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THE JOURNAL OF OHIO'S ASPHALT PROFESSIONALS

SUMMER 2015

ISSUE 2 • VOLUME 12

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## DRIVABILITY

PAGE 7

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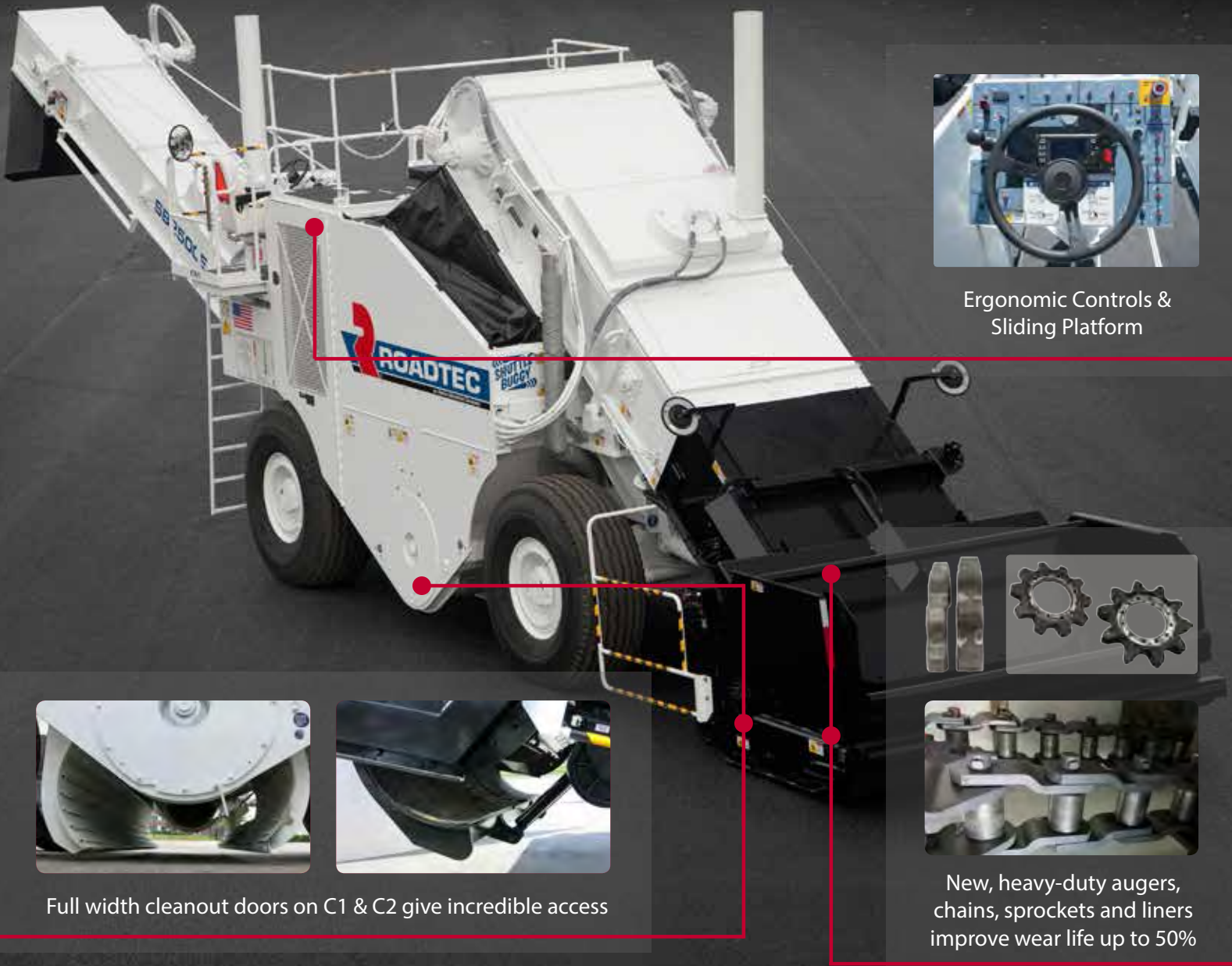
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Ohio Asphalt is the official magazine of Flexible Pavements of Ohio. Published four times a year, advertising deadline is the 1st of the month preceding publication. Ohio Asphalt is not copyrighted and portions may be reprinted with the permission of Flexible Pavements of Ohio, 6205 Emerald Parkway, Suite B, Dublin, OH 43016; telephone: 614.791.3600, 888.446.8649; website: [www.flexiblepavements.org](http://www.flexiblepavements.org)

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## THE PRESIDENT'S PAGE



**CLIFFORD URSICH, P.E.**  
PRESIDENT & EXECUTIVE DIRECTOR

**“You’d think that every politician would be advocating for that which has facilitated the growth, prosperity, and livelihood of all persons in this nation ... Some of you may recall the 3 Rs; it was the way to prosperity for many. ‘Reading, writing, and U.S. Route 23’ gave the kid from Appalachia a hope for the future. When one considers all the benefits transportation has provided, and continues to provide to so many, it becomes ever so clear that the cost of transportation is not so much a cost as it is a bargain. It’s an investment.”**

# It’s More than a Bargain – It’s an Investment

This President’s Page comes by way of inspiration from Ohio Department of Transportation District 10 Deputy Director Steve Williams, P.E. Mr.

