

# STATE OF NEW YORK

8919

## IN SENATE

January 15, 2026

Introduced by Sen. OBERACKER -- read twice and ordered printed, and when printed to be committed 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-  
24 ment and processes, if necessary, to incorporate reclaimed asphalt in  
25 asphalt mix to the commissioner's specifications;

26 (iii) the performance of reclaimed asphalt pavement as compared to  
27 conventional materials with regard to the longevity of pavement, trac-

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

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tion, road glare, icing, and such other characteristics as may be deemed appropriate by the commissioner;

(iv) the findings of the commissioner as to the optimum and appropriate percentage of reclaimed asphalt in paving mixtures for construction or improvement of state and municipal highways or bridges in consideration of projected performance, safety and costs;

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

(vi) existing or potential impediments to the maximum utilization of reclaimed asphalt pavement in contracts for the construction or improvement of state and municipal highways or bridges; and

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

(1) the projected annual demand for reclaimed asphalt by local governments, regional and statewide authorities, based upon the percentage mix in asphalt pavement for reclaimed asphalt recommended by the commissioner; and

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

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

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

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

(b) an estimation of the additional expense, if any, to the state or municipalities in the utilization of reclaimed asphalt pavement technologies.

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