
SUBSTITUTE HOUSE BILL 2373

State of Washington

68th Legislature

2024 Regular Session

By House Transportation (originally sponsored by Representatives Ramos and Nance)

READ FIRST TIME 02/05/24.

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 47.36.400; 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.

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

1 to partner with and support the government of the state of Washington
2 in keeping its roads litter free for the benefit of all roadway
3 users.

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

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

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

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

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

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

8 (2) A volunteer individual or group (~~or business choosing~~),
9 including businesses and nonprofit organizations, that would like to
10 participate in the adopt-a-highway program must submit a proposal to
11 the department. The department shall (~~review~~) determine whether to
12 partner with the applicant by reviewing the proposal for consistency
13 with departmental policy and rules. The department may accept,
14 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, a message that is
32 contrary to the adopt-a-highway program's promotion of citizen
33 participation to support core government functions.

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

36 (a) Provide a standardized application form, registration form,
37 and contractual agreement for all participating (~~groups~~)
38 volunteers. The forms shall notify the prospective participants of
39 the risks and responsibilities to be assumed by the department and
40 the participants;

- 1 (b) Require all participants to be at least ~~((fifteen))~~ 15 years
2 of age;
- 3 (c) Require parental consent for all minors;
- 4 (d) Require at least one adult supervisor for every eight minors;
- 5 (e) Require one designated leader for each participating
6 ~~((organization))~~ group, unless the department chooses to coordinate a
7 consortium of participants;
- 8 (f) Assign each participating ~~((organization))~~ volunteer a
9 section or sections of state highway, or other state-owned
10 transportation facilities, for a specified period of time;
- 11 (g) Recognize the ~~((efforts of a))~~ state's partnership with
12 participating ~~((organization))~~ volunteers by erecting and maintaining
13 signs with the ~~((organization's))~~ volunteer's name on both ends of
14 the ~~((organization's))~~ volunteer's section of highway to notify the
15 public of the department's collaboration with the volunteer. Such
16 signs are government speech in which the department shall recognize
17 the volunteer's participation in the public-private partnership; the
18 signs are not intended to function primarily as advertising for a
19 good or service, and the department may not construe them as
20 advertising when soliciting applicants to the program;
- 21 (h) Provide appropriate safety equipment. Safety equipment issued
22 to participating ~~((groups))~~ volunteers must be returned to the
23 department upon termination of the applicable adopt-a-highway
24 agreement;
- 25 (i) Provide safety training for all participants;
- 26 (j) Pay any and all premiums or assessments required under RCW
27 51.12.035 to secure medical aid benefits under chapter 51.36 RCW for
28 all volunteers participating in the program;
- 29 (k) Require participating businesses to pay all employer premiums
30 or assessments required to secure medical aid benefits under chapter
31 51.36 RCW for all employees or agents participating in the program;
- 32 (l) Maintain records of all injuries and accidents that occur;
- 33 (m) Adopt rules that establish a process to resolve any question
34 of ~~((an organization's))~~ volunteers' eligibility to participate in
35 the adopt-a-highway program;
- 36 (n) Obtain permission from property owners who lease right-of-way
37 before allowing ~~((an organization))~~ volunteers to adopt a section of
38 highway on such leased property; and
- 39 (o) Establish procedures and guidelines for the adopt-a-highway
40 program.

1 (6) A volunteer may contract with a third party to perform the
2 services necessary to satisfy the terms of the agreement between the
3 volunteer and the department provided the third-party services are
4 consistent with the requirements of subsection (5) of this section.

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

9 (8) For the purposes of this section, "volunteer" means an
10 individual or group, including a business or nonprofit organization,
11 that partners with the department to carry out the function of
12 keeping a segment of roadway clean as part of the adopt-a-highway
13 program authorized in this section. As specified in subsection (6) of
14 this section, a volunteer may contract with a third party to perform
15 the services required under the adopt-a-highway program agreement.

16 **Sec. 3.** RCW 47.36.400 and 1998 c 180 s 1 are each amended to
17 read as follows:

18 The department may install adopt-a-highway signs, with the
19 following restrictions:

20 (1) Signs shall be designed by the department and may only
21 include the words "adopt-a-highway litter control facility" or
22 "adopt-a-highway litter control next XX miles," (~~and~~) the name of
23 the litter control area sponsor, and a brief phrase of recognition of
24 the government partnership. The sponsor's name shall not be displayed
25 more predominantly than the remainder of the sign message. Trademarks
26 or business logos may be displayed, but may not be displayed more
27 predominantly than the remainder of the sign message;

28 (2) Signs may be placed along interstate, primary, and scenic
29 system highways;

30 (3) Signs may be erected at other state-owned transportation
31 facilities in accordance with RCW 47.40.100(1);

32 (4) For each litter control area designated by the department,
33 one sign may be placed visible to traffic approaching from each
34 direction;

35 (5) Signs shall be located so as not to detract from official
36 traffic control signs installed pursuant to the manual on uniform
37 traffic control devices adopted by the department;

38 (6) Signs shall be located so as not to restrict sight distance
39 on approaches to intersections or interchanges;

1 (7) The department may charge reasonable fees to defray the cost
2 of manufacture, installation, and maintenance of adopt-a-highway
3 signs.

4 NEW SECTION. **Sec. 4.** (1) The department of transportation shall
5 review its existing contracts with volunteers under the adopt-a-
6 highway program as of the effective date of this section to determine
7 whether volunteers are in compliance with the terms of this act.

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

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

16 NEW SECTION. **Sec. 5.** If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected.

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