

SENATE BILL NO. 236—COMMITTEE ON NATURAL RESOURCES

MARCH 14, 2011

Referred to Committee on Transportation

SUMMARY—Provides for the increased use of recycled materials in certain road and highway projects. (BDR 35-766)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to highways; declaring that it is the policy of this State to encourage and promote the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in the construction, reconstruction, improvement, maintenance and repair of public highways in this State; requiring the Director of the Department of Transportation to adopt policies that provide for the use of such materials in highway projects; requiring a local government that undertakes certain road or highway projects to adopt policies that provide for the use of such materials in the projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1.5** of this bill declares it to be the policy of this State to encourage and
2 promote the use of recycled aggregate, recycled bituminous pavement and recycled
3 rubber from tires in the construction, reconstruction, improvement, maintenance
4 and repair of public highways in this State. **Section 2** of this bill requires the
5 Director of the Department of Transportation to adopt policies that provide for the
6 use of recycled aggregate, recycled bituminous pavement and recycled rubber from
7 tires in projects for the construction, reconstruction, improvement, maintenance or
8 repair of highways. **Section 2.3** of this bill requires the Department to ensure that
9 the use of any recycled aggregate, recycled bituminous pavement or recycled
10 rubber from tires in certain projects is not restricted unless scientific evidence
11 satisfactory to the Department indicates that the use of the recycled aggregate,
12 recycled bituminous pavement or recycled rubber from tires for the project
13 compromises the soundness of the project. **Sections 2.5 and 3** of this bill impose
14 comparable requirements on local governments that undertake public works
15 projects for the construction, reconstruction, improvement, maintenance or repair of
16 a public road or public highway.



* S B 2 3 6 R 2 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 1.5.** The Legislature hereby declares that it is the policy
3 of this State to encourage and promote the use of recycled
4 aggregate, recycled bituminous pavement and recycled rubber from
5 tires in the construction, reconstruction, improvement, maintenance
6 and repair of public roads and highways in this State.

7 **Sec. 2.** Chapter 408 of NRS is hereby amended by adding
8 thereto a new section to read as follows:

9 *The Director shall adopt policies that provide for the use of*
10 *recycled aggregate, recycled bituminous pavement and recycled*
11 *rubber from tires in projects for the construction, reconstruction,*
12 *improvement, maintenance and repair of highways undertaken by*
13 *the Department pursuant to this chapter.*

14 **Sec. 2.3.** NRS 408.313 is hereby amended to read as follows:
15 408.313 ~~408.313~~

16 1. *Except as otherwise provided in subsection 2, all* highways
17 constructed under the provisions of this chapter shall be constructed
18 in such manner as to provide for sufficient and permanent drainage
19 and of such materials as to insure, so far as reasonably may be done,
20 considering all of the circumstances, permanent wearing qualities
21 and to provide against excessive maintenance cost. Regard shall
22 always be had to the character and quality of the traffic to be
23 accommodated and the interests of the public to be served.

24 2. *The Department shall ensure that the use of any recycled*
25 *aggregate, recycled bituminous pavement or recycled rubber from*
26 *tires, or any combination thereof, in any project for the*
27 *construction, reconstruction, improvement, maintenance or repair*
28 *of a highway is not restricted unless scientific evidence*
29 *satisfactory to the Department clearly indicates that the use of the*
30 *recycled aggregate, recycled bituminous pavement or recycled*
31 *rubber from tires for that project compromises the soundness of*
32 *the project.*

33 **Sec. 2.5.** Chapter 338 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 *The governing body of a local government that undertakes a*
36 *project pursuant to this chapter for the construction,*
37 *reconstruction, improvement, maintenance or repair of a public*
38 *road or public highway shall adopt policies that provide for the*
39 *use of recycled aggregate, recycled bituminous pavement and*
40 *recycled rubber from tires in the project.*



1 **Sec. 3.** NRS 338.1373 is hereby amended to read as follows:
2 338.1373 1. A local government or its authorized
3 representative shall award a contract for a public work pursuant to
4 the provisions of:

- 5 (a) NRS 338.1377 to 338.139, inclusive;
- 6 (b) NRS 338.143 to 338.148, inclusive;
- 7 (c) NRS 338.169 to 338.1699, inclusive; or
- 8 (d) NRS 338.1711 to 338.1727, inclusive.

9 2. *A local government or its authorized representative which*
10 *awards a contract for a public work pursuant to subsection 1*
11 *which includes the construction, reconstruction, improvement,*
12 *maintenance or repair of a public road or public highway shall*
13 *ensure that the use of any recycled aggregate, recycled bituminous*
14 *pavement or recycled rubber from tires, or any combination*
15 *thereof, in the construction, reconstruction, improvement,*
16 *maintenance or repair of the public road or public highway is not*
17 *restricted unless scientific evidence satisfactory to the local*
18 *government clearly indicates that the use of the recycled*
19 *aggregate, recycled bituminous pavement or recycled rubber from*
20 *tires for that construction, reconstruction, improvement,*
21 *maintenance or repair compromises the soundness of the project.*

22 3. The provisions of NRS 338.1375 to 338.1382, inclusive,
23 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to
24 338.1699, inclusive, and 338.1711 to 338.1727, inclusive, do not
25 apply with respect to contracts for the construction, reconstruction,
26 improvement and maintenance of highways that are awarded by the
27 Department of Transportation pursuant to NRS 408.313 to 408.433,
28 inclusive ~~§~~, *and section 2 of this act.*

29 **Sec. 3.5.** The amendatory provisions of this act do not apply
30 to:

31 1. A project specified in section 2 or 2.5 of this act or NRS
32 408.313, as amended by section 2.3 of this act, which is commenced
33 before July 1, 2011; or

34 2. A contract specified in NRS 338.1373, as amended by
35 section 3 of this act, which is entered into before July 1, 2011.

36 **Sec. 4.** This act becomes effective on July 1, 2011.

