

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 797 Session of 2023

INTRODUCED BY B. MILLER, CIRESI, SANCHEZ, GREINER, JAMES, STAMBAUGH, MENTZER, NEILSON, ZIMMERMAN AND GLEIM, APRIL 3, 2023

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 3, 2023

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 use nonnative vegetation where the  
 20 use of native vegetation is not feasible, provided that the

1 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 in accordance with that chapter.

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

13 (d) The department may use hay, straw or similar materials  
14 for erosion control or other purposes at the discretion of the  
15 department.

16 (e) Nothing in this section shall be construed to require  
17 the department or other agency of the Commonwealth to identify  
18 hay, straw or similar materials as a native species.

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

23 Section 2. This act shall take effect immediately.