

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1081
Second Edition Engrossed 4/28/99

Short Title: Recycled Materials in Road Maintenance.

(Public)

Sponsors: Senators Albertson; and Metcalf.

Referred to: Transportation.

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO EXPAND
3 THE USE OF RECYCLED MATERIALS IN ROAD MAINTENANCE.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 136-28.8 reads as rewritten:

6 **"§ 136-28.8. Use of recycled materials in construction.**

7 (a) It is the intent of the General Assembly that the Department of Transportation
8 continue to expand its use of recycled materials in its construction and maintenance
9 programs.

10 (b) The General Assembly declares it to be in the public interest to find alternative
11 ways to use certain recycled materials that currently are part of the solid waste stream and
12 that contribute to problems of declining space in landfills. ~~To the extent economically~~
13 ~~practicable, the Department shall use:~~ The Department shall, consistent with economic
14 feasibility and applicable engineering and environmental quality standards, use:

15 (1) Rubber from tires in road pavements, subbase materials, or other
16 appropriate ~~applications; and applications.~~

17 (2) Recycled materials for guard rail posts, right-of-way fence posts, and
18 sign ~~supports-supports.~~

1 (3) Recycling technology, including hot in-place recycling, in road and
2 highway maintenance.

3 ~~so long as these materials meet all appropriate engineering standards.~~

4 (c) As a part of its scheduled projects, the Department shall conduct additional
5 research, which may include demonstration projects, on the use of recycled materials in
6 ~~construction.~~ construction and maintenance.

7 (d) The Department shall review and revise existing bid procedures and
8 specifications to eliminate any procedures and specifications that explicitly discriminate
9 against recycled materials in ~~construction.~~ construction and maintenance, except where the
10 procedures and specifications are necessary to protect the health, safety, and welfare of
11 the people of this State.

12 (e) The Department shall review and revise its bid procedures and specifications
13 on a continuing basis to encourage the use of recycled materials in construction and
14 maintenance and shall, to the extent economically practicable, require the use of recycled
15 materials.

16 (f) All agencies shall cooperate with the Department in carrying out the provisions
17 of this section.

18 (g) On or before October 1 of each year, the Department shall report to the
19 Division of Pollution Prevention and Environmental Assistance of the Department of
20 Environment and Natural Resources as to the amounts and types of recycled materials
21 that were specified or used in contracts that were entered into during the previous fiscal
22 year. On or before December 1 of each year, the Division of Pollution Prevention and
23 Environmental Assistance shall prepare a summary of this report and submit the
24 summary to the ~~Joint Legislative Commission on Governmental Operations and~~
25 Operations, the Joint Legislative Transportation Oversight Committee, and the
26 Environmental Review Commission.

27 (h) The Department, in consultation with the Department of Environment and
28 Natural Resources, shall determine minimum content standards for recycled materials.

29 (i) This section is broadly applicable to all procurements by the Department if the
30 quality of the product is consistent with the requirements of the bid specifications.

31 (j) The Department may adopt rules to implement this section."

32 Section 2. This act becomes effective July 1, 1999.