

108TH CONGRESS  
1ST SESSION

# S. 1168

To amend title 23, United States Code, to establish a program to increase the use of recyclable material in the construction of Federal-aid highways.

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IN THE SENATE OF THE UNITED STATES

JUNE 3, 2003

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title 23, United States Code, to establish a program to increase the use of recyclable material in the construction of Federal-aid highways.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Recycled Roads Act  
5       of 2003”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) in 2000, there were more than 3,951,000  
9       miles of highways in the United States;

1           (2) in the early 1990s, as much as 350,000,000  
2           tons of raw and recyclable material were used annu-  
3           ally for highway construction, rehabilitation, and  
4           maintenance;

5           (3) in 2002, the Federal Government provided  
6           \$26,348,000,000, or more than 34 percent of fund-  
7           ing, for highways in the United States;

8           (4) at least 45 States recycle a total of  
9           73,000,000 tons of reclaimed asphalt pavement an-  
10          nually, the use of which results in an annual savings  
11          of approximately \$300,000,000 as compared with  
12          the cost of using raw material;

13          (5) in 2002, the Federal Highway Administra-  
14          tion issued a policy encouraging States to use recy-  
15          cled material in highway construction because recy-  
16          cling and reuse can offer engineering, economic, and  
17          environmental benefits;

18          (6) greater incorporation of recyclable material  
19          in highway construction would—

20                (A) provide a significant new national mar-  
21                ket for the use of recyclable material;

22                (B) create new markets and incentives for  
23                recycling in small communities;

24                (C) conserve raw material; and

1 (D) reduce the quantities of waste depos-  
 2 ited in landfills in the United States (which  
 3 would produce an additional savings for the  
 4 Federal Government and State governments);  
 5 and

6 (7) the increased use of recyclable material in  
 7 highway construction could—

8 (A) provide additional opportunities for  
 9 rural economic development; and

10 (B) encourage expanded use of biomass  
 11 products.

12 **SEC. 3. USE OF RECYCLABLE MATERIAL IN FEDERAL-AID**  
 13 **HIGHWAY CONSTRUCTION.**

14 (a) IN GENERAL.—Subchapter I of chapter 1 of title  
 15 23, United States Code, is amended by inserting after sec-  
 16 tion 138 the following:

17 **“§ 139. Use of recyclable material in Federal-aid high-**  
 18 **way construction**

19 **“(a) DEFINITION OF RECYCLABLE MATERIAL.—In**  
 20 **this section:**

21 **“(1) IN GENERAL.—**The term ‘recyclable mate-  
 22 rial’ means any material described in paragraph (2)  
 23 that is determined by the Secretary, in consultation  
 24 with the Administrator of the Environmental Protec-  
 25 tion Agency—

1           “(A) to be recyclable and usable in con-  
2           struction of a Federal-aid highway; and

3           “(B) to have undergone a recycling process  
4           to prepare the material for further use.

5           “(2) MATERIALS.—The materials referred to in  
6           paragraph (1) are—

7           “(A) glass;

8           “(B) forest biomass;

9           “(C) a used tire or tire product;

10          “(D) reclaimed asphalt;

11          “(E) plastic; and

12          “(F) any other suitable material that does  
13          not contain a total concentration of any toxic  
14          constituent that poses a risk to human health  
15          or the environment—

16               “(i) during preconstruction activity,  
17               including storage, transportation, or prepa-  
18               ration of the material for use in road con-  
19               struction;

20               “(ii) during the useful life of the road;  
21               or

22               “(iii) after the useful life of the road,  
23               including subsequent recycling, reuse, or  
24               disposal of components of or debris from  
25               the road.

1 “(b) PROGRAM.—

2 “(1) ESTABLISHMENT.—The Secretary shall es-  
3 tablish a recycled roads incentive grant program to  
4 encourage the expanded use by States and Indian  
5 tribes of a diverse range of recyclable material in the  
6 construction of Federal-aid highways.

7 “(2) GRANTS.—In carrying out this section, the  
8 Secretary shall provide to each State or qualified (as  
9 determined by the Secretary) Indian tribe—

10 “(A) a grant, in an amount not to exceed  
11 \$125,000 for a fiscal year, to be used by the  
12 State or Indian tribe in employing a coordinator  
13 to promote the use of a diverse range of recy-  
14 clable material in Federal-aid highway construc-  
15 tion; and

16 “(B) a grant, on a competitive basis, in an  
17 amount not to exceed \$1,400,000 for a fiscal  
18 year, to be used by the State or Indian tribe in  
19 carrying out projects and activities to promote  
20 the expanded use of a diverse range of recycla-  
21 ble material in Federal-aid highway construc-  
22 tion and maintenance, such as projects and ac-  
23 tivities to—

24 “(i) eliminate economic barriers;

25 “(ii) develop markets;

1 “(iii) provide outreach, training, or  
2 technical assistance; or

3 “(iv) collect program and performance  
4 data.

