

AMENDED IN SENATE JUNE 22, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1164

Introduced by Assembly Member Gatto
(Principal coauthor: Assembly Member Gonzalez)

February 27, 2015

An act to add Section ~~14526.7~~ 53087.7 to the Government Code, relating to ~~highways~~ *water conservation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1164, as amended, Gatto. ~~State highways: evaluation and rating.~~
Water conservation: drought tolerant landscaping.

Existing law generally authorizes every city and county, including a charter city, in this state to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations that are not in conflict with general laws.

This bill would prohibit a city, including a charter city, county, and city and county, from enacting or enforcing any ordinance or regulation that prohibits the installation of synthetic grass or artificial turf on residential property. The bill would additionally state that this is an issue of statewide concern.

The bill would continuously appropriate \$300,000,000 from the General Fund to the State Water Resources Control Board in equal amounts of \$100,000,000 for each of the 2015–16, 2016–17, and 2017–18 fiscal years, to provide matching funds to specified local

agencies to provide incentives to residents to replace water inefficient landscaping with drought tolerant landscaping.

The bill would state the intent of the Legislature to streamline the installation of infrastructure that collects graywater for the purposes of recycling water to be used for nonpotable uses.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law gives the Department of Transportation full possession and control of the state highways. Existing law requires the department to prepare a state highway operation and protection program for the expenditure of transportation funds for major capital improvements that are necessary to preserve and protect the state highway system.~~

~~This bill would require the department, in consultation with specified entities, to conduct an annual evaluation and rating of the overall quality of the state highway system and the resources needed to provide a system in good repair, and would require a report to specified committees of the Legislature in that regard annually until 2020. The bill would also require the department to post the report on its Internet Web site.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. *The Legislature hereby finds and declares:*
- 2 (a) *With the lowest snowpack ever recorded, California finds*
- 3 *itself in 2015 in the fourth year of a historic, prolonged, and*
- 4 *potentially devastating drought.*
- 5 (b) *Governor Edmund G. Brown Jr. issued an Executive order*
- 6 *on April 1, 2015, which, for the first time in California history,*
- 7 *directs the State Water Resources Control Board to implement*
- 8 *mandatory water reductions across the state to reduce water usage*
- 9 *by 25 percent.*
- 10 (c) *One component of the Governor’s Executive order compels*
- 11 *the replacement of 50 million square feet of lawns throughout the*
- 12 *state with drought tolerant landscaping.*
- 13 (d) *Among a wide variety of drought tolerant landscaping are*
- 14 *a variety of native plants and landscaping alternatives, including*
- 15 *the installation of synthetic grass or artificial turf.*

1 (e) According to the Department of Water Resources, landscape
2 irrigation represents 43 percent of urban water use. The
3 installation of synthetic grass or artificial turf, in lieu of
4 conventional lawns and landscapes, can directly reduce outdoor
5 water use to help meet the Governor’s mandated 25-percent
6 statewide water use reduction.

7 (f) The vast majority of Californians may today elect to install
8 synthetic grass or artificial turf in their single-family residential
9 landscapes.

10 SEC. 2. It is the intent of the Legislature to streamline the
11 installation of infrastructure that collects graywater for the
12 purposes of recycling water to be used for nonpotable uses.

13 SEC. 3. Section 53087.7 is added to the Government Code, to
14 read:

15 53087.7. A city, including a charter city, county, or city and
16 county, shall not enact any ordinance or regulation, or enforce
17 any existing ordinance or regulation, that prohibits the installation
18 of synthetic grass or artificial turf on residential property.

19 SEC. 4. The Legislature finds and declares the prolonged
20 drought, along with climate change, requires the state to address
21 water conservation goals that will have long-term impacts in this
22 state. The Legislature further finds and declares that drought
23 tolerant landscaping, including the installation of synthetic grass
24 or artificial turf, is a viable landscaping alternative that will further
25 the goal of addressing long-term water conservation. Therefore,
26 allowing property owners in this state to install synthetic grass or
27 artificial turf on their residential properties is a matter of statewide
28 concern, not a municipal affair as that term is used in Section 5
29 of Article XI of the California Constitution.

