

SENATE, No. 2124

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED JUNE 24, 2010

Sponsored by:
Senator JIM WHELAN
District 2 (Atlantic)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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, 2011 no person
28 shall manufacture, sell, offer for sale, or offer for promotional
29 purposes in this State reflective glass beads containing more than 75
30 parts per million inorganic arsenic, as determined by the United
31 States Environmental Protection Agency Method 6010B in
32 conjunction with the United States Environmental Protection
33 Agency Method 3052 modified, used to reflect light when applied
34 to markings on 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.

44
45 3. (New section) a. Notwithstanding the provisions of
46 P.L.1948, c.454 (C.27:23-1 et seq.) or any rule or regulation to the
47 contrary, no markings made with paint that has been mixed, in
48 whole or in part, with reflective glass beads containing more than

1 75 parts per million inorganic arsenic, as determined by the United
2 States Environmental Protection Agency Method 6010B in
3 conjunction with the United States Environmental Protection
4 Agency Method 3052 modified, shall be placed on , or along , any
5 New Jersey Turnpike Authority highway project, right-of-way, or
6 other real property owned by or under the administration,
7 jurisdiction, or control of the New Jersey Turnpike Authority.

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

12

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

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

29

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

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

42 b. No markings made from paint that has been mixed, in whole
43 or in part, with reflective glass beads containing more than 75 parts
44 per million inorganic arsenic, as determined by the United States
45 Environmental Protection Agency Method 6010B in conjunction
46 with the United States Environmental Protection Agency Method
47 3052 modified, shall be placed on or along any State highway,
48 right-of-way, or other real property owned by or under the

1 administration, jurisdiction, or control of the Department of
2 Transportation.

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

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

7 105. All markings may be reflectorized, and all obstructions,
8 within the roadway, shall be properly illuminated or reflectorized.
9 The following markings shall normally be reflectorized:

10 a. Center lines on pavement.

11 b. "No Passing" lines.

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

14 d. Reflector markers.

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

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

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27 7. This act shall take effect immediately.

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STATEMENT

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32 This bill would prohibit, on or after January 1, 2011, any
33 reflective glass beads containing more than 75 parts per million
34 inorganic arsenic, as determined by the United States
35 Environmental Protection Agency Method 6010B in conjunction
36 with United States Environmental Protection Agency Method 3052
37 modified, used to reflect light when applied to markings on
38 roadways to be manufactured, sold, offered for sale, or offered for
39 promotional purposes in this State.

40 The bill would prohibit the Department of Transportation, the
41 New Jersey Turnpike Authority, and the South Jersey
42 Transportation Authority from using paint that has been mixed, in
43 whole or in part, with reflective glass beads containing more than
44 75 parts per million inorganic arsenic for markings placed on, or
45 along, the toll roads, State highways, right-of-ways, or other real
46 property owned by or under the administration, jurisdiction, or
47 control of the department or the toll road authorities.

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