

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 844

Session of  
1987

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REFERRED TO COMMITTEE ON APPROPRIATIONS, MARCH 16, 1987

### AN ACT

1 Providing for county infrastructure plans; imposing additional  
2 powers and duties on the Department of Community Affairs and  
3 the Department of Environmental Resources; providing for a  
4 grant reimbursement program; and making an appropriation.

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13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Short title.

16 This act shall be known and may be cited as the County  
17 Infrastructure Plan for Capital Improvements Act.

18 Section 2. Legislative findings and purpose.

19 (a) Findings.--The General Assembly finds and declares as  
20 follows:

21 (1) While independent county transportation, sewer and  
22 water and solid waste management plans exist in many counties  
23 of Pennsylvania today, this Commonwealth presently lacks a  
24 Statewide comprehensive infrastructure plan which:

25 (i) Inventories all primary infrastructure elements  
26 within each county.

27 (ii) Determines the facility's or system's age,  
28 physical condition and existing and future maintenance,  
29 replacement or expansion needs, and makes recommendations  
30 for meeting those needs.

1 (iii) Analyzes the past and present expenditure  
2 history for the facility or system, considering all  
3 revenue sources, including user fees.

4 (iv) Compares rate schedules and user fees for  
5 similar facilities within the county and within other  
6 similar counties in Pennsylvania.

7 (v) Projects existing and future capital funding  
8 needs, including projected "short-falls," based on  
9 Federal, State or local funding availability.

10 (vi) Considers the need for user fee increases.

11 (vii) Considers the existing and future economic  
12 impact on the local, regional and State economy,  
13 including job retention and new job development,  
14 resulting from the present condition of the primary  
15 infrastructure elements within the county.

16 (viii) Considering the primary infrastructure needs  
17 within each county, based on capital funding needs and  
18 the impact the facility or system has on the local,  
19 regional and State economy; and the goals and objectives  
20 of county and on regional comprehensive plans.

21 (2) Considering the impact adequate and well-maintained  
22 infrastructure facilities and systems have on economic growth  
23 and development and considering the increased need for all  
24 types of municipal infrastructure projects to compete for  
25 decreasing public financial resources, in part as a result of  
26 reduced Federal funding for such projects, a comprehensive  
27 infrastructure plan is needed in this Commonwealth.

28 (3) As a result of the existence of county and regional  
29 planning commissions and their staffs, and also the  
30 availability of existing county and regional plans relating

1 to some types of county infrastructure needs, individual  
2 counties are in the best position to prepare a county  
3 infrastructure plan.

4 (4) Individual county and regional infrastructure plans  
5 would form the basis for a Statewide comprehensive  
6 infrastructure plan and those plans would assist the  
7 Commonwealth and its agencies, as well as the Federal  
8 Government now and in the future, in allocating limited  
9 public financial resources for infrastructure improvements by  
10 providing the following needed information:

11 (i) A comparison of infrastructure capital needs  
12 Statewide.

13 (ii) A report on areas of this Commonwealth with the  
14 greatest infrastructure funding needs by project type.

15 (iii) The economic impact of the needed  
16 infrastructure projects locally, regionally and  
17 Statewide.

18 In addition, such plans would provide vital information  
19 relative to infrastructure maintenance needs, so that  
20 municipalities and municipal authorities would be required to  
21 plan for and provide adequate financing for needed annual  
22 maintenance of any new infrastructure facilities or systems  
23 for which capital construction funds were being sought from  
24 the Commonwealth.

25 (b) Purpose.--The purpose of this act is to establish a  
26 method for obtaining needed information relative to the primary  
27 infrastructure elements within each county in order that such  
28 information might be analyzed and a county infrastructure plan  
29 prepared for each county of this Commonwealth.

30 Section 3. Definitions.

1       The following words and phrases when used in this act shall  
2 have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4       "Committee." The county infrastructure advisory committee  
5 appointed under section 5.

