

# SENATE BILL REPORT

## SB 5093

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As of February 28, 2019

**Title:** An act relating to enhancing litter control along state highways.

**Brief Description:** Enhancing litter control along state highways.

**Sponsors:** Senator Fortunato.

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 1/24/19, 1/31/19, 2/07/19 [DPS-TRAN].

Transportation: 2/20/19.

**Brief Summary of First Substitute Bill**

- Prioritizes litter control along state highways.
- Requires the Department of Ecology to contract with the Department of Transportation to schedule litter prevention messaging and coordination of litter emphasis patrols with the Washington State Patrol.

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### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Majority Report:** That Substitute Senate Bill No. 5093 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation.

Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Ericksen, Ranking Member; Billig, Brown, Das, Hobbs, McCoy, Nguyen, Rivers, Short and Wellman.

**Staff:** Jan Odano (786-7486)

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Erica Bramlet (786-7321)

**Background:** A tax is imposed on businesses whose products, including packaging, wrapping, and containers, are reasonably related to the litter problem in the state. The types of products that fall under this tax include beer, cigarettes, soft drinks, newspapers and magazines, glass containers, metal containers, and household paper and paper products.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The revenues from the litter tax are allocated to the Department of Ecology (DOE) from the Waste Reduction, Recycling, and Litter Control Account (WRRLA), although the 2017-2019 operating budget diverted \$9 million of the litter tax to the state parks renewal and stewardship account before it was deposited into the WRRLA. DOE is the coordinating agency between organizations looking to assist in waste reduction, litter control, and recycling, as well as with state agencies, including the Department of Corrections (DOC) and DOT, and local governments that receive funding for litter control and recycling activities. In addition, DOE employs teens through the Ecology Youth Corps to collect litter from highways, parks, and other public areas. DOE is required to develop criteria for evaluating the effectiveness and efficiency of the participating agencies' litter collection programs.

Litter Tax Account Distribution. The funds in the litter tax account are distributed as follows:

1. Fifty percent is provided to DOE for their use and for the Department of Natural Resources (DNR), DOC, DOT, and the Parks and Recreation Commission for litter collection programs. The Department of Revenue also receives a small portion of the revenue for administering the funds in the account.
2. Twenty percent of the litter tax revenues goes to local governments for waste reduction, litter control, and recycling activities.
3. Thirty percent of the funds go to DOE for waste reduction and recycling efforts. These funds are also used for statewide public awareness programs, and to defray local government administration costs so they can apply all of their funding to achieving program goals.

The statewide Adopt-A-Highway Program is a roadside cleanup program administered by DOT. Through the program, volunteers adopt a section of highway by agreeing to take care of it for two to four years. DOT provides safety training and equipment, and picks up the bags of litter left along the roadside by the volunteers. In addition, DOT installs signs giving recognition to the group or individuals adopting the highway.

**Summary of Bill (First Substitute):** DOE must give priority to litter control along state highways when distributing the fifty percent of funds for litter control.

DOE must contract with DOT to schedule litter prevention messaging, coordination of litter emphasis patrols with WSP, and litter pickup during scheduled lane closures for maintenance activities.

**EFFECT OF CHANGES MADE BY ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE (First Substitute):**

- Removes the requirement for DOT to coordinate with DOC using DOC crews for litter pick up during nondaytime hours.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 12, 2019.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (Environment, Energy & Technology):** *The committee recommended a different version of the bill than what was heard.* PRO: The litter tax provides funding to counties to pick up litter and for other programs to reduce the amount and type of litter. The department has not been able to run the programs due to funds being transferred to other agencies. The department works to make sure the litter pick up efforts are being conducted in a coordinated fashion.

OTHER: The amount of litter is overwhelming, frustrating, and a continuing challenge. The top priority is life and safety. Litter control is important but the lowest priority for the agency. Using corrections crews is a security concern. Not all of the litter tax funds have been returned for use in the litter programs. This is all about the funding to be able to pick up litter.

**Persons Testifying (Environment, Energy & Technology):** OTHER: Ted DeVol, citizen.

**Persons Signed In To Testify But Not Testifying (Environment, Energy & Technology):** PRO: Laurie Davies, Department of Ecology; Monica Alexander, Washington State Patrol.

OTHER: Carolyn Logue, Washington Food Industry Association; Pasco Bakotich, Director of Maintenance Operations at Washington State Department of Transportation.

**Staff Summary of Public Testimony on First Substitute (Transportation):** PRO: The purpose of the bill is to get garbage off the side of the highways, how they do it is not as important. If there's still garbage on the side of the roads next January, would like to revisit the issue again.

OTHER: DOT recognizes that the volume of litter is quickly overwhelming their resources to control it, and more prevention efforts are needed. Maintenance employees are frustrated with the problem, but doing the best they can with the \$10.8 million in funding they have, which is also needed to clean up homeless encampments on DOT-owned right-of-way. While litter control is important, DOT has a \$98 million maintenance backlog and 31 maintenance activities to cover. Litter is at the bottom; the agency's top priorities include life and safety issues such as repairing and maintaining moveable bridges and traffic signals, and removing snow and ice. The main concern with the bill is the prescriptive language in Section 1(4) of the bill. During scheduled maintenance lane closures, the department's goal is to make critical repairs, minimize traffic impacts, and minimize the exposure to traffic of maintenance crews. However, with Practical Solutions in mind, DOT recognizes the need to better coordinate opportunities for litter pickup during scheduled lane closures and is open to working with the Department of Ecology on a case-by-case basis.

**Persons Testifying (Transportation):** PRO: Senator Phil Fortunato, Prime Sponsor.

OTHER: Pasco Bakotich, Washington State.

**Persons Signed In To Testify But Not Testifying (Transportation):** No one.