

STATE OF NEW YORK

5854

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. TAGUE -- read once and referred to the Committee on Transportation

AN ACT to amend the highway law, in relation to establishing the reclaimed asphalt pavement pilot program; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The highway law is amended by adding a new section 24 to
2 read as follows:

3 § 24. Reclaimed asphalt pavement pilot program. 1. The commissioner
4 shall establish a pilot program for the purpose of utilization of
5 reclaimed asphalt pavement in the construction or improvement of state
6 and municipal highways or bridges. Such reclaimed asphalt pavement pilot
7 program shall utilize reclaimed asphalt pavement as a percentage of
8 asphalt mix and may be required in a contract or contracts for capital
9 construction or improvement of state and municipal highways or bridges
10 beginning on or after April first, two thousand twenty-six. Such asphalt
11 mix used for capital construction or improvement of state and municipal
12 highways or bridges shall utilize a percentage of reclaimed asphalt,
13 with a minimum of twenty percent and a maximum of one hundred percent.

14 2. (a) On or before April first, two thousand twenty-seven, and annu-
15 ally thereafter, the commissioner of transportation shall submit a
16 report to the governor, the speaker of the assembly, the minority leader
17 of the assembly, the temporary president of the senate, and the minority
18 leader of the senate. Such report shall include, but not be limited to,
19 the following:

20 (i) a comparison of costs of conventional asphalt mixes to the costs
21 of the use of reclaimed asphalt mixes;

22 (ii) a comparison of the application methods of conventional paving
23 materials to reclaimed asphalt pavement and the ability to adapt equip-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 ment and processes, if necessary, to incorporate reclaimed asphalt in
2 asphalt mix to the commissioner's specifications;

3 (iii) the performance of reclaimed asphalt pavement as compared to
4 conventional materials with regard to the longevity of pavement, trac-
5 tion, road glare, icing, and such other characteristics as may be deemed
6 appropriate by the commissioner;

7 (iv) the findings of the commissioner as to the optimum and appropri-
8 ate percentage of reclaimed asphalt in paving mixtures for construction
9 or improvement of state and municipal highways or bridges in consider-
10 ation of projected performance, safety and costs;

11 (v) the quantity of reclaimed asphalt that would be used annually if
12 the percentage of reclaimed asphalt content recommended by the commis-
13 sioner were to be utilized in reclaimed asphalt pavement mixtures for
14 all contracts for the construction or improvement of state and municipal
15 highways or bridges, or sections thereof;

16 (vi) existing or potential impediments to the maximum utilization of
17 reclaimed asphalt pavement in contracts for the construction or improve-
18 ment of state and municipal highways or bridges; and

19 (vii) an analysis of the potential for the use of reclaimed asphalt
20 pavement by local governments, regional and statewide authorities
21 governing the construction or improvement of state and municipal high-
22 ways or bridges, including, but not limited to:

23 (1) the projected annual demand for reclaimed asphalt by local govern-
24 ments, regional and statewide authorities, based upon the percentage mix
25 in asphalt pavement for reclaimed asphalt recommended by the commis-
26 ioner; and

27 (2) known or anticipated impediments to the maximum utilization of
28 reclaimed asphalt pavement by local governments, regional and statewide
29 authorities.

30 (b) In the preparation of such report, the commissioner may consult
31 with county and other state governments, the New York state thruway
32 authority, the port authority of New York and New Jersey, the Triborough
33 bridge and tunnel authority, and such public or private agencies as the
34 commissioner deems appropriate.

35 3. The commissioner shall further examine, and make recommendations
36 regarding the following:

37 (a) actions that may be necessary to ensure the availability of an
38 adequate supply of reclaimed asphalt to meet projected demand in the
39 construction or improvement of state and municipal highways or bridges;
40 and

41 (b) an estimation of the additional expense, if any, to the state or
42 municipalities in the utilization of reclaimed asphalt pavement technol-
43 ogies.

44 § 2. This act shall take effect April 1, 2026 and shall expire and be
45 deemed repealed April 1, 2031.