

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2131 Session of 2018

INTRODUCED BY QUIGLEY, CHARLTON, JAMES, MENTZER, B. MILLER, WARD, WHEELAND AND ZIMMERMAN, MARCH 9, 2018

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 4, 2018

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 by the Department of Conservation <--
16 and Natural Resources UNDER SUBSECTION (C) as being native to <--
17 this Commonwealth and that will thrive in the plant hardiness
18 zone in which the vegetation is being planted AND UNDER THE <--
19 ENVIRONMENTAL CONDITIONS OF THE HIGHWAY RIGHT-OF-WAY.

20 (b) Upon application by the department to the Department of <--

1 ~~Conservation and Natural Resources, the Department of~~  
2 ~~Conservation and Natural Resources may authorize the department~~  
3 ~~to plant nonnative vegetation where the use of native vegetation~~  
4 ~~is not feasible, provided that the nonnative vegetation is~~  
5 ~~deemed not invasive or detrimental to the environment.~~

6 COORDINATION BY THE DEPARTMENT WITH THE CONTROLLED PLANT AND <--  
7 NOXIOUS WEED COMMITTEE UNDER 3 PA.C.S. § 1511 (RELATING TO  
8 DESIGNATION OF NOXIOUS WEEDS AND CONTROLLED PLANTS), THE  
9 DEPARTMENT MAY AUTHORIZE THE USE OF NONNATIVE VEGETATION WHERE  
10 THE USE OF NATIVE VEGETATION IS NOT FEASIBLE, PROVIDED THAT THE  
11 NONNATIVE VEGETATION IS NOT:

12 (1) A FEDERALLY LISTED INVASIVE PLANT IDENTIFIED BY THE  
13 UNITED STATES DEPARTMENT OF AGRICULTURE NATIONAL INVASIVE  
14 SPECIES INFORMATION CENTER; OR

15 (2) A NOXIOUS WEED OR CONTROLLED PLANT UNDER 3 PA.C.S. CH.  
16 15 (RELATING TO CONTROLLED PLANTS AND NOXIOUS WEEDS).

17 (c) In consultation with the CONTROLLED PLANT AND NOXIOUS <--  
18 WEED COMMITTEE, THE department, the Department of Conservation <--  
19 and Natural Resources shall identify, for each plant hardiness  
20 zone AND ENVIRONMENTAL CONDITIONS FOUND ON HIGHWAY RIGHTS-OF- <--  
21 WAY, a list of the particular species of vegetation that are  
22 native to this Commonwealth and that thrive in each plant  
23 hardiness zone in which the vegetation is being planted.

24 (d) As used in this section, the term "plant hardiness zone"  
25 shall mean a zone identified as existing in this Commonwealth  
26 pursuant to the most recent edition of the Plant Hardiness Zone  
27 Map published by the United States Department of Agriculture.

28 Section 2. This act shall take effect immediately.