Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the use of reclaimed asphalt pavement.

Sponsors: James F. Gennaro, Lewis A. Fidler, Letitia James, G. Oliver Koppell, Annabel Palma, Jumaane D. Williams, Melissa Mark-Viverito, Gale A. Brewer, Jessica S. Lappin, James G. Van Bramer, Ydanis A. Rodriguez, Eric A. Ulrich, Stephen T. Levin, Charles Barron, Elizabeth S. Crowley, David G. Greenfield, Robert Jackson

Indexes:

Attachments: 1. Int. No. 578 - 5/26/11, 2. Committee Report 6/21/11, 3. Hearing Testimony 6/21/11, 4. Hearing Transcript 6/21/11, 5. Committee Report 12/8/11, 6. Hearing Transcript 12/8/11, 7. Committee Report - Stated Meeting, 8. Hearing Transcript - Stated Meeting 12-8-11, 9. Fiscal Impact Statement, 10. Mayor's Letter, 11. Local Law

Date	Ver.	Action By	Action	Result
5/26/2011	*	City Council	Introduced by Council	
5/26/2011	*	City Council	Referred to Comm by Council	
6/21/2011	*	Committee on Housing and Buildings	Hearing Held by Committee	
6/21/2011	*	Committee on Housing and Buildings	Laid Over by Committee	
12/8/2011	*	Committee on Housing and Buildings	Hearing Held by Committee	
12/8/2011	*	Committee on Housing and Buildings	Amendment Proposed by Comm	
12/8/2011	*	Committee on Housing and Buildings	Amended by Committee	
12/8/2011	A	Committee on Housing and Buildings	Approved by Committee	Pass
12/8/2011	A	City Council	Approved by Council	Pass
12/8/2011	A	City Council	Sent to Mayor by Council	
12/27/2011	A	Mayor	Hearing Held by Mayor	
12/27/2011	A	Mayor	Signed Into Law by Mayor	
12/27/2011	A	City Council	Recved from Mayor by Council	

Int. No. 578-A

By Council Members Gennaro, Fidler, James, Koppell, Palma, Williams, Mark-Viverito, Brewer, Lappin, Van Bramer, Rodriguez, Ulrich, Levin, Barron, Crowley, Greenfield and Jackson

A Local Law to amend the administrative code of the city of New York and the New York city building code, in

relation to the use of reclaimed asphalt pavement.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that some one million tons of asphalt are removed from and replaced on New York City streets 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 City 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 Council 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. Section 19-101 of the administrative code of the city of New York is amended by adding new subdivisions e, f, g and h to read as follows:

e. “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.

f. “Asphaltic concrete” or “asphalt paving” shall mean a mixture of liquid asphalt and graded aggregate used as paving material.

g. “I-4 mix” shall mean a type of heavy duty asphaltic concrete mix containing 0.75 inch (19 mm) nominal maximum size aggregate with 25% to 50% of the aggregate capable of passing through a No. 8 sieve and in which all sand contained in the mix is crushed.

h. “Reclaimed asphalt pavement” shall mean asphalt pavement that has been processed for reuse in asphaltic concrete.

§3. Section 19-113 of the administrative code of the city of New York is amended to read as follows:

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§19-113 Construction generally. a. Streets of twenty-two feet in width and upward shall have sidewalks on each side thereof.

b. The materials and construction of streets, including the width of the sidewalks thereon, shall fully conform to department specifications for such work, all of which shall be prescribed by the commissioner and kept on file in his or her office.

c. Department specifications for streets 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. In setting forth such specifications, the department shall make best efforts to encourage the greatest use of reclaimed asphalt pavement possible. This subdivision shall not apply to asphaltic concrete used in a project where the content of asphaltic concrete is governed by a federal or state law, rule, regulation, guideline or specification that requires a different composition. The commissioner may waive compliance with this subdivision if the commissioner, after consulting with the commissioner of buildings and the owners or persons in charge of all asphalt plants located within the city, finds that a sufficient supply of reclaimed asphalt pavement is not available.

