

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 AND EVERETT, FEBRUARY 11, 2019

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 11, 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
 20 Plant and Noxious Weed Committee under 3 Pa.C.S. § 1511

1 (relating to designation of noxious weeds and controlled
2 plants), the department may authorize the use of nonnative
3 vegetation where the use of native vegetation is not feasible,
4 provided that the nonnative vegetation is not:

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

8 (2) a noxious weed or controlled plant under 3 Pa.C.S. Ch.
9 15 (relating to controlled plants and noxious weeds).

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

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

20 Section 2. This act shall take effect immediately.