6       "Department." The Department of Community Affairs of the  
7 Commonwealth.

8       "Fund." The Infrastructure Planning Fund established under  
9 section 9.

10       "Grants." Allocations of money from the fund, to be  
11 administered by the department, to counties to reimburse a  
12 portion of the expenses incurred in the preparation of plans.

13       "Infrastructure elements." Infrastructure-related facilities  
14 and systems to be considered when developing the county  
15 infrastructure plan as required by this act, including, but not  
16 limited to, any highway, road, alley, driveway, bridge, tunnel,  
17 parking garage and other parking facility, sidewalk, traffic-  
18 control device, mass transit or other transportation system,  
19 including airports and ports, recycling facility, resource  
20 recovery facility and system, water supply and distribution  
21 system, including, without limitation, any reservoir, dam, well,  
22 catch basin, surface drain or other water storage and collection  
23 facility, aqueduct, pipe, main, pumping and ventilating station  
24 or any other devices, structures, improvements or facilities for  
25 water treatment, distribution or flood control, sewer and any  
26 other components of a waste water collection and treatment  
27 system, or hazardous waste disposal system, pollution control  
28 facility, solid waste disposal facility and any other structure,  
29 facility, system, improvement, fixture and equipment similar to,  
30 or necessary or convenient to the effective operation of, any of

1 the foregoing.

2 "Plan." A county infrastructure plan.

3 "Primary infrastructure elements." Those infrastructure  
4 elements as defined by this act located within the county,  
5 whether owned by a municipality, municipal authority or the  
6 county, on which, in the opinion of the committee, the economic  
7 growth and development of the county and region, as well as the  
8 quality of life, is most dependent.

9 "Regional infrastructure plan." The formulation of a plan,  
10 jointly by two or more counties, which meets the requirements of  
11 this act.

12 "Water quality management fee surcharge." An additional  
13 charge added to the water quality management sewage permit fee,  
14 which is to be deposited into the fund for the purpose of  
15 funding the preparation and revision of plans.

16 Section 4. County infrastructure plan.

17 (a) Preparation.--The county or regional planning commission  
18 shall prepare, or have prepared by its staff, and shall publish  
19 within five years of the effective date of this act and  
20 periodically update at least every five years, a county  
21 infrastructure plan. The county or regional planning commission  
22 may contract for necessary consulting services needed to meet  
23 the requirements of this act, and such consulting services shall  
24 be eligible for reimbursement through grants provided for by  
25 this act.

26 (b) Contents.--The plan shall include, but not be limited  
27 to:

28 (1) An inventory of existing primary infrastructure  
29 elements located within each county, including, but not  
30 limited to:

- (i) Identification of the type, capacity, location and year constructed.
- (ii) Current condition.
- (iii) Current demand.
- (iv) Current unit cost of operation and maintenance.
- (v) Current service charges, if applicable.
- (vi) Comparison of service charges among similar facilities within the county or within similar counties.
- (vii) Current rate setting methods, if applicable.
- (viii) Financing history.
- (ix) Twenty-year projected demand.
- (x) Criteria for determining investment needs.

(2) An evaluation and analysis of existing and future primary infrastructure needs, based on the information obtained from the inventory criteria contained in paragraph (1), for the purpose of determining what future capital needs are required for both the repair and expansion of existing primary infrastructure elements and the construction of new primary infrastructure elements during the five-year period following the completion of the plan. Such evaluation and analysis shall include, but not be limited to:

- (i) Projected costs.
- (ii) An assessment of the short-term and long-term capital needs for the existing primary infrastructure elements, including demand assumptions, as to future usage.
- (iii) The rationale for the construction of new primary infrastructure elements, as opposed to the repair, expansion or replacement of existing primary infrastructure elements.