Williams recently presented on “Construction Issues and Solutions” at Ohio University’s Ohio Research Institute for Transportation and the Environment (ORITE) workshop discussing design and rehabilitation of local roadways for Ohio’s counties. The inspiration came when Mr. Williams went through a simple exercise in road user economics.

### ***IT’S MORE THAN A BARGAIN***

Being involved in the roadway construction industry I have an appreciation for the need to invest in road and bridge maintenance. As far as I’m aware, there is no material thing that doesn’t need routine maintenance to keep it running efficiently and economically. Automobile maintenance is the analogy often used to illustrate this truth. For instance, it is much less costly to change your engine oil than to rebuild your engine. Do you remember this famous line, “You can pay me now or pay me later”? The “pay me now” is the cost associated with periodic engine oil and filter changes. The “pay me later” comes in the cost of an engine overhaul brought on by failure to do routine maintenance (i.e. change engine oil). FRAM (oil filters) built an empire on that simple statement of truth. “Truth” be known, highways too need to be maintained, and the cost of such is far less if you do it now rather than later. In fact, to “pay me now” – that is to say do preventive maintenance

– keeps our use of the transportation system a real bargain.

### **COST TO USE THE ROAD**

The U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA) reported Feb. 20, 2015, the average annual miles traveled by drivers as 13,476 miles per year. USDOT Bureau of Transportation Statistics reports new vehicle fuel efficiency for passenger cars to be 36 miles per gallon (model year 2013). Average U.S. light-duty vehicle, short wheel base, efficiency is 23.4 mpg (includes vehicles classified as light duty include passenger cars, 2-axle, 4-tire vehicles). Doing the math, the average amount of fuel purchased per year for new vehicles and average vehicles, respectively, will range from 374 to 576 gallons. Since we’re dealing with averages, and for the sake of erring on the conservative side, let’s use the 576 gallon figure as the approximate number of gallons each of us purchase per year at the gas pump. I hope you’re OK with that assumption.

When we pull up to the pump and begin fueling our cars, we watch the gallons ticking off – or more likely – the dollars ticking up. With each gallon of gas purchased, 46.4 cents is banked for transportation use. Your initial reaction to that realization may be similar to mine. “Wow! That adds up and is a pretty substantial percentage of the fuel cost per gallon.” Yes, it adds up; it adds

*Continued on page 8*



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# DRIVABILITY



\* Edelman Berland Driver Survey, 2014 | \*\* Edelman Berland Survey, 2013

55% of drivers today identify traffic delays due to road construction as the most frustrating part of their driving experience.\* With off-peak construction, asphalt pavements leave roads and parking lots open when demand is at its highest. Surface maintenance and repair are quick, ensuring drivers and pavement owners have a smooth, high performance surface with minimal inconvenience. No wonder an independent survey found 87% of engineers, developers, transportation officials and other key stakeholders chose asphalt for its ease of maintenance.\*\* Smoother, quieter, fewer delays... that's drivability. That's asphalt.

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up to about \$276.26 per year cash outlay in the form of a road maintenance fee. A fee that costs the five-day per week commuter \$1.03 per day to get from home to work, from work to the gym, the gym to picking up the children, some grocery shopping and a night out on the town with your honey. And if you happen to be driving a new car you're paying only 67 cents per day. Do you think that might be a bargain? Package that with the fact that your commute is made safe through use of engineered standards of safety; and when asphalt is what you're driving on, the added benefit of smoothness and convenience.

#### IT'S AN INVESTMENT

It seems the nation is all bound up over the issue of raising revenue for maintaining our roads and bridges. Quite unbelievable isn't it that there should be an impasse over raising the gas tax given the importance of transportation to all of us? You'd think that every politician would be advocating for that which has facilitated the growth, prosperity and livelihood of all persons in this nation, from the farmer needing to bring crops to market to the young people desiring to be productive and make his way or build her dreams. Some of you may recall the 3 Rs; it was the way to prosperity for many. "Reading, writing, and U.S. Route 23" gave the kid

from Appalachia a hope for the future. When one considers all the benefits transportation has provided, and continues to provide to so many, it becomes ever so clear that the cost of transportation is not so much a cost as it is an investment!

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# 404LVT Revised Specification



Ohio's asphalt industry has revised the specification for 404LVT (Low Volume Traffic) as part of its continuous efforts to improve the performance of asphalt pavements. 404LVT was originally developed for use in low-volume traffic applications as an alternative to chip sealing and micro surfacing to provide longer service life between treatments, better economy and motorist satisfaction. It is a 1-inch-thick asphalt overlay that corrects minor surface distresses, provides increase to pavement strength, enhances ride comfort and improves road profile and driver safety.

There has been a growing utilization of this asphalt mix as public agencies look for strategies to maintain their roadway networks in a cost-effective manner without sacrificing pavement quality. As such, it is important to note 404LVT should only be used for low-volume roads and parking facilities that do not contain a large percentage of heavy, slow-moving trucks. It should not be used in "high stress" pavement areas, such as major intersections or locations with a large number of heavy vehicles.

