Virginia's Assign-A-Highway Program

Implementation Manual

Prepared by:
Upper Tennessee River Roundtable, Inc.

Funded by:
Virginia Litter Control and Recycling Fund Advisory Board
Virginia Department of Environmental Quality
Virginia Department of Transportation

Virginia's Assign-A-Highway Program
Implementation Manual

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Friends,

In 2003, Buchanan County implemented Virginia's first fully supported Assign-A-Highway Program. The idea was conceived by attorney and author Frank Kilgore of St. Paul Virginia who, at the time, was the assistant county attorney for Buchanan County. In the first two years following Buchanan County's charter program, Dickenson, Giles, Lee, Russell and Wise counties implemented the Program as well. In December 2005, Tazewell County's Board of Supervisors passed a resolution implementing the Program and Circuit Court Judge Teresa Chafin expanded it to include illegal dumps and the county's recycling program.

The Assign-A-Highway Program provides sustained litter removal from roadsides and streams at very little cost to localities. Criminal probationers are assigned to pick up litter year-round along specific sections of roadways and streams as part of their probation terms. Assigned areas are periodically monitored by litter control officers or wardens and, if found to be littered, the responsible probationer is brought into court to face revocation of probation. Many probationers encourage residents in their community to stop littering and explain that until they were assigned to the Program they did not realize how much litter is thrown onto highways and into streams.

Recognizing the need for expansion of this Program, the Upper Tennessee River Roundtable applied for and received a one-year grant from the Virginia Department of Environmental Quality. The Roundtable is a non-profit watershed protection group dedicated to preventing and cleaning up sources of pollution in Southwest Virginia, the most biologically diverse ecosystem in continental North America. The grant funded the creation of a website, www.assignahighway.com, the production of this manual and the hiring of a coordinator. The coordinator will travel throughout the Commonwealth to meet regionally with environmental groups and government leaders to encourage the implementation of the Program in every city and county in Virginia. The Assign-a-Highway Program is also partnering with the Virginia Department of Transportation (VDOT) and is being included in VDOT's Adopt-a-Highway Program.

We hope you find this manual helpful in your quest to implement the Assign-A-Highway Program in your city or county. If you have any questions please feel free to contact the Roundtable by e-mail, uppertnriver@yahoo.com, or call our office at (276) 628 1600. **We also encourage you to visit our website:** www.assignahighway.com.

Very Truly Yours,

Upper Tennessee River Roundtable, Inc.

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Definitions

Docket Day	Many courts have a probation docket day every three months that criminal probationers are required to attend. The litter officer informs the judge of their progress, or lack thereof, in performing Assign-A-Highway duties.
Governing Body	Board of Supervisors for most counties and City or Town Council, or similar, for municipalities.
"Hot Spot" Crew	This term is used to describe a group of probationers that, under the direct supervision of the litter officer, cleans heavily littered areas or dumpsites.
Litter Control Officer/Warden	Many counties have either a litter control officer or warden. This position is referred to as litter control officer in this manual.
"Adopt-A-Highway"	An anti-litter program sponsored by the Virginia Department of Transportation that includes erection of safety signs, safety vests and trash bags for the participants, a safety video to participants, and recordkeeping of litter removed.

Preface
About the Assign-A-Highway Program

The Assign-A-Highway Program (Program) originated in Virginia's coalfields and was first fully implemented in Buchanan County in the far southwestern part of the state. Subsequently many other localities have adopted the Program. The Program is simple to implement and yields effective results if monitored properly.

The Program utilizes criminal probationers (not prison parolees) who are assigned to pick up litter along certain sections of roads and streams. The assignments are sometimes specified in sentencing orders as conditions of the probation. Each city and county in Virginia has numerous criminal defendants that are placed on probation. Circuit court judges have wide discretion in determining terms and conditions for probationers.

The locality conducts their Program in cooperation with the Virginia Department of Transportation's (VDOT) Adopt-A-Highway Program. VDOT designates placement of the Assign-A-Highway signs throughout each county, and also erects delineator signs every two miles, designating probationer's sections of highways. Upon request, VDOT will also provide safety vests and orange trash bags for the Assign-A-Highway Program participants that are cleaning up litter on state maintained highways.

The real beauty of the Program is that there is limited and low cost supervision. A probationer can pick up the litter anytime prior to the twice monthly inspections by the litter officer. The litter officer simply drives by the assigned segment of road and notes if it is cleaned or not. If the section has not been cleaned, the officer will verbally warn the probationer. If the probationer then fails to complete his assignment the officer will notify the appropriate probation officer and/or judge.

Participating localities have received many compliments from its citizens, visitors, and governmental officials about the huge difference in the amount of roadside litter visible before and after the Program is implemented. Some county officials have commented that it is one of the best programs they have for positive and highly visible results.

Every county in the Commonwealth has numerous probationers. These probationers represent a large, previously untapped source of motivated "litter gitters." They are motivated by the thought of having their probation revoked if they fail to meet the terms and conditions imposed by the courts.

Some probationers are also motivated by wanting to redeem themselves in the eyes of the community. Surprisingly, in Buchanan and Dickenson Counties, many probationers have asked for more roadways to clean and many have admonished their family and friends not to litter. It is apparent that a certain educational incentive is progressing at the grassroots level.

This Program has proven to be very successful in Southwest Virginia as probationers are keeping roadsides clean and making a visible difference in their communities. The Program can be implemented in your community with similar results.

