

## 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

SENATOR MARTIN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, SEPTEMBER 19, 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

1 use of native vegetation is not feasible, provided that the  
2 nonnative vegetation is not:

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

6 (2) a noxious weed or controlled plant under 3 Pa.C.S. Ch.  
7 15 (relating to controlled plants and noxious weeds), unless  
8 planted and cultivated in accordance with that chapter.

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

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

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

20 (f) As used in this section, the term "plant hardiness zone"  
21 shall mean a zone existing in this Commonwealth as identified in  
22 the most recent edition of the 2012 Plant Hardiness Zone Map <--  
23 published by the United States Department of Agriculture. IN THE <--  
24 GEOGRAPHIC-INFORMATION-SYSTEM-BASED EDITION COVERING 1976  
25 THROUGH 2005 WEATHER DATA AND AS IT EXISTED ON THE EFFECTIVE  
26 DATE OF THIS DEFINITION OR A SUBSEQUENT DATE AS MAY BE PROVIDED  
27 BY THE DEPARTMENT OF AGRICULTURE THROUGH REGULATION.

28 Section 2. This act shall take effect immediately.