

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 763 Session of 2021

INTRODUCED BY B. MILLER, SANCHEZ, STAMBAUGH, HILL-EVANS, HERRIN, JAMES, ZIMMERMAN, HERSHEY, MENTZER, KINKEAD, CIRESI, MILLARD, DRISCOLL, CONKLIN AND NEILSON, MARCH 3, 2021

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 3, 2021

AN ACT

1 Amending the act of June 1, 1945 (P.L.1242, No.428), entitled
 2 "An act relating to roads, streets, highways and bridges;
 3 amending, revising, consolidating and changing the laws
 4 administered by the Secretary of Highways and by the
 5 Department of Highways relating thereto," in construction,
 6 improvement, maintenance and repair of State highways,
 7 providing for native vegetation along highways.

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

10 Section 1. The act of June 1, 1945 (P.L.1242, No.428), known
 11 as the State Highway Law, is amended by adding a section to
 12 read:

13 Section 410.1. Native Vegetation Along Highways.--(a) When
 14 planting vegetation along State highways, the department shall
 15 plant vegetation identified under subsection (c) as being native
 16 to this Commonwealth and that will thrive in the plant hardiness
 17 zone and under the environmental conditions of the highway
 18 right-of-way.

19 (b) The department may authorize the use of nonnative
 20 vegetation where the use of native vegetation is not feasible,

1 provided that the nonnative vegetation is not:

2 (1) a federally listed invasive plant identified by the
3 United States Department of Agriculture National Invasive
4 Species Information Center; or

5 (2) a noxious weed or controlled plant under 3 Pa.C.S. Ch.
6 15 (relating to controlled plants and noxious weeds), unless
7 planted and cultivated pursuant to the provisions of that
8 chapter.

9 (c) The department shall identify, for each plant hardiness
10 zone and environmental conditions found on highway rights-of-
11 way, a list of the particular species of vegetation that are
12 native to this Commonwealth and that thrive in each plant
13 hardiness zone in which the vegetation is being planted.

14 (d) The department may use hay, straw or similar materials
15 for erosion control or other purposes at the discretion of the
16 department. Nothing in this section shall require the department
17 or any other agency of the Commonwealth to identify hay, straw
18 or similar materials as a native species.

19 (e) As used in this section, the term "plant hardiness zone"
20 shall mean a zone identified as existing in this Commonwealth
21 pursuant to the most recent edition of the Plant Hardiness Zone
22 Map published by the United States Department of Agriculture.

23 Section 2. This act shall take effect immediately.