1           (iv) To the extent possible, the identification of  
2           existing and future financial barriers to meeting  
3           projected capital needs, with particular consideration  
4           being given to those projects with inadequate Federal or  
5           State funding sources; lack of "local match"; prohibitive  
6           prevailing interest rates; inability to charge needed  
7           user fees at rates projected; poor credit rating of the  
8           municipality; or an inadequate existing tax base of the  
9           municipality.

10           (v) Consideration of means by which to provide  
11           adequate annual revenue to properly maintain any new  
12           infrastructure projects constructed.

13           (3) Consideration of the economic impact of the existing  
14           physical condition of the primary infrastructure elements  
15           within the county and region with respect to current job  
16           retention, new job development, and future growth within the  
17           county and region.

18           (4) Consideration of the primary infrastructure project  
19           needs within each county, based on capital needs and the  
20           impact that the improvements or construction on  
21           infrastructure facilities and systems will have on the local  
22           and regional economy and the goals and objectives of county  
23           and regional comprehensive plans.

24           (c) Use of plan.--The plan shall serve as a guide to the  
25           Commonwealth when considering the distribution of State and  
26           Federal funding for prospective infrastructure projects within  
27           this Commonwealth and also as a guide to individual counties  
28           where county funding of infrastructure projects within the  
29           county is involved.

30           (d) Updating.--The plan shall be updated every five years in



1 accordance with the procedures provided for by this act.

2 Section 5. County infrastructure advisory committee.

3 (a) Establishment.--The county shall establish a county or  
4 regional infrastructure advisory committee to assist the county  
5 or regional planning commission in carrying out the requirements  
6 of this act. Its members and designee for each member shall be  
7 appointed by the county commissioners. The members shall include  
8 the following:

9 (1) One municipal engineer and one county engineer.

10 (2) Two representatives of the business community.

11 (3) The county or regional planning director.

12 (4) Two private citizens.

13 (5) Two representatives of other groups or organizations  
14 or professions which the commissioners feel are necessary and  
15 proper to carry out the purposes of this act.

16 (b) Responsibility.--In accordance with the criteria under  
17 section 4, the committee shall be responsible for advising the  
18 county or regional planning commission throughout the planning  
19 process, evaluating policy and project alternatives, as  
20 recommended by the county or regional planning commission,  
21 supervising the preparation of the plan, and reviewing and  
22 approving the final plan prior to publication.

23 (c) Majority vote.--Any action taken by the committee shall  
24 be made by the affirmative vote of a majority of the members of  
25 the committee.

26 (d) Chairman.--The committee shall elect a chairman from  
27 among its members.

28 (e) Expenses.--Reasonable expenses incurred by the members  
29 of the committee as determined by the department, in carrying  
30 out their responsibilities under this act, including the costs

1 of holding public hearings, shall be reimbursed to the county by  
2 the department as part of the planning grant provided for by  
3 section 8.

4 Section 6. Regional infrastructure plan.

5 Two or more counties may join together to prepare an  
6 infrastructure plan on a regional basis, provided such plan  
7 meets the requirements of this act. Where a joint infrastructure  
8 plan is prepared on a regional basis, the county commissioners  
9 of each participating county shall appoint members to the county  
10 infrastructure advisory committee on the same basis as provided  
11 in section 5(a). In the event the members of a regional  
12 infrastructure advisory committee represent an even number, the  
13 county commissioners of the county having the largest population  
14 as determined by the last U.S. Census shall appoint an  
15 additional private citizen to the committee.

16 Section 7. Publication and revision of plan.

17 (a) Public hearings.--The committee, in conjunction with the  
18 county or regional planning commission, shall hold at least  
19 three public hearings in the county or region, pursuant to  
20 public notice of not less than two weeks, in order to obtain  
21 input from municipal officials, builders, developers, members of  
22 the business community and the general public. The notice shall  
23 contain a brief summary of the primary provisions of the plan  
24 and a reference to places within the county or region where  
25 draft copies of the plan may be examined.

