

Pa. Supreme Court should preserve municipal autonomy, uphold Act 13 ruling

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There's an inherent trade-off to Pennsylvania's system of municipal government: We gain proximity and easy access to local decision makers, but sometimes pay for it with fiscal and operational inefficiencies.

It's long been a matter of debate whether taxpayers would be better served by a regional or county-level government arrangement, instead of a patchwork of townships.

But if the Legislature was to ever fundamentally change the structure or purpose of local government, it should come at the behest of local people and not a deeply flawed law aimed at maximizing profits and markets for natural gas companies.

Act 13 of 2012 is the long delayed, watered down law that regulates natural gas drilling in Pennsylvania. It generates some revenue from drillers to offset infrastructure and environmental damage in drilling communities, in lieu of an industry-norm extraction tax that could have generated much more revenue and applied it to a variety of statewide applications, such as public education.

But the most pernicious aspect of Act 13 was the way it essentially invalidated zoning laws in local governments, as they relate to gas drilling. It mandated, given certain setback distances, that drilling rigs, waste pits and pipelines be allowed in every zoning district, including residential.

Municipal governments sued shortly after the law passed at the beginning of the year. In July, the state Commonwealth Court ruled that the Act 13 zoning runarounds are unconstitutional.

Gov. Tom Corbett's administration appealed that ruling, and now the case is being heard by the state Supreme Court. The high court heard arguments Wednesday, according to Associated Press.

Municipalities are sticking to their contention that Act 13 makes moot their fundamental purpose - to serve as stewards and defenders of the interests of local landowners and taxpayers. Corbett's lawyers made much the same argument they did when arguing recently in favor of photo voter IDs: It's constitutional because the Legislature passed it.

The Supreme Court rejected that argument in terms of photo voter IDs, and we hope it does so once again when it comes to preserving municipalities' ability to protect themselves from rapacious industry interests.

No other industrial sector enjoys that kind of permissive regulatory environment, and frankly, natural gas doesn't need the help. The AP notes that wholesale revenues from natural gas production this year are projected to be \$6 billion to \$8 billion, depending on market prices. That represents a big chunk - just south of 25 percent - of the entire state budget.

More importantly, municipalities shouldn't be robbed of their ability to control what happens within their borders, and homeowners should retain the one big advantage of an otherwise messy and inefficient local government system - their ability to easily reach and perhaps influence the local people who make those decisions.

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