

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: H4/19/21

# A Bill

HOUSE BILL 1827

5 By: Representatives Beaty Jr., Wardlaw  
6 By: Senators Gilmore, Beckham, Caldwell, D. Sullivan, J. Dismang  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE SALE OF  
10 SURPLUS HIGHWAY PROPERTY; TO AUTHORIZE THE SALE OF  
11 ROAD MILLINGS; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 TO AMEND THE LAW CONCERNING THE SALE OF  
16 SURPLUS HIGHWAY PROPERTY; AND TO  
17 AUTHORIZE THE SALE OF ROAD MILLINGS.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 *SECTION 1. Arkansas Code Title 27, Chapter 67, Subchapter 3, is*  
23 *amended to add an additional section to read as follows:*

24 *27-67-324. Sale of surplus millings material – Definitions.*

25 *(a) As used in this section:*

26 *(1) "Highway construction contract" means a contract for the*  
27 *construction, restoration, reconstruction, renovation, or repair of a road,*  
28 *highway, bridge, overpass, interchange, right-of-way, or turnpike that is*  
29 *part of the state highway system;*

30 *(2) "Project terminus" means the starting location and ending*  
31 *location of an Arkansas Department of Transportation highway construction*  
32 *project;*

33 *(3) "Road millings" means recycled asphalt, concrete, or any*  
34 *other type of roadway that has been ground up in a milling machine and*  
35 *restored to the necessary consistency for creating fresh pavement; and*

36 *(4) "Surplus millings material" means excess or unused road*



1 millings resulting from the construction, improvement, rehabilitation, or  
2 replacement of a state highway.

3 (b)(1) For highway construction projects under a highway construction  
4 contract administered by the department in which asphalt cold milling  
5 operations are limited to the project terminus, all road millings generated  
6 from the asphalt cold milling operations at the project terminus shall be  
7 offered at no cost to the county within which the road millings are  
8 generated.

9 (2) For all other highway construction projects under a highway  
10 construction contract administered by the department, all or a portion of the  
11 surplus millings material generated from the asphalt cold milling operations  
12 shall be offered at no cost to the county within which the road millings are  
13 generated.

14 (3) Road millings and surplus millings material offered to the  
15 county under subdivisions (b)(1) and (2) of this section that are not  
16 accepted by the county shall be offered by the department at no cost to the  
17 counties adjacent to the county within which the road millings and surplus  
18 millings material are generated on a first-come, first-served basis.

19 (4) Road millings and surplus millings material accepted by a  
20 county may be transferred at no cost to any adjacent counties.

21 (c) Any existing road millings and surplus millings material held by  
22 the department may be offered to any county at the request of the county on a  
23 first-come, first-served basis.

24 (d)(1) The receipt by a county of road millings and surplus millings  
25 material is without guarantees from or further obligation by the department.

26 (2) The county is responsible for determining if the road  
27 millings or surplus millings material is suitable for the county's intended  
28 use.

29 (3) The department is not responsible for inspection of or  
30 guarantees as to the condition, state, or suitability of the road millings or  
31 surplus millings material for the county's intended use.

32 (e) This section does not create a cause of action against the  
33 department for damages arising from the use of the road millings or  
34 surplus millings material accepted by the county under this section.

35 (f) The county shall retrieve and transport the road millings or  
36 surplus millings material as directed by the department.

1 (g)(1) Road millings and surplus millings material accepted by the  
2 county shall only be used for projects within the county.

3 (2) The department may decline to offer future road millings or  
4 surplus road millings material to a county that fails to comply with  
5 subdivision (g)(1) of this section.

6  
7  
8 /s/Beaty Jr.

9  
10  
11 **APPROVED: 4/28/21**  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36