

December 12, 2011

Dear members of the Pennsylvania General Assembly:

As elected officials representing constituents across the Commonwealth, we are writing with concerns regarding Marcellus Shale natural gas development. Municipalities all across Pennsylvania are working to enact or have enacted measures designed to protect the environment and health, safety, and welfare of their communities and residents.

Recently, proposals have been made through lawsuits and legislative proposals to eliminate, weaken, or standardize a municipality's ability to protect its residents. We oppose such measures for several key reasons.

As you are surely aware, Pennsylvania's Municipalities Planning Code vests municipalities with the authority and responsibility to address matters influencing local environmental protection and preservation, while the State Constitution obliges municipalities to be stewards of public resources. Such considerations are paramount at a time when industrial-scale gas development is expanding across Pennsylvania, and with it impacts on water and air quality, land, and communities. In addition, Pennsylvania Supreme Court rulings have made it clear that the state Oil and Gas Act gives municipalities the right to use our zoning code to restrict the location of gas wells—similar to how we sometimes restrict other types of economic activity through zoning.

Further, the imposition of a "one size fits all" ordinance would undermine a central purpose of local ordinances: to address the particular needs and concerns of municipalities, which vary greatly with regard to natural resources, population location and density, commercial sectors, and other aspects.

We also believe that local decision making is part of a democratic society. We have been elected and appointed to fully represent the interests of our constituents. This includes the right of municipalities to determine what is best for their communities and residents.

Local governments must be able to ensure protections through ordinances that reflect specific concerns. Therefore we oppose any legislation and reject all attempts to take away municipal zoning rights, to weaken or standardize a municipality's ability to protect itself, or to punish communities that choose to exercise their rights. We request that you stand with us in this cause and work to preserve the powers vested in municipalities to determine what is necessary to protect the best interests of their community and residents.

Thank you for your attention to this issue.

Sincerely,

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(Allegheny Co.)

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