

ASSEMBLY, No. 1448

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman SCOTT RUDDER

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Co-Sponsored by:

**Assemblymen Rumpf, Amodeo, Rumana, Assemblywoman Evans and
Assemblyman Chivukula**

SYNOPSIS

Prohibits manufacture or sale of reflective glass beads with high arsenic content; prohibits DOT and two State toll road authorities from using paint mixed with reflective glass beads for roadway markings.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning certain road markings, amending P.L.1951,
2 c.23, and supplementing Title 27 and Title 39 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) The Legislature finds and declares that
9 inorganic arsenic is a hazardous substance and is recognized by the
10 United States Environmental Protection Agency and the United
11 States Occupational Safety and Health Administration as a human
12 carcinogen; that release of this substance to the environment may
13 lead to contamination of soil and water; that the ingestion or
14 inhalation of soil, water, plant material, or animal tissues
15 contaminated with inorganic arsenic may lead to lung cancer,
16 damage to the nervous system, or, in extreme cases, death from
17 systemic poisoning; that reflective glass beads are used to reflect
18 light when applied to roadway markers; that glass beads which
19 contain more than 75 parts per million inorganic arsenic may
20 represent a danger to workers who handle and apply them and a
21 contamination potential to soil and water surrounding roadways.

22 The Legislature therefore determines that it is in the public
23 interest to prohibit the manufacture, sale, or use of glass beads
24 containing more than 75 parts per million inorganic arsenic used to
25 reflect light when applied to markings on roadways.

26
27 2. (New section) a. On or after January 1, 2009 no person shall
28 manufacture, sell, offer for sale, or offer for promotional purposes
29 in this State reflective glass beads containing more than 75 parts per
30 million inorganic arsenic, as determined by the United States
31 Environmental Protection Agency Method 6010B in conjunction
32 with the United States Environmental Protection Agency Method
33 3052 modified, used to reflect light when applied to markings on
34 roadways.

35 b. Any person who violates this section shall be subject to a
36 penalty of not less than \$500 nor more than \$1,000 for each offense,
37 to be collected in a civil action by a summary proceeding under the
38 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
39 et seq.). The municipal court and the Superior Court shall have
40 jurisdiction of proceedings for the enforcement of the penalty
41 provided by this section.

42 If the violation is of a continuing nature, each day during which
43 it continues constitutes an additional, separate, and distinct offense.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 3. (New section) a. Notwithstanding the provisions of
2 P.L.1948, c.454 (C.27:23-1 et seq.) or any rule or regulation to the
3 contrary, no markings made with paint that has been mixed, in
4 whole or in part, with reflective glass beads containing more than
5 75 parts per million inorganic arsenic, as determined by the United
6 States Environmental Protection Agency Method 6010B in
7 conjunction with the United States Environmental Protection
8 Agency Method 3052 modified, shall be placed on or along any
9 New Jersey Turnpike Authority highway, right-of-way, or other real
10 property owned by or under the administration, jurisdiction, or
11 control of the New Jersey Turnpike Authority.

12 b. The New Jersey Turnpike Authority shall adopt, pursuant to
13 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
14 et seq.), any rules and regulations that may be necessary to
15 implement the provisions of this section.

16

17 4. (New section) a. Notwithstanding the provisions of
18 P.L.1991, c.252 (C.27:25A-1 et seq.) or any rule or regulation to the
19 contrary, no markings made with paint that has been mixed, in
20 whole or in part, with reflective glass beads containing more than
21 75 parts per million inorganic arsenic, as determined by the United
22 States Environmental Protection Agency Method 6010B in
23 conjunction with the United States Environmental Protection
24 Agency Method 3052 modified, shall be placed on or along any
25 South Jersey Transportation Authority highway, right-of-way, or
26 other real property owned by or under the administration,
27 jurisdiction, or control of the South Jersey Transportation
28 Authority.

29 b. The South Jersey Transportation Authority shall adopt,
30 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
31 (C.52:14B-1 et seq.), any rules and regulations that may be
32 necessary to implement the provisions of this section.

33

34 5. Section 100 of P.L.1951, c.23 (C.39:4-191.1) is amended to
35 read as follows:

36 100. a. Markings shall be placed only by the authority of a
37 public body or official having jurisdiction as authorized by law, and
38 only for the purpose of regulating, warning, or guiding traffic.
39 Where used, these markings shall be uniform in design, position,
40 and application. The director may adopt a uniform system of
41 markings consistent with the provisions of this act for use upon
42 public highways within the State. Such a uniform system of
43 markings shall correlate with and so far as possible conform to the
44 current "Manual on Uniform Traffic Control Devices for Streets
45 and Highways."

46 b. No markings made from paint that has been mixed, in whole
47 or in part, with reflective glass beads containing more than 75 parts

1 per million inorganic arsenic, as determined by the United States
2 Environmental Protection Agency Method 6010B in conjunction
3 with the United States Environmental Protection Agency Method
4 3052 modified, shall be placed on or along any State highway,
5 right-of-way, or other real property owned by or under the
6 administration, jurisdiction, or control of the department.

7 (cf: P.L.1951, c.23, s.100)

8

9 6. Section 105 of P.L.1951, c.23 (C.39:4-191.6) is amended to
10 read as follows:

11 105. All markings may be reflectorized, and all obstructions,
12 within the roadway, shall be properly illuminated or reflectorized.
13 The following markings shall normally be reflectorized:

14 a. Center lines on pavement.

15 b. "No Passing" lines.

16 c. Striping or checkerboard squares on vertical surfaces of
17 obstructions in or adjacent to the roadway.

18 d. Reflector markers.

19 In conformance with the provisions of section 100 of P.L.1951,
20 c.23 (C.39:4-191.1) no reflectorized markings made from paint that
21 has been mixed, in whole or in part, with reflective glass beads
22 containing more than 75 parts per million inorganic arsenic, as
23 determined by the United States Environmental Protection Agency
24 Method 6010B in conjunction with United States Environmental
25 Protection Agency Method 3052 modified, shall be placed on or
26 along any State highway, right-of-way, or other real property owned
27 by or under the administration, jurisdiction, or control of the
28 department.

29 (cf: P.L.1951, c.23, s.105)

30

31 7. This act shall take effect immediately.

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STATEMENT

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36 This bill would prohibit, on or after January 1, 2009, any
37 reflective glass beads containing more than 75 parts per million
38 inorganic arsenic, as determined by the United States
39 Environmental Protection Agency Method 6010B in conjunction
40 with United States Environmental Protection Agency Method 3052
41 modified, used to reflect light when applied to markings on
42 roadways to be manufactured, sold, offered for sale, or offered for
43 promotional purposes in this State.

44 The bill would prohibit the Department of Transportation, the
45 New Jersey Turnpike Authority, and the South Jersey
46 Transportation Authority from using paint that has been mixed, in
47 whole or in part, with reflective glass beads containing more than

1 75 parts per million inorganic arsenic for markings placed along or
2 on roads, right-of-ways, or other real property owned by or under
3 the administration, jurisdiction, or control of the department or the
4 toll road authorities.

5 Inorganic arsenic is a hazardous substance and is recognized by
6 the United States Environmental Protection Agency and the United
7 States Occupational Safety and Health Administration as a human
8 carcinogen. Reflective glass beads which contain more than 75
9 parts per million inorganic arsenic may represent a danger to
10 workers who handle and apply them and a contamination potential
11 to soil and water surrounding roadways.