Organizations Contributing to the Assign-A-Highway Program

Upper Tennessee River Roundtable

The Roundtable is a nonprofit organization striving for clean water in the Upper Tennessee River watershed in Southwest Virginia. The watershed stretches from Lee County to Wythe County. The Region is a hotspot for biodiversity. According to The Nature Conservancy, the Upper Tennessee surpasses all other watersheds in the continental U.S. for species richness and degradation.

Virginia Department of Environmental Quality

The Roundtable drafted a grant proposal for an Assign-A-Highway Program and submitted it to the Litter Control and Recycling Fund Advisory Board (Fund Board) in 2005 for consideration. The Roundtable was awarded a $40,000 grant to develop and implement a training program to promote the expansion of the Assign-A-Highway Program in the Commonwealth. The Fund Board provided $20,000 for each of the next two years, also, with VDOT providing the same amount for those two years.

Virginia Department of Transportation

The locality conducts its program in cooperation with the Department of Transportation's (VDOT) Adopt-A-Highway Program. VDOT erects delineator signs designating each probationer's section of the highway, as well as designate Adopt-A-Highway signs at reasonable intervals for Assign-A-Highway. VDOT also provides safety vests and orange trash bags for the Assign-A-Highway Program participants that are collecting litter on state maintained highways. VDOT provided $20,000 in funding for both the second and third years of the program.

STEP

1

Garner Support from the Circuit Court Judge & the Governing Body

The Judge must be on board with the Program or it simply will not succeed. Local governing bodies/ local officials must be supportive to implement the Program.

The first step in implementing the Program is to meet with the presiding circuit court judge. The judge has to be on board with starting the Program because he or she can refuse to sign an order implementing the Program, although a resolution is passed by a governing body. The Program has been successful because the judges in far southwest Virginia believe in it. A letter of endorsement from Buchanan County Circuit Court Judge Keary R. Williams is attached as Appendix (A). Judge Williams has been a key proponent of this Program and has spoken at public meetings to advocate it. In Appendix (B) Tazewell County Circuit Court Judge Teresa Chafin supplies an expanded order to include dumpsites and recycling duties.

The judges in Buchanan and Dickenson counties allow no probationer to avoid the Program. If a probationer claims to be physically disabled, the court or probation officers require proof. Simply being on a disability program is not sufficient for a probationer to avoid what is relatively moderate exercise. If the probationer is truly disabled, then the judge orders him or her to enlist or hire someone to clean the road in his or her place. This "no excuses" approach works. If a judge starts to allow excuses, then the Program will become problematic for all involved.

After securing the support of the judge, the next step is the local governing body. The local governing body will need to hire a litter control officer, if one is not already available. The governing body also needs to adopt a resolution empowering that litter control officer to implement the Program. Along with the resolution, the court will need an order for the judge and chairman of the board or city mayor to sign. A sample resolution can be found in Appendix (C) of this manual.

The local and regional media should be called and informed when the Order is to be signed. It's always good to have positive news coverage and it raises awareness. VDOT should be brought on at this point by contacting the local VDOT residency office for the locality involved.

VDOT will erect roadside delineators to mark the start and finish points for each probationer and will also designate the placement of Assign-A-Highway signs throughout the county.

It is advisable to set a meeting between the litter control officer, judge and the probation officers on or soon after the date the order is entered. The probation officers will play a pivotal role in the process and they need to know what to do and how to do it. It is also important to let the over-worked probation officers know that once the road or stream segments are assigned, it is the litter control officer who does the field work, not the probation officers.

Once an offender is sentenced in court, the judge may add a condition to the sentencing order that the offender shall participate in the Assign-A-Highway Program. The judges have wide discretion to set terms and requirements for probationers to successfully complete. Most sentencing orders already contain a provision that the probation officer may assign community service duties and other terms as part of probation and this pre-existing clause allows courts to add the Program assignment to existing probationers as well.

The probation officer will then advise the litter control officer which probationer is best suited for a particular road or stream location based upon where the probationer lives and his or her transportation circumstances. Probationers that do not have transportation are assigned a segment of road or stream near their home so they can clean their segment and walk back home. This feature once again makes the Program excuse proof.

Failure to clean the assigned section after one verbal warning is reported by the litter control officer to the supervising probation officer. Violations are reported to the judge who may incarcerate the offenders/probationers or provide other sanctions for failure to meet the requirements and conditions of their probation.

All public officials and private volunteers involved in this process enjoy immunity from civil liabilities. This immunity is granted through Section 8.01-226.8 in the Code of Virginia that reads as follows:

> *Civil immunity for public officials and private volunteers participating in roadway litter pick-up program for probationers.*
> Probation officers; court personnel; county, city and town personnel; any other public officials; and private volunteers who participate in a program where persons on probation or community service are ordered as a condition of probation or community service to pick up litter along a section of public roadway or waterway or to perform recycling duties at landfills, garbage transfer sites, and other waste disposal systems shall not be liable for any civil damages to a probationer or person on community service, or the property of such person, for the acts or omissions resulting from such participation, unless such an act or omission is the result of willful misconduct. The provisions of this section shall not be interpreted to grant any immunity to a driver transporting the persons on probation or community service or a motorist who, by his negligence, may injure such probationer or person on community service.

A copy of this statute is provided in Appendix (D).

STEP

2

Governing Body Hires a Litter Control Officer

Experiences show that the program is more effective if a litter control officer is hired. If the governing body already has one, wonderful. If not, the governing body will need to hire one.

