

**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



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

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

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

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

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

### **PART III. EDUCATION**

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

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

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

**SECTION 8.** Raise Awareness of Anti-Litter Programs. – 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 two hundred fifty thousand dollars (\$250,000) to raise awareness and program participation, through marketing and advertising, in the following anti-litter programs:

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

#### **PART IV. EVALUATION**

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

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

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

#### **PART V. EFFECTIVE DATE**

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