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ASSEMBLY, No. 4797

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED OCTOBER 20, 2022

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SYNOPSIS

Concerns percentage of reclaimed asphalt pavement and recycled materials that can be used for certain road projects.

CURRENT VERSION OF TEXT

As reported by the Assembly Commerce and Economic Development Committee on June 22, 2023, with amendments.

(Sponsorship Updated As Of: 6/30/2023)

1 AN ACT concerning the use of reclaimed asphalt pavement ²and
 2 recycled materials² for ²[local] certain² road projects ²[,
 3 amending P.L.2002,]² ¹[c.114] ²[c.113¹,]² and supplementing
 4 Title 40A of the New Jersey Statutes.

5
 6 **BE IT ENACTED** by the Senate and General Assembly of the State
 7 of New Jersey:

8
 9 1. ²[(New section)]² a. Notwithstanding any law, rule, or
 10 regulation to the contrary, when entering into a contract for ²a public
 11 highway project or² a local road project, ²the Department of
 12 Transportation or² the local contracting unit, as defined in and subject
 13 to the provisions of the “Local Public Contracts Law,” P.L.1971, c.198
 14 (C.40A:11-1 et seq.), shall ²[, at a minimum,]² authorize the
 15 contracted party to use ¹[recycled] ²[reclaimed¹] asphalt pavement
 16 recycled materials² constituting a maximum of ²[50] ³⁵² percent, by
 17 weight, of the total pavement mixture for base and intermediate
 18 pavement courses, and a maximum of ²[35] ²⁰² percent, by weight,
 19 of the total pavement mixture for surface pavement courses ², provided
 20 that, prior to the installation of asphalt mixtures containing reclaimed
 21 asphalt pavement, the contractor for the public highway project or
 22 local road project contracted pursuant to this section shall provide a
 23 mix design for approval to the Department of Transportation, which
 24 consists exclusively of materials, reclaimed asphalt pavement,
 25 mixtures, binders, and aggregates that meet or exceed the mix design
 26 specifications provided by the Department of Transportation² .

27 b. Nothing in this section shall be deemed to prohibit a local
 28 contracting unit from electing, in its discretion, to allow a party
 29 contracted for the purposes of a local road project ², which does not
 30 receive State funds,² to use ¹[recycled] reclaimed¹ asphalt pavement,
 31 for the purposes of the project, at higher maximum percentage rates
 32 than the rates established pursuant to this section.

33 ¹c. All reclaimed asphalt pavement used pursuant to² subsection b.
 34 of² this section shall consist of only materials, mixtures, binders, and
 35 aggregates that have been approved under current² [New Jersey]²
 36 Department of Transportation standard specifications.¹

37 ¹[c.] d.¹ As used in this section ²[, “local”]² :
 38 “Public highway” means public roads, streets, expressways,
 39 freeways, parkways, motorways and boulevards, including bridges,
 40 tunnels, overpasses, underpasses, interchanges, rest areas, express
 41 bus roadways, bus pullouts and turnarounds, park-ride facilities,
 42 traffic circles, grade separations, traffic control devices, the

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATR committee amendments adopted January 19, 2023.

²Assembly ACE committee amendments adopted June 22, 2023.

1 elimination or improvement of crossings of railroads and highways,
2 whether at grade or not at grade, bicycle and pedestrian pathways
3 and pedestrian and bicycle bridges traversing public highways and
4 any facilities, equipment, property, rights of way, easements and
5 interests therein needed for the construction, improvement, and
6 maintenance of highways.

7 “Local² road project” means a transportation infrastructure project
8 that is authorized by a county or municipality and involves the
9 construction, repair, renovation, restoration, replacement, or extension
10 of a highway, as defined by R.S.39:1-1, which is owned, controlled, or
11 maintained by the county or municipality.

12
13 ²[2. Section 1 of P.L.2002, c.113 (C.27:1B-25.2) is
14 amended to read as follows:

15 1. Notwithstanding any law, rule, or regulation to the contrary,
16 counties and municipalities receiving State funds for transportation
17 projects shall permit, for public highways under their jurisdiction, the
18 use of reclaimed asphalt pavement that constitutes a maximum of **[25]**
19 50 percent, by weight, of the total pavement mixture for base and
20 intermediate pavement courses and a maximum of **[15]** 35 percent, by
21 weight, of the total pavement mixture for surface pavement courses.

22 ¹All reclaimed asphalt pavement used pursuant to this section shall
23 consist of only materials, mixtures, binders, and aggregates that have
24 been approved under current New Jersey Department of
25 Transportation standard specifications.¹

26 (cf: P.L.2002, c.113, s.1)]²

27
28 ²2. a. Notwithstanding any law, rule, or regulation to the
29 contrary, when entering into a contract for a local road project on a
30 low volume road, which project does not receive State funds, a local
31 contracting unit, as defined in and subject to the provisions of the
32 “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et
33 seq.), shall authorize the contracted party to use reclaimed asphalt
34 pavement constituting a maximum of 50 percent, by weight, of the
35 total pavement mixture for base and intermediate pavement courses,
36 and a maximum of 35 percent, by weight, of the total pavement
37 mixture for surface pavement courses, provided that any person or
38 entity that seeks to enter into or renew a contract for the project
39 certifies to the local contracting unit, prior to the award of the
40 contract, that:

41 (1) all asphalt mixtures containing reclaimed asphalt pavement
42 used in the local road project consist of only materials, mixtures,
43 binders, and aggregates that have been approved under current
44 Department of Transportation standard specifications;

45 (2) the person or entity will maintain records of all stockpiles of
46 reclaimed asphalt pavement used in the local road project including,
47 but not limited to, any test results, approval letters from the

1 Department of Transportation, requests for approval to the
2 department and all data submitted therewith, and drawings of
3 stockpile locations at the plant site, including unapproved
4 stockpiles, copies of which shall be provided to the local
5 contracting unit upon request; and

6 (3) the person or entity will maintain records of any
7 performance testing performed on the local road project, copies of
8 which shall be provided to the local contracting unit upon request.

9 b. As used in this section, "low volume road" means a road,
10 street, or thoroughfare which has an equivalent (80kN) single-axle
11 load level of 300,000 or less over a 20-year design period, and is
12 open to travel by the public.

13 c. Nothing in P.L. c. (C.) (pending before the Legislature
14 as this bill) shall be construed as prohibiting a contractor from
15 installing asphalt mixtures that have been approved by the New
16 Jersey Department of Transportation in compliance with the New
17 Jersey Department of Transportation specification for high
18 reclaimed asphalt pavement mixtures.²

19

20 3. This act shall take effect ¹[immediately] on the first day of the
21 sixth month after ²the date of² enactment¹.