The litter control officer has many responsibilities with the Assign-A-Highway Program and needs to have the appropriate attributes and abilities. If the governing body has someone already in place that is fine, but if the position is being created the ideal candidate is a former or current law enforcement officer. Someone with a background in corrections and enforcement will be better able to work with criminal offenders. Being a certified police officer also provides the power to issue tickets for unlawful littering and enforcing the locality's litter ordinances. A sample job description can be found in Appendix (E).

It is possible to run the Program using a litter control coordinator without police powers. However, having a litter control officer with police powers coordinating the Program hand in hand with the probation officers and the courts has proven to be the most effective.

The most significant attribute a litter control officer must have for this Program to succeed is a passion for and commitment to cleaning up the community. Assigning this role to a passive or disinterested person will result in a lackluster Program.

Estimated Cost of Litter Control Officer

Source: Dickenson County

Base Salary Range:	$27,000 - $35,000
Fringe Benefits	$1,950
Office Supplies	$2,000
Vehicle	$2,000 - $15,000
Fuel & Maintenance	$2,500

	$35,450 - $56,450

This range in cost is based on the comparison of several budgets in Southwest Virginia. The cost of a litter control officer will vary for each locality.

STEP

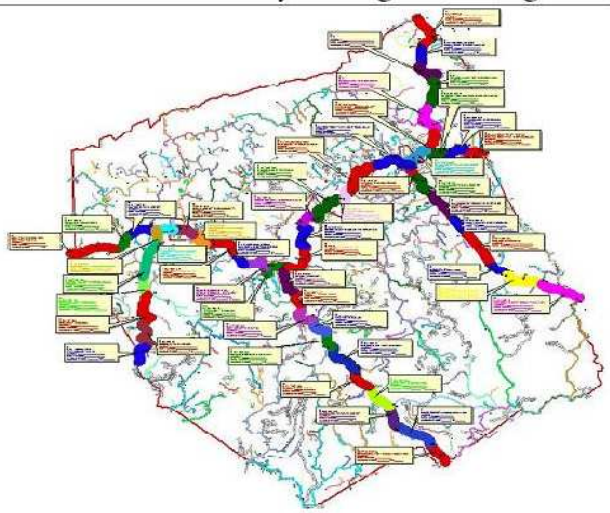
3

Produce a Map of the City or County Roads and Highways

A map is necessary so that litter control officers can assign probationers to sections of roads and streams and track their performance.

The litter control officer will need to work with city or county officials to produce a map of county or city roads, road numbers and highways as well as public streams. This is usually done by enlarging the existing county road or city street map. This enlarged map will aid the litter control officer when making assignments. Once the roadways are divided into segments that are identified by numbers or letters the map is ready. Most existing Programs segment approximately 2-3 miles of four lane or 3-5 miles of secondary road per probationer and use roadway intersections as stopping and starting points to reduce any misunderstanding as to where each segment is located. VDOT's highway delineators will help to identify the segment breaks if there is no other feature to identify the break. VDOT may also have county maps available to help assign the segments.

Dickenson County Assign-A-Highway Map



STEP

4

Litter Control Officer Receives List of Probationers for Assignment

The litter control officer attends docket day to receive a list of new Probationers or picks up a list from the Probation Office.

To find out who has been assigned to the Program, the litter control officer will either need to attend docket day, if the court in that locality has one, or pick up a list from the Probation Office. If the locality does not have a docket day, experiences show it is imperative for the litter control officer to keep in touch with the Probation Office in order to obtain a list of probationers. Either way, the litter control officer will be able to determine who has been assigned to the Program.

STEP

5

Litter Control Officer Notifies VDOT of Assigned Sections

Litter Control Officer works in conjunction with Virginia Department of Transportation on assigned sections.

The litter control officer needs to keep in close contact with the local VDOT residency office and residency Adopt-a-Highway coordinator. After determining who is on the program, the litter control officer needs to work with VDOT to help select sections of roadway for cleanup. The officer also needs to obtain trash bags and vests from VDOT. Based on experience, it is advisable for the officer to talk with VDOT in the early stages of the Program and then to continue to keep VDOT informed throughout the following steps.

STEP

6

Probation and Litter Control Officers Decide Where to Assign Probationers

Now the probation officers and litter officer will decide where the probationer will be assigned. This should be done in consultation with VDOT's Residency Adopt-A-Highway Coordinator.

Probationers are usually assigned sections to be kept clean based on where they live. If such locations are already assigned, then another section, preferably as close to the probationer's home as possible, is assigned to reduce the excuse of lack of transportation.

When using intersections as specific start and finish points, making the segments exactly even isn't practical but fairness suggests some reasonable uniformity. The age and physical ability of the probationer can also be a factor in who gets the "short" sections.

The litter control officer needs to keep good records of probationers and sections assigned and check the assignments in person twice each month to make sure that probationers are picking up litter.

Again, the litter control officer needs to consult with VDOT prior to making a determination about any road assignment.

STEP

7

Probationers Report to the Litter Officer

At this step the probationers will be instructed by the litter control officer of their assignments and the Program. This must be explained to probationers so there is no doubt as to what is expected from them.

At this point the probationers are informed of their assignment and provided with VDOT bags and safety vests. They also sign a "guidelines document" stating that they understand what is required of them. Some typical questions covered in the guidelines include:

1) where the probationer will pick up litter

2) how to place the bags of litter on wide shoulders and straight stretches to make collection by VDOT safer

3) when they will be required to perform the first cleanup

4) a number to call to report that a cleanup has taken place

5) how many bags they collected

6) how often they are to clean their assigned area

7) rules, guidelines to follow, and safety instructions

Sample rules and guidelines are located in Appendix (F).

