

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda

Tuesday, July 5, 2022

7:00 PM

MEETING PARTICIPATION OPTIONS

VIRTUAL:

Join Zoom Meeting Link:

<https://us02web.zoom.us/j/87031665680>

Meeting ID: 870 3166 5680

[Zoom Access Instructions](#)

IN-PERSON:

Ferguson Township Municipal Building

Main Meeting Room

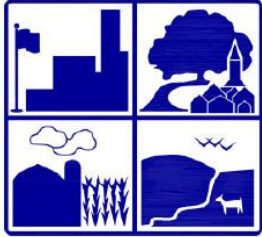
3147 Research Drive

State College, PA

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- I. CALL TO ORDER**
 - II. CITIZENS INPUT**
 - III. APPROVAL OF MINUTES**
 - IV. AUTHORITIES, BOARDS, AND COMMISSION REPORTS**
 - V. SPECIAL REPORTS**
 - VI. COG REGIONAL REPORTS**
 - VII. STAFF REPORTS**
 - VIII. UNFINISHED BUSINESS**
 1. Resolution supporting Legislation Prohibiting Domestic Violence Offenders from Holding State Office
 2. Discussion on School Zone Flasher on Cherry Lane
 3. Discussion on Pine Grove Mills Mobility Study Report
 - IX. NEW BUSINESS**
 1. Consent Agenda
 2. Resolution Public Hearing Amending Ferguson Township Personnel Policy Manual, Section 33, General IT
 3. Resolution Public Hearing Authorizing Township to enter into a MOU with Consortium Parties to acquire a Consultant to write an RFP for a Regional Records Management System
 4. Proclamation Designating September as Suicide Awareness and Prevention Month
 5. Proclamation Designating July as Park and Recreation Month
 - X. COMMUNICATIONS TO THE BOARD**
 - XI. CALENDAR ITEMS**
 - XII. ADJOURNMENT**



Visit the Township's Web Site www.twp.ferguson.pa.us and sign up for *Notify Me!* to receive email notices about Township Information.



TOWNSHIP OF FERGUSON

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BOARD OF SUPERVISORS Regular Meeting Agenda Tuesday July 5, 2022 7:00 p.m.

- I. **CALL TO ORDER**
- II. **CITIZEN'S INPUT** 5 minutes per resident
- III. **APPROVAL OF MINUTES**
 - a. June 21, 2022 Board of Supervisors Regular Meeting Minutes
- IV. **AUTHORITIES, BOARDS, AND COMMISSIONS REPORT** 10 minutes
 - a. Centre Area Transportation Authority
- V. **SPECIAL REPORTS** 0 minutes
 - a. Diversity, Equity, and Inclusionary Initiatives – no report.
 - b. Township and Fiscal Responsibility – no report.
 - c. Community and Economic Development – no report.
 - d. Environment – no report.
- VI. **COG AND REGIONAL COMMITTEE REPORTS** 20 minutes
 - 1. **COG COMMITTEE REPORTS**
 - a. Parks and Recreation Governance Committee
 - b. Centre County Metropolitan Planning Organization
 - c. Facilities Committee
 - d. Executive Committee – *cancellation notice*
 - 2. **OTHER COMMITTEE REPORTS**
- VII. **STAFF REPORTS**
 - 1. Township Manager's Report
 - 2. Public Works Director Report
 - 3. Planning and Zoning Report – *no written report*
- VIII. **UNFINISHED BUSINESS**
 - 1. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, TO SUPPORT LEGISLATION THAT PROHIBITS DOMESTIC VIOLENCE OFFENDERS FROM HOLDING STATE OFFICE**
Laura Dininni, Supervisor 20 Minutes

Narrative

Provided with the agenda is a resolution to support legislation that prohibits domestic violence offenders from holding state office. Senator Conklin announced on April 4, 2022, legislation that would bar individuals convicted of domestic violence offenses from serving in the General Assembly or holding public office in Pennsylvania government. Ferguson Township calls upon the General Assembly to enact legislation to guarantee that any person convicted of domestic violence shall be ineligible to serve in the General Assembly, or of holding any office of trust or profit in this Commonwealth.

Recommended Motion: That the Board of Supervisors adopt the resolution of the Township of Ferguson, Centre County, Pennsylvania, to support legislation that prohibits domestic violence offenders from holding state office.

2. DISCUSSION ON SCHOOL ZONE FLASHER ON CHERRY LANE

15 minutes

David Modricker, Director of Public Works

Narrative

At the regular meeting of the Board on March 1, 2022, the Public Works Director reported on a technical consultation with Pennoni Associates through a Local Technical Assistance Program, related to pedestrian safety concerns at the intersection of Martin Street and Cherry Lane, near the Radio Park Elementary School. The results of the technical consult were reviewed with the State College Area School District (SCASD) Director of Physical Plant at the subject intersection on February 15, 2022. Also at that meeting, staff provided the SCASD with a brief history of the Township’s involvement of improvements at the intersection. After reviewing the alternatives to improve safety, it was the consensus of those present that consideration of a 15-mph school zone in conjunction with night lighting of the crosswalk was the preferred alternative. Township staff reviewed the suggested improvements with the Board and the manager. SCASD staff reviewed the suggestions with SCASD Board members and administration, and on March 3, 2022, indicated favorable support for a 15 mph school zone and night lighting.

Recommended Motion: That the Board of Supervisors direct staff to include safety improvements on Cherry Lane to include a 15 mph school zone and night lighting in the 2023 – 2027 Capital Improvement Plan for the Board’s consideration.

Staff Recommendation

That the Board of Supervisors **direct staff** to include safety improvements on Cherry Lane including a 15 mph school zone and night lighting in the 2023 – 2027 Capital Improvement Plan.

3. DISCUSSION ON PINE GROVE MILLS MOBILITY STUDY REPORT

30 minutes

David Modricker, Director of Public Works

Narrative

At the June 7, 2022, regular meeting, the Board received a presentation on the Pine Grove Mills Mobility Study. The Board may use this time to discuss any of the alternatives recommended in the report, and to provide any comments to staff on the report. The Township Engineer will then direct the consultant, McCormick Taylor, to finalize the report.

Recommended Motion: That the Board of Supervisors accept the Pine Grove Mills Mobility Study Report and direct staff to allocate funds in the Capital Improvement Plan for advancement of the project.

Staff Recommendation

That the Board of Supervisors **accept the report and direct staff to allocate funds** for the Pine Grove Mills Mobility Study Report.

IX. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. May Voucher Report
- b. Contract 2016-C11, Pay Application 2: \$338,192.55
- c. Contract 2016-C11, Pay Application 3: \$125,856.00
- d. Contract 2016-C11, Pay Application 4: \$15,532.50
- e. Contract 2021-C18, Pay Application 2: \$19,097.72
- f. Contract 2022-C9b, Pay Application 1: \$333,923.47
- g. UAJA Alternate Appointment to Ferguson Township's Authorities, Boards and Commissions

2. A PUBLIC HEARING ON THE RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE FERGUSON TOWNSHIP PERSONNEL POLICY MANUAL BY AMENDING SECTION 33, GENERAL IT; TO ADD SECTION 33.5, A MULTI-FACTOR AUTHENTICATION POLICY FOR ALL STAFF AND AUTHORITIES, BOARDS, AND COMMISSIONS WITH ACCESS TO EMAIL ACCOUNT OR VIRTUAL PRIVATE NETWORK OWNED BY THE TOWNSHIP. ATTACHED HERETO AS EXHIBIT "A", RESPECTIVELY.

Angela Kalke, Human Resource Administrator

10 minutes

Narrativepage

Provided with the agenda is a copy of the resolution advertised for public hearing amending the Ferguson Township Personnel Policy Manual, Section 33 General IT by adding Section 33.5 Multi-Factor Authentication (MFA). The Board adopted this policy at their June 21st regular meeting. Ferguson Township's cybersecurity insurance coverage has previously strongly recommended and now will require MFA to maintain coverage beginning January 1, 2023.

Recommended motion: That the Board of Supervisors adopt the resolution amending the Ferguson Township Personnel Policy Manual by amending Section 33.

Staff Recommendation

That the Board of Supervisors **adopt** the resolution.

3. A PUBLIC HEARING ON THE RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH PATTON TOWNSHIP, STATE COLLEGE BOROUGH, AND THE PENN STATE UNIVERSITY AS PARTIES OF THE REGIONAL RECORDS MANAGEMENT CONSORTIUM TO ACQUIRE THE SERVICES AND EXPERTISE OF A CONSULTANT TO WRITE AND DEVELOP A REQUEST FOR PROPOSAL FOR A REGIONAL RECORDS MANAGEMENT SYSTEM.

Sgt. Shawn Morrison

10 minutes

Narrative

In 2016, the Regional Records Management Consortium began searching for a new shared records management system (RMS). The RMS went live in 2019. However, the vendor has not been able to fulfill contractual obligations regarding the system's functionality. The consortium which includes State College Borough, Townships of Ferguson and Patton, and The Pennsylvania State University, is moving forward with replacing the system. The

consortium wants to develop a "Request for Proposal" to acquire the services of a consultant to write and develop an "RFP" for a new records management system. Provided with the agenda is a copy of the Memorandum of Understanding for the procurement of a Records Management Consultant.

Recommended Motion: That the Board of Supervisors adopt the resolution of Ferguson Township authorizing the Township to enter a memorandum of understanding with Patton Township and State College Borough, and the Penn State University to acquire the services and expertise of a consultant to develop the request for proposal for a regional records management system.

Staff Recommendation

That the Board of Supervisors **adopt** the resolution.

4. A PROCLAMATION TO DESIGNATE SEPTEMBER AS SUICIDE AWARENESS AND PREVENTION MONTH 10 minutes

Laura Dininni, Supervisor

Narrative

Provided with the agenda is a copy of a proclamation designating September as Suicide Awareness and Prevention Month and September 10 as Suicide Awareness and Prevention Day in Ferguson Township. The proclamation has been adopted annually by the Board and has been part of a countywide effort of the Centre County Suicide Prevention Task Force and Ms. Marisa Vicere. President of the Jana Marie Foundation, Ms. Vicere will be present to introduce the proclamation.

Recommended Motion: That the Board of Supervisors adopt the proclamation designating September as Suicide Awareness and Prevention Month and September 10th to be Suicide Awareness and Prevention Day.

Staff Recommendation

That the Board of Supervisors **adopt** the proclamation.

5. A PROCLAMATION TO DESIGNATE JULY AS PARK AND RECREATION MONTH 10 minutes

Laura Dininni, Supervisor

Narrative

Since 1985, America has celebrated July as Park and Recreation month, a program of the National Recreation and Park Association (NRPA). The goal is to raise awareness of the vital impact that parks and recreation has on communities across the U.S. This July, Ferguson Township plans to release articles and short interview videos and invite residents to tag Ferguson Township on social media posts that promote local outdoor parks and recreational activity. All month long, we will be celebrating with various activities that encourage local outdoor opportunities for health, fitness and recreational fun for residents of all ages and abilities. Issuing this proclamation will remind Ferguson Township residents of the importance of our parks, recreational facilities, and programs while encouraging everyone to embrace active lifestyles and improve their overall health through outdoor recreational fun.

Recommended Motion: That the Board of Supervisors adopt the proclamation designating July as Park and Recreation Month.

Staff Recommendation

That the Board of Supervisors ***adopt*** the proclamation.

X. COMMUNICATIONS TO THE BOARD

XI. CALENDAR ITEMS – June/July

- a. Joint meeting with Board of Supervisors and Parks and Recreation Committee, July 12
- b. Planning Commission, July 11, 25
- c. Capital Improvement Plan (CIP) Special Meetings, July 13, 21
- d. Coffee and Conversation with Staff, July 15, Naked Egg
- e. Capital Improvement Plan (CIP) Mobile Road Tour, July 18
- f. Tree Commission, July 18
- g. Pine Grove Mills SAP Advisory Committee, July 28
- h. Route 45 Getaways week starts July 30
- i. Greenbriar/Saybrook Park Neighborhood Event, August 3
- j. Pine Grove Mills Farmers Market, every Thursday throughout the Summer

XII. ADJOURNMENT

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, June 21, 2022

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, June 21, 2022 as a hybrid meeting. In attendance were:

Board:	Laura Dininni, Chair	Staff:	Centrice Martin, Township Manager
	Lisa Strickland, Vice Chair		Jaymes Progar, Assistant Township Manager
	Hilary Caldwell		Ron Seybert, Township Engineer
	Patty Stephens		Jeff Ressler, Zoning Administrator
	Tierra Williams		

Others in attendance included: Rhonda Demchak, Recording Secretary; Bill Keough, Ferguson Township Planning Commission, and resident; Mark Torretti, PennTerra; Carl Raup, Ferguson Township Resident; Jason Moser, Ferguson Township Resident; Josh Portney, Legislative Assistant, Rep. Scott Conklin's office; Nicholas Himebaugh, Democratic Executive Director of the House State Government Committee; Ms. Shova Sivaprasad Wadhia, Associate Dean for Diversity, Equity, and Inclusion at PSU

I. CALL TO ORDER

Ms. Dininni called the Tuesday, June 21, 2022, regular meeting to order at 7:00 p.m.

Ms. Martin welcomed everyone to the meeting and noted that the Board of Supervisors meeting had been advertised in accordance with the PA Sunshine Act as a hybrid meeting with an option to attend online utilizing zoom and the main meeting room for any public members to participant. Persons attending the meeting as members of the public and wanted to participate were asked to state their name, municipality, and topic. Members of the public are to be muted during the meeting and must be acknowledged by the Chair. Board members are asked to indicate their name when motioning or seconding a motion so that the minutes are accurate. Ms. Martin took Roll Call and there was a quorum.

Ms. Dininni moved that the Board of Supervisors **amend** the agenda to add first under unfinished business a question-and-answer session regarding Rep. Scott Conklin's legislation banning domestic violence convicts from holding public office. Ms. Stephens seconded the motion. The motion passed unanimously.

II. CITIZENS INPUT

Mr. Carl Raup of 2456 Sassafras Court, expressed displeasure with a residence who will shoot off fireworks at any time with no respect for others or their pets. Mr. Raup suggested that if a permit is required to have the permittee alert the neighbors of impending fireworks.

Ms. Martin shared that there is a noise permit process available on-line.

Chief Albright reported that the resident in question obtained a noise permit and alerted adjacent property owners. Chief Albright notified the Saybrook Homeowners Association and Greenleaf Manor Homeowners Association.

Mr. Nicholas Himebaugh from Rep. Conklin's office reported that there are currently two proposed bills, H.B.988 and H.B. 1628 that would address Mr. Raup's issue.

III. APPROVAL OF MINUTES

Ms. Williams moved that the Board of Supervisors **approve** the June 7, 2022, Board of Supervisors Regular meeting minutes and the June 14, 2022, Worksession meeting minutes. Ms. Stephens seconded the motion. The motion passed unanimously.

IV. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT

- a. University Area Joint Authority – Mr. Kunkle was not present, but Ms. Strickland noted that the report was included in the agenda. Ms. Strickland highlighted that UAJA will have sheep housed at the solar array.

V. SPECIAL REPORTS

- a. Diversity, Equity, and Inclusionary Initiatives – no report.
- b. Township and Fiscal Responsibility – no report.
- c. Community And Economic Development – no report.
- d. Environment – no report.

Ms. Dininni reported that today was the Community Diversity Group one day conference and stated that it was great, and Ms. Williams was a presenter.

VI. COG AND REGIONAL COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

a. Climate Action and Sustainability Committee

Ms. Caldwell stated that the agenda is in the report and highlighted the following:

- Technical Advisory Group
- Rescinding the motion made on April 11, 2022, that asked the General Forum for its endorsement of Resolution 2022-3 calling on the United States Congress to enact the Energy Innovation and Carbon Dividend Act.
- Program Plan Updates and Five-Year Outlook
- Refuse and Recycling
- ICLEI
- Dashboard of Climate Action and Adaptation Plan – Local Government Actions

b. Public Safety Committee

Ms. Stephens stated that her report is included in the agenda.

c. Facilities Committee

Ms. Stephens stated that her report is included in the agenda.

Ms. Dininni asked for an update on the Whitehall Regional Park. Ms. Stephens reported that its going good, pads have been poured for parking, work has begun with the restroom facilities, and the seating will not be done until the fall.

d. Finance Committee

Ms. Dininni reported that the meeting was cancelled.

2. OTHER COMMITTEE REPORTS

There were none.

VII. STAFF REPORTS

All reports are included in the agenda packet.

- a. Township's Manger's Report
- b. Public Works Director Report
- c. Planning and Zoning Report
- d. Chief of Police Report

Ms. Strickland asked Chief Albright for an update on speeding concerns. Chief Albright reported that Whitehall Road, College Avenue, and Pine Grove Mills are still areas of concerns. Chief Albright noted that besides rush hour, that lunch hour is problematic. Chief Albright shared that there is an increase in crashes and also bike incidents. Ms. Strickland asked if there were bike lights still available. Chief Albright noted that there are approximately 20 left and they can be picked up at the Township Building.

VIII. UNFINISHED BUSINESS

1. Continued Discussion – Q&A Domestic Violence and Public Service Legislation

Mr. Josh Portney, Legislative Assistant, Rep. Scott Conklin's office noted that the Centre County Board of Commissioners passed the resolution that has been proposed to Ferguson Township. Mr. Portney noted that study was done by Fox Rothschild, LLP showed that less than half of domestic violence cases make it past the preliminary hearing. In Pennsylvania, 1 in 4 women and 1 in 7 men experienced domestic violence. Mr. Portney introduced Mr. Nicholas Himebaugh, Democratic Executive Director of the House State Government Committee.

Mr. Himebaugh reviewed [H.B. 2596](#)

Ms. Caldwell stated that body autonomy is critical for survivors of abuse and noted that as of 2018 Rep. Conklin's approval rating by Planned Parenthood was 40% and asked if this has changed. Mr. Himebaugh stated that he can't speak on politics but can answer questions on the committee.

Ms. Caldwell asked if Rep. Conklin has plans or legislation regarding legal and safe accessible abortions. Again, Mr. Himebaugh couldn't answer that question, but shared his email address so that he can look up bills and get answers to the questions.

Ms. Caldwell asked why the abuse is only limited to "a family or household member." Mr. Himebaugh stated that when amending the state constitution, it shouldn't be made too broad because it could result with individuals convicted of lesser crimes not being able to hold office. Mr. Himebaugh stated that a convicted felon can't hold public office.

Ms. Williams asked what the bill would do for women who have been abused. Mr. Himebaugh stated that the victims won't have to see their abuser serve as their elected official.

Ms. Williams asked why the clause of pardon/expunge is included in the bill if the person completed their sentence. Mr. Himebaugh reported that once a person is convicted, they would be ineligible for public office unless the record is expunged.

Ms. Williams reported that someone from Rep. Conklin's office commented that the bill will be easy to pass in Ferguson Township because the Board is made up of all women. Ms. Williams finds that comment to be sexist and does not approve of the comment. Mr. Himebaugh stated that the comment was alarming and to email him so he can talk to Rep. Conklin.

Ms. Williams' issue with the bill is that when an individual pays their debt to society, they should be able to hold office. Mr. Himebaugh reported that often times, there is no prison time involved with misdemeanor offences.

Ms. Caldwell expressed concerns with the framing of the bill.

Ms. Strickland asked if there are other crimes that are non-financial that are not as obviously linked to the position. Mr. Himebaugh noted that in Title 18 it states of other crimes but will obtain a more comprehensive list and send to the Board.

Ms. Williams expressed confusion over the statement Mr. Himebaugh made about the victim not wanting to see their abuser on tv or in the paper. Ms. Williams stated that it happens anyway without the conviction. Ms. Williams stated that the bill doesn't seem to be doing anything for women, but rather punishing those that have paid their debt to society.

Ms. Caldwell asked if there were any townhall meetings, outreach, or polling of the bill.

Mr. Himebaugh stated that there is no mention of serving time in prison or incarceration in the constitution or the legislation. The act of being sentenced would be means for disqualification. Mr. Himebaugh noted that after 10 years with no other convictions in PA, the record can be expunged. Mr. Himebaugh stated that there are current legislators who have been convicted of domestic abuse and noted that it is difficult to find records.

Ms. Caldwell repeated her question to Mr. Himebaugh regarding townhall meetings, outreach, etc. Mr. Himebaugh stated that they reached out to stakeholders statewide such as women's group and organizations throughout the Commonwealth. Mr. Himebaugh stated they have received positive support for legislation and has not heard negative support. Mr. Himebaugh reported that polling by non-profits showed vast support for the bill.

Ms. Dininni expressed concerns with consistency.

2. Continued Discussion – Strategic Plan Update

Ms. Martin reported that provided with the agenda is an updated version of chapter 6 of the strategic plan working draft document. As directed by the Board, suggested goals, objectives, and action items presented by staff and members of the Board have been integrated into chapter 6. Attached to the agenda is a redlined updated draft of chapter 6 which is not complete but represents progress for review the Board.

Ms. Strickland stated there needs to be more discussions around some of the very specific action steps that are not reflected in the zoning update. Also, Ms. Strickland stated that she would like more discussions on re-branding, surveying, prospective new residents, enhance safe bike and pedestrian pathways should be moved to 1 or 2, and add efforts for securing reliable broadband.

Ms. Strickland will send her comments to Ms. Martin. Ms. Martin encouraged the Board to keep reviewing and to send her any comments.

Ms. Dininni expressed concerns with the opportunity for the RR to be developed all across the western end of the Township without density and no cluster zoning.

Ms. Dininni asked if Parks was shifted from the Environmental Stewardship section on page 96 of the agenda. Ms. Martin didn't recall a lot of recommendations for parks but will look into further.

IX. NEW BUSINESS

1. Consent Agenda

- a. Contract 2022-C8, Pavement Markings, Pay App 1: \$65,042.16
- b. Contract 2022-C8, Eradication, Pay App 2: \$41,390.35

Ms. Stephens moved that the Board of Supervisors **approve** the Consent Agenda. Ms. Strickland seconded the motion. The motion passed unanimously.

2. Proclamation on June Immigrant Heritage Month

Ms. Strickland reported that provided with the agenda is a proclamation to support and promote June as Immigrant Heritage Month of 2022. Ms. Strickland reported that Ms. Shova Sivaprasad Wadhia, Associate Dean for Diversity, Equity, and Inclusion at PSU is in attendance and brought the request to the Board. Ms. Strickland read the proclamation that is located on page 122 of the agenda. Ms. Wadhia noted that she has lived in the Township for 14 years, mother of two in the SCASD, law professor at PSU and is the Director of the Center for Immigrants' Rights Clinics. Ms. Wadhia noted that her teaching goal at the center is for her students to gain the skills required to be affective immigration attorney's and advocates. Since 2008 the center has provided high quality representation in the areas of immigration policy for non-profits, community partnerships on projects, and legal support for individual cases. Ms. Wadhia stated that State College and Ferguson Township are home to many immigrants and thanked the Board for issuing the Proclamation recognizing the contributions by the immigrants in the community.

Ms. Caldwell moved that the Board of Supervisors **adapt** the proclamation to support and promote June as Immigrant Heritage Month of 2022. Ms. Stephens seconded the motion. The motion passed unanimously.

3. Discussion to Establish a Multi-Factor Authentication Policy for Staff and ABC Members

Ms. Martin noted that provided with the agenda packet is a copy of the resolution which includes a copy of the multi-factor authentication policy as exhibit "A" for the review and consideration of the Board.

Ms. Williams moved that the Board of Supervisors **adopt** the resolution of the Township of Ferguson, Centre County, Pennsylvania, establishing a policy that requires the implementation of multi-factor authentication for staff and local and regional Authorities, Boards, and Commissions. Ms. Caldwell seconded the motion.

Public Hearing – there were no comments.

ROLL CALL: MS. DININNI – YES; MS. STEPHENS – YES; MS. STRICKLAND – YES; MS. WILLIAMS: MS. CALDWELL

The motion passed unanimously.

4. Farmstead View Subdivision Preliminary Plan

Mr. Ressler reported that on July 29, 2021, Penn Terra Engineering, Inc., submitted a Preliminary Subdivision Plan on behalf of their client, Farmstead Developer, LLC. The parcel is located at 139 Farmstead Lane (TP: 24-022-,306-,0000-) and is zoned Single-Family Residential (R1).

The parcel is currently 3.03-acre lot, and the applicant is proposing to subdivide this lot into 7-lots. There will be one (1) stormwater retention lot and six (6) single-family residential lots. On April 19, 2022, the Board of Supervisors conducted a Conditional Use Hearing for Lot 1 (103 Farmstead Drive) to permit the creation of the flag lot and denied the Modification Application request to the preservation of 20% of the existing, eligible tree canopy on site (§22-515.D.2.) at that same meeting.

As a result of the denial of the modification request, Lot 2 was amended to accommodate and protect a 27" DBH Red Pine Tree with a retaining wall. These alterations require a modification to the slope requirements of Chapter 21, Appendix A—Streets and Sidewalks. The maximum driveway grade at any point on the driveway is fifteen percent (15%). The slope of the proposed driveway for Lot 2 will not exceed eighteen percent (18%).

The administration and enforcement of Chapter 21—Streets and Sidewalks is delegated to the Director of Public Works. Upon review of the request, the Director is in favor of the modification request subject to inclusion of release from liability language on the recorded plan.

Planning Commission reviewed the plan at the June 13, 2022 regular meeting and recommended approval to the Board of Supervisors. Additionally, Planning Commission expressed concerns about the Tree Preservation and Protection Ordinance in relation to enforcement feasibility and recommended that the Board authorize Planning & Zoning Staff and the new Township Arborist to review §22-515—Tree Preservation and Protection now that it has been put into practice. Staff has reviewed the plan and is recommending approval pending outstanding staff comments.

Ms. Dininni inquired about the retaining wall. Mark Torretti, PennTerra, stated that the wall is one foot and made the driveway steeper for the one lot.

Ms. Dininni stated that she is not ready to review the Tree Preservation Ordinance because there are other ordinances that need reviewed first.

Mr. Bill Keough, Ferguson Township Planning Commission, stated that the Planning Commission is not interested in the entire ordinance to be reviewed. The Planning Commission uncovered an issue with the ordinance that needs addressed. Mr. Keough stated that the protection of this tree is in perpetuity and the Township has no guidance in the ordinance for tracking the preservation.

Mr. Ressler stated that they do not go and look for trees that were removed and that it is complaint driven.

Mr. Keough stated that the Planning Commission recommended approval.

Ms. Strickland moved that the Board of Supervisors **grant** approval of the Farmstead View Preliminary Subdivision Plan pending outstanding staff comments as included in the memorandum dated June 14, 2022 from the Director of Planning & Zoning. Ms. Stephens seconded the motion. The motion passed unanimously.

5. Pine Grove Mills Farmers Market Donation Request

Ms. Dininni and Ms. Strickland recused themselves because they both serve on the Steering Committee.

Ms. Martin reported that the Pine Grove Mills Farmers Market opened on June 9th and will continue through September 29, 2022. As a local venue that supports small businesses, this farmers market is organized and managed by local residents for the community and is an example of economic development. Provided with the agenda packet is a copy of the donation form requesting a contribution in the amount of \$3,000. The Board is asked to give consideration for a financial contribution as allocated in the 2022 Operating Budget.

Ms. Stephens moved that the Board of Supervisors **authorize** an appropriation in the amount of \$3,000 as a financial contribution to support the 2022 Pine Grove Mills Farmers Market. Ms. Williams seconded the motion.

Ms. Stephens stated that she loves the market, the vouchers they gave to the ABC's, and is happy to approve.

Ms. Martin noted that on behalf of staff they were happy to facilitate the partnership to offer a token of appreciation to our members of the ABC's.

The motion passed unanimously.

6. Diversity, Equity, and Inclusion

Ms. Martin reported that the Board of Supervisors adopted a resolution establishing the agenda order of business for 2022 which included the addition of the Diversity, Equity, and Inclusion (DEI) special report item. Staff recognizes the opportunity to foster an inclusive community by increasing awareness on the broad diversity of residents that represent many different racial, ethnic, and cultural backgrounds. It is anticipated that the Board will continue to work to ensure that diverse communities are well-represented in policy discussions and actively celebrate the multi-ethnic and cultural backgrounds united within Ferguson Township. Staff proposes that the diversity, equity, and inclusion special item be used to announce, recognize, and celebrate diverse holidays and cultural events. Additionally, staff is prepared to present, at the July 19, 2022, regular meeting a draft diversity, religious, and ethnic holiday and cultural celebrations calendar that also features local historic celebrations. The proposed calendar would be featured on the Township's website with a submission request form to feature local cultural events. The Board is asked to consider the adoption of a diversity holiday and cultural celebrations calendar for staff to reference and add to the DEI special report item all diversity, religious, ethnic holidays, and cultural celebrations calendar.

Ms. Strickland suggested sharing with the General Forum as a reference.

Ms. Williams moved that the Board of **direct** staff to develop a draft calendar that proposes diversity, religious, and ethnic holidays, cultural celebrations, and local events and add to the Diversity, Equity, and Inclusion. Ms. Caldwell seconded the motion. The motion passed unanimously.

7. Acceptance of Retirement of Chris Albright, Chief of Police

Ms. Martin reported that provided with the agenda is a retirement announcement letter, after serving Ferguson Township for 30 years, from Chris Albright as Ferguson Township Chief of Police.

Ms. Dininni stated that Chief Albright has been an asset to the community and thanked him for his service. Ms. Dininni shared a story that involved her friend's and how Chief Albright handled the situation in good leadership style.

Mr. Albright appreciated the kind words and enjoyed working with the Township over the last 30 years.

Ms. Stephens moved that the Board of Supervisors **accept** the retirement resignation of Ferguson Township Chief of Police. Ms. Strickland seconded the motion.

Ms. Strickland thanked Chief Albright for his dedication and service to the Township.

The motion passed unanimously.

8. Board Member Request – Proclamation on Juneteenth Day of Observance for 2022

Ms. Williams reported that provided with the agenda is a proclamation to identify a significant date that marks the emancipation of the last enslaved in the South. June 19 has been long celebrated by former enslaved as “Juneteenth,” which is now celebrated throughout the country as a holiday commemorating American emancipation from slavery. Ferguson Township will be closed in observance of Juneteenth Day on June 19, 2022, as approved by the Board of Supervisors in 2021.

Ms. Williams read the proclamation that is on page 155 of the attached agenda.

Ms. Caldwell moved that the Board of Supervisors **adopt** the proclamation on Juneteenth Day of Observance for 2022. Ms. Stephens seconded the motion.

Ms. Williams acknowledged that Ferguson Township was the only one that closed yesterday and hopes other municipalities will do the same in the future.

The motion passed unanimously.

9. Board Member Request – Proclamation on Jewish American Heritage Month of May for 2022

Ms. Caldwell reported that provided with the agenda is a draft proclamation to recognize the Jewish American Heritage Month of 2022. Ms. Caldwell thanked the Board and staff for including and drafting the proclamation. Ms. Caldwell read the proclamation that is on page 156 of the attached agenda.

Ms. Stephens moved that the Board of Supervisors **adopt** the proclamation to recognize Jewish American Heritage Month of May in 2022. Ms. Williams seconded the motion. The motion passed unanimously.

X. COMMUNICATIONS TO THE BOARD

Ms. Strickland received a complaint about the work that is starting early on the corner of Buckhout and College Avenue and has been a repeated occurrence.

Ms. Strickland received a communication that bicyclists are not always stopping at the bike path crossing along Valley Vista.

Ms. Stephens had a communication regarding Homestead Park and when will the playground equipment be free from the tape that surrounds it. Mr. Modricker will follow-up with Ms. Stephens.

XI. CALENDAR ITEMS – JUNE/JULY

- a. June 20 – Juneteenth Holiday Observed, Township Administrative Offices Closed
- b. July 4th Holiday Observed, Township Administrative Offices Closed
- c. Coffee and Conversation, July 15, Naked Egg
- d. Pine Grove Mills Farmers Market, every Thursday throughout the Summer from 3 – 7 p.m.
- e. Route 45 Getaways week starts July 30
- f. Ferguson Township Upcoming Meetings
 - 1. Pine Grove Mills Small Area Advisory Committee, June 23-cancelled, July 28
 - 2. Planning Commission, June 27, July 11 and 25
 - 3. Parks and Recreation Committee Parks Tour, June 23
 - 4. Tree Commission, June 21, July 18

XII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to **adjourn** the meeting. The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Centrice Martin, Township Manager
of the Board of Supervisors



memo

TO: Ferguson Township Board of Supervisors

CC: Centrice Martin, Township Manager
Louwana Oliva, CATA Executive Director/CEO

FROM: John C. Spsychalski, Representative to the Centre Area Transportation Authority (CATA)

DATE: July 5, 2022

SUBJECT: April-June 2022 CATA Board Meetings

April 5, 2022 Work Session

- As part of the FY 2022/23 budget process, the board considered staff recommendations for merit-based compensation adjustments and draft FY 2022/23 Board Level Policy Goals. The preliminary draft FY 2022/23 budget was presented for the board's review.

April 25, 2022 Regular Meeting

- In response to comments received at the April 14, 2022 public hearing at the Schlow Centre Region Library, as well as comments received through CATA's service planning webpage, email, and telephone through the April 19, 2022 deadline, the board approved changes to the fall 2022 service plan that had initially been approved at its March 28, 2022 meeting. These changes include service to an alternate Foxdale Village stop on the outbound Atherton Street Connector only, a new loop routing for the Scenery Park end of the Atherton Street Connector, and a 10:00 p.m. start time for the late night service routing.
- The board approved the draft FY 2022/23 budget and its release for public comment. The budget document was subsequently posted to the CATA website and the link was sent to all member and contract municipalities with a May 18, 2022 deadline for comments.
- The board adopted a resolution certifying the local match for state operating assistance for FY 2022/23 and authorized its submission to PennDOT.
- The board adopted a resolution waiving CATA's adopted fare policy to allow CATARIDE services to be included in a promotion celebrating the reinstatement of Sunday service on May 8, 2022, on which date no fares were collected.
- The board was informed of and concurred with plans to extend the half-price OnePass promotion through July 31, 2022.

May 23, 2022 Regular Meeting

- The board received a presentation from Centre County Administrator John Franek on the solar array installed at the Centre County Corrections Facility in April 2020. This presentation was aimed at informing the board's discussion of next steps for participating in the Solar Power Purchase Agreement (SPPA) Working Group's request for proposals (RFP) for a solar power purchase agreement.
- At board member Lon Beck's request, the board reconsidered changes to the fall service plan approved at the April 25, 2022 meeting, specifically pertaining to service to the Foxdale Village stop. An alternative was proposed, but upon deliberation, the board reaffirmed the April 25 service changes by a 4-1 vote. Staff will continue researching options, and service to the Foxdale Village stop will be reexamined during service planning for fall 2023.
- The FY 2022/23 CATA Budget was adopted. No municipal feedback or public comments had been received; however, the final budget was decreased by \$19,374 from the draft presented in April due to a formula error. The final budget document is available online at <https://catabus.com/wp-content/uploads/FY-2022-23-CATA-Budget-05-23-22.pdf>.
- The board authorized the Executive Director/CEO to enter into a one-year service agreement with the Susquehanna Regional Transportation Authority (SRTA) for CATA to provide SRTA-brokered non-medical paratransit trips to recipients of state medical assistance (Medicaid) who are covered under Geisinger Medical Center's managed care organization. Up to eight one-way trips per month will be provided through an FTA grant awarded to Geisinger for the provision of transportation access to grocery stores and social activities that improve overall health and quality of life.
- The board received an update on preparations for a CATA-sponsored Centre County Accessible Transportation Fair that was held at the Nittany Mall from 12:00 noon to 8:00 p.m. on Thursday, June 9, 2022. This event provided CATA, MTM Transit (CATA's paratransit and on-demand subcontractor), Penn State University, and the Centre County Office of Transportation (CCOT) an opportunity to promote the ADA transportation services offered throughout Centre County. Patrons and caregivers were provided information about the services each agency offers and how the different programs work. Patrons were also provided an opportunity to experience utilizing the ramps and lifts for boarding/deboarding the various vehicles, and to become familiar with the securement procedures for each. It is anticipated this will become an annual event.

June 27, 2022 Regular Meeting

- The board adopted the FY 2022/23 CATABUS service calendar. Highlights include the addition of four service levels to better match the demand for service throughout the year, including a Winter Holiday Service schedule that will be in effect during the week between Christmas Day and New Year's Day. The service calendar will be posted on the CATA website in time for the return to full service on August 15.
- The board received the results of a survey that was mailed to 520 households in the Piney Ridge, Ramblewood, and Meadows neighborhoods of Ferguson Township to determine the potential benefits of and need for CATAGO microtransit service in those areas where the F (Pine Grove) route had previously operated. Based on feedback from the 72 respondents, including 41 from Ramblewood and 15 from the Meadows, the board determined that its previous decision to not include developments beyond Piney Ridge should stand when introducing the new Southwest

CATAGO Zone this fall. A copy of CATA Public Relations Specialist Jackie Sheader's memo to the CATA board regarding the results of the Pine Grove Mills Transportation Needs Survey is attached.

- The board authorized a public hearing on proposed **CATARIDE** service changes for areas beyond Piney Ridge that would no longer have access to **CATARIDE** service due to their location outside the new Southwest **CATAGO** zone. A copy of the press release announcing the public hearing is attached.
- The board approved immediate **CATAGO** service area adjustment to restore service to two areas that were inadvertently eliminated due to mapping errors during the service planning process.
- The board authorized the Executive Director/CEO to enter into an agreement with Optibus for the renewal of planning, scheduling, and mapping software through July 29, 2024, as well as an amendment to the original contract for the cost of additional route planning and run cutting work to be done by Optibus in preparation for the return to full service in August.
- The board authorized the Executive Director/CEO to enter into an agreement with SageView Advisory Group, LLC, to provide discretionary fiduciary management services related to CATA's 401a and 457 retirement programs on behalf of the CATA board.
- The board authorized the Executive Director/CEO to sign an amendment to the LOOP/LINK Service Agreement with Penn State University for FY 2022/23, pending final review by the university.
- The board authorized the sale of all remaining vanpool vans not transitioned into use by vendors, thereby eliminating the Authority's **CATACOMMUTE** fleet.
- The board received an update on the State Association of Transportation Insurance (SAFTI) worker's compensation insurance renewal for the policy year beginning June 30, 2022.

Approved minutes of all regular CATA Board of Directors meetings since 2015 are available at <https://catabus.com/about-cata/board-of-directors/board-directors-meetings/board-meeting-minutes/>.



memo

TO: CATA Board of Directors

FROM: Jacqueline Sheader, Public Relations Specialist

DATE: June 24, 2022

SUBJECT: Pine Grove Mills Transportation Needs Survey

As part of the service planning process for Fall 2022, CATA staff surveyed residents of the Piney Ridge, Ramblewood, and Meadows neighborhoods of Ferguson Township to determine the potential benefits of and need for **CATAGO** microtransit service in those areas where the F (Pine Grove) route had previously operated. These areas were not initially included in the new **CATAGO** Southwest Zone to be introduced this fall, pending the outcome of this survey.

Over the course of May and June, 520 surveys were mailed to residents of those neighborhoods within the survey parameters. Seventy-two participants responded to the survey as of Wednesday, June 15, an approximate 13.8% return rate. Five respondents were from Piney Ridge, 41 from Ramblewood, and 15 from the Meadows.

Key Survey Findings

Household demographics of the respondents:

- The average number of persons per household was 2.29.
- The number of households with someone 65 years of age or older was 38 (53%).
- Every responding household (100%) had at least one personal car available for their use (average=1.87 per household).
- Sixty-one percent (44) of the respondents had at least a 1:1 household member to vehicle ratio.
- Nine respondents noted that they or someone in their household was registered with **CATARIDE** paratransit service. Of those:
 - Two were active registrants, and one was already in the proposed **CATAGO** service area. The patron outside the service area is a senior who has been using the service between two and eight times per month over the past two years, traveling to State College, Bellefonte, and Boalsburg, and has used some trips for medical appointments.
 - Six were either not registered for the **CATARIDE** program or had been noted as inactive.
 - One did not provide contact information.

With regard to work-specific trips:

- 61% (44) of the respondents noted that members of the household traveled to destinations outside the home for work.
- Approximately 32% (23) noted that at least one person in their household works traditional shifts from 8:00/9:00 a.m. until 4:00/5:00 p.m.
- Approximately 25% (18) of all households include someone who works at Penn State University.

- Of those commuting to work, 100% of those who responded to the question said they use their personal car to make work trips. Additionally, 4% borrow a car, 4% carpool, 4% bike, and 1% walk at times.

With regard to non-work trips, participants noted making varying numbers of trips for medical appointments, education, grocery shopping and other retail, social activities, and other reasons (church, gym, etc.). Overwhelmingly, these trips are taken by personal car.

When the F (Pine Grove) route was operating, respondents noted that they:

- 74% (53) did not use the service or used the service as a “safety net”
- 7% (5) rode 1–4 times per month
- 3% (2) rode 5 or more times per month
- 5% (4) rode 1–6 times per week
- 5% (4) rode 7–14 times per week

When asked how often they would take advantage of public transportation service if some form were offered in their neighborhood(s), respondents anticipated they would use the service at the following frequency:

- 69% (50) would not use the service or would use it as a “safety net”
- 4% (3) would ride 3–4 times per month
- 5% (4) would ride 5 or more times per month
- 3% (2) would ride 1–6 times per week
- 8% (6) would ride 7–14 times per week

Staff Recommendation

Based on the information gained through the survey, staff recommends that the to-be-implemented **CATAGO Southwest Zone** remain as previously proposed and not be extended to service the Ramblewood and Meadows developments at this time. This recommendation results from the following considerations:

- The majority of respondents noted that they were not riders of the F route previously and have no intention of starting to use public transportation services in the future, or that they had used and would continue to use such service as a “safety net” only.
- The inclusion of these neighborhoods in the new Southwest Zone would involve adding an additional 2.4 square miles beyond the proposed zone, increasing coverage by 57% in an area where population density is low and populated areas are distanced. This would negatively impact those in the core area of travel, affecting wait and ride times due to the distance between the core and the Meadows and Ramblewood neighborhoods, which may eventually result in the need for additional resources to cover the area. Given the ridership data on the F route, coupled with the survey results, staff does not see the need to extend microtransit service beyond the proposed zone.
- Of those traveling outside the home for work, only a small fraction work at Penn State (25%). The majority of other commuters travel to destinations that would not be serviced by bus, not be adequately serviced by bus during peak travel times, and/or would require multiple transfers to reach their destination. Locations noted as work travel destinations beyond Penn State included Mill Hall, Tyrone, Port Matilda, Bellefonte, Benner Pike, North Atherton Street, South Atherton

Street, Hills Plaza, Mount Nittany Hospital, and Park Forest Village; for each of these locations serviced by bus, a rider would be required to transfer, often numerous times.

- Only one respondent noted as a **CATARIDE** participant would be affected by this change. The hours during which this patron has traditionally used the service are within the Centre County Office of Transportation's hours of operation, and staff there has indicated the patron would be able to use their services.



Press Release

*For more information, contact: Jacqueline Sheader
Release date: June 30, 2022*

*Phone: (814) 238-2282 ext. 5141
Date: June 30, 2022*

CATA to Host Public Hearing on Fall Changes to CATARIDE Paratransit Service in the Ramblewood and Meadows Developments

The Centre Area Transportation Authority (CATA) will host a public hearing (with an open house format) to gather comment on proposed fall CATARIDE paratransit service changes that would result in a loss of CATARIDE service in the Ramblewood and Meadows developments in Ferguson Township. The hearing will take place on Thursday, July 14, 2022, from 5:00 p.m. until 6:00 p.m. in the main meeting room of the Ferguson Township municipal building, 3147 Research Drive, State College. This space is accessible for those using mobility devices.

In April, CATA introduced a plan to implement a new CATAGO microtransit service zone (the Southwest Zone) in August. This zone will extend into the Pine Grove Mills area as far as the Piney Ridge neighborhood; however, service beyond Piney Ridge was not defined at that time, pending the result of a survey being conducted in the vicinity of the outlying Ramblewood and Meadows developments, areas previously served by the now discontinued F (Pine Grove) CATABUS route. Based on the data collected, the Southwest microtransit zone will remain as it was described at the Spring public hearing and not extended to the Ramblewood and Meadows developments. As a result, the area beyond Piney Ridge not serviced by the new CATAGO zone would no longer be served by CATARIDE paratransit service. Individuals in this area may qualify for other programs. Representatives from the Centre County Office of Transportation will be in attendance at the public hearing to assist attendees to understand alternative transportation options.

If approved, the proposed change in CATARIDE service would go into effect on Monday, August 15, 2022.

If public hearing participants have special needs related to language, sight, or hearing, please call (814) 238-CATA(2282) ext. 5131 or email cata@catabus.com to request accommodations at least five days prior to the hearing.

Comments may also be submitted by emailing comments@catabus.com or contacting CATA's Customer Service Center at (814) 238-CATA(2282) during normal business hours prior to close of business Thursday, July 14.

For additional information, please contact CATA's Customer Service Center at (814) 238-CATA(2282) or visit www.catabus.com/cataride-hearing.

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CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3

State College, PA 16801

Phone: (814) 231-3077 Fax: (814) 231-3083 Website: www.crcog.net

PARKS AND RECREATION GOVERNANCE SPECIAL COMMITTEE

Hybrid Meeting

June 22, 2022

8:30 AM

GENERAL MEETING INFORMATION	
<u>RSVP</u>	To ensure an overall quorum of members, please let us know how you intend to participate: https://us02web.zoom.us/meeting/register/tZcpdOysqTgqGtTQSoMAbQWgQJ7RK5n62Qsd
Remote Participants	To attend via Zoom: https://us02web.zoom.us/meeting/register/tZcpdOysqTgqGtTQSoMAbQWgQJ7RK5n62Qsd To attend this meeting by phone: +1 929 205 6099 Meeting ID: 834 3547 3000
In-Person Participants	COG Building – Forum Room 2643 Gateway Drive, State College, PA 16801
Meeting Contact: Scott Binkley email: sbinkley@crcog.net 814-235-7818	
<p style="text-align: center;">Click HERE to locate the AGENDA and ATTACHMENTS <i>Should you desire to annotate any attachments you must download them first.</i></p>	

- To simplify meeting management and to ensure that all attendees have equal ability to participate, the Chat feature has been disabled on the Zoom platform. A recording of the meeting will be made available on the COG website upon its conclusion.
- We ask that non-voting participants that are attending remotely remain muted with their video turned off unless recognized to speak. To reduce audio interference, please remain off speakerphone during the meeting.
- **VOTING PROCEDURES:** Members will provide their vote by voice. Clarification will be sought by the Chair if the vote is unclear. For additional information on COG Voting Procedures, click [HERE](#).
- **PUBLIC COMMENT GUIDELINES:** Members of the public may comment on any items not already on the agenda (five minutes per person). Comments relating to specific items on the agenda should be deferred until that point in the meeting. For additional information on COG public meeting guidelines, please click [HERE](#). Written public comment or requests to speak to the Committee for items not on the agenda, and requests to comment on specific agenda items listed below, may be submitted in advance by emailing sbinkley@crcog.net.
- To access agendas and minutes of previously held meetings, and to learn more about the COG Parks and Recreation Governance Special Committee on our website, click [HERE](#).

PARKS AND RECREATION GOVERNANCE SPECIAL COMMITTEE

Hybrid Meeting

June 22, 2022

8:30 AM

AGENDA SUMMARY

1.	CALL TO ORDER AND ROLL CALL
2.	PUBLIC COMMENTS
3.	NEW AGENDA ITEMS
4.	APPROVAL OF MINUTES
5.	WHAT IS THE BEST MISSION AND PURPOSE FOR THE AUTHORITY FOR THE FUTURE?
6.	WHAT IS THE BEST GOVERNANCE STRUCTURE TO ACHIEVE THAT MISSION/PURPOSE?
7.	OTHER BUSINESS
8.	CALENDAR
9.	HELPFUL REFERENCE LINKS
10.	ADJOURNMENT

CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3
State College, PA 16801
Phone: (814) 231-3077 Fax: (814) 231-3083 Website: www.crcog.net

PARKS AND RECREATION GOVERNANCE SPECIAL COMMITTEE

Hybrid Meeting
June 22, 2022
8:30 AM

AGENDA

1. CALL TO ORDER AND ROLL CALL

Chair will convene the meeting. Staff will take a roll call of committee members.

2. PUBLIC COMMENTS

Chair will invite members of the public to comment on any items not already on the agenda (five minutes per person time limit please). Comments relating to specific items on the agenda should be deferred until that point in the meeting. Submitted comments will be read into the record by the Recording Secretary at the appropriate time in the meeting.

3. NEW AGENDA ITEMS

Committee members may request additional items of business be added to this meeting's agenda. If approved by a majority vote of the members, the proposed new agenda item(s) will be added at an appropriate place on the agenda at the discretion of the Chair. Ideally, items for future agendas should be proposed to the Parks and Recreation Governance Special Committee through your municipal representative.

4. APPROVAL OF MINUTES

Enclosed is a copy of the minutes of the May 25, 2022, Parks and Recreation Governance Special Committee meeting.

5. WHAT IS THE BEST MISSION AND PURPOSE FOR THE AUTHORITY FOR THE FUTURE?
(Discussion) – Presented by Chair Francke

Based on the outcome of earlier background questions asked and answered in the prior agenda items, the Special Committee is asked to discuss the question, "What do we want our Authority to do and not do related to municipal parks and regional parks?"

- a. With Regard to Regional Parks:
 - i. What Do We Want Our Parks and Recreation Authority to Do?
 1. Fundraising for CRPR programs and facilities.
 2. _____
 3. _____
 4. _____
 - ii. What Do We Want Our Parks and Recreation Authority to Not Do?
- b. With Regard to Municipal Parks:
 - i. What Do We Want Our Parks and Recreation Authority to Do?
 - ii. What Do We Want Our Parks and Recreation Authority to Not Do?

Enclosed for review are aspirational and operational submissions as provided by members of the Committee in advance of the meeting.

6. WHAT IS THE BEST GOVERNANCE STRUCTURE TO ACHIEVE THAT MISSION/PURPOSE?
(Discussion) – Presented by Chair Francke

With the Mission and Purpose understood and agreed to, the Special Committee is asked to discuss the question, “What is the best governance structure to achieve that mission/purpose?”

7. OTHER BUSINESS

- A. Matter of Record - The next meeting of the Parks and Recreation Governance Special Committee is scheduled to be a hybrid meeting on **Wednesday, July 27, 2022, at 8:30 AM.**

8. CALENDAR

A calendar with upcoming COG committee, General Forum, and municipal meetings can be found by clicking the following link: [COG and Municipal Meeting Overlay Calendar](#)

9. HELPFUL REFERENCE LINKS

Repositories of helpful COG information have been assembled for use by the elected officials and COG staff:

- Governance policies, procedures, and other related documents can be viewed on SharePoint by clicking [here](#) or going to <https://www.crcog.net/governance>.
- Updates on current COG Studies and Projects can be found by clicking [here](#) or going to <https://bit.ly/3vZP8Zs>.

- Staff has established a SharePoint site, to share background information, documents, etc. with the members of the Parks and Recreation Governance Special Committee. As the work of the Committee proceeds, additional information will be added as well as draft documents that are being reviewed. The site can be accessed by going to:
<https://crcogonline.sharepoint.com/sites/COGParksandRecreationGovernanceCommittee>. Please contact Pam Salokangas at psalokangas@crcog.net for site access.
- The Whitehall Road Regional Park project site facilitates easy access to documents, resources, and current information about the project. Staff continues to develop and update the site which can be found at <https://www.crcog.net/wrrpinfoguide>.
- COG Facilities Reference information can be found at: <https://bit.ly/3qnEbMA>. The Facilities Committee uses this information as a collection point and serves as a resource for new members of the Committee as well as others. Please contact Scott Binkley at sbinkley@crcog.net for access.

10. ADJOURNMENT

ENCLOSURES

<u>Item #</u>	<u>Description</u>
04	May 25, 2022 – Parks and Recreation Governance Special Committee Meeting Minutes
05	Governance - Aspirational or Operational Submissions

**FERGUSON TOWNSHIP
REGIONAL AND ABC MEETING REPORT**

(One Meeting Report Per Form)

1. NAME OF MEETING ATTENDEE(S): Lisa Strickland

2. REPORTING ON WHICH COMMITTEE: CCMPO 6-28-22

3. REQUIRES COMMENTS BACK TO BOARD OF SUPERVISORS: YES NO

If YES, describe briefly:

4. BRIEF OVERVIEW OF MEETING:

Trish Meek was named as the PennDOT Statewide Bicycle and Pedestrian Coordinator. Comments and thanks were shared. A resolution of thanks will be prepared by staff.

Title VI program final draft was approved. Act requires all entities receiving federal funding to provide equal access to programs and projects. Updates include changes to language, how and where information is presented.

Committee received a brief update on the SCAC. Penn Dot is compiling comments from April public meeting. Discussion on how to collect and present comments from CCMPO.

Some additional funds were made available and some funds needed redistributed for the 2021-2024 Centre County Transportation Improvement Program (TIP) Revisions. This included an additional \$15,000 for the Pine Grove Mills TSA grant.

Comments were accepted for the 2022 Centre County Air Quality Conformity Determination Report 2023-2026 Centre County Transportation Improvement Program (TIP) and both were approved.

5. LINK TO COG COMMITTEE MEETING AGENDA: Attached

**CENTRE COUNTY METROPOLITAN PLANNING ORGANIZATION (CCMPO)
COORDINATING COMMITTEE**

**Hybrid Meeting
Tuesday, June 28, 2022
6:00 PM**

<u>GENERAL MEETING INFORMATION</u>	
RSVP	To ensure an overall quorum of members, please let us know how you intend to participate: https://us02web.zoom.us/meeting/register/tZclce6gqjwGdZqN6H7p2pli_QpPc_pc8Zw
Remote Participants	To attend via Zoom: https://us02web.zoom.us/meeting/register/tZclce6gqjwGdZqN6H7p2pli_QpPc_pc8Zw To attend by phone: +1 301 715 8592 Meeting ID: 840 7170 5417 Passcode: 162384
In-Person Participants	COG Building – Forum Room 2643 Gateway Drive, State College PA 16801
Meeting Contact: Marcella Hoffman email: mhoffman@crcog.net 814-231-3050	
<u>Click HERE to locate the AGENDA and ATTACHMENTS</u> <i>Should you desire to annotate any attachments, you must download them first</i>	

- The chat feature for this meeting will be disabled. A recording of the meeting will be made available on the COG website upon its conclusion.
- We ask that non-voting participants that are attending remotely remain muted with their video turned off unless recognized to speak. To reduce audio interference, please remain off of speakerphone during the meeting.
- **VOTING PROCEDURES:** Members will provide their vote by voice. Clarification will be sought by the Chair if the vote is unclear. For additional information on Voting Procedures, please click [HERE](#).
- **PUBLIC COMMENT GUIDELINES:** Members of the public may comment on any items not already on the agenda (five minutes per person). Comments relating to specific items on the agenda should be deferred until that point in the meeting. For additional information on COG public meeting guidelines, please click [HERE](#).
- To access agendas and minutes of previously held meetings, and to learn more about the CCMPO Coordinating Committee, please click [HERE](#).

**Centre County Metropolitan Planning Organization (CCMPO)
Coordinating Committee Meeting**

**Tuesday, June 28, 2022
6:00 p.m.**

AGENDA

1. **Call to Order**
2. **Approval of Minutes:** *April 20, 2022 Coordinating Committee meeting.*
3. **Public Comments:** *For items not on the agenda.*
4. **New Agenda Items:** *Members may request that an additional item(s) be added to the agenda. If approved by a majority vote of members present, the proposed item(s) will be placed on the agenda at a time determined by the Chair.*
5. **Special Announcement:**
Appointment of Trish Meek, AICP as the PennDOT Statewide Bicycle and Pedestrian Coordinator
6. **CCMPO Title VI Program:**
Final draft document - see web link in staff report
Action: Recommendation to approve updated Title VI Program
7. **State College Area Connector (SCAC) Project:**
Status Report and PEL Study Report Review Process
No action required
8. **2021-2024 Centre County Transportation Improvement Program (TIP) Revisions:**
[8.1 - Additional Funding from the TA Set Aside Program](#)
[8.2 - Atherton Street Phase III Project](#)
[8.3 - 2025 and 2026 Bridge Preservation Projects](#)
Action: Approve Amendments
9. **Public Comment Period Summary For:**
2022 Centre County Air Quality Conformity Determination Report
2023-2026 Centre County Transportation Improvement Program (TIP)
Action: Approve responses to comments
10. **2022 Centre County Air Quality Conformity Determination Report:**
Conformity Determination Report and Air Quality Conformity Resolution
Action: Approve the conformity report and conformity resolution
11. **2023-2026 Centre County TIP:**
Final Draft TIP
Action: Recommend adoption of TIP
12. **Federal Transportation Planning Process Self-Certification:**
Action: Recommend approval of self-certification resolution
13. **BIL Subcommittee Report:**
Initial Committee Report
Action: Recommendation to Coordinating Committee
14. **Member Reports:**
Reports from members about a significant item(s) of interest
No action required
15. **Announcements**
16. **Adjourn**

<p><i>Next Coordinating Committee meeting: Tuesday, Sept. 27, 2022, 6 p.m. Hybrid - Zoom/COG Building</i></p>

**CENTRE COUNTY METROPOLITAN PLANNING ORGANIZATION (CCMPO)
COORDINATING COMMITTEE**

Wednesday, April 20, 2022

6:00 p.m.

Hybrid Meeting

Minutes

Voting Members

Eric Bernier	College Township
Deanna Behring	State College Borough
Bruce Lord	Harris Township
Lisa Strickland	Ferguson Township
Elliot Abrams	Patton Township
Mark Higgins	Centre County Board of Commissioners
Michael Pipe	Centre County Board of Commissioners
Doug Johnson	Nittany Valley Planning Region
Dick Decker	Penns Valley Planning Region
David Veneziano	Lower Bald Eagle Valley Planning Region
Keith Reese	Upper Bald Eagle Valley Planning Region
Tim Ryder	Moshannon Valley Planning Region
Jon Eich	Centre Regional Planning Commission (CRPC)
John Spychalski	Centre Area Transportation Authority (CATA)
Tom Zurat	PennDOT District 2-0
Larry Shifflet	PennDOT Central Office

Non-Voting Members

Matt Smoker	Federal Highway Administration (FHWA)
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Others Present

Tom Zilla	Centre Regional Planning Agency (CRPA)
Jim Saylor	CRPA
Jim May	CRPA
Trish Meek	CRPA
Greg Kausch	CRPA
Marcella Hoffman	CRPA
Pam Adams	CRPA
Anne Messner	Centre County Planning and Community Development Office (CCPCDO)
Louwana Oliva	CATA
Mark Schultz	PennDOT District 2-0
Frank Hampton	PennDOT Central Office
Kevin James	Michael Baker International
Cindy Kunes	Congressman Thompson's Office

1. Call to Order

Mr. Bernier called the meeting to order at 6:00 p.m. and turned the floor over to Mrs. Hoffman, who conducted a roll call of Committee members to ensure they could hear and be heard.

2. Approval of Minutes

Motion was made by Dr. Spychalski and seconded by Mr. Shifflet to approve the minutes of the February 22, 2022 Coordinating Committee meeting, as presented. The motion carried 16-0.

3. Public Comments

There were no comments from the public.

4. New Agenda Items

No new agenda items were requested.

5. 2023-2026 Centre County Transportation Improvement Program (TIP)

The Coordinating Committee received a presentation from MPO staff regarding the final draft 2023-2026 Transportation Improvement Program (TIP). Mr. Zilla reviewed the federal and state base funding allocations and noted that with the passage of the Bipartisan Infrastructure Law (BIL), the MPO is set to see an increase of 46% in base funding for the new TIP. Mr. Kausch stated that on the transit funding side, \$82,363,033 will be allocated for transit related projects for the 2023-2026 TIP, and projects include operating assistance for the Centre Area Transportation Authority (CATA) and the Centre County Office of Transportation (CCOT), replacement vehicles for both agencies, and modest reoccurring line items for facilities and equipment. Mr. Zilla then spoke to the highway and bridge funding element, which includes \$63,771,517 in base funding allocation for a total of \$81,671,517 that includes the State College Area Connector Project, Road MaP, and High Friction Surface spike funding. Mr. Zilla communicated that with the base funding, a total of 33 projects are programmed for the new TIP. Mrs. Messner then reviewed the local bridge projects that will be funded using the Road MaP and retroactive reimbursement program line items. Lastly, Mr. Saylor reviewed the TIP Modification Procedures, which includes two levels of approval. An amendment to the TIP requires formal approval by the CCMPO Committees and could include adding a new project using federal funds and adding or deleting a project or project phase for a 100% state-funded “significant” project. The threshold for requiring an amendment is \$1.5 million. An administrative modification is another TIP modification procedure but only requires concurrency by MPO staff.

With no discussion, motion was made by Mr. Eich and seconded by Mr. Johnson to authorize MPO staff to advertise the Final Draft Centre County 2023-2026 Transportation Improvement Program for the required public comment period. The motion carried 16-0.

6. State College Area Connector (SCAC) Project

The Coordinating Committee received a presentation from Mr. James regarding the April public meetings for the State College Area Connector (SCAC) Project. Mr. James gave a detailed overview of the public meetings held on April 5 and 6. A total of 801 attendees signed in and to date, PennDOT has received 136 comment cards. Key items of note from the comment cards include groundwater (specifically Cedar Run and Hidden Lake Estates), corridors bisecting farms, increasing traffic causing potential safety issues on Route 45, wildlife habitats, noise and air pollution, Tussey Mountain and associated recreational activities, and impacts on the Calvary Church property. Mr. James stated that PennDOT and its consultant updated environmental mapping and features on the GIS Webmap, which can be view on the SCAC website. Updates include input from municipalities, organizations, the public, and communities; additional housing developments and other community resources based on new available data; agricultural areas including Agriculture Security Areas, Clean and Green, and conservation easements; and information regarding streams and watercourses. Mr. James continued and stated that the aerial imagery that is show on the SCAC GIS Webmap will be updated in the next few months and will be updated once every year until project completion. Mr. James then reviewed the traffic updates, which included a detailed review of the existing traffic origins and destinations using Streetlight data, which helped develop traffic models for the proposed alternative corridors to determine traffic volumes in the design year 2050. Mr. James continued and reviewed the build alternative updates for U.S. 322 and PA Route 144, which included an update to the engineering features as well as costs. Lastly, Mr. James reviewed the next steps for the Planning and Environmental Linkages (PEL) Study, including further refining the planning cost estimates for the build alternatives, refining the environmental tables, developing the draft PEL report to include the alternative analysis, and to document public feedback.

Mr. James further explained that the PEL Report will include recommendations for two or three alternatives to move forward into the National Environmental Policy Act (NEPA) phase.

In response to a question from Commissioner Pipe, Mr. Zurat communicated that a few community groups have asked PennDOT staff to come and speak with them about the PEL Study and the next steps. In addition, PennDOT is ensuring that the information that is provided on the SCAC website is as current as possible so that the public has all the information; however, there have been several discussions among PennDOT staff regarding ways to inform the public that there is information on the website to begin with. Mr. James added that the SCAC team is also looking at updating the Frequently Asked Questions section on the website because those questions have changed over time, and the team wants to ensure that the public has the most up-to-date information to help decrease the amount of misinformation. Mr. Zurat stated that they have received comments regarding consistent messaging, so PennDOT staff and its consultants have made a concerted effort to keep their messaging consistent. With having over 800 attendees and 40 staff people to answer questions in attendance at the public meetings, it is tough to have completely consistent messaging.

Mr. Eich suggested that PennDOT utilize C-NET to record a narrated presentation to air on C-NET channels and to be able to share that information consistently, as well as reach populations far and wide. Mr. Zurat stated that PennDOT already has a narrated presentation and can work with MPO staff to have C-NET play the video across their platforms.

