

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Environmental Protection

The Executive Board approved a reorganization of the Department of Environmental Protection effective February 1, 2001.

The following organization chart at 31 Pa.B. 949 (February 17, 2001) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Bulletin).

[Pa.B. Doc. No. 01-269. Filed for public inspection February 16, 2001, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

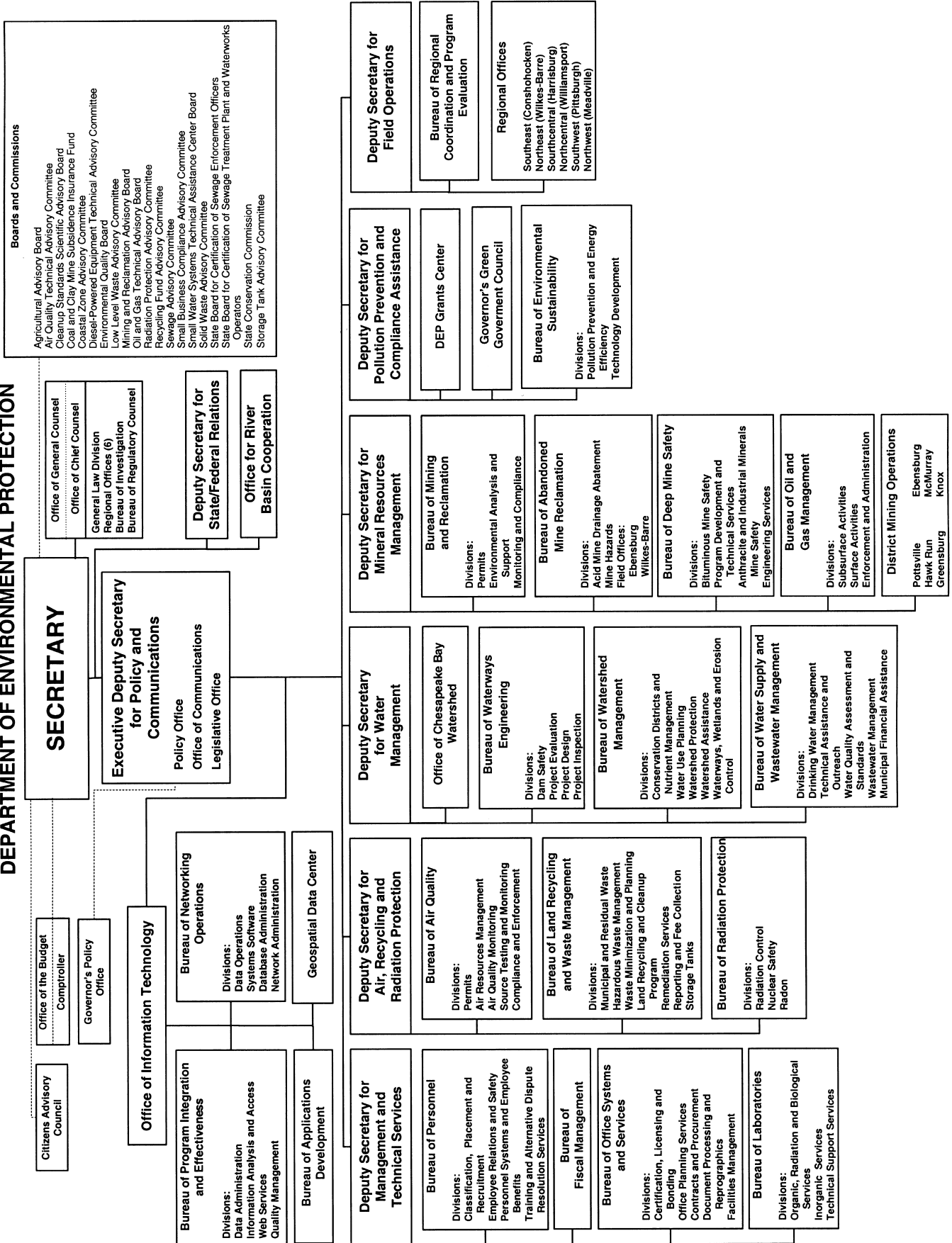
The Executive Board approved a reorganization of the Department of Public Welfare effective February 1, 2001.

