

**Assembly Bill No. 2355**

**CHAPTER 609**

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

[Approved by Governor September 26, 2014. Filed with Secretary of State September 26, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2355, 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 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.

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

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

42704.5. By January 1, 2017, a local agency that has jurisdiction over a street or highway shall do either of the following:

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

(b) Discuss at a regularly scheduled public hearing of the local agency's legislative or other governing body why the standards are not being adopted.

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.