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Newsletter of the Township Engineers Association

September 2022

Latest News

[Engineers Fall 2022 Virtual Seminar – October 27, 2022](#)

Click on the link above to register for our virtual, full-day fall educational event, eligible for six PDHs. Scheduled topics and speakers include:

8:30 a.m. National Roadway Safety Strategy and Road Safety Audits (1 PDH)

Patrick Wright, Traffic Engineer, LTAP

9:30 a.m. Safety-Related Issues with Emerging Backup Energy Storage Systems (1 PDH)

Gabe Paoletti, P.E., Senior Consulting Engineer, Paoletti Engineering PLLC

10:30 a.m. PFAS in Your POTW? Here Is How to Respond (1 PDH)

Jamie Shambaugh, P.E., Manager, Water Process and Operations Group, Gannet Fleming, Inc.

11:30 a.m. Combining Asphalt Pavement Preservation Efforts (1 PDH)

Walter Percy IV, Regional Director of Sales and Marketing, Asphalt Paving Systems

12:30 p.m. Lunch

1:00 p.m. Legislative and Legal Roundup (0.25 PDH)

Joe Gerdes III, Director of Government Relations, PSATS

1:15 p.m. Local Regulation of Grid-Scale Solar Projects (1 PDH)

Tom Murphy, Director, Marcellus Center for Outreach and Research,

Penn State University

2:15 p.m. The Dirt and Gravel Road Program's Newest Stream-Crossing Standard and Technical Manual (0.75 PDH)

Steve Bloser, Director, PSU Dirt and Gravel Road Center

Roy Richardson, Program Coordinator, Pa. State Conservation Commission

3:00 p.m. Adjourn

Interested in Presenting a Workshop at the 2023 PSATS Annual Conference?

PSATS recently issued its request for proposals for workshops at our 2023 Educational Conference and Exhibit Show, scheduled for April 23-26, 2023, at the Hershey Lodge in Hershey. Workshops will be held the afternoons of Monday, April 24, and Tuesday, April 25, and are intended to address a wide variety of topics, including all aspects of township administration, planning and zoning, public safety and emergency management, and public works.

Every year, nearly 4,000 elected and appointed township officials, township employees, municipal service providers, and others register to attend this event, which also includes the largest municipal exhibit show in Pennsylvania. **Interested parties must submit workshop proposals to PSATS by September 12, 2022, through the following link: [Conference Workshop RFP](#).** All applicants will be notified by November 28, 2022, whether their proposals have been accepted. If you have any questions about the conference workshop RFP process, please contact Scott Coburn at (717) 763-0930, ext. 171, or scoburn@psats.org.

Additionally, PSATS invites engineering firms to exhibit at the conference from noon Sunday, April 23, until 1:30 p.m. Tuesday, April 25. Exhibitor sign-up will open at 9 a.m. January 10, 2023. Registration materials for the Exhibit Show will be sent out in early December.

Newest Version of the MUTCD Now Available

The [most current version of the federal Manual on Uniform Traffic Control Devices](#) (MUTCD) is the 2009 edition with Revision Numbers 1, 2, and 3 incorporated and dated July 2022. Future changes to the MUTCD will become more regular, as the federal Infrastructure Investment and Jobs Act directed the U.S. Department of Transportation to update the manual no later than May 15, 2023, and at least every four years thereafter to promote the safety, inclusion, and mobility of all road users.

The next edition of the MUTCD is already on track to be completed by the May 2023 deadline, as the U.S. DOT is reviewing the more than 35,000 comments received as a result of the Notice of Proposed Amendments (NPA) that was published in the December 14, 2020, *Federal Register*. These comments will inform the rulemaking action for the 11th edition of the MUTCD.

Traffic Signal Modernization Grants Available

The 2022-2023 state budget includes an additional \$5 million for grants to municipalities to install and maintain traffic signal technologies at traffic control signals that will be connected to a central location at the state Department of Transportation using the Commonwealth Communications Network. The Traffic Signal Technologies Grant Program is a reimbursement program authorized by Act 54 of 2022 and administered by PennDOT. No local match is required.

The program will be administered similarly to PennDOT's Green Light-Go Grant Program.

Applications will be accepted until September 30. However, a [pre-application scoping form](#) must be submitted to RA-PDSignalFunding@pa.gov now. More information can be found [HERE](#), and guidelines are available [HERE](#).

PennDOT Submits State Plan for Electric Vehicle Infrastructure Deployment

The state Department of Transportation has submitted the State Plan for Electric Vehicle Infrastructure Deployment required by the Federal Highway Administration. The plan is required

to receive formula funding through the new National Electric Vehicle Infrastructure (NEVI) Formula Program created by the Bipartisan Infrastructure Law.