Mr. Reese suggested that PennDOT utilize the variable message boards all along the major highways in the area to promote the SCAC website. Mr. Zurat explained that there are very specific requirements to use the variable message boards for messaging, so he will have to look into being able to do that.

7. Centre Region Climate Action and Adaptation Plan (CAAP)

The Coordinating Committee received a presentation from Pam Adams, Centre Regional Planning Agency Sustainability Planner regarding the newly adopted Centre Region Climate Action and Adaptation Plan. The CAAP was adopted by the Centre Region Council of Governments (COG) General Forum on November 22, 2021. The COG, in collaboration with its six member municipalities, developed the CAAP to identify pragmatic, fiscally responsible, and equitable actions that local government can implement to reach goals of reducing greenhouse gas emissions and adapting to a changing climate. Mrs. Adams explained that the CAAP is broken into six sectors, and the sector related to the CCMPO addresses Sustainable Transportation. Implementing sustainable transportation planning and practices that promote efficient use of public resources can have positive effects on the community's welfare through improved air quality, more affordable mobility options, and increased active lifestyle habits. The CAAP also recognizes the substantial consequences that severe weather events and changes to the climate pose to local infrastructure, public health, economy, and lifestyles. Preparing for climate change and extreme weather events is critical to protecting the integrity of the transportation system and financial investments in that system.

The Coordinating Committee members offered no comments or questions. Mrs. Adams will periodically update the CCMPO about activities associated with the CAAP relative to transportation infrastructure operations.

8. Long Range Transportation Plan (LRTP) 2050 Action Plan

The Coordinating Committee received a brief presentation from Anne Messner, Centre County Planning and Community Development Office (CCPCDO) Senior Transportation Planner, regarding a dashboard that MPO staff developed to track progress on work tasks identified in the Long Range Transportation Plan's (LRTP) 2050 Action Plan. The dashboard is intended to show work that is anticipated to be completed prior to, or during the next update of the LRTP. Mrs. Messner reviewed the Stakeholder Action table, the Performance Measure Action table, the Social Justice Action table, and the Resiliency Action table. With no questions or comments, Mrs. Messner stated that she will review the dashboard periodically with the CCMPO to determine progress and modifications needed.

9. Member Reports

Committee members provided no reports; however, members took this time to honor and thank Mr. Zilla for his 33-year tenure with the Centre County MPO as the Principal Transportation Planner. Several members spoke of his expertise, leadership, mentorship, patience, and his commitment to the transition process of bringing Mr. Saylor on board. Mr. Zilla’s leadership has helped shape many of the most consequential transportation projects in Centre County for more than a quarter-century. He has also contributed significantly to furthering the profession by volunteering his time to many PennDOT initiatives over the years, and generously sharing his knowledge with his peers in other MPOs throughout the Commonwealth. Mr. Zilla valued his relationships with MPO staff and was a great friend, mentor, and leader for those he supervised on a daily basis. He focused on doing what was right for the community and for the individuals who could be impacted by transportation projects. His commitment to listening with an open mind, respecting each person, and getting the work done has helped forge a transportation planning program that is second to none!

Committee members then welcomed Mr. Saylor, the Centre County MPO’s new Principal Transportation Planner. Mr. Saylor comes from the SEDA-COG MPO as the Transportation Planning Director. Mr. Saylor led the development of Unified Planning Work Programs, Long Range Transportation Plans, Strategic Plans, and Transportation Improvement Programs for SEDA-COG, which is an eight-county area east of Centre County. Mr. Saylor has worked closely with PennDOT Engineering District 2-0 and has participated as a member of several statewide transportation planning work groups comprised of officials from federal, state, metropolitan, and rural organizations. Mr. Saylor is a certified Professional Engineer and Professional Traffic Operations Engineer and brings a wealth of experience working within Pennsylvania’s metropolitan transportation planning and programming process. Mr. Saylor began his role on March 28, 2022 and has undertaken his work duties quickly and enthusiastically!

10. Announcements

The next Technical Committee meeting is scheduled for 9:30 a.m. on Wednesday, June 8, 2022 using hybrid meeting technology at the COG building. The next Coordinating Committee meeting is scheduled for 6:00 p.m. on Tuesday, June 28, 2022 using hybrid meeting technology at the COG building.

11. Adjournment

There being no further business, the April 20, 2022 CCMPO Coordinating Committee meeting was adjourned at 7:53 p.m.

Respectfully submitted,

Marcella Hoffman
Recording Secretary

Congratulations!

In May 2022, PennDOT announced that Trish Meek, AICP, has been appointed as the new Statewide Bicycle and Pedestrian Coordinator, effective June 13, 2022.

In this role, Trish will advocate within PennDOT and with external partners across Pennsylvania to implement policies, legislation, engineering solutions and educational and funding programs supporting people who walk and bike, with a focus on those who do so out of necessity rather than choice.

This appointment reflects the great success of bike and pedestrian planning efforts Trish led in her 27.5 years serving as a Senior Transportation Planner for the Centre Regional Planning Agency (CRPA). Trish helped municipalities secure funding for numerous projects, including streetscape, sidewalk, and shared use path projects in Bellefonte, Centre Hall, Howard, and Philipsburg Boroughs; Benner Township; and all six Centre Region municipalities. Trish has also been a guiding force in developing an active transportation community in the Centre Region, assisting the municipalities in completing plans and official maps focused on bicycles and recreation, and working with several external bike advocacy groups and organizations to promote bicycling activities.

One of Trish's signature accomplishments was leading a collaborative effort to have the Centre Region designated as a Bicycle Friendly Community by the National League of American Bicyclists (LAB), initially at the Bronze level, and then most recently at the Silver level. Trish also facilitated the LAB's designation of the Centre Region Council of Governments and other entities as Bicycle Friendly Businesses. As part of the BFC and BFB efforts, Trish played a major role in the development and delivery of bicycle education and fulfillment activities, many of which became extremely popular during the COVID pandemic when the public dramatically increased walking and biking activities.

Building relationships between PennDOT, municipalities, and many external partners has been a particular strength that Trish has exhibited throughout her career at the CRPA. In the course of that career, Trish led several other important transportation planning projects for the CCMPO, including preparation of the MPO's first Park and Ride Lot Study, management of a consultant team preparing a transit development plan for CATA, and completion of several MPO Long Range Transportation Plans. Her versatility and willingness to help where needed even resulted in a short stint as CRPA's local land use planner for the Halfmoon Township.

Trish's last day with the CRPA and CCMPO is June 8, 2022. On behalf of the CCMPO staff and Committee members, congratulations to Trish! We thank her for the positive impact she has had on communities across Centre County and look forward to working with her as she continues to serve as an advocate for people-powered transportation at the statewide level!



JUNE 28, 2022 MEETING

ITEM 6

CCMPO TITLE VI PROGRAM

Final Draft Document

The CCMPO's current Title VI program was adopted by the Coordinating Committee in November 2018. Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives federal funds or other federal financial assistance. The CCMPO's Title VI program is augmented by Environmental Justice (EJ) and Limited English Proficiency (LEP) policies that ensure non-discrimination for other protected classes.

The CCMPO's current Title VI program includes a policy statement, notifications to the public, complaint procedures, and an LEP plan. The program also interfaces with the CCMPO Public Participation Plan (PPP).

In September 2019, a Title VI compliance review was conducted by the PennDOT Bureau of Equal Opportunity. This review resulted in several proposed enhancements to the CCMPO Title VI program, including:

- Expansion of the list of protected classes
- Enhanced tracking of requests for accommodation
- Re-working of the LEP plan and four-factor analysis
- Removal of language referring to "EJ" tracts and populations, in favor of more specific language

In fall 2021, presentations at the PennDOT/MPO/RPO Planning Partners Conference included recommendations by federal and state officials for additional enhancements to Title VI programs, including:

- Adherence to Federal Transit Administration (FTA) Circular 4702.1B
- Formatting of numerous components into a single, cohesive document

Based on input received from the Technical and Coordinating Committees in February, as well as subsequent input received from the PennDOT Bureau of Equal Opportunity (BEO), FTA, and the Federal Highway Administration (FHWA) a final draft of the updated Title VI program is being presented at this meeting. Following the presentation, staff will receive any further questions and comments, and request that the Coordinating Committee adopt the updated Title VI Program by the Coordinating Committee.

Attachment:

- Final draft - update to CCMPO Title VI Program

At its June 8 meeting, the Technical Committee approved a recommendation to the Coordinating Committee to adopt the updated CCMPO Title VI Program.

The Coordinating Committee should receive the presentation and adopt the updated CCMPO Title VI Program.

Presented by: Greg Kausch, CRPA

Action: Adopt the updated CCMPO Title VI Program.

Due to the size and length of the draft CCMPO Title VI program document, please click the link to access the document: [https://www.crcog.net/vertical/sites/%7B6AD7E2DC-ECE4-41CD-B8E1-BAC6A6336348%7D/uploads/Item 6 - Final Draft CCMPO Title VI Program Update \(June 2022\).pdf](https://www.crcog.net/vertical/sites/%7B6AD7E2DC-ECE4-41CD-B8E1-BAC6A6336348%7D/uploads/Item%206%20-%20Final%20Draft%20CCMPO%20Title%20VI%20Program%20Update%20(June%202022).pdf)

JUNE 28, 2022 MEETING

ITEM 7

STATE COLLEGE AREA CONNECTOR (SCAC) PROJECT

Status Report and PEL Study Report Review Process

The SCAC Planning and Environment Linkages (PEL) Study is scheduled to be completed in summer 2022. The study will identify transportation improvements to be advanced for environmental consideration and further design in the next step, the Preliminary Engineering (PE) phase.

The PE phase will involve a more detailed analysis of the study area's socio-economic, natural, and cultural resources; the detailed development and evaluation of transportation alternatives; the identification of a preferred alternative; and securing environmental clearance for the preferred alternative.

Since the April CCMPO meetings, PennDOT's consultant team has compiled input from public meetings that were held on April 5 and 6, 2022, and initiated the preparation of the Draft PEL Study report.

At the meeting, PennDOT's consultant team will provide an update about the study, including:

- Highlights of input received at the April public meetings
- Schedule for completion of the Draft PEL Study Report and release of study recommendations
- General timeline for the overall project process beyond the PEL

The Coordinating Committee should receive the status report.

Presented by: Dean Ball, P.E., PennDOT District 2-0
Kevin James, P.E., SCAC Project Manager, Michael Baker International

No action required.

Following the project team's status report, MPO staff will present a proposed process for the CCMPO's review of the Draft PEL Study Report.

The Coordinating Committee should receive the presentation about the review process and provide comments to staff.

Presented by: Anne Messner, AICP

No action required.

SCAC website: www.PennDOT.gov/SCAC

June 28, 2022 MEETING

ITEM 8.1

2021-2024 CENTRE COUNTY TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

TIP Revisions - Additional Funding from Transportation Alternatives Set-Aside Program

The 2021-2024 Centre County TIP was adopted by the CCMPO in June 2020 and took effect on October 1, 2020. On April 20, 2022, Governor Tom Wolf announced the award of funds from PennDOT's Transportation Alternatives (TA) Set-Aside Program, including three projects in Centre County.

PennDOT proposes to add funding for a Preliminary Engineering (PE) phase for each of these projects to the TIP. This funding will allow PennDOT to assign a project manager to each project to assist the sponsors in completing their reimbursement agreements, selection processes, and obtain the required clearances for the projects. Construction phase funding for the projects will be added to the TIP in a future action.

The CCMPO must formally approve a revision to the TIP to add the three new projects and the associated funds.

Project	Municipality	Funding
Streetscape and safety improvements along Spring Street and Bishop Street.	Bellefonte Borough	\$15,000
Addition of 1.6 miles of shared use path along Easterly and Westerly Parkway and Blue Course Drive, connecting with the existing Orchard Park Bikeway and several other existing paths and trails.	State College Borough	\$20,000
Sidewalk, roadway shoulder widening, addition of rectangular rapid flashing beacon and signage to improve safety for pedestrians and bicyclists in the Village of Pine Grove Mills.	Ferguson Township	\$15,000

Attachment:

- Fiscal Constraint Chart illustrating details of funding revisions.

MPO and PennDOT District 2-0 staff will provide a brief summary of the proposed revisions.

At its June 8 meeting, the Technical Committee approved a recommendation to the Coordinating Committee to adopt the revisions to the 2021-2024 TIP.

The Coordinating Committee should receive the summary and approve the revisions to the 2021-2024 TIP.

Presented by: James Saylor, P.E., PTOE, CRPA
Mark Schultz, PennDOT District 2-0

Action: Approve the revisions to the 2021-2024 Centre County TIP.

**CCMPO 2021 TIP
Highway and Bridge Amendments**

* Positive number denotes a deposit/Negative in parentheses denotes a debit

Amendments				Fund Type		FFY 2021			FFY 2022			FFY 2023			FFY 2024			Outer Years			Grand Sum	Remarks			
Project Title	MPMS	Phase	Action	Fed.	Sta.	Fed. (\$)	State (\$)	Loc/Oth (\$)	Fed. (\$)	State (\$)	Loc/Oth (\$)	Fed. (\$)	State (\$)	Loc/Oth (\$)	Fed. (\$)	State (\$)	Loc/Oth (\$)	Fed. (\$)	State (\$)	Loc/Oth (\$)					
1 Bellefonte Streetscape Safety improvements TASA Centre County	118399	PE	Before	STP					0			0										0	Add project to TIP with federal funds. TASA oversight and management.		
			Adjust	STP						5,000			10,000												15,000
			After	STP			0	0	0	5,000	0	0	10,000	0	0	0	0	0	0	0	0	0		0	15,000
2 St. College Shared Use Path TASA Centre County	118401	PE	Before	STP					0			0										0	Add project to TIP with federal funds. TASA oversight and management.		
			Adjust	STP						7,000			13,000												20,000
			After	STP			0	0	0	7,000	0	0	13,000	0	0	0	0	0	0	0	0	0		0	20,000
3 Pine Grove Mills Bike / Ped Improvements TASA Centre County	118402	PE	Before	STP					0			0										0	Add project to TIP with federal funds. TASA oversight and management.		
			Adjust	STP						5,000			10,000												15,000
			After	STP			0	0	0	5,000	0	0	10,000	0	0	0	0	0	0	0	0	0		0	15,000
			Before																			0			
			Adjust																			0			
			After			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
			Before																			0			
			Adjust																			0			
			After			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
			Before FFY Totals			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Fiscal constraint ok as \$50k from Statewide		
			Adjustment FFY Totals			0	0	0	17,000	0	0	33,000	0	0	0	0	0	0	0	0	0	50,000	Reserve #104412.		
			After FFY Totals			0	0	0	17,000	0	0	33,000	0	0	0	0	0	0	0	0	0	50,000			

June 28, 2022 MEETING

ITEM 8.2

2021-2024 CENTRE COUNTY TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

TIP Revisions - Additional Funding for the Atherton Street Phase III Project

The 2021-2024 Centre County TIP was adopted by the CCMPO in June 2020 and took effect on October 1, 2020.

PennDOT has encountered bid costs significantly higher than previous cost estimates for the Atherton Street Project. Cost drivers include increases in material costs and maintenance and protection of traffic. The increases reflect trends PennDOT personnel have noted in many project lets this spring, and the increases were reflected uniformly in all bids received. The magnitude of the increase (approximately \$12 million), the already large size of the project, and the necessity of coordinating with other stakeholders present additional difficulties in this case. PennDOT proposes to allocate funding from line items, statewide programs and projects from the CCMPO TIP where the movement of funds will not have a negative effect on the project timeline.

Summary of Recommended Amendment to 2021-2024 TIP			
<i>Where are the funds coming FROM?</i>			
Project	Original Funding	Change	Revised Funding
Poor Bridge/Betterment Line Item Regional TIP Reserve Item	\$5,441,026	-\$3,837,331	\$1,603,695
HSIP Set Aside Reserve Central Office Reserve Item	\$9,438,469	-\$1,491,205	\$7,947,264
SR 3014 Section 154 Atherton Street Phase IV PE Phase – funded 2023-2026 TIP	\$470,000	-\$400,000	\$70,000
SR 26/45 Section N37 Shingletown Road Intersection Construction Phase – balance in excess of estimated cost	\$6,500,361	-\$651,716	\$5,848,645
SR 3014 EPX 2022 Centre Bridge Epoxy Surface Treatment Elmwood Street over Spring Creek – Converted to HSIP	\$150,000	-\$150,000	\$0
SR 26 Section N41 Howard Intersection Final Design Phase – Converted to HSIP	\$358,216	-\$357,216	\$1,000
SR 26 Section 147 Jacksonville Road Betterment Utility Phase – Available due to engineering delay, will be reprogrammed on 2023-2026 TIP	\$500,000	-\$500,000	\$0
SR 26 Section 147 Jacksonville Road Betterment ROW Phase – Available due to engineering delay, will be reprogrammed on 2023-2026 TIP	\$410,607	-\$410,607	\$0
SR 26 Section 147 Jacksonville Road Betterment Construction Phase – Available due to engineering delay, will be reprogrammed on 2023-2026 TIP	\$4,175,000	-\$3,525,000	\$650,00

(Continued)

Summary of Recommended Amendment to 2021-2024 TIP			
<i>Where are the funds going TO?</i>			
Project	Original Funding	Change	Revised Funding
SR 3014 Section 153 Atherton Street Phase III Construction Phase	\$21,928,939	+\$11,873,701*	\$33,802,640

**There is a \$550,626 difference in "from" and "to" funding, reflecting an increase in local funds that are not moved from any other project.*

Attachment:

- Fiscal Constraint Chart Illustrating details of funding revisions

MPO and PennDOT District 2-0 staff will provide a brief presentation about the proposed revisions. The CCMPO must formally approve revisions to project scopes using federal funds where the resulting revision exceeds \$1,500,000.

At its June 8 meeting, the Technical Committee approved a recommendation to the Coordinating Committee to adopt the revisions to the 2021-2024 TIP.

The Coordinating Committee should receive the presentation and approve the revisions to the 2021-2024 TIP.

Presented by: James Saylor, P.E., PTOE, CRPA
Mark Schultz, PennDOT District 2-0

Action: Approve the revisions to the 2021-2024 Centre County TIP.

FISCAL CONSTRAINT CHART
FFY 2021-2024 TIP Highway/Bridge

Amendment (MA ID:)				Fund Type		FFY 2021			FFY 2022			FFY 2023			FFY 2024			FFY 2025			Remarks	
Project Title	MPMS	Phase	Amts	Fed	State	Federal	State	Loc/Oth	Federal	State	Loc/Oth	Federal	State	Loc/Oth	Federal	State	Loc/Oth	Federal	State	Loc/Oth		
Poor Bridge/Betterment Line Item /000 Centre	84343	CON	Before	NHPP					211,692									1,638,000			Reserve Line Item	
			Adjust	NHPP						(211,692)									(1,638,000)			
			After	NHPP																		
Poor Bridge/Betterment Line Item /000 Centre	84343	CON	Before	STP	581				322,622						1,121,927	39,970		503,120			Reserve Line Item	
			Adjust	STP	581				(322,622)						(1,121,927)	(39,970)		(503,120)				
			After	STP	581																	
HSIP Set Aside Reserve /000 Central Office	101969	CON	Before	sHSIP					9,438,469			8,607,294			32,454,396						HSIP Reserve Line Item	
			Adjust	sHSIP					(1,491,205)													
			After	sHSIP					7,947,264			8,607,294			32,454,396							
Atherton Street Phase IV 3014/154 Centre	101961	PE	Before	NHPP														470,000			Funds needed to support project	
			Adjust	NHPP															(400,000)			
			After	NHPP																70,000		
Howard Intersection 26/N41 Centre	93262	FD	Before		581											358,216					Available Funds, project will be supported by HSIP Funds	
			Adjust		581												(357,216)					
			After		581												1,000					
SR 26/45 Shingletown Intersection 26/N37 Centre	76136	CON	Before	NHPP								651,716									Available Funds, Low Bid cost savings	
			Adjust	NHPP									(651,716)									
			After	NHPP																		
Jacksonville Road Betterment 26/147 Centre	112588	UT	Before		581		100,000			500,000											Available Funds, plan development delays	
			Adjust		581				(500,000)													
			After		581		100,000															
Jacksonville Road Betterment 26/147 Centre	112588	RW	Before		581		239,393			410,607											Available Funds, plan development delays	
			Adjust		581				(410,607)													
			After		581		239,393															
Jacksonville Road Betterment 26/147 Centre	112588	CON	Before	STP	581							1,827,000	2,348,000								Available Funds, plan development delays, funded on 2023 TIP	
			Adjust	STP	581								(1,677,000)	(1,848,000)								
			After	STP	581								150,000	500,000								
2022 Centre Bridge Epoxy Surface 3014/EPX Centre	116627	CON	Before	STP								150,000									Available Funds, changed to HSIP	
			Adjust	STP									(150,000)									
			After	STP																		
Atherton Street Phase III 3014/153 Centre	101960	CON	Before	NHPP					2,595,000		2,204,362	2,268,284		2,512,300	1,817,089						Funds needed to support project	
			Adjust	NHPP					211,692		550,626	651,716										
			After	NHPP					2,806,692		2,754,988	2,920,000		2,512,300	1,817,089					2,038,000		
Atherton Street Phase III 3014/153 Centre	101960	CON	Before	STP	581		626,381		1,019,324	831,563			668,000		842,073	3,029,814					Funds needed to support project	
			Adjust	STP	581			322,622	910,607		1,827,000	1,848,000		1,121,927	397,186		503,120					
			After	STP	581		626,381	1,341,946	1,742,170		1,827,000	2,516,000		1,964,000	3,427,000		503,120					
Atherton Street Phase III 3014/153 Centre	101960	CON	Before	sSTP					350,000												Project Funds	
			Adjust	sSTP																		
			After	sSTP						350,000												
Atherton Street Phase III 3014/153 Centre	101960	CON	Before	HSIP					532,544						992,000						Project Funds	
			Adjust	HSIP																		
			After	HSIP						532,544						992,000						
Atherton Street Phase III 3014/153 Centre	101960	CON	Before	sHSIP					1,640,205												Funds needed to support project	
			Adjust	sHSIP					1,491,205													
			After	sHSIP					3,131,410													
Before Totals						\$0	\$965,774	\$0	\$16,109,856	\$1,742,170	\$2,204,362	\$13,504,294	\$3,016,000	\$2,512,300	\$37,227,485	\$3,428,000	\$0	\$2,611,120	\$0	\$0	Actions do not affect air quality conformity.	
Adjustment Totals						\$0	\$0	\$0	\$0	\$0	\$550,626	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
After Totals						\$0	\$965,774	\$0	\$16,109,856	\$1,742,170	\$2,754,988	\$13,504,294	\$3,016,000	\$2,512,300	\$37,227,485	\$3,428,000	\$0	\$2,611,120	\$0	\$0		

June 28, 2022 MEETING

ITEM 8.3

2021-2024 CENTRE COUNTY TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

TIP Revisions - Funding for the 2025 Centre Bridge Preservation Project

The 2021-2024 Centre County TIP was adopted by the CCMPO in June 2020 and took effect on October 1, 2020.

The TIP includes a line item with \$719,000 in funding from the Bridge Improvement Program unallocated to any particular project. Based on a review of current bridge needs, PennDOT personnel propose allocating \$319,000 to add a Preliminary Engineering phase for the 2025 Bridge Preservation project to the TIP. PennDOT personnel also propose reallocating the remaining \$400,000 in federal bridge funds to advance the Preliminary Engineering Phase for the 2026 Bridge Preservation project. From FFY 2023 to FFY 2022. The state funds previously allocated to this phase will be reallocated to the Poor Bridge/Betterment line item. The CCMPO must formally approve revisions that add a phase to the TIP using federal funds or federalizes a project previously funded with state funds.

Project	Municipality	Funding
SR 26 Section P53 2025 Centre Bridge Preservation College Avenue over Spring Creek Preliminary Engineering Phase	College Township	\$319,000
SR 26 Section P35 2026 Centre Bridge Preservation Walnut Street over Bald Eagle Creek (Causeway)	Howard Township	\$400,000

Attachment:

- Fiscal Constraint Chart Illustrating details of funding revisions

MPO and PennDOT District 2-0 staff will provide a brief summary of the proposed revisions.

The Coordinating Committee should receive the summary and approve the revisions to the 2021-2024 TIP.

Presented by: James Saylor, P.E., PTOE, CRPA
Mark Schultz, PennDOT District 2-0

Action: Approve revisions to the 2021-2024 Centre County TIP.

FISCAL CONSTRAINT CHART
FFY 2021-2024 TIP Highway/Bridge

Amendment (MA ID:)				Fund Type		FFY 2021			FFY 2022			FFY 2023			FFY 2024			Remarks
Project Title	MPMS	Phase	Amts	Fed	State	Federal	State	Loc/Oth	Federal	State	Loc/Oth	Federal	State	Loc/Oth	Federal	State	Loc/Oth	
Infrastructure Investment Reserve Line Item / Centre	117920	CON	Before	BRIP					719,000									Reserve Line Item
			Adjust	BRIP					(719,000)									
			After	BRIP														
Poor Bridge/Betterment Line Item /000 Centre	84343	CON	Before		185								402,450			334,539		Reserve Line Item
			Adjust		185								231,749					
			After		185									634,199			334,539	
2025 Centre Bridge Preservation 26/P53 Centre	116885	PE	Before	BRIP														Add PE Phase and utilize available BRIP Funds to start project
			Adjust	BRIP					319,000									
			After	BRIP					319,000									
2026 Centre Bridge Preservation 26/P35 Centre	110368	PE	Before	BRIP	185								231,749					Advance PE Phase and utilize available BRIP Funds to start project
			Adjust	BRIP	185				400,000				(231,749)					
			After	BRIP	185				400,000									
Before Totals						\$0	\$0	\$0	\$719,000	\$0	\$0	\$0	\$634,199	\$0	\$0	\$334,539	\$0	Actions do not affect air quality conformity.
Adjustment Totals						\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
After Totals						\$0	\$0	\$0	\$719,000	\$0	\$0	\$0	\$634,199	\$0	\$0	\$334,539	\$0	

NOTES

JUNE 28, 2022 MEETING

ITEM 9

PUBLIC COMMENT PERIOD SUMMARY FOR:

2022 Centre County Air Quality Conformity Determination Report 2023-2026 Centre County Transportation Improvement Program (TIP)

Since mid-2021, PennDOT and MPO staff have been collaborating to prepare the new 2023-2026 TIP. Previous presentations to the CCMPO Committees were provided in:

Sept. 2021	Overview of TIP development, including financial guidance (funding allocation), preliminary project priorities, and the schedule for preparation and adoption.
Nov. 2021	Initial versions of the Preliminary Draft Highway and Transit Elements.
Feb. 2022	Updated version of Preliminary Draft Highway Element, including additional federal funding allocated from the <i>Bipartisan Infrastructure Law (BIL)</i> .
April 2022	Final Draft Highway and Transit Elements

In April, the MPO staff received the Draft 2022 Air Quality Conformity Determination Report for the Draft TIP.

On April 20, the CCMPO Coordinating Committee authorized the MPO staff to advertise the Draft Conformity Determination Report and Final Draft TIP for the required 30-day public comment period. The comment period began on April 29 and concluded on May 30. A public meeting was held on May 10.

Attached is:

- Draft Public Comment Period Summary

Staff will provide a presentation about the comment period summary, focusing on the responses to comments. At its June 8 meeting, the Technical Committee recommended approval of the responses to comments to the Coordinating Committee.

The Coordinating Committee should receive the presentation and approve the responses to comments.

Presented by: Anne Messner, AICP, CCPCDO

Action: Recommendation to the CCMPO Coordinating Committee to approve the responses to comments in the Public Comment Period Summary for the 2022 Air Quality Conformity Analysis Report and 2023-2026 TIP.

Centre County Metropolitan Planning Organization (CCMPO)
2022 Centre County Air Quality Conformity Analysis
2023-2026 Centre County Transportation Improvement Program (TIP)

Public Comment Period Summary

I. When Was the Draft Air Quality Conformity Report and Draft 2023-2026 TIP Made Available for Public Comment?

April 26, 2022	The Draft Air Quality Conformity Report and Draft 2023-2026 TIP documents were posted on the CCMPO’s website. The website included the option of submitting an online comment form.
April 29, 2022	The 30-day public comment period was formally initiated. Classified advertisements were placed in The Progress (Clearfield/Philipsburg), The Express (Lock Haven), and The Centre Daily Times (State College) newspapers. Notices included the dates for the start and conclusion of the comment period; the locations at which the Air Quality Conformity Report and the 2023-2026 TIP were available for review; and the date, time, and location of the public meeting.
April 29, 2022	A notice about the public comment period was placed on the C-NET public access cable television bulletin board. A press release was sent to 25 broadcast and print media outlets, including web-based community news publishers and three newspapers serving Centre County. A Facebook post was published 9 times; 984 people were reached.
April 29, 2022	A notice was emailed and mailed to nine Native American Tribes and Nations whose ancestors had at one time lived in Centre County. The notice directed tribal representatives to the website, where all documents could be accessed.
April 29, 2022	A notice was emailed and mailed to the municipal managers or secretaries for the 35 municipalities in Centre County. The notice included the website address to access the documents, the dates for the start and conclusion of the public comment period and the public meeting.
April 29, 2022	A notice was emailed to 223 persons on the mailing list for CCMPO meetings and reports. The notice included the website address to access the documents and the dates for the public comment period and public meeting. The mailing list includes local officials and citizens, committee members, “interested parties”, and staff members for federal and state legislators.
April 29, 2022	A notice was emailed to 99 organizations designated as “transportation stakeholders” in the CCMPO’s Public Participation Plan (PPP). The transportation stakeholders include: affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other entities. The notice included the web address to access the documents and the dates for the public comment period and public meeting.
May 10, 2022	A Public Meeting in hybrid format was held at the Centre Region COG Building from 6:00 to 7:00 p.m. Staff members from the Centre Regional Planning Agency (CRPA), the Centre County Planning and Community Development Office (CCPCDO), Centre Area Transportation Authority (CATA), and PennDOT District 2-0 Office were present to respond to questions and receive comments.
May 30, 2022	The 30-day public comment period concluded at 5:00 p.m.

II. Public Comments and Responses

Comments received via written correspondence, online comment form, telephone, or email (copies of written correspondence are attached):

	Agency/Individual	Summary of Comment	Response
	Bellefonte Borough and Spring Township (via correspondence)	Joint request for the CCMPO to consider marking funding available for Preliminary Engineering of the Route 150/Phoenix Avenue intersection as a high priority in the first year of the draft TIP.	The Route 150/Phoenix Ave. Intersection Bellefonte Borough has received partial finding for preliminary engineering in 2025, but additional funds are needed to complete the project. CCMPO will continue to work toward fully funding this project even after the 2023 TIP is adopted June 28, 2022.
	David Modricker (via correspondence and during the public meeting)	Has asked that consideration be given for an SR64 traffic safety audit in Walker Township using funding that would be available in the TIP and LRTP.	CCMPO staff will work with Walker Township and District 2-0 upon the conclusion of any safety assessment and whether additional measures are available in the short term and the long term to improve safety along SR64.
	Spring Township (via correspondence)	The township asked for consideration in the TIP for SR150 and Phoenix Avenue improvements to move the project to an earlier date.	CCMPO with PennDOT conducts periodic reviews of projects and funding to move projects timelines when practical.

Continued

III. Public Meetings

Format and Attendance

A public meeting was held on May 10, 2022 from 6:00 pm to 7:00 pm at the Centre Region COG Building. The meeting included a staff presentation regarding the Draft Air Quality Conformity Report and Draft 2023-2026 TIP. Staff members from the CRPA, the CCPCDO, CATA, and the PennDOT District 2-0 Office were present to respond to questions and receive comments. Two (2) citizen and officials attended the session.

Verbal Comments Received at the Public Meetings

The single comment during the public meeting was confirmed with a letter expressing the same comment and a response to that letter is provided in Section II.

A public meeting survey form was made available to provide written comments. Written comments are documented in Section II.

JUNE 28, 2022 MEETING

ITEM 10

2022 CENTRE COUNTY AIR QUALITY CONFORMITY

Conformity Determination Report and Air Quality Conformity Resolution

In 2018, the U.S. Eighth Circuit Court of Appeals vacated major portions of a rule impacting air quality conformity requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards (NAAQS). The ruling requires previous air quality non-attainment and maintenance areas to meet conformity requirements for the 1997 8-hour ozone NAAQS.

This court decision designated Centre County as an “orphan” maintenance area since the County was in maintenance status for the 1997 NAAQS and was subsequently designated as an attainment area for the 2008 NAAQS. Although official attainment designations have yet to be made by the U.S. Environmental Protection Agency (EPA) regarding the 2015 NAAQS, Centre County is also in attainment with the 2015 standards.

In November 2018, EPA issued guidance for how transportation conformity determinations can be made in the orphan maintenance areas. An Air Quality Conformity Determination Report that meets the EPA’s guidance was completed for the Draft 2023-2026 Centre County TIP. The process ensures that the TIP meets federal transportation conformity requirements and is consistent with Pennsylvania’s State Implementation Plan (SIP).

Attachments:

- Draft 2022 Air Quality Conformity Determination Report
- Draft 2022 Air Quality Conformity Resolution

Staff will not provide a presentation but will answer questions from the Committee.

At its June 8 meeting, the Technical Committee recommended approval of the Conformity Determination Report and the Conformity Resolution.

The Coordinating Committee should take action to approve the 2022 Conformity Determination Report and the 2022 Conformity Resolution.

Presented by: Jim Saylor, P.E., PTOE, CRPA

Action: Approve the 2022 Air Quality Conformity Analysis Report and the 2022 Air Quality Conformity Resolution.

Transportation Conformity Determination Report
1997 Ozone NAAQS

*Transportation Conformity Determination
Centre County*

2023-2026 Transportation
Improvement Program (TIP)
and 2050 Long Range
Transportation Plan (LRTP)

April 2022

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APPENDIX A: Regionally Significant Project List (Centre County)

Executive Summary

As part of its transportation planning process, the Centre County Metropolitan Planning Organization (CCMPO) completed the transportation conformity process for the 2023-2026 Transportation Improvement Program (TIP) and the 2050 Long Range Transportation Plan (LRTP). This report documents that the TIP and LRTP meet the federal transportation conformity requirements in 40 CFR Part 93. Note that conformity for the LRTP is being reaffirmed to address the 4-year frequency requirement for conformity; and there are no changes to the LRTP.

Clean Air Act (CAA) section 176(c) (42 U.S.C. 7506(c)) requires that federally funded or approved highway and transit activities are consistent with (“conform to”) the purpose of the State Implementation Plan (SIP) for air quality. Conformity to the purpose of the SIP means that transportation activities will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the relevant national ambient air quality standard (NAAQS) or any interim milestones. EPA’s transportation conformity rules establish the criteria and procedures for determining whether metropolitan transportation plans, transportation improvement programs (TIPs), and federally supported highway and transit projects conform to the SIP.

On February 16, 2018, the United States Court of Appeals for the District of Columbia Circuit in *South Coast Air Quality Mgmt. District v. EPA* (“*South Coast II*,” 882 F.3d 1138) held that transportation conformity determinations must be made in areas that were either nonattainment or maintenance for the 1997 ozone national ambient air quality standard (NAAQS) and attainment for the 2008 ozone NAAQS when the 1997 ozone NAAQS was revoked. These conformity determinations are required in these areas after February 16, 2019. The *State College, PA* area (encompassing Centre County) was maintenance at the time of the 1997 ozone NAAQS revocation on April 6, 2015 and was also designated attainment for the 2008 ozone NAAQS on May 21, 2012. Therefore, per the *South Coast II* decision, this conformity determination is being made for the 1997 ozone NAAQS.

This conformity determination was completed consistent with CAA requirements, existing associated regulations at 40 CFR Parts 51.390 and 93, and the *South Coast II* decision, according to EPA’s *Transportation Conformity Guidance for the South Coast II Court Decision* issued on November 29, 2018.

1.0 Background

1.1 Transportation Conformity Process

The concept of transportation conformity was introduced in the CAA of 1977, which included a provision to ensure that transportation investments conform to a State Implementation Plan (SIP) for meeting the Federal air quality standards. Conformity requirements were made substantially more rigorous in the CAA Amendments of 1990. The transportation conformity regulations that detail implementation of the CAA requirements were first issued in November 1993, and have been amended several times. The regulations establish the criteria and procedures for transportation agencies to demonstrate that air pollutant emissions from metropolitan transportation plans, transportation improvement programs and projects are consistent with (“conform to”) the State’s air quality goals in the SIP. This document has been prepared for State and local officials who are involved in decision making on transportation investments.

Transportation conformity is required under CAA Section 176(c) to ensure that Federally-supported transportation activities are consistent with (“conform to”) the purpose of a State’s SIP. Transportation conformity establishes the framework for improving air quality to protect public health and the environment. Conformity to the purpose of the SIP means Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) funding and approvals are given to highway and transit activities that will not cause new air quality violations, worsen existing air quality violations, or delay timely attainment of the relevant air quality standard, or any interim milestone.

1.2 National Ambient Air Quality Standards

The CAA requires the EPA to set NAAQS for pollutants considered harmful to public health and the environment. A nonattainment area is any area that does not meet the primary or secondary NAAQS. Once a nonattainment area meets the standards and additional redesignation requirements in the CAA [Section 107(d)(3)(E)], EPA will designate the area as a maintenance area.

Centre County is currently designated as a maintenance area under the 1997 8-hour ozone NAAQS. The county is in attainment of the 2008 and 2015 8-hour ozone, 2006 24-hour PM_{2.5} and 2012 annual PM_{2.5} NAAQS. Transportation conformity requires nonattainment and maintenance areas to demonstrate that all future transportation projects will not prevent an area from reaching its air quality attainment goals.

1997 8-hour Ozone NAAQS

The EPA published the 1997 8-hour ozone NAAQS on July 18, 1997 (62 FR 38856), with an effective date of September 16, 1997. An area was in nonattainment of the 1997 8-hour ozone NAAQS if the 3-year average of the individual fourth highest air quality monitor readings, averaged over 8 hours throughout the day, exceeded the NAAQS of 0.08 parts per million (ppm). On May 21, 2013, the EPA published a rule revoking the 1997 8-hour ozone NAAQS, for the purposes of transportation conformity, effective one year after the effective date of the 2008 8-hour ozone NAAQS area designations (77 FR 30160).

On February 16, 2018 the D.C. Circuit reached a decision in *South Coast Air Quality Management District v. EPA*, Case No. 15-1115. In that decision, the court vacated major portions of the final rule that established procedures for transitioning from the 1997 ozone NAAQS to the stricter 2008 ozone NAAQS. By court decision, Centre County was designated as an “orphan” maintenance area since the area was maintenance for the 1997 ozone NAAQS at the time of its revocation (80 FR 12264, March 6, 2015) and was designated attainment for the 2008 NAAQS in EPA’s original designations for this NAAQS (77 FR 30160, May 21, 2012).

2008 and 2015 8-hour Ozone NAAQS

The EPA published the 2008 8-hour ozone NAAQS on March 27, 2008 (73 FR 16436), with an effective date of May 27, 2008. EPA revised the ozone NAAQS by strengthening the standard to 0.075 ppm. Thus, an area is in nonattainment of the 2008 8-hour ozone NAAQS if the 3-year average of the individual fourth highest air quality monitor readings, averaged over 8 hours throughout the day, exceeds the NAAQS of 0.075 ppm. Centre County was designated as an attainment area under the 2008 8-hour ozone NAAQS, effective July 20, 2012 (77 FR 30088).

In October 2015, based on its review of the air quality criteria for ozone and related photochemical oxidants, the EPA revised the primary and secondary NAAQS for ozone to provide requisite protection of public health and welfare, respectively (80 FR 65292). The EPA revised the levels of both standards to 0.070 ppm, and retained their indicators, forms (fourth-highest daily maximum, averaged across three consecutive years) and averaging times (eight hours). Under the Clean Air Act, the EPA administrator is required to make all attainment designations within two years after a final rule revising the NAAQS is published. Centre County is in attainment of the 2015 8-hour ozone NAAQS.

2.0 CCMPO TIP and LRTP

MPOs and Rural Planning Organizations (RPOs) each develop a TIP at the local level, which reflects the first four years of the Pennsylvania Department of Transportation (PennDOT) Twelve Year Program (TYP). The Statewide Transportation Improvement Program (STIP) covers the entire state and includes the individual TIPs representing each MPO/RPO Planning Partner. Federal Law

requires TIPs to be updated at least every four years. Pennsylvania's MPOs and RPOs update their TIPs every two years during the TYP update process.

The Long Range Transportation Plan (LRTP) serves as the official transportation plan for a metropolitan area. The LRTP documents the current and future transportation demand and identifies long-term improvements and projects to meet those needs. The [Centre County LRTP](#) guides decision-making about transportation improvements in the county. The planning factors specified in federal regulations provide the framework for developing an LRTP. In addition, PennDOT provides guidance to help MPOs prepare LRTPs, and local policies and plans play a role in LRTP development to ensure transportation investments address current and future needs.

The February 16, 2018, *South Coast vs. EPA* Court decision did not vacate EPA's revocation of the 1997 ozone standard and the decision does not change the area's attainment status. Therefore, while such areas might be required to meet conformity requirements as part of anti-backsliding controls, such areas are not considered nonattainment or maintenance areas under the Transportation Planning Rule (23 CFR 450.104). Such areas continue to complete 5-year metropolitan transportation plan (aka LRTP) update cycles as described in 23 CFR 450.324(c). The 5-year metropolitan transportation plan update cycle continues to apply from the date of the most recent MPO metropolitan transportation plan adoption (not the most recent FHWA/FTA conformity determination). While these areas have a 5-year plan cycle for transportation planning purposes, as a result of the court decision they must still meet the 4-year frequency requirements for conformity determinations on TIPs and LRTPs as required by 40 CFR 93.104.

Appendix A provides a listing of the regional significant projects that are funded in the TIP and LRTP within Centre County. Regionally significant projects include transportation projects (other than exempt projects as defined under 40 CFR 93.126-127) that are on a facility which serves regional transportation needs.

3.0 Transportation Conformity Process

Per the court's decision in *South Coast II*, beginning February 16, 2019, a transportation conformity determination for the 1997 ozone NAAQS will be needed in 1997 ozone NAAQS nonattainment and maintenance areas identified by EPA¹ for certain transportation activities, including updated or amended TIPs and LRTPs. Once US DOT makes its 1997 ozone NAAQS conformity determination, conformity will be required no less frequently than every four years. This conformity determination report will address transportation conformity for the CCMPO 2023-2026 TIP and 2050 LRTP.

¹ The areas identified can be found in EPA's "Transportation Conformity Guidance for the South Coast II Court Decision, EPA-420-B-18-050, available on the web at: www.epa.gov/state-and-local-transportation/policy-and-technical-guidance-state-and-local-transportation.

4.0 Transportation Conformity Requirements

4.1 Overview

On November 29, 2018, EPA issued **Transportation Conformity Guidance for the South Coast II Court Decision**² (EPA-420-B-18-050, November 2018) that addresses how transportation conformity determinations can be made in areas that were nonattainment or maintenance for the 1997 ozone NAAQS when the 1997 ozone NAAQS was revoked, but were designated attainment for the 2008 ozone NAAQS in EPA's original designations for this NAAQS (May 21, 2012).

The transportation conformity regulation at 40 CFR 93.109 sets forth the criteria and procedures for determining conformity. The conformity criteria for TIPs and LRTPs include: latest planning assumptions (93.110), latest emissions model (93.111), consultation (93.112), transportation control measures (93.113(b) and (c), and emissions budget and/or interim emissions (93.118 and/or 93.119).

For the 1997 ozone NAAQS areas, transportation conformity for TIPs and LRTPs for the 1997 ozone NAAQS can be demonstrated without a regional emissions analysis, per 40 CFR 93.109(c). This provision states that the regional emissions analysis requirement applies one year after the effective date of EPA's nonattainment designation for a NAAQS and until the effective date of revocation of such NAAQS for an area. The 1997 ozone NAAQS revocation was effective on April 6, 2015, and the *South Coast II* court upheld the revocation. As no regional emission analysis is required for this conformity determination, there is no requirement to use the latest emissions model, or budget or interim emissions tests.

Therefore, transportation conformity for the 1997 ozone NAAQS can be demonstrated by showing the remaining requirements in Table 1 in 40 CFR 93.109 have been met. These requirements, which are laid out in Section 2.4 of EPA's guidance and addressed below, include:

- Latest planning assumptions (93.110)
- Consultation (93.112)
- Transportation Control Measures (93.113)
- Fiscal constraint (93.108)

4.2 Latest Planning Assumptions

The use of latest planning assumptions in 40 CFR 93.110 of the conformity rule generally applies to a regional emissions analysis. In the 1997 ozone NAAQS areas, the use of latest planning assumptions requirement applies to assumptions about transportation control measures (TCMs) in an approved SIP. However, the Centre County SIP maintenance plan does not include any TCMs.

² Available from [Policy and Technical Guidance for State and Local Transportation | US EPA](#)

4.3 Consultation Requirements

The consultation requirements in 40 CFR 93.112 were addressed both for interagency consultation and public consultation.

As required by the federal transportation conformity rule, the conformity process includes a significant level of cooperative interaction among federal, state, and local agencies. For this air quality conformity analysis, interagency consultation was conducted as required by the Pennsylvania Conformity SIP. This included conference call(s) or meeting(s) of the Pennsylvania Transportation-Air Quality Work Group (including the Pennsylvania Department of Transportation (PennDOT), DEP, EPA, FHWA, FTA and representatives from larger MPOs within the state).

Meeting and conference calls were conducted on October 28, 2021 and January 27, 2022 to review all planning assumptions and to discuss the template and content for transportation conformity analyses in 1997 ozone orphan areas.

The TIP, LRTP and associated conformity determination has undergone the public participation requirements as well as the comment and response requirements according to the procedures established in compliance with 23 CFR part 450, CCMPO's Public Participation Plan, and Pennsylvania's Conformity SIP. The draft document was made available for a 30-day public review and comment period, which included a public meeting.

4.4 Fiscal Constraint

The planning regulations, Sections 450.324(f)(11) and 450.326(j), require the transportation plan to be financially constrained while the existing transportation system is being adequately operated and maintained. Only projects for which construction and operating funds are reasonably expected to be available are included. The CCMPO, in conjunction with PennDOT, FHWA and FTA, has developed an estimate of the cost to maintain and operate existing roads, bridges and transit systems in the region and have compared the cost with the estimated revenues and maintenance needs of the new roads over the same period. The CCMPO TIP and LRTP has been determined to be financially constrained.

5.0 Conclusion

The conformity determination process completed for the CCMPO TIP and LRTP demonstrates that these planning documents meet the Clean Air Act and Transportation Conformity rule requirements for the 1997 ozone NAAQS.

Appendix A

Regionally Significant Project List

Centre County

Project Name	Description
FY 2023-2026 Highway-Bridge-Transit TIP	
Exit 161 Bellefonte Interchange (MPMS 3142)	Construction of High Speed Interchange between I-99 and I-80 at the existing Exit 161. Segment Eastbound 1590/0000 to 1620/0800; Westbound 1591/0000 to 1621/0800. Companion with 80-A18. ITS Includes: Retrofit Existing Dynamic Message Sign(DMS), Install RWIS Tower, Remove Existing CCTV, (2) New CCTV Installed, Install Conduit/Possibly Fiber in Boggs, Spring and Marion Townships, Centre County.
SR 150 and Phoenix Ave Intersection (MPMS 106365)	Intersection improvements on State Route 150 and Phoenix Avenue intersection in Bellefonte Borough and Spring Township, Centre County.
Atherton Street Phase III (MPMS 101960)	Highway reconstruction work on State Route 3014, Atherton Street. Work will consist of the reconstruction of the drainage system and a mill and overlay of the existing pavement. Minor widening (approximately .7 mile eastbound and .7 mile westbound for a total of 1.4 miles) is anticipated in areas along with ADA ramp reconstruction and minor traffic signal work (interconnected), Curtin Road to Westerly Parkway. Install 1 full-color standard Dynamic Message Sign (DMS), 1 full-color Type A DMS, and 2 HD CCTV cameras to aid in Integrated Corridor Management between I-99, US 322, and Atherton Street in State College Borough, College, Ferguson, Patton and Harris Townships.
Atherton Street Phase IV (MPMS 101961)	Highway Restoration on State Route 3014 (Atherton Street), from Westerly Parkway to Scenery Drive, in State College Borough and College Township, Centre County.
2050 Long Range Transportation Plan (No Changes from Previous LRTP Conformity)	
SR 550 & Saw Mill Rd Intersection	Installation of a westbound left turn lane on SR 550.
SR 3014 North Atherton Street Signals	Improve efficiency of operations through the corridor by upgrading traffic signals with latest adaptive technology.
SR 26/SR 45 Pine Grove Mills Intersection	Realignment of the intersection and installation of a full functioning traffic signal if warranted at the intersection of SR26 and SR45 and Nixon Road T334 in the village of Pine Grove Mills located in Ferguson Township. Currently there exists a flashing traffic signal at this location.

Project Name	Description
College - Beaver Avenue Transit Signal Priority (TSP) and Intelligent Transportation Systems (ITS)	Implement transit signal priority and related ITS technologies along the college and Beaver Avenue corridors in State College Borough. The project area will include intersections at Atherton Street, Burrowes Street / Road, Fraser Street, Allen Street, Pugh Street, Garner Street / Shortlidge Road, and the University Drive ramps.
Moshannon Valley Park and Ride Lot	Construct improvements to an existing informal lot, or construct a new lot, to accommodate a significant population of those who commute via alternative mode - including vanpooling and other ridesharing - and currently utilize informal and unimproved locations.
Penns Valley Park and Ride Lot	Construct improvements to an existing informal lot, or construct a new lot, to accommodate a significant population of those who commute via alternative mode - including vanpooling and other ridesharing - and currently utilize informal and unimproved locations.

Centre County Metropolitan Planning Organization (CCMPO)

2022 Air Quality Conformity Resolution

Conformity of the 2023-2026 Centre County Transportation Improvement Program (TIP) and the Centre County 2050 Long Range Transportation Plan (LRTP) 2050 in accordance with the Clean Air Act Amendments of 1990.

WHEREAS, the Congress of the United States enacted the Clean Air Act Amendments of 1990 which were signed into law and became effective on November 15, 1990, hereafter referred to as the CAAA; and

WHEREAS, the United States Environmental Protection Agency (EPA), under the authority of the CAAA, has defined the geographic boundaries for areas that have been found to be in nonattainment with the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide and particulate matter; and

WHEREAS, the EPA issued the Final Rule on Transportation Conformity on November 24, 1993 for transportation plans, programs and projects, and amended the Final Conformity Rule various times between 1996 and present; and

WHEREAS, effective July 15, 2004, Centre County was designated by EPA as a non-attainment area under the 1997 eight-hour ozone NAAQS; and

WHEREAS, on November 14, 2007, Centre County was re-designated under the 1997 eight-hour ozone NAAQS as an attainment (maintenance) area by EPA with motor vehicle emissions budgets (MVEBs) established in the Commonwealth of Pennsylvania's State Implementation Plan (SIP) maintenance plan; and

WHEREAS, on April 6, 2015, EPA revoked the 1997 eight-hour ozone NAAQS for all purposes and established anti-backsliding requirements; and

WHEREAS, the U.S. Court of Appeals for the D.C. Eighth Circuit issued a decision in *South Coast Air Quality Management District v. EPA* on February 16, 2018 addressing air quality requirements for former 1997 ozone maintenance areas that are in attainment of all subsequent ozone NAAQS for which Centre County satisfies the criteria; and

WHEREAS, the EPA issued the Transportation Conformity Guidance for the South Coast II Court Decision on November 29, 2018 to address how transportation conformity determinations can be made for the 1997 ozone NAAQS; and

WHEREAS, Centre County has been classified as in attainment for all current NAAQS as of March 31, 2022; and

WHEREAS, transportation plans and programs are required to conform to the purpose of the SIP and Sections 174 and 176 (c and d) of the CAAA [42 U.S.C. 7504, 7506 (c and d)]; and

WHEREAS, the Centre County Metropolitan Planning Organization (CCMPO) [Centre County MSA] is responsible for the development of transportation plans and programs in accordance with Section 134 of Title 23, which requires coordination and public participation with the Pennsylvania Department of Transportation (PennDOT); and

WHEREAS, the Final Conformity Rule (and subsequent amendments) requires the CCMPO to determine that its transportation plans and programs conform with the CAAA requirements by meeting the Final Rule on Transportation Conformity; and

WHEREAS, an air quality analysis and conformity determination has been prepared for the 2023-2026 Centre County TIP and the Centre County LRTP 2050 for the 1997 ozone standard;

NOW, THEREFORE BE IT RESOLVED, that the CCMPO has found the 2023-2026 Centre County TIP and 2050 LRTP contributes to the achievement and maintenance of the 1997 eight-hour NAAQS for ozone; and the CCMPO has found that the 2023-2026 TIP and the Centre County LRTP 2050 are consistent with the final conformity rule issued on November 24, 1993 and subsequent amendments; and that this conformity determination demonstrates that the requirements of 40 CFR Part 93 regarding conformity to the State Implementation Plan are met.

APPROVED AND ADOPTED BY CCMPO Coordinating Committee on June 28, 2022.

ATTEST:

James J. May
CCMPO Secretary

BY:

L. Eric Bernier
CCMPO Chair

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JUNE 28, 2022 MEETING

ITEM 11

2023-2026 CENTRE COUNTY TIP

Final Draft TIP

As reported in agenda item #9, the CCMPO Committees reviewed the Final Draft 2023-2026 TIP in April.

The 30-day public comment period for the Final Draft TIP began on April 29 and concluded on May 30. A public meeting was held on May 10. Comments about the TIP were reviewed under agenda item #9.

The following Final Draft TIP documents are not attached to the agenda, but are available on the CCMPO's website at:

<https://www.crcog.net/2023TIP>

- [One page "Highway TIP at a Glance"](#)
- [Summary of Final Draft Highway Element](#)
- [Detailed Final Draft Highway Element](#)
- [Map of highway and bridge projects](#)
- [One page "Transit TIP at a Glance"](#)
- [Summary of Final Draft Transit Element](#)
- [Detailed Final Draft Transit Element](#)

Staff will provide a brief presentation about the Final Draft TIP.

At its June 8, 2022 meeting, the Technical Committee approved a resolution recommending adoption of the 2023-2026 TIP.

The Coordinating Committee should receive the presentation and adopt the 2023-2026 Centre County TIP.

Presented by: Greg Kausch, CRPA
Anne Messner, AICP, CCPCDO

Action: Adopt the 2023-2026 Centre County TIP.

JUNE 28, 2022 MEETING

ITEM 12

FEDERAL TRANSPORTATION PLANNING PROCESS CERTIFICATION

The CCMPO is required to self-certify that its planning process is in compliance with all applicable Federal regulations. The self-certification is accomplished by approval of a resolution as part of adoption of the TIP.

Attached is:

- Draft Resolution certifying the CCMPO's compliance

Staff will not provide a report but will answer questions from the Committee. The Technical Committee has recommended approval of the resolution.

The Coordinating Committee should take action to approve the self-certification resolution.

Presented by: Jim Saylor, P.E., PTOE, CRPA

Action: Approve the Self Certification Resolution certifying the CCMPO's compliance with all applicable federal transportation planning regulations.

Centre County Metropolitan Planning Organization (CCMPO)

Self-Certification Resolution

RESOLUTION of the Centre County Metropolitan Planning Organization (CCMPO) to certify that the metropolitan transportation planning process is being carried out in accordance with all applicable federal requirements and that the local process to enhance the participation of the general public, including the transportation disadvantaged, has been followed in developing the Transportation Improvement Program (TIP).

WHEREAS, 23 CFR Part 450.336 specifies that, concurrent with submittal of a proposed TIP to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) as part of the State Transportation Improvement Program (STIP) approval, Metropolitan Planning Organizations (MPOs) shall certify that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements; and

WHEREAS, Section 134 of Title 23 USC, 49 USC 5303, and 23 CFR Part 450 set forth the national policy that the MPO designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive multimodal transportation planning process, including the development of an LRTP and TIP, and establish policies and procedures for MPOs to conduct the metropolitan planning process; and

WHEREAS, the Centre County TIP continues to be financially constrained as required by 23 CFR Part 450.326(j) and FTA policy on the documentation of financial capacity, published in FTA Circular 7008.1A; and

WHEREAS, the requirements of Sections 174 and 176(c) and (d) of the Clean Air Act as amended [42 U.S.C. 7504, 7506(c) and (d)] and 40 CFR Part 93 have been met for non-attainment and maintenance areas in the development of the 2023-2026 Centre County TIP; and

WHEREAS, the requirements of Title VI of the Civil Rights Act of 1964 as amended (42 USC 2000d-1) and 49 CFR Part 21; 49 USC 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex or age in employment or business opportunity; The Older Americans Act, as amended (42 USC 6101), prohibiting discrimination on the basis of age in programs or activities receiving federal financial assistance; 23 USC Section 324, prohibiting discrimination based on gender; Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.), and 49 CFR Parts 27, 37, and 38, regarding discrimination against individuals with disabilities have been met; and

WHEREAS, the requirements of Section 1101(b) of the Fixing America's Surface Transportation (FAST) Act (Public Law 114-357) and 49 CFR Part 26 regarding the involvement of disadvantaged or minority business enterprises in FHWA-funded planning projects and FTA-funded projects have been met; and

WHEREAS, the provisions of 23 CFR Part 230, regarding the implementation of an equal employment opportunity program on federal and federal-aid highway construction contracts have been addressed; and

WHEREAS, the requirements of Executive Order 12898 (Federal Order to Address Environmental Justice in Minority Populations and Low Income Populations) have been met; and

WHEREAS, the provision of 49 CFR Part 20 prohibiting recipients of federal funds from using those funds for lobbying purposes has been met; and

NOW, THEREFORE, BE IT RESOLVED, that the CCMPO certifies that its metropolitan transportation planning process is being carried out in conformance with all of the applicable provisions of federal law and certifies that the local process to enhance the participation of the general public, including the transportation disadvantaged, has been followed in developing all transportation plans and programs, including the FFY 2023-2026 Centre County TIP (see Exhibit 1).

I, L. ERIC BERNIER, HEREBY CERTIFY THAT I AM CHAIR OF THE CCMPO, and that the foregoing resolution was adopted by the CCMPO Coordinating Committee in accordance with its Bylaws at a meeting held on June 28, 2022, and that said resolution is now in full force and effect.

ATTEST:

James J. May.
CCMPO Secretary

By: _____
L. Eric Bernier
CCMPO Chair

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Exhibit 1

CCMPO Self-Certification Documentation

Title VI Requirements

The CCMPO adopted an updated Public Participation Plan (PPP) on November 24, 2015. The PPP specifies public participation principles, outreach techniques, and procedures to use when communicating with underserved populations (e.g., low income, elderly, or minority households; persons with disabilities; and persons with low English proficiency) for various CCMPO activities. The PPP includes demographic information to identify underserved populations, and specifies a list of interested parties that are invited to participate in CCMPO activities. The PPP is evaluated on an annual basis.

Specific outreach activities for the development of the 2019-2022 Centre County Transportation Improvement Program (TIP) are described in the Public Comment Period Summary. The summary also lists the responses to comments received. This document is included in the package of information submitted to PennDOT following the CCMPO's adoption of the 2019-2022 TIP.

Disadvantaged Business Enterprises (DBE) Requirements

The administration of the CCMPO's annual Unified Planning Work Program (UPWP) occurs through a legal agreement and periodic work orders executed by PennDOT and the Centre Regional Planning Commission (CRPC). Staff services to the CCMPO are provided by members of the Centre Regional Planning Agency (CRPA), Centre County Planning and Community Development Office (CCPCDO), and the Centre Area Transportation Authority (CATA) through this agreement.

Contracts awarded to outside vendors for planning studies are subject to a minimum participation requirement for DBEs. The CRPC has not awarded contracts to outside vendors since 2010. Two contracts with outside vendors were awarded by the CRPC in 2010. A contract was executed with Trans Associates Engineering Consultants, Inc. (TA) in September 2010 for completion of the Halfmoon/Patton Township Land Area Plan Traffic Analysis. The TA team included a certified DBE firm, with approximately an 11% participation by the firm. In October 2010, a contract was executed with McCormick Taylor, Inc. (MT) for completion of the Moshannon Valley Park and Ride Study. The MT consultant team included a certified DBE firm, with approximately 13% participation by the firm.

Prior to 2010, the CRPC awarded a contract to Whitman, Requardt, and Associates (WRA) in February 2009 for completion of travel demand modeling for the Centre County Long Range Transportation Plan (LRTP) 2040. The WRA consultant team included a certified DBE firm, and the scope of work included approximately 12% participation by the DBE firm.

The CRPC also awarded one contract to an outside vendor in June 2008 for completion of an assessment of public transportation services in Centre County. The consultant agreement was executed with Abrams-Cherwony and Associates. The Abrams-Cherwony consultant team included a certified DBE firm, and the scope of work included approximately 12% participation by the DBE firm.

UPWP funding has also been provided to CATA for two special planning studies conducted with outside vendors. In 2017, CATA awarded a contract to Foursquare Integrated Transportation Planning to complete the Articulated Bus Assessment Study. Foursquare is a certified DBE Firm. In 2017, CATA also awarded a contract to Research America, Inc. for the completion of a rider survey. Research America, Inc. is not a certified DBE Firm, and a minimum DBE participation goal was not established for this project.

Americans With Disabilities Act (ADA) Requirements

The offices of the agencies that provide staff services to the CCMPO (CRPA, CCPCDO, CATA, and PennDOT) are all ADA-compliant. In accordance with the CCMPO's PPP, all committee, subcommittee, and public meetings are held in ADA-compliant buildings. When possible, meetings are held in locations convenient to alternative transportation modes. All meeting advertisements include a request that special needs users contact the CRPA if special arrangements need to be made. An example of a newspaper advertisement is included as Attachment A.

Transportation Improvement Program (TIP) Financial Constraint and Capacity Requirements

The CCMPO's 2017-2020 Centre County TIP was adopted in June 2016, and modified several times since the original adoption. The CCMPO, PennDOT, and the CATA utilize approved *Procedures for TIP Modifications*, which specify the modifications that must be formally approved by the CCMPO, and modifications that can be completed by administrative action of the project sponsor (typically PennDOT or CATA). For each amendment that required formal action by the CCMPO, and for administrative actions made by the project sponsors, a fiscal constraint chart was prepared illustrating the transfer of funds and verifying that annual funding was financially constrained. An example of a fiscal constraint chart for a TIP amendment is included as Attachment B. Similar processes and procedures were approved and will be utilized to administer the 2019-2022 Centre County TIP.

JUNE 28, 2022 MEETING

ITEM 13

Bipartisan Infrastructure Law (BIL) Subcommittee

Status Report and Recommendation

On February 22, 2022, the Coordinating Committee received a presentation on the BIL, and moved to form a subcommittee to identify projects and prioritize discretionary funding opportunities made available through the BIL.

Since the February meeting, the BIL Subcommittee has three times. In response to requests from the subcommittee, staff developed several documents, including a summary of staffing options for pursuing funding opportunities related to the BIL, a summary of BIL funding programs which may be of interest to the MPO, and a summary of timelines for the initial application rounds of those programs.

At the most recent meeting, the subcommittee noted that staff had identified several programs as likely to yield successful applications without requiring notable additional resources.

CCMPO staff will continue to work with the subcommittee to identify programs and strategies that are likely to result in successful project applications and anticipates providing an additional report for the September Technical Committee Meeting.