30 SEC. 5. Notwithstanding Section 13340 of the Government
31 Code, the sum of three hundred million dollars (\$300,000,000) is
32 hereby continuously appropriated from the General Fund to the
33 State Water Resources Control Board to be expended in equal
34 shares of one hundred million dollars (\$100,000,000) for each of
35 the 2015–16, 2016–17, and 2017–18 fiscal years to provide
36 matching funds to any city, county, city and county, public water
37 agency, or private water agency to provide incentives to residents
38 to replace water inefficient landscaping with drought tolerant
39 landscaping.

1 SEC. 6. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:

5 In order to address the historic, prolonged, and potentially
6 devastating drought, it is necessary that residents of this state be
7 able to replace water inefficient landscaping with drought tolerant
8 landscaping as quickly as possible; therefore, it is necessary that
9 this act take effect immediately.

10 SECTION 1. ~~Section 14526.7 is added to the Government~~
11 ~~Code, to read:~~

12 ~~14526.7. (a) The department shall conduct an annual evaluation~~
13 ~~and rating of the overall quality of the state highway system and~~
14 ~~the resources needed to provide a system in good repair. The~~
15 ~~evaluation shall demonstrate how resource, staffing, and~~
16 ~~programming decisions impact the overall condition of the state~~
17 ~~highway system. The evaluation shall address the number of~~
18 ~~distressed lane miles, bridge conditions, and life cycle costs. The~~
19 ~~evaluation shall also include, but not be limited to, all of the~~
20 ~~following:~~

21 (1) ~~The rating of the state’s urban interstate lane miles, measured~~
22 ~~according to the International Roughness Index, and the schedule~~
23 ~~and resources needed to bring at least 90 percent of the lane miles~~
24 ~~rated less than 170 (the federal rating of poor condition) into good~~
25 ~~condition.~~

26 (2) ~~The rating of the state’s rural interstate lane miles, measured~~
27 ~~according to the International Roughness Index, and the schedule~~
28 ~~and resources needed to bring at least 95 percent of the lane miles~~
29 ~~rated less than 170 (the federal rating of poor condition) into good~~
30 ~~condition.~~

31 (3) ~~The percentage of lane miles on the state freeways and~~
32 ~~highways that are distressed lane miles and the schedule and~~
33 ~~resources needed to bring the percentage of distressed lane miles~~
34 ~~to 5 percent or less.~~

35 (4) ~~The schedule and resources needed to bring the pavement~~
36 ~~level of service to the well-maintained pavement level for 95~~
37 ~~percent or more of the lane miles on the state freeways and~~
38 ~~highways.~~

39 (5) ~~The percentage of the state’s bridges that achieve a bridge~~
40 ~~health index (BHI) rating of at least 94, the percentage of bridges~~

1 with a BHI rating of 80 or lower, and the schedule and resources
2 needed to perform bridge maintenance and capital repairs to ensure
3 that all of the state's bridges achieve a BHI rating of at least 94.
4 (6) The number of the state's bridges that are structurally
5 deficient or functionally obsolete under federal standards and the
6 schedule and resources needed to ensure that no more than 10
7 percent of the state's bridges are structurally deficient or
8 functionally obsolete.
9 (b) In conducting the evaluation specified in subdivision (a),
10 the department shall consult with the following:
11 (1) The commission.
12 (2) Regional transportation agencies.
13 (3) County transportation agencies.
14 (c) The department shall provide the evaluation and rating
15 specified in subdivision (a) in an annual report, on or before March
16 31, to the Assembly Committee on Transportation and the Senate
17 Committee on Transportation and Housing. The report shall also
18 be posted on the department's Internet Web site.
19 (d) The requirement for submitting a report imposed under
20 subdivision (c) is inoperative after March 31, 2020, pursuant to
21 Section 10231.5.