

No. 1986-42

AN ACT

SB 901

Amending the act of July 31, 1968 (P.L.805, No.247), entitled, as amended, "An act to empower cities of the second class A, and third class, boroughs, incorporated towns, townships of the first and second classes including those within a county of the second class and counties of the second class A through eighth classes, individually or jointly, to plan their development and to govern the same by zoning, subdivision and land development ordinances, planned residential development and other ordinances, by official maps, by the reservation of certain land for future public purpose and by the acquisition of such land; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; providing for the establishment of planning commissions, planning departments, planning committees and zoning hearing boards, authorizing them to charge fees, make inspections and hold public hearings; providing for appropriations, appeals to courts and penalties for violations; and repealing acts and parts of acts," providing that a plat for land abutting a State highway shall not be approved until a highway occupancy permit is issued or it is determined that none is required; providing that no municipality or the Commonwealth shall be liable for damages arising from issuance or denial of highway occupancy permits or the regulation of driveways; and further providing for regional hearing boards.

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

Section 1. Section 508 of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, is amended by adding a clause to read:

Section 508. Approval of Plats.—All applications for approval of a plat (other than those governed by Article VII), whether preliminary or final, shall be acted upon by the governing body or the planning agency within such time limits as may be fixed in the subdivision and land development ordinance but the governing body or the planning agency shall render its decision and communicate it to the applicant not later than ninety days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application) next following the date the application is filed, provided that should the said next regular meeting occur more than thirty days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed.

* * *

(6) No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to section 420 of the act of June 1, 1945 (P.L.1242, No.428), known as the "State Highway Law," before driveway access to a State highway is permitted. The department shall, within sixty days of the date of receipt of an appli-

cation for a highway occupancy permit, (i) approve the permit, which shall be valid thereafter unless, prior to commencement of construction thereunder, the geographic, physical or other conditions under which the permit is approved change, requiring modification or denial of the permit, in which event the department shall give notice thereof in accordance with regulations, (ii) deny the permit, (iii) return the application for additional information or correction to conform with department regulations or (iv) determine that no permit is required in which case the department shall notify the municipality and the applicant in writing. If the department shall fail to take any action within the sixty-day period, the permit will be deemed to be issued. The plat shall be marked to indicate that access to the State highway shall be only as authorized by a highway occupancy permit. Neither the department nor any municipality to which permit-issuing authority has been delegated under section 420 of the "State Highway Law" shall be liable in damages for any injury to persons or property arising out of the issuance or denial of a driveway permit, or for failure to regulate any driveway.

Section 2. Section 1107-A of the act, added October 5, 1978 (P.L.1067, No.249), is amended to read:

Section 1107-A. Regional Hearing Board.—(a) A regional hearing board is hereby established. It shall possess the same powers and duties with respect to the region as the zoning hearing board presently enjoys pursuant to Article IX.

(b) Each municipality shall appoint one person to serve on the Regional Hearing Board. *If the total number of participating municipalities constitutes an even number, an additional member shall be appointed to serve on the regional hearing board. The additional member, and his successors, shall be appointed on a rotating basis by the municipalities, the first such appointment to be made by the municipality with the largest population, with subsequent appointments made by municipalities with lesser population in order. The additional member shall serve for a term of three years. Any appointment to fill a vacancy in the position held by the additional member shall only be for the unexpired portion of the term.*

Section 3. This act shall take effect in 60 days.

APPROVED—The 2nd day of May, A. D. 1986.

DICK THORNBURGH