

No. 173

AN ACT

HB 955

Amending the act of June 1, 1945 (P.L.1242), entitled "An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto," increasing the penalty for cutting, trimming, damaging or removing trees, shrubs or vines along highways.

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

Section 1. Section 410, act of June 1, 1945 (P.L.1242), known as the "State Highway Law," amended December 30, 1959 (P.L.2078), is amended to read:

Section 410. Trees, Grasses, Shrubs and Vines along Highways; Penalty.—The department may cause trees, grasses, shrubs and vines to be planted and maintained, and shall cause receptacles for trash and litter to be maintained, along State highways, within the legal right of way thereof, the same to be paid for as a part of the costs of construction or maintenance of the road. The department may enter into agreements with the ~~[Department of Forests and Waters]~~ *Department of Environmental Resources* regarding the planting and maintenance of such trees, grasses, shrubs and vines. The ~~[Department of Highways]~~ *Department of Transportation* shall have the absolute right to trim, cut and remove any trees, grasses, shrubs and vines growing within the legal right of way of any State highway, and to trim and cut away any trees, grasses, shrubs and vines growing on adjacent property in so far as they overhang or encroach upon the legal right of way of any State highway.

It shall be unlawful for any person to cut, trim, remove or otherwise damage any trees, grasses, shrubs or vines growing within the legal right of way of a State highway, which have been planted by any person or agency other than the abutting property owner, without first having obtained the consent of the secretary in writing. Any person who shall cut, trim, remove or otherwise damage such trees, grasses, shrubs or vines without first having obtained such written consent, shall on summary conviction thereof be sentenced to pay a fine of not less than ~~[twenty-five dollars (\$25.00)]~~ *one hundred dollars (\$100.00)*, or more than ~~[one hundred dollars (\$100.00)]~~ *three hundred dollars (\$300.00)*, for each act of cutting, trimming, removal or damaging. This section shall not be construed to permit the department to interfere with the right of any abutting property owner to establish entrances to his property from State highways at any point or points at which such owner may desire to establish such entrances.

APPROVED—The 7th day of July, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 173.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style with a large initial "C" and a prominent "T".

Secretary of the Commonwealth.