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Newsletter of the Township Engineers Association

July 2021

Latest News

PUC: Utilities Encouraged to Use Cybersecurity Best Practices Following Recent Cyber Attacks

The Pa. Public Utility Commission (PUC) issued a cybersecurity advisory to public utilities across Pennsylvania highlighting cybersecurity best practices following a recent cyberattack on the Colonial Pipeline Company, which disrupted fuel supplies along the East Coast.

The advisory encouraged all utilities to maintain good cyber hygiene, remain vigilant, and report attempted or successful intrusions to the appropriate authorities. This most recent advisory from the PUC follows an alert issued in March 2021 that highlighted specific cyber threats to water utilities.

Over the last several years, ransomware has become the No. 1 threat to both public- and private-sector organizations and has grown in both scale and sophistication, and ransomware attacks continue to strike businesses, government agencies, and individuals daily.

In addition to these ransomware mitigation measures, the PUC strongly recommends that regulated utilities conduct physical and cybersecurity risk assessments on their critical infrastructure.

Cyber Alerts and Resources

To mitigate the ransomware threat, the PUC's Office of Cybersecurity Compliance and Oversight has provided utilities with links to information and resources developed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) and the Federal Bureau of Investigation (FBI):

- [CISA Alert AA21-131A](#) — **DarkSide Ransomware: Best Practices for Preventing Business Disruption from Ransomware Attacks**

This advisory urges critical infrastructure (CI) owners and operators to adopt a heightened state of awareness and implement the recommendations listed in the mitigations section of the advisory. These mitigations will help CI owners and operators improve their entity's functional resilience by reducing their vulnerability to ransomware and the risk of severe business degradation if impacted by ransomware.

- [Ransomware Guide](#) — This guide, developed by CISA and the Multi-State Information Sharing and Analysis Center (MS-ISAC), is a one-stop resource with best practices and ways to prevent, protect, and/or respond to a ransomware attack. CISA and MS-ISAC are distributing this guide to inform and enhance network defense and reduce exposure to a ransomware attack.
- [Reporting Cyber Attacks](#) — Another way to support utility cybersecurity defenses is to ensure that incidents are reported in a timely fashion through the appropriate channels. Utilities and others can report attempted or successful intrusions through the [CISA website](#). Utilities or businesses that are victims of cybercrimes should notify the appropriate regional FBI office. The Bureau has Pennsylvania field offices in Philadelphia and Pittsburgh. The FBI may be able to assist critical infrastructure owner/operators when there is a cyberattack or suspected cyber incident.

Legislative Report

Acts

Lemonade Stands

Act 34 of 2021 (*formerly HB 664*) prohibits a municipality from requiring a license for a business that a minor operates occasionally and makes a profit of less than \$5,000 per year.

Signed: June 30, 2021.

Effective: August 29, 2021.

Special Event Permits

Act 36 of 2021 (*formerly HB 765*) amends Title 75 (*Vehicles*) of the Pennsylvania Consolidated Statutes to prohibit the state Department of Transportation from requiring municipal indemnification when a third party with a special event permit has already provided indemnification to the Department.

Signed: June 30, 2021.

Effective: June 30, 2021.

Authority Rate Adjustment

Act 43 of 2021 (*formerly HB 957*) amends the Municipal Authorities Act to allow owners of multiple rental properties served by a single meter to request the authority to adjust the amount billed. An owner requesting an adjustment must provide a minimum of five consecutive years of actual usage data showing the amount billed exceeds the actual usage by 30% or more. If the usage data shows an adjustment is needed, the authority is required to adjust the billing and use the adjusted amount going forward. An owner will not be able to request another adjustment for a period of five years after a rate adjustment.

Signed: June 30, 2021.

Effective: August 29, 2021.

5G Bill Signed into Law

On June 30, Gov. Wolf signed Act 50 of 2021 (formerly HB 1621) into law. This new act:

- provides for the regulation of small wireless facilities in municipal rights of way;
- authorizes municipalities to charge an annual fee for the use of the right of way, not to exceed \$270 per small wireless facility or \$270 per new utility pole with a small wireless facility;
- sets the maximum permitted height of the pole and small cell facility at 50 feet;
- requires small cells to comply with restrictions in place in underground utility districts; and

- allows municipalities to develop reasonable design guidelines to minimize aesthetic impact.