404LVT has been designed to be rich in asphalt binder, fine-textured and requires a minimum of 50 percent of the virgin fine aggregate to be natural sand to facilitate mix density, flexibility and resilience. The revised specification includes higher asphalt binder contents for both gravel- and limestone-mixture formulations; adjusted minimum virgin binder contents; a 20 percent maximum incorporation of reclaimed asphalt pavement; incorporation of binder type PG 58-28; and a binder adjustment when aggregate absorption is 4 percent or greater.

The revised specification is available on FPO's webpage at <http://www.flexiblepavements.org/technical-resources/pavement-design-resources/pavement-design-resources>. For additional information, public agencies, designers and contractors are encouraged to contact FPO at (614) 791-3600 or email [info@flexiblepavements.org](mailto:info@flexiblepavements.org).



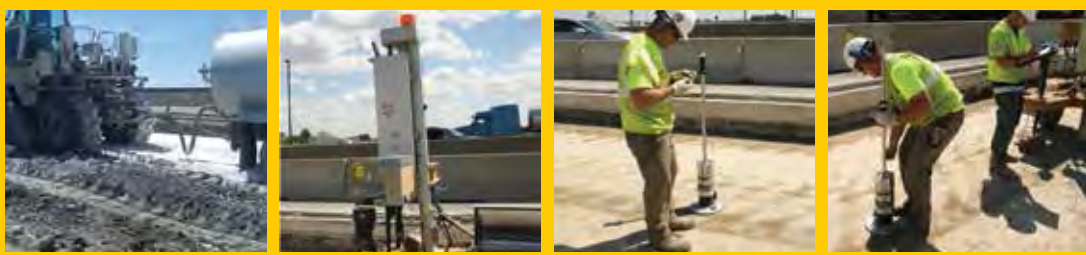


# THE IMPORTANCE OF QUALITY ASSURANCE IN GLOBAL STABILIZATION

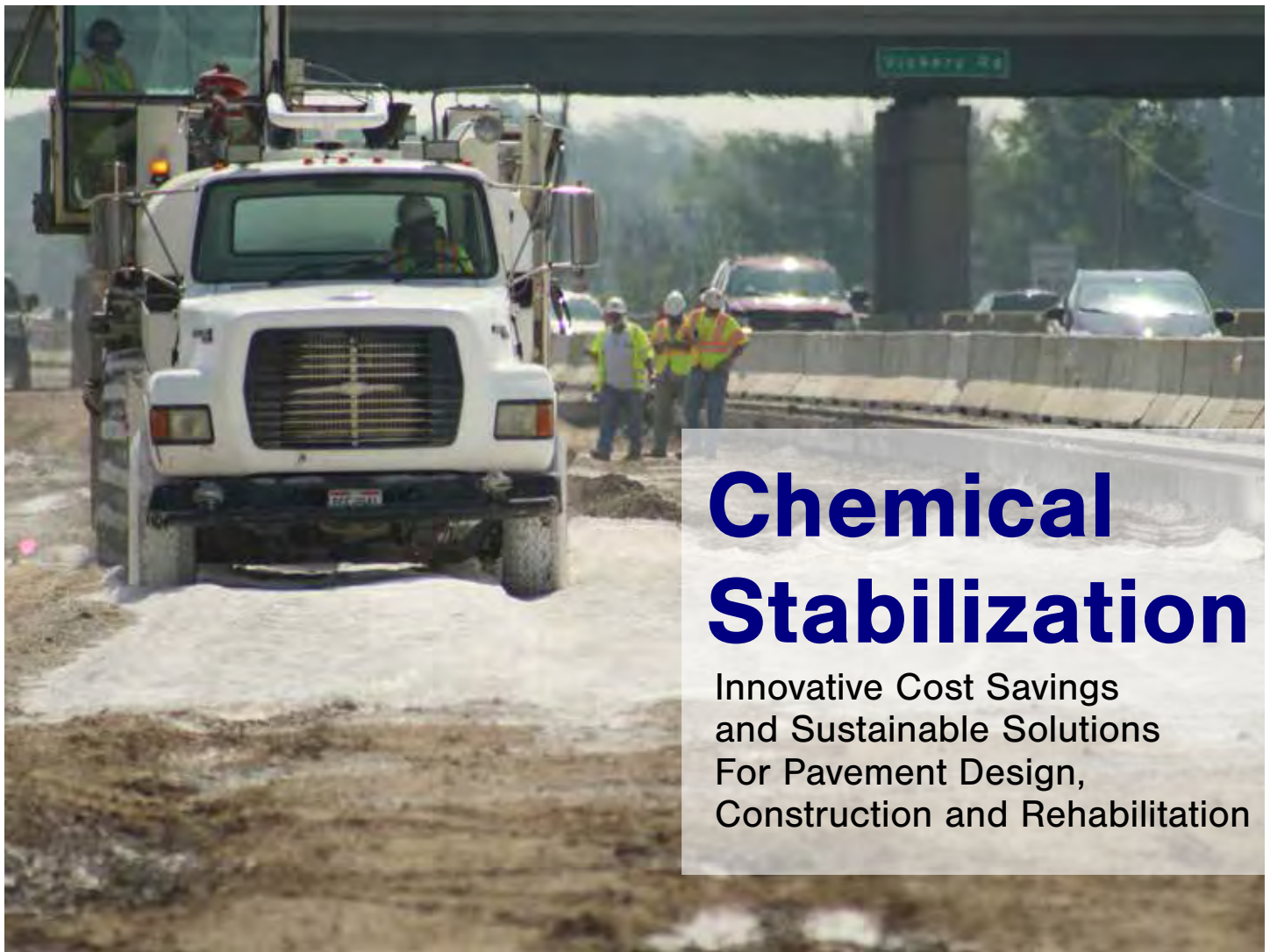
The spring 2015 issue of *Ohio Asphalt* featured “Landmark Research” performed for the Ohio Department of Transportation (ODOT), titled “*Incorporating Chemical Stabilization of the Subgrade in Pavement Design and Construction Practices*,” (State Job No. 134659). This research focused on incorporating the increased soil strength provided by chemical stabilization in pavement thickness design. The research proved indisputably that chemical stabilization is a lasting treatment in terms of pavement strength gain. Not addressed in that article was the importance of quality assurance during stabilization. From a practitioner’s point of view, the success of stabilization hinges on the success of the quality-assurance process.