Note:
By making this process a mandatory component of the Program, it will ensure that everyone involved is apprised of duties and expectations. This simple document will serve as a checklist for the probationer and as a tracking document for the local litter control officer.

STEP

8

Probationers Clean Their Assigned Section and Report Back

Litter control officers must insist that the probationers not only clean their assigned sections, but also report back to them.

After probationers clean their assigned sections of road or highway they are to report back to the litter control officer as outlined in the guidelines. The litter control officer then contacts VDOT or the county sanitation or public works department to request that the bags be picked up. The litter officer then reports the pick up and number of bags to VDOT for inclusion in statewide reports on litter to the Department of Environmental Quality.

Note:
In some rural locations and most cities sanitation or public works departments pick up garbage door-to-door and will also pick up bags of litter. This can be resolved at the initial meeting with Program partners. Check with VDOT area headquarters or the Residency Adopt-A-Highway Coordinator if the locality does not provide this service.

STEP

9

Litter Control Officer Keeps Track of Bags Collected

Keeping up with the bags collected is very important. This measurement is important not only for reporting purposes, but also to show the success of the program to community and local leaders.

An average trash bag filled with roadside litter weighs approximately 20 pounds. Tracking this information is very important and provides a measure of success. Monthly reports should be prepared by the litter control officer documenting the collection for that month and a running total for the year. A good data tracking form is an Excel spreadsheet or similar software program. To keep track of this data create a simple chart or log on paper, or an Excel spreadsheet, with spaces for numbers of bags collected and number of miles cleared. (See Appendix G)

This data or report should be presented to the governing body and media at least quarterly to demonstrate the results of the Program.

In addition, the litter control officer needs to report the number of bags collected to VDOT. This data can be counted toward VDOT's Adopt-A-Highway Program. VDOT has partnered with Buchanan, Dickenson and Russell counties to provide signs, like that on the cover of this manual, and reporting the number of bags is required for such assistance.

STEP

10

Litter Control Officer Reports Performance to the Probation Office

The final step is to report whether or not the probationers are meeting the requirements of the program.

The litter control officer tracks the performance of the probationers. If the probationers are completing their assignments the litter control officer notes this to the probation office.

If the probationers are not complying, the litter officer issues a verbal warning to the probationer that he is not in compliance with the terms of probation. Only one verbal warning should be issued. If a satisfactory response is not acquired, the litter control officer will report the noncompliance to the appropriate probation officer and judge on the day of the next probation docket call.

If your county or city circuit court has a probation docket day, the litter control officer should be present to report to the judge which probationers are doing well and which ones are doing poorly. It is a good idea to maintain the list of probationers on a Word document or Excel spreadsheet. Beside each probationer's name the officer may rate their performance as Excellent, Good, Average or Poor. If the court does not conduct a probation docket call, the probation officer will set a hearing for probation revocation and may request the litter officer to attend.

In Dickenson County, for example, the litter control officer advises the judge which probationer performed his or her duties the most efficiently and effectively. The judge may chose to reward the probationer with a reduction in outstanding court cost or shorten the length of probation.

Probationers who fail to clean their assigned section of highway are reprimanded, fined or incarcerated. Incarceration for several days, especially when ordered in the presence of other probationers, has proven highly effective in encouraging compliance.

Proven Effective: The Benefits of the Program

Successful implementations of the Assign-A-Highway program statewide have resulted in significant savings for localities and for the commonwealth of Virginia.

VDOT Savings

VDOT reports a cost savings through the Assign-A-Highway Program. VDOT typically spends $150 per mile through contracted services to clean up litter along Virginia roadways. Therefore, with Assign-A-Highway in place, this cost is avoided.

County Results

During Buchanan County's second year of the program (2004), the county had 85 probationers assigned to 170 miles of highway. This effort resulted in the cleanup of 146 tons of litter from the roadsides. The next year, Buchanan County's program had more than doubled to 247 probationers assigned to 494 miles of highway. These probationers collected over 180 tons of litter.

In Dickenson County's first year (2004), 92 probationers were assigned to 184 miles of highway. This effort resulted in the cleanup of 90 tons of litter from the roadsides.

Russell County also began the program in 2004 with 88 probationers assigned to 176 miles of highway. This resulted in the removal of 14 tons of litter from the roadsides. The next year, with 102 probationers assigned to 204 miles of highway, the program collected over 33 tons of litter.

The free labor provided by the Assign-A-Highway Program in 2004 and 2005 resulted in approximately one-half million dollars of in-kind labor services to these three counties based upon the number of hours worked calculated at minimum wage.

Statewide Results

From July 2007-June 2008, Assign-A-Highway produced the following results:

- 41 localities implementing the program;
- through 8,335 total probationers;
- resulting in 10,668.42 miles cleaned;
- generating a total of 44,517 bags of trash;
- saving localities and the state $348,382.85.

Variations of the Assign-A-Highway Program

Many people have asked if the Assign-A-Highway Program could be used to assist in other areas of environmental cleanup. The purpose of this grant funding is to urge that the basic Assign-A-Highway Program be implemented in as many cities and counties as possible. While the purpose of this manual is to explain implementation of the Assign-A-Highway Program as a roadside litter pickup program, there can be variations of the Program. The immunity statute also contemplates the pick up of litter along waterways.

Cleaning Streams:

Localities can also assign probationers to clean up stream segments provided they are on public property or the private landowner gives written permission.