PennDOT will receive and distribute \$171.5 million in NEVI funds for EV charging infrastructure over the next five years. [Pennsylvania's NEVI Plan](#) outlines PennDOT's approach to the strategic deployment of an EV charging network for Pennsylvanians and visitors. Stakeholder input resulted in additional consideration for first responder training in EV response and appropriate signage and location identification.

Townships Receive Millions for Traffic Safety Improvements

The PennDOT Green Light-Go Grant Program recently provided more than \$37 million to municipalities statewide to improve traffic safety in their communities during this round of the grant program. To learn more about how this program could help your township clients, click [HERE](#).

Reminder: Federal Flood Mitigation Funding Available

Pennsylvania will receive \$5 million through the federal Infrastructure Investment and Jobs Act to support implementation of mitigation actions that will protect against future damage from natural disasters. Properties covered by a National Flood Insurance Program policy that have sustained repetitive losses due to flooding are eligible for the new Swift Current initiative. For more information, [click here](#).

Applications must be submitted by noon **October 3, 2022**, using the [Mitigation eGrants Management System](#). Interested applicants are encouraged to contact Tom Hughes, the state hazard mitigation officer, at (717) 651-2726 or thughes@pa.gov.

Legal Update

PA Supreme Court Decision Is Major Zoning Win for Townships

The Pennsylvania Supreme Court ruled this week in *In re Appeal of Charlestown Outdoor, LLC* that municipalities do not have to change their zoning ordinances to account for later-issued government regulations or other development that may render a use impossible.

In this case, the township permitted billboards in a single zoning district that fronts the Pennsylvania Turnpike. Years after the ordinance was adopted, PennDOT added an interchange that connected a state road to the Turnpike. PennDOT regulations prohibit billboards within 500 feet of an interstate interchange. Taken together, the zoning district, the new interchange, and the 500-foot rule effectively prohibited billboards in that zoning district and, by extension, the entire township.

The billboard company challenged the ordinance as “*de facto* exclusionary” on the basis that billboards were not permitted anywhere in the township. The Supreme Court disagreed. It stated that if the billboard company’s position prevailed, “it would impose a constitutional obligation on municipalities continuously to review and update their zoning ordinances to account for government regulations and the impact of development by third parties, and to ensure their various uses are permitted and possible in the municipality.”

Finding no such duty, the court held that “[m]unicipalities have no duty to review and revise their zoning ordinances or to rezone for a particular use where a property owner’s use is limited by third parties, including through governmental regulations beyond the municipality’s control.”

No Standing for Residents to Challenge Township Zoning Ordinance over Oil and Gas Concerns

In *Lodge v. Robinson Twp. Zoning Hearing Bd.*, No. 813 C.D. 2020, 2022 WL 3094370

(Pa.Cmwlth. Aug. 4, 2022), the court rejected several residents' effort to challenge a 2014 ordinance that permitted oil and gas development as a principal use in several zoning districts and a conditional use in others but prohibited it in single-family residential and general residential zoning districts.

The Commonwealth Court agreed with the trial court's decision that the residents did not establish that the ordinance or well pad caused their alleged harms and that there were a variety of potential sources that existed prior to the ordinance, including pipelines, drilling in neighboring townships, air traffic, road traffic, illuminated billboards, and more. The court also noted that the Supreme Court's decision in Robinson Township "in no way announced a new rule of law that individual objectors have automatic standing to pursue the validity of a zoning ordinance in the abstract or that oil and gas development is necessarily incompatible with Pennsylvania citizens' constitutional rights."

Legislative Report

Following are a new law and several bills of interest to townships:

New Act

Plugging orphan oil and gas wells

[Act 96 of 2022/HB 2644](#)

Major provisions:

- Allocates 80% of federal Infrastructure Investment and Jobs Act funding to the Orphan Well Plugging Fund and 20% to the Oil and Gas Well Plugging Grant Program.
- Creates the Oil and Gas Well Plugging Grant program to define eligible wells and authorize grants of \$10,000 for the plugging of eligible orphan well up to 3,000 feet and \$20,000 for eligible wells greater than 3,000 feet.
- Requires the state Department of Environmental Protection to identify and publish a list of eligible orphaned wells.
- Sets bonding amounts for conventional oil and gas wells at \$2,500 per well for 10 years.

Effective date: July 19, 2022. This act became law without the governor's signature.

