



State of New York

Executive Chamber

No. 2

EXECUTIVE ORDER

DECLARING A DISASTER IN THE COUNTIES OF BRONX, DUTCHESS, KINGS, NASSAU, NEW YORK, ORANGE, PUTNAM, QUEENS, RICHMOND, ROCKLAND, SUFFOLK, SULLIVAN, ULSTER, WESTCHESTER AND CONTIGUOUS COUNTIES

WHEREAS, on September 1, 2021 and continuing thereafter, Post-Tropical Depression Ida created hazardous conditions in New York State which pose an imminent danger to public transportation, utility service, public health, and public safety systems within the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, and contiguous counties.

WHEREAS, Tropical Storm Ida has produced torrential rainfall, and flooding. These conditions caused in excess of 31,300 power outages, downed trees, localized flash flooding, road closures, travel disruptions, and damage to public and private property throughout the impacted areas, which continue to 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 September 2, 2021 within the territorial boundaries of the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester, and contiguous counties. This Executive Order shall be in effect through October 2, 2021; 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 September 2, 2021, the Division of Homeland Security and Emergency Services, the Division of Military and Naval Affairs, the Department of Environmental Conservation, the Department of Corrections and Community Supervision, the Public Service Commission, the Department of Labor, the Office of Parks, Recreation and Historic Preservation, the Office of General Services, the Department of Transportation, Thruway Authority, 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 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, of any agency during a State disaster emergency, 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 or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through October 2, 2021, 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 of allowing the purchase of necessary 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;
- Section 38 (1),(2) and (3) of the Highway Law to the extent necessary to authorize the award of emergency contracts; and
- 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.

FURTHER, I hereby temporarily modify, for the period from the date of this Executive Order through October 2, 2021, 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; Section 19-107(ii) of the New York City Administrative Code; 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.



G I V E N under my hand and the Privy Seal of the State in the City of Albany this 2nd day of September in the year two thousand twenty-one.

A handwritten signature in black ink, appearing to read "Kathy Hochul".

BY THE GOVERNOR

A handwritten signature in black ink, appearing to be the signature of the Secretary to the Governor.

Secretary to the Governor