The "Hot Spot" Crew:

The "Hot Spot" crew is a group of probationers assigned to meet with the litter control officer daily to ride on a van or bus to pick up heavily littered sections of road, streams, or dumpsites. Note that injuring a probationer during negligent transport is not covered by the immunity statute but normally would be covered by the locality's motor vehicle insurance coverage.

Buchanan County also uses the "Hot Spot" crews to clean up segments of highway that a non-compliant probationer has failed to clean. The number of bags of trash picked up by the "Hot Spot" crew is conclusive proof that the assigned section was not cleaned as ordered. This conclusive proof is not absolutely necessary but it does make an impact with the judge.

Recycling Center or Landfill Labor:

Some variations include requiring probationers to assist at landfills and recycling centers. The probationers could be, for example, required to sort the litter they pick up into recyclable and non-recyclable categories. This is a good idea assuming the bags containing the recyclables are a different color and VDOT is aware of the designation so the bags are not discarded.

Tazewell County expanded the Program to include assigning probationers to clean up dumpsites, work at the county landfill, and to assist at the recycling center. The enabling court order, entered by the Tazewell County Circuit Court, is shown in Appendix (B).

Illegal Dumpsite Cleanups:

Another use of the "Hot Spot" crew is to clean up illegal dumpsites which are found in almost every locality. Dumpsites are unsightly and cause sustained harm to the ecosystem. Many localities have mapped dumpsites for proper assignment. Dickenson County, for example, designates dumpsites yet to be cleaned in red and once cleaned they are marked in blue on a county map. The progress is readily detectable at a glance. An example of this method is available at www.assignahighway.com

If any of the above variations are desired it is advisable to have them spelled out in the locality's resolution and the court order.

Closing Remarks by the Assign-A-Highway Program Founder

For decades, public officials and concerned citizens of Virginia have lamented about the ever-increasing litter problem in our otherwise beautiful Commonwealth. The littered roadways and country sides would embarrass Thomas Jefferson if he was alive today. The Assign-A-Highway Program is simple to implement and provides the best return on investment of any similar program in the nation.

With the initiative and guidance of far Southwest Virginia's proven models and the help of the Virginia Legislature, we are now ready to make Virginia beautiful once again.

Frank Kilgore
Frank Kilgore, Attorney and Founder of Assign-A-Highway Program

APPENDIX

A

Judge Williams' Letter

Commonwealth of Virginia

CIRCUIT COURT JUDGES:

KEARY R. WILLIAMS
Buchanan County Courthouse
P.O. Box 849
Grundy, VA 24614
(276) 935-2451
(276) 935-8516 Fax

NICHOLAS E. PERSIN (Retired)
P.O. Box 606
Grundy, VA 24614
(276) 935-2451
(276) 935-8516 Fax

TWENTY-NINTH JUDICIAL CIRCUIT

COUNTIES OF BUCHANAN, DICKENSON, RUSSELL AND TAZEWELL

MICHAEL L. MOORE
Russell County Courthouse
P.O. Box 435
Lebanon, VA 24266
(276) 889-8049
(276) 889-8090 Fax

HENRY A. VANOVER
Dickenson County Courthouse
P.O. Box 190
Clintwood, VA 24228
(276) 926-1635
(276) 926-5580 Fax

Tazewell County Courthouse
P.O. Box 968
Tazewell, VA 24651
(276) 988-5998
(276) 988-3081 Fax

To Whom It May Concern:

A few years ago this Court and the Buchanan County Board of Supervisors launched Virginia's first fully supported Assign-a-Highway program, which provides for criminal probationers to be assigned specific segments of roads and streams to keep them free of litter year round. The program has been overwhelmingly successful and is relatively economical to operate.

The coordination between Buchanan County's litter control warden and the Probation Office is essential, with the bulk of the monitoring and reporting done by the litter warden. The key to success is to have a litter warden who is vigilant and passionate about the program, because the other legal structure to facilitate compliance is already in place.

As the presiding judge over this program in Buchanan County, I am very firm about probationers performing this important duty to the community. No one is allowed a waiver. The probationers can do the work themselves or provide other means but the section assigned to them must be cleaned on a routine basis. Non-compliance has resulted in jail time. On the positive side, several probationers have taken pride in keeping their communities clean and have, in turn, become the County's best advocates for a cleaner environment. The program is fairly simple and inexpensive, and Buchanan County is many times cleaner than it was before the program was implemented. New state laws provide civil immunity to public officials and volunteers monitoring the work and I wholeheartedly endorse the program's implementation statewide. Virginia is the nation's most beautiful and historic state and it deserves to be clean.

Sincerely,

Keary R. Williams, Judge

APPENDIX

B

Court Order

VIRGINIA:

IN THE CIRCUIT COURT FOR [YOUR CITY OR COUNTY]

IN REF: APPOINTMENT OF MONITORS FOR [CITY OR COUNTY]'s ASSIGN-A-HIGHWAY PROGRAM

The Court, by this **ORDER**, hereby assigns current and future criminal probationers to pick up litter along [CITY OR COUNTY]'s highways, streets, and roads on a continuous basis as part of the terms and conditions of probation. The Court's probation officers are herby assigned the task of designating areas to be cleaned by each probationer, but given current budget restraints, said probation officers do not have sufficient time to consistently monitor this worthy program. The [CITY OR COUNTY'S GOVERNING BODY] has made the cleaning of [CITY OR COUNTY]'s highways, streets and roads a priority for the benefit of the [CITY OR COUNTY]'s citizens and environment and accordingly has hired litter control officers to enforce litter control laws and monitor litter pick-up assignments to assist probation officers in assuring compliance with duly assigned cleanup areas.

