

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1527 Session of
2013

INTRODUCED BY EVANKOVICH, HARHAI, PICKETT, KORTZ, MILLARD,
METZGAR, CARROLL, KOTIK, SNYDER, CUTLER, GIBBONS, ELLIS,
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FARRY, PASHINSKI, MATZIE, DENLINGER, BROOKS, REESE, HANNA AND
GABLER, JUNE 13, 2013

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 13, 2013

AN ACT

1 Amending Title 62 (Procurement) of the Pennsylvania Consolidated
2 Statutes, in contract clauses and preference provisions,
3 adding provisions relating to steel and blast furnace slag
4 aggregates.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Chapter 37 of Title 62 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER F

10 STEEL AND BLAST FURNACE SLAG AGGREGATES

11 Sec.

12 3761. Short title of subchapter.

13 3762. Scope of subchapter.

14 3763. Uniform standards for use of slag aggregates in
15 construction.

16 3764. Use of slag aggregates in construction by government
17 agencies.

1 3765. Prohibitions and restrictions on use of slag aggregates.

2 § 3761. Short title of subchapter.

3 This subchapter shall be known and may be cited as the Steel
4 and Blast Furnace Slag Aggregates Act.

5 § 3762. Scope of subchapter.

6 This subchapter shall apply to the use of blast furnace and
7 steel slag aggregates in the construction and maintenance of
8 highways and roads by government agencies.

9 § 3763. Uniform standards for the use of slag aggregates in
10 construction.

11 (a) General rule.--The Department of Transportation shall
12 develop, promulgate and revise uniform standards for the use of
13 slag aggregates in highway and road construction and maintenance
14 by or on behalf of all government agencies. The standards
15 developed by the department shall be published and disseminated
16 as statements of policy incorporated into the department's
17 highway construction manual and other similar publications.

18 (b) Review and approval.--

19 (1) The Department of Transportation shall review and
20 approve supplies and suppliers of slag aggregates for use in
21 highway and road construction and maintenance based upon the
22 standards provided by subsection (a) and uniform testing
23 procedures developed by the department to ensure compliance
24 with the standards provided by subsection (a).

25 (2) Additional or supplemental standards restricting the
26 use of slag aggregates in highway and road construction and
27 maintenance shall not be established or utilized in the
28 process of approving supplies and suppliers of slag
29 aggregates.

30 § 3764. Use of slag aggregates in construction by government

1 agencies.

2 (a) General rule.--Except as provided by section 3765(a)
3 (relating to prohibitions and restrictions on the use of slag
4 aggregates), contractors and subcontractors engaged in the
5 construction of highways and roads on behalf of any government
6 agency may utilize slag aggregates in the construction and
7 maintenance of highways and roads in the manner approved by the
8 Department of Transportation pursuant to section 3763(a)
9 (relating to uniform standards for the use of slag aggregates in
10 construction), including uses designated as permissible in the
11 department's highway construction manual effective January 1,
12 2013, and may utilize supplies and suppliers of slag aggregates
13 approved by the department in the manner provided by section
14 3763(b).

15 (b) Limitation.--Nothing in this act shall prohibit
16 government agencies other than the Department of Transportation
17 from approving additional uses of slag aggregates in highway and
18 road construction and maintenance, or from approving additional
19 supplies and suppliers of slag aggregates.

20 § 3765. Prohibitions and restrictions on use of slag
21 aggregates.

22 (a) General rule.--The Department of Transportation may
23 prohibit or restrict uses of any type, grade or source of supply
24 of slag aggregates which comply with uniform standards for the
25 use of slag aggregates in highway and road construction and
26 maintenance in effect as of January 1, 2013, only if, based on
27 controlled multisite comparisons between the slag aggregate in
28 question and other materials, it is shown that that type, grade
29 or source of supply of slag aggregate will not perform in a
30 satisfactory manner based on objective, quantifiable and

1 reliable engineering criteria.

2 (b) Public notice.--

3 (1) Prior to the adoption of prohibitions or
4 restrictions on the use of any slag aggregate in the manner
5 provided by subsection (a), public notice shall be published
6 in the Pennsylvania Bulletin and at least 30 days shall be
7 provided for public comment.

8 (2) Notice of a decision by the department or Department
9 of Transportation regarding the imposition of any such
10 prohibitions or restrictions shall be given to any person
11 submitting comments regarding the adoption of the
12 prohibitions and restrictions, and the final action taken to
13 impose such restrictions shall be subject to review in the
14 manner provided by 2 Pa.C.S. Chs. 5 Subch. A (relating to
15 practice and procedure of Commonwealth agencies) and 7 Subch.
16 A (relating to judicial review of Commonwealth agency
17 action).

18 (c) Exception.--Plan notes, job specifications, invitations
19 for bids, other contract terms or conditions, construction or
20 maintenance requirements or other policies established by or on
21 behalf of a government agency may not impose restrictions or
22 limitations on the use of slag aggregates in highway and road
23 construction authorized under section 3763(a) (relating to
24 uniform standards for use of slag aggregates in construction),
25 including uses designated as permissible in the department's
26 highway construction manual effective January 1, 2013, except in
27 the manner provided by in this section. Any such restrictions or
28 limitations shall be deemed void and unenforceable, including
29 those in effect upon the effective date of this subchapter.

30 Section 2. This act shall take effect in 60 days.