
HOUSE BILL 2373

State of Washington

68th Legislature

2024 Regular Session

By Representatives Ramos and Nance

Read first time 01/15/24. Referred to Committee on Transportation.

1 AN ACT Relating to modifying the adopt-a-highway program to
2 further the purpose of civic engagement and collaboration; amending
3 RCW 47.40.100; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the
6 state's adopt-a-highway program has enabled individuals and groups to
7 participate in keeping the state's highways clean and that the
8 program has been successful for over 30 years in helping to reduce
9 litter in Washington. The legislature further finds that the program
10 would benefit from a renewed focus on its goal of instilling citizen
11 participation in supporting the state in carrying out a core
12 governmental function of keeping our roadways clean. The legislature
13 believes that the purpose of the program is to further the spirit of
14 civic partnership in the community, and that the signs on which a
15 participant's name may be displayed are intended to further this
16 purpose rather than to function as taxpayer-funded advertising for a
17 business or organization.

18 The legislature intends, therefore, to refocus the adopt-a-
19 highway program to emphasize that the program is a public-private
20 partnership between the state and its citizens in carrying out the
21 government function of keeping our roadways clean. Participation in

1 the program should demonstrate a commitment by an individual or group
2 to partner with and support the government of the state of Washington
3 in keeping its roads litter free for the benefit of all roadway
4 users.

5 In carrying out this public-private partnership, the legislature
6 intends for the Washington state department of transportation to
7 communicate that individuals and groups working to keep state roads
8 free of litter are working collaboratively with the department to
9 perform a core government function. The legislature intends for any
10 roadside signage or recognition of such volunteers by the department
11 of transportation to be an opportunity for the government to
12 acknowledge and promote the public-private partnership it has entered
13 into with individuals or groups, rather than to advertise a business
14 or organization.

15 To that end, the legislature intends to: (1) Refocus the adopt-a-
16 highway program as a public-private partnership to satisfy a core
17 government function; (2) modify adopt-a-highway signage to emphasize
18 the recognition of that government partnership; and (3) ensure that
19 program participants selected to participate in the public-private
20 partnership do not undercut the spirit of civic engagement and
21 collaboration being furthered by the program.

22 **Sec. 2.** RCW 47.40.100 and 2019 c 353 s 11 are each amended to
23 read as follows:

24 (1)(a) The department of transportation shall establish a
25 statewide adopt-a-highway program. The purpose of the program is to
26 ~~((provide))~~ solicit volunteers ~~((and businesses an opportunity))~~,
27 whether individuals or groups, to partner with the department to
28 contribute to a cleaner environment, enhanced roadsides, and
29 protection of wildlife habitats. Participating volunteers ~~((and~~
30 ~~businesses shall))~~ may be selected to adopt department-designated
31 sections of state highways, rest areas, park and ride lots,
32 intermodal facilities, and any other facilities the department deems
33 appropriate, in accordance with rules adopted by the department. The
34 department may elect to coordinate a consortium of participants for
35 adopt-a-highway projects.

36 (b) The adopt-a-highway program shall include, at a minimum,
37 litter control for the adopted section, and may include additional
38 responsibilities such as planting and maintaining vegetation,
39 controlling weeds, graffiti removal, and any other roadside

1 improvement or clean-up activities the department deems appropriate.
2 Whenever possible, when planting and maintaining vegetation,
3 volunteers (~~and businesses~~) should use native forage plants that
4 are pollen-rich or nectar-rich and beneficial for all pollinators,
5 including honey bees, in order to develop habitat beneficial for the
6 feeding, nesting, and reproduction of pollinators. The department
7 shall not accept adopt-a-highway proposals that would have the effect
8 of terminating classified employees or classified employee positions.

9 (2) A volunteer individual or group (~~or business choosing~~) that
10 would like to participate in the adopt-a-highway program must submit
11 a proposal to the department. The department shall (~~review~~)
12 determine whether to partner with the applicant by reviewing the
13 proposal for consistency with departmental policy and rules. The
14 department may accept, reject, or modify an applicant's proposal.

