EXECUTIVE ORDERS

Executive Order No. 28.5: Continuing the Declaration of a Disaster in the County of Essex and Contiguous Areas and Suspending Certain Provisions of Law.

WHEREAS, on October 16, 2009, and continuing thereafter, the closure of the Lake Champlain Bridge has disrupted a vital transportation link between the State of New York and the State of Vermont; and

WHEREAS, the bridge closure has caused a significant interruption of business, severely impacted commuters, caused financial hardship to those travelers now required to navigate detours in excess of one hundred miles, created an ongoing public health problem for Emergency Medical Services providers and patients seeking medical treatment across state lines, created additional burdens for farmers tending crops and shipping milk and other goods, and overall severely disrupted the lives of the citizens of the County of Essex and contiguous areas; and

WHEREAS, it was determined that the Lake Champlain bridge might collapse and must be replaced with a new bridge; and

WHEREAS, declaration of an emergency satisfies the requirements of 23 C.F.R. § 668.103, that provides such relief under 23 C.F.R. § 635.204 as necessary to hasten the restoration of closed road crossings; and

WHEREAS, I, David A. Paterson, Governor of the State of New York, by the virtue of the authority vested in me by the Constitution and Laws of the State of New York, did find that a disaster had occurred for which the affected local governments were 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 declared a State disaster emergency effective October 16, 2009, within the territorial boundaries of the County of Essex, and contiguous areas; and

WHEREAS, pursuant to Section 29 of Article 2-B of the Executive Law, I authorized, effective October 16, 2009, and continuing, the Department of Transportation, and all other State agencies and authorities over which I exercise Executive authority to take all appropriate actions to assist in every way with the repair, restoration or replacement of the Lake Champlain Bridge, and to provide such other assistance as necessary to protect the public health and safety; and

WHEREAS, pursuant to Section 29 of Article 2-B of the Executive Law, I directed the implementation of the State Disaster Preparedness Plan and authorized, effective October 16, 2009, the State Emergency Management Office, Department of Transportation, Division of State Police, Department of Health, Office of Fire Prevention and Control, Department of Labor, Department of Agriculture and Markets, Office of Parks, Recreation and Historic Preservation, Empire State Development, 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 assistance as necessary to protect public health and safety; and

WHEREAS, pursuant to the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or 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 did temporarily suspend the following laws:

Highway Law §§ 38(1), (2) and (3) and Article 4-C of the Economic Development Law to the extent that the Commissioner of Transportation determined it necessary to authorize the award of emergency contracts, to combine design and construction services in contracts, and to use such services where needed; and

State Finance Law § 112, to the extent consistent with Article V, Section 1 of the State Constitution, and to the extent that the Commissioner of Transportation determined it necessary to add additional work and sites to state contracts; and

State Finance Law § 136-a to the extent that the Commissioner of Transportation determined it necessary to combine design and construction services in one contract, and/or to obtain design or construction inspection services; and

Vehicle and Traffic Law §§ 375, 385 and 401 and Vehicle and Traffic Law Articles 19 and 19-B to the extent that the Commissioner of Transportation determined it necessary to authorize the movement of oversize and overweight vehicles to carry divisible and nondivisible loads exceeding the dimensions and weights prescribed by Vehicle and Traffic Law § 385 on any publicly maintained highway; and

Transportation Law § 14-f and Title 17 of the New York Code of Rules and Regulations to the extent that the Commissioner of Transportation determined it necessary to accomplish the safe transportation of hazardous materials for emergency purposes; and

Transportation Law §§ 221 and 212 and Parts 723 and 820 of Title 17 of the New York Code of Rules and Regulations that pertain to hours of labor of truck and bus operations to the extent that the Commissioner of Transportation determined it necessary to transport property and passengers in a reasonably safe manner to accomplish emergency services; and

Environmental Conservation Law, Article 8 and Part 15 of Title 17 of the New York Code of Rules and Regulations to the extent that the Commissioner of Transportation determined it necessary to accomplish the environmental aspects of the project; and

WHEREAS, pursuant to Section 29 of Article 2-B of the Executive Law, I authorized, effective October 16, 2009, and continuing, the Department of Transportation, and all other State agencies and authorities over which I exercise Executive authority to undertake such projects and mitigation initiative to provide for alternate means of crossing Lake Champlain; be it by means of special projects, ferries, transit, or otherwise, and to take such other actions as the Commissioner of Transportation deemed appropriate to mitigate the impact of the bridge closure, until such time as bridge transportation at or near the location of the Champlain Bridge may be restored; and

WHEREAS, Executive Law § 29-a provides that no suspension or modification of law shall be made for a period in excess of thirty days, provided, however, that upon reconsideration of all the relevant facts and circumstances, the suspension may be extended for additional periods not to exceed thirty days each; and

WHEREAS, after due reconsideration I have determined that the suspensions and modifications of law that I previously ordered and that are listed above continue to be necessary; and

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, by the virtue of the authority vested in me by the Constitution and Laws of the State of New York, continue the declaration of the State disaster emergency and all provisions listed above, and also continue the suspension of all of the laws, rules and regulations listed above, and all enabling orders, rules and regulations, for an additional period of thirty days; and

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

(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 ten.

BY THE GOVERNOR

/S/ David A. Paterson

/s/ Lawrence Schwartz

Secretary to the Governor