



CALIFORNIA ASSEMBLY BILL 2953 COMPLIANCE

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CALIFORNIA ASSEMBLY BILL 2953 COMPLIANCE OVERVIEW

ABSTRACT

This guidance document provides a summary of California Assembly Bill 2953 (Salas) (AB 2953) that will allow local agencies to evaluate steps needed for compliance.

California Assembly Bill 2953 (Salas) (AB 2953) was approved on September 30, 2022. Beginning January 1, 2024, with some exceptions, AB 2953 will require most local agencies to allow for recycled material use at or above the level allowed in the 2018 State of California Department of Transportation (Caltrans) Standard Specifications for specific

materials related to road construction and repair. The approach to compliance differs depending on the standard specifications used by each agency. This guidance document is intended to be used by local agencies to better understand and evaluate compliance with AB 2953.

APPLICABILITY

AB 2953 applies to any local agency, including cities and special districts, with a population greater than 25,000 and any county with a

population greater than 100,000. Agencies not meeting these thresholds are exempt.

AB 2953 REQUIREMENTS

AB 2953 contains the following requirements:

1. To the extent feasible and cost effective, use advanced technologies and material recycling technologies 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.
2. Beginning January 1, 2024, apply standard specifications that allow for the use of recycled materials in streets and highways to the extent feasible and cost effective.
3. Beginning January 1, 2024, and until January 1, 2027, the standard specifications applied in #2 shall allow recycled materials at or above the level allowed in the 2018 Caltrans

Standard Specifications for the following materials:

- a. Recycled base and subbase materials as set forth in Sections 25-1.02 and 26-1.02
 - b. Reclaimed asphalt pavement and other materials in asphalt as set forth in Section 39-2.02B
 - c. 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
4. If the Commission on State Mandates determines that AB 2953 contains costs mandated by the state, reimbursement to local agencies and school districts for those

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costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Key Points:

- AB 2953 requires agencies to explore environmentally sustainable options for road construction operations.
- The 2018 Caltrans Standard Specifications is used to set baseline compliance standards.
- Agencies may be able to seek reimbursement for costs associated with AB 2953 compliance

ANALYSIS

The intent of AB 2953 is clear - local agencies will need to continually evaluate sustainable materials for applicability in public works construction. Realizing that local agencies have unique circumstances that would make immediate compliance challenging, AB 2953 establishes the 2018 Caltrans Standard Specifications as the baseline compliance standard as stated in requirement # 3 above.

Requirement #1:

The statement “to the extent feasible and cost effective” is a subjective requirement. Local agencies will need to determine compliance with this requirement based on their efforts. Documentation of efforts to comply should be kept on file and local agency counsel input can be sought to evaluate compliance.

Requirement #2:

Compliance with requirement #3 will ensure compliance with this requirement until January 1, 2027. Thereafter, local agencies will need to determine compliance based on their efforts in incorporating sustainable materials into public works projects. Documentation of efforts to comply should be kept on file and local agency counsel input can be sought to evaluate compliance.

Requirement #3

Beginning January 1, 2024, and until January 1, 2027, local agencies must allow for recycled material use at or above the level of the 2018 Caltrans Standard for the sections identified. Compliance with this requirement is based on the standard specifications used by each agency.

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COMPLIANCE REQUIREMENTS

Most local agencies currently use Caltrans or the Standard Specifications for Public Works Construction (Greenbook) as their standard specifications. Some local agencies also use modified versions of these standards or internally developed standards. The approach to ensure compliance with AB 2953 differs with each:

Caltrans Standard Specifications

The simplest and most straightforward way to ensure compliance is to adopt the Caltrans Standard Specifications from 2018 or later. Since AB 2953 requires local agencies to allow recycled material use at or above the Caltrans standard, using the Caltrans standard will ensure compliance. AB 2953 specifically

references the 2018 Caltrans standard, but all editions published after then also comply.

If an agency is using a Caltrans standard published prior to 2018, they should review their standards against the referenced standard sections as described below and update them accordingly.

Greenbook Standard Specifications

The Greenbook Committee has indicated their 2024 standards will be compliance with AB 2953.

Until the issuance of the 2024 standards, agencies using previous Greenbook standards

should review their version of the standard against the referenced standard sections from Caltrans as described below and update them accordingly.

Agencies using alternative specifications, Caltrans Specifications dated prior to 2018, or Greenbook Specifications prior to 2024

Local agencies must allow for recycled materials at or above the level allowed in the following Caltrans Sections:

- **Caltrans Section 25-1.02 - Aggregate Subbases:** Must allow the options of reclaimed processed asphalt concrete, portland cement concrete, lean concrete base and cement treated base to be used as aggregate for Class 1-4 Aggregate Subbase.
- **Caltrans Section 26-1.02- Aggregate Bases:** Must allow the options of reclaimed

processed asphalt concrete, portland cement concrete, lean concrete base and cement treated base to be used as aggregate for Aggregate Base.

- **Caltrans Section 39-2.02B- Hot Mix Asphalt, Type A:** Must allow reclaimed asphalt pavement (RAP) to be used for up to 25% of the total aggregate blend.

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- **Caltrans Section 90-1.02 -Concrete Coarse Aggregate:** Must allow reclaimed aggregate as an option for coarse aggregate.
- **Caltrans Section 90-2.02-Minor Concrete Aggregate:** Must allow crushed concrete and reclaimed aggregate as an option for aggregate.
- **Caltrans Section 90-9 Returned Plastic Concrete (RPC):** If RPC is allowed by specifications, must allow up to 15% of total concrete to be RPC.

Local agencies should review each applicable section of their standards. If the applicable section does not allow for recycled material use at or above the levels stated herein, that section should be modified accordingly. If a local agency

standard specification does not contain an applicable section, they should add the applicable section and ensure that recycled materials are allowed at or above the Caltrans Standard.

Key Takeaways:

- Local agencies using 2018 or later Caltrans Standards are in compliance.
- Local agencies using the Greenbook standard should follow the compliance guidelines detailed herein until they have adopted the 2024 Greenbook standards.
- Local agencies using other standard specifications can comply if they incorporate the applicable 2018 Caltrans Standards for aggregate base, concrete and hot mix asphalt.

SUMMARY CONCLUSION

AB 2953 goes into effect on January 1, 2024, and requires local agencies to allow for recycled material use at or above the Caltrans Standard for specific materials. Local agencies can ensure compliance regardless of the standard specifications used.

Agencies using Caltrans Standards from 2018 or later should already be in compliance without further action but agencies should confirm compliance starting in 2024.

Agencies using Caltrans Standards prior to 2018, Greenbook Standards prior to 2024 or any other standard specification will need to review the applicable sections against the referenced 2018 Caltrans Standards and modify the standards to allow for recycled material use at or above the levels in the 2018 Caltrans Standards.

REFERENCES

- California Assembly Bill 2953 (attached)
- 2018 State of California Standard Specifications
- 2021 Standard Specifications for Public Works Construction (Greenbook)

Assembly Bill No. 2953

CHAPTER 872

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

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2953, 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.

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.