At the meeting, CCMPO staff will provide an update about the efforts of the subcommittee, including:

- Highlights of information developed for the subcommittee
- Recommendations of the subcommittee for consideration

The Coordinating Committee should receive the status report, and consider the recommendations provided.

Presented by: Jim Saylor, P.E., PTOE, CRPA

Options for CCMPO Capacity to Pursue Funding Programs Included in the IJJA

Do Nothing	
Description	Limit staff input to discussions of new opportunities, links to NOFAs in meeting packets and light discussion of opportunities and projects in existing meetings; prepare letters of consistency or other light-effort support documents on an as-requested basis.
Fiscal Impact	No visible impact to services, no benefit from additional programs or projects.
Pros	Within existing resources; Avoids difficult discussion of disproportionate impacts and outcomes; Avoids conflicts over allocations; Preserves focus on delivering base program.
Cons	Potentially forsakes regional and local opportunities; fosters disengagement and a lack of coordinated efforts; Staff likely to extend additional assistance on as-requested basis which may lead to perception of favoritism or regionalism.
Summary/ Recommendation	Group consensus from meeting one that this option should not be considered
Retarget existing MPO staff Resources - Low involvement/clearing house option	
Description	Use limited staff efforts to share materials and notices for opportunities; Assign relevant staff to periodically compare pending NOFAs to project list from adopted plans; Convene workshops or solicit Technical Assist sessions on application preparation for interested sponsors; Provide limited support in the form of budget and application review; Provide letters of consistency and limited support and direction to sponsors in gathering support letters; may include forming and facilitating a peer group for sponsors.
Fiscal Impact	Reallocates staff efforts from base program; Places additional workload on staff without additional resources impacting several COG and/or County Positions.
Pros	Discussion of additional resources not required; May increase success rate for highly motivated sponsors; Provides a limited platform for synergy and regional collaboration.
Cons	Potentially forsakes regional and local opportunities for less capable sponsors; Some negative impact to delivery of base programs; May foster concerns over disproportionate outcomes and regionalism.
Summary/ Recommendation	

Retarget existing MPO staff Resources - High involvement option

Description	Reassign staff at CRPA or CCPCDO to provide concierge service in the preparation of applications including project and program selection, scope and narrative development, securing assistance in development of cost estimates, impact analyses and other required elements of applications. Provide letters of consistency and limited support and direction to sponsors in gathering external agency support letters; may include forming and facilitating a peer group for sponsors.
Fiscal Impact	Reallocates staff efforts from base program; Places additional workload on staff without additional resources impacting several COG and/or County Positions to the extent that it delays or defers activities currently assigned to position(s).
Pros	Likely to lead to the development of one or more strong regional applications; Defers or avoids discussion of additional positions or external contracts; Allows MPO and CRPA to prioritize one or more impactful projects for the region.
Cons	Presents a false economy; Delays or denies services originally assigned to the positions; Requires discussion on the fair allocation of staff resources among regional needs; Staff expertise may not be sufficient to fully develop competitive applications for some programs, limiting programs that can be explored via this option; Establishes a precedent that the MPO staff may not be able to meet in future years.
Summary/ Recommendation	Jim has concerns about the impact of this option on current priorities and obligations.

Add Staff Resources under an existing entity	
Description	Fund and hire for one or more positions at CRPA, CCPDO, or other agency to focus on developing and submitting competitive applications for one or more programs; Assign new staff to periodically compare pending NOFAs to project list from adopted plans; Convene workshops or solicit Technical Assist sessions on application preparation for interested sponsors; Provide primary support in budget and application development; Provide primary support in obtaining letters of consistency and limited support and direction to sponsors in gathering external agency support letters; may include forming and facilitating a peer group for sponsors.
Fiscal Impact	Requires host agency or a collaborating group of agencies to identify sufficient funds and hire staff for the position. Expected duration of the effort (permanent or limited term) must be determined at beginning of the staffing process.
Pros	Likely to lead to the development of one or more strong regional applications; Preserves current staff ability to focus on current priorities; Defers or avoids discussion of external contracts; Allows MPO and CRPA to prioritize one or more impactful projects for the region; Builds a continuing resource for pursuing additional implementation funds at the state and local level; The solution is scalable to a larger effort (more positions) at the discretion of the funding agencies.
Cons	Requires an immediate decision to commit resources in a difficult fiscal environment; Could require an extensive length of time for budgeting and hiring process in a competitive labor market, limiting the ability to respond to near-term opportunities. Requires discussion on the fair allocation of staff resources among regional needs; Required skills for the position may vary based on the complexity of the application process for projects prioritized, and large-scale programs may require additional staffing, expertise or outside resources; Establishes a precedent that the committees and MPO staff may not be comfortable with in future years.
Summary/Recommendation	

Contract with Outside Agency or Consultant Firm	
Description	Identify funding and contract with one or more agencies or consultants to develop applications. Assign primary responsibility for preparing applications and related documents. May specify that the assisting group convene workshops or provide Technical Assistance sessions on application preparation for interested sponsors. May still require COG or sponsor support in obtaining letters of consistency and limited support and direction to sponsors in gathering external agency support letters; may include forming and facilitating a peer group for sponsors.
Fiscal Impact	Requires host agency or a collaborating group of agencies to identify sufficient funds to support the desired contract.
Pros	Likely to lead to the development of one or more strong regional applications; Preserves current staff ability to focus on current priorities; Defers or avoids discussion of additional positions; Provides flexibility in the duration of the effort; Provides a solution that is easily scalable based on needs and resources; Relatively quick startup compared to other options; Provides extensive flexibility in expertise; Consistent with past practices at MPO, County and Municipal levels.
Cons	Requires an immediate decision to commit resources in a difficult fiscal environment; Potentially larger fiscal impact than most other solutions; Requires discussion on the fair allocation of required resources among regional needs.
Summary/Recommendation	

High Level Summary of Programs of Interest in the BIL

Who can Apply							Highway Programs	Purpose	Opportunity			Examples of Centre County Opportunities	Chance for Success					Comments	
State	MPO	RPO	Local Gov.	Sp. Purpose Auth.	Non-Profit	Private Entities			High	Medium	Low		Do Nothing	Clearing House	Retarget Staff	Add Staff	Outside Support	Comment 1	Comment 2
X							National Electric Vehicle Formula Program	Strategically deploy EV charging infrastructure and establish interconnected network to facilitate data collection, access, and reliability.	X			Builds capacity along I-80, I-99, and U.S. Route 322 corridors.			L	L	M	Sets aside 10% for discretionary grants to state and local govts. that require additional assistance to strategically deploy EV charging infrastructure.	
X	X		X	X			Charging and Fueling Infrastructure Program	Deploy electric vehicle (EV) charging and hydrogen/propane/natural gas fueling infrastructure along designated alternative fuel corridors and in	X			Route 322 corridor needs to be designated in Round 7 to qualify. CCMPO should consider collaboration with NCRPD & SEDA-COG.		L	M	H	H		
	X		X				Safe Streets and Roads for All Program	Prevent transportation-related death and serious injury on roads and streets. Considers the likelihood of a project significantly reducing or eliminating fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, motorists, and commercial operators.	X			Community plans may qualify in State College Borough, Patton Township, Bellefonte or other communities based on crash records. Also consider county wide plan.		L	M	H	H	100% funding available for planning phase, matched funding available for implementation.	
X	X		X				Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Program	Planning, resilience improvements, community resilience and evacuation routes, at-risk coastal infrastructure.			X	Option to advance a municipal or county level study to identify risk areas and possible mitigations. 26 & Atherton, Milesburg, Philipsburg and Penn Township (Penns Creek) show up on 2019 vulnerability mapping.		L	L	M	H	100% funding available for planning phase, matched funding available for implementation.	Chance for success depends on the expertise of staff or consultant assistance retained.
X			X	X			Bridge Investment Program (Formula)	Improve bridge (and culvert) condition, safety, efficiency, and reliability.	X			High opportunity, particularly for local bridges. Consider Eagleville Rd. over Bald Eagle Creek.		M	H	H	H	\$12.5B total FFYs 2022-2026	
X			X	X			Bridge Investment Program (Discretionary)	Improve bridge (and culvert) condition, safety, efficiency, and reliability.	X			Moderate opportunity, high effort required. Consider applications for existing and pending TIP projects.					L	\$2.5 M minimum award, 10% local match	Competitive program. Low chance for success even with excellent support.
X			X				Strengthening Mobility and Revolutionizing Transportation (SMART) Program	Demonstration projects focused on smart community technologies and systems that improve transportation safety and efficiency.		X						L	M	Could benefit from collaboration with PSU. Conversation moving through D2.	
X	X		X	X	X		Reconnecting Communities Pilot Program	Restore community connectivity by removing, retrofitting, or mitigating highways or other transportation facilities that create barriers to community connectivity, including to mobility, access, or economic development. Planning and construction grants.			X						L	Low applicability to Centre County.	Low applicability to Centre County.
X		X	X				Rural Surface Transportation Grants	Improve and expand the surface transportation infrastructure in rural areas to increase connectivity, improve the safety and reliability of the movement of people and freight, and generate regional economic growth and improve quality of life.	X			High opportunity. High effort required. Is there something like phoenix avenue or the airport connector that should be considered?					L	Setasides: <10% for small projects <\$25M 25% for designated routes of the ADHS 15% in states with higher than average rural roadway lane departure fatalities.	Highly competitive program. Low chance for success even with excellent support
							Surface Transportation Block Grant (STBG)											Additional formula driven funding to be allocated through TIP and project development process	
X			X				Transportation Alternatives (TA) Setaside from STBG			X	Continuing opportunity for experienced local sponsors.	L	M	M	M	M			
X	X		X	X			National Infrastructure Project Assistance ("Mega-projects")	Single-year or multi-year grant agreements for eligible surface transportation projects.			X	Consider for State College Area Connector. Strong support from District and outside agencies required.					L	On National Multimodal Freight Network, National Highway Freight Network, or National Highway System. Setasides: 50% for projects >\$100M-<\$500M, 50% for projects >\$500M	Highly competitive program. Low chance for success even with excellent support
X			X	X			Local and Regional Project Assistance [codifies Rebuilding America's Infrastructure with Sustainability and Equity (RAISE) Program, formerly TIGER/BUILD].	Projects with significant local or regional impact that improve transportation infrastructure.		X		Potential for regional trials/ bike infrastructure package? What could hit the c/b ratio?					L		Highly competitive program. Low chance for success even with excellent support.
X			X	X			Nationally Significant Freight and Highway Program [Infrastructure for Rebuilding America (INFRA) Program.]	Various highway, freight, and intermodal projects.			X	Consider for State College Area Connector. Strong support from District and outside agencies required.					L		Highly competitive program. Low chance for success even with excellent support.
X			X	X	X	X	Transportation Infrastructure Finance and Innovation Act (TIFIA) Loan Program	Direct loans, loan guarantees, standby lines of credit for projects of national or regional significance.		X							L	Minimum costs: \$10M for Transit Oriented Development, Local and Rural Projects, \$15M for Intelligent Transportation Systems Projects, \$50M for eligible Surface Transportation Projects	

Red highlighting - reasonable chance of attracting successful projects with low investment/clearinghouse strategies
 Blue highlighting - reasonable chance of attracting successful projects by adding or retargeting staff
 Yellow highlighting - reasonable chance of attracting successful projects with the help of consultants or other outside agencies

JUNE 28, 2022 MEETING

ITEM 15

ANNOUNCEMENTS

1. Future Meeting Dates

- a. Technical Committee: Wednesday, September 14, 2022, 9:30 a.m.
Hybrid meeting
Zoom and in-person at the Centre Region COG Building

- ⇒ CY 2023 CCMPO Budget
- ⇒ CCMPO Strategic Plan
- ⇒ Bipartisan Infrastructure Law Subcommittee Report
- ⇒ State College Area Connector
- ⇒ Safety project development
- ⇒ CCMPO Public Participation Plan

- b. Coordinating Committee: Tuesday, September 27, 2022, 6:00 p.m.
Hybrid meeting
Zoom and in-person at the Centre Region COG Building

- ⇒ CY 2023 CCMPO Budget
- ⇒ CCMPO Strategic Plan
- ⇒ Bipartisan Infrastructure Law Subcommittee Report
- ⇒ State College Area Connector
- ⇒ Safety project development
- ⇒ CCMPO Public Participation Plan

2. The CCMPO's new FY 2022-2024 Unified Planning Work Program (UPWP) will take effect on July 1, 2022. The new UPWP includes supplemental planning funds to complete an operations-based organizational Strategic Plan for the CCMPO. Staff is working with the PennDOT Center for Program Development and Management to retain consulting services through a Program Center open end agreement. Work on the Strategic Plan is expected to be initiated in summer 2022, and the project will be discussed at the September CCMPO Committee meetings.
3. In February the CCMPO formed a new subcommittee to review the new funding opportunities in the federal *Bipartisan Infrastructure Law (BIL)*, identify opportunities for stakeholders in Centre County, and assess the capacity to pursue funding from the *BIL*. The Subcommittee has met on multiple occasions. Reports on the Subcommittee's discussions have been provided to the CCMPO Committees. Final recommendations will be presented in September.
4. In May the CCMPO's Safety Subcommittee met to review discussions from previous meetings and what items to consider for future meetings. This meeting concluded with continuing to work with District 2-0 to review future safety projects that qualify for HSIP funding. At this time, staff is working on a review of locations that may benefit from rumble strips installation as well as initiate efforts to meet with each Centre County municipality to learn about safety concerns that could be candidate projects. This effort will be used to inform the Safety Subcommittee regarding possible future project locations.

(Continued)

5. The CCMPO's *Procedures for Transportation Improvement Program (TIP) Revisions* allow project sponsors (typically PennDOT and CATA) to make administrative modifications that change funding on the TIP without formal approval by the Coordinating Committee. The *Procedures* specify that the administrative modifications be reported to the CCMPO for information purposes. Attachment 15.2 is a Fiscal Constraint Chart that lists administrative modifications to the 2021-2024 TIP that were completed since the April CCMPO meetings.
6. On April 20, 2022, Governor Tom Wolf announced the award of funds from PennDOT 's Transportation Alternatives (TA) Set-Aside Program, including three projects in Centre County:

Project	Municipality	Allocation
Streetscape and safety improvements along Spring Street and Bishop Street.	Bellefonte Borough	\$325,000
Addition of 1.6 miles of shared use path along Easterly and Westerly Parkway and Blue Course Drive, connecting with the existing Orchard park Bikeway and several other existing paths and trails.	State College Borough	\$1,100,000
Sidewalk, roadway shoulder widening, addition of rectangular rapid flashing beacon and signage to improve safety for pedestrians and bicyclists in the Village of Pine Grove Mills.	Ferguson Township	\$700,000

7. On April 21, 2021, Governor Wolf announced the award of funds from PennDOT's Multimodal Transportation Fund (MTF) program, including three projects in Centre County:

Project	Municipality	Allocation
Replace adjacent rail and road bridges on Railroad Street with a single structure with increased hydraulic capacity to address the poor condition roadway bridge and to mitigate recurrent flooding. The award complements MTF funding previously provided by PA Commonwealth Financing Authority.	Milesburg Borough and SEDA-COG JRA	\$894,000
Reconstruction of a curve and associated safety improvements on Curtin Hollow Road to address the roadway collapsing down a steep slope.	Boggs Township	\$350,000
Rehabilitation of 3.8 miles of six township roads that carry ATVs and UTVs along with auto/truck traffic. The award complements MTF funding previously provided by PA Commonwealth Financing Authority.	Snow Shoe Township	\$234,380

8. The Commonwealth Court issued an order on May 18, 2022, stopping work related to the Major Bridge P3 initiative. Accordingly, PennDOT has canceled the public hearings associated with the project and will share any relevant updates in the future.
9. PennDOT is conducting a public survey as part of the development of the statewide plan required under the National Electric Vehicle Formula Program. Members may find presentations and other information at <https://www.penndot.pa.gov/ProjectAndPrograms/Planning/EVs/Pages/NEVI.aspx>. Members may participate in a survey to establish priorities for the plan at <https://www.surveymonkey.com/r/NEVISurvey>.

(Continued)

10. The CCMPO has posted information for the open Senior Transportation Planner position and other positions on our website. Submissions are open through July 15 - please feel free to share the information with qualified candidates.
11. Stakeholders requested two letters of support from CCMPO staff since the April Coordinating Committee Meeting. Staff provided a letter of support to State College Borough for an appropriations request including bicycle and pedestrian improvements at the Allen Street and College Avenue, included as item 15.11-1. Staff provided a letter of support to College Township for an application to the Commonwealth Financing Authority’s Multimodal Transportation Fund (MTF) to construct a shared use path from Puddintown Road to Hastings Road, included as item 15.11-2.
12. PennDOT’s Local Technical Assistance Program (LTAP) training courses, sponsored by the SEDA-COG MPO – See <http://seda-cog.org/departments/transportation/local-technical-assistance-program/>
13. US DOT, FHWA and FTA continue to provide updates on programs available under the Bipartisan Infrastructure Law. Members should check for new updates regularly and consider signing up for email alerts. Notable sites are included in the table below:

Description	Site
FHWA Fact Sheets	https://www.fhwa.dot.gov/bipartisan-infrastructure-law/fact_sheets.cfm
FHWA Guidance and Regulations	https://www.fhwa.dot.gov/bipartisan-infrastructure-law/guidance.cfm
US DOT BIL Website	https://www.transportation.gov/bipartisan-infrastructure-law
FTA BIL Website	https://www.transit.dot.gov/BIL
FHWA Policy of Using BIL Resources to Build a Better America	https://www.fhwa.dot.gov/bipartisan-infrastructure-law/building_a_better_america-policy_framework.cfm
FHWA Newsroom	https://highways.dot.gov/newsroom
BIL Overview Presentation	https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/bil_overview_20211122.pdf
Anticipated schedule for upcoming USDOT BIL discretionary funding programs:	https://www.transportation.gov/bipartisan-infrastructure-law/upcoming-notice-funding-opportunity-announcements-2022
Current USDOT NOFOs	Site
Safe Streets and Roads for All (SS4A)	https://www.transportation.gov/grants/ss4a/nofo

14. PennDOT *Connects* initiative – See *Connects* support hub at <https://connect.psats.org/home>.
15. The State Transportation Commission and PennDOT are conducting a 15-day comment period for the 2023 Statewide Transportation Improvement Program (STIP) through June 30th. The draft TIP can be viewed at <https://talkpatransportation.com/2023-stip-executive-summary>.
16. “Drive Forward” coalition formed by the Chamber of Business and Industry of Centre County (CBICC) with the support of the CCMPO – See www.driveforwardcc.com.

(Continued)

17. CCMPO staff contact information:

Centre Regional Planning Agency
2643 Gateway Drive
State College, PA 16801

Telephone: 814-231-3050
Fax: 814-231-3083

Jim May, Director
Jim Saylor, Principal Transportation Planner
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On the web at www.ccmppo.net . Like and share the CCMPO's Facebook page at <https://www.facebook.com/centrecountympo/> .

**CCMPO 2021 TIP
Highway and Bridge Actions Committed**

* Positive number denotes a deposit/Negative in parentheses denotes a debit

Administrative Actions				Fund Type		FFY 2021			FFY 2022			FFY 2023			FFY 2024			Outer Years			Grand Sum	Remarks				
Project Title	MPMS	Phase	Action	Fed.	Sta.	Fed. (\$)	State (\$)	Loc/Oth (\$)	Fed. (\$)	State (\$)	Loc/Oth (\$)	Fed. (\$)	State (\$)	Loc/Oth (\$)	Fed. (\$)	State (\$)	Loc/Oth (\$)	Fed. (\$)	State (\$)	Loc/Oth (\$)						
1 Poor Bridge / Betterment Line Item Reserve Line Item Centre County	84343	CON	Before	BOF					114,400						457,932							572,332	Reserve Line Item.			
			Adjust	BOF					(45,923)															(45,923)		
			After	BOF			0	0	0	68,477	0	0	0	0	0	0	457,932	0	0	0	0	0		0	526,409	
2 SR 2005 Sinking Cr Bridge SR 2005, Section A01 Centre County	91500	PE	Before	BOF			109,361															109,361	Additional funds for Hydrology and Hydraulics (H&H) and Consultant Structure review.			
			Adjust	BOF																					45,923	
			After	BOF			109,361	0	0	45,923	0	0	0	0	0	0	0	0	0	0	0	0		0	155,284	
3 Atherton Street Phase III SR 3014, Section 153 Centre County	101960	CON	Before	STP	581				1,019,324	831,563			668,000		1,964,000	3,069,784							7,552,671	Previous Statewide MA #125420 (4/20/22) added Spike HSIP and thereby enable the swap out of STP and 581 to the Reserve Line Item.		
			Adjust	STP	581									2,204,362	(1,121,927)	(39,970)									1,042,465	
			After	STP	581			0	0	0	1,019,324	831,563	0	0	668,000	2,204,362	842,073	3,029,814	0	0	0	0	0		8,595,136	
4 Poor Bridge / Betterment Line Item Reserve Line Item Centre County	84343	CON	Before	STP	581										0	0					503,120		503,120	Reserve Line Item.		
			Adjust	STP	581											1,121,927	39,970								1,161,897	
			After	STP	581			0	0	0	0	0	0	0	0	1,121,927	39,970	0	503,120	0	0	0	1,665,017			
5 Poor Bridge / Betterment Line Item Reserve Line Item Centre County	84343	CON	Before	NHPP																	1,638,000		1,638,000	Influx of de-obligations.		
			Adjust	NHPP																					211,692	
			After	NHPP			0	0	0	211,692	0	0	0	0	0	0	0	0	0	1,638,000	0	0	0		1,849,692	
6 Poor Bridge / Betterment Line Item Reserve Line Item Centre County	84343	CON	Before	STP											1,121,927								1,121,927	Influx of de-obligations.		
			Adjust	STP																					322,622	
			After	STP			0	0	0	322,622	0	0	0	0	0	0	1,121,927	0	0	0	0	0	0		1,444,549	
7 Poor Bridge / Betterment Line Item Reserve Line Item Centre County	84343	CON	Before	BOF					68,477						457,932								526,409	Influx of de-obligations.		
			Adjust	BOF																					120,872	
			After	BOF			0	0	0	189,349	0	0	0	0	0	0	457,932	0	0	0	0	0	0		647,281	
8 Poor Bridge / Betterment Line Item Reserve Line Item Centre County	84343	CON	Before	BOF					189,349						457,932								647,281	Reserve Line Item.		
			Adjust	BOF																					(189,349)	
			After	BOF			0	0	0	0	0	0	0	0	0	457,932	0	0	0	0	0	0	0		457,932	
9 Infrastructure Investment Reserve Line Item Reserve Line Item Centre County	117920	CON	Before	BOF					181,000														181,000	IJA (BIL) Reserve Line Item.		
			Adjust	BOF																					(181,000)	
			After	BOF			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	
10 Infrastructure Investment Reserve Line Item Reserve Line Item Centre County	117920	CON	Before	BRIP					1,019,000														1,019,000			
			Adjust	BRIP																					(300,000)	
			After	BRIP			0	0	0	719,000	0	0	0	0	0	0	0	0	0	0	0	0	0		0	719,000
11 SR 2011 Coburn Bridge Rehab SR 2011, Section P49 Centre County	117598	CON	Before	BOF					451,000														451,000	Additional funds to match revised estimate for additional rehab needs.		
			Adjust	BOF																					370,349	
			After	BOF			0	0	0	821,349	0	0	0	0	0	0	0	0	0	0	0	0	0		0	821,349
12 SR 2011 Coburn Bridge Rehab SR 2011, Section P49 Centre County	117598	CON	Before	BRIP					0														0			
			Adjust	BRIP																						300,000
			After	BRIP			0	0	0	300,000	0	0	0	0	0	0	0	0	0	0	0	0	0		0	300,000
13 Strubble Rd RR Warn Device T-380, College Twp. Centre County	113890	CON	Before	RRX			200,000																450,000	Match current estimate.		
			Adjust	RRX										157,150												157,150
			After	RRX			200,000	0	0	250,000	0	0	0	157,150	0	0	0	0	0	0	0	0	0		0	607,150
			Before																				0			
			Adjust																					0		
			After			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
			Before																					0		
			Adjust																						0	
			After			0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
			Before FFY Totals			309,361	0	0	3,292,550	831,563	0	0	668,000	0	4,459,723	3,069,784	0	2,141,120	0	0	0	14,772,101	Fiscal ok as \$655,186 de-obs, \$157,150 RRX and \$2,204,362 is local.			
			Adjustment FFY Totals			0	0	0	655,186	0	0	157,150	0	2,204,362	0	0	0	0	0	0	3,016,698					
			After FFY Totals			309,361	0	0	3,947,736	831,563	0	157,150	668,000	2,204,362	4,459,723	3,069,784	0	2,141,120	0	0	17,788,799					

* Positive number denotes a deposit/Negative in parentheses denotes a debit

Administrative Actions				Fund Type		FFY 2021			FFY 2022			FFY 2023			FFY 2024					
Project Title		MPMS	Phase	Action	Fed.	Sta.	Fed. (\$)	State (\$)	Loc/Oth (\$)	Fed. (\$)	State (\$)	Loc/Oth (\$)	Fed. (\$)	State (\$)	Loc/Oth (\$)	Fed. (\$)	State (\$)	Loc/Oth (\$)		
1	HSIP Set Aside Reserve Statewide Reserve Statewide	101969	CON	Before	sHSIP					6,633,322			12,701,794			33,250,000				
				Adjust	sHSIP							(1,640,205)								
				After	sHSIP			0	0	0	4,993,117	0	0	12,701,794	0	0	33,250,000	0	0	
2	Atherton Street Phase III SR 3014, Section 153 Centre County	101960	CON	Before	sHSIP					0										
				Adjust	sHSIP							1,640,205								
				After	sHSIP			0	0	0	1,640,205	0	0	0	0	0	0	0	0	
3	HSIP Set Aside Reserve Statewide Reserve Statewide	101969	CON	Before	sHSIP					4,993,117			12,701,794			33,250,000				
				Adjust	sHSIP							(244,752)								
				After	sHSIP			0	0	0	4,748,365	0	0	12,701,794	0	0	33,250,000	0	0	
4	High Friction Surface Treatment HSIP SR 26, Section HFS Centre County	113451	CON	Before	sHSIP					300,000										
				Adjust	sHSIP							244,752								
				After	sHSIP			0	0	0	544,752	0	0	0	0	0	0	0	0	
5	PA 26 / 1-80 Interchange SR 80, Section A18 Centre County	51466	CON	Before		581				0										
				Adjust		581						120,000								
				After		581			0	0	0	120,000	0	0	0	0	0	0	0	
				Before																
				Adjust																
				After			0	0	0	0	0	0	0	0	0	0	0			
				Before																
				Adjust																
				After			0	0	0	0	0	0	0	0	0	0	0			
				Before FFY Totals			0	0	0	11,926,439	0	0	25,403,588	0	0	66,500,000	0	0		
				Adjustment FFY Totals			0	0	0	120,000	0	0	0	0	0	0	0			
				After FFY Totals			0	0	0	12,046,439	0	0	25,403,588	0	0	66,500,000	0	0		

Outer Years			Grand Sum	Remarks
Fed. (\$)	State (\$)	Loc/Oth (\$)		
272,526,955			325,112,071	Statewide Reserve Line Item for Spike Safety funds.
			(1,640,205)	
272,526,955	0	0	323,471,866	
			0	Add Spike HSIP funds and in return shift STP and 581 to Regional Reserve line item.
			1,640,205	
0	0	0	1,640,205	
272,526,955			323,471,866	Statewide Reserve Line Item for Spike Safety funds.
			(244,752)	
272,526,955	0	0	323,227,114	
			300,000	Additional Spike HSIP.
			244,752	
0	0	0	544,752	
			0	Add State Highway funds drawn from State IM TIP project #118318.
			120,000	
0	0	0	120,000	
			0	
			0	
0	0	0	0	
			0	
			0	
0	0	0	0	
545,053,910	0	0	648,883,937	Fiscal constraint ok as \$120k from IM TIP.
0	0	0	120,000	
545,053,910	0	0	649,003,937	

Centre County Metropolitan Planning Organization (CCMPO)

c/o Centre Regional Planning Agency
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Willowbank Office Building
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Phone (814) 355-6791 / FAX (814) 355-8661
www.centrecountypa.gov

May 5, 2022

Thomas J. Fontaine
State College Borough
243 South Allen Street
State College, PA 16801

RE: Letter of Support – State College Connections, Next-Era PSU: Pedestrian Safety and Universal Accessibility Initiative - State College Borough, PA

Dear Tom:

The Centre County Metropolitan Planning Organization (CCMPO) Coordinating Committee works closely with PennDOT, the Centre County Board of Commissioners, and municipal officials to prioritize transportation needs and allocate federal, state, and local funds for improvements to the transportation system. We are aware that the need for bicycle and pedestrian infrastructure far surpasses the limited financial resources available to municipalities. We also understand the challenges that municipalities face in constructing new bicycle and pedestrian facilities.

The CCMPO strongly supports State College Borough's application for appropriations funding for improvements to the Allen Street College Avenue Intersection including bike lanes, bulb-outs, crosswalks, and expanded sidewalks; and streetscape improvements including a road diet, pavement treatments, street trees, bulb outs and transit stops along Beaver Avenue at Allen Street. Allen Street, College Avenue and Beaver Avenue are heavily traveled roadways. Implementing a road diet and adding bicycle and pedestrian improvements not only provide a safe environment for existing bicyclists and pedestrians of all ages and abilities, it can increase walking and biking in the Centre Region by encouraging individuals that don't feel safe now to ride and walk more in this densely populated area of the community. The proposed improvements will also provide a safer environment for Penn State University students and employees; and Downtown business patrons and employees traveling in the corridor.

In recent surveys, residents have requested more connected and safer pedestrian and bike networks. This project will accomplish that goal by providing designated bicycle facilities and improved pedestrian accommodations. The proposed improvements are critical to provide a safe balanced transportation system for residents of all abilities and ages and are consistent with the Centre Region Bike Plan and the CCMPO's new Long Range Transportation Plan (LRTP) 2050.

The highest priority goal in the CCMPO's LRTP 2050 is *Improve Safety and Security*. By expanding the regional bikeway network to provide safe conditions for bicyclists and improve pedestrian facilities this project is consistent with the LRTP's top goal and objectives.

The CCMPO fully supports the Borough's application for funding for these important streetscape, bicycle, and pedestrian improvements.

Sincerely,



James J. May, AICP
Secretary, Centre County Metropolitan Planning Organization

Centre County Metropolitan Planning Organization (CCMPO)

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June 14, 2022

Adam Brumbaugh
College Township
1481 East College Avenue
State College, PA 16801

**RE: Letter of Support and Planning Consistency – College Township
Commonwealth Financial Authority Multimodal Transportation Fund Program**

Dear Adam:

The Centre County Metropolitan Planning Organization (CCMPO) works with PennDOT, the Centre County Board of Commissioners, and municipal officials to prioritize transportation needs and allocate federal, state, and local funds for improvements to the transportation system. We are aware that the need for bicycle and pedestrian infrastructure far surpasses the limited financial resources available to municipalities. We also understand the challenges that municipalities face in constructing new bicycle and pedestrian facilities.

The CCMPO strongly supports College Township's application for funding through the Commonwealth Financing Authority's Multimodal Transportation Fund (MTF) program to construct the East College Avenue Shared Use Path from Puddintown Road to Hastings Road along East College Avenue. East College Avenue is a heavily traveled roadway, and the addition of an off-road shared use path will provide a safe environment for bicyclists of all ages and abilities; and increase ridership by encouraging individuals that identify themselves as Interested but Concerned Bicyclists to ride more. The proposed shared use path will also provide travel options to Penn State University students that live along the corridor.

In several recent surveys, the public has requested a more connected bike network. This project will accomplish that goal by connecting residential areas to Downtown State College, the Millbrook Marsh Nature Center, and the University Park Campus of Penn State University. These connections are critical to provide a safe and balanced transportation system for residents of all abilities and ages, consistent with the goals and recommended projects in the adopted Centre Region Bike Plan.

The highest priority goal in the CCMPO's Long Range Transportation Plan (LRTP) 2050 is *Improve Safety and Security*. By expanding the regional bikeway network to provide safe conditions for bicyclists, this project is consistent with the LRTP's top goal and an associated objective to reduce conflicts between motorized and non-motorized modes of transportation. The proposed project is also consistent with other goals in the LRTP 2050 relative to connectivity, accessibility, and stewardship of the environment.

Adam Brumbaugh

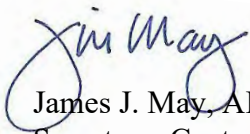
June 14, 2022

Page 2

The CCMPO notes and acknowledges College Township's commitment of \$830,000 in municipal funding for this project. This amount represents a substantial commitment of the Township's resources, yet the project still requires an award of MTF grant funds to make the improvements feasible.

The CCMPO fully supports the Township's application and urges the Commonwealth Financing Authority to approve grant funding for this important shared use path project.

Sincerely

A handwritten signature in blue ink that reads "Jim May". The signature is written in a cursive style with a large initial "J" and "M".

James J. May, AICP

Secretary, Centre County Metropolitan Planning Organization

cc: State Senator Jake Corman
State Representative Kerry Benninghoff
Tom Zurat, P.E., District Executive, PennDOT Engineering District 2-0



CENTRE COUNTY

MPO

METROPOLITAN PLANNING ORGANIZATION

SUMMARY REPORT OF THE JUNE 28, 2022 MEETING

2023-2026 CENTRE COUNTY TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

Every two years, the CCMPO is responsible for developing and adopting a short-range, four-year Transportation Improvement Program (TIP). The Centre County TIP details the planned expenditures of federal funds and some state capital funds for specific transportation projects.

The Coordinating Committee approved the new 2023-2026 Centre County TIP and the 2022 Centre County Air Quality Conformity Determination report and resolutions. The Centre County TIP will be submitted to PennDOT and the State Transportation Commission (STC) for inclusion on the state-wide TIP. Information about specific projects on the 2023-2026 TIP can be found on the CCMPO's website at www.crcog.net/2023TIP. [The presentation can be found here.](#)

TITLE VI NONDISCRIMINATION POLICY

The CCMPO's current Title VI program was adopted by the Coordinating Committee in November 2018. Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives federal funds or other federal financial assistance. In September 2019, a Title VI compliance review was conducted by the PennDOT Bureau of Equal Opportunity. This review resulted in several proposed enhancements to the CCMPO Title VI program, including the expansion of the list of protected classes, enhanced tracking of requests for accommodation, re-working of the LEP plan and four-factor analysis, and removal of language referring to "EJ" tracts and populations, in favor of more specific language.

The Coordinating Committee adopted the updated CCMPO Title VI Policy, which is available on the CCMPO webpage. [The presentation can be found here.](#)

2021-2024 CENTRE COUNTY TIP AMENDMENTS

The Coordinating Committee approved several revisions to the current 2021-2024 Centre County TIP, which was adopted in June 2020 and took effect on October 1, 2020. The revisions approved are as follows:

- Additional funding from the Transportation Alternatives Set-Aside Program for three projects:
 - Streetscape and safety improvements along Spring Street and Bishop Street - Bellefonte Borough, \$15,000
 - Addition of 1.6 miles of shared use path along Easterly and Westerly Parkway and Blue Course Drive - State College Borough, \$20,000
 - Sidewalk, roadway shoulder widening, and addition of signage to improve safety in the Village of Pine Grove Mills - Ferguson Township, \$15,000

...continued

2021-2024 CENTRE COUNTY TIP AMENDMENTS...CONTINUED

- Additional funding for the Atherton Street Phase III Project: PennDOT encountered bid costs significantly higher than previous cost estimates, totaling nearly \$12 million. The magnitude of the increase, the already large size of the project, and the necessity of coordinating with other stakeholders present additional difficulties in this case. PennDOT proposed to allocate funding from line items and statewide programs and projects from the CCMPO TIP where the movement of funds would not have a negative effect on several project timelines. [A detailed explanation of fund shifts can be found at this link.](#)
- The current TIP includes a line item with \$719,000 in funding from the Bridge Improvement Program unallocated to any particular project. PennDOT proposed allocating \$319,000 to add a Preliminary Engineering phase for the bridge that carries College Avenue over Spring Creek in College Township. The remaining \$400,000 in federal bridge funds is proposed to advance the Preliminary Engineering Phase for the bridge that carries Walnut Street over Bald Eagle Creek in Howard Township.

DRIVEforward

Learn more about the grassroots campaign to secure funding for major highway projects in Centre County.



Watch CCMPO Coordinating Committee Meetings online.

UPCOMING MEETINGS:

Technical Committee
September 14, 2022
9:30 a.m.

Coordinating Committee
September 27, 2022
6:00 p.m.

A NEW CHAPTER FOR PENNSYLVANIA AND THE CCMPO



In May 2022, PennDOT announced that Trish Meek, AICP, has been appointed as the new Statewide Bicycle and Pedestrian Coordinator, effective June 13, 2022. In this role, Trish will advocate within PennDOT and with external partners across Pennsylvania to implement policies, legislation, engineering solutions, and educational and funding programs supporting people who walk and bike, with a focus on those who do so out of necessity rather than choice.

This appointment reflects the great success of bike and pedestrian planning efforts Trish led in her 27.5 years serving as a Senior Transportation Planner for the CRPA. Trish helped municipalities secure funding for numerous projects, including streetscape, sidewalk, and shared use path projects in Bellefonte, Centre Hall, Howard, and Philipsburg Boroughs; Benner Township; and all six Centre Region municipalities. Trish has also been a guiding force in developing an active transportation community in the Centre Region, assisting the municipalities in completing plans and official maps focused on bicycles and recreation, and working with several external bike advocacy groups and organizations to promote bicycling activities. Building relationships between PennDOT, municipalities, and many external partners has been a particular strength that Trish has exhibited throughout her career at the CRPA.

Trish's last day with the CRPA and CCMPO was June 8, 2022. On behalf of the CCMPO staff and Committee members, congratulations to Trish! We thank her for the positive impact she has had on communities across Centre County and look forward to working with her as she continues to serve as an advocate for people-powered transportation at the statewide level!

FIND MORE PRESENTATIONS FOR THIS MEETING HERE.

CENTRE COUNTY MPO STAFF

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CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3

State College, PA 16801

Phone: (814) 231-3077 Fax: (814) 231-3083 Website: www.crcog.net

June 20, 2022

TO: Executive Committee
Centre Region Municipal Managers
COG Agency Directors

FROM: Scott Binkley, COG Administration

SUBJECT: Cancellation Notice

Please note that the Executive Committee meeting scheduled for Tuesday, June 21, 2022, has been ***cancelled*** by Chair Francke. There are no agenda items that require the immediate attention of the elected officials at this time.

The next meeting of the COG Executive Committee is scheduled for **Tuesday, July 19, 2022, at 12:15 PM**. This meeting is scheduled to be a hybrid meeting.

The enclosures noted in this memo can be found by [clicking here](#) or visiting <https://www.crcog.net/executivecommittee> and navigating to Agendas and Minutes.

MATTERS OF RECORD

- A. Matter of Record - The next meeting of the Executive Committee is scheduled to be a hybrid meeting on **Tuesday, July 19, 2022, at 12:15 PM**.
- B. Matter of Record - **Enclosed** is a COG letter of support for The Home Foundation's application for the ICLEI Action Fund, which is a climate action funding opportunity to assist local climate action while addressing inequality. If the \$1 million in funds are awarded the project will perform wide-scale energy retrofits to multiple low-income housing properties and seed a revolving loan fund for energy efficiency projects on buildings that house the underserved populations in the Centre Region. The CAS Committee unanimously approved the letter at its June 13, 2022, meeting.
- C. Matter of Record - The current economic environment, coupled with ongoing supply chain issues, has significantly affected vehicle procurements. This matter was discussed at the June Public Safety Committee meeting due to its likely impact on Capital Program Plans. Staff continues to assess impacts and mitigation strategies. A narrative describing the situation as it relates to the Regional Fire Protection Program is **enclosed**.

- D. Matter of Record - **Enclosed** is an update to the Highway/Bridge Construction Projects in Centre County presentation provided in May.
- E. Matter of Record - The **enclosed** attachment includes COG information regarding C-NET programming during 2021.
- F. Matter of Record - **Enclosed** is a CRPA fact sheet that reports municipal and regional demographic data from the recently released 2016-2020 American Community Survey 5-Year Estimates. Additional American Community Survey data is available online at data.census.gov.
- G. Matter of Record - PennDOT has completed a draft State Plan for Electric Vehicle Infrastructure Deployment, required by the Federal Highway Administration (FHWA), to receive formula funding through the new National Electric Vehicle Infrastructure (NEVI) Formula Program created by the Bipartisan Infrastructure Law.
- PennDOT has launched a survey to collect feedback on the goals, infrastructure-prioritization, and program-administration components of the Draft Pennsylvania State Plan, which you can access at this link: <https://www.surveymonkey.com/r/NEVISurvey>
- H. Matter of Record - During June 20 - July 17 COG will be hosting two Southeast Asian Professional Fellows through the International City/County Management Association (ICMA); it administers a State Department program ([YSEALI Professional Fellows Program](#)). Their cohort's theme is sustainability and climate action. Chiew Ee Kwong is a law partner with Rahmat Lim & Partners in Kuala Lumpur, Malaysia. Anh Thù Phan (Tess) is a Professor at The University of Law within Hue University in Hue, Vietnam.
- I. Matter of Record - The Parks and Recreation Governance Special Committee typically meets on the 4th Wednesday of each month at 8:30 AM at the COG building and via Zoom. For agendas, minutes, and additional information for this Special Committee please go to: <https://www.crcog.net/parksgovernance>.
- J. Matter of Record - To watch an informational session on the Centre Region Council of Governments (COG) please go to <https://www.crcog.net/orientation>. This video is designed to provide an informational overview of COG, its operations, and its agencies. If you have questions regarding this video please contact COG Executive Director, Eric Norenberg at enorenberg@crcog.net.
- K. Matter of Record - A COG Committee assignments roster can be found on the COG website at <https://www.crcog.net/cogcommitteeassignments>.
- L. Matter of Record - Unit Voting During Hybrid General Forum Meetings Procedure

Procedure:

- A quorum of each governing body must be present (combined in-person/remote) in order for a unit to vote. If a unanimous decision is required, but one or more participating municipalities lack an in-person/remote combined quorum, the vote for that municipality will be postponed until that unit has had an opportunity to vote. Once that unit has voted on the issue the vote will be recorded.
- Public comments should be provided to the entire group before the Chair adjourns a General Forum meeting for municipalities to enter their unit groups, and members of the public may observe these unit discussions.
- Once the meeting is recessed by the Chair, the meeting recording is stopped, and minutes are no longer taken. Individual votes are not recorded. If a request for an individual vote record is made by a General Forum member before recessing for the unit vote, then municipalities will provide individual votes to the recording secretary for inclusion in meeting minutes.
- Each Board/Council President will manage their municipalities breakout meeting with the assistance of their Municipal Manager.
- Municipal Managers will indicate to the Executive Director once unit voting is complete. The Chair will then reconvene the General Forum meeting and call for the Recording Secretary to record the Unit Votes.
- Should a second or multiple unit vote be requested, the same procedure will be repeated.

UNIT VOTING BREAKOUT PHONE NUMBERS	
College Township: 657-390-4784	Harris Township: 727-731-4231
Ferguson Township: 727-731-5754	Patton Township: 909-318-7376
Halfmoon Township: 609-663-1155	State College Borough: 775-799-9148

CALENDAR

A calendar with upcoming COG committee, General Forum, and municipal meetings can be found by clicking the following link: [COG and Municipal Meeting Overlay Calendar](#).

HELPFUL REFERENCE LINKS

Repositories of helpful information have been assembled for use by the elected officials and COG staff:

- Governance policies, procedures, and other related documents can be viewed on SharePoint by clicking [here](#) or going to <https://www.crcog.net/governance>.
- Updates on current COG Studies and Projects can be found by clicking [here](#) or going to <https://bit.ly/3vZP8Zs>.
- The Whitehall Road Regional Park project site facilitates easy access to documents, resources, and current information about the project. Staff continues to develop and update the site which can be found at <https://www.crcog.net/wrrpinfoguide>.

- COG Facilities Reference information can be found at: <https://bit.ly/3qnEbMA>. The Facilities Committee uses this information as a collection point and serves as a resource for new members of the Committee as well as others. Please contact Scott Binkley at sbinkley@crcog.net for access.

ENCLOSURES

Description

<u>MOR-B</u>	<u>COG Letter of Support for Home Foundation ICLEI Action Fund</u>
<u>MOR-C</u>	<u>Fire Protection Program Economic Challenges</u>
<u>MOR-D</u>	<u>2022 Construction Projects COG June Update</u>
<u>MOR-E</u>	<u>2021 COG/CNET Programming Data Sheet</u>
<u>MOR-F</u>	<u>2016-2020 ACS Memo</u>



**Manager's Report
July 5, 2022**

1. Township Manager attended the Happy Valley Adventure Bureau Tourism Grant Press Conference event on June 23, 2022, with Chair of Ferguson Township and Chair of the Route 45 Getaways Committee.
2. Provided with the agenda packet is a memo from Communications Coordinator that includes a copy of comment forms submitted to the Township in response to the Centre Region Council Of Governments (CROG) Pilot Refuse and Recycling Program.
3. Township Manager, Finance and Tax Director, and Assistant Manager met with GovHr representatives to kick-off the organizational assessment project.
4. Township Manager received the final report on single use plastics summarizing the work completed by the negotiation and dispute resolution class she taught in the spring. Assistant Township Manager will serve on the working group, comprised of staff representing State College Borough and Patton Township, to analyze the report findings and determine next steps for developing a working draft on the management of single use plastics for the three involved municipalities.
5. Township Manager and Assistant Township Manager met with Centre Region Parks and Recreation (CRPR) Executive Director, Parks and Recreation Director, and Parks and Recreation Supervisor to discuss the grow zone areas at Fairbrook Park as well as a future process the management and communication plan when park/playground safety inspections are completed by CRPR.
6. Township Manager, Human Resources Administrator, Assistant Township Manager, Public Works Director, Road Crew Supervisor, and Zoning Administrator attended the Community Diversity Conference held on June 21, 2022.
7. Township Manager met with Ms. Kimberly Stank with Zelenkofske Axelrod, LLC, to discuss and explore for increased understanding and options for future management, policies, and procedures for enhanced accountability in relation to the final rule released by Treasury Department for the American Rescue Plan Act funding program. Township Manager will coordinate for a worksession with the Board of Supervisors to discuss options for the second federal disbursement after Finance and Tax Department confirm receiving the second tranche of recovery funds.



Township of

FERGUSON
Pennsylvania

Memo

To: Centrice Martin, Township Manager

From: Nicholas Beiling, Communications Coordinator

Date: June 27, 2022

Re: CRCOG Pilot Refuse & Recycling Program Comments (April 2022 to June, 27, 2022)

Background:

At the request of the Board and the Township Manager, I created a [CRCOG Pilot Refuse & Recycling Program Comment Form](#) for residents to provide feedback to the change in pickup time from 7:00am to 6:00am for recycling and refuse pickup in Ferguson Township. This change was enacted by CRCOG. The comment form went live on twp.ferguson.pa.us in April of 2022. To provide comment, the address of the commenter was required with their submission to indicate these were Ferguson Township residents.

Outreach:

The comment form was shared in each e-Newsletter (sent to ~1,000 subscribers via Constant Contact) since April until June of 2022. The form received **19 responses** from residents. The form was shared to social media in April and May with no apparent hits from the share. One submission was listed with an address in Warriors Mark, PA and one submission was listed with an address in South Carolina. Assuming the South Carolina address is a secondary home, and the Warriors Mark address being in Halfmoon Township and not a Ferguson resident, **19 responses** are seen to be valid.

Summary:

Utilizing categories of “**Positive/Neutral**” and “**Negative**”, (Positive/Neutral okay with the change, Negative disliking the change) the breakdown of these comments is as follows:

Positive/Neutral: 7

Negative: 12

Summary (cont.)

Percentage of Postive/Neutral v.s. Negative Comments:

63% Negative, 37% Positive/Neutral

Common feedback for the **Negative** submissions included:

- The start time being too early, causing residents to put trash out the night before leading to animals getting into garbage, knocking trash cans over
- The noise from garbage trucks at 5:00am-7:00am disturbing sleeping periods for residents
- Noting the issue of increased bear sightings in Ferguson Township as outlined in various local news sources and Ferguson Township web article; seen as a reason to avoid the earlier start time and prevent residents from placing trash outside the night before

Common feedback for the **Positive/Neutral** submissions included:

- Content with the time change as they already leave their recycling/refuse out the night before and are not concerned with the earlier time
- Glad to know that workers get an earlier start time before heat picks up during working hours

Conclusions/Feedback from Communications Coordinator

Based on responses, the comments split **2/3 Negative**, and **1/3 Positive/Neutral**. This could be a result of negativity bias, where those who are most impacted by the change are the most eager to respond and make their comments known, rather than those who are unaffected by the change that already leave their garbage out the night before and do not experience any issues. The change could also be indicative of the opinion at-large for residents in the Township. Further sharing and promotion may be fruitful for more feedback on the issue.

For increased feedback, planned social media sharing efforts could be executed from now until the end of the program in September if more feedback is desired. The form has been shared to social media twice during the time of Memorial Day to the present, but most feedback has arisen from e-Newsletter submissions based on the dates/times of the comments submitted since April. A list of submissions, including addresses, names, and contact info can be found in this report, and further analysis of the categories of comments could be made based on geographic location in the Township. A PDF document including all submissions since April 2022 to June 2022 has been included in this report as well.

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Sunday, April 10, 2022 8:55:35 AM

Submitted on Sunday, April 10, 2022 - 8:54am
Submitted by anonymous user: 2603:6080:a312:c4a8:d024:fa07:9b81:be9c
Submitted values are:

First Name: Katie
Last Name: Jones
Email: rsj3216@aol.com
Phone: 18433424461
Address: 3296 Shellers Bend
Apartment/Suite Number: unit 117
City: Hilton Head Island
State: SC
Zip Code: 29926

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. :

In this newsletter there is an article about beware of bears, and it says to prevent attracting bears, to not put out garbage the night before. I think if there is a 6 am pick up, many people WILL put out their garbage the night before.

I am also concerned about the noise from the trucks if my garbage actually gets picked up at 6am.

thankd for asking

The results of this submission may be viewed at:
<https://www.twp.ferguson.pa.us/node/20361/submission/7471>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Saturday, April 9, 2022 11:30:02 PM

Submitted on Saturday, April 9, 2022 - 11:28pm

Submitted by anonymous user: 2601:98a:4203:484e:dc1:f546:6e26:888b

Submitted values are:

First Name: Lynn

Last Name: LaBorde

Email: lynnlaborde@gmail.com

Phone:

Address: 679 Berkshire Dr

Apartment/Suite Number:

City: State College

State: Pa

Zip Code: 16803

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : Too early. People already put garbage out the evening before and I just finished reading an article that states not to put garbage out early because it gives the bears reason to come into the community

The results of this submission may be viewed at:

<https://www.twp.ferguson.pa.us/node/20361/submission/7466>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Saturday, April 9, 2022 5:07:28 PM

Submitted on Saturday, April 9, 2022 - 5:06pm
Submitted by anonymous user: 2604:cb00:1295:e100:81a8:7532:649b:920a
Submitted values are:

First Name: Patty
Last Name: Lambert
Email: 2celtichorses@gmail.com
Phone: 8146928966
Address: 2354 W Gatesburg Rd
Apartment/Suite Number:
City: Warriors Mark
State: PA
Zip Code: 16877

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : I always put mine out the night before, so this is not an issue for me.

The results of this submission may be viewed at:
<https://www.twp.ferguson.pa.us/node/20361/submission/7461>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Saturday, April 9, 2022 4:30:00 PM

Submitted on Saturday, April 9, 2022 - 4:29pm
Submitted by anonymous user: 75.75.188.216
Submitted values are:

First Name: Lori
Last Name: Steffensen
Email: lsteffensen61@gmail.com
Phone: 5703571896
Address: 137 Goddard Circle
Apartment/Suite Number:
City: Pennsylvania Furnace
State: PA
Zip Code: 16865

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. :

As one near the beginning of the route, who does not like to have the trash out overnight due to local wildlife, it means an earlier start to our day.

My early-rising spouse, who normally does the trash chore, does not have a concern.

If I have "the duty" that week, it will probably go out the night before.... and I won't be happy if the critters get into it.

The results of this submission may be viewed at:
<https://www.twp.ferguson.pa.us/node/20361/submission/7456>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Saturday, April 9, 2022 3:23:00 PM

Submitted on Saturday, April 9, 2022 - 3:21pm
Submitted by anonymous user: 71.58.111.199
Submitted values are:

First Name: Jeri
Last Name: Peck
Email: jeripeck@hotmail.com
Phone: 8142342898
Address: 1362 Greenwood Cir
Apartment/Suite Number:
City: State College
State: PA
Zip Code: 16803-3232

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : This would require setting cans out the night before, which often leads to spilled cans (animals), missing lids (wind), and roaming/knocked over cans in the street (wind).

The results of this submission may be viewed at:
<https://www.twp.ferguson.pa.us/node/20361/submission/7451>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Saturday, April 9, 2022 1:22:04 PM

Submitted on Saturday, April 9, 2022 - 1:21pm
Submitted by anonymous user: 2601:98a:4204:38f0::338f
Submitted values are:

First Name: Gerry
Last Name: Hamilton
Email: GLHamilton48@Gmail.com
Phone: 8142383413
Address: 1205 Deerfield Drive
Apartment/Suite Number:
City: State College
State: PA
Zip Code: 16803

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. :

My first question is “why.” If an explanation was given, I missed it.

Second, note the following bullet point from the Ferguson Township website item about increased sightings of black bears in the township: “Avoid placing trash outside before collection day.” A lot of people rise before 6 a.m., but a lot of people do not. The current 7 a.m. is a better one-time-fits-all, because those who rise before 6 can meet it, and life is one hour easier for those who do not.

The results of this submission may be viewed at:
<https://www.twp.ferguson.pa.us/node/20361/submission/7446>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Saturday, April 9, 2022 1:14:54 PM

Submitted on Saturday, April 9, 2022 - 1:14pm

Submitted by anonymous user: 2607:fb90:da8c:6951:9c48:f669:9ac7:e7c4

Submitted values are:

First Name: Barbara

Last Name: Bonta

Email: barbbonta@yahoo.com

Phone: 412-606-5416

Address: 2390 Shagbark Court

Apartment/Suite Number:

City: State College

State: PA

Zip Code: 16803

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : It will be necessary to put out the night before. That's not good because of attracting bears.

The results of this submission may be viewed at:

<https://www.twp.ferguson.pa.us/node/20361/submission/7441>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Wednesday, April 27, 2022 3:40:59 PM

Submitted on Wednesday, April 27, 2022 - 3:39pm

Submitted by anonymous user: 98.235.171.186

Submitted values are:

First Name:

Last Name:

Email:

Phone:

Address: 611 Hawknest Road

Apartment/Suite Number:

City: State College

State: PA

Zip Code: 16801

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : This will lead to more refuse being put out the night before pickup and increase the bear and other animal activity in our neighborhoods. When trash gets ripped opened by animals, it's not picked up by Waste Management. I do not want to get up at 5am so my trash isn't scattered all over the street from animal activity that could be avoided.

The results of this submission may be viewed at:

<https://www.twp.ferguson.pa.us/node/20361/submission/7631>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Wednesday, April 27, 2022 9:09:27 PM

Submitted on Wednesday, April 27, 2022 - 9:08pm

Submitted by anonymous user: 2601:98a:4201:42d0:9482:e74a:1de4:f6ab

Submitted values are:

First Name: arthur

Last Name: patterson

Email: apattersonpa1@gmail.com

Phone: 9413236373

Address: 2443 HICKORY HILL DR

Apartment/Suite Number:

City: STATE COLLEGE

State: PA

Zip Code: 16803

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. :

-due to wildlife in our area it is difficult to put garbage out the night before. Early pickup requires crazy early time to take garbage out.

-noise, noise, noise! The recycling truck requires significant noise to sort the items. Many residents are asleep between 6:00am and 7:00am.

The results of this submission may be viewed at:

<https://www.twp.ferguson.pa.us/node/20361/submission/7636>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Saturday, May 7, 2022 12:20:00 PM

Submitted on Saturday, May 7, 2022 - 12:19pm

Submitted by anonymous user: 128.118.7.106

Submitted values are:

First Name: Kelly

Last Name: Bryan

Email: kvb6@psu.edu

Phone: 8142347887

Address: 1471 N. Allen St

Apartment/Suite Number:

City: State College

State: PA

Zip Code: 16803

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : My concern is by changing the time from 7:00 a.m. to 6:00 a.m. will force residents to have refuse/recycle curbside overnight. Overnight trash/recycle bins could attract animals that in-turn tear open bags and displace trash in the streets etc.. there is also the chance of vandalism with items left out overnight.

The results of this submission may be viewed at:

<https://www.twp.ferguson.pa.us/node/20361/submission/7766>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Saturday, May 14, 2022 12:13:06 PM

Submitted on Saturday, May 14, 2022 - 12:12pm
Submitted by anonymous user: 2601:98a:4200:2a60:92:a96:8376:ac1c
Submitted values are:

First Name: Robert
Last Name: Elkin
Email: rge3elkin@gmail.com
Phone:
Address: 1322 Chestnut Ridge Drive
Apartment/Suite Number:
City: State College
State: PA
Zip Code: 16803

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : I never leave my refuse or recycling out on the curb overnight because of possible winds blowing the paper out of the recycle bin or an animal tipping over the garbage can and spreading garbage on my driveway and the street. This happens occasionally to my neighbors who put their recycle and refuse out the night before. I would prefer to not have to wake up at 5:50 a.m. to take out the refuse and recycling. The current collection time (by 7:00 a.m.) is fine.

The results of this submission may be viewed at:
<https://www.twp.ferguson.pa.us/node/20361/submission/7956>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Saturday, May 14, 2022 3:06:29 PM

Submitted on Saturday, May 14, 2022 - 3:06pm

Submitted by anonymous user: 2601:98a:4100:bca0:b82d:5c2f:4fcf:a887

Submitted values are:

First Name: Carol

Last Name: Boland

Email: boland123@comcast.net

Phone: 814-234-8415

Address: 315 Rosemont Dr

Apartment/Suite Number:

City: State college

State: Pa

Zip Code: 16801

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : Noise ordinance doesn't allow this truck decibel level before 7am as has ALWAYS been for all outdoor noise. Of more importance is the contract we have with this co. Only allowing one 40lb bag per week for 1/2 rate & then jump to eight 40lb bags for a total of 320lbs is absurd. Senior citizens need something in between & a discount! Highly recommend we look into our own tsp collector or give us a choice

The results of this submission may be viewed at:

<https://www.twp.ferguson.pa.us/node/20361/submission/7966>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Sunday, May 15, 2022 8:14:13 AM

Submitted on Sunday, May 15, 2022 - 8:13am

Submitted by anonymous user: 2601:98a:4000:8620:20e7:76c7:bd84:92c4

Submitted values are:

First Name: Dwight

Last Name: Smith

Email: dxs5@psu.edu

Phone: 8148836783

Address: 796 West Aaron Dr.

Apartment/Suite Number:

City: State College

State: Pennsylvania

Zip Code: 16803

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : I think most people place their refuse and recycling out the night before, so collecting it one hour earlier should be no problem.

The results of this submission may be viewed at:

<https://www.twp.ferguson.pa.us/node/20361/submission/7971>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Monday, May 16, 2022 5:42:47 PM

Submitted on Monday, May 16, 2022 - 5:42pm
Submitted by anonymous user: 71.169.113.158
Submitted values are:

First Name: Ronald
Last Name: Webb
Email: rwebb16@verizon.net
Phone: 814 278-9899
Address: 1632 Bristol Ave.
Apartment/Suite Number: Unit 203
City: state college
State: PA
Zip Code: 16801

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : I do not foresee a problem with this time change for our household. If I encounter any, I will let you know.

The results of this submission may be viewed at:
<https://www.twp.ferguson.pa.us/node/20361/submission/8001>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Tuesday, May 17, 2022 8:23:13 AM

Submitted on Tuesday, May 17, 2022 - 8:22am

Submitted by anonymous user: 2601:98a:4100:40e0:a1bb:343d:508e:96e1

Submitted values are:

First Name: Eric

Last Name: Hurvitz

Email: ebhurvitz@hotmail.com

Phone: 8148839880

Address: 181 Chester Dr

Apartment/Suite Number:

City: Pine Grove Mills

State: PA

Zip Code: 16868

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : Dont love the idea....many put out recycling the morning of and might miss and end up throwing away recycling. Also, don't like the idea of noisy trucks and smashing glass waking me up at 6am

The results of this submission may be viewed at:

<https://www.twp.ferguson.pa.us/node/20361/submission/8006>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Sunday, June 12, 2022 5:07:42 PM

Submitted on Sunday, June 12, 2022 - 5:06pm

Submitted by anonymous user: 2601:98a:4400:8570:9147:24e3:cceb:1b15

Submitted values are:

First Name: Alton and Nancy

Last Name: Stewart

Email: alstew1@comcast.net

Phone: 8142377528

Address: 196 Val Verda Drive

Apartment/Suite Number:

City: Pa. Furnance

State: Pa

Zip Code: 16865

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : That would work ok for us. We normally have our refuse and recycling at the curb the evening before day of pickup.

The results of this submission may be viewed at:

<https://www.twp.ferguson.pa.us/node/20361/submission/8496>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Sunday, June 12, 2022 3:46:53 PM

Submitted on Sunday, June 12, 2022 - 3:45pm

Submitted by anonymous user: 2600:1016:b104:e582:45a2:68f7:d3dc:af61

Submitted values are:

First Name:

Last Name:

Email:

Phone:

Address: 770 Bloomsdorf Drive

Apartment/Suite Number:

City: State College

State: PA

Zip Code: 16801

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : No problems. Glad these employees can start earlier during hottest part of year.

The results of this submission may be viewed at:

<https://www.twp.ferguson.pa.us/node/20361/submission/8491>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Sunday, June 12, 2022 12:48:44 PM

Submitted on Sunday, June 12, 2022 - 12:48pm
Submitted by anonymous user: 2601:98a:4203:5240::efb8
Submitted values are:

First Name: David
Last Name: Conroy
Email: davidconroy0@gmail.com
Phone: 8148629099
Address: 1371 Sconsett Way
Apartment/Suite Number:
City: State College
State: PA
Zip Code: 16803

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : Moving pickup to 6am would lead to more trash being brought to the curb the night before and left out overnight. With all the wildlife in the area, it seems like it's just a matter of time before we end up with a mess from scavengers. I prefer keeping it at 7am to reduce the amount of time trash containers are on the curb. Thanks.

The results of this submission may be viewed at:
<https://www.twp.ferguson.pa.us/node/20361/submission/8481>

From: [Ferguson Township PA via Ferguson Township PA](#)
To: [Beiling, Nick](#)
Subject: Form submission from: Resident Refuse & Recycling Comment Form
Date: Sunday, April 10, 2022 10:35:04 AM

Submitted on Sunday, April 10, 2022 - 10:34am
Submitted by anonymous user: 2601:98a:4400:79f0::b610
Submitted values are:

First Name: KARA
Last Name: KRAUS
Email: kra402@comcast.net
Phone: 8142373644
Address: 402 ROSEWOOD CIR
Apartment/Suite Number:
City: PENNSYLVANIA FURNACE
State: PA
Zip Code: 16865

Please provide information or express concerns you may have on having all refuse and recycling to the curb by 6:00 a.m. from Memorial Day, May 31, 2022, to Labor Day, September 2, 2022. : It does not matter to me. I put my trash out the night before and for almost 40 years, only once did something get into it.

