

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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**HOUSE BILL 100
Committee Substitute Favorable 4/27/21**

Short Title: Highway Cleanup Act of 2021.

(Public)

Sponsors:

Referred to:

February 19, 2021

A BILL TO BE ENTITLED

AN ACT TO ENACT THE HIGHWAY CLEANUP ACT OF 2021.

The General Assembly of North Carolina enacts:

PART I. TITLE OF ACT

SECTION 1. Title of Act. – This act shall be known as "The Highway Cleanup Act of 2021."

PART II. ENFORCEMENT

SECTION 2. Establish "Detainees Clean NC" Grant Program. – Of the funds appropriated in S.L. 2020-91 from the Highway Fund to the Department of Transportation for the 2020-2021 fiscal year, the Department of Transportation shall use one million dollars (\$1,000,000) to establish the "Detainees Clean NC" grant program. The Department shall award grant funds to sheriffs' offices to provide officers overtime pay to oversee detainee litter cleanup efforts. The maximum grant amount for an eligible county shall be no more than ten thousand dollars (\$10,000). The Department shall provide participating sheriffs' offices education materials containing information on the penalties of littering and other relevant information to encourage the public to keep North Carolina roads clean. Agreements between participating sheriffs' offices and the Department shall include the scope of work planned, including identification of specific routes and planned number of cycles of litter to be picked up.

SECTION 3.(a) Strengthen Enforcement of Littering. – There is appropriated from the General Fund to the Administrative Office of the Courts the sum of fifty thousand dollars (\$50,000) in nonrecurring funds for the 2021-2022 fiscal year for use by the Conference of District Attorneys in producing education, training materials, and resources for district attorneys across the State regarding the detriments of litter and the need for strengthened enforcement of litter laws.

SECTION 3.(b) This section becomes effective July 1, 2021.

SECTION 4. State Employee Highway Cleanup Days. – The Department of Transportation shall coordinate with the Office of State Human Resources to establish a program designating days for roadside litter cleanup by State employees and encouraging State employees to use available community service leave time to participate in the program.

SECTION 5. G.S. 136-18.05(b)(1) reads as rewritten:

"(1) Responsiveness. – The Department shall structure the Program to gather citizen input and shall commit to quickly addressing structural problems and other road hazards on State-maintained roads. Citizens may report potholes, drainage issues, culvert blockages, guardrail repairs, damaged or missing



1 signs, malfunctioning traffic lights, highway debris, or shoulder damage to the
2 Department of Transportation by calling a toll-free telephone number
3 designated by the Department or submitting an online work request through a
4 Web site link designated by the Department. Beginning January 1, 2016, upon
5 receiving a citizen report in accordance with this subdivision, the Department
6 shall either address the reported problem or identify a solution to the reported
7 problem. ~~Excluding potholes, which shall be repaired within two business~~
8 ~~days of the date the report is received, potholes and dead animals obstructing~~
9 ~~roadways and resulting in a safety hazard to the traveling public, which shall~~
10 ~~be repaired or removed within two business days of the date the report is~~
11 ~~received,~~ the Department of Transportation shall properly address (i)
12 safety-related citizen reports no later than 10 business days after the date the
13 report is received and (ii) non-safety-related citizen reports no later than 15
14 business days after the date the report is received. The Department shall
15 determine, in its discretion, whether a citizen report is safety-related or
16 non-safety-related. The Department shall transmit information received about
17 potholes or other problems on roads not maintained by the State to the
18 appropriate locality within two business days of receiving the citizen report.
19 The Department shall post a monthly report to the Department's performance
20 dashboard Web site on the number of citizen reports received under this
21 subdivision for the month immediately preceding the monthly report, the
22 number of citizen reports fully addressed within the time frames set forth in
23 this subdivision for the month immediately preceding the monthly report, the
24 number of citizen reports addressed outside of the time frames set forth in this
25 subdivision for the month immediately preceding the monthly report, and the
26 number of citizen reports not fully addressed for the month immediately
27 preceding the report."