§4. Subchapter 10 of chapter 1 of title 27 of the administrative code of the city of New York is amended by adding a new article 13 to read as follows:

ARTICLE 13 PAVING

§27-652 Paving. (a) Definitions. For the purposes of this article the following terms shall have the following definitions:

ASPHALT. 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.

ASPHALTIC CONCRETE or ASPHALT PAVING. A mixture of liquid asphalt and graded aggregate

used as a paving material.

I-4 MIX. A type of heavy duty asphaltic concrete mix containing 0.75 inch (19 mm) nominal maximum size aggregate with 25% to 50% of the aggregate capable of passing through a No. 8 sieve and in which all sand contained in the mix is crushed.

RECLAIMED ASPHALT PAVEMENT. Asphalt pavement that has been processed for reuse in asphaltic concrete.

(b) Reclaimed asphalt pavement content in asphaltic concrete. Asphaltic concrete, other than I-4 mix or other approved heavy duty asphaltic concrete mix, shall contain not less than thirty percent reclaimed asphalt pavement, as measured by weight. 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. Reclaimed asphalt pavement used in asphaltic concrete shall comply with the version of ASTM D692 or ASTM D1073 specified in chapter 35 of the New York city building code or in the rules of the department. This subdivision shall not apply to asphaltic concrete used in a project where the content of asphaltic concrete is governed by a federal or state law, rule, regulation, guideline, or specification that requires a different composition or to runways, taxiways, or other surfaces utilized by aircraft. The commissioner may waive compliance with this subdivision if the commissioner, after consulting with the commissioner of transportation and the owners or persons in charge of all asphalt plants located within the city, finds that a sufficient supply of reclaimed asphalt pavement is not available. §5. Section 1902.1 of the New York city building code is amended by adding in appropriate alphabetical order definitions of “asphalt”, “asphaltic concrete”, “I-4 mix” and “reclaimed asphalt pavement” to read as follows:

ASPHALT. 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.

ASPHALTIC CONCRETE or ASPHALT PAVING. A mixture of liquid asphalt and graded aggregate used as a paving material.

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I-4 MIX. A type of heavy duty asphaltic concrete mix containing 0.75 inch (19 mm) nominal maximum size aggregate with 25% to 50% of the aggregate capable of passing through a No. 8 sieve and in which all sand contained in the mix is crushed.

RECLAIMED ASPHALT PAVEMENT. Asphalt pavement that has been processed for reuse in asphaltic concrete.

§6. Chapter 19 of the New York city building code is amended by adding a new section BC 1918 to read as follows:

SECTION BC 1918

PAVING

1918.1 Reclaimed asphalt pavement content in asphaltic concrete. Asphaltic concrete, other than I-4 mix or other approved heavy duty asphaltic concrete mix, shall contain not less than 30 percent reclaimed asphalt pavement, as measured by weight. I-4 mix or other approved heavy duty asphaltic concrete mix shall contain not less than 10 percent reclaimed asphalt pavement, as measured by weight. Reclaimed asphalt paving used in asphaltic concrete shall comply with ASTM D692 or ASTM D1073.

Exceptions:

1. Asphaltic concrete used in a project where the content of asphaltic concrete is governed by a federal or state law, rule, regulation, guideline, or specification that requires a different composition.
2. Asphaltic concrete used for runways, taxiways, or other surfaces utilized by aircraft.
3. The commissioner may waive compliance with this section if the commissioner, after consulting with the commissioner of transportation and the owners or persons in charge of all asphalt plants located within the city, finds that a sufficient supply of reclaimed asphalt pavement is not available.

§7. The list of referenced ASTM standards as set forth in chapter 35 of the New York city building code is amended by adding two new standards to read as follows:

ASTM ASTM International
100 Barr Harbor Drive
West Conshohocken PA 19428-2959

Standard Reference Number	Title
ASTM D692 / D692M - 09	Standard Specification for Coarse Aggregate for Bituminous Paving Mixtures Standard
ASTM D1073 - 07	Specification for Fine Aggregate for Bituminous Paving Mixtures

§8. This local law shall take effect on January 1, 2015, except that the commissioner of transportation and the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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