

SECTION .1000 - ADOPT-A-HIGHWAY PROGRAM

19A NCAC 02D .1001 PURPOSE

The North Carolina Department of Transportation's Adopt-A-Highway Program exists to support the Department's litter abatement efforts.

History Note: Authority G.S. 143B-350;
Eff. November 1, 1991.

19A NCAC 02D .1002 DEFINITIONS

For purposes of rules in this Section, the following definitions shall apply.

- (1) "Adoption" shall mean the agreement by an individual or group to pick up litter and trash from a specific section of highway right-of-way.
- (2) "Adopt-A-Highway Program" shall mean the public participation program of the Department designed to assist in the control and reduction of litter on state-maintained highway right-of-way.
- (3) "Adopted Section" shall mean the portion, generally two miles in length, of state-maintained highway right-of-way approved for adoption by volunteers.
- (4) "Authorized Representative" shall mean, in the case of an adoption by a group, the group members acting on behalf of the group for the purpose of adopting a section of highway.
- (5) "Department" shall mean the North Carolina Department of Transportation.
- (6) "Program" shall mean the Adopt-A-Highway Program of the North Carolina Department of Transportation.
- (7) "Program Director" shall mean the Director of Beautification Programs of the North Carolina Department of Transportation who has oversight responsibility for the Program.
- (8) "Program Participants" shall mean the individuals or groups who have adopted sections of highways. Civic and non-profit organizations, and commercial and private enterprises may be selected as groups for the purpose of adopting a section of highway.

History Note: Authority G.S. 143B-350;
Eff. November 1, 1991;
Amended Eff. November 1, 1993.

19A NCAC 02D .1003 PARTICIPATION IN THE PROGRAM

- (a) The adoption of a section of highway is a privilege in consideration for public service that may be granted by the Department to individuals or groups who would assist the Adopt-A-Highway Program in achieving its purpose.
- (b) Only individuals or groups determined by the Department to exhibit in good faith the willingness and the capacity to perform the responsibilities of the Program will be allowed to adopt a highway. The Department may refuse to grant a request to adopt a section of highway if, in its opinion, granting the request would jeopardize the Program, be counter productive to its purpose as set out in Rule 02D.1001 of this Section, or create a hazard to the safety of Department employees or the public. Highway safety is a principal concern in all decisions related to the Program. Program participants shall not be discriminated against on the basis of religion, race, national origin, sex or handicap (except where the handicap would affect the individual's safe participation in the Program) with respect to their participation in the Program.
- (c) The Division Engineer or his designee shall approve applications of individuals or groups applying to participate in the Program. A list of the newly approved participants, by division, shall be submitted to the Program Director for review on the first of each month. The approval of the Division Engineer is final unless the applications are disapproved by the Program Director by the first day of the next calendar month. If the Division Engineer has any uncertainty regarding the qualifications of the individual or group applying to the Program, the Division Engineer shall submit the application and all accompanying documents to the Program Director for final action.
- (d) Agreements of adoption shall be for a period of four years.

- (e) Each person participating in the Program shall execute a written release of the Department, its officials, employees and agents from any liability arising out of his or her participation in the Program. In the case of a minor, such release shall be executed by a parent or guardian.
- (f) Program participants may put recyclable plastic, cans, and glass in blue bags which are furnished by the department and may keep the proceeds received for the recycled materials.

History Note: Authority G.S. 136-140.1; 143B-350;
Eff. November 1, 1991;
Amended Eff. August 1, 2002; November 1, 1993.

19A NCAC 02D .1004 AGREEMENT

Any individual or group desiring to participate in the Adopt-A-Highway Program shall submit an agreement to the Division Engineer of the Division in which the section of highway proposed for adoption is located. The agreement shall be in the form prescribed by the Department and shall contain at a minimum the following information:

- (1) The highway section to be adopted, as nearly as it can be described;
- (2) The dates of the requested adoption;
- (3) The approximate number of people in the group who will be participating in each cleanup;
- (4) The name, telephone number, and complete street address of the authorized representative for the group and of all members of the group who will actually participate in the Program;
- (5) An acknowledgement by the individual or group of the hazardous nature of the work involved by participating in the Program;
- (6) An acknowledgement that the members of the group agree jointly to be bound by and comply with the terms and conditions set forth in the agreement; and
- (7) The signatures of the Division Engineer, or his designee, and the Authorized Representative of the Program Participant.

History Note: Authority G.S. 143B-350;
Eff. November 1, 1991; Amended Eff. November 1, 1993.