WHEREFORE, it is the **ORDER** of the Court that all litter control officers, present and future, who work for [CITY OR COUNTY] are herby designated as monitors of the [CITY OR COUNTY] Assign-A-Highway Program, with all of the privileges, immunities and duties thereto, and, specifically, the litter control officers shall:

1. Coordinate with the probation office to assign criminal defendants to specific sections of highways, streets and roads throughout [CITY OR COUNTY] and appear at least four (4) times annually before the Court with the probation officer(s) when the Court reviews the Probation Docket on the first day of each term of the year, for the purpose(s) of informing the Court as to each assigned probationer's compliance or lack thereof;
2. Prepare a road assignment map of [CITY OR COUNTY], to be kept current with the names, telephone numbers and dates of assignments for each section to be cleaned by such criminal defendant; and

3. Monitor each assigned section of road on a periodical basis (at least bi-weekly) to assure compliance with the assignments and to report to the probation officer any failure by a criminal defendant to keep his or her assigned section free of litter on a continuous basis, having first contacted the defendant by telephone or in person to ascertain the defendant's reasons, if any, for non-compliance, which shall be made part of the report.

The litter control officers designated by this order shall report and refer to the probation office any matters that arise with the criminal defendants prior to taking any independent enforcement action other than that authorized herein or informing the Court on term day as herein specified.

All probationers who have been assigned the duty of picking up litter as set forth in their respective cases shall forthwith begin working the assigned area upon being contacted by his or her probation officer and shall timely and truthfully respond to any inquires by the litter control officers relative to this program. Failure of any probationer(s) to respond effectively within the judgment of the litter control officer and the responsible probation officer(s) shall, with the proper findings of the Court, be grounds for revocation of probation.

The Clerk is directed to record this order in the current order book and send copies to the county probation and litter control officers.

ENTERED this _____ day of _____, 2006.

_____
JUDGE

REQUESTED BY:

_____
[CITY OR COUNTY'S GOVERNING BODY],
BY ITS CHAIRMAN
PURSUANT TO RESOLUTION DATED
_____, 2006

APPENDIX

C

Resolution

RESOLUTION

[YOUR CITY OR COUNTY]'s Assign-A-Highway Program

WHEREAS, the [CITY OR COUNTY'S GOVERNING BOARD] and the Sheriff have made it a priority to clean up [CITY OR COUNTY]'s highways, streets and roads;

WHEREAS, [CITY OR COUNTY] believes that the Assign-A-Highway Program will improve tourism and the natural beauty of our region and that the proposed Assign-A-Highway Program will protect the health, safety and welfare of the citizens of [CITY OR COUNTY];

WHEREAS, the [CITY OR COUNTY] Circuit Court based upon its constitutional and statutory powers and authorities may assign criminal defendants and probationers to pick up litter along [CITY OR COUNTY]'s highways, streets and roads as part of the court's probation powers;

WHEREAS, the [CITY OR COUNTY'S GOVERNING BOARD] strongly believes that the [CITY OR COUNTY] Litter Control Officers working in conjunction with the Circuit Court of [CITY OR COUNTY] can develop a program to abate litter on the [CITY OR COUNTY]'s highways, streets and roads.

NOW THEREFORE BE IT RESOLVED that the [CITY OR COUNTY'S GOVERNING BOARD] hereby establishes the [CITY OR COUNTY]'s Assign-A-Highway Program for the health, safety, and welfare of its citizens and as outlined in a court order to be entered by the [CITY OR COUNTY] Circuit Court;

IT IS FURTHER RESOLVED, that the Assign-A-Highway Program shall be modeled and authorized pursuant to the prospective court order and that the prospective court order shall be incorporated into the resolution by reference.

ADOPTED this _____ day of _____, 2008 by the [CITY OR COUNTY'S GOVERNING BODY].

_____

CHAIRMAN
[CITY OR COUNTY'S GOVERNING BODY]

_____

ATTEST

Appendix D

Sentencing Order

VIRGINIA: IN THE CIRCUIT COURT OF [YOUR CITY OR COUNTY]

FIPS Code: 185
Hearing Date:
Judge:

COMMONWEALTH OF VIRGINIA .....…… PLAINTIFF

VS)(**SENTENCING**

.....……..... DEFENDANT

Alias:
DOB:
SSN:
SEX:

Case No:	Offense Description and Indicator	F/M	Offense Date	VA Code Sectior	VCC Code

Attorney for the Commonwealth:
Attorney for the Defendant:
Court Reporter:

The ***DEFENDANT:*** - WAS PRESENT
WAS REPRESENTED BY COUNSEL

The proceeding this day is pursuant to a continuance of this case from (***mm/dd/yy***), upon Defendant's motion for a Pre-Sentence Investigation and Report prerequisite to sentencing. The Report was filed with the Court on (***mm/dd/yy***).

Pursuant to the provisions of Code §19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as part of the record in this case.

Before pronouncing the sentence, the Defendant was asked if he/she desired to make any statement or advance any reason as to why the Court should not pronounce judgment in this case.

Based upon the previous finding of guilt and the evidence presented/stipulated and the written plea agreement, the Court pronounced judgment as indicated below:

SENTENCES	Suspended
•	
•	
Summary	

PROBATION: - SUPERVISED
- YEARS

$000.00 fines and costs this proceeding, plus attorney fees.

GOOD BEHAVIOR: The defendant shall be of good behavior from this date and throughout the term of probation.

