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AB-2953 Department of Transportation and local agencies: streets and highways: recycled materials. (

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AMENDED IN SENATE AUGUST 18, 2022

AMENDED IN SENATE AUGUST 11, 2022

AMENDED IN ASSEMBLY MARCH 17, 2022

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL**NO. 2953****Introduced by Assembly Member Salas****February 18, 2022**

An act to add Section 42704.6 to the Public Resources Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2953, as amended, Salas. Department of Transportation and local agencies: streets and highways: recycled materials.

The California Integrated Waste Management Act of 1989 requires the Director of Transportation, upon consultation with the Department of Resources Recycling and Recovery, to review and modify all bid specifications relating to the purchase of paving materials and base, subbase, and pervious backfill materials using certain recycled materials. Existing law requires the specifications to be based on standards developed by the Department of Transportation for recycled paving materials and for recycled base, subbase, and pervious backfill materials. Existing law requires a local agency that has jurisdiction over a street or highway to either adopt these standards developed by the Department of Transportation or to discuss at a public hearing why the standards are not being adopted. Existing law requires the State Procurement Officer, when purchasing materials to be used in paving or paving subbase for use by the Department of Transportation and any other state agency that provides road construction and repair services, to contract for those items that use recycled material in those materials, unless the Director of Transportation determines that the use of the materials is not cost effective.

This bill would require the Department of Transportation and a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating streets and highways and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method. The bill would require, beginning January 1, 2024, a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to apply standard specifications that allow for the use of recycled materials in streets and highways, as specified. The bill would exempt cities and counties whose populations do not exceed specified thresholds *and special districts* from these requirements. By increasing the duties of local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 42704.6 is added to the Public Resources Code, to read:

42704.6. (a) To the extent feasible and cost effective, the department and a local agency that has jurisdiction over a street or highway shall use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating streets and highways and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method.

(b) Beginning January 1, 2024, a local agency that has jurisdiction over a street or highway shall, to the extent feasible and cost effective, apply standard specifications that allow for the use of recycled materials in streets and highways.

(c) Beginning January 1, 2024, and until January 1, 2027, the standard specifications described in subdivision (b) shall allow recycled materials at or above the level allowed in the department's standard specifications that went into effect on October 22, 2018, for all of the following:

(1) Recycled base and subbase materials as set forth in Sections 25-1.02 and 26-1.02 of the department's standard specifications.

(2) Reclaimed asphalt pavement and other materials in asphalt as set forth in Section 39-2.02B of the department's standard specifications.

(3) Reclaimed aggregate, fly ash, returned plastic concrete, and other materials in concrete as set forth in Sections 90-1.02, 90-2.02, and 90-9 of the department's standard specifications.

(d) For purposes of this section, the following definitions apply:

(1) "Department" means the Department of Transportation.

(2) "Local agency that has jurisdiction over a street or highway" does not include *any special district*, any city whose population, according to the most recent census, is equal to or less than 25,000 people, or any county whose population, according to the most recent census, is equal to or less than 100,000 people.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.