The organization chart at 31 Pa.B. 950 (February 17, 2001) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

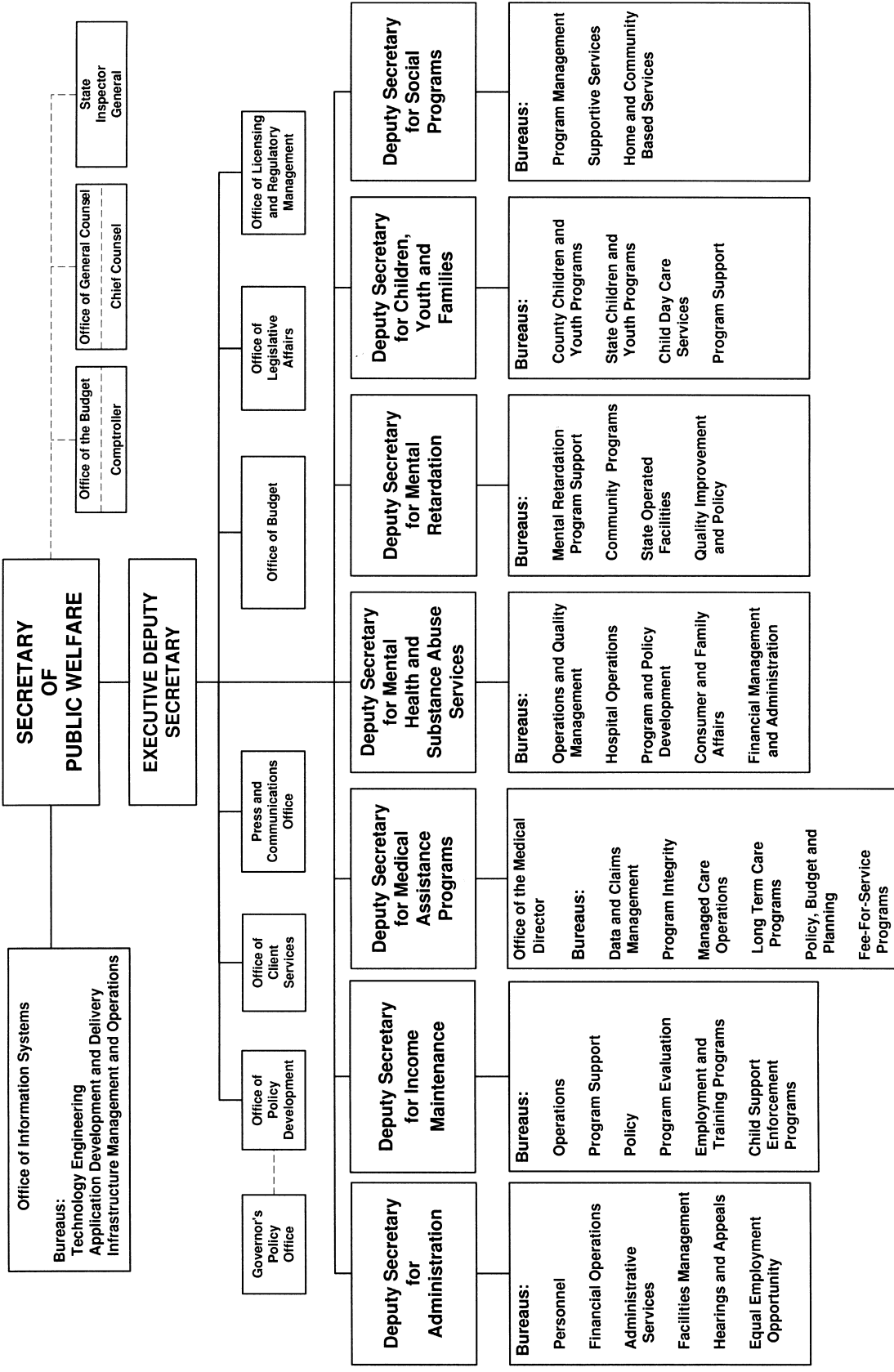
(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Bulletin).

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DEPARTMENT OF ENVIRONMENTAL PROTECTION



DEPARTMENT OF PUBLIC WELFARE



Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITIES COMMISSION [52 PA. CODE CH. 69]

[M-00011445]

Local Land-Use Plans and Ordinances In Issuing Certificates of Public Convenience

The Pennsylvania Public Utility Commission (Commission) on January 11, 2001, adopted a final policy statement order intending to further the State's goal of making State agency actions consistent with sound land use planning by considering the impact of its decisions upon local comprehensive plans and zoning ordinances. The contact person is Stanley E. Brown, Assistant Counsel, Law Bureau, (717) 783-3968.

Public meeting held
January 11, 2001

Commissioners present: John M. Quain, Chairperson; Robert K. Bloom, Vice Chairperson; Nora Mead Brownell; Aaron Wilson, Jr.; Terrance J. Fitzpatrick.

