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:

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

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

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

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

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

(c) "I-4 mix" shall mean a type of heavy duty asphaltic concrete mix containing three quarter inch nominal maximum size aggregate with 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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ing through a No. 8 sieve and in which all sand contained in the mix is crushed.

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

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

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

(c) The commissioner shall promulgate rules and regulations to encourage the greatest use of reclaimed asphalt pavement possible.

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

TITLE XXXIV
RECLAIMED ASPHALT

Section 27-3401. Definitions.
27-3403. Reclaimed asphalt.

§ 27-3401. Definitions.

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

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

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

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

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

§ 27-3403. Reclaimed asphalt.

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

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

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

3. The commissioner shall promulgate rules and regulations to encourage the greatest use of reclaimed asphalt pavement possible.

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.