

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 174 Session of 2003

INTRODUCED BY FLEAGLE, DeWEESE, BELARDI, LEDERER, THOMAS, STABACK, CREIGHTON, BAKER, PHILLIPS, LAUGHLIN, GORDNER, HERMAN, STURLA, HORSEY, E. Z. TAYLOR, ARGALL, TANGRETTI, HARHAI, PETRARCA, SCHRODER, S. MILLER, CRUZ AND McCALL, FEBRUARY 11, 2003

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 11, 2003

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," requiring the
 6 Department of Transportation to consult and coordinate with
 7 municipalities and historic districts prior to certain
 8 removal activities.

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

11 Section 1. Section 410 of the act of June 1, 1945 (P.L.1242,
 12 No.428), known as the State Highway Law, amended July 7, 1972
 13 (P.L.738, No.173), is amended to read:

14 Section 410. Trees, Grasses, Shrubs and Vines along
 15 Highways; Penalty.--The department may cause trees, grasses,
 16 shrubs and vines to be planted and maintained, and shall cause
 17 receptacles for trash and litter to be maintained, along State
 18 highways, within the legal right of way thereof, the same to be
 19 paid for as a part of the costs of construction or maintenance

1 of the road. The department may enter into agreements with the
2 Department of Environmental Resources regarding the planting and
3 maintenance of such trees, grasses, shrubs and vines. The
4 Department of Transportation shall have the absolute right to
5 trim, cut and remove any trees, grasses, shrubs and vines
6 growing within the legal right of way of any State highway, and
7 to trim and cut away any trees, grasses, shrubs and vines
8 growing on adjacent property in so far as they overhang or
9 encroach upon the legal right of way of any State highway[.]:
10 Provided, That the Department of Transportation shall give
11 notice of, consult with and coordinate its activities with the
12 municipalities and historic districts affected by its actions.
13 Activity shall proceed with the general goal of conforming that
14 activity to the general aesthetic standards set forth in the
15 affected municipalities and historic districts, employing means
16 and methods which will carry out these standards and accomplish
17 the primary goals of the Department of Transportation.

18 It shall be unlawful for any person to cut, trim, remove or
19 otherwise damage any trees, grasses, shrubs or vines growing
20 within the legal right of way of a State highway, which have
21 been planted by any person or agency other than the abutting
22 property owner, without first having obtained the consent of the
23 secretary in writing. Any person who shall cut, trim, remove or
24 otherwise damage such trees, grasses, shrubs or vines without
25 first having obtained such written consent, shall on summary
26 conviction thereof be sentenced to pay a fine of not less than
27 one hundred dollars (\$100.00), or more than three hundred
28 dollars (\$300.00), for each act of cutting, trimming, removal or
29 damaging. This section shall not be construed to permit the
30 department to interfere with the right of any abutting property

1 owner to establish entrances to his property from State highways
2 at any point or points at which such owner may desire to
3 establish such entrances.

4 Section 2. This act shall take effect immediately.