In Ohio, soil modification had been used quite regularly for the purpose of stiffening soils to provide a construction platform over weak soils. Unlike soil modification, soil stabilization is a more exacting construction technique. The reason is, stabilization is performed with the intent to use the soil strength increase in the structural design of pavements. As such, stabilization requires a design approach that utilizes optimum materials applied in the appropriate quantities and the implementation of a quality-assurance system to assure the desired strength properties are achieved consistently throughout a project.

*Continued on page 12*







# Chemical Stabilization

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- Quality Control Testing During Construction to Ensure Proper Mix Depth, Application Rate, Moisture Content, and Compaction Control
- Post Construction Design Verification



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In 2009, quality assurance in soil stabilization made great gains in the state of Ohio with work performed on the Ohio Turnpike. The Ohio Turnpike Commission called upon the expertise of Resource International Incorporated (Rii) to develop the master plan for the reconstruction of its roadway network, which included the use of global chemical stabilization. The Ohio Turnpike Commission facilitated the development of a quality-assurance system for the stabilization process on its initial pavement reconstruction project located in Sandusky County, milepost 95.8 to 101.2. Rii performed the construction administration of this project, which included the development and implementation of a process to monitor and test the soil stabilization that now serves as a model for other agencies. The success of the soil stabilization process on the Ohio Turnpike project served as a catalyst for the ODOT research that validated the lasting effect of chemical soil stabilization.

### PRELIMINARY DESIGN WORK

A subgrade soil strength study is the first step in developing a plan for chemical stabilization that will result in a mix design for the stabilization process. These plans include both a review of historical soil strength data and additional testing of the subgrade to accurately characterize soils. The turnpike project subgrade soil strength was evaluated indirectly through back-calculation

of deflection measurements using a Falling Weight Deflectometer (FWD). Additionally, the subgrade soil strength was evaluated directly by an innovative method using a non-intrusive Automated Dynamic Cone Penetrometer (ADCP). The ADCP provides direct and accurate shear strength results without the need for extensive laboratory testing. The ADCP is also useful as part of a quality assurance scheme during the stabilization process.

Valuable guidance for geotechnical investigations can be found in ODOT Geotechnical Bulletin No. 1 (GB-1). Based on guidance from GB-1, the turnpike project used quicklime as the stabilizing agent. The recommended lime-stabilized layer was 12 to 16 inches. Guidance for establishing a mix design for stabilized soils is found in ODOT Supplemental Specification 1120.

### QUALITY ASSURANCE TOOLS FOR SOIL STABILIZATION

Quality control, often referred to as “process control,” is one element of a Quality Assurance (QA) program. In the case of soil stabilization, process control ensures that the type, rate and depth of stabilizing agent determined in the mix design phase is achieved during the construction phase. QA, on the other hand, “assures” the process control results in the design strength gain intended by the mix design for the depth of

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application. QA tests are in the form of the measurement of strength or other engineering properties. QA testing is a necessary element in contracts using performance-based acceptance.

The turnpike project was unique in that the specifications provided for performance-based acceptance of the stabilization process. This process required verification that the lime-stabilized soil subgrade strength met design requirements to allow for early acceptance of the stabilized soil and an acceleration of the construction schedule.

A quality-assurance tool that Rii found useful on the turnpike project was the Automated Dynamic Cone Penetrometer (ADCP). Again, the ADCP provides direct shear strength measurements. Provided the stabilized soil subgrade achieved a target penetration rate as measured by the ADCP, the curing time required by specification was shortened. The ADCP essentially provided the “performance” measure necessary for preliminary acceptance of the stabilized soil. The ADCP serves the second purpose of verifying the effective depth of the stabilization process.

