Commonwealth of Pennsylvania

Governor's Office

PROCLAMATION OF DISASTER EMERGENCY

August 31, 2021

WHEREAS, ongoing monitoring and projections made at my discretion by associated state and national weather services have disclosed that the Commonwealth of Pennsylvania will experience the aftereffects of Hurricane Ida; and

WHEREAS, Hurricane Ida has the potential to cause widespread and heavy rains throughout Pennsylvania, which in turn poses a serious threat of flash and riverine flooding and other adverse impacts throughout the Commonwealth; and

WHEREAS, Hurricane Ida's heavy rains, and risk of flooding may result in extensive damage to roads, streets, bridges, private homes, businesses, utilities, and may cause other adverse impacts upon the general population of Pennsylvania; and

WHEREAS, this emergency event caused by Hurricane Ida is of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans; and

WHEREAS, the Commonwealth of Pennsylvania has enacted the Emergency Management Assistance Compact (EMAC) into law and codified it at 35 Pa. C.S. §§ 7601-7604, in order to provide for mutual aid between states during an emergency that is duly declared by the Governor of the affected state.

NOW THEREFORE, pursuant to Article IV, Section 20 of the Pennsylvania Constitution, I do hereby proclaim the existence of a general disaster emergency related to the after effects of Hurricane Ida in the entirety of the Commonwealth and authorize and direct that the Pennsylvania Emergency Management Agency Director, or designee, assume command and control of all statewide emergency operations and that all Commonwealth departments and agencies, under the direction of the Pennsylvania Emergency Management Agency Director, or designee, utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency event pursuant to the provisions of section 7301 of the Emergency Management Services Code, 35 Pa. C.S. § 7301.

FURTHER, I hereby transfer $2,000,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency for Emergency Management Assistance Compact expenses related to this emergency, to be increased or decreased as conditions require pursuant to the provisions of section 7604(a) of the Emergency Management Services Code, 35 Pa. C.S. § 7604(a). In addition, I hereby transfer $5,000,000 in unused appropriated funds, to be increased or decreased as conditions require, to the Pennsylvania Emergency Management Agency pursuant to section 1508 of the Act of April 9, 1929, P.L.343, No. 176 (the Fiscal Code), 72 P.S. § 1508. The aforementioned funds shall be used for expenses authorized and incurred related to this emergency. These funds shall be credited to a special account established by the Office of the Budget. I hereby direct that any funds transferred herein that remain unused after all costs related to this emergency have been satisfied shall be returned to the General Fund.

FURTHER, all Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in section 516 of the Commonwealth Procurement Code, 62 Pa. C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under 62 Pa. C.S. § 516; and

FURTHER, I hereby direct the Pennsylvania Emergency Management Agency to staff the Commonwealth Response Coordination Center for the duration of this emergency event, and to augment it with personnel from other Commonwealth agencies and departments. I also authorize the Pennsylvania Emergency Management Agency to direct and coordinate the emergency response, recovery, and mitigation activities of other Commonwealth agencies and departments as deemed necessary to deal with the exigencies of this disaster emergency through implementation of the State Emergency Operations Plan; and

FURTHER, I hereby authorize the Secretary of Transportation to use all available equipment, resources, and personnel of the Department of Transportation, in whatever manner that she deems necessary, to ensure that all federal-aid and state highways in the areas that may be affected by the emergency event are cleared of snow, debris and any other obstructions resulting from this event and to ensure that highways, bridges, roadbeds, and related facilities and structures that may sustain damage in the disaster affected areas are immediately repaired, maintained, reconstructed, or replaced, or that new construction is undertaken where necessary. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in the repairs and clearing and removal of snow, debris and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. This assistance, however, does not apply to privately owned highways, roads, streets, or other types of property; and I hereby authorize the Secretary of Transportation, in her sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which she is authorized by law to administer or enforce as may be necessary to respond to this emergency event; and

FURTHER, if investigations made on my behalf determine that the Commonwealth is in need of greater flexibility in the application of state and federal motor carrier regulations to accommodate utility operators and truck drivers in the transporting of fuel, food or other commodities across the state to provide emergency relief and repairs during this event, I hereby direct the Department of Transportation to waive any laws or federal or state regulations related to drivers of commercial vehicles; and

FURTHER, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, specifically 51 Pa. C.S. § 508, I hereby authorize the Adjutant General of Pennsylvania to place on state active duty for the duration of this disaster emergency proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the danger to public health and safety caused by this emergency event; and

FURTHER, I hereby authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel of the Pennsylvania State Police, in whatever manner he deems necessary, to aid in the recovery aspects related to all interstate and other federal and state highways in the Commonwealth to address this emergency event; and

FURTHER, I hereby direct that the emergency response, recovery, and mitigation aspects of the Commonwealth and all applicable county, municipal, and other emergency response plans be activated and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

FURTHER, I hereby suspend the provisions of any other regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder, or delay necessary action in coping with this emergency event. All Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

STILL FURTHER, I hereby urge the governing bodies and executive officers of all political subdivisions that may be affected by this emergency event to act as necessary to meet the current exigencies as legally authorized under this proclamation, including by the employment of temporary workers; by the rental of equipment; and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time-consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

GIVEN under my hand and the Seal of the Governor this thirty-first day of August in the year of our Lord two thousand twenty-one, and of the Commonwealth the two hundred and forty-sixth.

Tom Wolf

TOM WOLF
Governor