

CHAPTER 160

AN ACT concerning the use of reclaimed asphalt pavement and recycled materials for certain road projects and supplementing Title 40A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.27:2-8.1 Contracts, public highway, local road projects, recycled materials, maximum percentage, total pavement mixtures; definitions.

1. a. Notwithstanding any law, rule, or regulation to the contrary, when entering into a contract for a public highway project or a local road project, the Department of Transportation or the local contracting unit, as defined in and subject to the provisions of the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et seq.), shall authorize the contracted party to use recycled materials constituting a maximum of 35 percent, by weight, of the total pavement mixture for base and intermediate pavement courses, and a maximum of 20 percent, by weight, of the total pavement mixture for surface pavement courses, provided that, prior to the installation of asphalt mixtures containing reclaimed asphalt pavement, the contractor for the public highway project or local road project contracted pursuant to this section shall provide a mix design for approval to the Department of Transportation, which consists exclusively of materials, reclaimed asphalt pavement, mixtures, binders, and aggregates that meet or exceed the mix design specifications provided by the Department of Transportation.

b. Nothing in this section shall be deemed to prohibit a local contracting unit from electing, in its discretion, to allow a party contracted for the purposes of a local road project, which does not receive State funds, to use reclaimed asphalt pavement, for the purposes of the project, at higher maximum percentage rates than the rates established pursuant to this section.

c. All reclaimed asphalt pavement used pursuant to subsection b. of this section shall consist of only materials, mixtures, binders, and aggregates that have been approved under current Department of Transportation standard specifications.

d. As used in this section:

“Public highway” means public roads, streets, expressways, freeways, parkways, motorways, and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges, rest areas, express bus roadways, bus pullouts and turnarounds, park-ride facilities, traffic circles, grade separations, traffic control devices, the elimination or improvement of crossings of railroads and highways, whether at grade or not at grade, bicycle and pedestrian pathways, and pedestrian and bicycle bridges traversing public highways and any facilities, equipment, property, rights of way, easements, and interests therein needed for the construction, improvement, and maintenance of highways.

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

C.40A:11-13a Contracts, low-volume road, reclaimed asphalt pavement, maximum percentage, total pavement mixtures.

2. a. Notwithstanding any law, rule, or regulation to the contrary, when entering into a contract for a local road project on a low-volume road, which project does not receive State funds, a local contracting unit, as defined in and subject to the provisions of the “Local Public Contracts Law,” P.L.1971, c.198 (C.40A:11-1 et seq.), shall authorize the contracted party to use reclaimed asphalt pavement constituting a maximum of 50 percent, by weight, of the total pavement mixture for base and intermediate pavement courses, and a maximum of 35 percent,

by weight, of the total pavement mixture for surface pavement courses, provided that any person or entity that seeks to enter into or renew a contract for the project certifies to the local contracting unit, prior to the award of the contract, that:

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

(2) the person or entity will maintain records of all stockpiles of reclaimed asphalt pavement used in the local road project including, but not limited to, any test results, approval letters from the Department of Transportation, requests for approval to the department and all data submitted therewith, and drawings of stockpile locations at the plant site, including unapproved stockpiles, copies of which shall be provided to the local contracting unit upon request; and

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

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

c. Nothing in P.L.2023 c.160 (C.27:2-8.1 et al.) shall be construed as prohibiting a contractor from installing asphalt mixtures that have been approved by the New Jersey Department of Transportation in compliance with the New Jersey Department of Transportation specification for high reclaimed asphalt pavement mixtures.

3. This act shall take effect on the first day of the sixth month after the date of enactment.

Approved September 12, 2023.