Municipalities have 60 days to review applications for collocation on preexisting structures and 90 days for the installation of a new structure with attached small wireless facilities. Act 50 will take effect August 29, 2021.

Township officials should keep in mind that Act 50 of 2021 only applies to small cell wireless facilities and poles within the right of way; zoning and other local ordinances are preserved. Additionally, Act 50 provides municipalities with the maximum allowable authority and control within the confines of the FCC order.

Floodplain Management Administration

As part of the recently enacted 2021-2022 state budget, the Floodplain Management Act was amended to move the administration of the act from the state Department of Community and Economic Development to the Pennsylvania Emergency Management Agency.

Legislation

Senate Transportation Committee Approves Electric Truck Weight Bill

The Senate Transportation Committee recently approved SB 153, which would increase the maximum allowable weight for commercial vehicles powered by electric batteries from 80,000 pounds to 82,000 pounds. SB 153 is now before the Senate.

Senate Passes Municipalities Planning Code Bill

The Senate unanimously passed SB 208, which would amend the Pa. Municipalities Planning Code to clarify that a municipality may not require a developer to post a bond of more than 110% of the costs of improvements. SB 208 would also clarify that a municipality may retain 110% of the remaining costs of improvements prior to completion. SB 208 is now before the House Local Government Committee.

Senate Passes ‘No Bids Received’ Legislation

Recently, the Senate unanimously passed SB 478, which would create a process for municipalities to enter contracts for services after advertising twice for bids but receiving none. SB 478 would require that such contracts be disclosed at an advertised public meeting. PSATS supports this legislation and will continue to work with members of the House to get this bill to the governor’s desk and signed into law. SB 478 is now before the House Local Government Committee.

Legal Update

Sale of Entire Parcel Does Not Trigger 35-Year-Old Restrictive Covenants in Subdivision Plan

In *Gosselin v. Supervisors of North Manheim Twp.*, No. 531 C.D. 2018, 2021 WL 2199120 (Pa.Cmwlt. May 28, 2021), the Commonwealth Court ruled against a township and found that a restrictive covenant in a 35-year-old subdivision plan did not require that roads and stormwater management improvements be made before the sale of the entire parcel because those required improvements were intended to address the impacts of the sale of subdivided lots, not the entire parcel.

Training Opportunities

PSATS Stormwater Conference

Workshop submissions and registrations are now being accepted for the 2021 PSATS Stormwater Conference!

PSATS will be hosting its 2021 PSATS Stormwater Conference on the following dates and locations. To register, click on the location of your choice:

- [Sept. 14 \(West\): Policy and Technical Tracks — Doubletree Convention Center, Monroeville, Allegheny Co.](#)
- [Sept. 21 \(Central\): Policy Track — PSATS Education Center, Enola, Cumberland Co.](#)
- [Sept. 22 \(Central\): Technical Track — PSATS Education Center, Enola, Cumberland Co.](#)
- [Sept. 29 \(East\): Policy and Technical Tracks — Blue Bell Country Club, Blue Bell, Montgomery Co.](#)

If you have a “Stormwater/MS4 Great Idea” you would like to share with others at these events, click [HERE](#) to submit a workshop proposal for either the Policy Track or the Technical Track. If your company wants to have widespread exposure as a sponsor of these events, click [HERE](#) to receive sponsorship package information.

Fall 2021 Engineers Seminar

Registrations are being accepted for the Fall 2021 Engineers Seminar, which will return to live, in-person sessions on the following dates/locations:

- [Sept. 28 \(Northeast\) — Mohegan Sun Pocono, Wilkes-Barre, Luzerne Co.](#)
- [Oct. 14 \(Central\) — PSATS Education Center, Enola, Cumberland Co.](#)
- [Oct. 21 \(Southeast\) — Valley Forge Casino Resort, King of Prussia, Montgomery Co.](#)

To register, click on the session of your choice.

Upcoming PSATS Educational Opportunities

PSATS continues to host numerous in-person and virtual educational events targeted at both township engineers and municipal officials. If you are interested in making either an in-person or virtual presentation on a topic of interest to our audience, especially for our upcoming series of Regional Forums (click [HERE](#) for details), please contact Scott Coburn at scoburn@psats.org.