26 (b) Publication of revised plan.--Following completion of  
27 the public hearings, and after appropriate revisions have been  
28 made based on comments made at the public hearings, the  
29 committee shall hold at least two additional public hearings  
30 prior to making final revisions and publishing the plan. A copy

1 of the final plan and any subsequent revisions shall be  
2 submitted to the department within 60 days of such publication.

3 Section 8. Planning grants to counties.

4 The department shall establish and administer a grant program  
5 to reimburse counties for costs incurred in preparing a county  
6 infrastructure plan and revisions required by this act. Grants  
7 shall be made from and to the extent of funds available for such  
8 purposes. The department shall provide grants to counties for  
9 75% of the approved costs of preparing the plans required by  
10 this act. Any county interested in receiving grants to assist in  
11 the preparation of a plan shall apply to the department pursuant  
12 to the provisions of section 10. Any grants under this section  
13 shall be in addition to grants for similar purposes made to any  
14 county by the Federal Government.

15 Section 9. Infrastructure Planning Fund.

16 (a) Creation.--There is hereby created in the Treasury  
17 Department a special fund, to be known as the Infrastructure  
18 Planning Fund, to which shall be credited all appropriations  
19 made by the General Assembly and other revenue received by the  
20 Commonwealth under section 12.

21 (b) Use of revenues.--Moneys from this fund shall be used to  
22 provide grants for the preparation or revision of county  
23 infrastructure plans, as well as to reimburse the Commonwealth  
24 for the initial appropriation of \$500,000 made by the General  
25 Assembly.

26 (c) Requisition.--Upon the approval of planning grants under  
27 section 10, the department shall routinely requisition from the  
28 fund such amounts as are necessary to fund the approved grants.

29 Section 10. Application to department.

30 (a) General rule.--Applications for grants shall be made to

1 the department by submitting a letter of intent and a proposal  
2 for preparing a county infrastructure plan or revisions to a  
3 plan previously prepared.

4 (b) Preparation.--The department will provide guidance to  
5 the county in the development of a grant proposal. The grant  
6 proposal shall include, but not be limited to, the following:

7 (1) A description of work and costs required to complete  
8 the plan.

9 (2) A schedule for completion of the tasks in the  
10 preparation of the revisions of the plan.

11 (3) A description of the level of effort and associated  
12 costs with respect to personnel requirements required to  
13 complete the tasks within each time period.

14 (4) A narrative of services to be provided by  
15 consultants, if any, and a justification for the use of  
16 consulting services, including the names of the individuals  
17 within the consulting firm who provide the services and their  
18 qualifications.

19 Section 11. Review and approval of grant application by  
20 department.

21 The application shall be submitted to the department for  
22 review and approval and shall be used by the department in  
23 establishing the amount of the grant for reimbursement.

24 Section 12. Fees to support preparation and revision of county  
25 infrastructure plans.

26 (a) General rule.--In addition to any other fee prescribed  
27 by law, the Department of Environmental Resources shall fix an  
28 additional fee or surcharge to accompany all applications for  
29 water quality management permits from all parties except  
30 agencies of the Commonwealth. All fees shall be made payable by

1 check to the Commonwealth of Pennsylvania in the following  
2 amounts:

3 (1) For applications for sewer extension permits--\$250.

4 (2) For applications for all other water quality  
5 management permits except those involving single residents or  
6 stream crossings--\$100.

7 (b) Deposit of fees.--All fees collected shall be deposited  
8 into the fund provided by section 9 for the purposes stated  
9 therein.

10 Section 13. Appropriation.

11 The sum of \$500,000, or as much thereof as may be necessary,  
12 is hereby appropriated to the Department of Community Affairs  
13 for the fiscal year July 1, 1987, to June 30, 1988, to carry out  
14 the provisions of this act. This sum shall be repaid, without  
15 interest, to the Commonwealth, as soon as practicable and no  
16 later than ten years from the effective date of this act, from  
17 fees provided by section 12.

18 Section 14. Effective date.

19 This act shall take effect July 1, 1987.