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## Transportation Committee

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### HB 2186

**Brief Description:** Concerning debris escaping from vehicles on public highways.

**Sponsors:** Representatives Kilduff, Lovick, Kloba, Walen, Thai, Callan, Frame, Fitzgibbon, Ryu, Appleton, Ramos, Slatter and Gregerson.

#### Brief Summary of Bill

- Requires any vehicle operating on a paved public highway and carrying loose matter to use a cover, if the vehicle is so equipped, until July 1, 2022.
- Requires vehicles operating on a paved public highway and carrying loose matter to be covered beginning July 1, 2022.
- Provides exemptions for public entities and the contractors working for them when performing certain maintenance functions or performing operations in a work zone closed to the public.
- Expands the existing misdemeanors for violation of covered load requirements to include violations of the requirement to remove objects from the highway or notify law enforcement and remain at the scene until the objects are removed.

**Hearing Date:** 1/20/20

**Staff:** Beth Redfield (786-7140).

#### Background:

No vehicle may be driven on a public highway unless it is constructed or loaded to prevent any of its load from escaping. No person may operate a vehicle on a public highway with any load, unless the load and the covering is securely fastened to prevent the covering or load from coming loose/detached in a manner creating a hazard to other highway users.

Any vehicle carrying dirt, sand, or gravel susceptible to being dropped or escaping, must be covered. Covering is not required if 6 inches of freeboard is maintained within the bed.

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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.*

Any person operating a vehicle from which objects have fallen, which would be an obstruction or endanger travel on the highway, must immediately cause the highway to be cleaned and pay any costs. Any vehicle with mud or debris on the vehicle must be cleaned of the debris before operation.

Public maintenance vehicles are not prohibited from dropping sand for traction, or sprinkling water for cleaning/maintenance purposes.

A person is guilty of Failure to Secure a Load in the first degree, if s/he, with criminal negligence, fails to secure a load and causes substantial bodily harm to another. This violation is a gross misdemeanor. A person is guilty of Failure to Secure a Load in the second degree, if s/he, with criminal negligence, fails to secure a load and causes damage to property of another. This violation is a misdemeanor.

The litter control act requires local jurisdictions operating a transfer station or landfill to adopt an ordinance to reduce litter from vehicles. The ordinances may not require a vehicle transporting sand, dirt, or gravel in compliance with state laws governing covered loads to cover a load.

### **Summary of Bill:**

Until July 1, 2022, any vehicle operating on a paved public highway and carrying loose matter (such as dirt, sand, rocks, or gravel), which is susceptible to escaping from the vehicle, must use a cover if the vehicle is so equipped. Beginning July 1, 2022, vehicles operating on a paved public highway and carrying loose matter (such as dirt, sand, rocks, or gravel), which is susceptible to escaping from the vehicle, must be covered to prevent spillage and hazards to other users of the highway. Current requirements that both the load and the covering must be securely fastened to the vehicle to prevent either from becoming loose or detached are clarified.

The Washington State Department of Transportation, cities, counties, and the contractors working for such public entities are exempt from these requirements if the vehicle is:

- applying sand or deicers for snow and ice control;
- sprinkling water to clean the roadway;
- performing maintenance in response to emergency events; or
- performing operations in work zones closed to the public.

Two new definitions are provided:

- "covering" means a tarp, other protective layer or device, or a manufactured cap to fit a vehicle, which is securely fastened to the vehicle to cover the load that the vehicle is hauling; and
- "susceptible to being dropped, spilled, leaked, sifted, blown, or otherwise escaping" means that the load, or particles, portions, or pieces of the load, is of such a density that the load, or particles, portions, or pieces of the load, can be influenced by wind, other atmospheric and weather conditions, vehicle speed, or road conditions.

In addition to ensuring the removal of any fallen or escaped load from the highway, a vehicle operator must also remain at the scene until the load is cleared.

The existing misdemeanors for violation of covered load requirements are expanded to include violations of the requirement to ensure the removal of objects from the highway or notify law enforcement and remain at the scene until the objects are removed:

- A person is guilty of a gross misdemeanor if he or she, with criminal negligence, fails to comply with the debris removal requirements and the violation causes substantial bodily harm to another.
- A person is guilty of a misdemeanor if he or she, with criminal negligence, fails to comply with the debris removal requirements and the violation causes damage to property of another.

The limitation on local ordinances adopted to reduce litter that prohibits requiring vehicles transporting sand, dirt, or gravel to transfer stations or landfills to cover loads is removed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on October 1, 2020.