

SUBJECT: Use of reclaimed asphalt pavement by TxDOT

COMMITTEE: Transportation — committee substitute recommended

VOTE: 6 ayes — Alexander, Bosse, Alonzo, Clemons, Price, Siebert

0 nays

3 absent — Edwards, Moreno, Uher

WITNESSES: None

BACKGROUND: The 72nd Legislature created a program to promote the use of reclaimed asphalt pavement (RAP) by the Texas Department of Transportation (TxDOT). TxDOT is required to maximize use of RAP, and when feasible, remove and recycle hot mix asphalt from any portion of the state highway system being paved. TxDOT is authorized to transfer title of RAP to another government entity for use on public roads.

Reclaimed asphalt pavement is defined in the statute as hot mix asphalt and any accompanying tack coat, seal coat or chip seal removed as millings or broken pavement pieces from a road during construction, reconstruction or repavement under TxDOT authority.

DIGEST: HB 1732 would exempt the disbursement of recycled asphalt pavement by TxDOT from General Services Commission regulations relating to surplus and salvage property and eliminate various reporting and record-keeping requirements now imposed on the RAP program. The bill would specify that TxDOT could dispose of all recycled asphalt pavement material in the most cost effective and environmentally sensitive manner it deemed appropriate.

The bill would eliminate requirements that the department report annually to the Legislative Audit Committee on use of RAP and keep a public record of the amount and location of state-owned reclaimed asphalt products. Also eliminated would be a requirement that state agencies give precedence for the use of lands under their control for storage of reclaimed asphalt when various constraints permit.

In disposing of asphalt, TXDOT would have to give priority to public works projects.

The bill would take effect immediately if approved by two-thirds of the membership of each house.

**SUPPORTERS  
SAY:**

CSHB 1732 would authorize TxDOT to dispose of all recycled asphalt pavement in the manner it deems most appropriate. The legislation would require TxDOT to be cost effective, environmentally sensitive in dispensing the recycled asphalt material, and give priority to political subdivisions of the state for the maintenance, development and construction of public works projects.

HB 1732 would offer TxDOT flexibility in determining the best use of recycled asphalt materials and promote administrative efficiency by eliminating unnecessary reporting requirements.

**OPPONENTS  
SAY:**

The requirement that TxDOT file an annual report with the Legislative Audit Committee on the department's use of the reclaimed asphalt pavement and should not be scrapped. The recent problems the Legislature has had with implementation of certain programs — the emissions testing program and the waste tire recycling program, to name only two — are good examples why thorough legislative oversight is necessary. The record-keeping and reporting requirements reduce opportunities for problems to arise, and could be especially desirable if the requirement for meeting GSC regulations are lifted.

**NOTES:**

The original version of HB 1732 only eliminated the annual report requirement and defined governmental entity.