[**July 14: Using Open Space to Deliver Economic, Social, and Environmental Benefits \(Webinar\)**](#)

Demand for open space is on the rise, and many have moved out of the cities to relieve stress and socially distance outdoors. At the same time, communities are facing significant challenges related to equity, public health, economic activity, and environmental sustainability. This presentation will discuss how planners and community leaders can meet the increased demand for open space while addressing broader social, environmental, and economic needs. It will also provide strategies for rural and suburban leaders looking to attract remote workers on the move and strategies for urban leaders looking to retain their population through nature-based placemaking.

[**July 28: Community Traffic Safety Programs \(Webinar\)**](#)

Learn about the different types of outreach programs that Community Traffic Safety Program (CTSP) coordinators are presenting to schools, agencies, and organizations to help educate them on traffic safety issues across Pennsylvania. Learn how CTSPs work with police and other community safety partners on educational and enforcement programs to reduce the number of crashes, injuries, and fatalities. During this session you will also find out how you can get free presentations scheduled in your area.

[**August 4: Stream Maintenance \(Webinar\)**](#)

With seemingly more frequent, severe storms occurring, public works departments are busy with culvert and bridge repairs and replacements and stream maintenance activities. These activities

may be regulated by the state or federal government. This webinar, presented by Beth Uhler, project manager at CEDARVILLE Engineering Group, will review the types of maintenance activities that are allowed in streams, when to seek engineering assistance, and when a permit may be required.

Everything You NEED to Know about Pavement Preservation! (In-person class)

- [July 13: Fayette Co.](#)
- [July 22: Cambria Co.](#)

This class will explore all of the essentials to ensure that your township's pavement preservation projects are a success. You will learn about proper site selection, site prep, lab testing and choosing the correct aggregate and emulsion. We will also review quality assurance, bid writing and shifting public perception for various pavement maintenance treatments. During this session, we will also review several case studies of chip seal failures and provide resources to help you treat and solve problems.

REMINDER: Grant Opportunities Still Available!

- **Federal Lead Remediation Grant Program — Applications for the U.S. Department of Housing and Urban Development's (HUD) Lead Hazard Remediation Grant**, which seeks to identify and control lead-based paint hazards in eligible housing, are due **July 12, 2021**. HUD's Lead Hazard Remediation Grant offers \$1 million to \$5 million per grant recipient. For grant applications, click [here](#). For more information on the grant program, click [here](#). The Pa. Department of Health's lead poisoning screening surveillance report can be found [here](#), and the Pa. Department of Labor and Industry's list of Certified Lead Abatement Companies can be found [here](#).

- **Federal Transportation Grants** — \$1 billion in federal discretionary grant funding is available through the [U.S. Department of Transportation](#) for all sizes of communities. Funding for this highly competitive program comes from the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) program. Applications are due **July 12, 2021**. To learn more, visit the [RAISE webpage](#).

- **PA Broadband Grants for Unserved and Underserved Communities** — The Commonwealth Financing Authority (CFA) has \$5 million available for projects that expand high-speed broadband service infrastructure in unserved and underserved areas through the [Unserved High-Speed Broadband Funding Program](#) (UHSB). Applications are due **September 24, 2021**. This grant program is open only to **non-governmental entities** that have the technical, managerial, and financial expertise to design, build, and operate high-speed broadband service infrastructure in unserved areas.

- **Federal Broadband Grants** — The U.S. Department of Commerce has \$288 million available in grant funding for the deployment of broadband infrastructure. Grants will be awarded to partnerships between a state or local government and a provider of fixed broadband services. Projects should be designed to provide broadband service to rural areas and to the greatest number of households in an eligible service area, be the most cost-effective in providing broadband services, and provide a download speed of 100 Mbps and an upload speed of 20 Mbps. As rural townships have often remarked, there is a continuing need for better internet connectivity during emergencies, and this might be an opportunity to help your clients fill that gap. Interested engineers should [click here](#) to learn more about this funding program. Applications are due **August 17, 2021**.



Comments and suggestions about this monthly newsletter for members of the Pennsylvania State Association of Township Engineers can be emailed to James Wheeler at jwheeler@psats.org.



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