

# SENATE BILL REPORT

## ESHB 1695

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As Reported by Senate Committee On:  
Transportation, April 7, 2015

**Title:** An act relating to establishing a priority for the use, reuse, and recycling of construction aggregate and recycled concrete materials in Washington.

**Brief Description:** Establishing a priority for the use, reuse, and recycling of construction aggregate and recycled concrete materials in Washington.

**Sponsors:** House Committee on Environment (originally sponsored by Representatives Clibborn, Hayes, Ryu, Kochmar, Senn, Zeiger, Tarleton, Fey, Farrell, Harmsworth, Van Werven, Stanford, Fitzgibbon, Stokesbary, Wylie, Tharinger, Moscoso, Riccelli and Santos).

**Brief History:** Passed House: 3/11/15, 98-0.

**Committee Activity:** Transportation: 3/23/15, 4/01/15, 4/07/15 [DP].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators King, Chair; Fain, Vice Chair; Hobbs, Ranking Minority Member; Liias, Assistant Ranking Minority Member; Cleveland, Ericksen, Habib, Litzow, Miloscia, Pedersen, Rivers and Sheldon.

**Staff:** Clint McCarthy (786-7319)

**Background:** The Washington State Department of Transportation (WSDOT) maintains standard specifications for road, bridge, and municipal construction. These standard specifications include the maximum allowable percent, by weight, of recycled materials in road and bridge aggregate materials. The allowable percentages are based on the materials being recycled, such as hot mix asphalt, concrete rubble, and steel furnace slag, and the use of the material, such as crushed surfacing, gravel backfill, or ballast. Depending on the material and its use, the maximum allowable percentage of recycled material is either 0 percent, 20 percent, or 100 percent.

**Summary of Bill:** WSDOT, together with cities, counties, and Washington-based construction industry associations must develop and establish criteria and objectives for the reuse and recycling of commonly defined coarse and fine aggregate cement and concrete mixtures – construction aggregate and recycled concrete materials.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Beginning in the year 2016, all Washington roadway, street, highway, and transportation infrastructure projects undertaken by WSDOT must use a minimum of 25 percent construction aggregate and recycled concrete materials each year cumulatively across all projects if adequate amounts of materials are available and are cost effective.

Also beginning in the year 2016, any local government with 100,000 residents or more must solicit bids from contractors that propose to use recycled construction content. Once solicited, the local governments must compare the lowest responsible bid proposing to use recycled materials with the lowest responsible bid not proposing to use recycled materials and award the contract to the lowest responsible bidder proposing to use the highest percentage of recycled material if it is at no additional cost. Local governments with less than 100,000 residents must review their capacity for recycling and reusing construction materials, establish strategies for meeting that capacity, and begin implementing those strategies, and any local government with fewer than 100,000 residents, or any local government with jurisdiction over a public works transportation or infrastructure project, regardless of size, must adopt standards as developed by WSDOT for the use of recycled materials as shown in WSDOT's standard specifications for road, bridge, and municipal construction.

WSDOT and its implementation partners must report to the Legislature annually on the progress being made to reach the established recycling goals. The annual reports must be issued from the years 2017 until 2020.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill takes effect on January 1, 2016.

**Staff Summary of Public Testimony:** PRO: Using recycled concrete and aggregate will result in dumping less material into the landfills. This is a good first step that moves recycled aggregate into the marketplace. There is going to be lots of recycled material in the near future as a result of demolishing the existing SR 520 floating bridge and the Alaskan Way Viaduct as those structures are replaced in the next few years. The bill supports WSDOT's existing specifications. The long-term intent of the bill is that recycled materials will offer cost savings as the market for the material advances. The amendments in the House reduced the negative impacts on local governments.

OTHER: Placing a priority on using recycled materials might compromise standards that have been developed over decades. WSDOT's standards are fine right now, but the agency changes these rules constantly and does so without legislative consultation. There needs to be more time to deliberate on the impacts of using recycled materials on public works projects. WSDOT's specifications already allow the use of recycled materials and have since 1994. There will be a greater cost associated with using the recycled materials due to the cost of hauling heavy aggregate material long distances.

**Persons Testifying:** PRO: Duke Schaub, Associated General Contractors of WA; Gary Rowe, WA State Assn. of Counties; Ed Owens, CalPortland Company; Bruce Chattin, WA Aggregates & Concrete Assn.; Scott Hazlegrove, Cadman.

OTHER: Jim Rioux, WA Chapter of the American Public Woks Assn.; Kurt Williams, WSDOT.

**Persons Signed in to Testify But Not Testifying:** No one.