

SENATE BILL REPORT

SB 5178

As Reported by Senate Committee On:
Transportation, February 9, 2023

Title: An act relating to large debris removal from interstate highways.

Brief Description: Concerning large debris removal from interstate highways. [**Revised for 1st Substitute:** Concerning large debris removal from state highways.]

Sponsors: Senators Fortunato and Gildon.

Brief History:

Committee Activity: Transportation: 1/24/23, 2/09/23 [DPS].

Brief Summary of First Substitute Bill

- Increases litter cleanup restitution payments for persons who litter in an amount greater than one cubic foot.
- Dedicates most revenue from litter cleanup restitution payments from violations on state highways for large debris removal and highway cleanup.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5178 be substituted therefor, and the substitute bill do pass.

Signed by Senators Lias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland, Fortunato, Hawkins, Kauffman, Lovelett, MacEwen, Nobles, Padden, Randall, Valdez, Wilson, C. and Wilson, J..

Staff: Daniel Masterson (786-7454)

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.

Background: Litter Cleanup Restitution Payments. Littering on state and private lands not owned by the litterer is prohibited. It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard and a gross misdemeanor for a person to litter in an amount of one cubic yard or more.

A person who litters in an amount greater than one cubic foot shall also pay a litter cleanup restitution payment. If the amount is greater than one cubic foot but less than one cubic yard the restitution payment is equal to twice the actual cost of cleanup, or \$50 per cubic foot of litter, whichever is greater. If the amount littered is one cubic yard or more the restitution payment is equal to twice the actual cost of cleanup, or \$100 per cubic foot of litter, whichever is greater. One-half of the restitution payment is distributed to the landowner and one-half to the law enforcement agency investigating the incident. A court may suspend or modify the cleanup restitution payment if the person cleans up and properly disposes of the litter.

Litter Tax and Waste Reduction, Recycling, and Litter Control Account. A tax is imposed on businesses whose products, including packaging, wrapping, and containers, are reasonably related to the litter problem in the state. The revenues from the litter tax are deposited into the Waste Reduction, Recycling, and Litter Control account. The funds in the account are used for state agency litter collection programs, local government waste reduction, litter control, and recycling activities, and waste reduction and recycling efforts by the Department of Ecology.

Fee on Retail Sale of Tires and the Waste Tire Removal Account. State law requires that a \$1 per tire fee be collected on the retail sale of new replacement vehicle tires. Retailers are permitted to retain 10 percent of the fee for costs associated with the proper management of waste vehicle tires by the retailer. The remaining 90 percent of the fee is deposited into the Waste Tire Removal Account and may be used for the cleanup of unauthorized waste tire piles, measures that prevent future accumulation of unauthorized waste tire piles, and road wear related maintenance on state and local public highways.

On September 1st of odd-numbered years, the state treasurer must transfer any cash balance in excess of \$1 million from the Waste Tire Removal Account to the Motor Vehicle Fund for the purpose of road wear related maintenance on state and local public highways.

Summary of Bill (First Substitute): The litter cleanup restitution payment for persons who litter in an amount greater than one cubic foot but less than one cubic yard is increased to four times the actual cost of cleanup, or \$100 per cubic foot of litter, whichever is greater.

The litter cleanup restitution payment for persons who litter in an amount of one cubic yard or more is increased to four times the actual cost of cleanup, or \$200 per cubic foot of litter, whichever is greater.

For violations subject to litter cleanup restitution payments that occur on state highways, the

court shall distribute 75 percent of the restitution payment to the state for deposit into the waste reduction, recycling, and litter control account, for purposes described below. The court shall distribute the remaining 25 percent of the restitution payment to the law enforcement agency investigating the incident.

Litter cleanup restitution payments deposited into the waste reduction, recycling, and litter control account are provided for the following purposes:

- for prevention and cleanup of highway debris, with an increased focus on large debris;
- to establish a method to remove large debris from state highways;
- to remove large debris from state highways; and
- to cover traffic control and disposal costs.

"Large debris" is defined as debris that would be hazardous to motorcycles including, but not limited to, wood debris, pallets, furniture, vehicle parts, tires, tire pieces, or other debris visibly noticeable to drivers. "Large debris" does not include small items of litter such as paper products.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):

Changes all references in the bill to “interstate highways”, including in the title, to “state highways” instead.

Clarifies, but does not substantively change, the language directing the distribution of litter cleanup restitution payments for violations on state highways in Sec. 1(3) and Sec. 3(3).

Amends the purpose of funds provided for highway clean up to include:

- prevention and cleanup of highway debris, with an increased focus on large debris, and
- removal of large debris from state highways.

Removes provisions that direct cash balances in the Waste Tire Removal Account in excess of \$1 million be deposited into the Waste Reduction, Recycling, and Litter Control Account for the purposes of this bill.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Driving down the road, we still have large chunks of litter on the side of the road. Can you imagine pulling onto the shoulder in the dark at night and hitting a pallet or other large debris? We need to clear big pieces of litter for the safety of people driving. The hope is that WSDOT will create a crew dedicated to picking up large debris from highways.

OTHER: We support raising the restitution payments, and think they should be raised more. We need to prevent the litter in the first place, not just clean it up once it's there. The bill should be amended to clarify that funds can be used to clean up large debris litter, not just develop a method to do so.

Persons Testifying: PRO: Senator Phil Fortunato, Prime Sponsor.

OTHER: Heather Trim, Zero Waste Washington.

Persons Signed In To Testify But Not Testifying: No one.