S T A T E O F N E W Y O R K

7443

I N S E N A T E

May 15, 2014

Introduced by Sen. GIPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law, in relation to recycled concrete aggregate

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The transportation law is amended by adding a new section 17-c to read as follows:

S 17-C. USE OF RECYCLED CONCRETE AGGREGATE. 1. FOR THE PURPOSE OF THIS SECTION, "RECYCLED CONCRETE AGGREGATE" MEANS GRANULAR MATERIAL MANUFACTURED BY REMOVING, CRUSHING, AND PROCESSING INORGANIC MATERIAL PREVIOUSLY USED IN CONSTRUCTION AND PRINCIPALLY COMPRISED OF CRUSHED CONCRETE WASHED AND GRADED FOR USE IN THE PRODUCTION OF FURTHER CONCRETE.

2. THE COMMISSIONER SHALL USE RECYCLED CONCRETE AGGREGATE IN CAPITAL PROJECTS WHERE RECYCLING FACILITIES ARE ACCESSIBLE AND THE COST OF THE RECYCLED CONCRETE AGGREGATE IS NOT MORE THAN TEN PERCENT HIGHER THAN THE UNIT COST OF NON-RECYCLED CONCRETE AGGREGATE. RECYCLED AGGREGATES CAN BE USED:

(A) IN PAVED ROADS AS AGGREGATE BASE, AGGREGATE SUBBASE, AND SHOULDERS;

(B) IN GRAVEL ROADS AS SURFACING;

(C) AS BASE FOR BUILDING FOUNDATIONS;

(D) AS FILL FOR UTILITY TRENCHES;

(E) FOR PURPOSES COVERED UNDER SECTION EIGHTY-NINE-B OF THE STATE FINANCE LAW; AND

(F) ANY OTHER PURPOSE FOR WHICH THEY MAY BE USEFUL.

3. ON OR BEFORE MARCH FIRST OF EACH YEAR THE COMMISSIONER SHALL SUBMIT A REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE. IN MAKING SUCH REPORT, THE COMMISSIONER MAY MAKE USE OF AND REPORT ON EXISTING STUDIES, ANALYSES AND DEMONSTRATION PROGRAMS CONDUCTED WITHIN OR WITHOUT THE STATE BY OTHER STATES OR THE FEDERAL GOVERNMENT, ALONG WITH ANY OTHER SOURCES OF INFORMATION HE OR SHE DEEMS APPROPRIATE. SUCH REPORT SHALL INCLUDE A SUMMARY AND ANALYSIS, ADDRESSING THE FOLLOWING ISSUES:

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

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(A) COMPARISON OF THE TOTAL COST OF CONVENTIONAL ASPHALT MIXES TO THE TOTAL COST OF THE USE OF MIXES CONTAINING RECYCLED CONCRETE AGGREGATE;

(B) COMPARISON OF TOTAL COST OF PRODUCTS USING AND NOT USING RECYCLED CONCRETE AGGREGATE, INCLUDING DIFFERENCE IN ANTICIPATED TOTAL COST OF COMMON CAPITAL PROJECTS USING CONVENTIONAL AND RECYCLED AGGREGATE MIXES FROM THE DIFFERENCE IN ACTUAL TOTAL PROJECT COST;

(C) UTILIZATION OF CONCRETE CONTAINING RECYCLED AGGREGATES, AND THE UTILIZATION RATE FOR EACH YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION;

(D) DISCUSSION OF PROJECTS WHERE RECYCLED MATERIAL WAS CONSIDERED BUT NOT USED WHICH SHALL BE ACCOMPANIED BY AN EXPLANATION OF THE RATIONALE FOR NON-USE;

(E) EXISTING OR POTENTIAL IMPEDIMENTS TO THE MAXIMUM UTILIZATION OF RECYCLED CONCRETE AGGREGATE;

(F) RECOMMENDATIONS OF THE COMMISSIONER AS TO FUTURE ACTIONS THAT COULD BE TAKEN BY THE DEPARTMENT, THE GOVERNOR AND THE LEGISLATURE TO FACILITATE THE USE OF RECYCLED CONCRETE AGGREGATE IN DEPARTMENT PROJECTS; AND

(G) ANALYSIS OF CURRENT AND POTENTIAL USE OF RECYCLED CONCRETE AGGREGATE BY LOCAL GOVERNMENTS, REGIONAL AND STATEWIDE AUTHORITIES GOVERNING THE CONSTRUCTION OR IMPROVEMENT OF HIGHWAYS OR BRIDGES, INCLUDING:

(I) PROJECT ANNUAL DEMAND; AND

(II) KNOWN OR ANTICIPATED IMPEDIMENTS TO THE MAXIMUM USE OF RECYCLED CONCRETE AGGREGATE BY LOCAL GOVERNMENTS, REGIONAL AND STATEWIDE AUTHORITIES.

S 2. This act shall take effect one hundred eighty days after it shall have become a law.