# GOVERNOR SHAPIRO FAST TRACKS CRITICAL INFRASTRUCTURE PROJECT PERMITTING

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On 19 November 2024, Pennsylvania Governor Josh Shapiro signed Executive Order No. 2024-04, streamlining and accelerating the permitting process for critical infrastructure projects within the Commonwealth. The Executive Order creates the Permit Fast Track Program which assists with permitting processes for key economic development projects by organizing agency meetings, coordinating key parts of the project, and enhancing transparency and accountability through a public-facing online dashboard.[1]

The Executive Order directs the newly created Office of Transformation & Opportunity (OTO) to administer the Permit Fast Track Program. The OTO will be responsible for developing, managing, and coordinating permitting for complex and impactful economic development and infrastructure projects across government agencies and private partners in order to get project sponsors answers in a timely manner. The OTO will also oversee updates to the permit-tracking dashboard, a public tool designed to enhance accountability for both state agencies and project sponsors.[2]

## HOW WILL THE PERMIT FAST TRACK PROGRAM WORK?

- Any private, public, or public-private entity may request that the OTO designate a project for program participation.
- Upon receiving a request, the OTO will gather information about the project and make a determination based on factors such as project size, complexity, potential economic impact or public benefit, potential environmental concerns, project timeline, project status, financial and other support for the project, and the degree of coordination with government agencies or authorities.
- For a project designated for participation, all interested parties will collaborate to draft a coordinated project plan that sets out a permitting timetable.
- The dashboard will track the status of all required permits, licenses and agreements before commencing construction and will include—among other things—descriptions of actions taken by involved government actors, critical milestone dates relevant to project completion, and explanations regarding the cause of any delays.
- Timelines may be extended beyond what is agreed to in the coordinated project plan only if all parties agree to a schedule modification and the government agency requesting the extension provides a written justification to be posted on the dashboard.

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- A project designated for participation in the program will be subject to the same substantive review as would otherwise apply.[3]

## THE PERMIT FAST TRACK PROGRAM IN CONTEXT

Governor Shapiro's Executive Order is the latest in a recent series of actions seeking to improve permitting efficiency in Pennsylvania. Earlier in 2024, the General Assembly created the Streamlining Permits for Economic Expansion and Development (SPEED) Program which provides permitting flexibility by allowing applicants to choose to have a private, Department of Environmental Protection (DEP)-verified professional conduct the initial application review for certain permits, instead of a DEP employee.[4] In 2023, Governor Shapiro signed an Executive Order establishing a "date certain" by which applicants will hear back from an agency about license, permit or certificate applications.[5] In 2012, former Governor Tom Corbett signed the "Permit Decision Guarantee for the DEP" Executive Order targeting delays in permitting decisions.[6] This latest Executive Order creating the Permit Fast Track Program does not impact these prior efforts.

## TAKEAWAYS

The creation of the Permit Fast Track Program will allow project sponsors to better understand and meet permitting requirements, save time by creating review efficiencies among state agencies, and increase Pennsylvania's ability to compete for large infrastructure projects in the Mid-Atlantic Region. Governor Shapiro's latest Executive Order is another step forward in proving that Pennsylvania is indeed open for business.

# FOOTNOTES

[1] *Governor Shapiro Signs Executive Order Creating the PA Permit Fast Track Program to Speed Up Government, Drive Economic Growth, and Make Pennsylvania More Competitive*, Dep't of Econ. Dev. (Nov. 19, 2024), https://dced.pa.gov/newsroom/governor-shapiro-signs-executive-order-creating-the-pa-permit-fast-track-program-to-speed-up-government-drive-economic-growth-and-make-pennsylvania-more-competitive/.

[2] *Id*.

[3] PA Permit Fast Track Program Guidance, **https://www.pa.gov/content/dam/copapwp-pagov/en/oto/pa%20permit%20fast%20track%20program%20guidance.pdf**

[4] 72 P.S. §§ 1801-1805

[5] Exec. Order No. 2023-07 (Jan. 31, 2023), https://www.pa.gov/content/dam/copapwp-pagov/en/governor/documents/20230131_EO-2023-07_FINAL_Executed.pdf.

[6] Exec. Order No. 2012-11 (July 24, 2012), **https://files.dep.state.pa.us/LicensingPermitsCertification/PermitDecisionGuaranteePortalFiles/2012_11_Permit_Decision_Guarantee.pdf**

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