The results of this submission may be viewed at:
<https://www.twp.ferguson.pa.us/node/20361/submission/7476>



PennState Law

sustainable.
communities
Partnerships and Possibilities

Considerations for Managing Single-Use Plastic on a Regional Basis

Sustainable Communities Collaborative Report to Ferguson Township, Patton Township, and State College Borough

JUNE 28, 2022- FINAL
EXPR 936, Negotiation and Dispute Resolution Design Penn State Law

Executive Summary

During spring semester 2022, students taking the negotiation and dispute resolution design (EXPR 936) course offered by Penn State Law worked with Ferguson and Patton Townships and the State College Borough on a Sustainable Communities Collaborative project examining potential management of single use plastics on a regional basis. This project builds on work undertaken by Ferguson Township and the State College Borough in 2018 and 2019. However, a statewide moratorium enacted in May 2019 prevented any local action until that moratorium expired in December 2021. Since that time, there has been a significant shift and focus on managing single use plastics throughout the supply chain.

After hearing from leaders from each of these communities and reviewing background information from this region, students researched how other communities, states, and countries are approaching single use plastic management. In addition, they interviewed approximately 35 local stakeholders to learn about their perspectives on single use plastics. This report summarizes these findings, offering a number of important questions to consider if the local communities choose to take action. Such questions include the following:

1. What is to be managed or regulated? For example, only single use plastic bags, or something more (straws, stirrers, to go containers, other)?
2. What management action is to be taken? For example, a focus on voluntary management, a fee, limitation on certain products, or a combination?
3. Who does this management action apply to? Certain types of stores or businesses?
4. Are there exemptions to this management action?
5. What does program implementation look like? For example, is there a transition period and what education might be needed for different audiences?
6. How would the program operate over time, including enforcement?
7. How effective are programs over time?
8. How did Covid-19 impact program implementation?

In addition to addressing these questions, this report also summarizes interview-based local perspectives on single use plastic management. In general, interviewees supported some sort of management action at a more regional scale and thought that if State College Borough and Ferguson and Patton Townships took the lead, other communities would watch, learn, and potentially follow. The Centre Region Council of Governments may be a venue to help foster a more regional approach. Most interviewees recognized the need for more education and outreach about why decreased use of single use plastics is important; several voiced the need for more systematic reduction of single use plastics in the supply chain. Interviewee views then diverged on what local actions to take: phasing out certain types of single use products like plastic bags, straws, stirrers, or takeout containers? Imposing a fee for use? Both? There seems to be support for a focus beyond just plastic bags to a broader list of products. If some action is taken, all agreed that a transition and education would be need for effective implementation. Finally, several interviewees working or living in institutional settings—a grocery store, restaurants, an apartment building, an elderly living facility, Penn State—noted their personal focus on reducing single use plastics but recognized the need for institutional support for more sustainable options.

The students appreciated the opportunity to work with the communities and various stakeholders on this project. To share your comments, suggestions, or questions on this report, please contact Penn State Law Professor Lara B. Fowler at lbf10@psu.edu.

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I. INTRODUCTION

A. THE CHALLENGE OF PLASTICS

There is tremendous focus on both the impacts of plastics, particularly single use plastics, and growing calls for regulation at a level ranging from international to local. Concerns range from the impact of single use plastics as waste to growing recognition of the impact of fossil fuels in plastics. The UN Environment Programme (UNEP) “shows there is currently between 75-199 million tons of plastic waste in the ocean, and in 2016 some 9-14 tons of waste entered the aquatic ecosystem. It is estimated that by 2040, this will have almost tripled to 23-37 million tons per year. Plastics are the largest, most harmful and most persistent of marine litter, accounting for at least 85 per cent of all marine waste.”¹ By 2050, the World Economic Forum estimated that there would be more plastic (by weight) in the oceans than fish.² The impacts of plastic waste are not limited to the marine environment. According to UNEP, “[p]lastic waste causes a plethora of problems when it leaks into the environment. Plastic bags can block waterways and exacerbate natural disasters. By clogging sewers and providing breeding grounds for mosquitoes and pests, plastic bags can increase the transmission of vector-borne diseases like malaria.”³ Americans generate over 35 million tons of plastic waste every year, which makes up around 12-13% of the municipal solid waste generated each year.⁴ Plastics also degrade into microplastics, which are so common that a recent study estimated that each of us consumes about 5 grams of plastic/week, or the equivalent of 1 credit card worth.⁵ In addition to impacts to the natural ecosystem, plastics impact human health. Such impacts occur from plastic particles, chemical toxicity, and pathogen and parasite vectors.⁶ A detailed review of all the impacts is beyond the scope of this report.

The Centre County region is not exempt from the prevalence of plastics and microplastics, nor their impacts. There are currently 18 tractor trailers/day of waste shipped from Centre County to the Elk County Landfill; however, 50% of the waste stream is recyclable materials, including plastics.⁷ While Centre County has a separate plastics collection system available, there is no market for some of these products and plastics are ending up in the environment. A 2021 study conducted by the Penn Environment Research and Policy Center examined 53 rivers, streams and lakes across Pennsylvania and found “notable traces of microplastics” in all four streams surveyed in Centre County.⁸ One interviewee for this project noted direct impacts to fish and wildlife from plastics in local streams.

¹ UN Environment Programme, How to Reduce the Impact of Single-Use Plastics Products (Nov. 23, 2021), available online at <https://www.unep.org/news-and-stories/story/how-reduce-impacts-single-use-plastic-products>. See also Galloway, T.S., Cole, M., Lewis, C. Interactions of microplastic debris throughout the marine ecosystem (2017). *Nat. Ecol. Evol.* 1, e0116.

² World Economic Forum, More Plastic than Fish in the Ocean by 2050: Report Offers Blueprint for Change (Jan. 19, 2016), available online at <https://www.weforum.org/press/2016/01/more-plastic-than-fish-in-the-ocean-by-2050-report-offers-blueprint-for-change/>.

³ UN Environment Programme, Single-use Plastics, a roadmap for sustainability (2018), available online at <https://www.unep.org/resources/report/single-use-plastics-roadmap-sustainability>.

⁴ U.S. Environmental Protection Agency, National Overview: Facts and Figures on Materials, Wastes, and Recycling (2018), available online at <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/national-overview-facts-and-figures-materials>.

⁵ Dalhberg Report, No plastic in nature assessing plastic ingestion from nature to people (2019). Report commissioned by the World Wildlife Fund. Available online at https://awsassets.panda.org/downloads/plastic_ingestion_press_singles.pdf.

⁶ Vethaak, A.D. and Leslie, H.A. Plastic debris is a human health issue. (2016), *Env't Science and Technology*, 6825-6826, available online at <https://pubs.acs.org/doi/full/10.1021/acs.est.6b02569>.

⁷ Presentation to class by Shelly Mato, Centre County Council of Governments; Amy Schirf, Centre County Recycling and Refuse Authority (January 2022).

⁸ Moyer, J., Centre Daily Times, A Statewide Survey Found Microplastics in 4 Centre County Waterways. Here's why that's important (March 4, 2021), online at <https://www.centredaily.com/article249602308.html>.

Due to growing concerns about plastics, there is a growing call for more regulation and limitations on plastics, particularly single use plastics. Bangladesh was the first to outlaw single use plastic shopping bags in 2002; however, subsequent increases in other types of single use plastics highlighted the need for broader action.⁹ After importing a “cumulative 45% of plastic waste since 1992,” China “implemented a new policy banning the import of most plastic waste” in 2017, “begging the question of where the plastic waste will now go.”¹⁰ This change affected Centre County as well, reducing options for recycling certain plastics.¹¹ In 2021, Canada announced a draft regulation that would “prohibit the manufacture, import, and sale of six categories of single use plastics (checkout bags, cutlery, foodservice ware made from or containing problematic plastics, ring carriers, stir sticks, and straws.)”¹² In 2022, 175 nations signed a resolution to “end plastic pollution” and enact an international treaty by 2024.¹³

In the United States, 10 states have enacted some sort of statewide limitation on single use plastics as of 2022. These include California, Connecticut, Delaware, Hawaii, Maine, New Jersey, New York, Oregon, Vermont, and Washington.¹⁴ More detail on action taken by these states is included in the summaries in Appendix C. In contrast, 18 states have plastic bag ban preemptions in place preventing local governments from adopting their own laws; however, it appears that Colorado might reverse its preemption and implement a ban.¹⁵ As discussed below, Pennsylvania preempted local action in 2019; this has now expired. Some have called for action at a national level across the U.S.; however, this has not yet happened.¹⁶

Regulation of plastics may arise directly or indirectly. While most of this report examines direct regulation, an example of indirect regulation comes from the Securities and Exchange Commission (SEC), which has issued a proposed climate disclosure rule. If that rule goes into effect and requires corporations to report Scope 3 emissions (those not directly generated by the reporting entity),¹⁷ then corporations subject to SEC rules may be more likely to look at ways to reduce their carbon emissions.

⁹ The World Bank, Sustainable Plastic Management is Key to Achieve Green Growth for Bangladesh (Dec. 20, 2021). Available online at <https://www.worldbank.org/en/news/press-release/2021/12/20/sustainable-plastic-management-is-key-to-achieve-green-growth-for-bangladesh>.

¹⁰ Brooks, A.L, Wang, S., Jambeck J.R. The Chinese import ban and its impact on global plastic waste trade. (2018). *Sciences Advances*. DOI: <https://www.science.org/doi/10.1126/sciadv.aat0131>.

¹¹ Tyler Olson, Centre County Forced to Make Changes to Plastic Recycling Program, WPSU (Aug. 14, 2018), available at <https://radio.wpsu.org/2018-08-14/centre-county-forced-to-make-changes-to-plastic-recycling-program>.

¹² Gov’t of Canada (Dec. 25, 2021), Canada Gazette, Part I, Vol. 155, No. 52: Single-Use Plastics Prohibition Regulations, available online at <https://www.gazette.gc.ca/rp-pr/p1/2021/2021-12-25/html/reg2-eng.html>.

¹³ U.N. Press Release, Nations Sign Up to End Global Scourge of Plastic Pollution (March 2, 2022), available online at <https://news.un.org/en/story/2022/03/1113142>.

¹⁴ For a partial listing, see the Nat’l Conf. of State Legislatures, State Plastic Bag Legislation (updated as of February 8, 2021), available online at <https://www.ncsl.org/research/environment-and-natural-resources/plastic-bag-legislation.aspx>.

¹⁵ Povich, E., The Pew Charitable Trust, Colorado to Become First State to Reverse Ban on City Plastic Bag Laws (Jun. 17, 2021), available online at: <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/06/17/colorado-to-become-first-state-to-reverse-ban-on-city-plastic-bag-laws>.

¹⁶ See, e.g., Kolcon, Margaret, Plastic Prohibition: The Case for a National Single-Use Plastic Ban in the U.S. (May 2021), 9 Penn State Law J. of Law and Int’l Affairs, available online at <https://elibrary.law.psu.edu/cgi/viewcontent.cgi?article=1302&context=jlja>.

¹⁷ EPA Center for Corporate Climate Leadership Scope 3 Inventory Guidance (last updated May 12, 2022), available online at: <https://www.epa.gov/climateleadership/scope-3-inventory-guidance>.

The U.S. Environmental Protection Agency Greenhouse Gas (GHG) emissions Hub¹⁸ chart indicates that plastic waste, even if recycled, carries a carbon cost. A February 2022 report by the Coalition for Materials Emissions Transparency also discusses the carbon emissions embodied in plastic due to the use of fossil fuels.¹⁹ The Ocean Conservancy’s Director of Climate Policy sent a comment letter to the SEC in advance of the climate disclosure rule describing the relationship between plastics and the proposed climate disclosure rule.²⁰

B. SINGLE USE PLASTIC MANAGEMENT IN THE CENTRE COUNTY REGION

In the Centre County region, potential management of single use plastics has been under discussion for some time but has been limited by a statewide preemption on local action. In 2018, the community of Narberth, Pennsylvania (Montgomery County) enacted the first ordinance in Pennsylvania, requiring businesses to charge 10-cents for a single use plastic bag and prohibiting the use of single use plastic straws.²¹ Around the same time, Ferguson residents submitted a petition requesting the Township to adopt an ordinance addressing single use plastic bags; this same petition was submitted to the Borough of State College.

In 2019, students in this same course examined management of single use plastic bags for Ferguson Township. They interviewed multiple local stakeholders, including residents, businesses, officials, etc. They also researched how other jurisdictions addressed this issue. Students made a number of key findings in 2019:

- A. Different communities, states, and countries have handled concerns about issues associated with plastic bags in a number of ways: voluntary programs, fees or incentive programs, and outright bans. In some areas, there has been a transition in approach from fees to bans. In contrast, some states have enacted a “ban on bans” prohibiting local government action.
- B. Any plastic bag management approach for Ferguson Township alone may be challenging because of the nested nature of communities and retail within this region; a regional approach to plastic bag management may be more effective and easier to implement.
- C. Communication with major stakeholders will be key to finding the right solution for Ferguson Township: “the residents of Ferguson want to know what is happening but they also want to be able to share their thoughts and opinions along the way in the process.” At the same time, local businesses also need to be engaged in this process.
- D. A number of people in Ferguson Township have strong opinions about the proposed ordinance. One way to dissipate negative feelings about a single-use plastic bag ordinance starts with the

¹⁸ GHG Emission Factors Hub: <https://www.epa.gov/climateleadership/ghg-emission-factors-hub> (last updated Apr. 7, 2022). EPA Center for Corporate Climate Leadership, Emission factors chart: https://www.epa.gov/sites/default/files/2021-04/documents/emission-factors_apr2021.pdf.

¹⁹ Rubio-Domingo, G; Halevi, A. (Feb. 2022). Making Plastics Emissions Transparent. Coalition on Materials Emissions Transparency, available online at: <https://ccsi.columbia.edu/sites/default/files/content/COMET-making-plastics-emissions-transparent.pdf>

²⁰ Laura, A, Comment Letter: Public Statement: Public Input Welcomed on Climate change Disclosures, Acting Chair Allison Herren Lee (Jun. 14, 2021). The Ocean Conservancy, available online at: <https://www.sec.gov/comments/climate-disclosure/cll12-8916230-245013.pdf>

²¹ Justin Heinze, Narberth Passes PA’s First Ordinance Restricting Plastics (Oct. 18, 2018), available online at <https://patch.com/pennsylvania/balacynwyd/narberth-passes-pas-first-ordinance-restricting-plastics>.

use of the word “ban.” Students instead used “plastic bag management” to frame their work and questions.

For additional detail on these findings, see Appendix A and B, which include a short summary and presentation shared with the Ferguson Township Board of Supervisors in 2019. In addition to this work in Ferguson Township, State College Borough surveyed its local businesses, though with limited results.

As Ferguson Township and other local jurisdictions considered action on single use plastic bags in 2019, the Pennsylvania Assembly preempted and prohibited local governments’ ability to manage single use plastics through a late addition to the state fiscal bill—House Bill 1083—in June 2019 (later updated due to Covid-19 impacts in 2020). Because of the late addition in 2019, there was no debate on its language or inclusion. As noted in the news, “Senate President Pro Tempore Jake Corman, R-Centre County, said at the time that he introduced it because there was a plastics manufacturer in his district and a township considering a plastic bag fee.”²²

HB 1083 included the following language.

*STATE OF EMERGENCY.--THE GENERAL ASSEMBLY OR A LOCAL GOVERNMENTAL BODY OR AGENCY MAY NOT ENACT OR ENFORCE A LAW, RULE, REGULATION OR ORDINANCE IMPOSING A TAX ON OR RELATING TO THE USE, DISPOSITION, SALE, PROHIBITION OR RESTRICTION OF SINGLE-USE PLASTICS, AUXILIARY CONTAINERS, WRAPPINGS OR POLYSTYRENE CONTAINERS, UNTIL JULY 1, 2021, OR SIX MONTHS AFTER THE ORDER ISSUED BY THE GOVERNOR ON MARCH 6, 2020, PUBLISHED AT 50 P.A.B. 1644 (MARCH 21, 2020), AND ANY RENEWAL OF THE STATE OF DISASTER EMERGENCY, WHICHEVER IS LATER.*²³

Under HB 1083, no “governmental body” or “assembly” can take any sort of action related to restricting single-use plastics. This includes everything from all out bans to fees/taxes on single-use plastics. This definition included not only single use plastic bags, but more broadly other types of plastics, including “auxiliary containers, wrappings, [and] polystyrene containers.”

In 2020, the Pennsylvania Independent Fiscal Office (IFO) studied the potential economic impact of single-use plastic bag regulations. This report found that Pennsylvania uses about 4.5 billion bags/year.²⁴ IFO found that a ban would eliminate roughly 3 billion light-weight plastic bags but that retailers would shift to paper bags and heavier-weight plastic bags, for a total reduction of 1.6 billion bags/year.²⁵ IFO

²² Lindsay Weber, Pittsburgh, Philadelphia Move Ahead with Plastic Bag Bans as PA’s Preemption Nears Its End, TribLive.com (June 30, 2021), available at <https://triblive.com/news/pennsylvania/pittsburgh-philadelphia-move-ahead-with-plastic-bag-bans-as-pa-s-preemption-nears-its-end/>.

²³ The General Assembly of Pennsylvania, House Bill No. 1083, Session of 2019, available online at <https://www.legis.state.pa.us/cfdocs/legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2019&sessInd=0&billBody=H&billTyp=B&billNbr=1083&pn=3865>.

²⁴ Harrison Cann, Pennsylvania Capital Star, What Are the Statewide Impacts of a Plastic Bag Ban? Analysis. (Oct. 25, 2021), available online at <https://www.penncapital-star.com/energy-environment/what-are-the-statewide-impacts-of-a-plastic-bag-ban-analysis/>.

²⁵ Commonwealth of Pennsylvania Independent Fiscal Office, Economic Impact from Regulation of Single-Use Plastics (June 2020), available at http://www.ifo.state.pa.us/download.cfm?file=Resources/Documents/Single-Use%20Plastics%20Report-2020_06.pdf.

also found a fee of 10 cents/bag would eliminate 1.4 billion light weight bags and 588 million paper bags, noting “[t]he fee option is the most efficient option because it motivates strong consumer response but allows retailers to continue to provide the lowest cost bag option.” Finally, IFO found that a ban-plus-fee (10 cents/bag) would eliminate roughly 3 billion light weight bags but increase demand for other bag types. This report then documents potential economic impacts of each type of action on a statewide basis.

In 2021, 4 communities filed a lawsuit against the Commonwealth of Pennsylvania seeking to overturn the preemption. These included Lower Merion and Narberth Boroughs, West Chester City, and Philadelphia and were later joined by PennEnvironment, The Clean Air Council and the City of Pittsburgh. They alleged that this preemption was unconstitutional for several reasons, including violating Article I, Section 27 of the PA Constitution. This provides that “[t]he people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”²⁶

While this case was pending, the preemption was to expire on July 1, 2021 or 6 months after Pennsylvania’s Covid-19 emergency order ended. Because the General Assembly terminated the Covid-19 emergency order on June 19, 2021, the single use plastics preemption expired on Dec. 19, 2021. While there was speculation that this moratorium might be extended, it was not.²⁷

In late 2021 and early 2022, both Ferguson Township and the State College Borough passed a resolution requesting staff to draft an ordinance on single use plastic management. According to the proclamation passed unanimously by the State College Borough Council, the plan seeks to provide “a regional approach to the regulation of the distribution of single-use plastics from filling up landfills and contributing to the plastic waste that despoils landscapes, waterways, and eventually our oceans.”²⁸ In January 2022, the Ferguson Township Board of Supervisors requested an update of the student work conducted in 2019, including a more regional approach and examination of single use plastics more generally (not just single use plastic bags). The Borough of State College and Patton Township representatives also agreed to a more regional and broader approach, with other local jurisdictions welcome to participate if interested.

At this point, there are approximately six Pennsylvania municipalities that have enacted some sort of single use plastics management ordinance; see Table 1. These municipalities include Narberth, West Chester, Philadelphia, Haverford, West Goshen, and most recently, Pittsburgh in April 2022.²⁹ Other

²⁶ Max Bennett, Lower Merion, Others Sue PA Over Plastic Bag Ban Limitations, Patch.com (Mar. 4, 2021), available online at <https://patch.com/pennsylvania/ardmore/lower-merion-others-sue-pa-over-plastic-bag-ban-limitations>.

²⁷ Penn Environment, End in Sight for PA’s Statewide Pre-Emption on Local Single-Use Plastics Laws (June 28, 2021), available online at <https://pennenvironment.org/news/pae/end-sight-pas-statewide-preemption-local-single-use-plastic-laws>.

²⁸ State College Borough Council passes resolution supporting regulation of single-use plastic bags, straws (Nov. 8, 2021). Available online at https://www.collegian.psu.edu/news/state-college-borough-council-passes-resolution-supporting-regulation-of-single-use-plastic-bags-straws/article_2d2d1b20-4109-11ec-a166-37208aed038c.html.

²⁹ Hallie Lauer, Single Use Plastic Bag Ban in Pittsburgh will start in 2023, City Council Decides. Pittsburgh Post-Gazette (April 12, 2022), available at <https://www.post-gazette.com/news/politics-local/2022/04/12/pittsburgh-plastic-bag-ban-city-council-vote-erika-strassburger-grocery-stores-reusable-bags/stories/202204120078>.

communities are considering taking action as well; see an example below. Appendix C includes more details about some of these community actions.

Table 1: Pennsylvania communities that have or are taking action on single use plastics

Jurisdiction	What is regulated	Date of Enaction	Effective Date	For more information
Narberth Borough	10-cent fee for single use plastic bags Plastic straws available on request	Oct. 2018	April 2019	https://www.dcva.org/resources/Documents/Ord1009_Plastics_Narberth%20PA.pdf
West Chester Borough	Plastic bags/straws (prohibited) Paper bags (10-cent fee)	July 2019	July 2020 (effective) January 2022 (enforcement)	https://westchester.com/611/Single-Use-Plastics
City of Philadelphia	Prohibition on single use plastic bags and paper bags that don't meet certain criteria Discretionary fee	Dec. 2019	April 2022 (implementation delayed- Covid)	https://www.phila.gov/programs/plastic-bag-ban/
West Goshen Township	Prohibition on all single use plastic bags (regardless of weight); limits to certain % of recycled for paper. Prohibition on plastic straws	Dec. 2021	April 2022	https://www.westgoshe n.org/350/Plastic-Bag-and-Plastic-Straw-Regulation
City of Pittsburgh	Single use plastic bags prohibited Paper bags (at least 10-cent fee)	April 2022	April 2023	https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=5370483&GUID=1C99F944-95DA-477A-AB2D-3F2BD110CE1D&Options=ID%7CText%7C&Search=plastic+bags
Haverford Township	Single use plastic bags, stirrers prohibited Plastic straws available only on request	April 2022	January 2023	https://www.dcva.org/resources/Documents/HavTwp%20Plastics%20Ordinance.pdf
Media Borough	Single use plastic bags, straws, stirrers would be prohibited Paper bags limited to % recyclable materials	Under consideration	April 2023	https://www.mediaborough.com/eac/single-use-plastic-bag-and-straw-ordinance
Note: Other communities may be considering action; this is not a comprehensive list of ordinances under consideration.				

II. OVERVIEW OF THE CLASS AND PROJECT METHODOLOGY

A. OVERVIEW OF CLASS

Negotiation and Dispute Resolution Design (EXPR 936) is a Penn State Law course that helps students understand negotiation theory and practice while also thinking about different and creative ways to manage disputes. During the Spring 2022 semester, students worked on the question of single use plastics management as a topic to meet course goals. Students 1) learned about negotiation and dispute resolution design theory; 2) built skills by role playing negotiation situations; 3) identified potential ethical issues; and 4) worked on the real-world challenge of managing plastics (which is by necessity a multi-jurisdictional question dependent on negotiating many dynamics). The course had 36 students with a wide range of perspectives and different geographic locations, including students from multiple states and 13 countries (including Nepal, India, China, Mongolia, Colombia, Uzbekistan, Bulgaria, Turkey, Iran, Nigeria, Norway, Sweden, and the United States). In addition to law students and international LL.M. (Master of Laws) students, the course also included 2 students from Penn State's School of International Affairs. Students participated in Penn State's Sustainable Communities Collaborative,³⁰ which matches courses and student experiences with community needs.

B. CLASS ACTIVITIES

This report reflects the outcome of student activities, including (1) developing an understanding of background and context, including through consultation with local elected officials and staff, (2) research on how other communities have addressed single use plastics, and (3) interviews with a variety of local Centre County stakeholders about their views.

1. Background and context

There is significant background preparation involved for student engagement in a Sustainable Communities Project. Professor Lara Fowler met with then Ferguson Township Manager Dave Pribulka during the fall of 2021 for an initial conversation, followed by preliminary conversations with State College Manager Tom Fountaine and Sustainability Lead Jasmine Fields and Patton Township Supervisor Betsy Whitman. In addition, Prof. Fowler participated in a Ferguson Township Board of Supervisors meeting to discuss potential options. Eventually, these communities requested assistance in researching a potential regional approach to managing single use plastics. When the class started in January 2022, Centrice Martin (then serving as Ferguson Township Assistant Manager), Jasmine Fields, and Betsy Whitman met with students to share background information, including how local government works in Pennsylvania. In a subsequent class, Shelly Mato (Centre Region Council of Governments) and Amy Shurf (Centre County Waste and Refuse Authority) shared information about local waste management. During this discussion, students brainstormed with these representatives on who might be interested in single use plastic management questions and what issues might be important to consider.

In addition to hearing from local officials, students reviewed background information, including student materials from this same class in 2019. Students also participated in a role play about waste management in a fictional place. As part of this role play, students identified various issues, brainstormed possible options and solutions, identified potential steps on how waste management might

³⁰ Penn State Sustainability Institute. Sustainable Communities Collaborative, available online at: <http://sustainability.psu.edu/live/staff/sustainable-communities-collaborative>.

be improved while addressing local economic conditions, and worked to negotiate a solution between multiple stakeholders.

2. Review of other approaches to single use plastics management

Students then researched how other jurisdictions have approached single use plastic management. They used the template listed below, seeking to provide standard information for each jurisdiction. Their findings—summarized as individual reports for 34 jurisdictions—are included in Appendix C.

Research template:

Category	Description
Jurisdiction	Name, location, population
Action taken	Ordinance, regulation/law, voluntary [Include link to language if available]
Definition	How is single use plastic defined? What does it include?
Exemptions	Any exemptions
Transition	What was the process of transitioning into this program?
Operation	How is the program handled day to day? If money is involved (i.e., a bag fee, how is it handled)?
Enforcement	How is enforcement handled? Who addresses issues of concern?
Covid	How did the pandemic affect this program, if at all?
Other	Anything else notable

3. Interviews with Individuals and Groups

Students also interviewed a variety of stakeholders in this region. The project’s local sponsors initially identified names or groups; students then reached out more broadly (for example, by visiting a local restaurant or store and asking to speak to someone in charge of purchasing decisions). Eventually, interviewees included people in following categories:

- Local government: elected officials, Township/Borough staff, county officials, Council of Government staff
- Businesses: grocery stores, convenience stores, restaurants, retail, gym, apartments
- Non-governmental organizations: environmental representatives, the Chamber of Business and Industry of Centre County (CBICC), other
- Penn State: food services, residence halls, students
- Community members, including residents in apartment complexes and elder facilities

In total, students contacted around 70 people and interviewed ~35 people in individual or small group settings; the others either declined to be interviewed, recommended someone else, or did not respond.

Students followed a general script but were free to elaborate as the situation warranted:

- Introduction: who the interviewer was, why the interview
- What are your perspectives on single use plastics such as plastic bags or other types of plastics that are only used once?
- Do you use or manage single use plastics [in your business]? If so, how?
- Any thoughts on how single use plastics should be managed?
- If some action is taken, do you have thoughts on how a transition should be managed?
- Would you recommend talking with someone else?
- Other questions as needed.

III. FINDINGS

This section summarizes what students learned during this process, including what questions local communities could examine as they consider if and what action to take regarding single use plastic management in the Centre County region. Part A synthesizes how different jurisdictions have approached single use plastic management while Part B summarizes what we learned from interviews. A set of recommendations and next steps is included in Part IV.

A. CONSIDERATIONS IN MANAGING SINGLE USE PLASTICS

Different jurisdictions have approached managing single use plastics in different ways. Often, local jurisdictions have enacted ordinances, sometimes leading to broader statewide action. For example, 11 different New York municipalities had enacted local laws before the state pre-empted local action. The state created a New York State Plastic Bag Task Force to examine options; this Task Force released its detailed report in early 2018, finding among other concerns that plastic bags cause extensive damage to recycling facilities.³¹ Following this report, New York enacted a statewide “Bag Waste Reduction Law” that outlawed single use plastic bags and allowed retailers to enact a 5-cent fee on paper bags; this law was challenged in court but then upheld, taking effect in Oct. 2020.³² Similarly, a number of California municipalities had adopted local ordinances before the state enacted a statewide ban on single use plastic bags and a 10-cent fee for recyclable bags, reusable plastic bags, and compostable bags; this was approved by voters under Proposition 67 in 2016.³³ The California Assembly is currently debating putting another initiative—the California Recycling and Plastic Pollution Reduction Act— on the November 2022 statewide ballot that would “would require all single-use plastic packaging and food ware used in California to be recyclable, reusable, refillable or compostable by 2030, and single-use plastic production to be reduced by 25% by 2030.”³⁴ Note: while these laws look similar, the details are worthy of closer examination as actual implementation varies.

How different jurisdictions have approached single use plastics raises a number of questions important to consider for any potential action that could be taken the Centre County region.

Key questions to consider:

1. What is to be managed or regulated? For example, single use plastic bags, or something more (straws, stirrers, to go containers, other)?
2. What management action is to be taken? For example, a focus on voluntary management, a fee, limitation on certain products, or a combination?
3. Who does this management action apply to? Certain types of stores or businesses?
4. Are there exemptions to this management action?

³¹ New York State Plastic Bag Task Force Report: An Analysis of the Impact of Single-Use Plastic Bags Options for New York State Plastic Bag Legislation (January 13, 2018), available online at <https://www.dec.ny.gov/chemical/112291.html> [hereinafter NYS Plastic Bag Task Force Report 2018].

³² New York State Bag Waste Reduction Law. New York State Department of Environmental Conservation, available online at <https://www.dec.ny.gov/chemical/50034.html>. For more on the litigation, see, e.g., Keshia Clukey, Bloomberg News, New York Ban on ‘Scourge’ of Plastic Bags Upheld by Judge (Aug. 20, 2020), available online at <https://news.bloomberglaw.com/environment-and-energy/new-york-ban-on-scourge-of-plastic-bags-upheld-by-judge>.

³³ National Conference of State Legislatures, State Plastic Bag Legislation (last updated Feb. 8, 2021), available at <https://www.ncsl.org/research/environment-and-natural-resources/plastic-bag-legislation.aspx>.

³⁴ Susanne Rust, LA Times, Compromise on plastics ban comes under fire in CA Legislature. Ballot fight likely (June 16, 2022), available online at <https://www.latimes.com/environment/story/2022-06-16/plastics-ban-california-legislature-environmentalists-divided-ballot>

5. What does program implementation look like?
6. How would the program operate over time, including enforcement?
7. What might be needed to determine the program’s effectiveness over time?
8. How did Covid-19 impact program implementation?

Each of these questions is addressed with information on how other jurisdictions have approached them below. For more examples, see Appendix C.

1. What aspect of single use plastics is to be managed?

Defining what “single use plastics” might be managed or regulated is a critical first question. As local ordinances have been implemented across the U.S., they have often started with thin single use plastic bags used for carryout; these are often defined by thickness or whether they have a handle. For example, Philadelphia recently defined a “‘Single-use Plastic Bag’ as “a bag made from plastic that is less than 2.25 mils thick or made through a blown-film extrusion process.”³⁵ Other communities have also regulated non-recyclable bags as well, often defining a particular content of recycled content. In addition to single use plastic bags, some communities have started to prohibit use of plastic straws (with exceptions) or stirrers, and sometimes single use plastic service ware (utensils). There is also a shift towards prohibiting expanded polystyrene food service products; for example, Montgomery County, Maryland has prohibited the use or sale of polystyrene (#6-PS) food service products. Montgomery County defines “[d]isposable food service ware [to mean] containers, bowls, plates, trays, cartons, cups, lids, [straws, forks, spoons, knives, napkins,] and other items that are designed for one-time use for beverages, prepared food, or leftovers from means prepared by a food service business.”³⁶ Finally, Hawaii is considering prohibiting plastic ring carriers and even single use plastic water bottles. Under the ordinances students examined, there are numerous exemptions; such exemptions are discussed below. Figure 1 provides a sense of what kind of laws have been passed in the U.S.

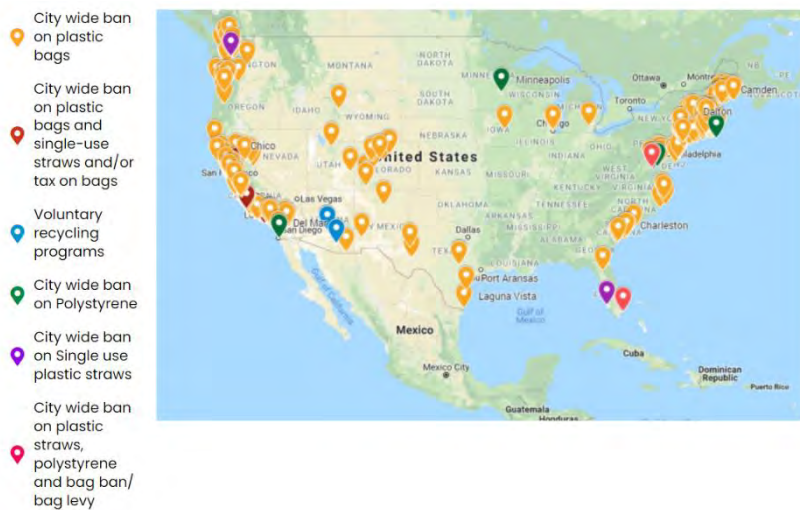


Figure 1: Single use plastic management in the United States.

Source: Footprint Foundation, Single Use Plastic Bans at a Glance, available online at <https://footprintusfoundation.org/single-use-plastic-legislation/>

³⁵ Philadelphia Bill No. 190610-A02, as amended (Dec. 12, 2021), available online at <https://phila.legistar.com/LegislationDetail.aspx?ID=3991978&GUID=557D6EA0-A360-46A4-8E44-B0BEDA304B46&Options=ID%7CText%7C&Search=190610>.

³⁶ Montgomery County, MD (amendment effective 01/28/21), available online at <https://www.montgomerycountymd.gov/SWS/Resources/Files/expanded-polystyrene/bill-33-20.pdf>.

2. What management action is to be taken?

Different jurisdictions have taken different management actions, ranging from voluntary to charging a fee to prohibiting certain products, or a mix of actions. Over time as jurisdictions have experimented with different approaches, there has been an evolution from “first generation” single use plastic bag bans to a combination of efforts (often phasing out use of certain products and implementing a fee for alternative products). The New York State Plastic Bag Task Force found that for single use plastic bags, a range of alternatives has been used around the world:³⁷

- plastic bag bans or plastic bag and paper bag bans
- plastic bag bans with a fee on paper bags
- a ban on any type of single-use bags including compostable bags
- plastic bag fees only, or fees on plastic and paper bags
- a transaction fee on any type of carryout bag available at a retail store (plastic, compostable plastic, paper, or reusable)
- manufacturer responsibility for plastic bags
- manufacturer responsibility for plastic bags with an added fee for consumers at checkout
- a voluntary monetary consumer incentive at checkout for bringing own bag.

Many jurisdictions rely on voluntary actions, including in the Centre County region. Local stores like Wiscoy for Animals reuse bags, while retailers like Trader Joe’s offer only paper bags or reusable bags for purchase. Aldi’s charges a fee for bags; however, this is not required by the jurisdiction. Wegmans announced that it will no longer offer single use plastic bags by the end of 2022.³⁸ Example programs like Penn State’s EcoCoin program offered a choice: take a bag, or take a token that would result in a donation to one of a few pre-selected non-profits. Jurisdictions with purely voluntary activities to reduce single use plastics depend on education and incentives. There are many campaigns on how to reduce single use plastics; see, e.g., the Plastic Pollution Coalition.³⁹ One approach might be to increase education and incentives for more voluntary approaches in the Centre County region. However, the New York State Plastic Bag Task Force Report cited a source finding that “[e]ducation and outreach has only been shown to achieve a 5% reduction in the use of single-use plastic bags.”⁴⁰

Other jurisdictions have enacted a fee⁴¹ for certain products like a single use plastic bag. Of the jurisdictions reviewed by students, the fees ranged from 5 to 20 cents, with the most common fee in the U.S. around 10 or 15 cents. The New York State Bag Task Force found international examples much higher (South Africa with a 50-cent bag fee leading to a 90% reduction in single use plastic bags; Ireland with a 70-cent fee).⁴² If a consumer wants a bag, they can be available for purchase. Most commonly, the fee seems to be returned to the retailer to offset the cost of the bag; however, some communities like Washington D.C. split their 5-cent fee between the retailer and a local watershed restoration fund for the

³⁷ NYS Plastic Bag Task Force Report 2018 at 9.

³⁸ Kelly Doll, Centre Daily Times, Wegmans Supermarkets Will No Longer Offer Plastic Bags by the End of This Year (April 14, 2022), available online at <https://www.centredaily.com/news/business/article260413252.html>.

³⁹ Plastic Pollution Coalition: <https://www.plasticpollutioncoalition.org/>

⁴⁰ NYS Plastic Bag Task Force Report 2018 at 5, citing Equinox Center, Plastic Bag Bans: Analysis of Economic and Environmental Impacts (Oct. 2013), available at <https://energycenter.org/sites/default/files/Plastic-Bag-Ban-Web-Version-10-22-13-CK.pdf>.

⁴¹ There are numerous references to a “fee” or a “tax” in managing single use plastics. These are two very different terms and not interchangeable; there is significant litigation in various states about these terms, which would be worth researching for Pennsylvania.

⁴² NYS Plastic Bag Task Force Report 2018 at 9.

Anacostia River (see below for more discussion on this). Rather than mandating a fee, it may be possible for retailers to voluntarily adopt an agreed upon fee. In addition, some jurisdictions require a fee to be charged for a product only for certain retailers (above a certain size) or for retailers using more than a certain number of bags.

Alternatively, different jurisdictions have prohibited certain products, with thin single use plastic bags the most often prohibited product. However, places like Chicago found that this actually increased the use of heavier plastic bags, resulting in more plastic use overall.⁴³ Chicago subsequently revised its approach to prohibit certain products and require a 7-cent fee for other bags, thus reducing use. Alternative products such as wooden stir sticks or paper straws are often offered instead, with the retailer needing to find an alternative.

Finally, some jurisdictions have implemented a combination of actions. For example, Washington State recently prohibited thin single use plastic bags, required an 8-cent fee for paper or thicker plastic bags, and allowed retailers to provide compostable plastic bag (with an optional fee). See Figure 2.



Figure 2: Washington State adopted a statewide ban + fee, effective in October 2021. For more, see <https://ecology.wa.gov/Waste-Toxics/Reducing-recycling-waste/Waste-reduction-programs/Plastics/Plastic-bag-ban>

3. To whom does this management action apply?

Most management actions apply to retailers and/or restaurants. For example, Pittsburgh’s newly adopted regulations apply by type of stores, including convenience stores, grocery stores, restaurants, and delivery services but not drycleaners or pharmacies. Some apply regulations based on the size of a store; for example, only retailers greater than 10,000 square feet. Other places use a broader definition; prior to the statewide rules, Lewisboro, NY defined the point of sale subject to single use plastic bag limits quite broadly: “The transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmer’s markets, flea markets, tag sales, sales by residents at their homes and sales by nonprofit organizations.”⁴⁴

⁴³ Homonoff et al., *Skipping the Bag: The Intended and Unintended Consequences of Disposable Bag Regulation* (Sept. 27, 2021), *J. of Policy Management and Analysis*, available at <https://onlinelibrary-wiley-com.ezaccess.libraries.psu.edu/doi/full/10.1002/pam.22325>.

⁴⁴ Lewisboro, NY Retail Checkout Bags and Eps (Styrofoam), L.L. No. 7-2018 (June 25, 2018), available online at <https://ecode360.com/33475782>.

4. What exemptions might exist?

There are two types of exemptions that seem to be most common: by type of user or for particular uses. Exemptions by type of user might include federal programs like SNAP (Supplemental Nutrition Assistance Program) or WIC (Women, Infants, Children) or other federal/state program beneficiaries. A place like Boston allowed retailers to file for an exemption to a single use plastic bag prohibition if there was not reasonable alternative or they needed more time to use up existing stock.⁴⁵

Ordinances also have exemptions that allow for some types of single use plastics. Hawaii has a long list of exemptions;⁴⁶ see below. Many of these exemptions are also in other laws (for example, the City of Davis, California in 2014; see Figure 3).

Hawaii exemptions:

- Bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
- Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
- Bags used to protect or transport prepared foods, beverages, or bakery goods, including takeout bags used at restaurants, fast food restaurants, and lunch wagons, to transport prepared foods;
- Bags provided by pharmacists to contain prescription medications
- Newspaper bags for home delivery;
- Door-hanger bags;
- Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
- Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
- Bags used to contain live animals, such as fish or insects sold in pet stores;
- Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level, provided that this exemption shall be limited to one bag per customer.

The graphic is a fact sheet titled "City of Davis Single-Use Carryout Bag Ordinance Fact Sheet". It features a dark green header with the City of Davis logo and the title. Below the header, it states "New Davis law starting July 1, 2014" in red. The main text reads "At ALL retail stores and food establishments:" followed by two bullet points: "Single-use carryout plastic bags are banned" and "10¢ charge per paper or reusable bag". Underneath, it says "Carryout Bag Options" in large blue letters. This section includes three images: a white plastic bag with a red "NOT IN DAVIS" stamp, a brown paper bag labeled "10¢ each", and a green reusable bag labeled "Bring your own bags". Below this, a section titled "Does NOT apply to:" lists several exemptions: Produce bags, Bags for bulk items (candy, hardware, etc.), Pharmacy bags, Bags for meat or fish, Bags to prevent damage to other goods (paper bags for greeting cards, etc.), Bags for bakery goods, and WIC, SNAP, and CalFresh food stamp program transactions. This section includes images of a cardboard box, a white plastic bag, and a grey reusable bag. At the bottom, it says "These bags are still free" and provides contact information for the City of Davis Recycling Program: DavisRecycling.org (530) 757-5686.

Figure 3: City of Davis (CA) 2014 Fact Sheet, available at <https://www.davisvanguard.org/2014/02/study-shows-benefits-of-plastic-bag-bans-as-davis-ban-is-set-to-start-july-1/>

⁴⁵ Boston, MA Basics of Plastic Bag Reduction Ordinance (Dec. 2018), available online at https://www.boston.gov/sites/default/files/embed/file/2018-12/basics_english.pdf.

⁴⁶ State of Hawaii Plastic Bag Ban Information Sheet (March 2020, updated after Jan. 1, 2021), available online at <https://health.hawaii.gov/wic/files/2020/05/Mandatory-Plastic-Bag-Ban.pdf>.

5. What does program implementation look like?

Program implementation in every jurisdiction reviewed by students involved both time to phase in a program and an educational program about the impending changes. The phase in time seems to range from about 6 to 18 months allow retailers time to use up existing stock. An example is Vermont's statewide law on single use products: “[t]his law was passed in 2019 but it went in effect July 1, 2020. However, stores/eateries may continue using plastic bags, straws, stirrers, and expanded polystyrene [Styrofoam] products until July 1, 2021, if the items were purchased before May 15, 2019.”⁴⁷ Consumers can also bring their own bags for no charge.

Educational programs focus both on retailers and on consumers. For example, the City of Philadelphia developed an educational handbook⁴⁸ and shared a list of frequently asked questions that address potential questions, including where to find approved bags.⁴⁹ Signage from states and for local retailers is also a common feature; see Figures 4 and 5 below.



Figure 4: New York State's Plastic Bag Ban, <https://www.dec.ny.gov/chemical/50034.html>



Figure 5: City of Philadelphia Single Use Plastic Bag Ban Info Session, Resources: Printable Signs (available in 6 languages) <https://www.phila.gov/media/20210414121216/ZWI-plastic-bag-ban-info-session-presentation.pdf>

⁴⁷ State of Vermont Agency of Natural Resources Department of Environmental Conservation, Single Use Products Law, available online at <https://dec.vermont.gov/content/single-use-products-law>.

⁴⁸ City of Philadelphia Plastic Bag Ban Info Session (April 14, 2021), available online at <https://www.phila.gov/media/20210414121216/ZWI-plastic-bag-ban-info-session-presentation.pdf>.

⁴⁹ Philadelphia Plastic Bag Ban Frequently Asked Questions, <https://www.phila.gov/programs/plastic-bag-ban/frequently-asked-questions/>.

Some jurisdictions have expanded what single use plastics are regulated over time. For example, the tourist dependent country of Antigua and Barbuda—the first Caribbean country to address single use plastics starting in 2016—had a three year long roll out program with significant educational components. Their ban on “importation and use” of single use plastics included the following phases:⁵⁰

- Phase I (Jan. 1, 2016): ban on importation of single use plastic bags
- Phase II (July 1, 2016): ban on distribution of single use plastic bags
- Phase III (July 1, 2017): ban on importation/use of food service containers such as clamshell/hinge containers, hot dog containers, bowls, plates, and hot/cold beverage cups
- Phase IV (Jan. 1, 2018): ban on importation and use of plastic utensils (spoons, forks and knives), straws, fruit trays, meat trays, vegetable trays and egg cartons
- Phase V (July 1, 2018): ban on importation and use of “naked” Styrofoam coolers.

According to a report to the United Nations Environment Program “[t]he success of [Antigua and Barbuda’s] ban is shown by waste characterization results: the composition of plastic at landfills declined from 19.5% in 2006 to 4.4% in 2017.”⁵¹

If a retailer is required to charge a fee for a product such as a single use plastic bag, this creates a need for documentation. First, a fee must be listed separately on a customer’s receipt. For example, Narberth, Pennsylvania requires receipts to list “plastic carry-out bag charge” for the 10 cents/plastic bag fee.⁵² If a fee is charged, the fee is commonly returned to the retailer to offset their costs. However, some jurisdictions split the fee. For example, Washington D.C.’s 5 cents/plastic bag fee returns 1-2 cents to the retailer and the remainder to the Anacostia River Clean up and Protection Fund.⁵³ The City of Chicago collects a 7-cent fee, with 5 cents to the city and 2 cents to the retailer.⁵⁴ If fees are collected and remitted for a public use like in D.C., businesses must report these collections to the local tax authority.⁵⁵

6. How would the program operate over time, including enforcement?

Operation of a program depends on having staff to develop and share educational materials with retailers and consumers, implement the program, and enforce it over time. It is less clear from the ordinances students reviewed how staffing concerns were addressed; this may be where calling different communities to learn about their experiences may be helpful.

Enforcement procedures for failure to comply are more clearly documented on different websites. There are fines against businesses for failing to comply with single use plastic bans, for example, with graduated fines ranging from \$50-\$500/infracton, though California is much higher with a \$5,000/day fine for 3rd or subsequent violations.⁵⁶

⁵⁰ UN Environment Programme, Report on the Status of Styrofoam and Plastic Bag Bans in the Wider Caribbean Region (21 May 2019), available online at http://gefcrew.org/carrcu/18IGM/4LBSCOP/Info-Docs/WG.39_INF.8-en.pdf.

⁵¹ *Id.* at 23.

⁵² Borough of Narberth, PA Plastic Regulations, Ch. 388, available online at <https://ecode360.com/34363798>.

⁵³ Washington D.C. Department of Energy and Environment “Skip the Bag, Save the River,” available online at <https://doee.dc.gov/service/skip-bag-save-river#>.

⁵⁴ NYS Plastic Bag Task Force Report 2018 at 35.

⁵⁵ *Id.* (“Businesses must remit bag fee collections to the Office of Tax and Revenue on their Sales and Use tax return FR-800 b.”)

⁵⁶ California SB 270, Solid Waste- Single Use Carryout Bags (Sept. 30, 2014), available online at https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201320140SB270.

Washington D.C. has a full inspection and infraction/enforcement protocol.⁵⁷

- Dept. of Energy and Environment inspects businesses (inspectors don't identify themselves so they are treated like regular customers)
- Non-compliant businesses issued notice of violation and must come into compliance
- If non-compliance found, the inspector issues a notice of infraction (NOI) and \$100 fine; fine amounts double for each NOI up to \$800; appeals possible
- The D.C. Office of Tax/Revenue also audits businesses for compliance with tax laws (including bag fees partially payable to local watershed restoration fund).

7. How effective are programs over time?

Depending on how a single use plastics management action is enacted affects effectiveness over time. As noted above, simply prohibiting some products like thin single use plastic bags actually led to more plastic use in some jurisdictions like Chicago as retailers switched to heavier plastic bags.⁵⁸ This led to a change in Chicago's laws, including a 7-cent/bag fee. The Surfrider Foundation notes that a combination of ban + fee or a fee are more effective: "When customers are suddenly presented with the question "Would you like to purchase a bag for that?" the evidence shows that bag consumption drops dramatically."⁵⁹ The Foundation does not recommend voluntary plastic bag reduction programs, nor bag recycling programs.

For some jurisdictions, there have been significant reduction in single use plastics bought by retailers, used by consumers, and showing up in the waste stream or as litter on land or water. For example, the New York State Bag Reduction Task Force summarized program effectiveness for Washington D.C.'s "Skip the Bag, Save the River" program (internal citations omitted).⁶⁰

According to an NBC news article, the [2010] DC fee on single-use plastic and paper bags has also resulted in a 50% decrease in single-use bag usage. A 2013 OpinionWorks study of DC's residents and businesses completed after the bag fee had been in place for three years found that 80% of residents reduced their single-use bag usage and the average household went from using ten single-use bags per week to four per week. The majority of residents also reported seeing fewer plastic bags as litter since the fee had gone into effect. This same study found that the number of customers using their own reusable bags increased by 40% and 68% of businesses saw fewer plastic bags as litter around their businesses. After the fee went into effect, businesses estimated that 82% of customers were bringing their own bags as compared to 42% prior to the law. Since the DC bag fee began in 2010, 79% of businesses saw disposable bag distribution to customers decrease by an average of 50%. The bag fee has had mixed reactions from customers, with businesses reporting that their customer reactions are 40% as negative, 30% as positive and 17% as mixed.

⁵⁷ Washington D.C., District Dept. of the Env't Implementing the Bag Law at Your Business (N.D.), online at https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/Bag%20Law%20for%20Businesses%20Guide.pdf. For more information about D.C.'s bag law, see <https://doee.dc.gov/service/skip-bag-save-river>.

⁵⁸ See *supra* note 42 about Chicago. See also Surfrider Foundation, Plastic Bag Law Activist's Toolkit for U.S. Cities and States (Jan. 2019), available at http://publicfiles.surfrider.org/Plastics/Plastic_Bag_Law_Activist_Toolkit_2019.pdf [hereinafter Surfrider Foundation Toolkit].

⁵⁹ Surfrider Foundation Toolkit at 4.

⁶⁰ NYS Plastic Bag Task Force Report 2018 at 10.

At this point, there are quite a few evaluations of program effectiveness; a full review is beyond the scope of this report. The Scientist Action and Advocacy Network (SCAAN) includes a table entitled “Effectiveness of plastic regulation around the world.”⁶¹ A few examples from this table—with studies done from 2007 to 2019 for a variety of management actions in different locations— include the following:

- San Jose, California fee and bag ban: “In under one year, a ban on thin plastic bags, coupled with a 10-cent fee on paper bags reduced plastic bag litter in rivers to less than a third of the pre-ordinance levels. Neighborhood litter from plastic bags dropped by more than two thirds. The prevalence of reusable bags increased from 4% to 62% post-ordinance and the prevalence of customers not using a bag increased from 19% to 43% post-ordinance.”
- Chicago, Illinois fee: “After the implementation of a 7-cent tax, the number of plastic bags used at grocery stores decreased by over 40%, according to a joint University of Chicago-New York University study. After the implementation of the tax, the number of customers bringing reusable bags increased 2.5 times, and that the number of people who didn't use a bag nearly tripled.”
- Suffolk County, New York fee: “In Suffolk county, a fee on plastic and paper bags was implemented in 2018. After the fee was implemented, plastic bag usage decreased 82% (totaling 1.1 billion fewer plastic bags used in 2018) and paper bag usage decreased 79%. Grocery store observation studies showed that customers not using any bags or using reusable bags increased from 28% to 60%. Additionally, a 42% decrease in plastic bag litter and a 41% decrease in paper bag litter on shorelines was observed.”

As noted above, learning from other jurisdictions can be quite important to avoid unintended consequences that might actually increase the use of single use plastics or cause other unintended impacts. For example, a study from the National Center for Policy Analysis points out that a ban on plastic bags used by grocers and retailers can negatively impact sales in the ban area and increase sales among stores just outside the bag ban region.⁶² In addition, different sectors might be affected in different ways. Finally, there is a need to consider the jobs involved with single use plastics. For example, the preface to Agenda for the Sustainable Development establishes the importance of guaranteeing a just transition: “Taking into account the imperatives of a fair reconversion of the labor force and the creation of decent work and quality jobs, in accordance with development priorities defined at the national level.”⁶³ The Global Industrial Union advocates for “an orderly and just transition that respects and protects current workers while creating new decent jobs in sustainable industries.”⁶⁴

61 Scientist Advocacy and Action Committee, Effectiveness of plastic regulation around the world (no date), available online at https://scaan.net/plastic_global/.

62 Caliendo, H., The economic effect of plastic bag ban. (Feb. 6, 2013), *Plastics Today*, available online at <https://www.plasticstoday.com/business/economic-effect-plastic-bag-bans>.

63 United Nations General Assembly. Transforming our world: the 2030 Agenda for Sustainable Development. Available online at: https://unctad.org/meetings/es/SessionalDocuments/ares70d1_es.pdf

64 IndustriAll Global Union Sectorial Sustainability Report (2016), available online at http://www.industrialunion.org/sites/default/files/uploads/documents/Sustainability/industrial_all_global_union_sectorial_sustainability_report_2016.pdf.

8. How did Covid-19 impact implementation?

Covid-19 greatly impacted single use plastic management actions in a variety of ways: rollbacks, delays, and increased single use plastics.⁶⁵ For programs already implemented, jurisdictions often allowed for single use plastics to be used again; for example, single use plastic bags or disposable plastic cutlery were allowed again: “there was a fear that reusable products could carry the virus and increase transmission.”⁶⁶ For programs that had been approved but implementation was not yet underway, implementation and enforcement was often delayed; Philadelphia is an example of this. Finally, programs being considered were often delayed until Covid-19 concerns could be addressed; this included time and resources to consider a program as well as health concerns about Covid-19 impacts.

The Covid-19 pandemic also greatly increased the use of single use plastic items, including extra plastic from takeout containers, masks, gloves, and more:

Governments rolled back regulations and people increased their consumption of plastic masks, gloves, takeout packaging, and more. Recycling centers temporarily closed just as stay-at-home orders triggered falling oil prices that made manufacturing more virgin plastic a bargain. Researchers are already noticing an impact on the world’s oceans.⁶⁷

In the U.S., plastic polymer makers were considered essential and not only didn’t shut down, but ramped up.⁶⁸ More plastics equated to more plastic waste: one research group “estimated that in 1 year, the use of disposable masks by the public, excluding health-care settings, generates 3.5 million metric tons of additional plastic waste.”⁶⁹ The full impact of increased plastic use during the Covid-19 pandemic is beyond the scope of this report, but this provides a small sense of potentially how much extra plastic has been generated.

As the immediacy of Covid-19 has lessened, jurisdictions have re-started program implementation or enforcement of their single use plastic management actions; again, Philadelphia is an example of a now operational program with enforcement underway.

B. SUMMARY OF INTERVIEWS

As mentioned in Section II above, students conducted approximately 35 interviews of a broad range of people. These included names of people recommended by community leaders as well as people that student interviewees reached out to (including by directly walking into a restaurant or a store to ask for an interview). The goal was to reach to a broader audience; however, those interviewed were by no means a scientifically determined sample.

⁶⁵ For a general review, see Elaine S. Povich, Pew Charitable Trusts, *Pandemic-Paused Plastic Bag Bans Ripped Anew by Critics* (March 30, 2021), available online at <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/03/30/pandemic-paused-plastic-bag-bans-ripped-anew-by-critics>.

⁶⁶ Carmen Drahl, Chemical and Engineering News, *Single-use plastics have boomed during COVID-19. Joana Correia Prata wants to reverse the trend* (July 26, 2021), available online at <https://cen.acs.org/environment/pollution/Single-use-plastics-boomed-during-COVID-19-Joana-Correia-Prata-wants-to-reverse-the-trend/99/i27>.

⁶⁷ *Id.*

⁶⁸ Alexander H. Tullo, Chemical and Engineering News, *Plastics During the Pandemic: Covid-19 has meant a shift in the plastics markets, and polymer makers are hustling to keep up* (June 22, 2020), available online at <https://cen.acs.org/materials/polymers/Plastics-during-pandemic/98/i24>.

⁶⁹ Drahl, *supra* note 66.

General questions included the following, with room for student interviewers to ask follow up questions as needed.

- What are your perspectives on single use plastics such as plastic bags or other types of plastics that are only used once?
- Do you use or manage single use plastics [in your business]? If so, how?
- Any thoughts on how single use plastics should be managed?
- If some action is taken, do you have thoughts on how a transition should be managed?
- Would you recommend talking with someone else?

This was by no means a scientific sample, but rather meant to understand what kind of perspectives might be held locally. An anonymous summary of responses is grouped by general category and discussed below.

1. Local perspectives on single use plastics

Interviewees offered a number of different perspectives on single use plastics. In general, interviewees recognized the ubiquity of single use plastics and the related challenge of not using single use plastics. “They can be very convenient but are very wasteful.” “It is a big problem. What started out as a convenience has turned into pollution and economic issues. It is so engrained in our society that moving away from those habits is hard. Ideally, we should limit the use of single use plastics.” Interviewees recognized the very common use of single use plastics in their daily lives: as part of food and product packaging, take out containers, in hospitals and research, and more. There was also broad recognition that this kind of packaging is designed to be single use and thrown away rather than reused or recycled.

Some interviewees highlighted concerns about the fossil fuel and climate impacts of plastic production, while others focused on waste. According to one interviewee, Pennsylvania is the 4th largest emitter of greenhouse gasses in the United States and is promoting plastics as a way to use natural gas. In contrast, another interviewee noted that solving the plastics issue would not solve climate change. A different interviewee noted the following:

Both single-use plastic bags and straws pose a detriment to the environment as they degrade at a slower rate than other materials used in the same manner such as paper carry-out bags and straws. Once released into the environment, single-use plastic bags and straws can pollute roadways, infrastructure systems, forest blocks, waterways and impoundments, parks, playgrounds and other vital community gathering places. Use of alternative materials must be considered in communities that recognize the ill effects of single-use plastic bags and straws as they play a negative role contributing to climate change.

Some recognized that single use plastics are generally “down cycled” into less valuable products, if they can be reused at all (one interviewee noted that “the word ‘recycling’ shouldn’t be used for plastics.”). Some types of “miscellaneous” plastics, for example, must simply be thrown away. Different interviewees also noted the challenge of finding new uses for single use plastics. Finally, several interviewees noted that materials supposedly sorted are often challenging to handle, with recyclables in the trash, significant contamination in supposedly recyclable materials, and so on (resulting in more garbage). Existing systems for capturing and reusing materials are not working or are not being used correctly; one apartment manager interviewed noted how often their efforts to encourage proper water management and recycling were being disregarded. Events like a football game or Arts Fest result in

significant amounts of hard-to-manage plastic waste. One interviewee noted that we need “to look at the bigger picture and ask ourselves how to engage our communities and think about where our trash ends up eventually – does it fill up the landfills, pollute our water or end up polluting other communities? Do other people suffer because our waste and waste management?”

Some noted that limiting single use plastics in the supply chain from the beginning would be easier to decrease the impact; for example, consumers don’t have a choice to buy shampoo in a plastic bottle or food in plastic packaging. Pressure on manufacturers and retailers to decrease their plastic use was noted as critical by several interviewees, while others focused on individual actions to decrease the use of single use plastics. Several interviewees said that they have been able to decrease their own use of plastics by bringing their own utensils or straws: “It is easy to transition your personal habits to help address the problem.” Some suggested that individuals could reduce their own plastic use by bringing containers to restaurants, though one restaurant manager raised concerns about potential health violations if a consumer became sick after eating from a contaminated container brought in. Several interviewees noted the importance of behavior change over time, with the need for reinforcement.

Even for individuals or businesses focused on reducing their use of plastics, interviewees raised different contexts when avoiding single use plastics was harder. For example, if one orders groceries curbside, they are generally delivered in plastic bags; this contrasts to being able to take reusable bags into a store. Takeout food or drinks also depend on single use packaging, with the use of takeout and plastic use in general greatly increasing during the pandemic (see below).

Several interviewees noted the need for systematic change, including through partnerships between local government and businesses. Others noted that systematically preventing single use plastics from coming into businesses in the first place would be important.

Local retailers and restaurants offered a mixed reaction. One local restaurant noted that they have not considered switching away from plastic; they do what most restaurants do (“follow the industry standard”) and that making a switch has not yet been a priority. “To go” cups are a challenge, and even in restaurant, plastic cups, lids, and straws are used. Takeout is packed in a plastic bag as “it makes things easier to have a procedure that is followed every time.” Another local restaurant manager noted that they know people are trying to be environmentally conscious and their customers have raised questions about Styrofoam takeout containers, but keeping up with changing regulations (including covid-related) and maintaining/growing a business means that they haven’t really had time to consider switching away from single use plastics. One retailer noted that while they hadn’t thought a lot about single use plastics, they knew that customers started to bring in their own bags about 3-4 years ago. They use plastic bags but if a regulation was adopted, they would figure out how to comply. A local gym noted the utility of single use plastic water bottles, but also recognized that people can bring their own. This interviewee questioned what might be defined as single use plastics and subject to regulation, noting that “I’m the manager and I can barely manage what I need to do now. I have never thought about this issue.”

A number of people raised the question of alternatives to single use plastics. On the production side, for example, one interviewee noted that after Bangladesh outlawed single use plastic bags, they substituted bags made out of jute (a natural fiber). Interviewees noted that finding alternatives might increase the price of products, thus prompting the need for both safe, durable, and cost-competitive

alternatives. For example, a paper bag may be less durable in wet weather or more expensive than a single use plastic bag. Others asked whether one type of bag is more sustainable than another, looking for more information about the impacts of different kinds of bags, for example (overall lifecycle impacts of paper vs. plastic vs. reusable?) Others preferred paper bags because they are stronger and hold more. One local restaurant raised questions about the potential price difference of non-plastic options. One local retailer noted that despite searching for the right quality of paper bag, they have been unable to find them; further, “supply chain issues have impacted their ability to get plastic bags, but they’ve actually still made them even more affordable than paper alternatives.” As a general note, having more information about different products, their overall impacts, their “cost effectiveness” and so on would be helpful for anyone needing to find alternative products.

Interviewees identified several plastic products of concern, including bags, straws, stirrers, takeout containers, and planting materials (plant pots, tree tubes). One interviewee identified plastic used as filler for packages or large shipments as another product of concern. For products such as plastic straws or stirrers, some commented that there are affordable and easily available alternatives (paper/bamboo straws, wooden stirrers, biodegradable or wooden cutlery). Some nurseries sell plants in biodegradable containers. In addition, biodegradable plastics are being developed, including by Penn State researchers.

Interviewees also raised the idea of incentives for reducing plastic use. These could be for manufacturers to use less plastic to consumers to not use single use plastics. Some suggested incentive programs for retailers. One idea offered was create a tree planting effort from big-box chains and local stores to help offset the use of paper bags as an alternative. Others generally suggested the need for incentives for commercial businesses. For example, highlighting sustainable practices might draw more customers; “giving local businesses good publicity from voluntarily taking part in decreasing single use plastics” might be a good incentive.

