

Date of Hearing: June 20, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

SB 1111 (Archuleta) – As Amended April 21, 2022

**SENATE VOTE:** 35-0

**SUBJECT:** Trash receptacles and storage containers: reflective markings

**SUMMARY:** Requires manufacturers and owners of trash receptacles and storage containers of specified dimensions be marked with a reflector on each side and contact information, respectively and as specified. Specifically, **this bill:**

- 1) Starting January 1, 2025, requires manufacturers of trash receptacles or storage containers place a reflector on each side if the container is longer than three feet and taller than four feet and is designed to be placed on a roadway or the curb of a roadway in order to be emptied or picked up;
  - a) Requires the reflective tape be at a minimum six inches wide and four feet long placed vertically over each corner of the container where two vertical sides of the container meet;
  - b) Requires the reflective tape be fluorescent yellow and be made of high-performance retroreflective sheeting of American Society for Testing and Materials (ASTM) D4956-13 Type IX.
- 2) Starting January 1, 2026, requires an owner of a trash receptacle or storage container that is designed to be placed on a roadway or the curb of a roadway in order to be emptied or picked up to clearly label the trash receptacle or storage container with the owner's name and current telephone number;
  - a) "Owner" does not mean a local governmental entity.
- 3) A manufacturer or an owner who violates these provisions shall be guilty of an infraction punishable by the following fine;
  - a) \$100 for the first violation;
  - b) \$500 for the second violation;
  - c) \$1,000 for the third violation, or any subsequent violation.

**EXISTING LAW:**

- 1) Vests the Department of Transportation with full possession and control of all state highways.
- 2) Vests the board of supervisors of a county with general supervision, management, and control of county highways.
- 3) Grants the legislative body of a city certain powers with respect to city streets and roads.

- 4) Requires litter receptacles be placed at the owners expense at any establishment or public place in which litter receptacles are required.
- 5) Vests the responsibility for the removal of litter from receptacles placed at publicly-owned places with the public agencies.
- 6) Vests the removal of litter from receptacles placed on private property with the owner of the property or, in cases where the owner is not in actual possession of the premises, with the tenant thereof.
- 7) Requires placement of litter receptacles be in conformance with laws, ordinances, resolutions, and regulations pertaining to fire, safety, public health, or welfare.
- 8) Prohibits any person from causing damage, deface, abuse, or misuse of any litter receptacle so as to interfere with its proper function or to detract from its proper appearance. Any person who violates this provision shall be guilty of an infraction punishable by the following fine;
  - a) Not less than \$100 nor more than \$1,000 upon a first conviction;
  - b) Not less than \$200 nor more than \$1,000 upon a second conviction;
  - c) Not less than \$300 nor more than \$1,000 upon a third or subsequent conviction.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:** This bill is to be known as the, “Rick Best Safety Act.” Rick Best was a policy director of Californians Against Waste, an organizer and president of the national Grass Roots Recycling Network and legislative adviser to Fred Keeley when Mr. Keeley was speaker pro tem of the California State Assembly. In 2000, Mr. Best was named Recycler of the Year by the California Resource Recovery Association.

In 2002, at the age of 32, Rick Best was involved in a fatal traffic collision as a result of an unmarked trash receptacle, or dumpster, among other causes.

*Trash cans through the ages.* According to various sources, the very first trash receptacle was developed in 3,000 B.C. in Knossos, Crete, when people dug deep holes to hide refuse, which they would then cover with dirt. Near 500 B.C., the Greek city of Athens devised one of the first-known regulations regarding trash—residents were forbidden from throwing waste in the street. Instead, the law stated garbage must be transported and dumped one mile from the city to maintain its aesthetic and prevent disease.

Waste management and sanitation were not widely prized for hundreds of years, perpetuating certain standards of living and, in many cases, helping to create notorious historical moments, such as the bubonic plague.

Early metropolises were the first to address the problems on a wide scale, mostly because the problems had become so dire. In the 15th century, Paris attempted to buck its filthy reputation by instituting mandatory street cleaning and employing thousands of waste collectors to transport the garbage directly outside the city. However, the city was said to struggle to maintain its defense from attackers as garbage piles rose to monstrous heights directly outside of city walls.

Rubbish was dry trash that would be tossed in metal pails for curbside pickup — much like today. Garbage, on the other hand, consisted of food scraps and organic material. Due to their rotting nature, receptacles were designed to keep garbage hidden away until it could be dealt with.

New York City’s main modes of disposal, into the eighteen-nineties, were rendering plants, hog feeding, fill operations, and ocean dumping. In 1931, a judge ruled New York City would need to end its ocean dumping and in the twentieth century, incineration became the great hope for the future of waste disposal. The tides then shifted slightly back in favor of landfills.

Fresno Sanitary Landfill is the oldest modern landfill in the country. The landfill marked a revolution in waste disposal. Prior to Fresno, garbage in California was dumped on vacant land and in waterways or burned, sending plumes of noxious pollution into the air. Some versions of landfills had existed before Fresno, but Fresno’s “sanitary landfill” was the first of its kind.

*Need for trash reflectors.* Under current law, there is no requirement that large trash receptacles that are placed in the street for pickup have reflectors or other means by which they can be seen in the dark. The absence of nighttime safety markings can be a safety hazard for motorists, cyclists, and pedestrians who might not see the receptacles until it is too late.

Objects on the road at night—even large ones—are hard to see. In recognition of this fact, current law establishes lighting and reflector requirements for vehicles and equipment on a roadway at night to make them visible so as to avoid collisions.

Current law does not, however, impose nighttime lighting or reflector requirements for a particular category of objects on the roadway: trash receptacles and storage containers (together, bins). These bins can be very large and very heavy, and—per Rick Best’s fatal collision—can lead to tragedy when collided with by an unsuspecting person.

*According to the author,* “The Best Safety Act, named after long time legislative staff and lobbyist Roderick “Rick” Best who sadly passed away after a traffic accident with an unmarked dumpster, is a necessary safety measure that will protect the lives of everyone on our roadways. This commonsense bill will require large trash receptacles placed on roads or curbs that are virtually invisible on a dark night to have reflective markings on both sides.”

*In support,* California Waste Haulers Council writes, “Requiring reflectors on receptacles or containers of a certain dimension that are designed to be placed on the roadway or at the curb will make the containers more conspicuous and visible to those using the roadway at night. This lessens, in our view, the possibility of accidents or collisions involving these receptacles and containers.”

*Prior legislation:* SB 741 (Archuleta, 2021) would have required the seller or provider of a roadside trash and storage containers larger than three feet and taller than four feet to mark the container with a reflector on each side and imposed a civil penalty for failure to do so; it was similar to SB 1111 (Archuleta, 2022), but contained fewer specifics. *SB 741 died in the Senate Transportation Committee.*

SB 1353 (Archuleta, 2020) would have imposed substantially the same requirement of reflectors on trash receptacles as SB 741. *SB 1353 was held in the Senate Transportation Committee due to COVID-19.*

**REGISTERED SUPPORT / OPPOSITION:****Support**

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California Waste Haulers Council

**Opposition**

None on file.

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