Subgrade quality is also indicated through the measurement of pavement deflection. In Ohio, FWD or Dynaflect devices have been the primary

tools for assessing pavement deflection. Deflection testing, however, has rarely been used on the construction project level. Rii introduced the Light Weight Deflectometer (LWD) on the turnpike project as a quality-management tool. As the name implies, the LWD is lightweight and portable, allowing for quick quality checks of the stiffness of the stabilized soil. The combination of the Automated Dynamic Cone Penetrometer and LWD testing of the stabilized soil provides the needed assurance the designed soil strength (California Bearing Ratio [CBR]) is being achieved by the stabilization process. This is a critical element of quality assurance given the fact that the performance life of the pavement constructed on the stabilized subgrade is dependent upon the final soil strength achieved.

Quality assurance is a necessary element of any project where soil strength increase from chemical stabilization is considered in the pavement structural design. QA provides the framework and tools to monitor and confirm that soil properties meet the required design thresholds that ensure full pavement life. QA replaces “means-and-methods” specifications that provide no direct assurance of suitable soil stabilization, and ushers in the opportunity for performance-based acceptance and the potential for greater efficiencies during construction.

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# FPO RELEASES GUIDANCE ON CONSTRUCTION BEST PRACTICES



**Flexible Pavements of Ohio's (FPO) Field Operations and Technical committees collaborated on the development of two guidance documents on construction best practices. These documents, "Longitudinal Joint Construction Best Practices" and "Best Practices for Ensuring Uniform Mat Texture," outline best practices to build better-performing cold longitudinal joints and to produce mats with uniform surface texture that is free from segregation.**

The goal of these documents is to help the industry improve paving operations to eliminate poor-performing elements of our pavements. New construction specifications are being implemented that require improved paving practices to avoid penalties. Pavements constructed

utilizing Ohio Department of Transportation specifications are designed for rutting resistance and economy, but are more prone to segregation than the fine-graded, asphalt rich mixes of the past. Techniques that gave satisfactory results with those prior mixes are often not sufficient for today's conditions, which require attention to the critical items addressed in these guidance documents.

The best practices documents are intentionally brief, one-page, bullet-point guides to serve as a handy first reference for focusing the attention of paving crews to improving longitudinal joints and producing uniform texture mats. Additionally, each document lists references where in-depth guidance may be obtained.

These guides are reprinted here. It is requested that they be given the widest possible distribution to plant and paving crew personnel and that management support the training effort by every means necessary to eliminate defects in construction of longitudinal joints and mat texture.



# Longitudinal Joint Construction Best Practices of the FPO Field Operations Committee

18 Feb. 2015

## Placing and compacting the unconfined edge

- Place the tack coat wider than the first pass to help hold the unconfined edge.
- Pave a straight joint using a string line layout or other control as a guide for the paving operator.
- Ensure joints constructed on curves uniformly follow the centerline of the road.
- Plan joint construction to make sure that with the variables in paving widths, cross slopes and joint staggers you are able to match your joint correctly, especially on 2-lane resurfacing with thin-lift surface courses.
- Use auger and tunnel extensions.
- Ensure a uniform flow of material to the end of the auger extensions to ensure the mix placed at the joint is uniform in mix composition – a homogeneous mix.
- Keep the level of asphalt in front of the screed to the height of the auger shaft.
- Maintain a consistent paver speed.
- Use the vibrating screed and/or a pre-compaction device on the screed to pre-compact the unconfined edge.
- Roll the unconfined edge with a steel wheel roller operated in static mode for the first pass. Position the roller with the roll hanging over the unconfined edge approximately 6 inches to set the edge of the mat.
- Complete rolling the unconfined edge to obtain maximum achievable density without displacing the mat edge.

## Placing and compacting the confined edge

- Regardless of joint type, broom cold joint before subsequent paving.
- Seal the joint face with binder (PG 64-22) or joint adhesive with ½-inch overlap.
- When matching a cold joint, overlap the adjacent mat ½ inch to 1-1/2 inches to ensure a sufficient amount of material at the joint.
- When matching joint, place material 25% higher than first pass to account for roll down. Do not lute or rake this extra material away from the joint.
- Roll the joint directly behind the paver to ensure compaction while the material is hottest.
- Once compacted, a slight elevation difference in the two lanes is desirable.
- Over-compaction, as evidenced by crushed aggregate, is unacceptable.
- Do quality control with a density gage to ensure maximum achievable density is obtained.

## References:

**NAPA:** <http://store.asphaltpavement.org/index.php?productID=775>

QIP-121E, Longitudinal Joints: Problems and Solutions

QIP - 112E, Constructing Quality HMA Pavements - A Troubleshooting Guide

PH-1, Hot-Mix Asphalt Paving Handbook 2000 2nd Edition

**Asphalt Institute:** <http://www.asphaltinstitute.org/best-practices-for-construction-and-specifying-hma-longitudinal-joints/>

Final Report – Best Practices for Constructing and Specifying HMA Longitudinal Joints

MS-22, Construction of HMA Pavements



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# Best Practices for Ensuring Uniform Mat Texture of the FPO Field Operations Committee

18 Feb. 2015

## Production & Hauling

- Manage the aggregate at the plant to ensure uniform gradation is maintained during stockpiling and transferring aggregate to cold feeds.
- Observe mix discharge from the drum to the drag for uniform composition in terms of mix gradation and binder coating.
- Confirm batchers and deflector plates are operating properly to deliver material un-segregated into the silo.
- Load trucks with three or more drops with trucks repositioning between drops. When loading end-dump trucks, load near equal increments of mix in the following sequence: (1) against bulkhead, (2) against tailgate, (3) mid-bed. After loading, check for signs of segregation.
- At the paving site, prior to discharging mix from end-dump haul trucks into the paver, follow this sequence: (1) raise truck bed causing mix to shift against tailgate, (2) back into paver with bed elevated, (3) trip gate to deliver asphalt mix in a mass into the hopper.