15 (3) The department shall seek partnerships with (~~volunteer~~
16 ~~groups and businesses~~) volunteers to facilitate the goals of this
17 section. The department may solicit funding for the adopt-a-highway
18 program that allows private entities to undertake all or a portion of
19 financing for the initiatives. The department shall develop
20 guidelines regarding the cash, labor, and in-kind contributions to be
21 performed by the participants.

22 (4) The department shall not partner with the following
23 applicants:

24 (a) An organization whose name: ((-a-)) (i) Endorses or opposes a
25 particular candidate for public office, ((-b-)) (ii) advocates a
26 position on a specific political issue, initiative, referendum, or
27 piece of legislation, or ((-c-)) (iii) includes a reference to a
28 political party ((shall not be eligible to participate in the adopt-
29 a-highway program)); or

30 (b) An individual or group, or a local chapter of a group, that
31 publicly endorses or promotes unlawful violence against the
32 government, a message that is contrary to the adopt-a-highway
33 program's promotion of citizen participation to support core
34 government functions.

35 (5) In administering the adopt-a-highway program, the department
36 shall:

37 (a) Provide a standardized application form, registration form,
38 and contractual agreement for all participating (~~groups~~)
39 volunteers. The forms shall notify the prospective participants of

1 the risks and responsibilities to be assumed by the department and
2 the participants;

3 (b) Require all participants to be at least (~~(fifteen)~~) 15 years
4 of age;

5 (c) Require parental consent for all minors;

6 (d) Require at least one adult supervisor for every eight minors;

7 (e) Require one designated leader for each participating
8 (~~(organization)~~) group, unless the department chooses to coordinate a
9 consortium of participants;

10 (f) Assign each participating (~~(organization)~~) volunteer a
11 section or sections of state highway, or other state-owned
12 transportation facilities, for a specified period of time;

13 (g) Recognize the (~~(efforts of a)~~) state's partnership with
14 participating (~~(organization)~~) volunteers by erecting and maintaining
15 signs with the (~~(organization's)~~) volunteers' name on both ends of
16 the (~~(organization's)~~) volunteers' section of highway to notify the
17 public of the department's collaboration with the volunteers. Such
18 signs are government speech in which the department shall recognize
19 the volunteers' participation in the public-private partnership; the
20 signs are not intended to function primarily as advertising for a
21 group or business, and the department may not construe them as
22 advertising when soliciting applicants to the program;

23 (h) Provide appropriate safety equipment. Safety equipment issued
24 to participating (~~(groups)~~) volunteers must be returned to the
25 department upon termination of the applicable adopt-a-highway
26 agreement;

27 (i) Provide safety training for all participants;

28 (j) Pay any and all premiums or assessments required under RCW
29 51.12.035 to secure medical aid benefits under chapter 51.36 RCW for
30 all volunteers participating in the program;

31 (k) Require participating businesses to pay all employer premiums
32 or assessments required to secure medical aid benefits under chapter
33 51.36 RCW for all employees or agents participating in the program;

34 (l) Maintain records of all injuries and accidents that occur;

35 (m) Adopt rules that establish a process to resolve any question
36 of (~~(an organization's)~~) volunteers' eligibility to participate in
37 the adopt-a-highway program;

38 (n) Obtain permission from property owners who lease right-of-way
39 before allowing (~~(an organization)~~) volunteers to adopt a section of
40 highway on such leased property; and

1 (o) Establish procedures and guidelines for the adopt-a-highway
2 program.

3 (6) Nothing in this section affects the rights or activities of,
4 or agreements with, adjacent landowners, including the use of rights-
5 of-way and crossings, nor impairs these rights and uses by the
6 placement of signs.

7 NEW SECTION. **Sec. 3.** (1) The department of transportation shall
8 review its existing contracts with volunteers under the adopt-a-
9 highway program as of the effective date of this section to determine
10 whether volunteers are in compliance with the terms of this act.

11 (2) The department shall immediately terminate contracts in
12 effect with volunteers that it determines are not eligible to
13 participate under this act upon conducting the review authorized in
14 subsection (1) of this section.

15 (3) Volunteers participating in the adopt-a-highway program as of
16 the effective date of this section who remain eligible to participate
17 in the program are not required to reapply to continue their
18 participation in the program.

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