

MEMORANDUM

To: Robert Kosin, Village Administrator
Village Board of Trustees

From: Daniel J. Strahan, P.E., CFM
Gewalt Hamilton Associates

Date: November 17, 2011

Re: Adopt-A-Highway Program

850 Forest Edge Drive, Vernon Hills, IL 60061
TEL 847.478.9700 ■ FAX 847.478.9701

820 Lakeside Drive, Suite 5, Gurnee, IL 60031
TEL 847.855.1100 ■ FAX 847.855.1115

www.gha-engineers.com

The Roads & Bridges Committee in conjunction with the Village Attorney has reviewed the elements of the Adopt-A-Highway Program established under the provisions of the Illinois Adopt-A-Highway Act (605 ILCS 120). The Act permits municipalities to establish Adopt-A-Highway programs for locally maintained roads and establishes a number of requirements for groups participating as well as the sponsoring local agency. A village wishing to establish such a program would be subject to the following requirements:

- An agreement must be executed by the Village and the group establishing the terms of participation and holding the Village harmless from any claims of action resulting from the group's participation in the program.
- The Village is required to develop and implement a safety training program that is to be attended by every participant in the group.
- The group must adopt a specific section of road for a minimum of two years and collect litter on that section a minimum of 4 times each year.
- Children under the age of 10 may not participate, and one adult supervisor must be present for every 5 youths between the ages of 10 and 17.
- The Village must erect a sign noting the adopted section of roadway, provide garbage bags and safety apparel, and remove the filled bags after the event.

While the litter pick-up events established under the Beautification Committee include many of the elements of the state program, the Committee has concluded that establishing an Adopt-A-Highway program under the state statute would bring an undesired rigidity to the program, both for the Village and its participants. The preferred method for continuing current efforts and encouraging groups to participate and adopt specific sections of roadway would be to adopt a program under the Village's home rule powers more specifically tailored to the Village's unique characteristics while including the elements necessary for safe litter collection on Village roadways.

cc: Doug Wambach, Village Attorney

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as [Public Acts](#) soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the [Guide](#).

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

**ROADS AND BRIDGES
(605 ILCS 120/) Illinois Adopt-A-Highway Act.**

(605 ILCS 120/1)

Sec. 1. Short title. This Act may be cited as the Illinois Adopt-A-Highway Act.

(Source: P.A. 87-1118.)

(605 ILCS 120/5)

Sec. 5. Purpose. The Adopt-A-Highway program allows private citizens to support municipal, township, and county anti-litter efforts by allowing groups to adopt a section of highway for the purpose of litter collection. The following Sections set forth the uniform guidelines and requirements for the administration of Adopt-A-Highway programs in the State of Illinois.

(Source: P.A. 87-1118.)

(605 ILCS 120/10)

Sec. 10. Definitions. For purposes of this Act:

"Group" means members or employees of civic or not-for-profit organizations, and commercial or private enterprises, who have requested to participate, or are participating in, an Adopt-A-Highway program.

"Litter" means any unsightly or offensive matter that may include, but is not limited to, disposable packaging, containers, cans, bottles, paper, ashes, and cigar and cigarette butts. Litter does not include hazardous, heavy, large items, or carcasses.

"Group coordinator" means the individual selected by a group to serve as its liaison with a sponsoring jurisdiction.

"Group president" means the individual who is the recognized leader, president, or chairman for a group.

"Adopted section" means a length of municipal, township, county, or State right-of-way identified by the sponsoring jurisdiction as a safe, adoptable section of right-of-way for adoption by a group. Sections of rights-of-way may be determined inappropriate for adoption for safety reasons. No interstate highway shall be an adopted section.

"Director" means the designee or designees for any municipality, township, or county who has responsibility for the administration of a jurisdiction's Adopt-A-Highway programs.

"Sponsoring jurisdiction" means the Illinois Department of Transportation or any municipality, township, or county that establishes Adopt-A-Highway programs within its jurisdictional

area.

(Source: P.A. 89-229, eff. 1-1-96.)

(605 ILCS 120/15)

Sec. 15. Participation in Adopt-A-Highway Program. Groups may apply to a sponsoring jurisdiction for participation in the jurisdiction's Adopt-A-Highway program. The sponsoring jurisdiction shall establish the terms and procedures groups must follow in applying for participation in the Adopt-A-Highway program.

(Source: P.A. 87-1118.)

(605 ILCS 120/20)

Sec. 20. Agreement.

(a) The sponsoring jurisdiction shall have sole responsibility in determining whether an application is rejected or accepted. If an application is approved, the group coordinator and group president shall execute a written agreement with the sponsoring jurisdiction that provides for the group's participation in the Adopt-A-Highway program.