5 “(3) ADMINISTRATION.—

6 “(A) REDISTRIBUTION OF FUNDS.—If  
7 funds made available for use in providing  
8 grants under subparagraph (A) or (B) of para-  
9 graph (2) for a fiscal year remain after the Sec-  
10 retary has provided grants under the subpara-  
11 graph for the fiscal year, the Secretary—

12 “(i) may use the remaining funds to  
13 provide additional grants under that para-  
14 graph for the fiscal year; but

15 “(ii) notwithstanding any other provi-  
16 sion of this title, shall not use the funds to  
17 provide grants or assistance under any  
18 other program under this title.

19 “(B) TRANSPORTATION AND ENVIRON-  
20 MENTAL COOPERATION.—In providing a grant  
21 to a State or Indian tribe under paragraph  
22 (2)(B), the Secretary shall encourage coopera-  
23 tion between transportation and environmental  
24 programs carried out by the State or Indian  
25 tribe.

1           “(C) EQUITABLE TREATMENT OF STATES  
2           AND INDIAN TRIBES.—To the maximum extent  
3           practicable, the Secretary shall treat an Indian  
4           tribe as a State for the purpose of a grant pro-  
5           vided under paragraph (2).

6           “(4) STATE AND TRIBAL REPORTS.—For the  
7           fiscal year in which the program under this section  
8           is implemented and each fiscal year thereafter, each  
9           State and Indian tribe that receives a grant under  
10          paragraph (2) shall—

11                 “(A) collect a sampling of data pertaining  
12                 to the use by the State or Indian tribe, during  
13                 the fiscal year covered by the report, of recycla-  
14                 ble material in the projects for construction of  
15                 Federal-aid highways in the State or on land  
16                 under the jurisdiction of the Indian tribe that  
17                 are carried out under this section or any other  
18                 provision of this title using at least \$1,000,000  
19                 in Federal funds, including a description of—

20                         “(i) each type of recyclable material  
21                         used;

22                         “(ii) the quantity of each recyclable  
23                         material used; and

24                         “(iii) the proportion that—

1 “(I) the quantity of each recycla-  
2 ble material used; bears to

3 “(II) the quantity of all recycla-  
4 ble material and raw material used;  
5 and

6 “(B) submit to the Secretary a report de-  
7 scribing those data.

8 “(5) QUALITY CONTROL.—The Secretary shall  
9 ensure, to the maximum extent practicable, that  
10 data provided by a State or Indian tribe under para-  
11 graph (4) is of a sufficient quality and range to per-  
12 mit the Secretary to assess national accomplish-  
13 ments involving the use of recyclable material.

14 “(c) REPORTS.—

15 “(1) INITIAL REPORT.—Not later than 180  
16 days after the date of enactment of the Recycled  
17 Roads Act of 2003, the Secretary shall submit to the  
18 appropriate committees of Congress a report on the  
19 program to be carried out under this section that in-  
20 cludes—

21 “(A) an overview of program requirements;

22 “(B) an analysis of any significant issues  
23 relating to the program; and

24 “(C) a proposed timeline for implementa-  
25 tion of the program.

1           “(2) ANNUAL REPORTS.—Not later than 2  
 2       years after the date of enactment of the Recycled  
 3       Roads Act of 2003, and annually thereafter on the  
 4       date of issuance of the annual program performance  
 5       report under section 1116 of title 31, United States  
 6       Code, the Secretary shall submit to the appropriate  
 7       committees of Congress a report on the program  
 8       under this section, including, for each recyclable ma-  
 9       terial used in the construction of a Federal-aid high-  
 10      way during the period covered by the report, the in-  
 11      formation described in subsection (b)(4).

12       “(d) REGULATIONS.—The Secretary shall promul-  
 13      gate such regulations as are necessary to carry out this  
 14      section.

15       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 16      are authorized to be appropriated from the Highway Trust  
 17      Fund (other than the Mass Transit Account)—

18           “(1) \$10,125,000 for use in providing grants  
 19      under subsection (b)(2)(A) for each fiscal year; and

20           “(2) \$113,400,000 for use in providing grants  
 21      under subsection (b)(2)(B) for each fiscal year.”.

22       (b) CONFORMING AMENDMENT.—The analysis for  
 23      subchapter I of chapter 1 of title 23, United States Code,

1 is amended by inserting after the item relating to section

2 138 the following:

“139. Use of recyclable material in Federal-aid highway construction.”.

