

AUG 09 2024

DEPARTMENT OF STATE



State of New York
Executive Chamber
EXECUTIVE ORDER

No.38

DECLARING A DISASTER EMERGENCY IN THE STATE OF NEW YORK

WHEREAS, on August 9, 2024, and continuing thereafter, the remnants of Tropical Storm Debby are causing hazardous conditions posing an imminent danger to public transportation, utility service, public health, and public safety systems across the State;

WHEREAS, the storm is producing a heavy rain, up to 2 inches an hour, flash flooding, gusty winds, and severe thunderstorms resulting in road closures, travel disruptions, widespread power outages, and damage to public and private property, which 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 August 9, 2024, for the entire State of New York. This Executive Order shall be in effect through September 8, 2024; 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 August 9, 2024, 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 CFR 390.23(b), which provides relief from 49 CFR sections 395.2 and 395.5. Such relief from the federal motor carrier hours of service rules 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, 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, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through September 8, 2024, the following laws:

Article 5-A of the General Municipal Law to the extent necessary to purchase supplies, services, including construction, and equipment without following the standard notice and procurement processes;

Section 9 of the Public Buildings Law and Article 4-C of the Economic Development Law, to the extent necessary to authorize the award of emergency contracts in excess of one million five hundred thousand dollars;

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;

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; and

Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent necessary to purchase commodities, services, technology and materials without following the standard notice and procurement processes.

FURTHER, I hereby temporarily modify, for the period from the date of this Executive Order through September 8, 2024, the following laws:

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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 9th day of August in the year two thousand twenty-four.

BY THE GOVERNOR

Kathy Hochul

[Signature]
Secretary to the Governor