(b) The agreement shall be in the form prescribed by the sponsoring jurisdiction and shall, at a minimum, contain the following:

(1) an acknowledgment by the group of the hazardous nature of the work involved in participating in the Adopt-A-Highway program;

(2) an agreement to comply with the terms and conditions in the Act and any other terms and conditions required by the sponsoring jurisdiction;

(3) an agreement that the volunteers or the volunteer's agents shall assume all liability for and hold the State and the State's agents or employees harmless from any and all claims of action resulting from the group's volunteers or agents work in the program, except for the negligent acts of the State, and the State's agents or employees;

(4) an agreement that the volunteers or the volunteer's agents shall assume all liability for and hold the sponsoring jurisdiction and the sponsoring jurisdiction's agents or employees harmless from any and all claims of action resulting from the group's volunteers or agents work in the program, except for the negligent acts of the sponsoring jurisdiction and the sponsoring jurisdiction's agents or employees;

(5) an agreement that the members of the group are jointly and severally bound by the terms and conditions set forth in the agreement; and

(6) the respective responsibilities of the group and the sponsoring jurisdiction as contained in Sections 25 and 30 of this Act.

(Source: P.A. 87-1118.)

(605 ILCS 120/25)

Sec. 25. Responsibilities of the group. Groups participating in an Adopt-A-Highway program shall:

(1) be required to obey and abide by all laws and regulations relating to safety and any other terms and conditions as required by the sponsoring jurisdiction;

(2) provide one adult supervisor for every 5 youths

when persons under age 18 are present on an adopted section;

(3) not allow a person under the age of 10 to be a member of the group who would be volunteering for the purpose of litter collection;

(4) require all group members to attend a safety meeting conducted by the group before participation in any litter collection along an adopted section;

(5) require the group coordinator, or designee, to conduct group safety meetings and to receive safety training as required by the sponsoring jurisdiction;

(6) adopt a section for a minimum of 2 years;

(7) collect litter along an adopted section 4 times a year, or as required by the director;

(8) require the group coordinator to provide prior notice, as required by the director, whenever the group intends to collect litter along its adopted section;

(9) require group members to properly wear any safety apparel provided by the sponsoring jurisdiction while collecting litter on an adopted section;

(10) be responsible for prohibiting members from possessing, consuming, or being under the influence of alcohol or drugs while on an adopted section;

(11) maintain a first-aid kit and an adequate supply of drinking water while members are collecting litter along an adopted section;

(12) place litter in trashbags provided by the sponsoring jurisdiction and place filled trashbags at a location on the adopted section as designated by the director; and

(13) not subcontract or assign its duties or responsibilities to any other group or organization.

(Source: P.A. 87-1118.)

(605 ILCS 120/30)

Sec. 30. Responsibilities of the sponsoring jurisdiction. The sponsoring jurisdiction shall:

(1) determine the specific section of right-of-way that is adopted;

(2) erect a sign that conforms with Section 35 at each end of an adopted section with the name or acronym of the group displayed;

(3) provide a group with garbage bags;

(4) provide a group with safety apparel and signs cautioning the public, if required by the sponsoring jurisdiction; and

(5) remove filled garbage bags from an adopted section as soon as practical after litter collection has occurred, and shall otherwise be responsible for removing litter from adopted sections only under unusual circumstances such as to remove large, heavy, or hazardous items.

(Source: P.A. 87-1118.)

(605 ILCS 120/35)

Sec. 35. Signs. Adopt-A-Highway signs shall be uniform Statewide in terms of shape, color, text, and location. The Illinois Department of Transportation shall develop and announce standards for Adopt-A-Highway signs within 90 days of the effective date of this Act. Nothing in this Act shall prohibit the sponsoring jurisdiction and the Illinois

Department of Transportation from working cooperatively to carry out the intent of the Adopt-A-Highway Program.

(Source: P.A. 87-1118.)

(605 ILCS 120/40)

Sec. 40. Safety training. The sponsoring jurisdiction shall develop the safety training programs that are to be utilized by group coordinators in compliance with Section 25 of this Act. Safety training programs shall be appropriate for the various types of roadway that may be adopted within a jurisdiction.

(Source: P.A. 87-1118.)

(605 ILCS 120/45)

Sec. 45. Other conditions.

(a) A sponsoring jurisdiction may establish other procedures and requirements for the administration of its Adopt-A-Highway programs. The procedures and requirements shall not be inconsistent with any provision of this Act.

(b) The sponsoring jurisdiction shall have the right to terminate an agreement if a group does not meet the terms and conditions of its agreement, or if the group's involvement in the Adopt-A-Highway program is inconsistent with any other restrictions or limitations established by the sponsoring jurisdiction.

(c) No part of this Act shall prevent the execution of intergovernmental agreements.

(Source: P.A. 87-1118.)

(605 ILCS 120/50)

Sec. 50. Penalty for Litter Control Act violation.

(a) An individual convicted of violating Section 4 or Section 5 of the Litter Control Act by disposing of litter upon a public highway may be required to adopt for 30 days a designated portion of that highway, including the site where the offense occurred.

(b) Item (2) of Section 30 of this Act does not apply when an individual is required to adopt a portion of a highway under this Section.

(Source: P.A. 94-1044, eff. 1-1-07.)

(605 ILCS 120/100)

Sec. 100. This Act takes effect upon becoming law.

(Source: P.A. 87-1118.)