

ASSEMBLY BILL

No. 2355

Introduced by Assembly Member Levine

February 21, 2014

An act to add Section 42704.5 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2355, as introduced, Levine. Local governments: streets and highways: recycled materials.

Under existing law local governments have jurisdiction over certain streets and highways.

Existing law, 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 specified paving materials and base, subbase, and pervious backfill materials using certain recycled materials. Existing law requires that the specifications 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 that the standards and specifications shall not reduce the quality of standards for highway and road construction.

This bill would require, by January 1, 2017, a local government that has jurisdiction over a street or highway to either adopt the standards developed by the Department of Transportation for recycled paving materials and for recycled base, subbase, and pervious backfill materials, or discuss why it is not adopting those standards at a public hearing.

By increasing the duties of local officials, 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 these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42704.5 is added to the Public Resources
2 Code, to read:

3 42704.5. (a) By January 1, 2017, a local government that has
4 jurisdiction over a street or highway shall do either of the
5 following:

6 (1) Adopt the standards developed by the Department of
7 Transportation pursuant to Section 42700 for recycled paving
8 materials and for recycled base, subbase, and pervious backfill
9 materials.

10 (2) Discuss why the standards are not being adopted at a public
11 hearing.

12 (b) A local government described in subdivision (a) may adopt
13 standards that require greater use of, or more recycled content in,
14 paving materials and base, subbase, and pervious backfill materials
15 that incorporate recycled content than is required by the standards
16 developed by the Department of Transportation pursuant to Section
17 42700.

18 SEC. 2. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.

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