



State of New York

Executive Chamber

No. 26

EXECUTIVE ORDER

DECLARING A DISASTER IN THE COUNTIES OF CATTARAUGUS, CHAUTAUQUA AND ERIE AND CONTIGUOUS AREAS

WHEREAS, on August 9, 2009, and continuing thereafter, severe thunderstorms caused significant flooding which disrupted vital public transportation, utility service, resulted in evacuations of the affected populations and continues to threaten public health, and public safety systems within the Counties of Cattaraugus, Chautauqua and Erie and contiguous areas.

WHEREAS, this event has caused loss of life, hospital evacuations, power outages, damage to homes, businesses and transportation infrastructure, disruption of local water supply, and may result in personal hardships, additional flooding, hamper the movement of medical personnel, displace families, and will continue to pose a threat to the public health and safety;

NOW, THEREFORE, I, DAVID A. PATERSON, 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 August 9, 2009 within the territorial boundaries of the Counties of Cattaraugus, Chautauqua and Erie, and contiguous areas, and

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Disaster Preparedness Plan and authorize, effective August 9, 2009, the State Emergency Management Office, the Department of Health, the Department of Transportation, the State Police, the Division of Military and Naval Affairs, the Department of Environmental Conservation, the State Department of Correctional Services, 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 Office of Homeland Security, the American Red Cross and other State agencies as necessary, 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 in order to hasten the movement of utility power restoration crews into New York State.

FURTHER, I have designated John R. Gibb, Director of the State Emergency Management Office (SEMO) as the State Coordinating Officer for this event.



GIVEN under my hand and the Privy Seal of the State in the City of Albany this tenth day of August in the year two thousand nine.

BY THE GOVERNOR

/s/ Lawrence Schwartz

Secretary to the Governor

/s/ David A. Paterson