

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4797

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 22, 2023

The Assembly Commerce and Economic Development Committee reports favorably and with committee amendments Assembly Bill No. 4797 (1R).

This bill, as amended, would regulate the amount of recycled materials, including reclaimed asphalt pavement (RAP), that may be used in certain road projects.

Specifically, the bill would require the Department of Transportation (DOT) and local contracting units, when entering into a contract for a public highway project or local road project, to authorize the contractor to use recycled material in: up to 35 percent, by weight, of the total pavement mixture, for base and intermediate pavement courses; and up to 20 percent, by weight, of the total pavement mixture, for surface pavement courses. The bill would also establish certain requirements for the use of recycled materials in the project, including that the asphalt mix design be sent to the DOT for approval.

The bill would, however, allow a local unit, when entering into a contract to install a local road project, which project does not receive State funding, to authorize the use of reclaimed asphalt pavement for the project at a higher maximum percentage rate than required under the bill. Additionally, the bill would require a prospective contractor for a public highway or local road project to provide a “mix design” to DOT or the relevant local contracting unit, as appropriate, showing that the asphalt mixtures proposed for use in the project comply with DOT mix design specifications.

Notwithstanding the forgoing provisions, the bill would require a local unit, when entering into a contract to undertake a local road project on a low volume road, which project does not receive State funds, to allow the contractor 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 prospective contractor

certifies to the local contracting unit, prior to the award of the contract, that:

the asphalt mixtures and aggregates to be used in the project have been approved under DOT specifications;

the contractor will keep specified records of stockpiles of reclaimed asphalt pavement used in the project, including test results and approval letters; and

the contractor will maintain records of performance testing undertaken on the local road project, and provide copies of test results to the local contracting unit, upon request.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

(1) expand certain bill provisions so they apply to DOT public highway projects in addition to local units' road projects;

(2) define the term "public highway";

(3) modify the percentages of recycled materials and RAP that a contractor may use in a public highway or local road project;

(4) establish certain conditions on the use of recycled material;

(5) authorize local units to allow a contractor of a local road project which does not receive State funds to use a higher percentage of RAP in the project than is otherwise authorized;

(6) delete a provision that would have modified the amount of RAP a local unit may allow a contractor to use in a project;

(7) add a new section 2 to the bill to allow a local unit to authorize a contractor to use RAP equal to a specified percentage of the total pavement mixture;

(8) clarify that the bill should not be construed as prohibiting a contractor from installing asphalt mixtures that DOT has approved in compliance with its specification for high reclaimed asphalt pavement mixtures; and

(9) make other technical and clarifying changes.