On the consumer end, interviewees identified a few ideas for incentives. For example, they might receive a discount for bringing in their own reusable bag or dish. Another person mentioned that “some places have supermarkets where you purchase your groceries by weight, and you put them in your own reusable containers in attempts to cut down on single use plastics”—they would like to see such a program here.

The need for behavior change was a common theme. As one interviewee noted, “replacements for plastic are widely available; it is more of a rhythm of thinking about grabbing a reusable mug before going out the door in the morning, or putting a reusable bag in the car before going to the grocery store.” One daycare provider noted that the kids already bring in re-usable water bottles and they use plastic bags a second time for used diapers.

One interviewee noted that if waste reduction is achieved and recycling is increased, the local governments, including the Centre County Council of Governments might see a rebate from a state waste recycling program. Another interviewee noted that waste management companies are paid by the tonnage of waste hauled; decreasing waste would cut into their profits. Waste should be more expensive which might also promote less trash production.

2. Potential management of single use plastics

For those supporting some sort of action to manage single use plastics, most indicated interest in addressing more than just plastic bags. Most commonly suggested items to phase out included straws, stirrers, and utensils. Some raised takeout containers or rings around beverages as well. Some suggested starting with “easier” products to phase out like plastic bags, straws, and/or stirrers and then addressing more challenging products like takeout containers later. As one interviewee noted, “reducing single use plastic bags would be a good first step, but a broader focus to include more products also seems possible given the number of alternatives.”

Several interviewees thought a fee for single use plastics, especially a bag, would help promote consumers making a different choice: “A bag fee is a good idea because it gives people a choice.” One interviewee noted that they “would rather use a paper bag and be charged a fee, instead of getting a plastic bag for free.” A “transparent” charge for a bag makes sense. Some recognized that a fee might impact those with limited income more, especially given the low minimum wage in Pennsylvania. Another interviewee noted that “putting the burden of a fee on single use plastics on the customers seems unreasonable, because it is not customers’ fault” and that providing a non-plastic alternative by businesses would be better. Others thought that imposing a fee for single use plastics such as food containers, for example, would impose a cost without any choice to avoid the plastic.

One retailer asked if a fee would have to be paid by a consumer or by the retailer; for example, asking a customer to pay an additional fee on top of their relatively expensive purchase might be perceived as “sticking it to them... but if retailers absorb the fee, then they just raise prices to pass it on in another way.” There may be a different dynamic between a grocery store where consumers may expect to pay a fee for a plastic bag and other kinds of retailers.

Another interviewee suggested a deposit on some types of single use plastics such as water bottles rather than requiring a fee; this way, the market would drive recycling and reuse.

While various interviewees suggested phasing out certain products (thin plastic bags, straws, and stirrers being the most common), one interviewee noted that “a ban on single use plastic bags would likely be highly inconvenient for customers, if no other sustainable alternative is provided (for example, paper based shopping bags).” One interviewee suggested avoiding using the word “ban” as it causes a negative reaction in people. Several people thought that prohibiting certain products should be implemented immediately and that while people might get mad at first, they would change their behavior and adapt.

Others suggested a mix of actions, including phasing out certain products as well as imposing a fee. One interviewee noted that they favor “whatever works best, whether it’s a fee or ban, though fees tend to go over better with merchants, and they want any solution that would decrease plastic waste in the area.”

One person noted that there is a significant need to “reduce, reuse, and recycle with heavy emphasis on reduce and from their experience, legislation and regulation is what leads to major reduction in single use plastics.”

If a management action is pursued, several interviewees suggested thinking about potentially broader impacts: on businesses, the environment, and on end users and consumers. It would be important to

know what these impacts might be—for example, economic impacts? Time for compliance? Staffing needs? One interviewee stressed the need to gather information and statistics. Others noted that understanding potential differing impacts on national retailers like Target or Giant versus locally owned retail would be important as well. Some interviewees identified workers in the plastics industry as being potentially impacted, including workers at the local plastic bag manufacturing plant in Milesburg. Others suggested that “green jobs” could be developed rather than jobs producing more plastic. A “just transition” to non-fossil fuel-based jobs was suggested by some interviewees. Another interviewee suggested that “a good approach” would be to consider “the economic and labor standpoints by those who are involved in the manufacturing and commercial” development of plastic while trying to understand how this type of action would affect the communities going forward.

Interviewees note the need for exemptions or the need to ensure some products are available. These included bags for medicines, pet waste, garbage (small and larger trash cans), garment bags/dry cleaning, and others. Several interviewees note that they currently use single use plastic bags for a secondary use; examples included as a trash bag, for diapers, or to pick up pet waste.

3. Broad recognition of the need for education and dialogue

There was widespread recognition of the need for education. What the education should be about varied. For example, interviewees suggested education about the negative effects of single use plastics, where the waste ends up, how long it lasts in the environment and why one should use re-usable or biodegradable products. If people understood the impacts, “they wouldn’t have a problem using reusable bags, paying more for this kind of non-plastic bags or stop using plastic bags, because then people will realize this is not only an environmental problem but a health problem as well, which will create a better reception on the people towards these policies.”

A number of suggestions related to the opportunity for educating (and expanding) existing recycling options, particularly for plastic film and plastic bags.

One interviewee suggested a focus on education first, particularly with local governments, school districts and more, then moving onto a fee if the education didn’t work as hoped.

A few interviewees noted recent experiences where they visited as tourists and realized that they needed to purchase a bag or that the only straws available were compostable. While initially surprised, their needs were still met despite not knowing the local rules—the shift in expectations is becoming much more “commonplace.” Other places offer signage encouraging different behavior; see, for example, Figure 6 from a Portland, Oregon salad bar with a “ditch the disposables” sign.

Others suggested educational ideas for program implementation (see below), though one interviewee suggested that an educational program didn’t need to wait for some sort of mandate but could be coordinated between local governments to highlight the importance of this issue.



Figure 6: Example sign in Portland, Oregon “Ditch the Disposables”. Photo by L. Fowler

Several interviewees noted the need for on-going engagement and dialogue. One interviewee noted the need “for public education and continued efforts that support and aim to strike a balance for local residents, consumers/customers, businesses of all sizes, and the environment” as a key to achieving the community’s goals. Another person commented that it would be useful to start with a branding and marketing campaign, then move into a broader education campaign (including of school kids, work places, and more).

4. Development of single plastics management action: a regional approach?

A number of comments related to the potential development of an ordinance. Some suggested that if a few local communities in the Centre County region took the lead, others would follow. Soliciting community input into ordinance development would also be key.

One interviewee commented on the fragmentation of local government and the need for a unified regional approach; how “big” a region is another question. While a common ordinance between State College Borough and Ferguson and Patton Townships would be a good start, a more regional approach would also be good to alleviate consumer confusion and avoid having retailers relocate to avoid this kind of regulation. One interviewee noted that other jurisdictions in this region are watching; one elected official noted that it would be helpful to have regional discussions (for example, at COG) to know what is being discussed.

Another interviewee noted the following:

Careful consideration should be taken by any municipality intending to adopt and enforce a Single-Use Plastic Bag and Straw Ordinance. The municipal government must consider the over-arching state statute that becomes a basis for enforcing such ordinance provisions. The municipality must contemplate their overall goal and whether it coincides with the municipal comprehensive plan, climate action plan, etc. Correct and distinct terminology must be researched in order to enforce provisions to eliminate a specific product detrimental to the environment. Another item to consider is what alternative products are acceptable at a community level if they are to replace single-use plastic bags and straws. Lastly, the municipality must determine the appropriate enforcement officer (e.g., Code, Zoning, Ordinance) and the levels of warning and violation for a commercial establishment that chooses not to comply with the regulations.

While the Centre County Council of Governments (COG) can draft or offer suggestions for a uniform ordinance, it would then be up to each jurisdiction (borough or township) to adopt and enforce their own ordinances as COG itself does not have regulatory authority. When interviewed this spring, COG staff noted that they have not yet been approached about a regional or model ordinance, nor is this an issue the COG’s Climate Action and Sustainability Committee has yet been considered. This may have changed since the interviews were conducted.

Statewide rules and regulations have been helpful in driving change in the past. For example, Act 101 (passed during in 1998) required recycling across the Commonwealth, including for local governments and places like Penn State. In contrast, several interviewees were concerned about not taking action lest Pennsylvania pre-empt local action again (see discussion above).

One interviewee noted that it would be helpful to have federal action in this area but recognized that decisions by Congress take time. Another person acknowledged the efforts at creating an international treaty addressing single use plastics.

5. Transition, implementation and enforcement

If some sort of management action is implemented, all interviewees recognized the need for a transition or grace period to make the transition as smooth as possible for local businesses and the community. “There should be some “lead time” or “modification” before just going into a straight prohibition of certain products.” “It wouldn’t be fair for a regulation to go into effect immediately and force [a business] to throw out items they had already purchased.” A grace period of 6 months or a year could be provided to use up existing stock (often purchased in bulk) before certain products were phased out and/or a fee charged. Other interviewees suggested longer (“over several years” to phase out certain products), while others are ready for products to be phased out immediately.

While some recognized that a change could be disruptive at first, they thought that change might happen faster than expected. As one person noted, “I think we need to figure out how to make environmentally friendly choices the default for people, and they would do the right thing.” Another interviewee requested that if action is taken, “give clear and direct action. We don’t need any more halfway attempts if you [enact regulation]. Do it, commit.”

One interviewee raised the idea of funding to help retailers—particularly local retailers—with the transition from single use plastics to sustainable alternatives. Another suggested that it may be helpful to solicit vendors that can provide sustainable and cost-effective alternatives for bulk purchasing opportunities rather than each retailer having to identify options. This might be a role that local government could play to help establish a “co-op to purchase of compostable takeout containers” or other relevant products.

In addition, education would be needed about the program implementation, including engagement with businesses and the community/consumers alike. While retail/businesses would need to be informed of pending changes, there may be different needs depending on whether a business is a national retailer or big box store, or a more local business. A mix of educational outreach could be used: both in person and online.

One interviewee suggested for program implementation that “municipal governments are the most efficient method to reach and try to be the required messengers. Given their deep connections to the community themselves, they can have the most success in reaching out to members and getting them to listen, but also understanding the concerns that are being weighed by all parties involved.” Another interviewee noted that municipalities could “educate their constituents on the overall goals set forth with such a regulation and explain expectations of why the community would like to reduce plastics in all aspects of the environment. A municipality should partner with other interested municipalities and prepare a level of marketing that illustrates the benefits of such regulation.”

As noted elsewhere, part of program development would be identifying staffing and enforcement options. Some interviewees noted that staffing in general is a concern right now, which might make program development, implementation, and enforcement more difficult. On the enforcement side, one interviewee noted that “one has to use a stick if a carrot does not help”—in other words, there may be a need for stricter action for lack of compliance; this needs to be spelled out in any management action.

Another interviewee asked whether enforcement would be the same for small local businesses and larger national retailers.

6. Institutional considerations, including for Penn State

A number of interviewees noted that they work in locations that heavily rely on single use plastics such as in a dining hall or restaurant where plastic bags, dishes, straws, utensils and more are quite common. While they might prefer using recyclable or reusable materials in their personal lives, workers in a more institutional setting noted a lack of options for reusable materials or lack of facilities for effective recycling or composting for biodegradable materials. For example, while at least some of the Penn State dining halls offer “Green Boxes” as reusable takeout containers, there are no other alternatives such as compostable paper containers. One interviewee noted that Penn State “could make programs that support the use of reusable containers for take-out food. [The University] would have to figure out what to do in an infrastructure perspective to convert packaging from plastic to compostable packaging (to go containers at the Creamery, the HUB, on campus dining, etc.)” In addition, Penn State is exploring ways to reduce single use plastics, including but not limited to working with students on ideas for reducing single use plastics; i.e., reducing the use of Styrofoam.

If Penn State required compostable containers, interviewees observed that this might play out differently in different contexts; for example, Penn State has three categories of food service: dining halls, retail establishments run by Penn State, and retail establishments contracted out to others (Panera, Starbucks, etc.). Outside contractors would need to change their products as well, which raises contracting considerations. Considerations for any of these contexts include cost (compostable food packaging is more expensive) and quality (some products that keep food/beverages hot or cold are not environmentally friendly). Events like football games are another dynamic all together, with education needed for better waste management.

According to one interviewee, Penn State’s recent hire of a waste reduction manager and a position for a sustainable procurement purchasing coordinator will hopefully help: “People often think of waste reduction and sustainability as how we can manage it after it is used, but the biggest thing is to not have to throw it away in the first place. Managing it in the front end rather than the back end would be the most effective way to deal with waste.”

7. Impact of Covid-19

The pandemic added to a higher usage of single use plastics in many ways. For example, grocery stores did not allow you bring your own bag, water stations were turned off in parks and public areas, and people had to buy or bring their own bottled water. Restaurants were producing more take-away food and providing single use plastics with it. Takeout containers increased, even for in-restaurant dining. During the pandemic, one local restaurant used disposable cutlery and plates even for people dining in; the manager noted that now, single use plastics are used for takeout only. One interviewee noted that the hotel restaurant they worked at used to send room orders on real plates with real silverware that could be washed and reused; however, they now send everything with disposable utensils and containers. Likewise, institutional settings like Penn State have seen a significant increase in plastics for packaging, take out, and more.

According to interviewees who work in the local waste and recycling world in Centre County, significant amounts of additional plastic showed up in the local waste stream, particularly personal protective equipment (PPE). Such PPE ended up as litter too; one interviewee noted that “If the masks are considered single use plastics, those were arguably the worst. The parking lot looked like autumn

leaves, but with masks.” An interviewee working in the local waste and recycling world also noted that there was also a lot of contaminated plastics in the “miscellaneous” plastic collection, resulting in more garbage. One interviewee noted that it would be helpful to better understand local data on how much more single use plastics were thrown away as waste. Other interviewees perceive that single use plastics decreased during the pandemic as more people stayed home.

In addition, some interviewees noted that Covid-19 shifted consumer behavior towards using more single use plastics; shifting back will take some time.

9. Summary of interview findings

As noted in the executive summary, interviewees seemed to support some sort of management action for single use plastics at a more regional scale and thought that if State College Borough and Ferguson and Patton Townships took the lead, other communities would watch, learn, and potentially follow. The Centre Region Council of Governments may be a venue to help foster a more regional approach. Most interviewees recognized the need for more education and outreach about why decreased use of single use plastics is important; several voiced the need for more systematic reduction of single use plastics in the supply chain. Interviewee views then diverged on what local actions to take: phasing out certain types of single use products like plastic bags, straws, stirrers, or takeout containers? Imposing a fee for use? Both? There seems to be support for a focus beyond just plastic bags to a broader list of products. If some action is taken, all agreed that a transition and education would be need for effective implementation. Finally, several interviewees working or living in institutional settings—a grocery store, restaurants, an apartment building, an elderly living facility, Penn State—noted their personal focus on reducing single use plastics but recognized the need for institutional support for more sustainable options.

IV. POTENTIAL NEXT STEPS

At this point, next steps are up to local governments in the Centre County region; preliminary results from this project have already been presented to Ferguson and Patton Townships and the Borough of State College in May and June, 2022. In addition, Centre County COG may be an avenue for a more regional discussion. Regardless of the pathway chosen, additional education and outreach would be helpful, particularly to businesses and organizations that may be worried about having to adapt to yet one more change in regulation. In addition, reaching out communities that have already taken action might be helpful to learn more about how they have handled education, staffing, program implementation, and enforcement. Reviewing both the Pennsylvania study on single use plastics⁷⁰ and the New York State task force report⁷¹ would also be useful; these reports are both quite detailed. Finally, if local jurisdictions decide to pursue some sort of fee or tax to encourage behavior change, specific research would be needed on what to call such a monetary incentive. Additional information is below, including Appendix A (summary of findings from 2019), Appendix B (presentation on single use plastics from 2019) and Appendix C (summary of other jurisdictions based on research conducted for this project).

⁷⁰ *Supra*, note 24: Commonwealth of PA Independent Fiscal Office, Econ. Impact from Regulation of Single-Use Plastics (June 2020), available at http://www.ifo.state.pa.us/download.cfm?file=Resources/Documents/Single-Use%20Plastics%20Report-2020_06.pdf.

⁷¹ *Supra*, note 30: New York State Plastic Bag Task Force Report: An Analysis of the Impact of Single-Use Plastic Bags Options for New York State Plastic Bag Legislation (January 13, 2018), available online at <https://www.dec.ny.gov/chemical/112291.html>.

Appendix A: 2019 Memo to Ferguson Township on Single Use Plastic Bags

To: Ferguson Township Supervisors
From: Lara Fowler, Penn State
Cc: Dave Pribulka, Ferguson Township Manager
Ilona Ballreich, Sustainable Communities Collaborative
Re: Sustainable Communities Collaborative Project on Plastic Bags
Date: Friday, May 17, 2019

Thank you for the chance to brief you on Monday, May 20, 2019 as part of the Sustainable Communities Collaborative project on plastic bags. This provides a brief overview of the class and project results; a longer report with more detail is forthcoming.

Class overview: Negotiation and disputes resolution design (EXPR 936) is a class for law and master's level students. The goal of the class is to help students learn principles of negotiation and think about how to design systems to help resolve disputes using mechanisms other than a court. For this class, students had the choice of a group or individual project; most students selected a group project. Three of around 5 students groups focused on the question of plastic bags in Ferguson Township.

Process for this project: Manager Dave Pribulka provided us with the Nov. 2018 petition to ban plastic bags in Ferguson Township and a number of people to talk with. Students also toured the Township, including a stop at a local grocery store; during this tour, we met with Mr. Pribulka. Students set up and conducted interviews and researched how other communities have handled plastic bags. Finally, they identified potential process steps for how the Township might approach this topic going forward.

Key findings:

1. Different communities, states, and countries have handled concerns about issues associated with plastic bags in a number of ways: voluntary programs, fees or incentive programs, and outright bans. In some areas, there has been a transition in approach from fees to bans. In contrast, some states have enacted a "ban on bans" prohibiting local government action.
2. Any plastic bag management approach for Ferguson Township alone may be challenging because of the nested nature of communities and retail within this region; a regional approach to plastic bag management may be more effective and easier to implement.
3. Communication with major stakeholders will be key to finding the right solution for Ferguson Township: "the residents of Ferguson want to know what is happening but they also want to be able to share their thoughts and opinions along the way in the process." At the same time, local businesses also need to be engaged in this process.
4. A number of people in Ferguson Township have strong opinions about the proposed ordinance. One way to dissipate negative feelings about a single-use plastic bag ordinance starts with the use of the word "ban." Students instead used "plastic bag management" as a way to frame their work and questions.

This synopsis includes a table with key stakeholders and their interests; brief considerations related to voluntary structures, fees, and bans, and potential process considerations.

Potential stakeholders	Potential Interests
Petition signers (~80 people)	<ul style="list-style-type: none"> • Protect local/global environment (waste; fossil fuel impact) • Pass the ordinance into law • Educate public in Ferguson Township • Generate income for Ferguson Township environmental fund • Be heard and to adhere to political values
Township residents (~19,000) <ul style="list-style-type: none"> • Seniors, students, other • Those below poverty line, on fixed budgets • Employees, employers 	Collective perspective unknown. Interviewees noted the following: <ul style="list-style-type: none"> • Preserve the local environment • Avoid spending money on bags; avoid tax increases • Carry items conveniently at point of sale • Be heard and adhere to political values
Retailers: <ul style="list-style-type: none"> • Small (e.g., gas station, ProCopy, Wiscoy) • Large (e.g., Giant, Weiss) • Farmers market • Restaurants (take out) • Potential entrepreneurs 	Business interests: <ul style="list-style-type: none"> • Profit, serve customers efficiently, preserve clientele • Advertise through the use of printed plastic bags • Assess plastic bag management if no existing corporate protocol Concerns about bag “ban”: <ul style="list-style-type: none"> • Impact of transition; cost of alternative; shopping more expensive • Meaningful benefit to the environment (paper or reusable bags also have environmental impact) • Differential impact to customers (e.g., lower/fixed income); concern about customer reaction • Differential impact across region (Giant, Weiss in other areas) • Displacement of customers Other considerations: <ul style="list-style-type: none"> • Voluntary programs exist (e.g., Wiscoy bag reuse; Giant recycling) • Bag management promotes envt’l, saves cost of bag purchasing • If bag management enacted, transition to new system needed • Consistent regional approach helpful for larger retailers • Opportunity to be heard, engage
Consumers who shop within Ferguson Township	Education on impact of bags Access to bags to carry out goods, reuse of bags
Ferguson Township <ul style="list-style-type: none"> • Elected officials • Township manager, staff 	<ul style="list-style-type: none"> • Serve Ferguson Township citizens and businesses • Address petition while hearing interests from all perspectives • Meet Community Bill of Rights, environmental stewardship goals • Cooperate with other regional governments (e.g., State College) • Serve as a regional leader, avoid potential litigation • If bag management strategy enacted, need for education, implementation, and enforcement (staff time, resources)
Surrounding communities, Centre Region COG	Borough of State College also petitioned Opportunity to learn from each other Regional reputation, lead in environmental issues
Bag manufacturers	Local company (Helix Poly Inc.) in Milesburg- impact to workers Plastics: 3 rd most profitable industry in U.S.
Waste handlers	Ability to recycle plastic bags into useable products Recycling rate of bags
Media	Heated issues generate interest, stories

In interviewing and researching how communities have managed plastic bags, there are a range of alternatives: voluntary, fees, and bans. In addition, they started to explore potential process steps. Finally, students looked at what is happening elsewhere. These are outlined below; more details will be provided in the full write up.

Considerations for voluntary mechanisms:

- Existing voluntary mechanisms already in place (reuse of plastic bags ~1000 bags/week in one business; voluntary recycling); concern about eroding voluntary practices
- Allows businesses to address their particular needs (paper bags, some plastic)
- Consumers can already choose to use reusable bags
- Education is important. Before becoming the first borough in PA to impose plastic bag/ straw restrictions, Narberth, PA engaged heavily with the local community and held numerous events to get businesses and people to reduce the use of plastic, including educational events in partnership with local waste facilities, an art installation, and public meetings. Six months after agreeing on the ordinance, Cyndi Rickards, Narberth Council, pointed out that education was a crucial part of getting the action passed without significant objections.

Considerations for fees:

- Impose the same fee for all retailers or combine fee with free reusable bags
- Impose an ordinance where businesses must agree upon a fee within a certain range
- Impose an ordinance with a planned increase in the fee imposed up to a certain level of fee/or a certain level of consumption (i.e. x-amount of bags consumed a year like in Europe)
- Create a forum to have the businesses adopt a voluntary fee that they all agree upon

Considerations for bans:

- Often the result of citizen actions; enacted by town votes, committees, or local legislation
- Once enacted, allowed for businesses to use up remaining stock by set date
- Variation in enforcement, including fines, remedial action (who, how enforced important)
- Some bans addressed more, including plastic straws (with disability exemptions)
- Ban in one community potentially confusing given the structure of local governments

Process related considerations or steps:

- Some action needed: six months since petition; letters to the editor, online postings increasing
- Need for education: benefits, costs of actions, share petition.
- Communication with a range of stakeholders, including consumers, retailers
- Seek input through a range of mechanisms to hear from more residents, businesses: comment box, survey, mailer, town hall, hearings, vote
- Communicate with other communities that have implemented plastic bag management strategies (what's worked or not; obstacles not considered; community reaction?)
- Communicate and coordinate with surrounding governments (Centre Region Council of Governments): share information, potential approaches
- Study environmental benefit and impacts of different management actions
- Develop monitoring program for businesses prior to implementation (# of bags used; # of customers bringing reusable bags or asking for paper; # of reusable bags sold over time)
- Consider developing a pilot project: incentives for voluntary reductions
- Develop proposed metrics and criteria for what a successful program might include

Example approaches from elsewhere:

There is significant activity across the United States, with approximately 160 communities across the U.S. enacting some sort of bag management approach. Students focused on communities of approximately similar size to see what actions might have been pursued. Within Pennsylvania, Narbeth has recently adopted a fee for bags.

Community	Population	Action taken	Year enacted
Narbeth, PA	~4,000	\$0.10 fee per bag used by consumers. Ordinance also banned plastic straws (exception for disability).	2018
Bedford, MA	~13,000	Full bag ban on single use plastic bags thinner than 2.5 mils	2017
Chestertown, MD	~5,000	Full ban on all single use plastic bags except for take out or biodegradable bags; fines on businesses for violations.	2007
Lewisboro, NY	~12,000	Full ban on plastic bags; fee of \$0.15 per paper bags	2018
Brattleboro, VT	~12,000	Full ban on single use plastic bags; retailers may provide paper bags. Citizen petition led to vote.	2018
Kenmore, WA	~20,000	Full ban on single use plastic bag; retailers can provide recycled paper bags for \$0.05/bag. Exemptions for produce and restaurant take out bags.	2018

Other example actions:

- State wide ban on single use plastic bags: California (2016); New York (2019)
- Statewide ban on bans by local governments: ~12 states, including most recently TN
- European Union legislation (2015) aimed at reducing bags/person; states free to enact measures to meet reduction goal. Ireland enacted charge, reduced bags from 328/consumer/year to 18.
- European Union (2019) enacted new ban of most single use plastics (e.g., cutlery, plates, straws, drink stirrers, products made from oxo-degradable plastic; expanded polystyrene).
- Retailers like Kroger (2018) have announced phasing out of single use plastic bags by 2025; goal to become “zero waste business.”

Appendix B: 2019 Presentation to Ferguson Township on Single Use Plastic Bags

Ferguson Township: Management of Single-Use Plastic Bags

May 20, 2019

Lara Fowler (lbf10@psu.edu)

- Penn State Law
- Penn State Institutes of Energy & the Environment



1

“Negotiation & Disputes Resolution Design” Students Examined Plastic Bag Management as part of a Sustainable Communities Collaborative Project



- Penn State’s Sustainability Institute hosts the Sustainable Communities Collaborative
- Negotiation & Dispute Resolution Design
 - 39 students (including 14 int’l students and 1 from School of Int’l Affairs)
 - 4 end of term projects
- Course goals:
 - Learn about negotiation and designing systems to better manage disputes
 - Think about how to apply what they learned in the real world