SUBSTANCE ABUSE SCREENING: The defendant shall complete any substance abuse screening, assessment, testing and treatment as directed by the Department of Corrections. The defendant may be subject to payment of any fees associated with substance abuse treatment or intervention as required by the treatment or intervention program on an ability to pay basis.

SUPERVISED PROBATION: The defendant is placed on probation to commence on date of sentencing or upon release from incarceration, under the supervision of a Probation Officer upon the express terms and conditions that the defendant not violate any penal laws of this Commonwealth, any state, or any political subdivision thereof, that he/she be gainfully employed for at least 32 hours per week, or that he/she perform 40 hours community service per week, that he/she absolutely abstain from the use of alcoholic beverages and the use and handling of all non-prescribed and nonprescription controlled drugs, that he/she use one doctor and one pharmacy for medical needs, that he/she pay a minimum of (***$000.00 per month***) on Court costs, and the he/she appear before this Court at such time or times as may be directed by the Probation Officer of this Court. The defendant shall comply with all the rules and requirements set by the Probation Officer. Probation shall include substance abuse counseling and/or testing as prescribed by the Probation Officer.

PROBATION AND PAROLE LITTER PICK-UP PROGRAM: The Defendant shall be a participant in the Probation and Parole Litter Pick-Up Program, also known as the Assign-A-Highway Program. Defendant shall pick up litter along a section of public roadway or waterway, a local landfill, or participate in clean-up and litter removal activities in county locations as assigned by the director of the program or his or her designee, pursuant to the rules of the program. Defendant may also be assigned to recycling duties at a locality designated by the Probation Office at public landfills, transfer sites, or other trash collection/processing systems. Participation in this program is a condition of the Defendant's probation.

SPECIAL PROGRAM: The Defendant shall

RESTITUTION (If Applicable): The defendant shall make restitution in an amount to be determined by the Victim Witness Coordinator.

CREDIT FOR TIME SERVED: The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code Section 53.1-187.

The Defendant was remanded to the custody of the (***Sheriff or Police Chief***).

This matter is hereby stricken from the docket of this Court.

Enter this _____ day of _____, (*YEAR*).

_____, Judge

Attorney for the Commonwealth _____

Attorney for the Defendant _____

SENTENCING SUMMARY:

Total Sentence Imposed:	YEARS	
Total Sentence Suspended:	YEARS,	MONTHS
Total Sentence to Serve:	YEARS,	MONTHS

APPENDIX

E

The Code of Virginia

The Code of Virginia

§ 8.01-226.8 Civil immunity for public officials and private volunteers participating in roadway litter pick-up program for probationers.

Probation officers; court personnel; county, city and town personnel; any other public officials; and private volunteers who participate in a program where persons on probation or community service are ordered as a condition of probation or community service to pick up litter along a section of public roadway or waterway or to perform recycling duties at landfills, garbage transfer sites, and other waste disposal systems shall not be liable for any civil damages to a probationer or person on community service, or the property of such person, for the acts or omissions resulting from such participation, unless such an act or omission is the result of willful misconduct. The provisions of this section shall not be interpreted to grant any immunity to a driver transporting the persons on probation or community service or a motorist who, by his negligence, may injure such probationer or person on community service.

(2004, cc. 387, 434.)

APPENDIX

F

Job Description for Litter Control Officer

Job Description

Position: LITTER CONTROL OFFICER/WARDEN

GENERAL DEFINITION OF WORK:

Under the general supervision of the County Administrator, performs administrative and technical duties associated with litter control enforcement and county recycling programs. Work involves investigating and prosecuting violations of the county's litter control ordinance, coordination with the Sheriff's department, Commonwealth Attorney's office, and the Health Department in litter control enforcement, maintaining the current recycling program, developing and presenting educational programs on recycling and litter control.

DUTIES AND RESPONSIBILITES:

Serves as Litter Control Officer/Warden; prepares reports and statistics, supports, promotes and supervises Assign-A-Highway Program, and supports and/or organizes clean-up projects.

Implements surveillance program for illegal dumps

Investigates illegal dump activities and develops appropriate documentation for prosecution

Responds to citizen inquires and complaints

Coordinates dumping area clean up efforts with offenders and land owners

KNOWLEDGE, SKILLS, AND ABILITIES:

Ability to investigate and identify offenders of the County's litter control ordinance; a thorough knowledge of public relations and communications practices and principals; general knowledge of state and federal regulations pertaining and related to recycling; ability to effectively and efficiently develop, implement and coordinate programs and systems; ability to work independently; ability to communicate effectively both orally and writing; ability to resolve problems effectively; ability to establish and maintain effective working relationships with officials and public agencies; thorough knowledge and skill in the use of firearms, ability to work outdoors in varying weather conditions.

EDUCATION AND EXPERIENCE:

Any combination of education and experience equivalent to a standard high school diploma. Some experience in recycling, litter control, or other programs involving solid waste issues.

SPECIAL REQUIREMENTS:

Possession of a valid appropriate driver's license; Department Criminal Justice Services certification.