## Paving

- Ensure the paver is in good working order and is equipped to prevent paver-induced segregation at the centerline or edges of the conveyors.
- Ensure that flow gates, tunnel extensions, screed extensions and auger extensions are in place, operational and adjusted to ensure a completely uniform texture across the full width of the mat.
- Ensure mix delivery rate to the auger results in near-constant auger movement and a consistent level of mix in the auger chamber (to approximately the center of the auger shaft).

- Maintain a consistent paver speed as dictated by mix delivery, mix temperature and weather. Adjust paver speed to allow truck exchanges without running out of mix.
- Keep hopper greater than half full at all times.
- Don't fold the hopper wings. Use fillets in hopper corners to keep all mix mobile.
- Constantly check the trucks, paver hopper and mat for signs of mix non-uniformity. Take immediate corrective action if mat texture uniformity is compromised. (Note: "shading" in the mat is evidence of non-uniformity and requires correction.)
- Use a re-mixing transfer device if all else fails. (Note: A transfer device will not correct paver-induced segregation.)

## References:

**NAPA:** <http://store.asphaltpavement.org/index.php?productID=775>

QIP-110E, Segregation, Causes and Cures for Hot Mix Asphalt

QIP-112E, Constructing Quality HMA Pavements - A Troubleshooting Guide

PH-1, Hot-Mix Asphalt Paving Handbook 2000 2nd Edition

**Alberta Transportation:** Paving Guidelines and Segregation Rating Manual

<http://www.transportation.alberta.ca/Content/docType233/Production/pavsegman.pdf>

**Ohio Asphalt :** <http://www.flexiblepavements.org/ohio-asphalt> Segregation: Causes and Cures, 3-part article, Spring/Summer 2010, Fall 2010, Winter/Spring 2011.

**Asphalt Institute:** <http://www.asphaltinstitute.org/>

MS-22, Construction of HMA Pavements

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# NEW WEBPAGE RESOURCES

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Flexible Pavements of Ohio's (FPO) Marketing Committee has conducted several initiatives that have resulted in added content and functionality to the association's webpage. Below are some of the newest additions to the webpage to assist the membership in growing market share and to educate pavement owners on the many benefits of asphalt pavements. Please take the time to visit FPO's webpage at [www.flexiblepavements.org](http://www.flexiblepavements.org) and view these and many other useful resources in greater detail.

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**Searchable Paving Contractor Database:** FPO's webpage features an online database of member asphalt paving contractors known as the Asphalt Contractors List. This directory allows users to find asphalt paving contractors by geographic location with a map populated with member facilities or by a search using an Ohio city or zip code. To view the Asphalt Contractors List go to [www.flexiblepavements.org/members/directory](http://www.flexiblepavements.org/members/directory).

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**Project Design Resources:** Information on pavement design is one of the most frequent inquiries to FPO. Pavement engineers and owners alike are seeking information on the design and construction of quality asphalt pavements. FPO created the Project Design Resource page as a single-source location for technical documents and links to external resources that have produced asphalt pavements with a proven record of economy, good performance and lasting value. Go to <http://www.flexiblepavements.org/technical-resources/pavement-design-resources/pavement-design-resources> to view the Project Design Resources page.

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**Porous Asphalt:** The growing interest in sustainability and stormwater management has resulted in an emerging market for permeable pavements. FPO developed a new webpage to provide pavement specifiers and owners with a single source for reference materials and links to outside resources on the design, construction and maintenance of porous asphalt pavements. The new FPO porous asphalt webpage, updated regularly as information

becomes available, is located at <http://www.flexiblepavements.org/sustainability/porous-asphalt/porous-asphalt>.

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**Municipal Case Studies:** FPO has developed a series of "case studies" of municipalities in Ohio to demonstrate the success of asphalt and communicate the manageability and affordability of asphalt roads to public works personnel. To date, five municipal case studies have been completed and are available in print form and on a dedicated webpage located at <http://www.flexiblepavements.org/government-relations/municipal-case-studies/municipal-case-studies>.

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**Project Funding Resource Assistance:** The Project Funding Resource Assistance page was developed to assist local governments in identifying grant and loan programs for which their transportation infrastructure project may be eligible. This page is a one-stop shop for identifying federal and state funding sources for pavement construction and rehabilitation projects in the State of Ohio. This listing can be viewed at <http://www.flexiblepavements.org/government-resources/project-funding-resource-assistance/project-funding-resource-assistance> and is updated as new funding opportunities are identified.

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**Ohio Asphalt Mobile App:** The association's quarterly magazine, *Ohio Asphalt*, is now available as a free iOS mobile app available in the Apple App Store. The new mobile app allows users to download issues of *Ohio Asphalt* and collect a growing reference library on their mobile device. The new iOS mobile app is iPad and iPhone compatible and all new issues of *Ohio Asphalt* will be available free of charge.

