

# HOUSE BILL REPORT

## HB 2373

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### As Reported by House Committee On:

Transportation

**Title:** An act relating to modifying the adopt-a-highway program to further the purpose of civic engagement and collaboration.

**Brief Description:** Modifying the adopt-a-highway program to further the purpose of civic engagement and collaboration.

**Sponsors:** Representatives Ramos and Nance.

### Brief History:

#### Committee Activity:

Transportation: 1/24/24, 2/5/24 [DPS].

#### Brief Summary of Substitute Bill

- Prohibits the Washington State Department of Transportation (WSDOT) from partnering with individuals or groups that publicly endorse or promote unlawful violence for its Adopt-a-Highway program.
- Makes explicit the authorization that a volunteer may contract with a third party to perform the services necessary to satisfy the terms of the adopt-a-highway agreement between a volunteer and the WSDOT.
- Clarifies the Adopt-a-Highway program volunteer selection process by emphasizing the discretion the WSDOT has to select individual or group volunteers as partners who submit a proposal consistent with WSDOT policy and rules.
- States that the primary purpose of adopt-a-highway signs is to notify the public of the WSDOT's collaboration with program volunteers and that the signs are a form of government speech.

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### HOUSE COMMITTEE ON TRANSPORTATION

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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 part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 23 members: Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry, Bronoske, Cortes, Dent, Doglio, Duerr, Entenman, Hackney, Mena, Nance, Orcutt, Ramel, Ramos, Walsh and Wylie.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Chapman and Volz.

**Minority Report:** Without recommendation. Signed by 4 members: Representatives Goehner, Griffey, Klicker and Schmidt.

**Staff:** Jennifer Harris (786-7143).

**Background:**

The Washington State Department of Transportation (WSDOT) maintains a statewide Adopt-a-Highway program in which volunteers, including businesses, are able to adopt sections of state highways, rest areas, park and ride lots, intermodal facilities, and other WSDOT facilities with the stated program goal of contributing to a cleaner environment, enhanced roadsides, and protection of wildlife habitats. The program includes the responsibility for litter control, and may also include the responsibility for planting and maintaining vegetation, controlling weeds, graffiti removal, and other roadside improvement or cleanup activities.

The WSDOT is required to maintain a standardized application form, registration form, and contractual agreement for the program. The WSDOT is also required to erect and maintain signs with program participant names on each end of a section of highway that has been adopted.

The WSDOT must seek partnerships that facilitate program goals, and may solicit funding for the program that permits private entities to finance the work to be done.

An organization with a name that endorses or opposes a particular candidate for public office; advocates a position on a specific political issue, initiative, referendum, or piece of legislation; or includes a reference to a political party may not participate in the Adopt-a-Highway program.

The WSDOT must maintain rules that establish a process to resolve any program eligibility questions.

The WSDOT may install adopt-a-highway signs, subject to certain restrictions. Signs are required to be designed by the WSDOT, and may only include the words "adopt-a-highway litter control facility" or "adopt-a-highway litter control next XX miles" and the name of the

program sponsor. The sponsor's name may not be displayed more predominantly than the rest of sign message. Trademarks or business logos may be displayed.

The WSDOT is prohibited from accepting adopt-a-highway proposals that would result in the termination of classified employees or employee positions.

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### **Summary of Substitute Bill:**

The role of the WSDOT's volunteer selection process in its Adopt-a-Highway program is clarified through an emphasis on the discretion the WSDOT has to select individual or group volunteers as partners who submit a proposal consistent with WSDOT policy and rules. The WSDOT is prohibited from partnering with individuals or groups, or local chapters of groups, who publicly endorse or promote unlawful violence.

The primary purpose of adopt-a-highway signs is articulated as notification to the public of the WSDOT's collaboration with program volunteers rather than to serve as a means of advertisement for the volunteering entity. "Volunteer" means an individual or group, including a business or non-profit organization, that partners with the WSDOT. A volunteer may contract with a third party to perform the services necessary to satisfy the terms of the agreement between a volunteer and the WSDOT.

Adopt-a-highway signs are a form of government speech in which the WSDOT recognizes volunteer participation. The WSDOT is prohibited from characterizing adopt-a-highway signs as advertising when soliciting applicants to the program. Adopt-a-highway signs may include a brief phrase of recognition about the government partnership. Trademarks or business logos may not be displayed more predominantly than other information printed on an adopt-a-highway sign.

The WSDOT is required to review its existing contracts with volunteers to determine whether volunteers are in compliance with the updated program requirements. Upon conducting its review of contracts, the WSDOT must immediately terminate contracts in effect with volunteers who it determines are not eligible to participate in the Adopt-a-Highway program. Reapplication to the program is not required for volunteers who remain eligible to participate in the program.

The legislative intent includes a refocusing of the Adopt-a-Highway program to emphasize that the program is a partnership between the state and its volunteers to keep roadways clear of litter, and that participation requires a commitment to partner with the government. The legislative intent also includes the goal of ensuring that program participants selected to participate in the program do not undercut the spirit of civic engagement and collaboration of the program.

A severability clause directs that if any portion of the act or its application is held invalid by

a court, the remainder of the act or its applications is not affected.

### **Substitute Bill Compared to Original Bill:**

The substitute bill defines "volunteer" as an individual or group, including a business or non-profit organization, that partners with the WSDOT. It makes explicit the authorization that a volunteer may contract with a third party to perform the services necessary to satisfy the terms of the agreement between a volunteer and the WSDOT.

The substitute bill authorizes the inclusion on adopt-a-highway signs of a brief phrase of recognition about the government partnership. It also clarifies that trademarks or business logos may not be displayed more prominently than other information printed on an adopt-a-highway sign, and incorporates a severability clause directing that if any portion of the act or its application were to be held invalid by a court, the remainder of the act or its applications would not be affected.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 5, 2024.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) Picking up litter on highways is a core function of the WSDOT, and obtaining volunteer assistance to help is beneficial. This program has been in place for 30 years. In Missouri, adopt-a-highway signs were put up memorializing someone who had just received the death penalty. It is important that volunteers participating in the Adopt-a-Highway program believe in the program's mission.

Today, volunteers pay contractors to do the work for which they volunteer in the Adopt-a-Highway program. This bill does not impact this practice.

(Opposed) There are companies that collaborate with adopt-a-highway sponsoring companies and organizations to perform litter pickup services. Volunteers showcase a commitment to diversity and save taxpayers money. They strategically pick locations to sponsor that are in high traffic, dangerous areas. This bill poses a threat to the industry because it only allows volunteers to work. It will lead to a lapse in litter pickup. The WSDOT does not have dedicated crews for litter pickup. Communities rely on these programs to maintain safe roadways at no cost.

There is a difference between sponsorship and advertising. Program signs include no call to

action or phone numbers—they are simple signs of recognition of volunteers who participate in the program. Many volunteers are small businesses. These signs let the employees of volunteers and others know that they are contributing to the community.

While the intent of this bill is to not allow hate groups to participate, the bill should be drafted so that organizations and companies can continue to partner with the state.

**Persons Testifying:** (In support) Representative Bill Ramos, prime sponsor.

(Opposed) Lynell Poole, Adopt-A-Highway Litter Removal Service of America; Patricia Nelson, Adopt A Highway Maintenance Corporation; and Derek Kalles, Kalles Group.

**Persons Signed In To Testify But Not Testifying:** None.