28 **SECTION 6.(a)** G.S. 136-28.12 reads as rewritten:

29 **"§ 136-28.12. Litter removal coordinated with mowing of highway rights-of-way.**

30 The Department of Transportation ~~shall, to the extent practicable,~~ shall schedule the removal
31 of debris, trash, and litter from highways and highway rights-of-way prior to the mowing of
32 highway rights-of-way. The Department of Transportation shall include as a term of any contract
33 that it enters into for the mowing of a highway right-of-way that the contracting party ~~shall, to~~
34 ~~the extent practicable,~~ shall coordinate with the scheduled removal of debris, trash, and litter
35 from the highway and highway right-of-way prior to the mowing of the highway right-of-way."

36 **SECTION 6.(b)** This section becomes effective July 1, 2021, and applies to contracts
37 entered into on or after that date.

38 **PART III. EDUCATION**

39 **SECTION 7.** Part 1 of Article 8 of Chapter 115C of the General Statutes is amended
40 by adding a new section to read:

41 **"§ 115C-81.56. Littering education.**

42 The State Board of Education shall integrate into science and other courses, as appropriate,
43 education on litter prevention and awareness that should emphasize the environmental detriments
44 of littering and the role of personal responsibility in preventing it. The Department of Public
45 Instruction, in consultation with the Department of Environmental Quality and the Department
46 of Natural and Cultural Resources, shall provide educational resources to local boards of
47 education on litter prevention and awareness, including a video appropriate for students in grades
48 six through eight."
49

50 **SECTION 8.** Raise Awareness of Anti-Litter Programs. – Of the funds appropriated
51 in S.L. 2020-91 from the Highway Fund to the Department of Transportation for the 2020-2021

1 fiscal year, the Department of Transportation shall use two hundred fifty thousand dollars
2 (\$250,000) to raise awareness and program participation, through marketing and advertising, in
3 the following anti-litter programs:

- 4 (1) Adopt-A-Highway
- 5 (2) Litter Sweep
- 6 (3) Sponsor-A-Highway
- 7 (4) Swat-A-Litter Bug
- 8 (5) Detainees Clean NC
- 9 (6) State Employee Highway Cleanup Days.

10 11 **PART IV. EVALUATION**

12 **SECTION 9.** Study Inmate Litter Crews. – The Department of Public Safety,
13 Division of Adult Correction and Juvenile Justice, in consultation with the Department of
14 Transportation, shall study the feasibility of implementing a program similar to the former Inmate
15 Litter Crews to assist in picking up litter throughout the State of North Carolina. The Department
16 shall report the results of the study to the Joint Legislative Oversight Committee on Justice and
17 Public Safety and to the Joint Legislative Transportation Oversight Committee on or before
18 March 1, 2022.

19 **SECTION 10.** Study Penalties for Littering. – The Joint Legislative Transportation
20 Oversight Committee may study the fines and penalties associated with violating the prohibition
21 on littering set out in G.S. 14-399. In conducting the study, the Committee may consult with the
22 North Carolina Sentencing Commission, the School of Government at the University of North
23 Carolina at Chapel Hill, and any other source of information the Committee deems relevant
24 regarding the deterrent effects of different levels of fines and punishments. The Committee shall
25 report any findings and recommendations, including proposed legislative changes, to the 2022
26 Regular Session of the 2021 General Assembly.

27 **SECTION 11.** Report on Litter Management System. – On or before November 1,
28 2021, the Department of Transportation shall report to the Joint Legislative Transportation
29 Oversight Committee on the effectiveness of the Department's Litter Management System
30 website and interactive map, including impacts on participation in litter management programs.

31 32 **PART V. EFFECTIVE DATE**

33 **SECTION 12.** Except as otherwise provided, this act is effective when it becomes
34 law.