Please visit the Apple App Store to download this free App and stay connected with latest information of importance to Ohio's asphalt industry.

OA



**As the construction industry slowly recovers momentum and sales increase, there are more and more reports of labor shortages that are adversely affecting production and schedule. Many later-finishing trades complain that their work is being delayed, compressed and/or accelerated as a result. As anyone familiar with construction knows, “time is money.” Losses incurred as a result of blameless “follow-on” trades toward the end of a delayed job must be absorbed or passed on to those responsible.**

Companies delayed by a predecessor’s impacts are advised to keep these “Top 10” suggestions in mind in order to protect their right to additional time and/or money.

**1. DO NOT SIGN A “NO DAMAGE FOR DELAY” CONTRACT CLAUSE.**

Many contracts contain “no damage for delay” clauses, which state that one’s sole remedy in the event of a delay is a time extension. While there are legal exceptions in most jurisdictions, and some states like Ohio make such clauses unenforceable, it is best to avoid them in the first place.

**2. DO PROVIDE TIMELY NOTICE OF YOUR CLAIM.**

Every contract requires timely notice of change orders and claims, and many provide that a failure to do so means that an otherwise legitimate claim is waived. Provide written notice – early and often.

**3. DO PROVIDE TIMELY DOCUMENTATION OF YOUR CLAIM.**

Many contracts provide that once a claim is initially made, it must be documented (and sometimes certified) within a certain number of days after first notice. A failure to do so might undermine the claim.

**4. DO REQUEST A TIME EXTENSION.**

Sometimes contractors do not request a time extension because they know it will not be granted. However, a time extension should always be requested in the event of project delay. A failure to do so might undermine your request for additional money due to acceleration.

**5. DO NOT SIGN OFF ON A FLAWED SCHEDULE.**

Sometimes owners refuse to pay draws until contractors sign unworkable schedules that they do not agree to. But regardless of the pressure applied, contractors should not “sign off” on unworkable schedules. At a minimum, you should reserve your rights and make a notation that your signature on the schedule is not your approval of it, or a waiver of your damages.

**6. DO NOT SIGN AN OVERLY BROAD LIEN WAIVER.**

Many lien waivers are now lengthy and waive more than lien rights for a particular draw. Some purport to waive all rights to additional compensation in the form of change orders or claims on the project. Do not waive rights for work that is still being debated or disputed.



# 10

## THINGS TO REMEMBER WHEN YOUR WORK IS DELAYED

*By Donald W. Gregory, Esq.,  
Kegler Brown Hill + Ritter Co.*



## 7. DO NOT SIGN AN OVERLY BROAD CHANGE ORDER.

A proper change order will only purport to waive all costs associated with that discrete “change in the work” that is the subject of the change order. However, some change orders try to waive all direct and indirect damages associated with “the project” through a particular date. Be careful not to sign a change order with overly broad form release language.

## 8. DO TRY TO ACCURATELY TRACK YOUR COSTS.

All request for additional time and money will be criticized (by those being asked to pay) as being inadequately documented. But the better you contemporaneously document and track your costs, the more you can minimize the criticism of your damages calculations, particularly with respect to labor inefficiencies.

## 9. DO ARGUE WAIVER IF THE CONTRACT HAS NOT BEEN STRICTLY FOLLOWED.

Many provisions of thick construction contracts are disregarded as a practical matter by the parties during the complex construction process. Contractors who may have not done everything perfectly may be relieved of harsh results by arguing that an onerous clause was waived by an owner who also failed to comply with the contract.

## 10. DO KNOW YOUR DEADLINES FOR TAKING LEGAL ACTION.

Almost all claims will expire if timely action is not taken in accordance with the contract and any applicable statute of limitations. Do not let project inertia or prolonged settlement discussions or negotiations delay legal action until it is too late.

If you remember these Top 10 “Do’s” and “Don’ts” the next time you are adversely impacted by schedule delays, you will be in a much better position to protect your interests.

*Don Gregory is the director and chair of Kegler, Brown, Hill + Ritter’s Construction Law Practice and serves as General Counsel to Flexible Pavements of Ohio.*



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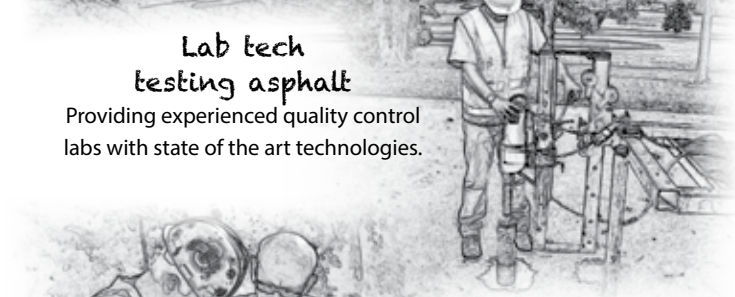
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Federal Funding Update

# FPO Members Join Ohio Coalition in Washington, D.C. Talks

Flexible Pavements of Ohio (FPO) joined transportation stakeholders in April for the 2015 Transportation Construction Coalition's (TCC) Washington, D.C. Fly-in to urge action on the long overdue federal transportation funding bill. The Ohio coalition included FPO-member companies Kokosing Construction Company Inc., Gerken Paving Inc., The Shelly Company, Shelly and Sands Inc. and representatives from the Ohio Contractors Association, Ohio Aggregates & Industrial Minerals Association and the Ohio Operating Engineers. In addition to industry representation, public officials from the Ohio Department of Transportation and the Montgomery County Engineer's Office joined the efforts.

