

STATE OF NEW YORK

10328

IN SENATE

May 14, 2026

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

AN ACT to amend the highway law and the environmental conservation law, in relation to requiring the use of reclaimed asphalt pavement

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

1 Section 1. Legislative findings and intent. The Legislature finds that
2 millions of tons of asphalt are removed from and replaced on New York
3 state's highways every year. The practice of reusing some percentage of
4 reclaimed asphalt pavement to produce new asphalt, rather than discard-
5 ing it and using virgin material in its place, is an established prac-
6 tice in the state of New York and throughout the country. The benefits
7 of using reclaimed asphalt pavement are clear both from a financial as
8 well as an environmental perspective. Yet, the Legislature finds that
9 despite its established use and the clear environmental and fiscal bene-
10 fits, use of reclaimed asphalt pavement at both public and privately
11 owned facilities could increase significantly without sacrificing
12 asphalt strength or jeopardizing local supply. The thirty percent mini-
13 mum recycled content requirement set forth in this legislation is
14 intended to serve as a floor - and not as a ceiling - and to encourage
15 the use of even greater percentages of recycled asphalt pavement in the
16 future.

17 § 2. The highway law is amended by adding a new section 24 to read as
18 follows:

19 § 24. Reclaimed asphalt. 1. Definitions. For the purposes of this
20 section, the following terms shall have the following meanings:

21 (a) "Asphalt" shall mean a dark brown to black bitumen pitch that
22 melts readily and which appears in nature in asphalt beds or is produced
23 as a by-product of the petroleum industry.

24 (b) "Asphaltic concrete" or "asphalt paving" shall mean a mixture of
25 liquid asphalt and graded aggregate used as paving material.

26 (c) "I-4 mix" shall mean a type of heavy duty asphaltic concrete mix
27 containing three quarter inch nominal maximum size aggregate with
28 between twenty-five and fifty percent of the aggregate capable of pass-

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

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1 ing through a No. 8 sieve and in which all sand contained in the mix is
2 crushed.

3 (d) "Reclaimed asphalt pavement" shall mean asphalt pavement that has
4 been processed for reuse in asphaltic concrete.

5 2. Construction generally. (a) The materials used in the construction
6 of highways, including the width of the sidewalks thereon, shall fully
7 conform to department specifications for such highways as prescribed by
8 the commissioner in consultation with the commissioner of environmental
9 conservation.

10 (b) The commissioner's specifications for materials used in the
11 construction of highways shall include a requirement that asphaltic
12 concrete, other than I-4 mix or other heavy duty asphaltic concrete mix
13 approved by the commissioner, shall contain not less than thirty percent
14 reclaimed asphalt pavement, as measured by weight, and I-4 mix or other
15 approved heavy duty asphaltic concrete mix shall contain not less than
16 ten percent reclaimed asphalt pavement, as measured by weight. Such
17 specifications may require a higher percentage of reclaimed asphalt
18 pavement. The commissioner, in consultation with the commissioner of
19 environmental conservation, may waive compliance with this paragraph if
20 the commissioner, after consulting with the owners or persons in charge
21 of all asphalt plants located within the state, finds that a sufficient
22 supply of reclaimed asphalt pavement is not available and shall set such
23 specifications in accordance with such findings.

24 (c) The commissioner shall promulgate rules and regulations to encour-
25 age the greatest use of reclaimed asphalt pavement possible.

26 § 3. Article 27 of the environmental conservation law is amended by
27 adding a new title 34 to read as follows:

28 TITLE XXXIV
29 RECLAIMED ASPHALT

30 Section 27-3401. Definitions.

31 27-3403. Reclaimed asphalt.

32 § 27-3401. Definitions.

33 For the purposes of this title, the following terms shall have the
34 following meanings:

35 1. "Asphalt" shall mean a dark brown to black bitumen pitch that melts
36 readily and which appears in nature in asphalt beds or is produced as a
37 by-product of the petroleum industry.

38 2. "Asphaltic concrete" or "asphalt paving" shall mean a mixture of
39 liquid asphalt and graded aggregate used as paving material.

40 3. "I-4 mix" shall mean a type of heavy duty asphaltic concrete mix
41 containing three quarter inch nominal maximum size aggregate with
42 between twenty-five and fifty percent of the aggregate capable of pass-
43 ing through a No. 8 sieve and in which all sand contained in the mix is
44 crushed.

45 4. "Reclaimed asphalt pavement" shall mean asphalt pavement that has
46 been processed for reuse in asphaltic concrete.

47 § 27-3403. Reclaimed asphalt.

48 1. The commissioner shall, in consultation with the commissioner of
49 transportation, develop specifications for asphalt used in construction,
50 including but not limited to the construction of highways, driveways,
51 and parking lots.

52 2. The commissioner's specifications for asphalt used in construction
53 shall include a requirement that asphaltic concrete, other than I-4 mix
54 or other heavy duty asphaltic concrete mix approved by the commissioner,

1 shall contain not less than thirty percent reclaimed asphalt pavement,
2 as measured by weight, and I-4 mix or other approved heavy duty asphal-
3 tic concrete mix shall contain not less than ten percent reclaimed
4 asphalt pavement, as measured by weight. Such specifications may require
5 a higher percentage of reclaimed asphalt pavement. The commissioner, in
6 consultation with the commissioner of transportation, may waive compli-
7 ance with this title if the commissioner, after consulting with the
8 owners or persons in charge of all asphalt plants located within the
9 state, finds that a sufficient supply of reclaimed asphalt pavement is
10 not available and shall set such specifications in accordance with such
11 findings.

12 3. The commissioner shall promulgate rules and regulations to encour-
13 age the greatest use of reclaimed asphalt pavement possible.

14 § 4. This act shall take effect on the first of January next succeed-
15 ing the date on which it shall have become a law. Effective immediately,
16 the addition, amendment and/or repeal of any rule or regulation neces-
17 sary for the implementation of this act on its effective date are
18 authorized to be made and completed on or before such effective date.