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)(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 crews into New York State.

**FURTHER**, I have designated Michael Kopy, Director of Emergency Management for the Office of the Governor, 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 this Executive Order through June 20, 2019, the following laws:

Section 38(1), (2) and (3) of the Highway Law to the extent that the Commissioner of Transportation determines it necessary to authorize the award of emergency contracts and/or to combine design and construction services in contracts and to use such services when needed;

Section 9(2) and (4) of the Public Buildings Law to the extent the Commissioner of General Services determines it necessary to authorize the award of emergency contracts and/or to combine design and construction services in contracts and/or to use such contracts and services when needed at a threshold above six hundred thousand dollars;

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 I 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 Section 3 of the Public Buildings Law, to award emergency contracts under Section 9 of the Public Buildings Law, 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;

Part F of Chapter 60 of the Laws of 2015, and Part RRR of Chapter 59 of the Laws 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**, I hereby temporarily modify, for the period from the date of this Executive Order through June 20, 2019, the following laws:

Navigation Law Section 45(1)(b), and the regulations promulgated thereunder, so as to provide specific authority and direction to the Acting Commissioner of Parks, Recreation and Historic Preservation to establish speed limits of five (5) miles per hour within one thousand (1,000) feet of shore in the affected counties where he deems it appropriate and necessary.

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; and Section 91 of the Second Class Cities Law, 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  
twentieth day of May in the year two  
thousand nineteen.

BY THE GOVERNOR

A handwritten signature in black ink, appearing to be "M. C.", written over a horizontal line.

Secretary to the Governor

A handwritten signature in black ink, appearing to be "Andrew Cuomo", written over a horizontal line.