Order

By the Commission:

On June 22, 2000, Governor Tom Ridge signed into law Acts 67 and 68 of 2000. Acts 67 and 68 of 2000, which became effective on August 21, 2000, amended the Municipalities Planning Code (53 P.S. § 10101 et seq.) to promote sound land-use planning and development at the local level. In addition, Acts 67 and 68 require State agencies to consider local land-use ordinances and comprehensive plans in making permit and funding decisions. Specifically, Section 1105 of Act 67 states, in pertinent part, that:

- (a) Where municipalities have adopted a county plan or a multimunicipal plan is adopted . . . and the participating municipalities have conformed their local plan and ordinances to the county or multimunicipal plan by implementing cooperative agreements and adopting appropriate resolutions and ordinances,
- (2) *State agencies shall consider and may rely upon comprehensive plans and zoning ordinances when reviewing applications for the funding or permitting of infrastructure or facilities.* (Emphasis added).

Section 619.2 of Act 68 states, in pertinent part, that:

- (A) When a county adopts a comprehensive plan in accordance with Sections 301 and 302 and any municipalities therein have adopted comprehensive plans and zoning ordinances in accordance with Sections 301, 303(d) and 603(l), *Commonwealth agencies shall consider and may rely upon comprehensive plans and ordinances when reviewing applications for the funding or permitting of infrastructure or facilities.* (Emphasis added).

Over the past 2 years, this Commission has supported the efforts of the Interagency Land Use Team (Team) and has actively participated in the agency-by-agency Land Use Programs Inventory. Established in 1991 as a result of Executive Order 1991-1 by the Governor's Center for

Local Government Services (Governor's Center), the Team, consisting of several State agencies under the jurisdiction of the Governor and representatives from State commissions, participated in over 50 land-use forums throughout this Commonwealth to provide a venue for Commonwealth residents to share their vision of the future and to provide creative solutions to land-use issues facing the Commonwealth. Among the concerns, one was consistently expressed: State agencies do not always coordinate their actions, nor do their actions always coordinate with local land-use plans.

In August 2000, the Governor's Center issued its *Interagency Land Use Team Supplementary Report* (Report). In this Report, the Governor's Center recommended, inter alia, that State agencies should implement policies to further the Commonwealth's goal of ensuring that State actions are consistent with sound land-use planning and development. As noted in Executive Order 1999-1, soundly planned growth is in the best interest of the Commonwealth and should be encouraged at all levels of government.

To further the State's goal of making state agency actions consistent with sound land-use planning, the policy statement essentially states that the Commission will consider the impact of its decisions upon local comprehensive plans and zoning ordinances. This policy will include, but is not limited to, reviewing applications for certificates of public convenience, siting electric transmission lines, siting a public utility building under section 619 of the Municipalities Planning Code (53 P.S. § 10619) and other Commission decisions.

Furthermore, the Commission encourages public utilities in the Commonwealth to consider the impact their actions may have on comprehensive land-use plans. By working together, the Commission and public utilities can further the goal of promoting sound land use in the Commonwealth.

Accordingly, under 66 Pa.C.S. §§ 501 and 1102, the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1201 et seq.), and regulations promulgated thereunder in 1 Pa. Code §§ 7.1—7.4, the Commission issues this policy statement as set forth in Annex A;

Therefore, It Is Ordered That:

1. The Commission hereby adopts the Policy Statement set forth in Annex A regarding the Commission's consideration of local land-use plans.
2. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
3. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and the Policy Statement shall be effective upon publication.

(Editor's Note: The regulations of the Commission are amended by adding a Statement of Policy at § 69.1101 to read as set forth in Annex A.)

JAMES J. MCNULTY,
Secretary

Fiscal Note: No fiscal impact; (8) recommends adoption.

Annex A**TITLE 52. PUBLIC UTILITIES****PART I. PENNSYLVANIA PUBLIC UTILITY
COMMISSION****Subpart C. FIXED SERVICE UTILITIES****CHAPTER 69. GENERAL ORDERS, POLICY
STATEMENTS AND GUIDELINES ON FIXED
UTILITIES****LOCAL LAND-USE PLANS AND ORDINANCES****§ 69.1101. Local land-use plans and ordinances in
issuing certificates of public convenience.**

To further the State's goal of making State agency actions consistent with sound land-use planning, and

under the act of June 22, 2000 (P. L. 483, No. 67) and the act of June 23, 2000 (P. L. 495, No. 68), the Commission will consider the impact of its decisions upon local comprehensive plans and zoning ordinances. This will include reviewing applications for:

- (1) Certificates of public convenience.
- (2) Siting electric transmission lines.
- (3) Siting a public utility "building" under section 619 of the Municipalities Planning Code (53 P. S. § 10619).
- (4) Other Commission decisions.

[Pa.B. Doc. No. 01-271. Filed for public inspection February 16, 2001, 9:00 a.m.]