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**AB-978 Department of Transportation and local agencies: streets and highways: recycled materials.**  
(2025-2026)

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**Assembly Bill No. 978**

**CHAPTER 443**

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

[ Approved by Governor October 07, 2025. Filed with Secretary of State October 07, 2025. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 978, Hoover. 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 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 the extent feasible and cost effective, to apply standard specifications that allow for the use of recycled materials in streets and highways, except as provided. Existing law requires, until January 1, 2027, those standard specifications to allow recycled materials at or above the level allowed in the Department of Transportation's standard specifications that went into effect on October 22, 2018, for specified materials.

This bill would indefinitely require a local agency's standard specifications to allow recycled materials at a level no less than the level allowed in the department's specifications for those specified materials. If a local agency's standard specifications do not allow for the use of recycled materials at a level that is equal to or greater than the level allowed in the department's standard specifications on the basis that the use of those recycled materials at those levels is not feasible, the bill would authorize a person bidding on a contract to supply materials subject to those specifications to request the local agency to provide the reason for that determination upon request and would require the local agency to respond to that request, as specified. By increasing the duties of local agencies, the bill would impose a state-mandated local program.

Existing law requires 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.

This bill would eliminate this requirement.

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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 42704.6 of the Public Resources Code is amended to read:

**42704.6.** (a) 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.

(b) The standard specifications described in subdivision (a) shall allow recycled materials at a level no less than the level allowed in the department's standard specifications, as those standard specifications may be amended or updated from time to time, 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.

(c) If a local agency's standard specifications do not allow for the use of recycled materials at a level that is equal to or greater than the level allowed in the department's standard specifications, as described in subdivision (b), on the basis that the use of those recycled materials at those levels is not feasible, a person bidding on a contract advertised by the local agency to supply materials subject to those specifications may request the local agency to provide the reason for that determination. The local agency shall provide the reason for that determination via email correspondence to the person's official point of contact specified in the request.

(d) This section does not prohibit a local agency that has jurisdiction over a street or highway from exceeding the maximum level allowed in the department's standard specifications for the use of materials described in subdivision (b).

(e) 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.