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graph LR; A[Community need] --> B[Students]; B --> C[Course experience]
```

2

Ferguson Township & the Plastic Bag Petition



- Fall 2018 Petition by Township Residents
 - Ban on single use plastic bags
 - Enactment of fee of \$0.25/each single use plastic bag at point of purchase
 - Education at point of sale
 - 6 months to implement program
 - Petition also submitted to the Borough of State College at the same time
- Township hearing on Nov. 20, 2018
- Request for assistance under the Sustainable Communities Collaborative, Jan. 2019

3

Student process

- Review petition
- Tour:
 - Local grocery store
 - Discussion with Manager Dave Pribulka
- Interviews
- Research
 - Stakeholders
 - Issues
 - Range of options: ban, fee/tax, incentives
 - What other communities/states are doing
 - Potential legal issues
- Draft summaries (3 groups, 3 summaries)– combining into 1 right now



4

Range of stakeholders and range of interests, part 1

Potential stakeholders	Potential interests
Petition signers (~80 people)	<ul style="list-style-type: none"> Protect local/global environment (waste, fossil fuel impact) Pass the ordinance into law Educate public in Ferguson Township Generate income for Ferguson Township environmental fund Be heard and to adhere to political values
Township residents (~19,000) <ul style="list-style-type: none"> Seniors, students, other Those below poverty line, on fixed budgets Employees, employers 	Collective perspective unknown. Interviewees noted the following: <ul style="list-style-type: none"> Preserve the local environment Avoid spending money on bags; avoid tax increases Carry items conveniently at point of sale Be heard and adhere to political values
Retailers: <ul style="list-style-type: none"> Small (e.g., gas station, ProCopy, Wiscovy) Large (e.g., Giant, Weiss) Farmers market Restaurants (take out) Potential entrepreneurs 	Business interests: <ul style="list-style-type: none"> Profit, serve customers efficiently, preserve clientele Advertise through the use of printed plastic bags Assess plastic bag management if no existing corporate protocol Concerns about bag "ban": <ul style="list-style-type: none"> Impact of transition: cost of alternative; shopping more expensive Meaningful benefit to the environment (paper or reusable bags also have environmental impact) Differential impact to customers (e.g., lower/fixed income); concern about customer reaction Differential impact across region (Giant, Weiss in other areas) Displacement of customers Other considerations: <ul style="list-style-type: none"> Voluntary programs exist (e.g., Wiscovy bag reuse; Giant recycling) Bag management promotes environmental reputation, saves cost of bag purchasing If bag management enacted, transition to new system needed Consistent regional approach helpful for larger retailers Opportunity to be heard, engage

5

Range of stakeholders and range of interests, part 2

Potential stakeholders	Potential interests
Consumers who shop within Ferguson Township	Education on impact of bags Access to bags to carry out goods, reuse of bags
Ferguson Township <ul style="list-style-type: none"> Elected officials Township manager, staff 	<ul style="list-style-type: none"> Serve Ferguson Township citizens and businesses Address petition while hearing interests from all perspectives Meet Community Bill of Rights, environmental stewardship goals Cooperate with other regional governments (e.g., State College) Serve as a regional leader, avoid potential litigation If bag management strategy enacted, need for education, implementation, and enforcement (staff time, resources)
Surrounding communities, Centre Region COG	Borough of State College also petitioned Opportunity to learn from each other Regional reputation, lead in environmental issues
Bag manufacturers	Local company (Helix Poly Inc.) in Milesburg- impact to workers Plastics: 3 rd most profitable industry in U.S.
Waste handlers	Ability to recycle plastic bags into useable products Recycling rate of bags
Media	Heated issues generate interest, stories

6

Options for managing bags: incentives

- Highlight and reward voluntary practices underway at local stores
- Regional approach possible
 - Desire by businesses to be seen as leaders
 - Work with other regional stores (Trader Joe's uses paper bags only)
 - Penn State, Going Green System
- Avoid potential lawsuits?



7

Options for managing bags: fees/taxes

- Impose the same fee for all retailers or combine fee with free reusable bags
- Impose an ordinance where businesses must agree upon a fee within a certain range
- Impose an ordinance with a planned increase in fee imposed up to certain level of fee/or a certain level of consumption (i.e. X amount of bags consumed a year like in Europe)
- Create a forum to have businesses adopt voluntary fee that they all agree upon

Narberth Becomes First Pennsylvania Town to Pass Plastic Straw and Bag Restriction, Lawmakers Want Statewide Restriction

8

Options for managing bags: outright ban

- Many were the result of citizen action
- Typically allowed for businesses to use up remaining stock
- Many specified whether fines would be applied
- Most were implemented by town votes, committees, or local "legislation"
- Some were accompanied by other bans, like plastic straws
- However, some states enacting a "ban on bans"



9

Proposed Process Steps

- Open communication with residents: host open forum?
- Discuss potential action with businesses
- Reach out to communities that have implemented bans
- Study costs of implementation
- Coordinate with other regional governments
- Evaluate environmental impact
- Establish timeline for implementation
- Determine method for enforcement
- Seek measurable feedback on action

10

Appendix C: Information from Other Jurisdictions

This section includes the results of student research during the spring of 2022. The table below lists different jurisdictions (cities, counties, states, and countries) as well as private grocery stores/chains that have taken some sort of action on single use plastics. This is not a comprehensive list of all entities that have taken action, but more illustrative. In addition to the entities below, student research is also embedded throughout this report.

Type of entity	Jurisdiction or organization (organized with Pennsylvania first, then alphabetically by state)
Municipality	Narberth, PA
Municipality	Philadelphia, PA
Municipality	Pittsburgh, PA
State (proposed)	Proposed bill for Pennsylvania
District	Washington, District of Columbia (Washington D.C.)
State	State of California
City	Boulder, Colorado
State	State of Connecticut
State	State of Delaware
Municipality	Gainesville, Florida
City and County	Honolulu, Hawaii
State	State of Hawaii
City	Chicago, Illinois
City	Chestertown, Maryland
County	Montgomery County, Maryland
City	Portland, Maine
State	State of Maine
Municipality	Boston, Massachusetts
Municipality	New Bedford, Massachusetts
Municipality	Lewisboro, New York
State	State of New York
State	State of Oregon
Municipality	Brattleboro, Vermont
State	State of Vermont
State	State of Virginia
City	Kenmore, Washington
City	Seattle, Washington
Country	Antigua and Barbuda
Country	Canada
Countries	European Union
Country	Kenya
Country	Uzbekistan
Private company	Aldi
Private company	Kroger

Borough of Narberth, PA

Action taken: Ordinance. Commercial Establishments must charge at least \$0.10 per plastic bag. Commercial Establishments get to keep the money charged, but must indicate the charge separately on the customer's receipt as "plastic carry-out bag charge." Retail establishments are prohibited from distributing single-use plastic straws. <https://ecode360.com/34363798>

Definitions:

Single Use Plastic Carry-Out Bag: A bag made of plastic or other similar material that is provided by a commercial establishment to a customer at or around the point of sale that is not a reusable bag, recyclable paper bag or compostable plastic bag. A "single-use plastic carry-out bag" *shall not* include the following:

- A. Bags in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a commercial establishment;
- B. Laundry or dry-cleaner bags;
- C. Newspaper bags;
- D. Bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent moisture;
- E. A nonhandled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a reusable bag, recyclable paper bag or compostable plastic bag; and
- F. Any bags provided for use by a commercial establishment operated by the Commonwealth of Pennsylvania, or otherwise distributed by a federal, commonwealth, or local government agency.

Single Use Plastic Straw: A straw provided by a commercial establishment that is not a reusable straw, recyclable paper straw, or compostable straw. A "single-use plastic straw" *shall not* include straws provided under the following circumstances:

- A. When provided with a beverage on private property used as a residence;
- B. When provided by a state, federal or local government agency;
- C. When packaged with beverages prepared and packaged outside of the Borough, provided such beverages are not altered, packaged or repackaged within the Borough;
- D. When provided as an assistance device to reasonably accommodate a disability.

Exemptions:

Borough Council may, upon written request of a commercial establishment, exempt a commercial establishment from the requirements of this article for a period of one year from the effective date upon a finding by Borough Council that the requirements of this article would cause undue hardship to the commercial establishment.

An "undue hardship" shall be found only in the following circumstances or situations, and any exemptions may be provided by Borough Council with conditions:

- A. The commercial establishment has a unique circumstance or situation such that there are no reasonable alternatives to single-use plastic carry-out bags or single-use plastic straws;
- B. Compliance with the requirements of this article would deprive a commercial establishment of a legally protected right;

- C. Additional time is necessary in order to draw down an existing inventory of single-use plastic carry-out bags or single-use plastic straws.

Transition: The ordinance was adopted on 10/17/2018 and set to take effect 6 months later.

Operation:

Plastic straws are prohibited, and businesses must charge at least \$0.10 per plastic bag. Businesses keep the money from the plastic bag fee, and the plastic bag fee must be separately listed on consumer's receipts as "plastic carry-out bag charge"

Enforcement:

Upon the first violation, the designated official will issue a warning. After the initial warning, if another violation occurs, the commercial establishment will be issued a notice of violation, and if convicted, will have to pay a fine as well as the cost of prosecution.

Fines are as follows:

1. \$100 for the first violation;
2. \$200 for the second violation in the same year dating from the first violation;
3. \$500 for the third and each subsequent violation in the same year dating from the first violation.

Covid impact: NA

Single Use Plastic Bag Management in Philadelphia, PA

Jurisdiction/Entity: Philadelphia, Pennsylvania. Philadelphia, located in Delaware County and Philadelphia County Pennsylvania, has a population of about 1, 585, 480 people. Philadelphia’s economy is actually dependent on a service based economy and financial activities.⁷²

Action Taken: In 2019, legislators finally embarked on the journey to help reduce the number of plastic bags used in the City of Philadelphia.⁷³ Specifically, legislation prohibits retail establishments from giving out any single-use plastic bags, bags made out of polylactic acid or bioplastics, and any paper bag that doesn’t meet the set criteria.⁷⁴ This includes any bag made for the purposes of carry out or delivery.⁷⁵

Definition: According to the legislation, plastic means:

1. “Any solid material that is produced from petrochemicals and
2. typically used to make bags for retail businesses.”⁷⁶

Specifically, single-use plastic bag means:

1. “Any bag made from plastic that is less than 2.25 mils thick or
2. made through a blown film extrusion process,
3. but not including an *exempted bag*.”⁷⁷

Exemptions: An exempted bag means two things

1. “a bag used inside the retail business by a customer to deliver a perishable item to the point of sale or
2. a bag sold that already contained multiple bags and packed at the time they manufactured the bag.”⁷⁸

Some examples of exemptions are dry cleaner bags, packaged garbage bags, pet waste bags, and yard waste bags.

Transition: On July 1, 2021, implementation began, and by the end of the month, retail establishments were required to post signage on their businesses that basically informs the customers that single-use plastic bags and non-compliant paper bags would no longer be available. Then, on October 1, 2021, the prohibition began. Philadelphia also provided a 6-month education and warning period for failure to use compliant bags from October 1 to April 1, 2022. Finally, on April 1, 2022, Philadelphia will fully enforce the ban.⁷⁹

⁷² World Population Review, Philadelphia, PA 2022, available online at <https://worldpopulationreview.com/us-cities/philadelphia-pa-population>.

⁷³ City of Philadelphia, Philadelphia’s Plastic Bag Ban, available online at <https://www.phila.gov/media/20210714221125/Plastic-Bag-Ban-Info-Sessions-Presentation.pdf>

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

Operation and Enforcement: When the enforcement is in full effect, Philadelphia will be handing out violation notices. The minimum penalty is \$75 per violation.⁸⁰ If businesses repeatedly violate the ban, Philadelphia may take them to court for more sanctions. So far, it seems that the Philadelphia Department of Licenses and Inspections is the entity issuing warnings. Therefore, it is likely that they will be the also issue official fines.⁸¹

Covid Impact: Since the ordinance is barely going into full effect, there isn't any Covid impact as of now. The City also states that there is no link between reusable bags and Covid-19 for them to take Covid into consideration.⁸²

Other: GovLabPHL will be working with the City and research partners to evaluate the success of the plastic ban.⁸³ The evaluation will focus on individuals' behavior, such as what bags they use, and plastic bag litter and waste in Philadelphia.⁸⁴

If someone wants to report a business, they can contact Philly311.

⁸⁰ *Id.*

⁸¹ Sophia Schmidt, "Philly Will Start Enforcing Plastic Bag Ban Next Years. Many Stores Aren't Ready," Why PBS, available online at <https://whyy.org/articles/philly-plastic-bag-ban-2022-enforcement-penalties/>.

⁸² City of Philadelphia, Frequently Asked Questions, available online at <https://www.phila.gov/programs/plastic-bag-ban/frequently-asked-questions/>.

⁸³ *Id.*

⁸⁴ *Id.*

Single Use Plastics Management in Pittsburgh, Pennsylvania.

Description: Pittsburgh is a city located in Western Pennsylvania. The city of Pittsburgh has around 310,000 residents, and the surrounding Pittsburgh metro area has around 2.3 million residents.⁸⁵ The city is historically known for manufacturing and is nicknamed “The City of Bridges,” but it is now a city with thriving technology, healthcare, education, and finance industries.⁸⁶

Overview of Single Use Plastics Management: Councilmember Erika Strassburger sponsored a city council resolution, stating that the council intended to introduce an ordinance to limit plastic bags in the city.⁸⁷ The bill was announced in a press release on November 22, 2021, and it was modeled after the Philadelphia bill banning businesses from using single-use plastics.⁸⁸

On April 12, 2022, the Pittsburgh City Council voted 7-0 to approve a plastic bag ban within the city of Pittsburgh.⁸⁹

Administrative Process: The ban was reintroduced in a Pittsburgh City Council meeting in January 2022. Residents state that it puts too much pressure on local businesses, especially small businesses; not all local businesses are against the measure.⁹⁰ Giant Eagle, which is a large grocery store chain in the Pittsburgh area, supports the initiative to reduce plastic bags.⁹¹ After being held in committee, the bill was amended on April 6, 2022.⁹²

Legislation approved April 12, 2022: The ordinance was finally approved after a long delay, and it was signed by the mayor of Pittsburgh on April 14, 2022. The delay led to changes to the proposed legislation, including an adjustment to the fee and effective date; the fee for consumers to purchase a paper bag was adjusted from 15 to 10 cents.⁹³ The enacted legislation titled “[Prohibition on Use of Certain Bags and Checkout Bag Charge](#),” is limited to plastic bags and non-recyclable bags. However, there are certain bags that are exempt, including bags used to transport food to stores, bags and items used by companies to bulk ship products, garbage bags, and pet waste bags; the ban applies to retail establishments, including supermarkets, convenience stores, restaurants, and stores (it does not apply to

⁸⁵ The City of Pittsburgh, *About Pittsburgh*, available at <https://pittsburghpa.gov/pittsburgh/pgh-about>.

⁸⁶ Forbes, *Best Places for Business and Careers 2019 Pittsburgh, PA*, <https://www.forbes.com/places/pa/pittsburgh/?sh=419a8cc073f0>.

⁸⁷ Proposed Resolution, File No. 2021-1460, available at <https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=4935509&GUID=738F5A2E-616D-4DDE-8461-7AB264269BAE&Options=&Search=>.

⁸⁸ Press Release: *Pittsburgh City Councilperson Strassburger introduces Legislation to Ban Single-Use Plastic Bags*, (November 22, 2021), available at <https://pittsburghpa.gov/press-releases/press-releases/5484>.

⁸⁹ Hallie Lauer, *Single-Use plastic bag ban in Pittsburgh will start in 2023, City Council decides*, (April 12, 2022), available at <https://www.post-gazette.com/news/politics-local/2022/04/12/pittsburgh-plastic-bag-ban-city-council-vote-erika-strassburger-grocery-stores-reusable-bags/stories/202204120078>.

⁹⁰ Ariel Worthy, *Pittsburgh's plastic-bag ban still being worked out, due to concerns by small businesses*, (March 22, 2022), available at <https://www.wesa.fm/politics-government/2022-03-22/not-quite-in-the-bag-city-plastic-bag-ban-still-being-worked-out>.

⁹¹ *Id.*

⁹² <https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=5370483&GUID=1C99F944-95DA-477A-AB2D-3F2BD110CE1D&Options=ID%7cText%7c&Search=plastic+bags&FullText=1>.

⁹³ *Prohibition on Use of Certain Bags and Checkout Bag Charge*, Ordinance, available at <https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=5370483&GUID=1C99F944-95DA-477A-AB2D-3F2BD110CE1D&Options=ID%7cText%7c&Search=plastic+bags&FullText=1>.

pharmacies or dry cleaners).⁹⁴ Also, the legislation states that there will be a public education plan implemented within 90 days of the effective date.⁹⁵ Local businesses will be required to post signage in their stores prior to the enactment of the changes.⁹⁶

Operation and Enforcement: The legislation will ban single-use plastic bags, while having businesses charge consumers 10 cents for a paper bag.⁹⁷ Community members who receive SNAP or social service assistance are exempt from the plastic bag fee.⁹⁸ The fees would go back to the retailers, and the fee is intended to help retailers pay for the paper bags.⁹⁹ The ban will be effective on April 12, 2023.¹⁰⁰ Also, retailers will need to have a separate line on their receipts called “Carry-Out Bag Charge.”¹⁰¹

Impact of Pittsburgh City Council discussing the single-use bag ban: City council meetings have discussed the penalty amount; the figure is a modification of a lower penalty of 5 cents implemented in Washington D.C., which proved to be too low to change the habits of shoppers.¹⁰² After the ban was implemented, local community members expressed that they were still concerned about the ordinance and how it will affect small businesses.¹⁰³ One local business owner stated that the council did not take supply chain issues into account when enacting the ban.¹⁰⁴ Advocates for the legislation state that the ordinance will help reduce microplastics and plastic waste in the Pittsburgh area.¹⁰⁵

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ Press Release, available at <https://pittsburghpa.gov/press-releases/press-releases/5676>.

⁹⁷ Hallie Lauer, *Single-Use plastic bag ban in Pittsburgh will start in 2023, City Council decides*.

⁹⁸ *Id.*

⁹⁹ *Id.*, Worthy, *Pittsburgh's plastic-bag ban still being worked out, due to concerns by small businesses*, available at <https://www.wesa.fm/politics-government/2022-03-22/not-quite-in-the-bag-city-plastic-bag-ban-still-being-worked-out>.

¹⁰⁰ *Prohibition on Use of Certain Bags and Checkout Bag Charge, Ordinance*, available at <https://pittsburgh.legistar.com/LegislationDetail.aspx?ID=5370483&GUID=1C99F944-95DA-477A-AB2D-3F2BD110CE1D&Options=ID%7cText%7c&Search=plastic+bags&FullText=1>.

¹⁰¹ *Id.*

¹⁰² Jordyn Hronec, *City Council holds special meeting on plastic bag ban*, (December 17, 2021), available at <https://www.bizjournals.com/pittsburgh/news/2021/12/17/city-council-post-agenda-plastic-bag-ban.html>.

¹⁰³ Bob Mayo, *Ban on single-use plastic bags approved by Pittsburgh City Council*, (April 12, 2022), available at <https://www.wtae.com/article/plastic-bag-single-use-ban-approved-by-pittsburgh-city-council/39707161#>

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

Single Use Plastics Management: Proposed Pennsylvania Fee

Description: Representative Brian Sims, D-Philadelphia, introduced Bill 1382 to create a bag fee that would be split between businesses and environmental programs. The proposal is 15 cents per bag and for bags to be collected the same way sales and use taxes are paid. (New York implements a 5 cent per bag fee).

All bag fees would be refunded if the business has an annual revenue of less than one million dollars, refund fifty percent of the fees if revenue is between \$1 million and \$10 million, and keep all fees if the business' revenue exceeds \$10 million.

There would be a \$50 dollar fine for a first violation, \$100 fine for second violation, and a \$200 fine for subsequent violations.

Overview of Single Use Plastics Management: There are currently 10 states with plastic bans: California, Connecticut, Delaware, Hawaii, Maine, New Jersey, New York, Oregon, Vermont and Washington. Municipalities within Pennsylvania, such as Philadelphia & Pittsburgh have moved to implement bag bans within their city limits.

- Philadelphia: "The legislation bans single-use plastic bags at retail establishments across the city, as well as paper bags that don't contain at least 40% recycled content. While the ban will be implemented beginning Thursday, the city said a full prohibition on the bags will not begin until Oct. 1, and noncompliant businesses will be issued only a warning through April 1, 2022."¹⁰⁶ Philadelphia also set up a website that provides resources for businesses transitioning away from single use bags. <https://www.phila.gov/programs/plastic-bag-ban/>
- Pittsburgh: Customers would be required to bring their own reusable bags or pay a fee of 15% or higher. Retailers would use the fee to recoup the costs of using paper over plastic

Definition:

- "Paper bag." A bag or pouch made of paper product that is designed and intended to be used for the carrying of goods purchased at a retail establishment and that is provided to the consumer by the retail establishment at the point of sale.
- "Plastic bag." A bag or pouch of flexible packaging made of thin, flexible plastic film that is designed and intended to be used for the carrying of goods purchased at a retail establishment and that is provided to the consumer by the retail establishment at the point of sale.
 - The term does not include: (1) A reusable bag or pouch specifically designed for multiple use and that is made of cloth, fabric or durable plastic of at least 2.25 mils. (2) A bag or pouch to carry or bundle produce for delivery to the point of sale at a retail establishment. (3) A bag or pouch made of compostable material that meets the ASTM D6400-19 standard for compostable plastic.
 - "Retail establishment." An establishment that sells or offers to sell at retail consumer goods to the public. Section 203-C. Imposition of fee. (a) Imposition of fee.--There is imposed on each paper bag supplied by a retail establishment to a purchaser of consumer goods at the point of sale a fee of 15¢.¹⁰⁷

¹⁰⁶ <https://www.inquirer.com/news/philadelphia/philadelphia-plastic-bag-ban-date-20210623.html>

¹⁰⁷ <https://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2021&sessInd=0&billBody=H&billType=B&billNbr=1382&pn=1496>

Implementation and transition:

House bill 1382 on page four paragraph one states “The department shall promulgate regulations necessary to administer this article.

Section 2. Any regulation inconsistent with this act is abrogated to the extent of any inconsistency with this act. Section 3. This act shall take effect as follows:

- (1) The addition of section 206-C of the act shall take effect upon the expiration of the prohibition under section 1706-E(d) of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code. (2)
- (2) The remainder of this act shall take effect in 60 days.¹⁰⁸

Operation and Enforcement:

To be determined by the department promulgating the regulations.

Impact of actions:

“One of the studies, conducted by the Legislative Budget and Finance Committee, concluded that plastic bags weren’t a big source of pollution to Pennsylvania’s municipalities. Another, by the Independent Fiscal Office¹⁰⁹, said demand for light-weight plastic bags would fall by 1.6 billion a year. Retailers would shift to paper bags or heavier-weight plastic bags, while some consumers would buy more trash bags and ultimately spend \$70 million more, it said.”¹¹⁰

So far it is still too early to determine if the measurements in Philadelphia/Pittsburgh have worked. One big issue is that people cannot find bags approved for takeout. The supply chain is at issue and businesses are struggling to find compliant bags.

¹⁰⁸ Id.

¹⁰⁹ http://www.ifo.state.pa.us/download.cfm?file=Resources/Documents/Single-Use%20Plastics%20Report-2020_06.pdf

¹¹⁰ <https://www.timesobserver.com/news/local-news/2021/05/lawmaker-proposes-statewide-plastic-bag-ban/#:~:text=Any%20Pennsylvania%20businesses%20found%20giving,using%20plastic%20and%20paper%20bags.>

Single Use Plastics Management in Washington, District of Columbia (DC)

Description:

Washington, D.C., is the capital city and only federal district of the United States, with population of 670,050 people (as of July 1, 2021), which makes it the 20th-most populous city in the U.S.¹¹¹

Overview of Single Use Plastics Management.

In 2008, Department of Energy and Environment (DOEE) commissioned a systematic assessment of the type and source of trash in the Anacostia River. The study was performed by Anacostia Watershed Society that revealed that disposable plastic bags were one of the most prevalent types of trash pollution in the Anacostia River.

As a result, DC enacted the Anacostia River Clean Up and Protection Act of 2009¹¹² (commonly known as the “bag law”) that was the first of its kind in the nation. Overall, the purpose of this law is to protect the aquatic and environmental assets of the District of Columbia, ban the use of disposable non-recyclable plastic carryout bags, establish a fee on all other disposable carryout bags provided by certain retail stores, and establish the recurring Anacostia River Cleanup and Protection Fund.¹¹³

The Act prohibited the sale and distribution, retail or wholesale, of disposable carryout bags made of plastic that cannot be 100% recycled. This prohibition applies to all establishments in the District, whether or not the establishment is a retail establishment.¹¹⁴ Further, the Act imposes fees for the bag usage that is 100% recyclable. The law required retail establishments (that include businesses that sell food or alcohol) to charge a \$0.05 fee for each paper and plastic bag distributed with any purchase, with certain exemptions. Paper bags distributed at restaurants with seating do not need to meet the District’s material and labeling requirements.¹¹⁵ The primary goal of the bag law was to change consumer behavior by discouraging use of disposable bags, thereby reducing trash pollution in the District’s waterways.¹¹⁶

Definition and exemptions

The law defines the disposable carryout bags made of paper and plastic. It requires them to be 100% recyclable. The paper bags should contain a minimum of 40% post-consumer recycled content. The plastic bags should be made of high-density polyethylene film marked with the SPI resin identification code 2 or low-density polyethylene film marked with the identification code 4. Both types of bags should display the phrase “Please Recycle this Bag”, or a substantially similar phrase, in a highly visible manner on the bag exterior.

Regulation supplementing the Act in section 21-1006 provides the list of disposable bag usages that are not subject to the Act. They are:

¹¹¹ <https://worldpopulationreview.com/us-cities>

¹¹² https://doee.dc.gov/sites/default/files/dc/sites/ddoe/publication/attachments/Anacostia%20Clean%20Up%20and%20Protection%20Act%20of%202009_3.20.15.pdf

¹¹³ <https://doee.dc.gov/service/purpose-and-impact-bag-law>

¹¹⁴ <https://dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=21-10, #21-1011>

¹¹⁵ https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/Bag%20Law%20for%20Businesses%20Guidance.pdf. See https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/09_2019%20FINAL%20For%20Web%20Bag%20Law%20Food%20Court%20Memo.pdf for more details

¹¹⁶ <https://doee.dc.gov/service/purpose-and-impact-bag-law>

- a) a bag used by a customer inside stores to package bulk items, such as fruit, vegetables, nuts, grains or candy;
- b) A bag used by a customer inside a store to contain or wrap frozen foods, meat, or fish, whether or not the items are prepackaged;
- c) A bag used by a customer inside a store to contain or wrap flowers, potted plants, or other items where dampness may be a problem;
- d) A bag used by a customer inside a store to contain unwrapped prepared foods or bakery goods;
- e) A bag used by a customer by a pharmacist to contain prescription drugs;
- f) A newspaper bag, door-hanger bag, laundry-dry cleaning bag, or bags sold in a package intended for use as garbage, pet waste, or yard waste bags;
- g) A bag provided to a customer by the retail establishment for the purpose of transporting a partially consumed bottle of wine, as required by D.C. Official Code § 25-113(b)(5)(C);
- h) A paper carryout bag provided to a customer to take food away from a restaurant with seating, as described in D.C. Official Code § 47-2827(e)(2), unless the entity also holds a license as a Retail Food Establishment pursuant to D.C. Official Code § 47-2827(j); and
- i) A reusable carryout bag as defined in Section 1099.¹¹⁷

Implementation and transition,

The Bag Law took effect on September 23, 2009 and the associated fees for bag usage began on January 1, 2010. The final regulations¹¹⁸ were published in the DC Register on August 13, 2010. These regulations clarify how DOEE implements and enforces the requirements of the law.

Each retail establishment must charge \$0.05 bag fee and remit a portion of these fees to the Office of Tax and Revenue. The business retains \$0.01 (or \$0.02 if it offers a rebate when customers bring their own bag), and the remaining \$0.04 or \$0.03 go to Anacostia River Clean Up and Protection Fund, a special-purpose fund managed by the Department of Energy and Environment.¹¹⁹ The fee must be listed as a separate line item on the customer's receipt.

The sole purpose of the fund is to support watershed protection initiative, including education programs, stream restoration efforts, trash capture projects, and community outreach including the distribution of reusable bags.¹²⁰

Operation and Enforcement:

DOEE inspects over 500 businesses per year for compliance with the requirements of the Bag Law. In order to ensure that the inspector is being treated the same as other customers; an inspector will not identify him or herself during or after an inspection.

Non-compliant businesses will first be issued a Notice of Violation (NOV), a formal warning letter. Businesses must come into compliance with the requirements of the law by the corrective action deadline specified in the NOV. After the corrective action deadline passes, a business is subject to additional enforcement actions for continued noncompliance.

¹¹⁷ <https://dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=21-10>

¹¹⁸ <https://dcregs.dc.gov/Common/DCMR/RuleList.aspx?ChapterNum=21-10>

¹¹⁹ <https://doee.dc.gov/service/skip-bag-save-river>

¹²⁰ <https://doee.dc.gov/service/purpose-and-impact-bag-law>

A business found to be in noncompliance after having been issued an NOV will next be issued a Notice of Infraction (NOI), which carries a fine. A business' first NOI will carry a fine of \$100. Fine amounts double for each additional NOI, up to \$800. If a business contests an NOI or does not respond to an NOI, DOEE will file the case at the Office of Administrative Hearings (OAH), an external administrative court that functions as a neutral arbiter. When an NOI is filed with OAH, it will receive a new identification number and the business will have the opportunity to file a new plea with the court.

Additionally, Office of Tax and Revenue regularly audits businesses for compliance with the District's tax laws, including the remittance of bag fees. Businesses that fail to remit the appropriate amount of bag fees may be subject to enforcement action by Office of Tax and Revenue. Businesses should retain documentation justifying their bag fee remittance amount in case of an audit.¹²¹

Impact of DC's actions:

This bag law policy resulted in a drastic reduction in paper and plastic bag use in DC. Six months after the fee took effect, DOEE commissioned a survey of 600 randomly-selected District residents and 51 businesses. The survey found that 75% of residents reduced their disposable usage and majority of business reduced their disposable bag distribution by at least 50% as a result of the fee.

In 2013, DOEE commissioned a second series of surveys to assess the ongoing impact of the policy. Researchers interviewed 600 randomly-selected residents and 177 randomly-selected businesses in DC. The study found that both residents and businesses reported a significant reduction in disposable bag usage and that substantial majority of both residents and businesses support the bad fee.

However, in one of the interviews, Chris Weiss, the director of the D.C. Environmental Network, said that although data shows significant reductions in plastic bags, the fee hasn't been nearly as successful as many have suggested. "It is easy to see that the use of plastic bags is still very popular throughout the District," he said. Weiss said the area's next step would be to pass an outright ban on plastic bags, which would have a greater impact on usage.¹²²

In honor of 10 years from the date of enacted of the Bag law, the DOEE prepared 10 Years of the "5 Cent Bag Fee by the Numbers" that shows the effect of the policy in numbers.¹²³

¹²¹https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/Bag%20Law%20for%20Businesses%20Guidance.pdf

¹²² <https://www.gwhatchet.com/2018/02/07/district-tax-leads-to-sharp-decrease-in-plastic-bag-use/>

¹²³https://doee.dc.gov/sites/default/files/dc/sites/ddoe/service_content/attachments/Bag%20Bill%20Info%20Graphic%20v3.1.pdf

Single Use Plastics Management in California

Description: California is the United States' most populous state, with a population of over 39 million people.¹²⁴

Overview of Single Use Plastics Management: “On November 2016, California voters approved Proposition 67, on statewide Single-Use Carryout Bag Ban.”¹²⁵ [SB 270](#) came into effect, which prohibits grocery stores, pharmacies, and convenience stores to provide single-use carryout bags, and instead sell reusable grocery bags or recycled paper bags that meet specific requirements for a minimum of 10 cents.¹²⁶

Definition and Exemptions:

SB 270 defines “single-use carryout bag” as a bag made of plastic, paper, or other material that is provided by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable grocery bag that meets the requirements of Section 42281.

SB 270 provides that the following items do not constitute a single-use carryout bag:

- A bag provided by a pharmacy pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code to a customer purchasing a prescription medication.
- A nonhandled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag, a reusable grocery bag, or a compostable plastic bag.
- A bag provided to contain an unwrapped food item.
- A nonhandled bag that is designed to be placed over articles of clothing on a hanger.¹²⁷

Enforcement: Bag manufacturers and distributors who sell reusable grocery bags must submit their proof of certification to the California Department of Resources Recycling and Recovery via the Reusable Grocery Bag Reporting System (RGBRS). These bags must meet the requirements outlined in Public Resources Code Sections 42281, 42281.5, and 42282. Once RGBRS receives proof of certification, the names of the bag producers and their certified bags are posted on the list of Certified Reusable Grocery Bags and Producers. These bags must be certified every other year.³

Additionally, a person or entity that knowingly violated, or reasonably should have known that it violated the ban, may be fined \$1,000 per day for the first violation, \$2,000 per day for the second violation, and \$5,000 per day for the third and subsequent violations. The penalties are paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action.⁴

¹²⁴ H. Johnson, E. McGee, and M. Cuellar Mejia, PPIC, California's Population, available online at <https://www.ppic.org/publication/californias-population/>

¹²⁵ CalRecycle, Single-Use Carryout Bag Ban (SB270), available online at <https://calrecycle.ca.gov/plastics/carryoutbags/>

¹²⁶ Californians Against Waste, Are Your Reusable Bags Compliant with the California Bag Ban?, available online at <https://www.cawrecycles.org/sb-270-compliance>

¹²⁷ SB 270, available online at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201320140SB270

COVID-19 Effect on Single-Use Plastic Bag Ban: In April 2020, California Governor Gavin Newsom’s executive order allowed single-use plastic bags to be used for 60 days.¹²⁸ Front line workers were concerned that reusable bags might foster the spread of COVID-19, and “many grocers also asked shoppers to stop bringing in reusable bags, and instead offered disposable ones for free.”¹²⁹

Other:

[AB 1884](#) was approved by the governor on September 20, 2018, and prohibits a full-service restaurant from providing single-use plastic straws to consumers unless requested by the consumer. Violation of this bill would result in a fine not to exceed \$300 annually.

[AB 1276](#) was approved by the governor on October 5, 2021, and prohibits a food facility from providing any single-use foodware accessory or standard condiment to a consumer unless requested by the consumer. Violation of this bill would result in a fine not to exceed \$300 annually.

[AB 962](#) was approved by the governor on October 5, 2021 and “is established to promote beverage container recycling and provides for the payment, collection, and distribution of certain payments and fees based on minimum refund values established for beverage containers. The purpose of the bill is to move towards a refillable and reusable system, while removing single-use bottles.”¹³⁰

SB 54, the California Circular Economy and Plastic Pollution Reduction Act, was narrowly rejected for the second year in a row in 2020. The bill involved phasing out the majority of single-use plastics that can’t be recycled or composted and would require packaging and food service ware producers to ensure that all their plastic single-use packaging and priority single-use products are recyclable or compostable by 2032. Violation of this bill would result in fines of up to \$50,000 per day.¹³¹

¹²⁸ E. Anderson, KPBS, Plastic Bags Are Banned Again In California, But They’re Still Here, available online at <https://www.kpbs.org/news/environment/2020/07/10/plastic-bags-are-banned-again-california-theyre-st>

¹²⁹ A. Martichoux, ABC7News, Plastic bags are banned again in California as COVID-19 order expires, available online at <https://abc7news.com/california-plastic-bag-ban-are-reusable-bags-allowed-grocery-stores-during-covid-gavin-newsom/6262327/>

¹³⁰ L. Bothwell, Waste 360, Digging into Single-use Plastic Legislation in California, available online at <https://www.waste360.com/legislation-regulation/digging-single-use-plastic-legislation-california>

¹³¹ M. Ault, Alston & Bird, Recycles Single-Use Plastics Regime, available online at <https://www.alston.com/en/insights/publications/2020/12/california-legislature-recycles>

Boulder, Colorado

Category	Description
Jurisdiction/entity	Boulder, Colorado, Population: 108,250 (2020) ¹³²
Action taken	In 2013, Boulder instituted a Disposable Bag Fee Ordinance requiring a \$0.10 fee for plastic or paper checkout bags at all grocery stores ¹³³ https://bouldercolorado.gov/media/5850/download?inline
Definition	“Disposable bags” are defined as bags that 1) are not designed and manufactured to withstand repeated uses over time (minimum lifetime of 75 uses, capable of carrying at least 18 pounds), 2) cannot be cleaned and disinfected regularly, 3) are plastic less than 2.25 mm thick
Exemptions	The fee does not apply to restaurants, bulk or produce bags, newspaper bags, or any other kind of food packaging bags and the fee does not apply to anyone who participates in a federal or state food assistance program. ¹³⁴
Transition	The study was commissioned by the City of Boulder in 2012, the ordinance was adopted in November of that year, and the fee went into effect on July 1, 2013.
Operation	Grocery stores are required to post signage alerting customers to the Disposable Bag Fee in the city of Boulder. Store record the number of bags provided and the total fees charges. Paper checkout bags must be 100% recyclable and contain at least 40% post-consumer recycled content. Of each fee, \$0.04 is retained by the store and must be applied to staff training on implementation, signage, administration of the fee, educational materials, etc. The other 60% is remitted quarterly and used by the city for relevant activities including education, infrastructure and programs to reduce waste, administration associated with the fee, providing reusable bags, local cleanup and mitigation of the effects of disposable bags, etc.
Enforcement	The fee is administered by the city manager. If the amount due is not received by the due date penalty and interest charges are added. Assumedly the amount due is calculated from the required reporting of bags provided. If requested, stores must provide their records for audit by the city.

¹³² <https://www.census.gov/quickfacts/bouldercountycolorado>

¹³³ <https://bouldercolorado.gov/services/waste-regulations>

¹³⁴ <https://bouldercolorado.gov/services/waste-regulations>

Covid	The bag fee was temporarily suspended in March 2020, reinstated on July 1, 2020. ¹³⁵
Other	<p>In 2021, the STATE OF COLORADO passed a bill banning single-use plastic bags and polystyrene products in stores and restaurants,¹³⁶ which is obviously a more extreme and far-reaching management tactic than the City of Boulder’s current grocery-store-only fee. It will newly allow local governments to create ordinances that or at least as stringent as the state-wide act, which has been previously prohibited (i.e., a ban on bans/requirements for specific types of plastic materials/products).</p> <p>“The act prohibits stores and retail food establishments, on and after January 1, 2024, from providing single-use plastic carryout bags to customers; except that retail food establishments that are restaurants and small stores that operate solely in Colorado and have 3 or fewer locations may provide single-use plastic carryout bags. The prohibition does not apply to inventory purchased before January 1, 2024, and used on or before June 1, 2024, which may be supplied to a customer at the point of sale for a 10-cent or greater fee.”¹³⁷ The fee for remaining product follows the same proportional remittance as the current policy in Boulder, with 40% retained by venues and 60% going to the municipality or county for related costs, outreach, etc. Also like the current Boulder fee, it does not apply to customers that provide evidence of participation in food assistance programs.</p> <p>“The act does not apply to materials used in the packaging of pharmaceutical drugs, medical devices, or dietary supplements or any equipment or materials used to manufacture pharmaceutical drugs, medical devices, or dietary supplements.”</p>

¹³⁵ <https://www.denverpost.com/2020/06/28/boulder-reinstates-fee-for-using-disposable-bags/>

¹³⁶ <https://www.denverpost.com/2021/06/08/plastic-bag-polystyrene-ban-colorado-legislature/>

¹³⁷ <https://leg.colorado.gov/bills/hb21-1162>

Single Use Plastics Management in the State of Connecticut

Description: Connecticut is the third smallest state by area, the 29th most populous, and the fourth most densely populated of the fifty states (Population = 3,605,944).

Overview of Single Use Plastics Management: In accordance with [Conn. Gen. Stat. § 22a-246a](#), effective August 1, 2019, retailers making sales in Connecticut of tangible personal property to the public had previously been required to collect a \$0.10 fee per single-use checkout bag. Pursuant to **Executive Order No. 7N and No. 7NN** issued by Governor Lamont, the Plastic Bag Fee was suspended from March 26, 2020 through June 30, 2020 due to Coronavirus.

In the same legislation that enacted the plastic bag fee, the General Assembly also banned the use of such bags starting from July 1, 2021.

Many municipalities in Connecticut passed their own bag laws prior to the state-wide measure. These laws will still be honored as long as they are equally or more restrictive than the state law. Essentially, any laws that ban single-use plastic bags that are no more than 4.0 mils thick are still in place. Local laws that also impose restrictions on paper bags, such as a fee or a ban, are still allowed. Any existing laws that are not as strict as the state law will be overridden by the state ban. Any Connecticut municipality that wishes to impose a more restrictive bag ban is able to do so under the state-wide law¹³⁸.

Definition and exemptions:

According to Conn. Gen. Stat. § 22a-246a, “**Single-use checkout bag**” means a plastic bag with a **thickness of less than four mils** that is provided by a **store** to a customer at the point of sale. “Single-use checkout bag” does not include: (A) A bag provided to contain meat, seafood, loose produce or other unwrapped food items; (B) a newspaper bag; or (C) a laundry or dry cleaning bag. And “**Store**” means any retailer, that maintains a retail store within the state and sells tangible personal property directly to the public.

Implementation and transition:

A law passed in 2019 called to ban single-use plastic bags throughout Connecticut. The measure implemented a plan to phase in the ban. Initially, a fee would be charged for disposable plastic bags and the fee would eventually give way to a complete ban.

But at the first phase of law enforcement, Coronavirus happened, and the fee was suspended from March 26, 2020 through June 30, 2020.

Connecticut's 10-cent tax on single-use plastic bags was eliminated on July 1, 2021 as a ban went into effect instead.

Operation and Enforcement:

Any retailer that improperly collects or any customer who mistakenly pays the plastic bag fee after June 30, 2021 would be eligible to seek a refund from the Department of Revenue Services.

¹³⁸ <https://www.factorydirectpromos.com/blog/answering-5-common-questions-connecticut-bag-ban/>

State of Delaware

Category	Description
Jurisdiction/entity	Name, location, population
State of Delaware	Delaware is a state in the Mid-Atlantic region of the United States, bordering Maryland to its south and west; Pennsylvania to its north; and New Jersey and the Atlantic Ocean to its east. The United States Census Bureau determined that the population of Delaware was 1,003,384 on July 1, 2021 (U.S. Census Bureau QuickFacts: Delaware)
Action taken	Ordinance, regulation/law, voluntary
	In 2019, the Delaware General Assembly passed a law banning plastic carryout bags (82 Del. Laws c. 166). In 2021, the Delaware General Assembly updated that law expanding both the bags banned and the stores impacted by the law (83 Del. Laws c. 216).
Definition	How is single use plastic defined? What does it include?
	“Plastic carryout bag” means a plastic bag provided by a store to a customer at the point of sale made from plastic and not specifically designed and manufactured to be reusable.
Exemptions	Any exemptions
	<ul style="list-style-type: none"> - Restaurants are not subject to the ban. - A store may provide plastic carryout bags for any of the following purposes: <ul style="list-style-type: none"> o a. Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness. o b. Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste. o c. Bags used to contain live animals such as fish or insects sold in pet stores. o d. Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals. o e. Non-handled bags used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or a reusable grocery bag. o f. Bags provided to contain an unwrapped food item. o g. Nonhandled bags that are designed to be placed over articles of clothing on a hanger. o h. Bags used by customers inside a business to package loose items, such as nuts, ground coffee, grains, fruits, vegetables, or candies. 83 Del. Laws c. 216, (e)(3). o
Transition	What was the process of transitioning into this program?
	Updated carryout bag ban Law in 2021 will start in July, 2022.
Operation	How is the program handled day to day?
	- The store which provides plastic bags for exemptions listed in paragraph (e)(3) (<i>listed above</i>) of the Law shall establish an at-store recycling program pursuant to this section that permits a customer of the store to return clean and dry plastic bags and film to the store.

- A plastic bag and film collection bin shall be placed at each store and shall be visible, easily accessible to the consumer, and clearly marked that the collection bin is available for the purpose of collecting and recycling plastic carryout bags.
- All plastic bags and film collected by the store shall be collected and recycled in a manner consistent with the intent of this Law. In no instance, shall a store permit collected plastic bags and film to be disposed of or to further any act other than the recycling of such bags.
- The store shall maintain records describing the collection and recycling of plastic bags and film collected by such store and shall make the records available to the Department of Natural Resources and Environmental Control (DNREC), upon request, to demonstrate compliance with the Law.
- The law allows retail stores to charge a fee for the bags they provide at point of sale but does not require it.
- The store shall make reusable bags available to customers within the store, which bags may be purchased by such customer and used in lieu of using a plastic carryout bag or paper bag.
- A store may make paper bags available for no cost or charge any price at their discretion.
-

Enforcement	If included as an element, how is enforcement handled? Who addresses issues of concern?
<p>Unless expressly authorized by this Law, a county, city, or other public agency shall not adopt, implement, or enforce an ordinance, resolution, regulation, or rule to do any of the following:</p> <ul style="list-style-type: none"> - Require a store that is in compliance with this section to collect, transport, or recycle plastic carryout bags. - Impose auditing or reporting requirements upon a store that are in addition to those set forth in respective paragraph of the Law. <p>This Law does not prohibit the adoption, implementation, or enforcement of any county, city or other local ordinance, resolution, regulation, or rule governing curbside or drop off recycling programs operated by, or pursuant to a contract with, a county, city, or other public agency, including any action relating to fees for these programs.</p>	
Covid	How did the pandemic affect this program, if at all?
None	
Other	Anything else notable
<p>The definition of a “reusable bag” is notable.</p> <p>“Reusable bag” means a carryout bag made of polypropylene fabric, PET non woven fabric, nylon, cloth, cotton, jute, hemp product, or other washable fabric which also meets all of the following requirements:</p> <ul style="list-style-type: none"> - Is a bag made of cloth or other durable fabric that has stitched handles. - Has a volume capacity of at least 4 gallons (equivalent to 15 liters or 924 cubic inches). - Is machine washable or made from a durable material that can be cleaned and disinfected. - Does not contain lead, cadmium, or any other toxic material that may pose a threat to public health. A reusable bag manufacturer may demonstrate compliance with this requirement by obtaining a no objection letter from the federal Food and Drug Administration. 	

Single Use Plastics Management in Gainesville, Florida

Jurisdiction

Gainesville is a city in northern Florida with a population of 134,993.

Action taken

ORDINANCE NO. 180678 prohibiting the use and sale of single-use plastic straws and stirrers. SEC. 27-93: Beverage providers shall not sell, use, offer for sale or use, or provide to any person a single-use plastic straw or single-use plastic stirrer. Passed and adopted August 15, 2019.¹³⁹

Definition

Single-use plastic straw means a disposable tube used for the purpose of consuming beverages and intended for one-time use, which is made predominantly of plastic derived from petroleum polymer or a biologically-based polymer.

Single-use plastic stirrer means a device that is used to mix beverages and intended for one-time use, and made predominantly of plastic derived from a petroleum polymer or a biologically based polymer.

Exemptions

- a. Pre-packaged beverages with a single-use plastic straw or single-use plastic stirrer that are prepared and packaged outside the City and are not altered, packaged or repackaged within the City.
- b. Boxes of pre-packaged single-use plastic straws or single-use plastic stirrers that are offered for retail sale to a consumer for personal use, that are prepared and packaged outside the City and are not altered, packaged or repackaged within the City.
- c. By medical or dental facilities.
- d. By hospitals.
- e. By nursing homes or assisted living facilities.
- f. By any disabled person that requires or relies on same to consume beverages and/or food supplements.

Transition

This Ordinance provides for an implementation period (during which this ordinance will not be enforced) allowing beverage providers to expend their current stock of single-use plastic straws and stirrers and transition to reusable, recyclable, or compostable alternatives. SECTION 6: This ordinance shall become effective immediately upon adoption; however, to allow time for beverage providers to expend their current stock of single-use plastic straws and single-use plastic stirrers and transition to reusable, recyclable, or compostable alternatives [including paper, bamboo, and wheat products], the City will not commence enforcement of this ordinance until 8 am on January 2, 2020.

¹³⁹ <https://mcclibraryfunctions.azurewebsites.us/api/ordinanceDownload/10819/974430/pdf>

Operation

Food and/or beverage service providers, special event permittees, and any vendor operating under a city permit cannot sell or use the banned single-use plastic straws or stirrers.

Enforcement

Gainesville may enforce this ordinance by civil citation of \$250.00. In addition, persons who are not in conformity with these requirements shall be subject to appropriate civil action in the court of appropriate jurisdiction for injunctive relief.

Covid

Covid did not frustrate the ordinance's roll-out.

Other

Gainesville had passed a much broader plastic ban including polystyrene containers and single-use carry out plastic bags.¹⁴⁰ However, shortly after the ordinance passed, on July 15, 2019, the city received a letter from the Florida Retail Federation asking the city to repeal the ordinance and threatening legal action if not done so within 60 days. This effort was spearheaded by the supermarket chain Publix. Thereafter, in August 2019, the Gainesville City Commission voted to repeal the ordinance banning the use of plastic bags and polystyrene foam containers. Their decision came after the 3rd District Court of Appeals sided with the Florida Retail Federation in a case against Coral Gables regarding a similar plastic ban. The appellate court upheld the constitutionality of sections of state law that prohibit local governments from regulating plastic bags and other packaging through home rules. This caused other FL cities and towns with such ordinances to repeal or delay their bans.

¹⁴⁰ See DRAFT ORDINANCE NO. 170487, https://www.wuft.org/news/files/2019/01/170487_draft-ordinance_20190117.pdf.

City and County of Honolulu, Hawaii

Jurisdiction

Honolulu City and County signed the Disposable Food Ware Ordinance (DFWO) into law in December 2019. This ordinance restricts the use and sale of polystyrene foam food ware, disposable plastic food ware, and disposable plastic service ware; and dictates when disposable service ware can be provided with their mood. The Plastic Bag Ban preceded the DFWO in 2015, prohibiting businesses from providing plastic bags at point of sale. The population of Honolulu is 350,000. However, this does not account for the influx of tourists.

Actions taken

Honolulu's ban on plastic bags is considered one of the strongest in the country. The ordinance prohibits businesses from giving out plastic bags, utensils, and straws. Bags and utensils may still be available, only on request, for a fee, and made of recyclable material. The ordinance is part of a larger effort to reduce waste, through the Integrated Solid Waste Management Plan and the inter-island State-level Aloha + Challenge.

Definition

A full category of definitions is available on the honolulu.gov website. The most important:

- “Plastic”: petroleum-derived material. The ordinance further defines how much plastic a product can contain before it is considered non-compliant. For example, a plastic sticker on a product would not be considered a plastic product.
- “Disposable” is defined as either an item designed for a single use or not manufactured for long-term or multiple use.
- “Food vendor” comprehensively includes any person or entity selling or providing prepared food for consumption. Roadside stands, very common, are specifically mentioned.
- “Prepared food” that is ready to be consumed without further preparation on or off premises.

Exemptions

During the pandemic, the city granted an exemption for the sale and use of polystyrene foam food ware and disposable food ware through September 2022, while keeping the rest of the ordinance in effect. This was intended to ease the pressure off of businesses during the pandemic and allow for more time to educate the public on compliance.

Some items are exempt from the DFWO ban, including packaging raw meat, hospitals, and certain food items (such as prepackaged and shelf-stable food) Poke, a Hawaiian raw fish, is mentioned particularly by the government, exempt because it packages raw meat. Plastic wrapping is not considered to be plastic ware, and is exempt. Food delivery services were not exempt. Businesses also may apply for exemptions from the city of Honolulu.

Transition

The Plastic Bag Ban: In 2015, city ordinance prohibited businesses from providing plastic or non-recyclable paper bags to their customers at the point of sale for the purpose of transporting groceries, etc. In 2019, city ordinance amended the plastic bag ban to allow businesses to charge for a reusable, compostable plastic or recyclable paper back. In 2020, the definition of a “reusable bag” was further defined. As it stands, businesses may provide a bag made from reusable cloth or washable fabric,

reusable paper, or recyclable paper.

In January 2021, the first phase of the DFWO was intended to take effect, prohibiting the plastic bag ban, and ban of disposable (as well as plastic) service ware and polystyrene foam food ware. It was subsequently postponed for 90 days due to the pandemic. As of April 2021, plastic bags, utensils, and straws were prohibited. Starting September 2022, the second phase, full compliance with DFWO is required. Food vendors cannot sell, serve, or provide prepared food in polystyrene foam or disposable plastic food ware.

Operation

In practice, food vendors and businesses are prohibited from providing foam food ware, disposable plastic service ware, or disposable plastic food ware. The ordinance specifies that both food vendors and businesses must comply. With the climate, there are many outdoor and beachside food vendors, for whom disposable food ware seems to be the natural option.

All businesses in the City and County of Honolulu are obligated to comply. However, the plastic bag ban is only implicated at the point of sale. Therefore, hotels are exempt from the ban, favoring the tourist industry.

Disposable service ware may only be provided when non-plastic and at the customer's request, meaning that the business may not provide single use utensils without.

During the summer of 2021, after the ordinance took effect in January of that year, Honolulu City Council reported positive feedback about reduced plastic in the community. However, the facilities to process compostable material simply do not yet exist on the island. The permanent communities on the island are tight-knit and separate initiatives, like a reusable takeout container program, also emerged around the ordinance. This in particular is a solution that may only work in a smaller community, like North Shore Oahu. Certain restaurants in the same area are testing reusable takeout containers, where anyone who signs up for the program can order their takeout food in reusable containers. After using the containers, customers have seven days to drop off the dirty container to be sanitized and reused. The system runs off of a mobile app and does not cost unless the containers are not returned.

Enforcement

To verify compliance, the Department of Environmental Services (ENV) investigates complaints from the public and reserves the right to randomly inspect food vendors and businesses. If there is a violation, ENV will take steps to assist the establishment in becoming compliant. If there is not any effort to address the violation, they may receive a civil fine of \$100 to \$1000 per day. The ENV is held to administrative rules.

Sources

- <https://www.honolulu.gov/opala/recycling/dfwo.html>
- <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/04/01/honolulu-enforces-plastic-bag-ban-after-pandemic-pause>
- <https://www.civilbeat.org/2021/07/the-problem-with-honolulus-single-use-plastic-ban-at-restaurants/> <https://www.staradvertiser.com/2021/03/31/hawaii-news/ban-on-disposable-plastic-food-utensils-and-single-use-bags-starts-thursday-in-honolulu-2/>

State of Hawaii

The state of Hawaii is an island group located in the Pacific Ocean and has a population of 1.416 million people. It is the first state to have plastic bag reduction laws in all counties.

The lawmakers in Hawaii are considering a ban on single use plastic bottles over the next two to three years. It would mean that production, distribution and sale of water bottles would become illegal. (https://www.capitol.hawaii.gov/session2022/Bills/HB1706_.pdf)

Hawaii legislature is also considering a bill to ban small toiletries in hotels to help with the growing problem of plastic pollution in the state. If passed, the bill prohibits hotels with 50 or more beds to hand out personal care products in small plastic bottles by 2024-2025. One of the reasons being that these plastic bottles are not biodegradable and greatly contribute to island's pollution problem.

The state has already banned plastic straws and single-use plastic bags. By definition, it includes plastic products that are only being used once or for a short period of time before they are thrown away. (<https://health.hawaii.gov/wic/files/2020/05/Mandatory-Plastic-Bag-Ban.pdf>)

Exemptions from the ban of plastic bags are:

- A. Bags used by customers inside a business to package loose items, such as fruits, vegetables, nuts, ground coffee, grains, candies, or small hardware items;
- B. Bags used to contain or wrap frozen foods, meat or fish, flowers or potted plants, or other items to contain dampness;
- C. Bags used to protect or transport prepared foods, beverages, or bakery goods, including takeout bags used at
- D. restaurants, fast food restaurants, and lunch wagons, to transport prepared foods;
- E. Bags provided by pharmacists to contain prescription medications;
- F. Newspaper bags for home newspaper delivery;
- G. Door-hangerbags;
- H. Laundry, dry cleaning, or garment bags, including bags provided by hotels to guests to contain wet or dirty clothing;
- I. Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
- J. Bags used to contain live animals, such as fish or insects sold in pet stores;
- K. Bags used to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level;
- L. provided that this exemption shall be limited to one bag per customer

Growing environmental concern regarding plastic that was found all over beaches in Hawaii, its waterways and in the ocean, desire to reduce climate change, protection of the health of humans, animals and marine life led to one of the strictest plastic laws in the US passed on Oahu on December 4, 2019, where the Honolulu City Council passed Bill 40 with a vote of 7-2. The mayor signed the bill into law on December 15, 2019. This bill is the most comprehensive phaseout of single-use plastic in the nation, and bans nearly all takeout plastics over a 2 year period.

On a daily basis the program is phasing out plastic bags, polystyrene food ware like “Styrofoam”, plastic containers, cups, lids and single-use plastic service ware (straws, stirrers and utensils). Companies with their businesses in Hawaii will have to move towards using paper and plant-based compostable products.

It started from early January 2013, when businesses that provided single use plastic carryout bags were required to charge a fee. A year later all plastic carryout bags were prohibited.

From July 1, 2018, reusable cloth or washable fabric bag, reusable paper bag and recyclable paper bag were allowed to be provided by businesses at a charge of 15 cents to the customer.

From January 1, 2021 (with a 90 day education period extension) a petroleum based plastic ban applied to food vendors (such as restaurants, bars, food trucks, caterers, grocers). It banned plastic bags with handles and disposable plastic service ware (such as plastic forks, straws). The second phase went into effect on January 1, 2022. It applied to all vendors and covered disposable plastic and Styrofoam food ware (such as plates, bowls, Styrofoam and clamshell containers). (<https://www.honolulu.gov/opala/recycling/plastic-bag-ban.html>)

During Covid, local environmental groups were concerned that the pandemic is making plastic pollution an even bigger problem. The early fears about surface contamination during Covid backfired and led to an increased use of plastics for packaging foods and beverages. The ongoing perception of it being an effective way to stay healthy and safe contributed to blossoming of take-away orders from café’s and restaurants that resulted in 5-6 times higher consumption of disposable plastic containers. In addition to this there was a suspension on the ban on single-use plastic checkout bags for 60 days (April-May 2020) in the early stages of the pandemic. (<https://hawaii.zerowaste.org/site-content/uploads/2021-03-24-County-of-Hawai'i-Single-Use-Plastic-Checkout-Bag-Ban-Is-In-Full-Effect-Media-Release.pdf>)

However, even if at a first glance it may seem as a good decision towards a sustainable and environmentally friendly state of Hawaii, the banning of plastics does not come without any disadvantages. There is a risk that manufacturers, retailers and customers will be pushed towards other single-use solutions that may be even less environmentally friendly. Some critics say that the problem lies within waste management and product design instead.

Some estimates indicate that paper requires several times as much energy and water in its production in comparison to plastic. Studies have also shown that paper and cotton bags must be used a certain amount of times in order to leave a lesser environmental footprint than a comparable plastic product.

To sum up, it is not only important to look at what the single-use product is made of, but also look at the infrastructure around it (possibility to collect, reuse) for recycling.

Single Use Plastics Management in the City of Chicago, Illinois

Jurisdiction: Chicago, Illinois, with a population of 2.71 million people.

Overview of the Single Use Plastics: A ban on single use, thin plastic bags was introduced in Chicago in August 2015. Single use plastic bags were defined as those under 2.25 mils in thickness.

The policy first only applied to large stores, which were defined as stores over 10,000 sq ft. In August 2016, the regulation was expanded to include all chains and franchises, which were defined as “all retail establishments selling perishable or non-perishable goods, including but not limited to clothing, food, and personal items, but not to restaurants or any store that is not a chain store or franchise with “chain” defined as three or more stores with common ownership.”¹⁴¹

The idea was that thin single use plastic bags would be replaced by reusable or recyclable bags. What ended up happening was the bags were replaced by thicker plastic bags.

In response, the Chicago City council repealed the ban and replaced it with a tax on 1st Feb 2017.¹⁴² The ban should have been replaced immediately however, it took a month and for the month of January 2017, there was no plastic bag regulation. Eventually, a tax of 7 cent was levied on all disposable bags. Five cents of the tax went to the city and other two remained with the retailer. How and where these tax dollars were spent remain unclear. Whether there was a requirement to spend these dollars on waste management and what the retailer was supposed to do with the tax they were supposed to keep is also unclear.

This tax applied to all disposable bags with certain exceptions; these exceptions included

1. Customers purchasing groceries with benefits from the SNAP;
2. Plastic bags used to carry loose bulk items (such as fruits and vegetables);
3. Plastic used to segregate food that could contaminate other merchandise (such as meat);
4. The tax also did not apply to bags sold for more than 50 cents.

A study found that there was initially a 33% change from the second regulation (tax) when compared to the first regulation (ban). This change regressed to 31% after a quarter and 25% over a year. This may be because of loss aversion, as customers were accustomed to pay 0 cents for a bag, a sudden increase would feel like a loss. However, when shopping for expensive items, spending a dollar at most on plastic bags would not feel like a loss in the long term.¹⁴³ This study found that:

The ban repeal had no effect on the proportion of customers using a disposable bag, while the implementation of the tax led to a large decrease. Additionally, the ban led to the introduction of free thick plastic bags, a product that was eliminated after the ban was repealed. This suggests that all disposable bag regulations do not appear to be equally effective: the tax was significantly more successful than the ban at reducing the proportion of customers using a disposable bag as well as the amount of paper and plastic used.¹⁴⁴

¹⁴¹ Tatiana Homonoff, Lee-Sien Kao, Javiera Selman, Christina Seybolt, *Skipping the Bag: The Intended and Unintended Consequences of Disposable Bag Regulation*, JOURNAL OF POLICY ANALYSIS AND MANAGEMENT (2021), <https://onlinelibrary-wiley-com.ezaccess.libraries.psu.edu/doi/full/10.1002/pam.22325>.

¹⁴² See Chicago, Illinois, Municipal Code ch. 3-50-50.

¹⁴³ <https://www.politico.com/news/magazine/2019/11/21/plastic-bag-environment-policy-067879>

¹⁴⁴ Homonoff et al., *supra* note 117.

Covid: At the outset of the pandemic, the reusable tote bags were banned by most of the retailers. The tax was removed and plastic bags returned, however, now the tax has returned and most places now allow reusable tote bags. It is also worth noting that some places, were paying the taxes on their own rather than forwarding them to the customers as intended by the tax, if however, these costs were forwarded to the customers as discounts there would be even more of a reason to use a reusable tote bag.

Single Use Plastics Management in Portland, Maine

Description: Portland is a city on the coast of southern Maine with a population of approximately 68,408 (U.S. Census, April 1, 2020).¹⁴⁵ Tourism is one of Maine’s largest industries, with total expenditures more than \$6.2 billion in 2018.¹⁴⁶ Four and a half million visitors in 2018 were Canadian.

Overview of Single Use Plastics Management: Portland, ME has had a significant problem with pollution ending up in their waterways, specifically Casco Bay.¹⁴⁷ This has been an ongoing issue for Portland, and in the greater state of Maine, for decades. Over the past fifteen years, the City of Portland has tried to prioritize sustainability by lowering their carbon footprint and implementing eco-friendly solutions throughout the city. In October 2019, Portland’s city council unanimously (8-0) voted to ban the use of single-use **plastic straws**. As of January 1, 2021, the City of Portland prohibited the distribution of plastic straws, stirrers, and splash sticks (the small plugs for to-go coffee cups to keep liquid from spilling out). In June 2019, a **plastic-bag** ban was signed into state law by Maine Governor Janet Trafton Mills.¹⁴⁸ The following research focuses on Portland’s plastic straw ban.

Definition and exemptions: The City of Portland, Maine’s Plastic Straw Ordinance outlines several important definitions and exemptions.¹⁴⁹ Below are a few.

- Definitions
 - Non-plastic alternatives to plastic beverage straws: paper, sugar cane, bamboo, pasta, metal, etc.
 - Plastic beverage straw: tube made from predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker.
 - Plastic beverage straw, stirrer, and splash stick: include compostable and biodegradable petroleum or biologically based polymer straws, stirrers, and splash sticks but do not include straws, stirrers, or splash sticks made from non-plastic materials.
 - Special event permittee: someone who has a Special Event Permit from the City.

- Exceptions
 - Pre-packaged drinks sold at commercial establishments
 - Bulk packages of plastic straws sold by food and beverage providers
 - Use by medical or dental facilities
 - Use during a locally declared emergency
 - Use on request by individuals who require the use of a plastic straw for hot or cold beverages For purposes of clarity, no beverage provider may inquire the reason for such use by the individual.

Implementation and transition: Used a “phased approach” that first focused on discouraging the use of plastic straws by suppliers, businesses, and consumers, before prohibiting them altogether.¹⁵⁰ On April

¹⁴⁵ <https://www.census.gov/quickfacts/fact/table/portlandcitymaine/POP010220#POP010220>

¹⁴⁶ <https://www.visitportland.com/wp-content/uploads/2020/04/2018economicimpact.pdf>

¹⁴⁷ <https://www.cascobayestuary.org/casco-bay/pollution/>

¹⁴⁸ <https://www.sunjournal.com/2021/06/24/maines-ban-on-free-disposable-plastic-bags-starts-july-1/>

¹⁴⁹ <file:///Users/graceward/Downloads/Plastic%20Straw%20Ordinance%20as%20Passed.pdf>

¹⁵⁰ <https://www.portlandmaine.gov/2558/Straw-Ordinance>

1, 2020, the first phase of the ban implementation commenced. To *discourage* the use of single use plastic straws, stirrers, and splash sticks, food providers were only allowed to supply these items upon specific request. This approach gave consumers time to get adjusted to plastic straw alternatives such as paper, metal, pasta, sugar cane, and bamboo. On January 1, 2021, the plastic straw ban went into effect and the city *prohibited* the distribution of plastic beverage straws, stirrers, and splash sticks.

Operation and Enforcement: The City Manager or a designee has the primary responsibility for enforcement. If they determine that a violation has occurred, they can issue a written warning notice to the person in violation. Subsequent violations are then subject to the following penalties:

- A fine not exceeding \$100 for the first violation in a one-year period.
- A fine not exceeding \$200 for the second and each subsequent violation in a one-year period.

Impact of Portland’s actions: While it was difficult to find updated information on plastic pollution in Casco Bay or the greater Portland area, the Surfrider Foundation in Maine conducted outreach in February and March of 2021 to ask businessowners about how the straw ordinance was affecting them.¹⁵¹ Twenty Portland restaurants were randomly surveyed and only one expressed frustration. In an interview with a contact free take out restaurant that the Surfrider Foundation said “characterizes what we heard across the board,” they saw an immediate decrease in straw use and an increase in guests bringing their own metal or other multiple use straws. Though the restaurant had bamboo straws available upon request, they “went from 100-150 straws a week to a box of 200 bamboo straws lasting at least 3-4 months. This is, of course, a significant cost savings over the course of the year.” The business owner also noted that their guests gave “overwhelmingly positive feedback” and “the general consensus seemed to be a feeling of gratitude for adjusting a wasteful restaurant practice.” The Surfrider Foundation offers an activist toolkit for implementing plastic straw bans.¹⁵²

¹⁵¹ <https://legislature.maine.gov/testimony/resources/ENR20210315Gates132602415602843678.pdf>

¹⁵² http://publicfiles.surfrider.org/Plastics/Plastic_Straw_Program_Activist_Toolkit.pdf

Single-Use Plastic Ban in the State of Maine

Description: The State of Maine is located in the New England region of the United States. It borders New Hampshire and the Canadian provinces of New Brunswick and Quebec. It is the 12th smallest state by area and the 9th least populous, with a total population of approximately 1.3 million as of 2019.

Overview of the Single-Use Plastic Ban: Maine’s Legislature passed “L.D. 1532, An Act to Eliminate Single-use Plastic Carry-out Bags” in 2019 in order to mitigate the widespread use of single-use carry-out plastic bags and encourage the reusable bag or single-use paper bag use.¹⁵³ In a separate ordinance, Maine’s legislature passed 38 MRSA Chapter 15-A, a statewide ban on specific expanded polystyrene foam products.¹⁵⁴ In this ordinance, “a covered establishment may not process, prepare, sell or provide food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam.”¹⁵⁵ These ordinances officially took effect on July 1, 2021.

Definitions and Exemptions:

In the resolutions passed by its legislature, Maine defined single-use plastics to include the following:

- **Single-use carry-out bag:** this is a bag made of plastic, paper, or other material provided by a retail establishment at the point of sale to transport merchandise away from the retail establishment, and that is not a recycled paper bag or a reusable bag.¹⁵⁶
- **Polystyrene Foam:** is defined as “blown polystyrene and expanded or extruded foams using a styrene monomer.”¹⁵⁷
- **Beverage stirrer:** is defined as a device designed solely to mix liquids intended for internal human consumption and are contained in a single-serving container.¹⁵⁸