Pending Legislation

Decommissioning of alternative energy facilities

[HB 2104/PN 327](#)

Major provisions:

- Would establish statewide requirements for the decommissioning and financial assurance of alternative energy facilities, including solar and wind energy, and would require proof of financial assurance and a decommissioning plan to be filed with the recorder of deeds and notice to the surface property owner.
- Would require the decommissioning of alternative energy facilities no later than 18 months after ceasing production and would direct the financial assurance to be payable to the property owner if the facility owner fails to decommission the alternative energy facility.
- Would require the financial assurance to be equal to the cost to decommission the alternative energy facility and could include an escrow account, irrevocable letter of credit, or bond.
- Would preempt local government solar decommissioning regulations.

Status: Has passed the House and is before the Senate Environmental Resources and Energy Committee.

Redundant legal notices on websites

[HB 2148/PN 2586](#)

Major provisions:

- Would authorize local governments to voluntarily place redundant legal notices on a website, in addition to the required newspaper advertisement.

- Would provide that if the newspaper failed to timely publish the advertisement, the redundant advertisement placed on the website, along with proof of publication and payment to the newspaper, would satisfy the legal requirements for advertising.

Note: This bill would address a PSATS resolution.

Status: Has passed the House and is before the Senate.

Water quality testing in a watershed stormwater plan

[HB 2331/PN 3312](#)

Major provisions:

- Would require the state Department of Environmental Protection to conduct active water quality testing of surface waters within a watershed stormwater plan.
- Would provide that if DEP did not have the resources to conduct the testing that test results may be accepted from other sources, including the county conservation district and the Pennsylvania Fish and Boat Commission.
- Would provide that if sufficient water quality testing is not available, that a water quality testing model may be used.
- Would require DEP to grant a National Pollutant Discharge Elimination System Permit Waiver to a small municipal separate sewer system that is in compliance with the criteria specified under 40 CFR 122.32 (D) or (E).

Status: Before the House Appropriations Committee.

Highly automated vehicles

[HB 2398/PN 3256](#)

Major provisions:

- Would regulate the operation of highly automated vehicles (HAVs) with and without a driver and authorize testing conditions for these vehicles, including platooning.
- Would direct the state Department of Transportation to oversee and regulate the operation of HAVs.

Status: Has passed the House and is before the Senate Transportation Committee.

Upcoming Educational Opportunities *(many PDH eligible)*

In-Person Classes

PSATS 2022 Stormwater Conferences

Do you have municipal clients whose stormwater management program needs some help? Do they have problems complying with their current MS4 permit? Are they wanting to know more about the next MS4 permit? Are they interested in learning the latest best practices for stormwater management? If you answered “Yes” to any of these questions, then you (and they!) will want to attend the “2022 PSATS Stormwater Conference” nearest you!

Want to attend? Click on the appropriate link below to register for your preferred location.

Want to sponsor? If you or your company want to be a sponsor of these events, click [HERE](#) for sponsorship package information.

Either way, attending the “2022 PSATS Stormwater Conference” will up everyone’s stormwater game! Make sure you register early to reserve your spot to learn cost-effective ways to improve compliance with your MS4 NPDES permit and state-of-the-art practices for improving your overall stormwater management program from the best in the business. Click on the link below to register for the location nearest you. And note that we are offering the “Policy” track and “Technical” track on separate days at the PSATS office if you are inclined to attend both tracks:

- [Oct. 20 – Policy Track / DoubleTree Convention Center, Monroeville \(Allegheny County\)](#)
- [Oct. 20 – Technical Track / DoubleTree Convention Center, Monroeville \(Allegheny](#)

[County\)](#)

- [Nov. 2 – Policy Track / PSATS Education Center, Enola, \(Cumberland County\)](#)
- [Nov. 3 – Technical Track / PSATS Education Center, Enola, \(Cumberland County\)](#)
- [Nov. 17 – Policy Track / DoubleTree Suites, Plymouth Meeting \(Montgomery County\)](#)
- [Nov. 17 – Technical Track / DoubleTree Suites, Plymouth Meeting \(Montgomery County\)](#)

Each event starts at 9 a.m. and concludes by 3:15 p.m. **Register before October 1** to get the “early bird” discount fee of \$150; after that, registration is \$175 per person. Registration includes lunch, breaks, certificate of attendance, and all workshop presentation materials. If you are a consulting engineer or a member of a municipal stormwater operations staff, select the “Technical” track. If you have managerial and administrative stormwater responsibilities, select the “Policy” track.

