

Date of Hearing: January 8, 2018

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 1395 (Chu) – As Amended January 3, 2018

**SUBJECT:** State highways: debris and graffiti abatement

**SUMMARY:** Requires, by January 1, 2020, the California Department of Transportation (Caltrans) to develop a litter and graffiti remediation plan to address debris buildup on the state highway and freeway systems. Specifically, **this bill:**

- 1) Makes legislative findings regarding the impact of trash and graffiti along California highways and the burden these impose on local governments.
- 2) Requires Caltrans to develop a litter and graffiti remediation plan to address the buildup of debris on the state highway system, and directs the department to consult with interested stakeholders in the development of the plan.
- 3) Specifically directs the plan to address the following:
  - a) The buildup of litter and debris along state highways and freeways;
  - b) Graffiti along state highways and freeways; and,
  - c) The delay between the notification to the department that there is a litter or graffiti problem and the remediation actually occurring.
- 4) Directs Caltrans to include in the plan recommendations that allow a municipality to carry out obligations specified in the plan and to be reimbursed by the state for doing so.

**EXISTING LAW:**

- 1) Grants Caltrans broad authority to have full possession and control of all state highways, all property and rights in property acquired for state highway purposes.
- 2) Defines "maintenance" (with regard to the state highway system) to mean, among other things, the preservation and keeping of rights-of-way, and each type of roadway, structure, safety convenience or device, planting, illumination equipment, and other facility, in the safe and usable condition to which it has been improved or constructed, but does not include reconstruction or other improvement.
- 3) Provides that the degree and type of maintenance for each highway, or portion thereof, shall be determined in the discretion of the authorities charged with the maintenance thereof, taking into consideration traffic requirements and available funding.
- 4) Directs Caltrans to assign a high priority to litter deposited along state highway segments adjoining storm drains, streams, rivers, waterways, beaches, the ocean, and other environmentally sensitive areas.
- 5) Requires Caltrans to remove graffiti from signs "as soon as reasonably possible."

- 6) Authorizes Caltrans to enter into an agreement to accept funds, materials, equipment, or services from any person for maintenance or roadside enhancement, including the cleanup and abatement of litter, of a section of a state highway.
- 7) Makes it unlawful to do any of the following:
  - a) Throw or discharge onto a highway any lighted or non-lighted cigarette, cigar, match, or any flaming or glowing substance.
  - b) Throw or deposit on a highway any bottle, can, garbage, glass, nail, offal, paper, wire, any substance likely to injure or damage traffic, or any noisome, nauseous, or offensive matter of any kind.
  - c) Dump or spill hazardous material without appropriately notifying authorities, as prescribed.
- 8) Provides that a vehicle used for illegal dumping of waste matter on public property is subject to impoundment.
- 9) Requires that any person that drops, dumps, deposits, places, or throws onto a highway any bottle, can, garbage, glass, nail, offal, paper, wire, any substance likely to injure or damage traffic, any noisome, nauseous, offensive matter of any kind, or aggregate material must immediately remove the material or cause it to be removed; failure to do so is punishable by a base fine of \$100.
- 10) Authorizes the government agency that is responsible for the maintenance of the highway to remove the material and charge the cost of removal from the person responsible for the dumping.

**FISCAL EFFECT:** Unknown

**COMMENTS:** The author introduced this bill out of concern for what seems to be a pervasive litter problem in San Jose. The author reports that the city found litter to be such a problem that the city council tried to fine Caltrans for failure to keep freeways in the city clean. Frustrated by the situation, the author has introduced this bill to allow local municipalities to perform cleanup activities on state highways and then to be reimbursed for the cost of doing so.

In 2016, Caltrans released survey data that showed nearly half of all motorists surveyed admitted to sometimes littering along the state's highways. Nearly one in five California motorists reported intentionally dumping something on the side of the highway. Survey respondents confirmed they improperly disposed of items ranging from old furniture and appliances to green waste from their yard such as lawn clippings, branches, or leaves. According to Caltrans, these findings indicate that litter was generally not an accidental public behavior, but rather a conscious decision to improperly discard or leave behind debris along California freeways.

Litter on California's state highways is, indeed, a pervasive problem. To illustrate, earlier this year Caltrans reported that it had spent over \$67 million in the previous fiscal year picking up litter along state highways—enough litter to fill 9,000 garbage trucks. Additionally, Caltrans administers an Adopt-a-Highway Program that provides an avenue for individuals, organizations, or businesses to help maintain sections of roadside the state highway system. Groups have the

option to participate as volunteers or to hire a maintenance service provider to perform the work on their behalf. According to Caltrans, more than 120,000 Californians have cleaned and enhanced over 15,000 shoulder-miles of roadside, and the Adopt-a-Highway Program provides litter and graffiti abatement valued at approximately \$18 million annually. Furthermore, Caltrans uses state inmates and county corrections prisoners to supplement its own forces in litter removal activities. In 2016, Caltrans reported that its level of service for litter and debris abatement exceeded its goal for each of the previous seven years.

In 2007, Caltrans developed a litter abatement plan that sought to provide a balanced and comprehensive approach to effectively reduce litter in California through many preventive and proactive measures. The plan set forth an objective to, where possible and where interest exists, enter into agreement with local public works agencies to reimburse them for more frequent sweeping of interchanges. Since then, Caltrans has entered into approximately 195 maintenance agreements with local agencies related to litter and graffiti abatement.

*Committee concern:* This bill seems unnecessary. According to Caltrans, it routinely measures litter and debris abatement performance using level of service scores and uses these measures to plan and budget resources for debris and graffiti abatement activities. Furthermore, it already enters into agreements with local agencies related to debris and graffiti abatement activities, for which it has authority to provide reimbursement.

*Related legislation:* AB 971 (Choi) increases fines for failing to secure a load (in a vehicle) and clarifies that a death caused by an object falling from a vehicle is grounds for a vehicular manslaughter conviction. AB 971 is scheduled to be heard in Assembly Transportation Committee on January 8, 2018.

AB 972 (Choi) requires items carried in a vehicle cargo area to be labeled so that the owner can be identified should the item fall from the vehicle. AB 972 is scheduled to be heard in Assembly Transportation Committee on January 8, 2018.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Californians Against Waste

### **Opposition**

None on file

**Analysis Prepared by:** Janet Dawson / TRANS. /