For the single-use carry-out bags ban, exemptions include bags provided by a pharmacy; those without handles used to protect items from being damaged; those used by customers inside a retail establishment to package things like fruits and vegetables, bakery goods, greeting cards, or small hardware items; those used to wrap frozen foods, meats or fish; or to cover flowers or potted plants; bags for laundry, dry cleaning or garment bags; newspaper bags; those used to contain live animals, such as fish or insects sold in pet stores; bags used by a hunger relief organization such as a food pantry; and bags that customers bring to the retail establishment for their own use.¹⁵⁹

For the ban on polystyrene foams, exceptions include personal or home use or its use for packaging

¹⁵³ MDEP. Single Use Plastic Bag Ban. Retrieved March 28, 2022, from <https://www.maine.gov/dep/waste/recycle/plastic-bag-film.html>

¹⁵⁴ MDEP. Polystyrene Foam. Retrieved March 29, 2022, from <https://www.maine.gov/dep/waste/recycle/polystyrene-foam.html#:~:text=This%20law%20bans%20the%20use,use%20by%20certain%20exempted%20entities.>

¹⁵⁵ Maine’s Legislature. (2019). Title 38: Waters and Navigation. Chapter 15-A: Disposable Food Service Containers. Retrieved March 29, 2022, from <https://legislature.maine.gov/statutes/38/title38sec1571.html>

¹⁵⁶ Maine’s Legislature. (2019). An Act To Eliminate Single-use Plastic Carry-out Bags. Retrieved March 28, 2022, from https://www.mainelegislature.org/legis/bills/bills_129th/chapters/PUBLIC346.asp

¹⁵⁷ Maine’s Legislature. (2019). Title 38: Waters and Navigation. Chapter 15-A: Disposable Food Service Containers. Retrieved March 29, 2022, from <https://legislature.maine.gov/statutes/38/title38sec1571.html>

¹⁵⁸ Ibid.

¹⁵⁹ Maine’s Legislature. (2019). An Act To Eliminate Single-use Plastic Carry-out Bags. Retrieved March 28, 2022, from https://www.mainelegislature.org/legis/bills/bills_129th/chapters/PUBLIC346.asp

peanuts.¹⁶⁰ Other exemptions include its use by a covered establishment “in an emergence for the immediate preservation of public health or safety,” those brought by a covered establishment by the consumer, and those purchased by a covered establishment already prepackaged at wholesale.¹⁶¹

Note: the exemption on polystyrene foams sold by a covered establishment that they purchased already prepackaged at wholesale is temporary until **July 1, 2025.*¹⁶²

Implementation and Transition:

There were no stated or outlined transition periods to phase out using either the single-use carry-out bags or polystyrene foam. Instead, in the instance of the single-use carry-out bags, the government encouraged restaurants, stores, and temporary businesses to deplete their stock before the enforcement date (which had been moved twice before because of COVID-related issues), while grocery stores and other large retailers were mandated to charge consumers a 5-cent fee per bag.¹⁶³

Operation and Enforcement:

It is not clear who has the enforcement authority throughout the research; however, there are penalties for violating the ordinances. Violation of the polystyrene foam ban can incur up to a \$100 fine,¹⁶⁴ while the violation of the single-use carry-out bags ban is punishable under the civil penalties of Title 38 §349, which states,

“Except as otherwise specifically provided, a person who violates a law administered by the department, including, without limitation, a violation of the terms or conditions of an order, rule, license, permit, approval or decision of the board or commissioner, or who disposes of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose, in violation of Title 17, section 2264-A, is subject to a civil penalty, payable to the State, of not less than \$100 and not more than \$10,000 for each day of that violation or, if the violation relates to hazardous waste, of not more than \$25,000 for each day of the violation. This penalty is recoverable in a civil action.”¹⁶⁵

COVID-19-related Delays: The ban on single-use carry-out bags was initially supposed to take effect in April 2020; however, it was delayed twice due to two specific reasons related to the COVID-19 outbreak. The first concern was the potential transition of the virus,¹⁶⁶ while the second, in December

¹⁶⁰ MDEP. Polystyrene Foam. Retrieved March 29, 2022, from <https://www.maine.gov/dep/waste/recycle/polystyrene-foam.html#:~:text=This%20law%20bans%20the%20use,use%20by%20certain%20exempted%20entities>.

¹⁶¹ Maine’s Legislature. (2019). Title 38: Waters and Navigation. Chapter 15-A: Disposable Food Service Containers. Retrieved March 29, 2022, from <https://legislature.maine.gov/statutes/38/title38sec1571.html>

¹⁶² Ibid.

¹⁶³ Madore, D. (2021). “Statewide Ban on Single-Use Plastic Bags Goes into Effect July 1, 2021.” Retrieved March 28, 2022, from <https://www.maine.gov/dep/news/news.html?id=5010879>

¹⁶⁴ Mezzofiore, G. (2019). Maine Becomes The First State To Ban Styrofoam. Retrieved March 29, 2022, from <https://www.cnn.com/2019/05/01/us/maine-ban-styrofoam-trnd/index.html>

¹⁶⁵ Maine’s Legislature. Title 38: Waters and Navigation. Chapter 2: Department of Environmental Protection. Subchapter 1: Organization and Powers, Retrieved March 29, 2022, from <https://legislature.maine.gov/statutes/38/title38sec349.html>

¹⁶⁶ Associate Press, (2021). “Maine’s Statewide Single-Use Plastic Bag Ban Starts July 1.” Retrieved March 28, 2022, from <https://www.usnews.com/news/best-states/maine/articles/2021-06-21/maines-statewide-single-use-plastic-bag-ban-starts-july-1>

2020, was due to concerns stemming from disruption in packaging supplies.¹⁶⁷

Implementing the ban on polystyrene foams was also delayed from its original enforcement date, January 1, 2021, to July 1, 2021, due to disruptions caused by the COVID-19 pandemic.¹⁶⁸

¹⁶⁷ Madore, D. (2021). “Statewide Ban on Single-Use Plastic Bags Goes into Effect July 1, 2021” ” Retrieved March 28, 2022, from <https://www.maine.gov/dep/news/news.html?id=5010879>

¹⁶⁸ MDEP. Polystyrene Foam. Retrieved March 29, 2022, from <https://www.maine.gov/dep/waste/recycle/polystyrene-foam.html#:~:text=This%20law%20bans%20the%20use,use%20by%20certain%20exempted%20entities>

Single Use Plastics Management in Chestertown, Maryland

Description:

Chestertown, Maryland is a small community near Washington DC where most of the people's GDP depends on business organizations, such as the SuperFresh grocery store and small stores.

Overview of Single Use Plastics Management:

In 2011, Chestertown, MD prohibited the use of plastic bags.¹⁶⁹ At a town meeting, the Mayor and Council voted 3-2 to pass Ordinance 01-2011. Mayor Margo Bailey and Councilmen Jim Gatto and Gibson Anthony voted yea and Councilmembers Marty Stetson and Mabel Mumford-Pautz voted nay. Before passing the ordinance, there was a lengthy discussion involving biodegradable bags. Biodegradable bags were originally exempt from the ordinance, until questions were raised about how effectively the bags biodegrade.

Definition and exemptions:

Chestertown's Litter Control and Prevention Ordinance 01-2011 defines "waste" to include the following (among other items):¹⁷⁰

- Single use plastic bags at checkout.
- Paper bags would be allowed if they are recyclable.
- The requirement that paper bags have language stamped or printed on them declaring them recyclable has been removed.

Implementation and transition:

The Mayor and two council members agreed to the change to allow businesses currently using biodegradable bags 12 months to make the switch to compostable bags. The Mayor also said the time frame for when the ordinance will take effect has been expanded from six to nine months.

Operation and Enforcement:

Businesses would have nine months to use up their plastic bag supply before the ordinance took effect, an increase from the original six-month timeline. Stores, employees, or owners found in violation could face a municipal fine of \$100 to \$200.

¹⁶⁹ <https://chestertownspy.org/2011/04/05/plastic-banned-in-chestertown/>

¹⁷⁰ https://codelibrary.amlegal.com/codes/chestertown/latest/chestertown_md/0-0-0-5818

Montgomery County, Maryland

Jurisdiction/entity: Montgomery County, MD

Description: Montgomery County is a county in central Maryland north of Washington D.C. and is part of the Washington-Baltimore metropolitan area. It is one of the wealthiest counties in the country. The territory of county is 507 sq mi. The population of the county is ~1 062 061 people (2020 figures). In Maryland, Montgomery County has the highest GDP per capita of \$88,515 or 144% of State's per capita of \$61,331.

Action taken: In 2015 the use and sale of Polystyrene (#6-PS) in the County products were prohibited.

Ordinance, regulation/law, voluntary: Mandatory regulations/laws in this County are:

- Bill 41-14 Concerning solid waste (trash) – Food service Products – Packaging Materials - Requirements enacted in January, 2015.
(https://www.montgomerycountymd.gov/council/resources/files/lims/bill/2014/Signed/pdf/1336926_Signed_04042017.pdf).
- Bill 33-20 enacted in October, 2020.
(<https://www.montgomerycountymd.gov/SWS/Resources/Files/expanded-polystyrene/bill-33-20.pdf>).

Overview of Single Use Plastics Management: Polystyrene (#6-PS) products, such as foam and non-foam/rigid containers, bowls, plates, trays, cartons, cups, egg cartons, etc. are not recyclable in Montgomery County, Maryland. In 2015, the Montgomery County Council enacted and the County Executive signed Council **Bill 41-14**. This legislation effectively banned the use and sale of this material in the County. Subsequently in 2020, the County Executive proposed and the County Council enacted **Bill 33-20**, which clarifies the requirements initially passed in 2015.

While the requirements in Council Bill 41-14 remain in effect, the clarifications pertaining to the existing requirements in Council Bill 33-20 also become effective on January 1, 2022.

- Prohibits food service businesses from using any polystyrene (#6 PS) food service ware.
- Prohibits the sale of any polystyrene food service products and polystyrene loose fill packaging (also known as packing peanuts).
- Requires all county agencies, contractors, and lessees to use compostable or recyclable food service ware.
- Requires all other food service businesses to use compostable or recyclable disposable food service ware.

Definition: In the abovementioned Bills the following main definitions were given:

Disposable food service ware means containers, bowls, plates, trays, cartons, cups, lids, [straws, forks, spoons, knives, napkins,] and other items that are designed for one-time use for beverages, prepared food, or leftovers from means prepared by a food service business. [The term “disposable] Disposable food service ware[”] does not include items composed entirely of aluminum.

Expanded polystyrene means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

Expanded polystyrene food service products means food containers, plates, hot and cold beverage cups, meat and vegetable trays, egg cartons, and other products made of expanded polystyrene and used for selling, providing, or serving food that are:

- (1) intended by the manufacturer to be used once for eating or drinking; or
- (2) generally recognized by the public as items to be discarded after one use.]

Polystyrene means the synthetic aromatic hydrocarbon polymer made from the monomer styrene. Polystyrene products are thermoplastic petrochemical materials that include injection molded, vacuum formed, or extruded solid materials, and blown, expanded, and extruded foams.

Polystyrene food service products mean food containers, plates, hot and cold beverage cups, meat and vegetable trays, egg cartons, and other products made of polystyrene and used for selling, providing, or serving food and drink which are:

- (1) intended by the manufacturer to be used once for eating or drinking; or
- (2) generally recognized by the public as items to be discarded after one use.

Exemptions: The ban for a food service business does not sell or provide food in [expanded] polystyrene does not apply to:

(1) food or beverages that were filled and (sealed) packaged in [expanded] polystyrene containers outside of the County before a food service business received them; or

(2) materials used to package raw, uncooked, or butchered meat, fish, poultry, or seafood for off-premises consumption.

Also if the Executive determines that there is no available affordable compostable or recyclable alternative to a disposable food service ware item, this item must be listed on an exemption list and made available to the public. Sections 48-53 and 48-54 of the Bill 41-14 do not apply to disposable food service ware item on the exemption list or for the first 6 months after an item is removed from the list. The Executive must review and update the exemption list annually to determine whether any items should be removed because an affordable compostable or recyclable alternative has become available.

Implementation: Bill 41-14 was introduced in September 2014 and enacted in January 2015. It became effective in January 2016. It effectively banned the use and sale of Polystyrene (#6-PS) in the County. In July 2020, Bill 33-20 was introduced and enacted in October 2020 (effective in January 2021), which clarifies the requirements initially passed in Bill 41-14.

These laws are mandatory for all food service businesses, including full-service restaurants, limited-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, supermarkets, grocery stores, vending trucks or carts, food trucks, businesses or institutional cafeterias located in Montgomery County, Maryland. The law also applies to not-for-profit organizations and federal, state and local government facilities and for all food service operated by or on behalf of Montgomery County

departments and agencies, as well as other businesses selling or providing food within the County for consumption on or off the premises, and all retailers in Montgomery County, Maryland.

What was the process of transitioning into this program? When the first law was enacted, the majority thought that the move would put Maryland at the forefront of environmental policymaking. But before the Bill became effective it frustrated local business owners, who said the law would drive up costs at the restaurant and carryout business.

Nevertheless, according to Adam Ortiz, the former environmental director in Prince George's, who now works for the Environmental Protection Agency, since Prince George's and Montgomery counties approved foam bans in 2016, no businesses have come forward seeking exemption, and stream banks have gotten noticeably cleaner.

Operation/Enforcement: The Montgomery County, MD DEP RRMD/Waste Reduction and Recycling controls the use of the non-recyclable materials and makes List of Recyclable and Compostable Alternatives for Polystyrene Food Service Ware. There is also a broad range of authorized people like police, County Council members, members of the County etc. help to ensure compliance with the laws.

How did the pandemic affect this program, if at all? Because the Department of the Environmental Control always renews a List of Recyclable and Compostable Alternatives for Polystyrene Food Service Ware, there are always alternatives for single use bags, straws, cups etc., so the ban is for the use of Polystyrene (#6), but it does not prohibit the use of alternative materials for manufacturing the single use materials. Because of that the Pandemic did not have big influence on the program.

Boston, Massachusetts – Single Use Plastics Ban¹⁷¹ ¹⁷²

Jurisdiction/Entity:

Boston, Massachusetts, population: 675,647 (2020)

Action Taken:

On **December 14, 2018**, the City's plastic bag ordinance went into effect.

Definition:

This only applies to “checkout bags”, which means a carryout bag **with handles**. This does not include the following: newspaper bags, bag used to wrap produce, frozen food, meat or fish, laundry/dry-cleaner bags, or trash can liners.

Exemptions:

Needed to fill out application form found online [boston.gov/plastic-bags](https://www.boston.gov/plastic-bags) by December 14, 2018

1. No reasonable alternatives to plastic bags
2. Compliance would deprive of a legally protected right
3. Need to use up existing inventory of plastic bags (need to fill out exemption application monthly, instructions found on [boston.gov/plastic-bags](https://www.boston.gov/plastic-bags))

Operation:

Retailers can only keep recyclable paper bags, compostable bags, or reusable bags in stock. Each of these categories has a standard to follow, as outlined below:

Recyclable paper bag: Must be 100% recyclable, must contain at least 40% post-consumer recycled material, and must display these specifications in a visible manner on the outside of the bag.

Compostable bag: Conforms to ASTM D6400 standard and is certified under such standard and must be capable of decomposing at the same rate as other compostable materials.

Reusable bag: Must be designed and manufactured to be used more than once and must be made of durable material or durable plastic that is at least 3.0 mils (thousandths of an inch) in thickness.

These bags must be sold for **AT LEAST 5 cents** per bag. Retailers can charge more if they so choose. The cost of the bags must be posted and advertised within 5 feet of the checkout location.

Enforcement:

- Retail establishments 20,000 square feet+ began being inspected on Dec. 14, 2018
- Retail establishments 10,000 square feet+ began to be inspected on April 1, 2019
- Retail establishments smaller than 10,000 square feet began to be inspected on July 1, 2019

¹⁷¹ <https://www.boston.gov/departments/environment/understanding-plastic-bag-ordinance>

¹⁷² https://www.boston.gov/sites/default/files/embed/file/2018-12/basics_english.pdf

Covid:

On **March 24, 2020**, every business was temporary exempt from the plastic bag ordinance. This was thereafter revoked on **October 1, 2020**.

Violations:

Initial Violation: warning

2nd violation: \$50 fine

3rd or more violation: \$100 fine^{173 174}

Frequently Asked Questions

- *Is the 5 cent bag charge subject to MA sales tax?*
 - Yes.

- *Are there posters available to put within 5 feet of the checkout location?*
 - Yes, visit boston.gov/plastic-bags to find them in the “Documents” section

- *Are bags without handles subject to the ordinance?*
 - No, they are not. However, we encourage retailers to still search for environmentally friendly bags without handles.

- *Where can I buy compliant bags?*
 - You can find a list of certified retailers on boston.gov/plastic-bags

- *How can I get the ordinance and requirements translated into my language?*
 - We are working on getting the basics of the ordinance and our flyers translated into Spanish, Haitian Creole, Traditional Chinese, Vietnamese, and Cape Verdean Creole

- *Do I have to get rid of my existing plastic bags?*
 - No, you can file for an exemption due to existing inventory, as long as you mail monthly update reports to prove your inventory is decreasing to Inspectional Services. Please don't throw out your existing plastic bags!

¹⁷³ <https://www.boston.gov/departments/environment/understanding-plastic-bag-ordinance>

¹⁷⁴ https://www.boston.gov/sites/default/files/embed/file/2018-12/basics_english.pdf

Single Use Plastics Management in New Bedford, MA

Description: New Bedford is a village and former town in Essex County, Massachusetts, United States. It has a population of 95,339 (2022).¹⁷⁵

Overview of single use plastics management:

On January 9th, 2020, the New Bedford City Council voted 11-0 to approve an ordinance that prohibits businesses from giving single-use plastic bags to customers.¹⁷⁶ The Mayor officially approved the ban on January 16, 2020.¹⁷⁷ Following similar bans in cities and towns statewide, including in neighbouring Dartmouth, New Bedford's rule would have prevented any business with over 10,000 square feet of total retail space from giving out single-use plastic bags.¹⁷⁸

Definition and exemptions:

Single-use plastic bags are defined as: "A plastic film-type bag with or without handles, which is 4 mils thick or less, provided at the point of sale to customers at a business location."¹⁷⁹ There is one exemption: bags for loose produce or for products that are placed by a consumer to deliver items to the point of sale or check out area are not considered prohibited single-use bags.

Implementation and transition: The ban was officially approved on January 16, 2020. The ordinance was meant to take effect six months after Mayor Jon Mitchell signed it in January 2020, with time allowed for local businesses to phase out their plastic stocks. According to a local paper, "as anyone who has been to Market Basket lately knows, plastic bags are very much still in use — yet some city stores, like Trucchi's, are already using paper instead."¹⁸⁰

The main reason for this delay in implementation is the COVID-19 situation of 2020. During the first surge of the pandemic in early 2020, the state briefly prohibited reusable bags and allowed stores in municipalities with plastic bag bans to use the single-use bags as a safety measure. "But since then, New Bedford's ban seems to have fallen by the wayside."¹⁸¹ Mayoral spokesperson Lawrence noted: "Affected businesses should be preparing for this transition." "But with everything that businesses are going through at this time...implementation of the plastic bag ban has been pushed back to later this year, potentially in the spring." He cited the omicron surge and widespread staffing shortages — and sanitation and safety concerns — for the delay.¹⁸²

Operation and enforcement: Single-use plastic bags are prohibited regardless if they are free or available for sale. Businesses can sell the thick plastic bags intended for multiple uses. The existing stock of single-use plastic bags must be phased out within six months of the ban. Violations for businesses are counted by day, not per incident. The first offence is a \$100 fine, second offence is \$200 and third/subsequent offences are \$300 each.

¹⁷⁵ <https://worldpopulationreview.com/us-cities/new-bedford-ma-population>

¹⁷⁶ <https://www.newbedfordguide.com/10-things-to-know-about-new-bedfords-single-use-plastic-bag-ban/2020/01/12>

¹⁷⁷ Read More: What Happened to New Bedford's Plastic Bag Ban? | https://wbsm.com/what-happened-new-bedford-bag-ban/?utm_source=tsmclip&utm_medium=referral

¹⁷⁸ <https://www.newbedfordguide.com/10-things-to-know-about-new-bedfords-single-use-plastic-bag-ban/2020/01/12>

¹⁷⁹ <https://www.newbedfordguide.com/10-things-to-know-about-new-bedfords-single-use-plastic-bag-ban/2020/01/12>

¹⁸⁰ https://wbsm.com/what-happened-new-bedford-bag-ban/?utm_source=tsmclip&utm_medium=referral

¹⁸¹ https://wbsm.com/what-happened-new-bedford-bag-ban/?utm_source=tsmclip&utm_medium=referral

¹⁸² https://wbsm.com/what-happened-new-bedford-bag-ban/?utm_source=tsmclip&utm_medium=referral

Single Use Plastic Management in Lewisboro, NY

Lewisboro is a town in Westchester County, New York, United states. Town population was 12,265 in the 2020 census.

Regulation

This town regulates its single use of plastic and other disputes by Town of Lewisboro, NY, General Legislation. Specifically, we can find single use of plastic regulation on Chapter 181.

181-1 Purpose: The purpose of this chapter is to improve the environment in the Town of Lewisboro (the "Town") and to protect the health, safety, and general welfare of its residents by encouraging the use of reusable cloth or heavy plastic bags and banning single-use plastic bags for retail checkout of purchased goods. Retail establishments are encouraged to make cloth reusable bags available for sale and to encourage shoppers to bring their own reusable bags. In furtherance of the aforementioned purpose, it is also the intention of this chapter to prohibit the use of Styrofoam containers and Styrofoam cups by delis, food stores, food establishments and restaurants.

Action Taken

Single use of Plastic issue regulates as mandatory. If institutes or individuals violate the local regulation it can be protected by forcefully law¹⁸³.

Definitions

CHECKOUT BAG: A carry-out bag that is provided to a customer at the point of sale. The term "checkout bag" does not include plastic produce bags or plastic bags measuring 28" by 36" or larger in size.

PLASTIC PRODUCE BAG: A flexible container bag made of very thin plastic material with a single opening used to transport produce, meats or other items selected by customers to carry said items to the point of sale.

RECYCLABLE PAPER BAG: A standard 12-inch-by-17-inch-by-seven-inch paper grocery bag, with or without handles, that contains no old growth fiber, is 100% recyclable, contains a minimum of 40% post-consumer recycled content, and displays the words "recyclable" on the exterior of the bag.

RETAIL SALES: The transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmer's markets, flea markets, tag sales, sales by residents at their homes and sales by nonprofit organizations.

RETAILER: Any person or entity engaged in retail sales.

REUSABLE BAG: A bag with handles made of cloth or other fabric and/or made of durable plastic that is at least 2.25 mils thick.

STYROFOAM: Any type of expanded polystyrene foam ("EPS") material.

¹⁸³ Full of sources can be found in following link <https://ecode360.com/33475782>

Exemption

The Town of Lewisboro has article which can exempt only on Styrofoam items. The code states “181-7 notwithstanding anything to the contrary in this chapter, the following containers, cups and articles shall be exempt from the prohibition provided in this chapter:”

- A. Styrofoam containers used for prepackaged food filled and sealed prior to receipt by the store.
- B. Single-service articles consisting of Styrofoam sold in food stores off the shelf that do not contain any food or beverages in them.
- C. Styrofoam containers used to store raw meat, pork, fish, seafood, or poultry sold from a butcher case or similar retail appliance.

Transition

Town Board of the Town of Lewisboro did at a Town Board meeting on June 25, 2018, at 7:30 p.m. at the Lewisboro Town House, 11 Main Street, South Salem, New York, 10590, adopt a local law of the Town Code of the Town of Lewisboro which would enact Chapter 181, entitled “Retail Checkout Bags and EPS (Styrofoam).¹⁸⁴

Operation

This regulation effect started from January 1, 2019. Retailers shall only provide reusable bags and recyclable paper bags as checkout bags to customers. Retailers shall charge customers a fee of not less than \$0.15 for each paper bag. All fees collected by a retailer under this chapter shall be retained by the retailer. Nothing in this section shall prohibit retailers from making reusable cloth bags available for sale to customers at a price determined by the retailer. Plastic produce bags, newspaper plastic bags and dry cleaner plastic bags shall not be considered checkout bags for the purposes of this chapter and shall be exempt from the provisions of this chapter.

Enforcement

Enforcement and its elements can be explained by term which addressed chapter 181. In Lewisboro, retailers shall only provide reusable bags and recyclable paper bags as checkout bags to customers. Otherwise, it can be violation against local regulation.

Penalties for offenses: Any person or entity who violates the provisions of this chapter shall be guilty of a violation, punishable by a fine not exceeding \$250 for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$500 nor more than \$700; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$700 nor more than \$1,000. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations, but the charge itself shall be a violation level offense as a violation of the Town Code. Each day's continued violation shall constitute a separate additional violation as may be cited.

Covid influence: There is no official statement or information regarding to single use of plastic in Lewisboro during Pandemic.

¹⁸⁴ <https://www.tapinto.net/towns/katonah-slash-lewisboro/sections/government/articles/lewisboro-bans-plastic-bags-paper-bags-to-cost-1>

New York State

Jurisdiction: New York State has a population of 20,201,249 according to the 2020 US Census

Action: The ban focuses on specific types of plastic bags, with the full examination discussed below. <https://www.dec.ny.gov/chemical/50034.html>. The ban does not specifically target single-use plastics at large, just plastic bags that cannot be reused.

Implementation:

Several jurisdictions enacted local ordinances, including New York City and communities on Long Island. New York State then enacted a moratorium on local action and passed a statewide law in 2019. More of a timeline is below.

- Plastic bag commission established in 2017
- Initial report was published in January 2018 (reporting upwards of \$300,000 to \$1,000,000 a year in damages from plastic bags to recycling facilities).
- Ban was passed in March 2019
- Effective date to begin enforcement on March 1, 2020
- Initial suits were brought against the ban was going to go into effect in February 2020
- Litigation continued until January 2021, preventing the implementation to go into effect in October 2020

Definitions:

As used in this title:

1. "Exempt bag" means a bag: (a) used solely to contain or wrap uncooked meat, fish, or poultry; (b) bags used by a customer solely to package bulk items such as fruits, vegetables, grains, or candy; (c) bags used solely to contain food sliced or prepared to order; (d) bags used solely to contain a newspaper for delivery to a subscriber; (e) bags sold in bulk to a consumer at the point of sale; (f) trash bags; (g) food storage bags; (h) garment bags; (i) bags prepackaged for sale to a customer; (j) plastic carryout bags provided by a restaurant, tavern or similar food service establishment, as defined in the state sanitary code, to carryout or deliver food; or (k) bags provided by a pharmacy to carry prescription drugs.

2. "Plastic carryout bag" means any plastic bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry tangible personal property, regardless of whether such person required to collect tax sells any tangible personal property or service to the customer, and regardless of whether any tangible personal property or service sold is exempt from tax under article twenty-eight of the tax law.

3. "Paper carryout bag" means a paper bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry tangible personal property, regardless of whether such person required to collect tax sells any tangible personal property or service to the customer, and regardless of whether any tangible personal property or service sold is exempt from tax under article twenty-eight of the tax law.

4. "Reusable bag" means a bag: (a) made of cloth or other machine washable fabric that has handles; or

(b) a durable bag with handles that is specifically designed and manufactured for multiple reuse.

5. "Person required to collect tax" means any vendor of tangible personal property subject to the tax imposed by subdivision (a) of section eleven hundred five of the tax law.

Exemptions:

Some bags are exempt under the law (see above), so plastic bags may still be distributed to consumers in a few [specific circumstances](#), such as a bag used by a pharmacy to carry prescription drugs, and produce bags for bulk items such as fruits and vegetables. But as a consumer, you can aid in protecting our environment by using reusable bags as much as possible.

Operation:

The law, in its written form, created a lot of confusion for parties trying to understand the exact regulation being implemented. There was a 60-day public comment period, allowing parties to directly state their concerns and how they believed that the regulation could be modified to better accommodate the needs of the citizens and parties within the state as a whole. There was also work with the New York State tax and finance department to better explain how the sales tax enforcement would require businesses to comply.

Enforcement: Enforcement is handled by the DEC.

Covid: The pandemic itself didn't affect the ban, but lawsuits delayed its implementation which was hampered by the lack of in-person court hearings forcing the enforcement to be pushed back several months.

Single-use plastic management in the State of Oregon

General description: Oregon has a population of 4,237,256 in 2020. Oregon is famous for its efforts to protect the environment and for not doing business as usual. However, according to the Oregon Department of Environmental Quality's 2016 waste study, Oregon disposes of over 550 million pounds of plastic waste annually, with 11 million pounds of that amount coming from plastic grocery and merchandise bags alone.¹⁸⁵

Legislation on single-use plastics: The Oregon Legislature passed the Sustainable Shopping Initiative in 2019 (House Bill 2509).¹⁸⁶ Under this bill, Oregon retail stores and restaurants can no longer provide single-use checkout bags on Jan. 1, 2020. In most cases, they must also charge at least five cents for paper bags (with 40% or more post-consumer recycled content), reusable plastic bags (4 mils thick), and reusable fabric bags although restaurants may still provide paper bags at no cost.¹⁸⁷

Definition of single-use plastic bags: By its terms, HB 2509 applies only to bags that are (1) “single-use” and (2) used for checkout. The term “single-use checkout bag” includes:

- Any paper bag that is less than 40% post-consumer recycled fiber; and
- Any plastic bag that is not a reusable plastic bag;
- only if this paper or plastic bag is used for checkout.¹⁸⁸
-

Reasons for the reform: By encouraging the switch to reusable or recycled paper bags, Oregon can reduce the amount of bags that are used once and thrown out, while also addressing a significant problem for Oregon’s recycling programs: plastic bags. When plastic bags end up in recycling bins, they can contaminate the recycling stream and endanger the safety of workers who must untangle them from recycling equipment.

Impacts on the costumers: Consumers who do not bring reusable bags can expect to pay a small fee at the register. This fee helps offset the cost businesses pay to purchase more sustainable bags. This fee can vary by store and city or county.

Exceptions: The single-use checkout bag ban does not apply to bags provided to customers at a time other than checkout. Any bag that is not used for this is not covered by this law. For example, bags commonly used for the following are not covered:

- Bulk items (small hardware, fruits, and vegetables, greeting cards, etc.);
- Fresh or frozen food, meat, or fish;
- Fresh flowers or plants;
- Specialty bags for garments, laundry, or dry cleaning;
- Prescription drugs or newspapers.

Participants in food assistance programs are exempt from the pass-through charge and customers who bring their own reusable bags will also not pay any charge.¹⁸⁹

¹⁸⁵ <https://www.opb.org/news/article/oregon-single-use-plastic-bag-ban-effect-reusable/>

¹⁸⁶ <https://olis.oregonlegislature.gov/liz/2019R1/Measures/Overview/HB2509>

¹⁸⁷ <https://www.oregon.gov/deq/mm/production/Pages/Bags.aspx>

¹⁸⁸ <https://www.orcities.org/application/files/4816/0105/3840/Single-UseBagsStrawsFAQ9-25-20.pdf>

¹⁸⁹ <https://www.surfrider.org/coastal-blog/entry/oregon-passes-strongest-plastic-bag-ban-in-the-country>

Rights of local authorities on this policy: under HB 2509, a city, county or other local government may:

- adopt or amend a local provision to require a higher fee—as long as the local provision retains the same definitions, requirements and restrictions of HB 2509;
- adopt, amend or enforce a local provision to impose a penalty other than the penalty established under HB 2509—but a restaurant or retail store can only be charged with a violation under either the local provision or HB 2509.

Enforcement: HB 2509 violations may be enforced by a range of enforcement officers representing divisions of the state, counties, and cities. Each city’s police department may play a role in the enforcement of this law by issuing citations for each violation.¹⁹⁰ A violation of HB 2509 is a Class D violation subject to a maximum fine of \$250. Class D violations are enforced by law enforcement officers, who may issue a citation to a retailer or restaurant. Each day a retailer or restaurant commits a violation is considered a new offense. HB 2509 allows a different penalty to be set under local provisions, so local jurisdictions may have different rules for enforcement. A restaurant or retail store can be charged with a violation under either the local provision or the penalty specified in HB 2509, but not both.

¹⁹⁰ <https://www.orcities.org/application/files/4816/0105/3840/Single-UseBagsStrawsFAQ9-25-20.pdf>

State of Virginia

Jurisdiction: The State of Virginia is a state in the Mid-Atlantic and Southeastern regions of the United States, between the Atlantic Coast and the Appalachian Mountains. The capital of the Virginia is Richmond; Virginia Beach is the most-populous city, and Fairfax County is the most-populous political subdivision. The state's population in 2020 was over 8.65 million, with 36% of them living in the Baltimore–Washington metropolitan area. Virginia's economy has diverse sources of income, including local and federal government, military, farming and high-tech. Prior to the COVID-19 recession, in March 2020, Virginia had 4.36 million people employed with an unemployment rate of 2.9%, but jobless claims due to the virus soared over 10% in early April 2020, before leaving off around 5% in November 2020. Virginia has the third highest concentration of technology workers and the fifth highest overall number among U.S. states as of 2020, with the 451,268 tech jobs accounting for 11.1% of all jobs in the state and earning a median salary of \$98,292. Tourism in Virginia supported an estimated 234,000 jobs in 2018, making tourism the state's fifth largest industry.

Action taken. Governor Northam’s March directive to wean off of single-use plastics (Executive Order 77), directed all state agencies including public colleges and universities to start phasing out single-use plastics with an ultimate goal of eliminating their use by the end of 2025. Disposable plastics used for medical purposes were exempt, and greater latitude was given to those used for public health or safety reasons.

Definition. There is no information provided about the definition

However, there is another interesting definition in state law: “Expanded polystyrene food service container” means a rigid single-use container made primarily of expanded polystyrene and used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages. Va. Code Ann. § 10.1-1414.

Transition, Operation, Enforcement. Agencies have complied with the executive order. Since it went into effect, DEQ has received 114 of an expected 116 plastic pollution reduction plans from agencies. A more wide-ranging report on how Virginia can reduce and divert solid waste from landfills that the Secretary of Natural Resources was supposed to submitted to the governor and the General Assembly by Oct. 1 has not been completed. Northam spokesperson Alena Yarmosky said that Secretary Ann Jennings, was working diligently to complete it and expects it to be done no later than mid-December 2021.

The Frontier Culture Museum has started selling metal water bottles and phased out plastic ones. Virginia’s Alcoholic Beverage Control Authority said in its plan that it’s working to replace roughly 2 million plastic bags used a month with reusable bags by December 2022.

While the March order caught some agencies off guard, it was in line with a string of plastic waste reduction measures Virginia Democrats rolled out during their two years of control in Richmond, a tenure set to end this January with the arrival of Republican Gov.-elect Glenn Youngkin and a Republican controlled House of Delegates.

Besides the single-use plastic phaseout at state agencies, Democrats allowed local governments to impose a five-cent tax on certain plastic bags — an option several began exercising this year — narrowly approved banning polystyrene food containers by 2025 and banned balloon releases. More controversially, they also smoothed the path for chemical recycling facilities that repurpose existing plastics to locate in Virginia.

In late 2019, in response to the prospect of a polystyrene ban, a collection of business groups formed the Coalition for Consumer Choices, which includes the Virginia Manufacturers Association and chemical company trade group the American Chemistry Council. The coalition says that the executive order will lead to increased landfilling because plastic alternatives generally weigh far more than plastics and aren't recyclable, as well as increased greenhouse gas emissions.

Despite concerns, at least some universities and state agencies subject to the single-use plastic ban were already moving in the direction of phasing out plastics and otherwise attempting to reduce waste. For example, the University of Virginia had in place a sustainability plan to reduce its total waste footprint 70 percent by 2030 and “had already been pushing towards zero-waste events,” said Sustainability Director Andrea Trimble. Similarly, Nancy Heltman, visitor services director for Virginia State Parks, said the parks began selling boxed water and encouraging visitors to use refillable bottles in lieu of plastic ones two years ago.

Sources: *Westlaw*,

<https://law.lis.virginia.gov/vacode/title10.1/chapter11.1/section10.1-1188/> and

<https://www.virginiamercury.com/2021/11/22/virginia-agencies-are-getting-rid-of-single-use-plastics-not-everyone-is-pleased/>

Single Use Plastics Ban in Brattleboro, Vermont

Jurisdiction/entity: The Brattleboro, Vermont single use plastics ban¹⁹¹ was replaced by the State’s single-use plastic ban which was passed in 2019.¹⁹² The Vermont Agency of Natural Resources has a webpage that provides a clear understanding of the law’s basics.¹⁹³

Action taken: Brattleboro had a similar ban to that the state eventually adopted. Vermont banned the use of plastic bags, straws, stirrers, expanded polystyrene (styrofoam), and more. Paper bags are still allowed but establishments must charge at least 10 cents per bag.¹⁹⁴ The bill is generally designed to encourage the use of reusable items that the customer bring themselves.

Definitions: There are a number of definitions in the bill itself.¹⁹⁵ Notably while the bill refers to single-use items, “single-use items” are not defined or banned. The ban focuses specific items or categories of items such as Single-Use Carryout Bags; Expanded Polystyrene Food Service Products; Single-use Plastic Straws; and Single-use Plastic Stirrers. The bill provides a specific definition and exceptions for each category.¹⁹⁶

Exemptions: The most notable exemption is for bags used to “package loose items, such as fruits, vegetables, nuts, coffee, grains, bakery goods, candy, greeting cards, or small hardware items.” Bags used to contain or wrap frozen foods, meat, fish, flowers, pharmacy items, and certain clothing items are also allowed.

Expanded polystyrene food service products exceptions are limited to uncooked meats and products originating from or sold to out of state entities.

Transition: Vermont had a fairly strict transition policy: “If products were purchased prior to May 15, 2019, you had until July 1, 2021 to use that inventory. Effective July 1, 2021, the bans are in effect regardless of purchase date (with the exception of plastic straws per request).”¹⁹⁷ This gave companies slightly over a year to adapt to the changes since the bill was signed by Governor on June 17, 2019.¹⁹⁸ There were still some businesses that were slow to, or did not, make the transition in time and a complain system was in place to help enforcement.¹⁹⁹

When the state bill became operational, it preempted local ordinances and prevented more stringent ordinances from being passed.²⁰⁰

¹⁹¹ https://www.reformer.com/local-news/vermont-plastic-bag-ban-goes-into-effect-july-1-some-states-delay-amid-virus/article_36acfca1-4090-57d1-afb9-fa9c11a4f053.html

¹⁹² <https://legislature.vermont.gov/bill/status/2020/S.113>

¹⁹³ <https://dec.vermont.gov/content/single-use-products-law>

¹⁹⁴ *Id.*

¹⁹⁵ <https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT069/ACT069%20As%20Enacted.pdf>

¹⁹⁶ *Id.*

¹⁹⁷ <https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/SUP-Law-Summary-FAQ.pdf>

¹⁹⁸ *See supra* note 171.

¹⁹⁹ wcax.com/2021/05/10/some-coffee-shops-havent-fully-transitioned-out-of-plastic-straws/

²⁰⁰ *See supra* note 176.

During the transition for Brattleboro's own ordinance, a notable aspect was a deferment process for businesses that had unique products that were difficult to handle under the basic ban's definitions and limitations.²⁰¹ To increase positive perceptions and understanding the town had a program to design and sell reusable bags based on community pride at the outset of the ban.²⁰²

Operation: Bag fees for paper bags are retained by the stores.²⁰³ The bill also created a Single-Use Products Working Group and provided for landfill assessments to evaluate the efficacy of the program and potential flaws.²⁰⁴

Enforcement: The penalty is primarily a fee system with a warning for the first offense, \$25 for the second offense, and \$100 for the third or subsequent offense with each day in violation of the bill counted as an offense.²⁰⁵ This enforcement scheme is almost identical to that used by Brattleboro.²⁰⁶

Covid: Because there was no documentation of potential harm from reusable items there was no real impact on the program due to Covid-19.²⁰⁷ The government did provide recommendations for various policies and methods to reduce concerns for businesses concerned about Covid impacts though such as having customer bag their own items and using container exchange programs.²⁰⁸

Other: Vermont's information is quite clear and easy to understand. Their state websites have good FAQs and resources.

²⁰¹ <https://vtdigger.org/2018/10/14/brattleboros-plastic-bag-ban-smooth-successful/>

²⁰² *Id.*

²⁰³ *See supra note 174.*

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *See supra note 180.*

²⁰⁷ <https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/SUP-COVID19-tips-FAQ-Businesses.pdf>

²⁰⁸ *Id.*

Single Plastic Management in The State of Vermont

Description: Vermont is one of the 50 States of the United States, and one of the 6 members of the New England states, is in the northeast of the country, south of the Canadian border, and north of the State of Massachusetts. Vermont is the second least populated U.S. State with a population of 643,503 people, the State capital is Montpelier, and the most populous city is Burlington.²⁰⁹

Overview of Single Plastic Use (action taken): In 2019, Vermont passed a single-use products law, in which stores, and food service establishments may no longer provide plastic carryout bags at check-out, plastic bags will only be allowed in stores and food service establishments for carrying certain kind of food, prescribed medication, and objects such as laundry and dry cleaning. These establishments will provide paper bags for a minimum of \$0.10 each. Plastic straws cannot be provided at food establishments, but they may provide straws made from other sustainable materials. Hospitals and nursing homes may still use plastic straws. Food service providers may not sell plastic stirrers, and may no longer provide or sell food or beverage containers made of expanded polystyrene. The law promotes people to use their own reusable, bags when shopping, straws and containers when eating.

This law went into effect on July 1, 2020, However, stores and eateries may continue using plastic bags, straws, stirrers, and expanded polystyrene products until July 1, 2021, if the items were purchased before May 15, 2019.²¹⁰

Definitions: 2019 Vermont Act Single-used products law defines single-use products in the following way:

- **Single-use product:** Means a product that is generally recognized by the public as an item to be discarded after one use.
- **Expanded polystyrene food service product:** means a product made of expanded polystyrene that is: Used for selling or providing food or beverages to be used once for eating or drinking; or generally recognized by the public as an item to be discarded after one use.
- **Plastic:** Means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal, including material derived from either petroleum or a biologically based polymer, such as corn or other plant sources.
- **Recyclable paper carryout bag:** means a carryout bag that is made of paper and that is recyclable.²¹¹

Exemptions: “Exempt plastic bags include plastic bags used by the customer inside the store to contain frozen foods, meat, or fish, or to package loose items like fruits, vegetables, nuts, coffee, grains, bakery goods, candy, greeting cards, or small hardware items; provided for laundry, dry cleaning, or garments,

²⁰⁹ <https://www.britannica.com/place/Vermont>

²¹⁰ <https://dec.vermont.gov/content/single-use-products-law>

²¹¹ <https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT069/ACT069%20As%20Enacted.pdf>

including bags provided by a store to protect large garments, such as suits, jackets, or dresses; used by flower shops to cover flowers.”²¹²

Transition and Implementation: “This law was passed in 2019 but it went in effect July 1, 2020. However, stores and eateries may continue using plastic bags, straws, stirrers, and expanded polystyrene products until July 1, 2021, if the items were purchased before May 15, 2019.”²¹³

Operation and Enforcement: “Effective on July 1, 2020, state law (Act 69 of 2019) prohibits stores and food service establishments from providing the following single-use products:

- Single-use plastic carryout bags at the point of sale. This does not apply to bags used for prescription meds, dry cleaning, produce bags, and other small bags that are not at the point of sale. Single-use paper bags can be offered at the point of sale for a minimum customer charge of 10 cents per bag, which stores keep.
- Expanded polystyrene (commonly called Styrofoam) food and beverage containers, including foam cups, take-out and to-go containers, plates, trays, and cartons for eggs or other food. These prohibitions do not apply to meat and fish packaging or food packaged out-of-state or sold out-of-state.
- Plastic straws, except they can be given upon customer request. Hospitals, nursing homes, independent and assisted living, and residential care facilities can provide plastic straws.
- Plastic Stirrers”²¹⁴

Also, “The Secretary of Natural Resources must make a Biennial report on Solid Waste required under 10 V.S.A § 6604(b) to be submitted to the General Assembly in 2021, that must include a feasibility study addressing issues related to the opening of a second landfill in the State. The report shall include: “(1) An assessment of the capacity of the two sites in the State that are currently permitted and certified for landfill operation, but are not in operation, to receive solid waste. (2) An evaluation of the environmental costs of continuing to truck solid waste to a single landfill located in the northeast corner of the State. This evaluation shall include the amount of greenhouse gases emitted over the course of a year from trucks making round trips to the existing landfill in Vermont. The evaluation shall also include an estimate of the impact that trucking to the one landfill in the State is having annually on the State transportation infrastructure.

Covid-19: The July 1, 2020 ban was still in effect during the Covid-19 Pandemic, although it was hard to diminish the use of reusable material because of hygiene and to diminished the spread of the virus during the pandemic, the ban was still enforced during the pandemic.²¹⁵

2021 Biennial Report on Solid Waste: “Vermont has seen a 10% increase in recycling since 2014 and a surge in food scrap diversion in response to the July 1st ban, however, the amount of waste Vermonters

²¹² <https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/SUP-Law-Summary-FAQ.pdf>

²¹³ <https://dec.vermont.gov/content/single-use-products-law>

²¹⁴ <https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/SUP-Law-Summary-FAQ.pdf>

²¹⁵ <https://fortune.com/2020/04/08/coronavirus-reverse-bans-single-use-plastic/>

generate continues to increase with per capita waste disposal up 16% since 2012. While ANR anticipates the food scrap ban and the July 1, 2020 Single Use Products law will help reduce waste, there's certainly more work that needs to be done. Since the last Biennial Report, ANR has also implemented an on-line hauler permit system and revised the Solid Waste Rules to accommodate new management techniques for a changing waste stream. ANR will continue its focus on reducing waste and its toxicity, improving recycling, building a culture of reducing food waste and composting the scraps, and improving the Bottle Bill, Household Hazardous Waste (HHW) management, and the functioning of our Extended Producer Responsibility (EPR) laws.”²¹⁶

²¹⁶ <https://dec.vermont.gov/sites/dec/files/wmp/SolidWaste/Documents/Universal-Recycling/2021-Biennial-Report-2-pager-FINAL.pdf>

Kenmore, Washington

Jurisdiction/entity	<p>Kenmore is a city in King County, Washington, along the northernmost shore of Lake Washington. It is a suburban bedroom community that is located at the mouth of the Sammamish River, approximately 12 miles (19 km) northeast of downtown Seattle and 2 miles (3.2 km) west of Bothell. The city's population was 22 724 as to the 2019 year.</p>
Action taken	<p>The Kenmore City Council adopted a new plastic bag policy effective January 1, 2019, to encourage the use of reusable carryout bags in the city of Kenmore. The link to Ordinance No. 18-0465 as follows: https://kenmore.civicweb.net/document/90638</p>
Definition	<p>Kenmore adopted an ordinance similar to Kirkland's, which is recommended by the organization Zero Waste Washington. (https://www.kirklandreporter.com/news/kirkland-plastic-bag-reduction-policy-goes-into-effect-march-1/)</p> <p>Single use plastic bag defined as any bag that is less than 2.25 mils thick and is made from plastic or any nonrenewable resource. The Ordinance envisages that retailers are prohibited from providing single-use plastic bags to customers at checkout and requires they charge a 5-cent fee for each recycled paper bag supplied.</p>
Exemptions	<p>Some types of plastic bags are exempt from the ordinance, usually because of a lack of current alternatives. Exemptions include bags used for bulk items (like spices and grains), bags sold in packages (like sandwich and garbage bags) and bags used for damp items (like dry cleaning and meats). Nonprofits that receive food and clothing donations in plastic bags are also exempted from the ordinance since public works staff does not want to dissuade people from giving items to local organizations. Plastic straws were not addressed in this ordinance.</p>
Transition	<p>Retailers were notified of the policy when it passed and had one year to prepare for the ordinance. During the one-year period, the city implemented a comprehensive education and outreach plan that included the creation and distribution of outreach materials</p>

to businesses and residents, distribution of thousands high-quality reusable bags, visits to retailers and appearances at public events. To ease the transition for residents, the city is providing a free reusable bag, per household, that can be picked up at City Hall.

Effective to January 2022, a new law brings an end to restaurants and food service businesses automatically giving out plastic silverware, straws and condiment packets. Now, if a customer wants any or all of those items, they must request them, unless they are available at a self-serve station.

Operation

Paper bag costs less than 0,5. This incentivizes customers to use their bags in constant way. However, low-income residents with electronic vouchers for government programs will be exempted from the 5-cent fee.

Enforcement

Enforcement of the Ordinance is envisaged by the regulation itself. In particular the code officer may issue a notice of violation to the offending person or business. The procedure determined by the Ordinance. If after the issuance of a notice of violation the code enforcement officer becomes aware of noncompliance, person in breach might be subject to a civil infraction. *(Class 1 civil infraction). Each day of any such violation is a separate civil infraction.

Covid implication

In an effort to reduce and mitigate the spread of COVID-19 when buying groceries, Kenmore city manager Rob Karlinsey has signed a proclamation and issuance of an emergency rule temporarily suspending Kenmore's plastic bag policy. According to a press release suspending the policy allows grocery and retail stores to provide paper or plastic bags to customers and waives the required \$0.05 charge for the bags. The rule also prohibits customers from bringing their own reusable bags from home.

This rule seeks to provide greater protection to workers in retail and food industries, who continue to provide services to the public, while reducing the risk of transmission in the community, the release states.

Single Use Plastics Management in Seattle, Washington

Jurisdiction/entity:

Seattle, Washington is the largest city in Washington State, which is the 18th-largest state, with an area of 71,362 square miles (184,830 km²), and the 13th-most populous state, with more than 7.7 million people.

Action taken:

As of January 2021, Washington State adopted a statewide bag ban that adds new requirements for Seattle businesses that use carryout bags.²¹⁷ To reduce waste, litter, and marine pollution, conserve resources, and protect fish and wildlife, it is the intent of the legislature to:

- Prohibit the use of single-use plastic carryout bags;
- Require a pass-through charge on compliant paper carryout bags and reusable carryout bags made of film plastic, to encourage shoppers to bring their own reusable carryout bags;
- Require that bags provided by a retail establishment contain recycled content or derive from nonwood renewable fiber; and
- Encourage the provision of reusable and compliant paper carryout bags by retail establishments.²¹⁸

Definition:

Single-use plastic carryout bag is defined as any carryout bag that is made from plastic that is designed and suitable only to be used once and disposed.²¹⁹ Single-use plastic as carryout bags are made of nonrenewable resources and never biodegrade; instead, over time, they break down into tiny particles.²²⁰

Exemptions:

The following exceptions apply:

- The fee may not be collected from anyone using a voucher/electronic benefits card issued under the Supplemental Nutrition Assistance Program (SNAP), Women, Infants and Children (WIC), Temporary Assistance for Needy Families (TANF), or Food Assistance Program (FAP);
- Plastic bags used in stores for bulk items or to protect vegetables, meat, frozen foods, flowers and similar items are exempt. Plastic bags cannot be green or brown tinted. Approved compostable bags are permitted for these purposes;
- Plastic dry-cleaner, newspaper and door-hanger bags are allowed but cannot be tinted green or brown;
- Plastic bags sold in packages containing multiple bags intended for use as garbage bags or to contain pet waste, or approved compostable food and yard waste bags are exempt;
- Businesses are allowed, at their discretion, to charge for compostable bags and smaller bags or provide them for free;²²¹

²¹⁷ <http://www.seattle.gov/utilities/protecting-our-environment/sustainability-tips/waste-prevention/at-work/bag-requirements>

²¹⁸ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.530.005>

²¹⁹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.530.010>

²²⁰ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.530.005>

²²¹ <http://www.seattle.gov/utilities/protecting-our-environment/sustainability-tips/waste-prevention/at-work/bag-requirements>

Transition:

Except as provided by local regulations enacted as of April 1, 2020, a retail establishment may provide a bag restricted until one year after June 11, 2020. The retail establishment, upon request by the department, must provide purchase invoices, distribution receipts, or other information documenting that the bag was acquired prior to June 11, 2020.²²² This appear to be the exception provided for the transition period.

Operation:

An \$0.08 charge is required for all large paper bags and thick reusable plastic bags. The law requires retail stores to show all bag-charges on customer receipts; stores keep all revenue. The charge is a taxable retail sale.²²³

Enforcement:

In case of a breach any retail establishment to pay or otherwise reimburse a customer for any portion of the pass-through charge; provided that retail establishments may not collect a pass-through charge from anyone using a voucher or electronic benefits card issued under the women, infants, and children (WIC) or temporary assistance for needy families (TANF) support programs, or the federal supplemental nutrition assistance program (SNAP, also known as basic food), or the Washington state food assistance program (FAP).²²⁴ Moreover, a \$250 fine will be imposed in case of repeated violation.²²⁵

Covid:

The new bag ban, which was put on hold due to the COVID-19 pandemic,²²⁶ is fully effective as of October 1st, 2021.

²²² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.530.020>

²²³ <http://www.seattle.gov/utilities/protecting-our-environment/sustainability-tips/waste-prevention/at-work/bag-requirements>

²²⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.530.030>

²²⁵ <http://www.seattle.gov/utilities/protecting-our-environment/sustainability-tips/waste-prevention/at-work/bag-requirements>

²²⁶ https://www.governor.wa.gov/sites/default/files/proclamations/20-82%20-%20COVID-19%20Single%20Use%20Plastic%20Bags%20%28tmp%29.pdf?utm_medium=email&utm_source=govdelivery

Single Use Plastics Management in the Country of Antigua and Barbuda

Description: Antigua and Barbuda, a country, is a set of islands in the Caribbean, population of ~97,000 people (2019 figures). Most people live in the capital city of St. John on the island of Antigua. Pre-covid, 80% of the gross domestic product (GDP) depended on tourism.

Overview of Single Use Plastics Management: In 2016 after extensive consultation with stakeholders, Antigua and Barbuda became the first country in the Caribbean region²²⁷ to ban plastic bags by “integrating the ban into the country’s existing [Litter Control and Prevention Act](#)” and making “approved plastic alternatives available to the public.”²²⁸ In addition, Antigua and Barbuda launched “an awareness campaign on World Environment Day 2016 with the tagline ‘Make a difference one bag at a time.’”²²⁹ In 2019, Antigua and Barbuda then added polystyrene (Styrofoam) to its list of banned items.

Definition and exemptions:

Antigua and Barbuda’s Litter Control and Prevention Act defines “waste” to include the following (among other items):²³⁰

- single-use shopping plastic bags for carrying items from a store to a home
- expanded polystyrene (Styrofoam) including bowls, plates, hot and cold beverage cups and lids and caps, straws, forks, knives, spoons, fruit/vegetable/meat trays and egg cartons.

There is also a list of exemptions for “transporting, packaging, and carrying goods,” including plastic bread wrapping; plastic bags/wraps/sheets used to package fresh meat or fish; plastic packaging for fruit/nuts/confectionary products/dairy products/cooked food, liquid or frozen products, seeds, small hardware items, medicinal products, veterinary products, polyethylene tubes for seedlings, laundry dry cleaning bags, and plastic bags used for waste storage and disposal such as bin liners and refuse.²³¹

Implementation and transition:

While the ban became effective in 2016, it was phased in over time. Phase I involved the ban on further import of single-use plastic bags into the country, followed by a six month progressive elimination of bags in major supermarkets.²³² Phase III ended the use of single use plastic bags in

²²⁷ UNEP, Antigua and Barbuda, Trinidad and Tobago and Paraguay join Clean Seas campaign during UN Environment Assembly (March 15, 2019), available online at <https://www.unep.org/ru/node/24636#:~:text=Antigua%20and%20Barbuda%20banned%20single,achieve%20over%20the%20coming%20year>.

²²⁸ Caribbean News, Is there more to the Caribbean’s single-use plastics ban than meets the eye? (January 28, 2020), available online at <https://www.caribbeannewsglobal.com/is-there-more-to-the-caribbeans-single-use-plastics-ban-than-meets-the-eye/>

²²⁹ Donna Sue Spencer, IW:Learn, The Scourge of Plastic Pollution in the Caribbean, UN Environment-Caribbean Environment Programme IWECO Project (August 29, 2019), available online at <https://news.iwlearn.net/the-scourge-of-plastic-pollution-in-the-caribbean#!>.

²³⁰ Antigua and Barbuda, Litter Control and Prevention Act (2019), available online at <http://laws.gov.ag/wp-content/uploads/2019/05/No.-3-of-2019-LITTER-CONTROL-AND-PREVENTION-ACT-2019-No.-3-of-2019.pdf>.

²³¹ Antigua and Barbuda, The External Trade (Shopping Plastic Bags Prohibition Order), 2017, No. 83, available online at https://legalaffairs.gov.ag/pdf/bills/External_Trade_Prohibition_of_Plastic_Bags_Order_2017.pdf.

²³² UN Communities on Ocean Action, The Government of Antigua and Barbuda, available online at <https://oceanconference.un.org/commitments/?id=20912#:~:text=In%202015%2C%20the%20Government%20of,plastic%20bags%20into%20the%20country>.

major grocery stores. During Phases II and III, the government purchased and distributed reusable bags. During all phases, the governmental also the public awareness campaign (see above). Today, someone coming to a store has the option to buy reusable bags (see picture), but single use plastic bags are not available.

Operation and Enforcement:

The Litter Control and Prevention Act provides for “litter enforcement wardens,” or people who are authorized to carry out the law. This includes a broad range of people, including police officers, traffic wardens, public health inspectors, beach wardens, and so on. If convicted, possession of either a single use plastic bag or banned Styrofoam may result in a fine up to \$3,000 or up to six months in jail.²³³

Impact of Antigua and Barbuda’s actions:

Upon banning single use plastic bags, “the proportion of plastic at landfills [in Antigua and Barbuda] declined from 19.5 percent in 2006 to 4.4 percent in 2017.” More recent figures were not readily obtainable.

This is significant as other Caribbean countries have now enacted similar laws. In the last decade or so, as “many as twenty-seven countries and territories have legislated or proposed some form of policy controls on reducing the use of plastics.” This is critical as the “the Caribbean Sea is regarded as the second most plastic-contaminated space after the Mediterranean Sea, and estimations of plastic waste ranged from 600 to 1,414 plastic items per square kilometre. The Caribbean region is also one of the main contributors to plastic pollution with the dubious distinction of having 10 of the 30 largest per capita polluters of single-use plastics in the world (UNEP 2019, cited by IWEco 2019).”²³⁴

²³³ Litter Control and Prevention Act, 2019, Section 26 (1), (3).

²³⁴ W. Phillips, E. Thorne and C. Roopnarine, “Economic implications of the ban on single-use plastics in the Caribbean: a case study of Trinidad and Tobago”, Studies and Perspectives series-ECLAC Subregional Headquarters for the Caribbean, No. 95 (LC/TS.2020/127-LC/CAR/TS.2020/5), Santiago, Economic Commission for Latin America and the Caribbean (ECLAC), 2020, available online at https://www.cepal.org/sites/default/files/publication/files/46280/S2000658_en.pdf.

Single-Use Plastics (SUP) Management in Canada

Jurisdiction: Canada has ten provinces and three territories that extend from the Atlantic to the Pacific and northward into the Arctic Ocean, covering 9.98 million square kilometers (3.85 million square miles), making it the world's second-largest country by total area.²³⁵ The 2021 Canadian census listed a total population of 37 million, an increase of around 5.2% from 2016.²³⁶

Overview of Single Use Plastic in Canada:

In Canada, up to 15 billion plastic bags are used every year and close to 57 million straws are used daily.²³⁷ In addition, single-use plastics make up most of plastic litter found in freshwater environments. After initial stakeholder engagement starting in 2019, the Government of Canada published the Draft Science Assessment of Plastic Pollution for a 60 day comment period in January 2020 after reviewing hundreds of scientific sources of information and other sources of information. This report was then finalized in October 2020. The Assessment surveyed available scientific information regarding the impact of plastic pollution on the environment and human health. The Assessment confirmed that plastic pollution is everywhere in the environment. Additional engagement with stakeholders was undertaken to reflect the impact of the COVID-19 pandemic in the development and implementation of our approach to plastic pollution.

Proposed regulation:

On December 21, 2021, the Canadian government announced draft regulations prohibiting certain single-use plastics. These draft regulations would prevent an estimated 23,000 tons of plastic pollution from entering the environment over a ten-year period. In accordance with Section 93 of the Canadian Environmental Protection Act (CEPA), the Minister of the Environment recommended that the Governor in Council eliminate or restrict six categories of single-use plastics.²³⁸ This includes single use checkout bags, cutlery, foodservice ware made from or containing problematic plastics, ring carriers, stir sticks, and straws. This proposed regulation would include a transition period for all six categories of SUPs to allow businesses to phase out these SUPs with minimal disruption to their operations. In addition, businesses would be allowed to manufacture the six categories of SUPs for export.

Distribution among the six categories of Single-Use Plastics in Canada

Category of Single – Use Plastics	Sales volume (2019, in millions of units)	Average annual growth (2015 to 2019, by volume)	Unit price (2019)	Value (2019, in millions)	Unit weight (grams)	Tonnage (2019)
Plastic check out bags	15,593	2.5%	\$0.03	\$410	8	124,746
Plastic cutlery	4,511	2.0 %	\$0.04	\$162	2.4	10,867
Single – use plastic foodservice ware made from/containing plastics	805	3.2%	\$0.09	\$69	20.8	16,743
Plastic ring carriers	183	1.9%	\$0.03	\$6	3.5	648
Plastic stir sticks	2,950	3.1 %	\$0.01	\$29	0.6	1,770
Plastic straws	5,846	2.7%	\$0.01	\$77	0.4	2,339
Total	29,888	2.5%	\$0.03	\$753	5.3	157, 113

²³⁵ Wikipedia, “Canada”, The Free Encyclopedia, 2022

²³⁶ Zimonjic, Peter (February 9, 2022). "Despite pandemic, Canada's population grows at fastest rate in G7: census". CBC News. Retrieved February 9, 2022.

²³⁷ “Canada one-step closer to zero plastic waste by 2030”, October 7, 2020, Gatineau. Quebec, <https://www.canada.ca/en/environment-climate-change/news/2020/10/canada-one-step-closer-to-zero-plastic-waste-by-2030.html>

²³⁸ [Canadian Environmental Protection Act Ch. 15.31](https://laws-lois.justice.gc.ca/eng/acts/c-15.31/): <https://laws-lois.justice.gc.ca/eng/acts/c-15.31/>

Financial hardship due to Covid-19 effects

Many stakeholders have been concerned that the timing for a ban on certain single use plastics (SUPs) is poor given the ongoing economic hardship and stress caused by the COVID-19 pandemic. While SUP manufacturers and retailers are seeing an increase in sales because of COVID-19, these sales are expected to “reset” to approximately 2019 levels once the pandemic has passed.²³⁹ Meanwhile, most other businesses have seen reduced revenues due to forced closures and reduced disposable consumer income. At the same time, most businesses are facing increased costs as a result of public health measures (e.g. PPE, hand sanitizer, Plexiglas shields) and particularly small to medium size businesses may not be able to absorb more costs. The “Government of Canada is sensitive to the impact that the COVID-19 pandemic has had on the business community and is committed to developing environmental measures in a responsible way and in a manner that also supports economic recovery and the protection of human health.” The proposed Regulations take the impacts of the pandemic and other factors, such as accessibility needs, into account.

²³⁹ [Restaurants Canada Releases 2021-2025 Long Term Forecast, Restaurants Canada](#)

Reduction of single-use plastic products in the European Union

Description: The European Union (EU) is a union consisting of 27 member states²⁴⁰ with a total population of 447,7 million inhabitants.²⁴¹ When the EU decide on matters through directives all member states must comply²⁴² with the regulations and all its inhabitants in the union notice differences because of the EU law's primacy over national legislation.

Overview of Single Use Plastics Management: In 2019 the EU issued its [directive 2019/204 on the reduction of the impact of certain plastic products on the environment](#), called the single-use reduction directive. The directive contains a preamble that describes why the EU have decided to take measures against single-use plastics and what they hope the changes will result in. One of the biggest issues according to the EU was that these products have relatively short-lived applications and are not designed for re-use or cost-effective recycling which contribute to pollution in the environment.²⁴³ The directives aim is to work towards a circular economy in which design and production of plastics and plastic products are able to be re-used, repaired, and recycled when the product is no longer functional. Another aim is to promote the production and development of more sustainable products and reduce negative environmental impacts caused by plastic products.²⁴⁴ In the directive there is also articles with the purpose of raising awareness among consumers about plastics, impact of pollution and proper disposal of single-use plastics as well as producer responsibility.²⁴⁵ The aim is to reduce the consumption of single-use plastic throughout the measures.²⁴⁶

Definition and exemptions:

The directive 2019/204 on reduction of the impact of certain plastic products from the EU defines the following (among others)²⁴⁷:

- Single-use plastic products: a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived
 - The single-use plastic products²⁴⁸ covered includes, but are not limited to, cups for beverages including their covers and lids,
 - food containers,
 - cutlery (forks, knives, spoons),
 - straws
 - lightweight plastic carrier bags
 - fishing gear

²⁴⁰ https://european-union.europa.eu/principles-countries-history/country-profiles_en

²⁴¹ https://european-union.europa.eu/principles-countries-history/key-facts-and-figures/life-eu_en

²⁴² <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:l14547&from=SV>; This means that the member states must comply with the rules and regulations provided by the EU.

²⁴³ directive 2019/204 on the reduction of the impact of certain plastic products on the environment, preamble (2-3).

²⁴⁴ Ibid., preamble (1).

²⁴⁵ Ibid., Art. 8 *Extended producer responsibility* & Art. 10 *Awareness raising measure*.

²⁴⁶ Ibid., Art. 4 *Consumption reduction*.

²⁴⁷ Ibid., Art. 3 *Definitions*.

²⁴⁸ Ibid, Annex part A & B.

Exemptions from the definition of single-use plastics in the directive is “food containers with dried food or food sold requiring further preparation, containers containing food in more than single-serve portions or single-serve portion-sized food containers sold in more than one unit”. Beverage containers made from glass and metal are not covered by the directive.²⁴⁹

Implementation and transition:

European Union Law becomes effective upon dispatch because of its primacy over national legislation. For this directive however, the EU had set a time-limit for the measures so that producers could adjust, and the member-states phase out products covered by the directive. The directive was issued in 2019 and the Member States had until 3rd of July 2021 to incorporate the changes into their countries.²⁵⁰ Plastic bags are still available in most EU countries, but many countries have decided to place a tax on them, hoping that consumers will bring their own reusable bags instead.²⁵¹

Operation and Enforcement:

In Art. 14 of the directive 2019/904 on the reduction of the impact of certain plastic products, the EU has placed a responsibility on each Member State to lay down rules of penalties if a party breaks the rules in the directive after its implementation period (3rd of July 2021). The EU have also issued different directives that aim to make it easier for the Member States to calculate and report statistics on the single-use plastic management and consumption.²⁵² Although there is no official data, many NGO’s have tried to assess the European Member States aims, implementations and accomplishments.²⁵³

Impact of the European Union’s actions:

It’s hard to measure the impact of the single-use plastic reduction directive because the EU Member States have yet to report any numbers regarding their reductions in waste coming from these products. What can be said is that many Member States have had about two years to implement these rules and to phase out single-use plastic products within their countries – some have imposed taxes, and some have promoted sustainable products which can be used repeatedly in a sustainable manner.

²⁴⁹ Directive 2019/204 on the reduction of the impact of certain plastic products on the environment, preamble (12).

²⁵⁰ Ibid., Art. 17.1 *Transposition*.

²⁵¹ Cf. Library of Congress, *Sweden: Parliament Votes to Adopt Tax on Plastic Bags*, available online at <https://www.loc.gov/item/global-legal-monitor/2020-01-31/sweden-parliament-votes-to-adopt-tax-on-plastic-bags/>

²⁵² E.g., Commission Implementing decision (EU) 2021/1752 of 1 October 2021, *laying down rules for the application of Directive (EU) 2019/904 of the European Parliament and of the Council as regards the calculation, verification, and reporting of data on the separate collection of waste single-use plastic beverage bottles*, available online at

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021D1752&from=EN>

²⁵³ Actu Environnement, *Moving on from single-use plastics: How is Europe doing?*, available online at <https://www.actu-environnement.com/media/pdf/news-37813-rapport-mise-en-oeuvre-directive-sup.pdf>

Single Use Plastics Management in the Republic of Kenya

Description: Kenya is a country in E. Africa with a population of ~55 million people (2021).²⁵⁴ Its capital and largest city is Nairobi, which produces nearly 2,500 tons of waste each day. Approximately 33% of its Gross Domestic Product (GDP) depends on the agricultural sector.

Overview of Single Use Plastics Management: In 2017, the government stepped forward and adopted a three-pronged strategy that included government regulations, private company innovations, and individual actions to achieve a complete ban on the use, manufacture and import of all plastic bags by June 2020.²⁵⁵ Through stakeholder workshops and research projects, the effectiveness of the ban was observed and evaluated for two years, then new recommendations were made.²⁵⁶ The government described detailed timelines for compliance besides punitive sanctions against any entity in the supply chain found to violate the ban to enforce it. In June 2020, following a presidential directive, single use plastics are banned in its parks and protected areas. That is, visitors are no longer able to carry single-use plastics into those areas.²⁵⁷

Definition and exemptions: The ban in Kenya includes all plastic carrier bags regardless of their thickness and color and flat bags used for commercial and household packaging.²⁵⁸ Flat bags are constructed without handles and with or without gussets including those used for garbage collection. Plastic carrier bags are any plastic bags that are used at supermarkets, retail stores, shopping malls, and grocery stores. In the implementation plan of the Ministry of Environment and Forestry, single use plastics that are subject to ban include the following items:

- cotton buds, cutlery, plates, straws and stirrers, sticks for balloons and balloons, food containers (some fractions of plastic polymer), cups for beverages (some fractions of plastic polymer), beverage containers (PET bottles), cigarette butts, bags, crisps packets, sweet wrappers, bread bags and confectionery wrappers, wet wipes, and sanitary items.²⁵⁹