19A NCAC 02D .1005 RESPONSIBILITIES OF PROGRAM PARTICIPANTS AND DEPARTMENT

- (a) Any individual or group participating in the Adopt-A-Highway Program shall be subject to the following requirements and responsibilities:
- (1) Appointing or selecting an authorized representative to act on behalf of the group;
 - (2) Ensuring that each person participating in the program attend a safety meeting and sign a statement acknowledging that they have attended the safety meeting and viewed the Department's safety video before participating in the cleanup of the adopted section;
 - (3) Obeying and abiding by the rules adopted by the Department;
 - (4) Picking up litter a minimum of four times a year, and as often as necessary to maintain a clean right-of-way;
 - (5) Ensuring that each individual participant of the group wears a Department approved safety vest or shirt during the pickup;
 - (6) Ensuring that each individual participant of the group wear clothing that will not impair vision or movement during the pickup;
 - (7) Ensuring that attire that might divert the attention of motorists is not worn during clean up activities;
 - (8) Furnishing adequate supervision by one or more adults 21 years of age or older for groups which have participants 12 - 17 years of age;
 - (9) Ensuring that no one under the age of 12 is allowed to participate in the clean up activities;
 - (10) Prohibiting participants from either possessing or consuming alcoholic beverages or other drugs during clean up activities;
 - (11) Ensuring that no signs, posters, or other display material that might distract motorists are brought to the adopted section by group members during or between clean ups;
 - (12) Filing after actions reports as prescribed by the Department; and

- (13) Ensuring that all provisions of the agreement are fully performed.
- (b) The Department's participation in the Program will include the following:
- (1) Working with the group to determine the specific section of state right-of-way to be adopted;
 - (2) Providing safety vests, trash bags and safety information;
 - (3) Erecting two signs, one at each end of the adopted section, with the group's name or acronym displayed. The size, shape and graphic design of the sign shall be in accordance with the Adopt-A-Highway sign policy as approved by the Secretary of Transportation. In the case of theft, vandalism or destruction of a highway sign, the Department shall provide one free replacement of the sign. Thereafter, any replacement sign shall be paid for by the Program Participant;
 - (4) Removing filled trash bags;
 - (5) Removing litter from the adopted section under unusual circumstances, i.e., removing large, heavy or hazardous items;
 - (6) Monitoring to ensure the objectives of litter abatement are being met; and
 - (7) Monitoring to evaluate the overall operation of the Program and to gauge its effectiveness.

History Note: Authority G.S. 143B-350;
Eff. November 1, 1991;
Amended Eff. November 1, 1993.

19A NCAC 02D .1006 GENERAL LIMITING CONDITIONS

- (a) The Department shall determine which highways are eligible for adoption.
- (b) The Department shall determine the designation of the section of right-of-way to be adopted. The Department will consider community sentiment in determining the designation of the section of right-of-way to be adopted.
- (c) State roads in residential neighborhoods will not normally be available for adoption. Exceptions include roads adopted by the neighborhood residents. Underlying fee owners' objections to a specific adoption shall be considered.
- (d) If any of the Program's actions are determined to be contrary to any statutory restrictions, or any restrictions on the use of appropriated funds for political activities, the Department may take any necessary remedial action, including, but not limited to, the removal of the erected signs displaying the Program Participant's name or acronym or the termination of the adoption agreement.
- (e) Names, titles or words placed on Adopt-A-Highway signs shall be approved by the North Carolina Department of Transportation.

History Note: Authority G.S. 143B-350;
Eff. November 1, 1991;
Amended Eff. November 1, 1993.

19A NCAC 02D .1007 MODIFICATION/RENEWAL/TERMINATION OF THE AGREEMENT

- (a) The Adopt-A-Highway agreement may be modified in scope or altered in any other manner at the discretion of the Department.
- (b) Program participants shall have the option of renewing the agreement, subject to the approval of the Department and the continuation of the Program by the Department. Information concerning Program participants is to be updated at the time of renewal.
- (c) The Department may terminate the agreement or remove the Adopt-A-Highway signs bearing the Program participant's name or acronym if it finds and determines that the participant is not meeting the terms and considerations of the agreement, that the participant is acting contrary to the rules of the Program, that the adoption is proving to be counter productive to the Program's purpose, that undesirable results such as increased litter, vandalism or sign theft, are resulting from the adoption, that Program participants have engaged in irresponsible conduct at the adopted section which would bring discredit upon the State, or that other good cause exists to terminate the agreement or remove the Adopt-A-Highway sign.

History Note: Authority G.S. 143B-350;
Eff. November 1, 1991;
Amended Eff. November 1, 1993.

19A NCAC 02D .1008 TERMINATION OF THE PROGRAM

History Note: Authority G.S. 136-18(10);
Eff. November 1, 1991;
Repealed Eff. November 1, 1993.