

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 3255

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 8, 2023

The Senate Environment and Energy Committee favorably reports Senate Bill No. 3255, with committee amendments.

This bill, as amended by the committee, would regulate the amounts of recycled materials, including reclaimed asphalt pavement (RAP), which may be used for certain road projects.

Specifically, the bill would require the Department of Transportation (DOT) and a local contracting unit, when entering into a contract for a public highway project or local road project, to authorize the contracted party to use up to 35 percent recycled materials in base and intermediate pavement courses, and up to 25 percent recycled materials in surface pavement courses. The bill would also establish certain requirements for the use of recycled materials in the project, including that the asphalt mixture be sent to the DOT for approval.

In addition, the bill would require a local contracting unit, when entering into a contract for a local road project that does not receive State funding, to authorize the use of 50 percent RAP in base and intermediate pavement courses and 35 percent RAP in surface pavement courses. The bill would also require the contracted party to provide, to the relevant local contracting unit, a certification that the mixtures comply with certain DOT specifications, that certain records are maintained as enumerated in subsection a. of section 2 of the bill, and that the records are required to be provided to the local contracting unit upon request.

The committee amendments to the bill:

(1) provide that section 1 of the bill would apply to the DOT, in addition to local contracting units;

(2) provide that section 1 of the bill would apply to the public highway projects, in addition to local road projects, and add a definition of "public highway project";

(3) modify the percentages of recycled materials and RAP that are required to be authorized pursuant to section 1 of the bill;

(4) establish certain conditions on the use of recycled materials pursuant to section 1 of the bill;

(5) provide that subsection b. of section 1 of the bill, which allows for greater percentages of RAP in local road projects, applies only to projects that do not receive State funding, and establish that such projects must use asphalt pavement that consists only of materials that have been approved by the DOT;

(6) remove section 2 of the bill, which would have modified the percentage of RAP to be authorized by counties and municipalities for certain projects, under current law;

(7) add a new section 2 of the bill, which concerns the percentage of RAP that must be authorized for certain low volume road projects and establishes conditions for such use;

(8) provide that the bill would go into effect on the first day of the sixth month after the date of enactment, rather than immediately; and

(9) make other technical and clarifying changes.