

AMENDED IN SENATE JUNE 11, 2014

AMENDED IN ASSEMBLY APRIL 1, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, Levine. Local agencies: streets and highways: recycled materials.

Under existing law, local agencies 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 agency 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 regularly scheduled public hearing of the local agency’s legislative or other governing body *why the standards are not being adopted*. 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 agency that has
4 jurisdiction over a street or highway shall do either of the
5 following:

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

11 ~~(2)~~
12 (b) Discuss ~~why the standards are not being adopted~~ at a
13 regularly scheduled public hearing of the local agency’s legislative
14 or other governing body *why the standards are not being adopted*.

15 ~~(b) A local agency described in subdivision (a) may adopt~~
16 ~~standards that require greater use of, or more recycled content in,~~
17 ~~paving materials and base, subbase, and pervious backfill materials~~
18 ~~that incorporate recycled content than is required by the standards~~
19 ~~developed by the Department of Transportation pursuant to Section~~
20 ~~42700.~~

21 SEC. 2. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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