EXECUTIVE ORDERS

Executive Order No. 113.77: Temporary Suspension of Provisions Relating to Out-of-State Law Enforcement Officers Serving as Railroad Police Officers.

WHEREAS, on September 11, 2001, I issued Executive Order Number 113 declaring a disaster emergency in the State of New York;

WHEREAS, the attacks of September 11, 2001 have demonstrated that there are terrorists at home and abroad that seek to do us harm;

WHEREAS, no State has done more than New York since September 11, 2001 to ensure the safety and security of the people within its borders and its critical infrastructure;

WHEREAS, we must be vigilant in our efforts to protect against terrorist attacks;

WHEREAS, the States of Connecticut and New Jersey have agreed to deploy police officers from their states to provide increased security on commuter trains going to and from New York State;

WHEREAS, to fully utilize the police resources provided by our sister states, we must confer police officer powers on such officers while they are within the geographic jurisdiction of New York State;

WHEREAS, Railroad Law §88 authorizes the Superintendent of State Police to appoint any person as a railroad police officer only under prescribed circumstances and subject to certain limitations;

WHEREAS, such circumstances and limitations should not be applied to sworn police officers from our sister states serving as railroad police officers and would prevent, hinder and delay action necessary to cope with the aftermath of the September 11, 2001 attacks and the heightened risk of terrorist attacks; and

WHEREAS, Executive Law §29-a authorizes the suspension, alteration and modification of statutes, local laws, ordinances, orders, rules or regulations, or parts thereof, if compliance with such provisions would prevent, hinder or delay action necessary to cope with a disaster emergency;

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby continue Executive Order Number 113, dated September 11, 2001, except that such Executive Order is amended by adding the following provisions:

FURTHER, pursuant to the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend and modify specific provisions of any statute, local law, ordinance, order, rule or regulation, 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, I hereby temporarily suspend and modify, for the period from the date of this Executive Order until further notice, the following laws for purposes of appointment of members of the Connecticut State Police, sworn police officers of any county or municipality in the State of Connecticut, members of the New Jersey State Police, or sworn police officers of any county or municipality in the State of New Jersey as Railroad Police:

Subdivision 1 of Section 88 of the Railroad Law, is suspended insofar as it requires the Superintendent of the New York State Police to appoint railroad police officers only upon the application of a corporation, express company, or steamboat company, and is modified to the extent necessary to include all rail facilities owned or operated by the Port Authority of New York and New Jersey or its subsidiaries, the Metropolitan Transit Authority or its subsidiaries and New Jersey Transit or its subsidiaries;

Subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15 and 16 of Section 88 of the Railroad Law; and

Subdivision 17 of Section 88 of the Railroad Law, insofar as it relates to the filing requirements by the Superintendent of the New York State Police and the mailing of notice of suspension or revocation of appointments made pursuant to Section 88 of the Railroad Law and is modified so as to require the Superintendent of the New York State Police to mail notice of suspension or revocation of any such appointments to the Superintendent of the State Police of either New Jersey or Connecticut, whichever is appropriate.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany, this twelfth day of March in the year two thousand four.

BY THE GOVERNOR
/S/ George E. Pataki
/s/ John C. Cahill
Secretary to the Governor