

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 447 Session of 2019

INTRODUCED BY B. MILLER, MURT, ZIMMERMAN, JAMES, ULLMAN, MENTZER, MARKOSEK, PASHINSKI, FREEMAN, HILL-EVANS, RADER, KAUFER, CIRESI, HERSHEY, FEE, EVERETT AND KORTZ, FEBRUARY 11, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 26, 2019

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) Upon coordination by the department with the Controlled <--

1 ~~Plant and Noxious Weed Committee under 3 Pa.C.S. § 1511~~
2 ~~(relating to designation of noxious weeds and controlled~~
3 ~~plants),~~ the THE department may authorize the use of nonnative <--
4 vegetation where the use of native vegetation is not feasible,
5 provided that the nonnative vegetation is not:

6 (1) a federally listed invasive plant identified by the
7 United States Department of Agriculture National Invasive
8 Species Information Center; or

9 (2) a noxious weed or controlled plant under 3 Pa.C.S. Ch.
10 15 (relating to controlled plants and noxious weeds), UNLESS <--
11 PLANTED AND CULTIVATED PURSUANT TO THE PROVISIONS OF THAT
12 CHAPTER.

13 (c) ~~In consultation with the Controlled Plant and Noxious~~ <--
14 ~~Weed Committee,~~ the THE department shall identify, for each <--
15 plant hardiness zone and environmental conditions found on
16 highway rights-of-way, a list of the particular species of
17 vegetation that are native to this Commonwealth and that thrive
18 in each plant hardiness zone in which the vegetation is being
19 planted.

20 (D) THE DEPARTMENT MAY USE HAY, STRAW OR SIMILAR MATERIALS <--
21 FOR EROSION CONTROL OR OTHER PURPOSES AT THE DISCRETION OF THE
22 DEPARTMENT. NOTHING IN THIS SECTION SHALL REQUIRE THE DEPARTMENT
23 OR ANY OTHER AGENCY OF THE COMMONWEALTH TO IDENTIFY HAY, STRAW
24 OR SIMILAR MATERIALS AS A NATIVE SPECIES.

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

30 Section 2. This act shall take effect immediately.