APPENDIX

G

Guidelines & Safety Instructions

Guidelines for the Assign-A-Highway
[YOUR CITY OR COUNTY] Litter Control Office

TO: _____ **Phone:** _____
Address: _____
_____

1. Your designated litter pick-up section is:
   _____
2. Location:
   _____
   _____
3. You will be required to complete your first cleanup by:
   _____
4. When you have completed cleaning your assigned area, you are required to call the [CITY OR COUNTY] Litter Control Office at [PHONE] during office hours (Office Hours: 8:00 A.M. – 4:30 P.M.; Monday through Friday; closed on legal holidays) to report needed trash pick-up and the **number** of bags to be picked up. *Failure to meet this requirement could result in a violation.*
5. You will be required to keep your assigned area clean by picking up litter at least, every two weeks. You **must** report each pick-up to the [CITY OR COUNTY] Litter Control Office at [PHONE].
6. You will be supplied with trash bags and a safety vest. This safety vest **must** be worn at all times when performing trash pick-up. You are being provided with safety instructions for picking up litter for "Litter Free [CITY OR COUNTY] Highways". If you have questions after reading the instructions you may contact the [CITY OR COUNTY] Litter Control Office at [PHONE] or the Probation Office at [PHONE]. When more trash bags are needed, call [CITY OR COUNTY] Litter Office.
7. Filled trash bags are to be placed off the highway for pickup by the Virginia Department of Transportation or local sanitation department.
   Do not place bags in curves of the road, in driveways, or in front of mail boxes.
8. You will be responsible for litter pick-up in your designated area until further notice.
9. If you have questions, you may contact the [CITY OR COUNTY] Litter Control Office at [PHONE].

I have read and understand the requirements of the Assign-A-Highway Program and my assignment. I have received safety instructions to "Litter Free [CITY OR COUNTY] Highways" which are incorporated herein by reference. I have read these instructions and agree to be bound by them while participating in this program and have been afforded the opportunity to ask questions concerning these instructions.

_____ _____
Signature **Date**

DISTRIBUTION: WHITE – LITTER OFFICE; PAGE 2 – PROBATION OFFICE; PAGE 3 - PROBATIONER

Litter Free [CITY OR COUNTY] Highways
Safety Instructions

When is the best time of day to pick up litter?

- Do not pick up during peak travel times or when traffic is heavy
- Work only in daylight and fair weather
- Never pick up litter while under the influence of drugs and/or alcohol

What should I wear to pick up litter?

- Always wear an orange or yellow safety vest so drivers can see you easily. Put on the vest before you start your pick up, so you are visible the moment you are on the side of the road
- In addition to the vest, wear brightly colored clothing that protects your arms and legs, as well as hard-soled shoes and work or gardening gloves

Helpful tips while picking up litter.

- Always walk facing traffic
- Take breaks, drink fluids, and don't overexert yourself
- Do not pick up litter in the road or close to the edge of the road
- Do not pick up litter in construction or maintenance sites, in tunnels, in medians, or on bridges or overpasses
- Watch for snakes and poisonous weeds
- Do not pick up materials that appear to be hazardous. Contact the [CITY OR COUNTY] Litter Control Office at [PHONE] to report any hazardous materials.

Assumption of Risk by Participant

- Participant assumes all risk of injury while participating in this program and will indemnify and hold harmless [CITY OR COUNTY and the Commonwealth and their officers and employees] in any and all injuries sustained or caused by the participant.

_____ _____

Signature **Date**

APPENDIX H

Tracking Form

County or City Assign-A-Highway Program

Probationer Tracking Form

				Bags Collected in Month					Poor Fair Good Excellent	
Probationers Name	**Contact Info**	**Section #**	**Section Assigned**	**1st-8th**	**9th-15th**	**16th-22nd**	**23rd-31st**	**Totals for Month**	**Classification**	**Hours Worked**
				0	0	0	0	0		0
				0				0		0
				0				0		0
				0				0		0
				0				0		0
				0				0		0
				0				0		0
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				0				0		0
				0				0		0
				0				0		0
				0				0		0
							Totals Page 1	0		0

Appendix I

Program Participants

PROGRAM FOUNDER:

Attorney Frank Kilgore
P.O. Drawer 1210
St. Paul, VA 24283
276.762.5993
276.762.2201 Fax

JUDGE CONTACTS:

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Buchanan County Courthouse
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Grundy, VA 24614
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276.935.8516 Fax

Hon. Michael L. Moore
Russell County Courthouse
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Lebanon, VA 24266
276.889.8049
276.889.8090 Fax

Hon. Henry A. Vanover
Dickenson County Courthouse
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Clintwood, VA 24228
276.926.1635
276.926.5580 Fax

Hon. Teresa M. Chafin
Tazewell County Courthouse
P.O. Box 968
Tazewell, VA 24651
276.988.1230
276.988.3081 Fax

LITTER CONTROL OFFICER CONTACTS:

Jerry Ward/Richard Lee
Buchanan County Litter Control Officers
P.O. Box 950
Grundy, VA 24614
276.935.4574

Greg Cross/Robert Mullins
Wise County Litter Warden
206 E. Main St.
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Wise, VA 24293
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276.328.9780 Fax

Eugene Mullins/Lester Turner
Dickenson County Litter Coordinator/Litter Officer
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Clintwood, VA 24228
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276.835.9402 Fax

Claude Ray
Lee County Litter Coordinator
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Jonesville, VA 24263
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276.346.4659 Fax

Odell Musick/Terry Lowe
Russel County Litter/Animal Control Officer
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Tazewell County Litter Coordinator
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Tazewell, VA 24651
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276.988.5424 Fax

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Giles County Recycling and Litter Control Coordinator
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Pembroke, VA 24136
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Gaylan Williams
Henry County Assign-A-Highway Coordinator
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Randy Anderson
City of Norton Animal/Litter Control Officer
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Officer
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Virginia Goode
Northern Neck Planning District
Commission Regional Litter
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Brunswick County Litter and
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