The protected areas considered in Kenya are the following:

- national parks, national reserves, wildlife sanctuaries, national monuments, biosphere reserves, world heritage sites, Ramsar sites, beaches. protected forests.²⁶⁰

Plastics used for primary industrial packaging are exempted if they are at the source of the product and are not available on sale at the counter or given freely outside the industrial setting. Also, the bags must be labeled by the industry manufacturing the product.

Implementation and transition: The Kenyan government proposed its first ban on polythene bags in 2007. In 2017, the single use plastics ban came into effect; the ban was phased in over time.

²⁵⁴ <https://knoema.com/atlas/Kenya/Population>

²⁵⁵ <https://africaupclose.wilsoncenter.org/implementation-and-enforcement-of-the-single-use-plastic-ban-in-kenya/>

²⁵⁶ <https://africaupclose.wilsoncenter.org/implementation-and-enforcement-of-the-single-use-plastic-ban-in-kenya/>

²⁵⁷ <https://www.unep.org/news-and-stories/story/kenya-bans-single-use-plastics-protected-areas>

²⁵⁸ <https://www.nema.go.ke/images/Docs/Awarness%20Materials/NEAPS/NEMA%20Quarterly%20Magazine-Jan-March%202017.pdf>

²⁵⁹ <http://www.environment.go.ke/wp-content/uploads/2020/03/action-plan.pdf>

²⁶⁰ <http://www.environment.go.ke/wp-content/uploads/2020/03/action-plan.pdf>

Two months after the plastic bag ban, the Ministry of Environment and Forestry established an official task force to handle plastic waste through successful recycling and take-back schemes.

In 2019, the extended producer responsibility plan was announced that manufacturers pay a fee for all the plastic they introduce into the market. In 2020, the single use plastics are banned in protected areas. According to the Action Plan for Implementation of the Ban on Single Use Plastics (GAZETTE NOTICE 4858):

1. Promote mindset change and public participation in the use and management of single use plastics
2. Prohibit the use of and littering by SUPs in all protected areas
3. Promote development and uptake of innovative and sustainable alternatives to SUPs.
4. Promote incentive schemes for private sector players
5. Strengthen the management of postconsumer SUPs to eliminate their drifting into protected areas
6. Upscale enforcement of the ban.

Today, companies are required to show how they plan to dispose of their waste in order to obtain licenses for importing and manufacturing products.

Operation and Enforcement: Kenya is considered to have the strictest penalties in the world. Making manufacturing, importing, or selling single-use carriers is punishable by a prison sentence of up to four years or fines up to \$40,000. Also, if an individual caught using them faces a fine, which so far has been between \$300 and \$1,500, and a possible prison sentence of up to a year.²⁶¹

Impact of Kenya's actions: An internal assessment by Kenya's National Environment Management Authority (NEMA) showed an 80 percent compliance rate after a year the ban took effect. This is noteworthy because, according to UNEP figures, before 2017, "about 100 million plastic bags were used in Kenya every year in supermarkets alone."

On the other hand, some other issues arose. First of all, the reusable synthetic bags now in widespread use may not be as eco-friendly as they are supposed to be. Secondly, plastic bags are illegally imported from neighboring countries. Thirdly, after a year and a half the following ban, 60,000 jobs were lost, directly and indirectly. Finally, the cost of fiber bags that are now must use is about six times more than plastic bags.²⁶²

Despite the ongoing issues because of the ban, the progress in Kenya was so inspiring that some other African nations are banned plastic bags following Kenya's achievement.

²⁶¹ https://www.huffpost.com/entry/plastic-bag-ban-works-kenya_n_5e272713c5b63211761a4698

²⁶² <https://www.rd.com/article/kenya-plastic-bag-ban/>

Single Plastic Management in Uzbekistan

Jurisdiction: Uzbekistan, country in Central Asia, 37 million people

Action taken

The Project of the Decree of the Cabinet of Ministers of the Republic of Uzbekistan "On measures to further improve and develop the sanitary cleaning system", with planned date of entry into force August 1, 2018.²⁶³ This would have included a ban on the use of plastic film bags and incentives for adoption; however, this Decree did not go into effect for Uzbekistan.

Definition and Exemptions

First, the Government proposed to introduce a competitive selection of business entities to provide services for the collection and removal of household waste in the territory assigned to them. This would not have to:

- state unitary enterprises created by decisions of the President;
- State Unitary Enterprise "Maxsutrans;"
- enterprises - initiators of projects to create clusters for the integrated treatment of household waste.

Secondly, services for the collection and removal of household waste would have been provided to individuals on the basis of public contracts (that is, there will be no contract concluded with each consumer - a legal entity or an individual - ed.). At the same time, in the territory assigned to the business entity, payments for services for the collection and removal of household waste would be mandatory. Thirdly, the activities for the disposal and processing of household waste, as well as the collection, acceptance and storage of secondary resources would become licensed.

Fourth, they planned to introduce a number of restrictions to reduce the use of plastic film bags. Thus, it was proposed to ban:

- free issuance of bags of polymer films or the inclusion of their price in the cost of the goods sold, as well as the sale at a price below their cost - from January 1, 2019;
- production and import to Uzbekistan of plastic film bags used for packaging goods in the field of trade with a thickness of less than 15 microns and a capacity of less than 5 liters - from January 1, 2019;
- production and import into the country of plastic film bags used for packaging goods in the field of trade with a thickness of less than 50 microns and a capacity of less than 10 liters - from January 1, 2020. Only bags with a capacity of up to 1 liter will remain allowed, without handles and applied advertising and informational logos, which are an integral part of the packaging of bulk products or products that do not have a solid consistency, as well as sold in retail networks in rolls of at least 50 pcs. for home use.

All manufacturers and customers of bags made of polymer films will be required to apply matrix codes to the bags for reading by scanners of cash registers of retail outlets.

Fifth, they planned to introduce an environmental tax on groups of manufactured and imported goods (including packaging) that are subject to disposal after they lose their consumer properties. These funds were proposed to be accumulated in the Fund for Ecology, Environmental Protection and Waste Management. The funds would be used to finance investment projects in the field of waste management. This mechanism was expected to start operating the next year.

²⁶³ <https://strategy.gov.uz/ru/documents/2132>

Benefits for initiators

If this had passed, enterprises— initiators of projects to create clusters for the integrated management of household waste— would have been invited to provide a number of benefits:

1 - give the right to pay a single tax payment in the manner prescribed for micro-firms and small enterprises, regardless of the number of employees (from July 1, 2018);

2 - exempt until 2024 from paying:

- state fees for issuing licenses for the right to carry out activities for urban, suburban, intercity and international transportation of passengers and goods by road, with mandatory compliance with license requirements;
- fees to the Republican Road Fund under the Cabinet of Ministers upon registration with the Ministry of Internal Affairs of the special vehicles they purchase;
- customs payments on imported (not produced in the country) technological equipment, spare parts, components, raw materials and materials used in the technological process of production of biodegradable polymeric materials for packaging and packaging of goods, as well as used in the implementation of projects to create clusters for the integrated handling of household waste.

Transition

Operation

Enforcement

Although the above-mentioned Decree was not adopted due to many factors, the private sector (huge network of supermarkets like Walmart – “Korzinka”, Costco – “Macro” etc.) took its own initiative and started to charge people for plastic bags (prior to these private initiatives, bags were free or included in the price of the goods) with 300 UZB sum (3 USD cents) from the mid of the 2019, slightly before Covid-19.

After lockdown from Covid-19 loosened, the private companies began again to charge customers for bags. After implementing the additional charge, people started to use 1 plastic bag instead of 3 (at average) before. However, it would be more effective if there were any other alternatives beyond plastic bags.

Covid

How did the pandemic affect this program, if at all?

Unfortunately, at COVID period the initiative of the supermarkets was stopped due to the fact of possibility of the virus transmission from bag to bag, so, it was comfortable store goods in plastic bags with single use plastic gloves to prevent of the COVID from employees of the stores to the customers.

Other

Anything else notable

Although people were frustrated by the initiative of the supermarkets (private sector) due to the impact to their interests, it might have been a good start to cause people to reflect on the necessity of giving up the use the single plastic bags. People went through all the stages of depression from denial to “change the behavioral pattern” and they started again knit the multiple use bags as it was popular in the first ten years after the collapse of the USSR. The cheapness and availability of single use plastic bags made them a popular choice despite the environmental impact.

Single Use Plastics Management by Aldi

Description: Aldi, a supermarket business, was founded in 1961 in Germany by the Albrecht Family. Currently, they have more than 2,000 stores across 36 states with over 25,000 employees. Their business model is based on the principle that ‘great quality should come with everyday low prices.’²⁶⁴

Overview of Single Use Plastics Management: Since its opening, Aldi has “never offered single-use plastic shopping bags” keeping an estimate of “15 billion bags out of landfills and oceans.”²⁶⁵

In 2018, Aldi “recycled more than 250,000 tons of materials.”²⁶⁶ In 2019, Aldi announced that they joined the U.S Plastics Pact in an effort to create by 2025 a circular economy for plastics.²⁶⁷ The initiative has four goals to be achieved by 2025: (1) have 100% of packaging, including plastic packaging, be reusable, recyclable or compostable; (2) guide continuous improvement of product packaging by internal expertise and external evaluations; (3) reduce by at least 15% all packaging material; and (4) use 20% post-consumer recycled (PCR) content on plastic packaging.²⁶⁸ In 2020, Aldi adapted the How2Recycle label across its packaging to encourage recycling.²⁶⁹

Definition and exemptions: Aldi do not have a specific definition as to what it considers “waste” or “single use plastic”. Their recycling efforts have reached cardboards, plastic wraps, damaged or unusable pallets, batteries, electronics, and bags, amongst others. In 2021, they recycled nearly 350,000 tons of material.²⁷⁰

Implementation and transition:

Aldi has never offered single-use plastic bags at their stores and instead offers the purchase of reusable plastic and cloth bags.²⁷¹ They continue to participate in initiatives to recycle and eliminate the use of plastics. Joan Kavanaugh, Aldi US' VP of corporate buying, stated that “the global impact of plastics use cannot and should not be ignored by any business. At Aldi, we've already begun finding ways to eliminate the plastics we don't need and are innovating to uncover

²⁶⁴ ALDI US, Aldi History, Our Purpose and Core Values (2022), available online at <https://corporate.aldi.us/en/about-us/our-purpose-and-core-values/>

²⁶⁵ Treehugger, ALDI Says All Packaging Will Be Reusable, Recyclable, or Compostable by 2025 (May 13, 2020), available online at <https://www.treehugger.com/aldi-to-switch-to-reusable-packaging-4857802>

²⁶⁶ Supermarket News, Aldi steps up plastics reduction (April 3, 2019), available online at <https://www.supermarketnews.com/sustainability/aldi-steps-plastics-reduction>

²⁶⁷ Winsight Grocery Business, Aldi U.S. Joins Plastics Pact (September 11, 2020), available online at <https://www.winsightgrocerybusiness.com/retailers/aldi-us-joins-plastics-pact#:~:text=Aldi%20U.S.%2C%20a%20retailer%20known,in%20the%20U.S.%20by%202025.>

²⁶⁸ ALDI US, Environmental Footprint - Packaging (2022), available online at <https://corporate.aldi.us/en/corporate-responsibility/sustainability/environmental-footprint/>

²⁶⁹ Grocery Dive, Aldi adopts recycling label across its store brands (July 12, 2018), available online at <https://www.grocerydive.com/news/grocery--aldi-adopts-recycling-label-across-its-store-brands/533865/>

²⁷⁰ ALDI US, Environmental Footprint – Waste and Recycling (2022), available online at <https://corporate.aldi.us/en/corporate-responsibility/sustainability/environmental-footprint/>

²⁷¹ Wastetoday, Aldi sustainability charter includes packaging recyclability goals (March 12, 2021), available online at <https://www.wastetodaymagazine.com/article/aldi-sustainability-charter-packaging-recyclability/>

ways in which the plastics we do need can be kept in the economy and out of the environment — but we want to do even more.”²⁷²

Operation and Enforcement: Aldi charges its customers a nominal amount for their bags. The cost varies per jurisdiction and is added to their grocery total. They also encourage customers to bring their own shopping bag when grocery shopping or buy one of their brown paper bags, plastic grocery-style bags, reusable shopping totes, and even insulated bags.²⁷³ The teams of Corporate Responsibility (CR), Quality Assurance and Buying address the matters of packaging and recycling at Aldi. They are guided amongst other things by the International Timber Purchasing Policy and the laws of the country where each branch is located.²⁷⁴

Impact of Covid: Despite the problems that Covid caused, Aldi remained focused on its recycling efforts and the cut of plastic use. In the summer of 2020, Aldi “pledged to cut 74,000 metric tons of plastic packaging in the U.K. across a five-year period.”²⁷⁵ Although the use of plastic and packaging may be necessary to maintain products separated and safe, Aldi said it would “remove and reduce unnecessary packaging and switch to alternative materials.”²⁷⁶ Additionally, they express that if plastic is essential it would be “recyclable and made of recycled material wherever possible.”²⁷⁷

Impact of Aldi’s actions:

“In 2020, ALDI recycled nearly 300,000 tons of material, avoiding the greenhouse gas emission equivalent of nearly 9 million gallons of gasoline per month.”²⁷⁸

This is significant as other grocery stores have started to follow in their steps. Aldi has become known for being the best grocery for curtailing plastics.²⁷⁹ This has given them a competitive advantage when customers that care about the ecosystem and want to help chose to go to Aldi instead of another grocery store. Additionally, it sets a tone at the top for their employees and an image to the public about the values Aldi has as a business and the things they stand for and care about.

²⁷² Mashed, Here's What Aldi Is Doing To Promote Environmental Sustainability (September 19, 2020), available online at https://www.mashed.com/249310/heres-what-aldi-is-doing-to-promote-environmental-sustainability/?utm_campaign=clip

²⁷³ Querysprout, Does Aldi Have Bags? (Do You Need To Bring One + Other FAQs) (2022), available online at [https://querysprout.com/does-aldi-have-bags/#:~:text=Report%20Ad-How%20Much%20Does%20Aldi%20Charge%20For%20Bags%3F,a%20cloth\)%20are%20around%20%241.99.](https://querysprout.com/does-aldi-have-bags/#:~:text=Report%20Ad-How%20Much%20Does%20Aldi%20Charge%20For%20Bags%3F,a%20cloth)%20are%20around%20%241.99.)

²⁷⁴ ALDI, Packaging & cycle (2022), available online at <https://www.aldi.nl/sustainability-report/2017/key-topics/packaging-cycle.html>

²⁷⁵ CNBC, As the coronavirus changes the way we shop, stores press ahead with plans to cut plastic use (July 14, 2020), available online at <https://www.cnn.com/2020/07/14/coronavirus-is-changing-shopping-but-stores-still-plan-to-cut-plastic.html>

²⁷⁶ Id

²⁷⁷ Id

²⁷⁸ Waste 360, ALDI Takes Steps to Reduce Waste, Increase Recycling (March 11, 2021), available online at <https://www.waste360.com/waste-reduction/aldi-takes-steps-reduce-waste-increase-recycling>

²⁷⁹ THE OCR, ALDI ranked best grocery for curtailing plastics, but Greenpeace says none are doing enough (June 11, 2019), available online at <https://www.ocrregister.com/2019/06/11/aldi-ranked-best-grocery-for-curtailing-plastics-but-greenpeace-says-none-are-doing-enough/>

Single Use Plastics Management in Kroger Stores

Description: Founded in Cincinnati, Ohio, the Kroger company is an American retail company that operates supermarkets and multi-department stores.²⁸⁰ Kroger is the nation's largest grocery chain, operating up to 2,726 grocery retail stores under its various banners and divisions in 35 states and the District of Columbia, and 137 jewelry stores.

Overview of Single Use Plastics Management: In 2008, Kroger announced it plans to phase out single-use plastic bags at its 2,779 stores across the country by 2025, with the change starting at Seattle-based QFC and then in other states and continuing to other places.

- Definition: Kroger seems to define single-use plastics as those throw-it-away plastic bags and aims to eliminate these bags and transition to reusable bags.
- Operation and Implementation: Kroger had phased out plastic bags in all QFC stores by April, 2019, about 8 months earlier than expected. Other changes it intends to bring include that their supermarkets will let customers to pack the goods in paper bags and will have reusable shopping bags for \$1 or \$2 each. This program was implemented in Cincinnati, where Kroger was founded. But the progress and pace seem depends on the different measures and progress of other jurisdictions take. So far, the operation information seems limited to Cincinnati where Kroger's plan to eliminate plastic bags in stores seems delayed; it planned to finish by June of 2021, in accordance with the city laws banning plastic bags. Yet, Kroger claimed it would encourage customers to use reusable shopping bags there but still allow to use plastic bags. Customers were told one month before the city's ban took effect.
- Cooperation with other business and communities: In its initiative to eliminating plastic bags, Kroger has partnered with other stores, like Walmart and Target to join forces with the Center for the Circular Economy for the Beyond the Bag initiative, which aims to "reimagine" plastic bags and explore reusable options. Kroger will also solicit customer feedback and work with NGOs and community partners to ensure a responsible transition.

Impact of Covid: Covid may have delayed Kroger's elimination of plastic bags. The ordinance passed by Cincinnati City Council was slated to begin at the beginning of 2021 but was postponed due to the pandemic. In turn, the phasing-out plastic bags there was delayed.

²⁸⁰ *"Management & Directors". The Kroger Co. Archived from the original on December 21, 2021. Retrieved February 7, 2022.*



TOWNSHIP OF FERGUSON

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Public Works Director's Report to the Board of Supervisors (BOS) for the regular meeting on July 5, 2022

- 1. 5 year Capital Improvement Program** – Public Works Director (PWD) submitted the FTPW proposed 5 year capital improvement plan for review by Manager, Finance Director, and BOS.
- 2. Public Works Road Crew Activities** Major activities planned for the week of July 5th include brush collection, leaf collection, landscape mowing, street sweeping, and traffic signal inspections.. Activities for the week of July 11th include pavement base repair, inlet repairs, street sweeping, and roadside mowing. Vehicle and equipment maintenance is ongoing.
- 3. Arborist and Ferguson Township Tree Commission (FTTC) Activities-** The Tree Commission will meet again on July 18th.
- 4. Pine Grove Mills Mobility Study:** A presentation by the consultant, MTA, was provide to the BOS on June 7th. Pending any BOS comments, the consultant will finalize the report.
- 5. Stormwater** – Credit and exemption forms must be submitted in paper format while Laserfiche is down awaiting an upgrade which should be completed on 6/30/22.
- 6. Admin Building HVAC** – Barton Associates is providing technical assistance to prepare a contract to replace the non-functioning Reznor rooftop air exchange unit.
- 7. Work Orders and Asset Management** – TRAIRS subcommittee meetings with COG and the consultant are ongoing.
- 8. Contract 2016-C11 Traffic Signal Performance Metrics** – Work is underway by Wyoming Electric and Signal Company to interconnect our traffic signals using radio signals to allow for more efficient and timelier optimization of signals from the Township office and PennDOT's Traffic Management Office.
- 9. Contract 2018-C20 Park Hills Drainageway** – Final design is near completion. A permit submission to PaDEP is pending. Easement plats were provided to our appraiser, Chris Aumiller. Notices are being sent to 11 property owners notifying them that based upon comprehensive studies an easement is required on their property and letting them know they may contact and accompany the appraiser on his visit. Utility relocations are nearing construction. Once the permit is obtained and easements are acquired, the project can be put out to bid. A late year construction start is anticipated.

10. **Contract 2019-C21 Pine Grove Mills Street Light Conversion:** Design work continues. A permit application submission to PennDOT is pending.
11. **Contract 2020-C4 Suburban Park** This project includes features shown in the master plan including play equipment, a perimeter walk path, restoration of a stream channel, installation of bridges. [Design is in final review.](#)
12. **Contract 2020-C18 Science Park and Sandy Drive Signal Design** – Design work continues. Given other priorities, it is likely this project will go to construction in 2023.
13. **Contract 2021-C1 Harold Drive** –This project includes reconstruction of a section (east) of Harold Drive, and drainage improvements taking into consideration any wetland impacts. This contract was awarded. [Work by Mid State Paving started June 15th and is in progress. Work is expected to be completed by mid-July.](#)
14. **Contract 2021-C16 Chesapeake Bay Pollutant Reduction Plan (CBPRP) Design and Permitting** – In compliance with our MS4 permit and CBPRP, certain projects need to be advanced through the design and permitting phase.
15. **Contract 2021-C18 Hmestead Park Play Equipment Installation** –[This project is complete and open to the public. Parking lot stalls still need to be painted.](#)
16. **Contract 2022-C1 Street Improvement Projects (in town)** –This contract includes primarily paving and some related curb, stormwater, and ancillary improvements to (or sections of) the following roads: **W. Aaron Drive, N. Allen Street, Circleville Road, Park Crest Lane, Research Drive, Sleepy Hollow Drive.** This contract was awarded to GOH. Work is expected to start in early July.
17. **Contract 2022-C2 Street Improvement Projects (west end)**– This contract includes primarily paving and some related stormwater, and ancillary improvements to **Marengo Road, Oak Glenn Road, W. Whitehall Road** from Tadpole Road through the Meadows, **Old Gatesburg Road** from Science Park Road to Nixon Road. This contract was awarded to GOH. Work is expected to start in early July.
18. **Contract 2022-C3 Cured in Place Pipe Lining** – This project includes repairing corrugated metal storm pipes with a pipe liner allowing pipe repair from the inside without the need for digging. The contract is prepared based on a completed video assessment of the pipes. The process includes ultraviolet light cured in place pipe lining. [Design work is in progress with an anticipated let date in late July.](#)
19. **Contract 2022-C8 Pavement Markings** – [Spring work is complete by Alpha Space Control. They will return in the fall.](#)
20. **Contract 2022-C9a Microsurfacing (in town)** – [This work is underway by Asphalt Paving Systems \(APS\).](#) Work includes the placement of two layers of a slurry of fine aggregate, minerals, asphalt emulsion and water on the pavement surface as a preventative maintenance measure to cost effectively extend the life of the pavement.

21. **Contract 2022-C9b Microsurfacing (west end)** – This work is $\frac{3}{4}$ complete with an estimated completion date during the week of July 5th.
22. **Contract 2022-C10 Sealcoat bikepaths** – Certain bikepaths and multi-use paths are sealcoated to extend the life of the asphalt path. In advance of work, FTPW will edge and sweep the paths, seal any cracks, and repair the asphalt as needed. Work is performed in the summer months. This project has been cancelled for 2022 due to supply chain issues and lack of material availability for most contractors.
23. **Contract 2022-C11 Sidewalk Repairs** – FTPW Engineering Section inspected a portion of the public sidewalks. Property owners were sent notices to fix deficient sidewalk sections and given an opportunity to fix it themselves or have the Township perform the work by contract and bill the property owner.
24. **Contract 2022-C15 Street Tree Pruning** – Each year a certain number of street trees are pruned to include shaping while they are young, clearance over sidewalks and roadways, deadwood removal as the trees mature, and hazard mitigation.
25. **Contract 2022-C16 Audible Pedestrian Signal (APS) Push Buttons** – This project (in design) includes upgrades to the traffic signals at the College/Bristol intersection and the College/Blue Course intersection to install audible pedestrian signals. An APS provides audible information along with the visual indicators to let blind pedestrians know when to safely cross an intersection.
26. **Contract 2022-C19 FTPW Building 3 Roof Repair** -The existing rubber roof on FTPW building 3 has failed and the roof needs replaced. The project is in design.
27. **Contract 2022-C21 Pine Grove Mills bike and pedestrian Improvements** – PennDOT announced a \$700,000 grant award for construction and inspection of this project. The 2022 budget includes \$120,000 for survey and design. The County will provide a \$50,000 liquid fuel grant toward design of this project. A kickoff meeting with PennDOT and CRPA was held on June 14th. In December, the Township should expect to receive a reimbursement agreement that must be executed with PennDOT. The next step in the process is determine the consultant selection process to begin design work.
28. **Contract 2022-C23 Pine Grove Mills Lighting Design (18 new lights)** – Work includes the design of new ornamental lights in Pine Grove Mills mostly to the west of the flashing light. Work has not yet started on the design of this project.

RESOLUTION NO. _____

A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, TO SUPPORT LEGISLATION THAT PROHIBITS DOMESTIC VIOLENCE OFFENDERS FROM HOLDING STATE OFFICE

WHEREAS, in the interest of protecting Pennsylvanian men and women from domestic violence, it is apparent that our leaders and those in power should be held to the highest standards and not hold histories of convictions relating to domestic abuse; and

WHEREAS, the American public has made great strides in changing the culture of domestic violence from one of a widely-accepted commonplace family occurrence, to a recognized harmful culture of physical and psychological harm that should be met with criminal persecution for the perpetrator, and years of therapy, restitution, and healing for victims; and

WHEREAS, the rise in domestic abuse since the COVID-19 pandemic began in 2020 has brought an even greater concern and light to this pressing issue for both men and women; and

WHEREAS, these travesties should be condemned when they have occurred, and prevented when possible through proper education, enforcement, and laws; and

WHEREAS, in accordance with the values of the Ferguson Township Board of Supervisors, the Board aims to prevent the possibility of a serial abuser and violent criminal from taking office at the state level; and

WHEREAS, the moral standards for our elected officials should be reflective of the laws that guide and govern our state and nation, and none that commit heinous crimes and patterns of psychological and physical abuse should ever hold office; and

NOW THEREFORE, the Board of Supervisors of Ferguson Township calls upon the Pennsylvania State Legislature to enact legislation to guarantee that all persons convicted of domestic violence shall be ineligible to serve in the General Assembly, State Senate, or hold any office or profit in the Commonwealth of Pennsylvania.

RESOLVED this ____ day of May 2022.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[S E A L]

ATTEST:

By: _____
Centrice Martin, Secretary

Accounts Payable

Checks by Date - Detail by Check Number

User: eendresen
 Printed: 6/17/2022 8:29 AM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
7	11910 53569	BARTON ASSOCIATES FERG TWP-ADMIN BUILDING DOAS UNIT	05/15/2022		7,150.00
				Total for Check Number 7:	0.00 7,150.00
17	12021 0116083	TRIAD TRUCK EQUIPMENT, INC BEAU-ROC SSM1 MUNICIPAL DUMP BODY	05/31/2022		21,298.00
				Total for Check Number 17:	0.00 21,298.00
36	11676 h14220218	WOOD ENVIRONMENT & INFRASTRU STORMWATER FEE PH 2 IMPLEMENTATIO	05/15/2022		2,944.00
				Total for Check Number 36:	0.00 2,944.00
36	10209 732	CENTRE REGION PARKS & RECREATI Regional Parks Capital	05/15/2022		32,422.00
				Total for Check Number 36:	0.00 32,422.00
37	11332 12211	NTM ENGINEERING INC FERG TWP MISC SERV	05/31/2022		1,107.93
				Total for Check Number 37:	0.00 1,107.93
164	11192 1424-MAY22 3057-MAY22 3639-MAY22	WEST PENN POWER STREET LIGHTS STREET LIGHTS HAVASHIRE LIGHTING	05/31/2022 01.433.036 01.433.036 01.433.036		306.34 751.44 154.85
				Total for Check Number 164:	0.00 1,212.63
441	11650 1	WOLYNIEC CONSTRUCTION, INC. CONCRETE CONSTRUCTION	05/15/2022		33,998.40
				Total for Check Number 441:	0.00 33,998.40
442	10236 2204045	CMT LABORATORIES CONCRETE CYLINDERS	05/31/2022		150.00
				Total for Check Number 442:	0.00 150.00
443	10436 799916	GLENN O HAWBAKER INC 9.5MM L 64-S-22 .3-3	05/31/2022		129.92
				Total for Check Number 443:	0.00 129.92
444	10509 2668613 2670774 2682015 2684170	HRI INC 9.5MM M .3<3 WMA 9.5MM M .3<3 WMA 9.5MM M .3<3 WMA 9.5MM M .3<3 WMA/25MM .3<3 WMA	05/31/2022		141.75 103.28 483.30 827.17

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 444:	0.00	1,555.50
445	11136 6196255	U S MUNICIPAL SUPPLY INC NO PAVEMENT MARKERS	05/31/2022		4,095.00
			Total for Check Number 445:	0.00	4,095.00
937	10031 7	ALLIED MECHANICAL & ELECTRICA PW NEW BUILDING	05/15/2022		51,439.35
			Total for Check Number 937:	0.00	51,439.35
938	11242 1L6Y-G6HC-HH9N	AMAZON CAPITAL SERVICES INC MEETING OWL PRO	05/31/2022		1,004.99
			Total for Check Number 938:	0.00	1,004.99
939	11993 2	ENVINITY, INC. PW BUILDING	05/31/2022		81,438.04
			Total for Check Number 939:	0.00	81,438.04
940	11262 10121	X-PERT COMMUNICATIONS FTPW / PD BUILDING 1 CAMERAS (\$4,550)	05/31/2022		8,960.00
			Total for Check Number 940:	0.00	8,960.00
12626	10569 022822 022822	ANGELA KALKE HARRISBURG MTG MILEAGE KALKE GIFTCARD PRIBULKA	05/06/2022		154.45 100.00
			Total for Check Number 12626:	0.00	254.45
12627	11242 1G93-K76X-9LH1	AMAZON CAPITAL SERVICES INC BOOTS	05/15/2022		247.95
			Total for Check Number 12627:	0.00	247.95
12628	11376 2151628 2207171	B&I AUTO SUPPLY WIPER BLADE EXHAUST FLUID	05/15/2022	VOID	
				11.37 48.16	
			Total for Check Number 12628:	59.53	0.00
12629	10085 152782	BASTIAN TIRE & AUTO CENTERS TIRES	05/15/2022		600.00
			Total for Check Number 12629:	0.00	600.00
12630	11702 050122	BLUE KNOB AUTO UNDERCOVER VEHICLE	05/15/2022		350.00
			Total for Check Number 12630:	0.00	350.00
12631	10122 041122 042222 042622 042722 042922	BOROUGH OF STATE COLLEGE DUI CHECKPOINT 4/11 DUI CHECKPOINT 4/22 DUI CHECKPOINT 4/7,4/22, 4/26 DUI CHECKPOINT 4/27 DUI CHECKPOINT 4/29	05/15/2022		68.34 340.44 249.19 203.40 189.12

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 12631:	0.00	1,050.49
12632	11224 050922	CAMPBELL DURRANT BEATTY PALO LEGAL SERVICES	05/15/2022		5,446.64
			Total for Check Number 12632:	0.00	5,446.64
12633	12026 051122	CENTRAL PENN COLLEGE ROOMING FOR DAUBENSPECK TO ATTEN	05/15/2022		4,480.00
			Total for Check Number 12633:	0.00	4,480.00
12634	10201 051322	CENTRE COUNTY UNITED WAY U-WAY	05/15/2022		26.00
			Total for Check Number 12634:	0.00	26.00
12635	10208 730 730 730 730 730 730 730 730 730	CENTRE REGION COUNCIL OF GOVE COG Building Capital COG Regional Planning COG EMS Operating COG Fire Operating COG Administration Operating COG Planning COG Fire Capital COG Fire Capital COG EMS Contingency	05/15/2022		1,460.00 23,466.50 9,569.00 79,732.25 39,394.50 7,833.00 22,053.75 2,732.25 641.00
			Total for Check Number 12635:	0.00	186,882.25
12636	10209 732 732 732 732 732 732 732 732 732	CENTRE REGION PARKS & RECREATI Active Adult Center Parks Capital MM Nature Center Capital Parks Administration Parks Operating Maintenance MM Nature Center Operating Regional Pools Debt Parks Operating Programs Regional Pools Capital	05/15/2022		8,779.00 11,562.25 11,381.50 41,353.75 61,488.75 6,419.75 28,019.50 10,223.25 10,042.50
			Total for Check Number 12636:	0.00	189,270.25
12637	10231 530353	CLEARFIELD WHOLESALE PAPER CO TRASH LINER/TOWEL C-FOLD/TOWEL	05/15/2022		368.62
			Total for Check Number 12637:	0.00	368.62
12638	10142 050922	CNET 1ST QTR 2022 COMCAST PEG FEES	05/15/2022		2,182.31
			Total for Check Number 12638:	0.00	2,182.31
12639	10243 20006-APR22	COLUMBIA GAS OF PA INC GAS	05/15/2022		564.86
			Total for Check Number 12639:	0.00	564.86
12640	11537 051522	COMMONWEALTH OF PA APPLICATION FEE FOR WASTE TIRE TRAN	05/15/2022		50.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 12640:	0.00	50.00
12641	11800 051022	COMMUNITY DIVERSITY GROUP LARGE LOGO AND TWO CONF REGISTRAI	05/15/2022		1,000.00
			Total for Check Number 12641:	0.00	1,000.00
12642	10270 051422 051922	STEVE COX HAMBURGER FOR APWA LUNCH HAMBURGER FOR APWA LUNCH	05/15/2022		85.00 43.90
			Total for Check Number 12642:	0.00	128.90
12643	11217 051322	FERGUSON TOWNSHIP POLICE ASSOC POLICE UNIION DUES	05/15/2022		380.00
			Total for Check Number 12643:	0.00	380.00
12644	10380 043022	FERGUSON TOWNSHIP SUPERVISORS TIF TRANS APR 2022	05/15/2022		370,144.34
			Total for Check Number 12644:	0.00	370,144.34
12645	10492 P1093728	HIRERIGHT SOLUTIONS INC PW TESTING	05/15/2022		93.04
			Total for Check Number 12645:	0.00	93.04
12646	11727 X204098557:01	HUNTER TRUCK SALES CLAMP/GASKET/STRAP	05/15/2022		190.68
			Total for Check Number 12646:	0.00	190.68
12647	10554 39155 39156	JARU ASSOCIATES INC PINE GROVE MILLS MOBILITY STUDY PO: CORRUGATED BOARDS	05/15/2022		74.00 456.82
			Total for Check Number 12647:	0.00	530.82
12648	10561 042522	JOHN DEERE FINANCIAL PARTS FOR TRACTOR	05/15/2022		1,016.38
			Total for Check Number 12648:	0.00	1,016.38
12649	10631 051422	DANIEL LEWIS TEXTBOOKS/TUTION	05/15/2022		3,044.44
			Total for Check Number 12649:	0.00	3,044.44
12650	10203 255132	MCCLATCHY COMPANY LLC BOS MTG AD FOR APR 29	05/15/2022		179.35
			Total for Check Number 12650:	0.00	179.35
12651	11812 2175195C3908 2175195C3908	MEDEXPRESS NEW HIRE ADM NEW HIRE POLICE	05/15/2022		136.00 87.00
			Total for Check Number 12651:	0.00	223.00
12652	11807 1614658	MODEL UNIFORMS PW UNIF CLN4/28	05/15/2022		101.15

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	1619058	PW UNIF CLN 5/12			101.15
			Total for Check Number 12652:	0.00	202.30
12653	10808 051622 051622	PA STATE POLICE HANDGUN/SHOTGUN INSTRUCTOR COUR POLICE RIFLE COURSE FOR OSOSKIE	05/15/2022		500.00 300.00
			Total for Check Number 12653:	0.00	800.00
12654	10819 042322	PATTON TOWNSHIP SUPERVISORS DUI CHECKPOINT 4/23	05/15/2022		472.48
			Total for Check Number 12654:	0.00	472.48
12655	10916 9885	R C BOWMAN INC TRIAXLE LOAD SCREENED TOPSOIL	05/15/2022		668.75
			Total for Check Number 12655:	0.00	668.75
12656	10978 731 731	SCHLOW CENTRE REGION LIBRARY LIBRARY OPERATING LIBRARY CAPITAL	05/15/2022		122,107.25 6,572.25
			Total for Check Number 12656:	0.00	128,679.50
12657	12024 010122	SECURITIES AMERICA, INC. QUARTERLY FEES	05/15/2022		3,000.00
			Total for Check Number 12657:	0.00	3,000.00
12658	11017 1472028	SOSMETAL PRODUCTS INC FASTUBE/TIRE MOUNTING/WHEEL WEIGH	05/15/2022	VOID	
				393.19	
			Total for Check Number 12658:	393.19	0.00
12659	11026 043022	SPRING TOWNSHIP SUPERVISORS DUI CHECKPOINT 4/30, 4/21,4/20,4/19,4/14,4	05/15/2022		1,126.19
			Total for Check Number 12659:	0.00	1,126.19
12660	11844 22-00442	TACTICAL WEAR PANTS/SHORTS/CAP	05/15/2022		916.20
			Total for Check Number 12660:	0.00	916.20
12661	12025 051622	THOMSON REUTERS ITEM RECIEVED	05/15/2022		346.00
			Total for Check Number 12661:	0.00	346.00
12662	10381 041322	FERGUSON TOWNSHIP TAX OFFICE SCASD PAID US THE STORMWATER FEE IN	05/15/2022		4,898.04
			Total for Check Number 12662:	0.00	4,898.04
12663	11133 050522	U COMP U COMP	05/15/2022		7,398.68
			Total for Check Number 12663:	0.00	7,398.68
12664	11137 147802093	ULINE 36" DELUXE TRASH PICKER	05/15/2022		83.33

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 12664:	0.00	83.33
12665	11956 661758	WILLIAMSPORT SUN-GAZETTE AD FOR STORMWATER ENGINEER	05/15/2022		389.00
			Total for Check Number 12665:	0.00	389.00
12666	10016 051322	AFLAC INS WITHHELD	05/31/2022		118.17
			Total for Check Number 12666:	0.00	118.17
12667	10031 164557	ALLIED MECHANICAL & ELECTRICA REPLACE EXTISTING WATER LINE TO HU	05/31/2022		840.08
			Total for Check Number 12667:	0.00	840.08
12668	11242 1416-Y6D3-GWQ1 167K-FDL6-H1W9 1JM7-4FP9-MDJP 1L6Y-G6HC-3RLF 1LH1-7MTK-L4HL 1LW3-R9GH-VN66	AMAZON CAPITAL SERVICES INC HOLISTER IP PHONE YEALINK IP PHONE YEALINK MAGNETIC HOOKS FOR COATS AND BAGS I PHONE LASERJET PRO WIRELESS	05/31/2022		-131.34 149.45 139.95 41.94 -139.95 699.00
			Total for Check Number 12668:	0.00	759.05
12669	11376 2151628 2207171	B&I AUTO SUPPLY WIPER BLADE EXHAUST FLUID	05/31/2022		11.37 48.16
			Total for Check Number 12669:	0.00	59.53
12670	10100 P92762 R28451	BEST LINE EQUIPMENT TANK VENT EQUIPMENT RENTAL	05/31/2022		10.49 147.15
			Total for Check Number 12670:	0.00	157.64
12671	10122 11304	BOROUGH OF STATE COLLEGE HEALTH SERV 1ST QTR 2022	05/31/2022		1,201.59
			Total for Check Number 12671:	0.00	1,201.59
12672	11990 24X23690	BURGMEIER'S SHREDDING SHREDDING FEES	05/31/2022		153.00
			Total for Check Number 12672:	0.00	153.00
12673	11885 54534	CDI MONTHLY CLOUD HOSTING SERVICE	05/31/2022		300.00
			Total for Check Number 12673:	0.00	300.00
12674	10241 50002	COLONIAL PRESS 500 #10 REG ENV	05/31/2022		105.00
			Total for Check Number 12674:	0.00	105.00
12675	10243 10006-JUN22 10007-JUN22	COLUMBIA GAS OF PA INC GAS OFFICE GAS GARAGE	05/31/2022		419.57 254.74

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	20006-JUN22	GAS			158.95
			Total for Check Number 12675:	0.00	833.26
12676	10244 145952350 145952350	COMCAST POSTATE MACHINE RENTAL MAY POSTATE MACHINE RENTAL JUNE	05/31/2022		1,134.00 1,134.00
			Total for Check Number 12676:	0.00	2,268.00
12677	11760 050322	COMCAST FAX LINES	05/31/2022		151.61
			Total for Check Number 12677:	0.00	151.61
12678	10398 12P121264 12P121277	FIVE STAR INTERNATIONAL, LLC CUSHION MOTOR CONTROL MODE DR ACTUATOR	05/31/2022		463.70 49.70
			Total for Check Number 12678:	0.00	513.40
12679	10409 109780	FRED CARSON DISPOSAL INC. COMMERCIAL RECYCLING/CARDBOARD	05/31/2022		240.65
			Total for Check Number 12679:	0.00	240.65
12680	11635 31636292	GREAT AMERICA FINANCIAL SERVICE COPIER LEASE 5052CI	05/31/2022		214.64
			Total for Check Number 12680:	0.00	214.64
12681	10492 P1099315	HIRERIGHT SOLUTIONS INC BACKGROUND SCREENING SERVICES	05/31/2022		500.00
			Total for Check Number 12681:	0.00	500.00
12682	11253 7907MAY2022	INFRADAPT LLC LOCAL & LONG DIST SERV	05/31/2022		655.33
			Total for Check Number 12682:	0.00	655.33
12683	10554 39628	JARU ASSOCIATES INC SMALL FORM PRINTS	05/31/2022		40.00
			Total for Check Number 12683:	0.00	40.00
12684	10618 9309550503	LAWSON PRODUCTS INC OIL PADS	05/31/2022		99.32
			Total for Check Number 12684:	0.00	99.32
12685	11704 1501049 1501049 1501049 1501049	MADISON NATIONAL LIFE VOL LIFE INS LTD STD BASIC LIFE AD&D	05/31/2022		400.02 712.06 600.62 517.12
			Total for Check Number 12685:	0.00	2,229.82
12686	10762 31535924 31649744	MARCO COPIER LEASE 3212I COPER LEASE 3252CI	05/31/2022		239.09 485.68

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 12686:	0.00	724.77
12687	10673 42456-0	MCCARTNEYS INC HIGHLIGHTERS/BOOKEND, MAGNETIC	05/31/2022		47.13
			Total for Check Number 12687:	0.00	47.13
12688	10203 239995 258727	MCCLATCHY COMPANY LLC BOS MTG APRIL 19 BOS MTG MAY 10	05/31/2022		339.40 118.03
			Total for Check Number 12688:	0.00	457.43
12689	10674 2 9	MCCORMICK TAYLOR INC ES-423 ES-424	05/31/2022		82.50 3,853.75
			Total for Check Number 12689:	0.00	3,936.25
12690	10715 051722	DEVON MORAN SANITIZING WIPES	05/31/2022		21.20
			Total for Check Number 12690:	0.00	21.20
12691	10373 043022 043022	NITTANY SUPPLY INC. FLEX HANDLE BATTERY	05/31/2022		52.97 372.12
			Total for Check Number 12691:	0.00	425.09
12692	11616 10303446	PA MEDIA GROUP AD FOR STORMWATER ENGINEER	05/31/2022		573.70
			Total for Check Number 12692:	0.00	573.70
12693	11825 76575	PITTSBURGH POST-GAZETTE AD FOR STORMWATER ENG	05/31/2022		573.00
			Total for Check Number 12693:	0.00	573.00
12694	10882 24460	PORTAGE POWER WASH INC SERVICE CALL	05/31/2022		155.00
			Total for Check Number 12694:	0.00	155.00
12695	10932 053022 053022	RESERVE ACCOUNT POSTAGE BY PHONE POSTAGE BY PHONE	05/31/2022		239.70 760.30
			Total for Check Number 12695:	0.00	1,000.00
12696	12027 051722	VICKY SANDERSON FLOWERS FOR THE 3 WELCOME SIGNS	05/31/2022		129.28
			Total for Check Number 12696:	0.00	129.28
12697	11257 201377	SHARE CORPORATION SPRAY WAX & CLEANER	05/31/2022		268.16
			Total for Check Number 12697:	0.00	268.16
12698	11614	SNAP ON INDUSTRIAL	05/31/2022		

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	ARV/52817464	12VDC LCD CIRCUIT TESTER CLEAR			67.98
			Total for Check Number 12698:	0.00	67.98
12699	11017 1472028 1474256	SOSMETAL PRODUCTS INC FASTUBE/TIRE MOUNTING/WHEEL WEIGH TARP STRAP/MIRRORED GLASSES/DRILL	05/31/2022		393.19 189.26
			Total for Check Number 12699:	0.00	582.45
12700	11697 051922	TIMOTHY STEELE ICE	05/31/2022		20.00
			Total for Check Number 12700:	0.00	20.00
12701	11050 11493&11512	STOCKER CHEVROLET INC GASKET/LINK/GASKET	05/31/2022		235.65
			Total for Check Number 12701:	0.00	235.65
12702	11298 233005044-0429 233005044-0506	SUSQUEHANNA VALLEY PROFESSION EOB EOB	05/31/2022		20.00 20.00
			Total for Check Number 12702:	0.00	40.00
12703	11945 SOL-05-2022-26 SOL-05-2022-27	SYNARIO SYNARIO IMPLEMENTATION FEE SYNARIO SUBSCRIPTION FEE	05/31/2022		1,666.67 9,500.00
			Total for Check Number 12703:	0.00	11,166.67
12704	11080 22-830	T C TRANSPORT INC MULCH	05/31/2022		760.00
			Total for Check Number 12704:	0.00	760.00
12705	11136 6196255 6196256	U S MUNICIPAL SUPPLY INC SIGNS POSTS	05/31/2022		304.05 1,320.50
			Total for Check Number 12705:	0.00	1,624.55
12706	11613 206694657-001	UNITED RENTALS VESTS	05/31/2022		60.36
			Total for Check Number 12706:	0.00	60.36
12707	11192 0840-MAY22 0873-MAY22 1054-MAY22 1966-MAY22 2239-MAY22 2449-MAY22 2510-MAY22 2691-MAY22 2711-MAY22 3377-MAY22 5290-MAY22 5727-MAY22 5843-MAY22	WEST PENN POWER W COLLEGE AVE STREET LIGHTS W COLLEGE AVE 225 SCIENCE PARK RD S WATER ST WESTERLY PKWY BLUE CR W CHERRY LN MARTIN ST SCIENCE PARK ROAD SCIENCE PARK ROAD BRISTOL AVE 1901 CIRCLEVILLE ROAD OFFICE COMPLEX 1301 W COLLEGE AVE	05/31/2022 01.433.036 01.433.036 01.433.036 01.433.036 01.433.036 01.433.036 01.433.036 01.433.036 01.433.036 01.433.036 01.433.036 01.409.036 01.433.036		28.89 38.20 29.17 39.30 24.09 34.51 40.33 49.65 56.40 37.20 42.42 1,253.38 38.76

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	6113-MAY22	GARAGE/MAINT BLDG	01.409.036		175.74
	6150-MAY22	OLD GATESBURG ROAD	01.433.036		33.09
	6651-MAY22	BIKE TUNNEL	01.433.036		95.01
	6725-MAY22	BLDG #3	01.409.036		138.46
	6735-MAY22	N HILLS DR	01.433.036		32.59
	7407-MAY22	PGM-BLINKER-WEST	01.433.036		9.24
	7595-MAY22	1282 N ATHERTON ST	01.433.036		42.77
	7852-MAY22	PGM-BLINKER-EAST	01.433.036		9.24
	8100-MAY22	2100 W COLLEGE AVE	01.433.036		31.53
	8136-MAY22	BLUE COURSE DR & HAVENSHIRE DR	01.433.036		35.47
	8506-MAY22	BLUE COURSE DRIVE	01.433.036		33.04
	9110-MAY22	W COLLEGE AVE	01.433.036		26.80
	9975-MAY22	AARON DR MARTIN ST	01.433.036		29.12
			Total for Check Number 12707:	0.00	2,404.40
12708	11205	WOODRINGS FLORAL GARDENS	05/31/2022		
	1721633	FLOWERS FOR MILLER			64.95
	1721634	FLOWERS FOR GRENOBLE			59.95
			Total for Check Number 12708:	0.00	124.90
2017120	10236	CMT LABORATORIES	05/15/2022	VOID	
	2204045	CONCRETE CYLINDERS		150.00	
			Total for Check Number 2017120:	150.00	0.00
20200946	11192	WEST PENN POWER	05/31/2022		
	6563-MAY22	425 PARK CREST LANE	93.454.249		20.46
			Total for Check Number 20200946:	0.00	20.46
20210332	11376	B&I AUTO SUPPLY	05/05/2022		
	2062407	CORE			-33.00
	2092275	OIL FILTERS			9.30
	2092275	OIL FILTERS			9.34
	2107336	EXHAUST FLUID			24.08
	2107336	OIL FILTERS			9.64
	2122147	BRAKE PAD			73.29
	2122155	BELT			29.16
	2135015	BRAKE PADS			73.29
	2135022	OIL FILTER			5.04
	2135022	EXHAUST FLUID			24.08
	2139772	BRAKE PADS			73.29
	2150811	HEADLIGHT BULBS			22.56
	2155812	BRAKE CLEANER			34.20
	2171389	FILTER			8.45
	2171389	FILTER			20.43
			Total for Check Number 20210332:	0.00	383.15
20210333	10103	BI LO SUPPLY	05/05/2022		
	681581	VACCUM BAGS			7.56
			Total for Check Number 20210333:	0.00	7.56
			Report Total (102 checks):	602.72	1,203,840.23

TO (OWNER):	Ferguson Township 3147 Research Drive State College, PA 16801	PROJECT	Automated Traffic Signal Perform	APPLICATION NO:	2	Distribution To:	Owner
				PERIOD TO:	30-May-22		Architect
FROM (CONT):	Wyoming Electric & Signal, Inc. 214 Wyoming Avenue Wyoming, PA 18644	VIA ENGINEER:	Robert A. Seyber, Jr. PE 3147 Research Drive State College, PA 16801	CONTRACT#	2016-C11 ATSPM		Contractor
CONTRACT FOR:	Automated Traffic Signal Perform			CONTRACT DATE:	September-21		
				Invoice Number:	8862		

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the contract.

Continuation Sheet is attached.

CHANGE ORDER SUMMARY

		ADDITIONS	DEDUCTIONS
Change orders approved in previous months by Owner	CO 2	14,223.00	\$12,200.00
	CO 3	5,964.00	\$7,400.00
Change orders approved in current month by Owner	CO 1		\$36,600.00
		ADDITIONS	DEDUCTIONS
Net Change by Change Orders		\$20,187.00	56,200.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Wyoming Electric & Signal, Inc.

By: Dodie L. Bresnahan Date: 6/10/2022
Dodie L. Bresnahan, President

1	ORIGINAL CONTRACT SUM	\$619,276.00
2	Net Change by Change Orders	(\$36,013.00)
3	CONTRACT SUM TO DATE	\$583,263.00
4	TOTAL COMPLETE & STORED TO DATE (Column G)	\$422,059.50
5	RETAINAGE:	
	a. 10% of Completed Work (Column D&E)	\$42,205.95
	b. 0% of Stored Material (Column F)	\$0.00
	Total Retainage (Line 5a+5b) or Column I	\$42,205.95
6	TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	\$379,853.55
7	LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 Prior Certificate)	\$41,661.00
8	CURRENT PAYMENT DUE	\$338,192.55
9	BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	\$203,409.45

State of: Pennsylvania
Commonwealth of Pennsylvania - Notary Public
ANITA M BOUTEILLER - Notary Public
Subscribed and Sworn to before me this 10th day of June 2022
Notary Public: Christina M. Bouteiller My Commission Expires Jan 2, 2024
Commission Number 1014983
My Commission expires:

ARCHITECTS CERTIFICATE FOR PAYMENT

In accordance with Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information, and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$338,192.55
(Attach explanation if amount certified differs from the amount applied for)
ARCHITECT: AS Seyber Date: 6-29-22
By: AS Seyber
This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein.
Issuance, payment are without prejudice to any rights of the Owner or Contractor under this contract.

32-439-610

Wyoming Electric and Signal, Inc.

Owner/Contractor:
Ferguson Township
3147 Research Drive
State College, PA 16801
Customer: FER40

214 Wyoming Avenue Wyoming, PA 18644
APPLICATION FOR PAYMENT
APPLICATION NUMBER 002
PERIOD 04/30/2022 THRU 05/30/2022
INVOICE NUMBER 886-2

Centre County, Ferguson Township

ITEM NO.	DESCRIPTION OF WORK	UNIT	ORIGINAL QUANTITY	UNIT PRICE	SCHEDULED VALUE	*** QUANTITIES ***			*** AMOUNT ***				% COMPLETE	BALANCE TO FINISH	RETAINAGE (IF VARIABLE RATE)
						PREVIOUS APPLICATION	THIS PERIOD	TO DATE	PREVIOUS APPLICATION	THIS PERIOD	MATERIALS PRESENTLY STORED	TO DATE			
0608-0001	Mobilization	LS	1.00	\$24,000.00	\$24,000.00	0.50	0.27	0.77	\$12,000.00	\$6,480.00	\$0.00	\$18,480.00	77.00%	\$5,520.00	\$0.00
0901-0001	Maint & Protection of Traffic	LS	1.00	\$8,400.00	\$8,400.00	0.10	0.67	0.77	\$840.00	\$5,628.00	\$0.00	\$6,468.00	77.00%	\$1,932.00	\$0.00
0954-0402	Electric Service, Type B	EA	4.00	\$1,900.00	\$7,600.00	0.00		0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$7,600.00	\$0.00
9000-0770	Digital Wave Radar Presence Det Sys	EA	15.00	\$8,400.00	\$126,000.00	1.00	14.00	15.00	\$8,400.00	\$117,600.00	\$0.00	\$126,000.00	100.00%	\$0.00	\$0.00
9000-0771	Digital Wave Radar Advance Det Sys	EA	2.00	\$8,400.00	\$16,800.00	0.00	2.00	2.00	\$0.00	\$16,800.00	\$0.00	\$16,800.00	100.00%	\$0.00	\$0.00
9000-0772	Digital Wave Radar Cabinet Interface	EA	1.00	\$8,400.00	\$8,400.00	0.00		0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$8,400.00	\$0.00
9000-1001	Managed Network Switch	EA	22.00	\$3,600.00	\$79,200.00	3.00	19.00	22.00	\$10,800.00	\$68,400.00	\$0.00	\$79,200.00	100.00%	\$0.00	\$0.00
9000-1002	Wireless Comm System - Single Radio	EA	14.00	\$4,750.00	\$66,500.00	3.00	11.00	14.00	\$14,250.00	\$52,250.00	\$0.00	\$66,500.00	100.00%	\$0.00	\$0.00
9000-1003	Wireless Comm System - Dual Radio	EA	16.00	\$7,400.00	\$118,400.00	0.00	10.00	10.00	\$0.00	\$74,000.00	\$0.00	\$74,000.00	62.50%	\$44,400.00	\$0.00
9000-1004	Controller Unit Replacement	EA	4.00	\$6,100.00	\$24,400.00	0.00		0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$24,400.00	\$0.00
9000-1005	Malfunction Mgmt Unit Replacement	EA	11.00	\$1,390.00	\$15,290.00	0.00		0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$15,290.00	\$0.00
9000-1006	Solar Power Supply System	EA	1.00	\$8,000.00	\$8,000.00	0.00		0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$8,000.00	\$0.00
9000-1007	Radio Roof Mounting	EA	1.00	\$1,986.00	\$1,986.00	0.00		0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$1,986.00	\$0.00
9000-1008	Cabinet Modification for Phase Change	EA	1.00	\$3,100.00	\$3,100.00	0.00		0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$3,100.00	\$0.00
9000-1009	TSS, Strain Pole (30' Height) 1,000#	EA	2.00	\$11,000.00	\$22,000.00	0.00	1.00	1.00	\$0.00	\$11,000.00	\$0.00	\$11,000.00	50.00%	\$11,000.00	\$0.00
9000-1010	TSS, Strain Pole w/ Lum Arm 30' Ht 1000#	EA	2.00	\$16,500.00	\$33,000.00	0.00	1.00	1.00	\$0.00	\$16,500.00	\$0.00	\$16,500.00	50.00%	\$16,500.00	\$0.00
9000-0011	TSS, Strain Pole Blk Paint 30' Ht 1000#	EA	0.00	\$12,200.00	\$0.00	0.00		0.00	\$0.00	\$0.00	\$0.00	\$0.00	#DIV/0!	\$0.00	\$0.00
9000-0011	TSS, Strain Pole Blk Paint 30' Ht 2000#	EA	1.00	\$14,223.00	\$14,223.00	0.00	0.50	0.50	\$0.00	\$7,111.50	\$0.00	\$7,111.50	50.00%	\$7,111.50	\$0.00
9999-0000	Network Access Relocation	LS	1.00	\$5,964.00	\$5,964.00	0.00		0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	\$5,964.00	\$0.00
Contract Total:					\$583,263.00	-	-	-	\$46,290.00	\$375,769.50	\$0.00	\$422,059.50	72.36%	\$161,203.50	\$0.00

Application and Certificate for Payment

TO (OWNER):	Ferguson Township 3147 Research Drive State College, PA 16801	PROJECT Automated Traffic Signal Perform	APPLICATION NO: 3	Distribution To: _____ Owner _____ Architect _____ Contractor
FROM (CONT):	Wyoming Electric & Signal, Inc. 214 Wyoming Avenue Wyoming, PA 18644	VIA ENGINEER: Robert A Seyber, Jr. PE 3147 Research Drive State College, PA 16801	PERIOD TO: 14-May-22	
CONTRACT FOR: Automated Traffic Signal Perform			CONTRACT# 2016-C11 ATSPM	
			CONTRACT DATE: September-21	
			Invoice Number: 8863	

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the contract.

Continuation Sheet is attached.

CHANGE ORDER SUMMARY

Change orders approved in previous months by Owner	CO 2	ADDITIONS	DEDUCTIONS	1
		14,223.00	\$12,200.00	
	CO 3	5,964.00	\$7,400.00	
Change orders approved in current month by Owner	CO 1		\$36,600.00	
	CO 4	132,480.00		
		ADDITIONS	DEDUCTIONS	
Net Charge by Change Orders		\$152,667.00	55,200.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

2	ORIGINAL CONTRACT SUM	<u>\$619,276.00</u>
3	Net Change by Change Orders	<u>\$96,467.00</u>
4	CONTRACT SUM TO DATE	<u>\$715,743.00</u>
5	TOTAL COMPLETE & STORED TO DATE (Column G)	<u>\$554,539.50</u>
6	RETAINAGE:	
	a. 10% of Completed Work (Column D&E)	<u>\$42,205.95</u>
	b. 5% of Completed Work (Column K)	<u>\$6,624.00</u>
	Total Retainage (Line 5a+5b) or Column I	<u>\$48,829.95</u>
7	TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	<u>\$505,709.55</u>
8	LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 Prior Certificate)	<u>\$379,853.55</u>
9	CURRENT PAYMENT DUE	<u>\$125,856.00</u>
	BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	<u>\$210,033.45</u>

CONTRACTOR: Wyoming Electric & Signal, Inc.

State of: Pennsylvania County of: Luzerne

By: _____ Date: 6/10/2022
Dodie L. Bresnahan, President

Subscribed and Sworn to before me this 10 day of Jun-22
Notary Public: _____

My Commission expires: _____

ARCHITECTS CERTIFICATE FOR PAYMENT

In accordance with Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information, and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$125,856.00

(Attach explanation if amount certified differs from the amount applied for)

ARCHITECT: _____ **Date:** 6-29-22

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment are without prejudice to any rights of the Owner or Contractor under this contract.

32-439-610

Wyoming Electric and Signal, Inc.

214 Wyoming Avenue Wyoming, PA 18644

Centre County, Ferguson Township

Owner/Contractor:
Ferguson Township
3147 Research Drive
State College, PA 16801
Customer: FER40

APPLICATION FOR PAYMENT
APPLICATION NUMBER 003
PERIOD 04/30/2022 THRU 05/14/2022
INVOICE NUMBER 886-3

ITEM NO.	DESCRIPTION OF WORK	UNIT	ORIGINAL QUANTITY	UNIT PRICE	SCHEDULED VALUE	*** QUANTITIES ***			*** AMOUNT ***				% COMPLETE	BALANCE TO FINISH	RETAINAGE (% VARIABLE RATE)
						PREVIOUS APPLICATION	THIS PERIOD	TO DATE	PREVIOUS APPLICATION	THIS PERIOD	MATERIALS PRESENTLY STORED	TO DATE			
0608-0001	Mobilization	LS	1.00	\$24,000.00	\$24,000.00	0.77		0.77	\$18,480.00		\$0.00	\$18,480.00	77.00%	\$5,520.00	\$0.00
0901-0001	Maint & Protection of Traffic	LS	1.00	\$8,400.00	\$8,400.00	0.77		0.77	\$6,468.00		\$0.00	\$6,468.00	77.00%	\$1,932.00	\$0.00
0954-0402	Electric Service, Type B	EA	4.00	\$1,900.00	\$7,600.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$7,600.00	\$0.00
9000-0770	Digital Wave Radar Presence Det Sys	EA	23.00	\$8,400.00	\$193,200.00	15.00	8.00	23.00	\$126,000.00	\$67,200.00	\$0.00	\$193,200.00	100.00%	\$0.00	\$0.00
9000-0771	Digital Wave Radar Advance Det Sys	EA	6.00	\$8,400.00	\$50,400.00	2.00	4.00	6.00	\$16,800.00	\$33,600.00	\$0.00	\$50,400.00	100.00%	\$0.00	\$0.00
9000-0772	Digital Wave Radar Cabinet Interface	EA	4.00	\$8,400.00	\$33,600.00	0.00	3.00	3.00	\$0.00	\$25,200.00	\$0.00	\$25,200.00	75.00%	\$8,400.00	\$0.00
9000-1001	Managed Network Switch	EA	22.00	\$3,600.00	\$79,200.00	22.00		22.00	\$79,200.00		\$0.00	\$79,200.00	100.00%	\$0.00	\$0.00
9000-1002	Wireless Comm System - Single Radio	EA	14.00	\$4,750.00	\$66,500.00	14.00		14.00	\$66,500.00		\$0.00	\$66,500.00	100.00%	\$0.00	\$0.00
9000-1003	Wireless Comm System - Dual Radio	EA	16.00	\$7,400.00	\$118,400.00	10.00		10.00	\$74,000.00		\$0.00	\$74,000.00	62.50%	\$44,400.00	\$0.00
9000-1004	Controller Unit Replacement	EA	4.00	\$6,100.00	\$24,400.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$24,400.00	\$0.00
9000-1005	Malfunction Mgmt Unit Replacement	EA	11.00	\$1,390.00	\$15,290.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$15,290.00	\$0.00
9000-1006	Solar Power Supply System	EA	1.00	\$8,000.00	\$8,000.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$8,000.00	\$0.00
9000-1007	Radio Roof Mounting	EA	1.00	\$1,986.00	\$1,986.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$1,986.00	\$0.00
9000-1008	Cabinet Modification for Phase Change	EA	1.00	\$3,100.00	\$3,100.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$3,100.00	\$0.00
9000-1009	TSS, Strain Pole (30' Height) 1,000#	EA	2.00	\$11,000.00	\$22,000.00	1.00		1.00	\$11,000.00		\$0.00	\$11,000.00	50.00%	\$11,000.00	\$0.00
9000-1010	TSS, Strain Pole w/ Lum Arm 30' Ht 1000#	EA	2.00	\$16,500.00	\$33,000.00	1.00		1.00	\$16,500.00		\$0.00	\$16,500.00	50.00%	\$16,500.00	\$0.00
9000-0011	TSS, Strain Pole Blk Paint 30' Ht 1000#	EA	0.00	\$12,200.00	\$0.00	0.00		0.00	\$0.00		\$0.00	\$0.00	#DIV/0!	\$0.00	\$0.00
9000-0011	TSS, Strain Pole Blk Paint 30' Ht 2000#	EA	1.00	\$14,223.00	\$14,223.00	0.50		0.50	\$7,111.50		\$0.00	\$7,111.50	50.00%	\$7,111.50	\$0.00
9999-0000	Network Access Relocation	LS	1.00	\$5,964.00	\$5,964.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$5,964.00	\$0.00
0608-0001	Mobilization	LS	1.00	\$4,800.00	\$4,800.00			1.00			\$0.00	\$4,800.00	100.00%	\$0.00	\$0.00
0901-0001	Maint & Protection of Traffic	LS	1.00	\$1,680.00	\$1,680.00			1.00			\$0.00	\$1,680.00	100.00%	\$0.00	\$0.00
Contract Total:					\$715,743.00				\$422,059.50	\$132,480.00	\$0.00	\$554,539.50	77.48%	\$161,203.50	\$0.00

Application and Certificate for Payment

TO (OWNER):	Ferguson Township 3147 Research Drive State College, PA 16801	PROJECT Automated Traffic Signal Perform	APPLICATION NO: 4	Distribution To: _____ Owner
			PERIOD TO: 30-May-22	_____ Architect
FROM (CONT):	Wyoming Electric & Signal, Inc. 214 Wyoming Avenue Wyoming, PA 18644	VIA ENGINEER: Robert A. Seyber, Jr. PE 3147 Research Drive State College, PA 16801	CONTRACT# 2016-C11 ATSPM	_____ Contractor
CONTRACT FOR: Automated Traffic Signal Perform			CONTRACT DATE: September-21 Invoice Number: 8864	

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the contract.

Continuation Sheet is attached.

CHANGE ORDER SUMMARY

		ADDITIONS	DEDUCTIONS
Change orders approved in previous months by Owner	CO 2	14,223.00	\$12,200.00
	CO 3	5,964.00	\$7,400.00
Change orders approved in current month by Owner	CO 1		\$36,600.00
	CO 4	132,480.00	
		ADDITIONS	DEDUCTIONS
Net Change by Change Orders		\$152,667.00	56,200.00

1	ORIGINAL CONTRACT SUM	\$619,276.00
2	Net Change by Change Orders	\$96,467.00
3	CONTRACT SUM TO DATE	\$715,743.00
4	TOTAL COMPLETE & STORED TO DATE (Column G)	\$570,889.50
5	RETAINAGE:	
	a. 10% of Completed Work (Column D&E)	\$42,205.95
	b. 5% of Completed Work (Column K)	\$7,441.50
	Total Retainage (Line 5a+5b) or Column I	\$49,647.45
6	TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	\$521,242.05
7	LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 Prior Certificate)	\$505,709.55
8	CURRENT PAYMENT DUE	\$15,532.50
9	BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	\$194,500.95

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents that all amounts have been paid by the Contractor for Work which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Wyoming Electric & Signal, Inc.

State of: Pennsylvania County of: Luzerne

Subscribed and Sworn to before me this 15 day of Jun-22

By: _____ Date: 6/15/2022
Dodie L. Bresnahan, President

Notary Public: _____

My Commission expires: _____

ARCHITECTS CERTIFICATE FOR PAYMENT

In accordance with Contract Documents based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information, and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$15,532.50

(Attach explanation if amount certified differs from the amount applied for)

ARCHITECT: _____ Date: 6-29-22

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment are without prejudice to any rights of the Owner or Contractor under this contract.

32-439-610

Wyoming Electric and Signal, Inc.

214 Wyoming Avenue Wyoming, PA 18644

Centre County, Ferguson Township

Owner/Contractor:
Ferguson Township
3147 Reseach Drive
State College, PA 16801
Customer: FER40

APPLICATION FOR PAYMENT
APPLICATION NUMBER 004
PERIOD 15/15/2022 THRU 05/30/2022
INVOICE NUMBER 886-4

ITEM NO.	DESCRIPTION OF WORK	UNIT	ORIGINAL QUANTITY	UNIT PRICE	SCHEDULED VALUE	*** QUANTITIES ***			*** AMOUNT ***				% COMPLETE	BALANCE TO FINISH	RETAINAGE (IF VARIABLE RATE)
						PREVIOUS APPLICATION	THIS PERIOD	TO DATE	PREVIOUS APPLICATION	THIS PERIOD	MATERIALS PRESENTLY STORED	TO DATE			
0608-0001	Mobilization	LS	1.00	\$24,000.00	\$24,000.00	0.77		0.77	\$18,480.00		\$0.00	\$18,480.00	77.00%	\$5,520.00	\$0.00
0901-0001	Maint & Protection of Traffic	LS	1.00	\$8,400.00	\$8,400.00	0.77		0.77	\$6,468.00		\$0.00	\$6,468.00	77.00%	\$1,932.00	\$0.00
0954-0402	Electric Service, Type B	EA	4.00	\$1,900.00	\$7,600.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$7,600.00	\$0.00
9000-0770	Digital Wave Radar Presence Det Sys	EA	23.00	\$8,400.00	\$193,200.00	23.00		23.00	\$193,200.00		\$0.00	\$193,200.00	100.00%	\$0.00	\$0.00
9000-0771	Digital Wave Radar Advance Det Sys	EA	6.00	\$8,400.00	\$50,400.00	6.00		6.00	\$50,400.00		\$0.00	\$50,400.00	100.00%	\$0.00	\$0.00
9000-0772	Digital Wave Radar Cabinet Interface	EA	4.00	\$8,400.00	\$33,600.00	3.00	1.00	4.00	\$25,200.00	\$8,400.00	\$0.00	\$33,600.00	100.00%	\$0.00	\$0.00
9000-1001	Managed Network Switch	EA	22.00	\$3,600.00	\$79,200.00	22.00		22.00	\$79,200.00		\$0.00	\$79,200.00	100.00%	\$0.00	\$0.00
9000-1002	Wireless Comm System - Single Radio	EA	14.00	\$4,750.00	\$66,500.00	14.00		14.00	\$66,500.00		\$0.00	\$66,500.00	100.00%	\$0.00	\$0.00
9000-1003	Wireless Comm System - Dual Radio	EA	16.00	\$7,400.00	\$118,400.00	10.00		10.00	\$74,000.00		\$0.00	\$74,000.00	62.50%	\$44,400.00	\$0.00
9000-1004	Controller Unit Replacement	EA	4.00	\$6,100.00	\$24,400.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$24,400.00	\$0.00
9000-1005	Malfunction Mgmt Unit Replacement	EA	11.00	\$1,390.00	\$15,290.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$15,290.00	\$0.00
9000-1006	Solar Power Supply System	EA	1.00	\$8,000.00	\$8,000.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$8,000.00	\$0.00
9000-1007	Radio Roof Mounting	EA	1.00	\$1,986.00	\$1,986.00	0.00	1.00	1.00	\$0.00	\$1,986.00	\$0.00	\$1,986.00	100.00%	\$0.00	\$0.00
9000-1008	Cabinet Modification for Phase Change	EA	1.00	\$3,100.00	\$3,100.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$3,100.00	\$0.00
9000-1009	TSS, Strain Pole (30' Height) 1 000#	EA	2.00	\$11,000.00	\$22,000.00	1.00		1.00	\$11,000.00		\$0.00	\$11,000.00	50.00%	\$11,000.00	\$0.00
9000-1010	TSS, Strain Pole w/ Lum Arm 30' Ht 1000#	EA	2.00	\$16,500.00	\$33,000.00	1.00		1.00	\$16,500.00		\$0.00	\$16,500.00	50.00%	\$16,500.00	\$0.00
9000-0011	TSS, Strain Pole Blk Paint 30' Ht 1000#	EA	0.00	\$12,200.00	\$0.00	0.00		0.00	\$0.00		\$0.00	\$0.00	0.00%	\$0.00	\$0.00
9000-0011	TSS, Strain Pole Blk Paint 30' Ht 2000#	EA	1.00	\$14,223.00	\$14,223.00	0.50		0.50	\$7,111.50		\$0.00	\$7,111.50	50.00%	\$7,111.50	\$0.00
9999-0000	Network Access Relocation	LS	1.00	\$5,964.00	\$5,964.00	0.00	1.00	1.00	\$0.00	\$5,964.00	\$0.00	\$5,964.00	100.00%	\$0.00	\$0.00
0608-0001	Mobilization	LS	1.00	\$4,800.00	\$4,800.00	1.00		1.00	\$4,800.00		\$0.00	\$4,800.00	100.00%	\$0.00	\$0.00
0901-0001	Maint & Protection of Traffic	LS	1.00	\$1,680.00	\$1,680.00	1.00		1.00	\$1,680.00		\$0.00	\$1,680.00	100.00%	\$0.00	\$0.00
Contract Total:					\$715,743.00	-	-	-	\$554,539.50	\$16,350.00	\$0.00	\$570,889.50	79.76%	\$144,853.50	\$0.00



Invoice

Date	Invoice #
5/2/2022	2681

Bill To


Ferguson Township
 3147 Research Drive
 State College, PA 16801

Ship To

P.O. Number	Terms	Project
	2% 10 Net 30	22-32 Homestead Park

Quantity	Item Code	Description	Price Each	Amount
1,130	PIP Install	Poured-In-Place Rubber Fall Surface	14.29	16,147.70
18	Concrete	Cement Concrete Sidewalk (To Fall Pit)	163.89	2,950.02

2021-C18 Homestead Park
 Pay App #2 - FINAL
 Acct#: 34.454.010
 Pay: \$19,097.72



NEW PAYMENT TERMS

Pay using a Check, ACH Deposit or Wire Transfer you can utilize 2% 10, Net 30.

Pay
RTS

Balance Due \$19,097.72

Credit Card payments are also accepted.

PLEASE NOTE OUR ADDRESS HAS CHANGED

Please remit to:

WILLOW PLAYWORKS
 1810 RIDGE ROAD
 MIFFLINBURG, PA 17844

2021-C18 HOMESTEAD PARK PLAYGROUND IMPROVEMENTS

Construction Quantities

Date: 3/7/2022

FIELD MEASURED ON 3/8/221

ITEM No. UNIT	DESCRIPTION	INITIAL CONTRACT QTY	WILLOW PLAY WORKS UNIT PRICE	INITIAL CONTRACT SUB-TOTAL	PAY APP 1 QTY	PAY APP 1 SUB-TOTAL	PAY APP 2 QTY	PAY APP 2 SUB-TOTAL
0203 0001 CY	CLASS 1 EXCAVATION (SIDEWALK)	4	\$35.00	\$140.00	3	\$105.00	0	\$0.00
0203 0001 CY	CLASS 1 EXCAVATION (FALL PIT)	28	\$55.36	\$1,550.08	28	\$1,550.08	0	\$0.00
0212 0016 SY	CLASS 4, TYPE A GEOTEXTILE	126	\$5.36	\$675.36	126	\$675.36	0	\$0.00
0350 0120 CY	SUBBASE (NO. 2A)	32	\$100.31	\$3,209.92	37	\$3,711.47	0	\$0.00
4676 0001 SY	CEMENT CONCRETE SIDEWALK (TO FALL PIT)	18	\$163.89	\$2,950.02	0	\$0.00	18	\$2,950.02
9000 0002 LS	PRODUCT# 350-1733 EQUIPMENT INSTALLATION	1	\$13,500.00	\$13,500.00	1	\$13,500.00	0	\$0.00
9000 0003 LF	8" COMPOST FILTER SOCK	92	\$6.68	\$614.56	140	\$935.20	0	\$0.00
9000 0006 TON	SUBBASE 6" DEPTH (2B) UNDER-DRAIN	32	\$110.94	\$3,550.08	28	\$3,106.32	0	\$0.00
9000 0007 LF	4" PERF. UNDER-DRAIN PIPE	43	\$40.70	\$1,750.10	43	\$1,750.10	0	\$0.00
9000 0008 SF	POURED-IN-PLACE RUBBER FALL SURFACE	1,130	\$14.29	\$16,147.70	0	\$0.00	1,130	\$16,147.70
TOTALS				\$44,087.82		\$25,333.53		\$19,097.72

FIELD MEASURE APP1+APP 2

\$44,431.25



PO BOX 530 - HAMMONTON, NJ 08037
 PHONE (609) 561-4161 - FAX (609)567-2824

PROJECT ESTIMATE #2

PROJECT NAME: Microsurfacing Contract 2022-C9b
 APS PROJECT NO.: 222017
 OWNER PROJECT NUMBER: 2022-C9b
 PROJECT OWNER: Ferguson Twp

INVOICE DATE: 6/28/2022
 INVOICE #: 222017 -2
 WORK PERFORMED FROM: 6/13/2022 TO: 6/24/2022
 RETAINAGE: 5.0%


ITEM NO.	ITEM DESCRIPTION	UNIT	UNIT PRICE	PREVIOUS QUANTITY	PREVIOUS AMOUNT	QUANTITY THIS EST.	AMOUNT DUE THIS EST.	TOTAL QTY TO DATE	TOTAL AMT TO DATE
4483-3214	Polymer-Modified Emulsified Asphalt Paving System (Micro Surfacing), D	SY	\$ 5.39			65,213.06	\$ 351,498.39	65,213.06	\$ 351,498.39
4901-0210	Temporary Nonplowable Raised Pavement Markers (Yellow) (Modified)	EA	\$ 10.00						
4901-0211	Temporary Nonplowable Raised Pavement Markers (White) (Modified)	EA	\$ 10.00						

EST #	DATE PAID	PAYMENT
TOTAL		\$0.00

TOTAL DUE THIS ESTIMATE \$351,498.39
 LESS: RETAINAGE \$17,574.92
 TOTAL DUE THIS ESTIMATE **\$333,923.47**

Make all checks payable to:
Asphalt Paving Systems, Inc.
PO Box 530
Hammonton, NJ 08037-0530

TOTAL EARNED TO DATE	\$ 351,498.39
LESS RETAINAGE	\$ 17,574.92
TOTAL TO DATE	\$ 333,923.47
LESS PAYMENTS	\$ -
CURRENT AMOUNT DUE	\$ 333,923.47

2022-C9b West End
 Pay App #1
 Acct: 35.438.610
 Pay: \$333,923.47


**2022-C9b West End Microsurfacing
Field Measured Quantities**

ITEM No. UNIT	DESCRIPTION	Initial Bid QTY	APS UNIT PRICE	Pay App 1 (SY)	Amount Completed To Date	Pay App #1 Sub-Total
4483 3213 SY	POLYMER-MODIFIED EMULSIFIED ASPHALT PAVING SYSTEM (MICRO SURFACING), DOUBLE APPLICATION, TYPE A, SRL-G (MODIFIED)	738	\$5.39	17,765.56	100%	\$95,756.35
4483 3214 SY	POLYMER-MODIFIED EMULSIFIED ASPHALT PAVING SYSTEM (MICRO SURFACING), DOUBLE APPLICATION, TYPE A, SRL-M (MODIFIED)	37,914	\$5.39	63,263.33	75%	\$255,742.03
					Sub-Total	\$351,498.38
					Retainage (%)	5%
					Retainage (\$)	\$17,574.92
					Total	\$333,923.46



FOR ABC MEMBERSHIP

Date: JUNE 29 2022

Name: WESGLEBE

Address: 115 N. BUTZ ST

*Phone: (w) _____ (h) 814 237 9312 (e-mail) WES@WESANDGOLD.COM

Occupation: DESIGNER/FABRICATOR/ARTIST

Are you a resident of Ferguson Township?
 yes No

If yes, for how many years? 49 Voting Ward: 1 2 3
(Circle One)

Experience as an elected or appointed official:

Type of Position: FERG. REP TO SCBWA Duties Involved: _____

ABC(s) that you are interested in being appointed to:
FERG. UAVA

Special Skills you have which relate to the ABCs applied for:
NONE REQUIRED • BUT I AM SELF EDUC IN WATER AND SANITATION ISSUES AND SYSTEMS

Other information that may be relevant in requesting appointment to the ABC(s): (please attach any additional relevant information)
I CAN STILL TIE MY SHOES

[Signature]
Signature of Applicant

Return your completed applications to: Ferguson Township Manager
3147 Research Drive
State College, PA 16801

RESOLUTION NO. _____

A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE FERGUSON TOWNSHIP PERSONNEL POLICY MANUAL BY AMENDING SECTION 33, GENERAL IT; TO ADD SECTION 33.5, A MULTI-FACTOR AUTHENTICATION POLICY FOR ALL STAFF AND AUTHORITIES, BOARDS, AND COMMISSIONS WITH ACCESS TO EMAIL ACCOUNT OR VIRTUAL PRIVATE NETWORK OWNED BY THE TOWNSHIP. ATTACHED HERETO AS EXHIBIT "A", RESPECTIVELY

BE IT RESOLVED, the Ferguson Township Board of Supervisors hereby amends the Ferguson Township Personnel Policy Manual by amending Section 33, by adding a Multi-Factor Authentication policy for all staff and Authorities, Boards and Commissions with access to email account or virtual private network owned by the Township.

RESOLVED this 5th day of July, 2022.

**TOWNSHIP OF FERGUSON
BOARD OF SUPERVISORS**

By: _____
Laura Dinnini, Chair

[S E A L]

ATTEST:

By: _____
Centrice Martin, Secretary

RESOLUTION NO. _____

A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, TO APPROVE AND AUTHORIZE THE TOWNSHIP TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH PATTON TOWNSHIP, STATE COLLEGE BOROUGH, AND THE PENN STATE UNIVERSITY AS PARTIES OF THE REGIONAL RECORDS MANAGEMENT CONSORTIUM TO ACQUIRE THE SERVICES AND EXPERTISE OF A CONSULTANT TO WRITE AND DEVELOP A REQUEST FOR PROPOSAL FOR A REGIONAL RECORDS MANAGEMENT SYSTEM.

WHEREAS, Ferguson Township Police Department participated in the Regional Records Management Consortium to search for a new shared records management system (RMS) in 2016; and

WHEREAS, the municipalities of State College Borough, Ferguson Township, and Patton Township, Pennsylvania; and The Pennsylvania State University have agreed to maintain a Regional Records Management and Mobile Computer System and to acquire the services of a consultant to write and develop a request for proposal for a new records management system as set forth as Exhibit "A" attached hereto; and

NOW THEREFORE, the Ferguson Township of Board of Supervisors does hereby resolve to authorize the Township Manager to sign the Memorandum of Understanding attached hereto as Exhibit "A" granting approval of the Regional Records Management Consortium to acquire the services and expertise of a consultant.

BE IT RESOLVED, this 5th day of July 2022.

TOWNSHIP OF FERGUSON

By: _____
Laura Dinnini, Chair
Board of Supervisors

[S E A L]

ATTEST:

By: _____
Centrice Martin, Secretary

Exhibit "A"

Regional Records Management Consortium Procurement of RMS Consultant Memo of Understanding (MOU)

THIS AGREEMENT ("Agreement"), made and entered into this _____ day of _____, by and between THE PENNSYLVANIA STATE UNIVERSITY, a state-related institution, and instrumentality of the Commonwealth of Pennsylvania, subject to the Pennsylvania nonprofit corporation laws, hereinafter called "UNIVERSITY"; BOROUGH OF STATE COLLEGE, a political subdivision of the Commonwealth of Pennsylvania, hereinafter called "BOROUGH"; the TOWNSHIP OF FERGUSON, a political subdivision of the Commonwealth of Pennsylvania, hereinafter called "FERGUSON"; the TOWNSHIP OF PATTON, a political subdivision of the Commonwealth of Pennsylvania, hereinafter called "PATTON". UNIVERSITY, BOROUGH, FERGUSON, and PATTON may be referred to individually as a "Party" and collectively as the "Consortium" or "Parties".

1. UNIVERSITY, BOROUGH, FERGUSON, and PATTON are desirous of continuing their regional computerized Records Management System ("RMS") for the capture, storage and retrieval of law enforcement record information.
2. An agreement between UNIVERSITY, BOROUGH, FERGUSON, and PATTON for such purpose is not contrary to law.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and intending to be legally bound hereby, all Parties hereto agree as follows:

- 1) UNIVERSITY, BOROUGH, FERGUSON, and PATTON shall develop a Request for Proposal ("Consultant RFP") to acquire the services and expertise of a consultant to write and develop an RFP for a Records Management

System ("RFP for RMS"). The selected consultant will provide services to the Consortium including but not limited to the following:

- a. Project management
- b. Needs assessment
- c. System procurement
- d. System implementation
- c. Project closeout

- 2) Following the selection of the consultant, UNIVERSITY, BOROUGH, FERGUSON, and PATTON will continue to coordinate efforts and share responsibilities for working with the selected consultant to draft the RFP for RMS referenced in section 1 above.
- 3) Any assignment by UNIVERSITY, BOROUGH, FERGUSON, or PATTON of this Agreement or any right, responsibility, or interest under this Agreement without the prior written consent of the other Parties hereto shall be null and void and of no force or effect.
- 4) All costs associated with this Agreement, including but not limited to costs for drafting the Consultant RFP, solicitation of a consultant, working with the consultant to draft the RFP for RMS, and any charges associated with additions or changes to the initial scope of this Agreement or the Consultant RFP shall be shared as follows:
 - UNIVERSITY = 50%
 - BOROUGH = 25%
 - FERGUSON = 12.5%
 - PATTON = 12.5%

If a Party terminates its participation in this Agreement as described in Section 7, that Party will remain responsible to the remaining Parties for its percentage of all costs incurred in the ongoing performance of this Agreement thereafter by the remaining Parties.

- 5) UNIVERSITY, BOROUGH, FERGUSON, and PATTON shall each pay their required percentage of the costs associated with this Agreement, including but not limited to costs associated with the drafting of the Consultant RFP, solicitation of a consultant, and working with the consultant to draft the RFP for RMS. Each Party will pay their percentage of any costs due to the selected consultant or to any other third parties under this Agreement directly to the selected consultant or third party.
- 6) This Agreement shall commence on the date of last signature below and remain in effect for a term of three (3) years ("Term") with the right to extend as necessary via mutual agreement of the Parties in writing, unless a Party terminates in writing as provided for in the following section.
- 7) Written notice of intent to terminate a Party's participation in this Agreement prior to the expiration of the Term may be given with eighteen (18) months written notice to the other Parties, subject to the ongoing obligation of the terminating Party to pay its percentage of all fees incurred under this Agreement. Upon termination the terminating Party may enter into a separate agreement with selected consultant.
- 8) All notices to be given hereunder shall be sent to all Parties to this Agreement by certified mail, return receipt requested, addressed as follows:

(a) to UNIVERSITY:
Senior Vice President for
Finance and Business/ Treasurer
The Pennsylvania State University
208 Old Main
University Park, PA 16802

(b) to BOROUGH:
Borough Manager
Borough of State College
243 South Allen Street
State College, PA 16801

(c) to FERGUSON:
Township Manager
Township of Ferguson
3147 Research Drive
State College, PA 16801

(d) to PATTON:
Township Manager
Township of Patton
100 Patton Plaza
State College, PA 16803

9) This Agreement does not, and shall not be construed to, create a partnership or joint venture between the Parties, nor shall a Party's employees, agents or representatives be considered the employees, agents or representatives of the other Parties. No Party shall have any express or implied right or authority to assume or create any obligation on behalf of, or in the name of, the other Party or to bind the other Party to any contract, agreement or undertaking with any third Party.

10) This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which together shall be deemed to be one and the same agreement or document. Signatures and signed copies of this Agreement transmitted by facsimile, email or other means of electronic transmission shall constitute effective execution and be deemed to


have the same legal force and effect as delivery of an original executed copy of this Agreement for all purposes.

In WITNESS WHEREOF, the Parties hereto have executed this Agreement, with the intent to be legally bound, effective once all Parties have executed this Agreement.

ATTEST: THE PENNSYLVANIA STATE UNIVERSITY

By: _____
Senior Vice President for Finance and Business

ATTEST: BOROUGH OF STATE COLLEGE

Dianna Walter
By: 
Borough Manager

ATTEST: TOWNSHIP OF FERGUSON

By: _____
Chair, Board of Supervisors

ATTEST: TOWNSHIP OF PATTON

By: _____
Chair, Board of Supervisors

Approved by the Parties as follows:

	<u>Date</u>	<u>Ordinance #</u>
Borough of State College	<u>5/2/22</u>	<u>Approved by Vote No Ord. Enacted</u>
Township of Ferguson	_____	_____
Township of Patton	_____	_____
The Pennsylvania State University Certification date:	_____	



Township of

FERGUSON

Pennsylvania

Proclamation

SUICIDE AWARENESS AND PREVENTION MONTH SEPTEMBER 2022

Whereas, suicide is the leading cause of all deaths in the United States; and

Whereas, in Pennsylvania, one person dies by suicide every five hours; making it the third leading cause of death for ages 10 – 24 and the fourth leading cause of death for ages 25 – 34; and

Whereas, nearly five million people in the United States have lost a loved one to suicide; and

Whereas, each member of our community is valued and irreplaceable; and

Whereas, talking openly about stress and psychological health builds trust, reduces barriers to care, and enables early intervention; and

Whereas, local and statewide suicide prevention efforts should be developed and encouraged to the maximum extent possible; and

Whereas, most suicides are preventable. By learning the signs and symptoms to limit access to means, we can work together to help prevent suicide.

Now, therefore, The Ferguson Township Board of Supervisors does hereby designate the month of September 2022 to be “*Ferguson Township Suicide Awareness and Prevention Month*” and September 10, 2022, to be “*Ferguson Township Suicide Awareness and Prevention Day*.”

PROCLAIMED this 5th day of July 2022.

Ferguson Township Board of Supervisors,

Laura Dininni, Chair



Township of

FERGUSON

Pennsylvania

Proclamation

DESIGNATION OF JULY 2022 AS PARK AND RECREATION MONTH

Whereas, parks and recreation programs are an integral part of communities throughout this country, including Ferguson Township, Centre County, Pennsylvania; and

Whereas, Ferguson Township, host to 291 acres of well-maintained parks with unique amenities, such as the Snetsinger Butterfly Garden at Tom Tudek Memorial Park, the picturesque views at Suburban Park, values the environmental and economic benefits of the parks located in our area; and

Whereas, parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of our community and region; and

Whereas, parks and recreation build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and improve the mental and emotional health of all citizens; and

Whereas, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

Whereas, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

Now therefore, BE IT RESOLVED that the Ferguson Township Board of Supervisors that July 2022 is recognized as Park and Recreation Month in Ferguson Township, Centre County of Pennsylvania.

Proclaimed this ____ day of _____, 2022.

Ferguson Township Board of Supervisors,

Laura Dininni, Chair