
Transportation Committee

HB 2373

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

Sponsors: Representatives Ramos and Nance.

Brief Summary of Bill

- Clarifies the Washington State Department of Transportation's (WSDOT's) Adopt-a-Highway program volunteer selection process by emphasizing the discretion it has to select individual or group volunteers as partners who submit a proposal consistent with WSDOT policy and rules.
- Prohibits the WSDOT from partnering with individuals or groups, or local chapters of groups, that publicly endorse or promote unlawful violence against government for its Adopt-a-Highway program.
- Clarifies 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.
- Requires the WSDOT to immediately terminate contracts in effect with volunteers who it determines are not eligible to participate in the Adopt-a-Highway program.

Hearing Date: 1/24/24

Staff: Jennifer Harris (786-7143).

Background:

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.

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.

Summary of Bill:

The role of 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 against the government.

The primary purpose of adopt-a-highway signs is clarified as notification of the public of the WSDOT's collaboration with program volunteers rather than as to serve as a means of advertisement for the volunteering entity. 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.

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.

Appropriation: None.

Fiscal Note: Available.

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