SAVE THE DATE! Spring 2023 Engineers Seminar – April 24 & 25, 2023

Also, save the dates for our in-person Spring 2023 Engineers Seminar the mornings of April 24 and 25 at the Hershey Lodge. We already have several very compelling presentations scheduled that will be of interest to any consulting engineer who has municipal clients with MS4s or roads.

Register for One of the Fall Certified Zoning Officer Training Classes

For engineering firms that provide zoning officer or building code services to municipalities, PSATS will be hosting the Pa. Association of Zoning Officials (PAAZO) Fall Forums around the state as follows:

- September 13 at PSATS in Cumberland County
- October 13 at the Holiday Inn Lansdale in Montgomery County
- November 17 at the Hilton Garden Inn Pittsburgh/Cranberry in Butler County

Attendance at these events provides five continuing education credits for [Certified Zoning Officers \(CZOs\)](#), as well as five PMGA planning/zoning points and/or five CLE credits. Click [HERE](#) to register for the event nearest you.

[The Role of the Planning Commission - York County - 9/14/22](#)

In this class, you will learn the integral role that the planning commission plays in the short- and long-term development of the township and the quality of life of its residents. We will cover how much authority planning commissions have (and do not have) under the Municipalities Planning Code and township ordinances, the development of comprehensive plans, the interplay between planning commissions and township staffs and boards, compliance with the Sunshine Act, and much more. We will also discuss best practices for the internal management of your planning commission.

PSATS SEO Precertification Academy – November 14-18, 2022

Is your firm looking to hire a new sewage enforcement officer (SEO)? If so, sign them up now for this academy, which is a prerequisite for anyone wanting to sit for the state SEO certification exam. The PSATS SEO Precertification Academy is designed to teach the basic skills a future SEO needs to know.

Virtual Classes

[Virtual Class - Stormwater 101 - 9/23/22](#)

This virtual half-day, introductory class will educate you on the basics of municipal stormwater management, including the effects of stormwater runoff, the impacts of new development and redevelopment within your municipality, and best practices that your municipality can implement to efficiently manage stormwater without breaking your budget. This course is intended as a primer for elected officials, managers, secretaries, and others looking to gain a fundamental understanding of stormwater management.

[Engineers Fall 2022 Virtual Seminar – October 27, 2022](#)

Click on the link at the top to register for our virtual, full-day fall educational event eligible for 6

PDHs.

PowerPass-Eligible Webinars

[Webinar - Taking Charge: Using Conservatorship to Eliminate Blight - 9/14/22](#)

A property is abandoned, and the neighbors are outraged. What do you do when an owner ignores/avoids code enforcement and tax sales? The Abandoned and Blighted Property Conservatorship Act gave municipalities a powerful tool to eliminate persistent blight. This webinar will introduce participants to the process of conservatorship, how to evaluate if a property fits the qualifications, and how to bring a property from blight to blessing in just one year.

[Webinar - Stormwater Management Practices for Residential Property Owners - 9/28/22](#)

In this webinar, learn how your township can help its residents (and itself) with better stormwater management practices on residential properties. This presentation will discuss small scale practices designed to minimize runoff from residential properties including, rain gardens, rain barrels and cisterns, pervious pavement, lawn to natural area conversions, tree planting, and sustainable turf care.

[Webinar - Protecting Your Township Against Cyber Security Threats - 10/5/22](#)

In this webinar, representatives from Splashwire will review the three P's necessary to best protect your township — process, policy, and procedures — against the ever-increasing number of cyber threats, whether those are malware or phishing attacks or other sinister efforts to access, take, or freeze your township's data. They will also review the tools and ongoing management standards laid out by the National Institute of Standards and Technology and how they can be applied to your township.

[Webinar - The Latest on Short-Term Rentals - 10/12/22](#)

The use of short-term rentals (STRs) has exploded across the commonwealth and country, making it critical for municipalities to be prepared to address the numerous issues that can result, including resident complaints and registration and zoning challenges. In this session, learn about the recent trends for regulating STRs around the country, as well as best practices to ensure that your municipality can address these issues head on in an effective and efficient manner.



2022 Sponsor
Township Engineers Association

This monthly newsletter for members of the Pennsylvania State Association of Township Engineers focuses on news and matters of interest to municipal engineers and provides details on upcoming training opportunities. To access previous editions, log into your PSATS account at www.psats.org and look under the "Newsroom" tab for the "Township Engineer" link. Email comments and suggestions to James Wheeler at jwheeler@psats.org.



Pennsylvania State Association of Township Supervisors

David M. Sanko, Executive Director
4855 Woodland Drive
Enola, PA 17025