The coalition, through a series of 17 meetings with members of Ohio's Congressional delegation and their senior staff, advocated for the passage of a well-funded multiyear highway bill. The current bill, MAP-21, expired and the federal transportation program has been operating on short-term extensions. The current extension is scheduled to expire in July, and the coalition communicated to Congress how these extensions have seriously hindered the ability of state and local governments to adequately plan long-term infrastructure improvements due to the continued uncertainty of future funding. Equally important, the coalition provided direct input as to how this uncertainty has hampered the growth of the industry in investing in equipment and hiring new employees.

The message from Congress was dim. Adequately addressing transportation funding does not appear to be a priority to many federal legislators and there appears to be no urgency in developing a long-term, fully funded program. The general consensus in Congress is the Highway Trust Fund (HTF) will continue to operate on a series of short-term extensions until 2016 at the earliest. The one bright spot is Ohio Rep. Jim Renacci (District 16) introduced legislation that would adjust the federal gas tax to inflation and result in additional revenue for the program. The bill also establishes a bipartisan committee to examine how to fully fund the HTF. If the committee cannot reach a consensus by the end of 2016, the bill would automatically increase the federal gas tax to a level that would sustain the program for three additional years. Few in Congress appear to support this legislation and it is predicted that it will not be passed into law.

In late May, Congress approved a bill to again extend the HTF through July 31, 2015. Some in Congress are voicing concern with the continued use of short-term extensions instead of focusing on a sustainable, long-term funding solution. However, the chance of solving this crisis by the July deadline is unlikely and it is anticipated Congress will once again temporarily extend the program and continue the debate.



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# Mark Your Calendars



## Ohio Transportation Engineering Conference

**October 27-28, 2015**

Columbus Convention Center  
400 North High Street  
Columbus, Ohio 43215

The Ohio Transportation Engineering Conference (OTEC) is a two-day event attended by more than 3,000 transportation professionals from throughout the nation. OTEC is co-sponsored by the Ohio Department of Transportation and The Ohio State University.

FPO is organizing an Asphalt Technology session on Tuesday, October 27. Visit the OTEC website at [www.dot.state.oh.us/engineering/OTEC/Pages/default.aspx](http://www.dot.state.oh.us/engineering/OTEC/Pages/default.aspx) for up-to-date conference information as well as archived material from previous conferences.



## Ohio Asphalt Paving Conference February 3, 2016

The Fawcett Center  
The Ohio State University  
2400 Olentangy River Road  
Columbus, Ohio 43210

The Ohio Asphalt Paving Conference is a collaborative effort of state and local government, academia and the asphalt industry to present practical, usable technologies and strategies for the design and construction of asphalt pavements.

Visit FPO's website at [www.flexiblepavements.org](http://www.flexiblepavements.org) for more information regarding this event.

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## Ohio Asphalt Expo March 8-9, 2016

Columbus/Polaris  
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The Asphalt Expo is Ohio's premier asphalt pavement event with multiple, concurrent educational sessions and an indoor and outdoor trade show and exhibition. If you construct, inspect, manage or maintain local or private transportation infrastructure, the Ohio Asphalt Expo has the information you need to ensure a successful, long-lasting asphalt pavement.

Visit the Expo website at [www.ohioasphaltexpo.org](http://www.ohioasphaltexpo.org) for more information regarding this event.







The Asphalt Expo is Ohio's premier asphalt pavement event with multiple, concurrent educational sessions and an indoor and outdoor trade show and exhibition. Organized by Flexible Pavements of Ohio (FPO), the Ohio Asphalt Expo provides pavement owners, public works professionals, contractors and pavement designers with information on state-of-the art industry practices and technologies to ensure successful, long-lasting asphalt pavements.

The educational presentations at the Ohio Asphalt Expo are provided by speakers who are highly accomplished in their fields of expertise and are recognized as knowledgeable industry leaders. FPO is currently seeking presentation proposals for the 2016 Ohio Asphalt Expo scheduled for March 8-9, 2016 in Columbus. Presentations may be submitted for one of three thematic tracks:

- Asphalt Plant Operations
- Asphalt Paving Operations & Equipment
- Regulatory & Governmental Policy

All presentations should logically fit within one of the Expo themes, be topical in nature, and not be direct marketing for a specific company, product or service.

If interested, please submit a presentation topic, suggested speaker/presenter and brief description of the presentation by Friday, July 31, 2015 to Andrew Gall, director of Customer Relations, by e-mail at [andrew.gall@flexiblepavements.org](mailto:andrew.gall@flexiblepavements.org) or by fax at (614) 791-4800.



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## New Member Welcome



Flexible Pavements of Ohio would like to welcome True Inspections Services as a new Associate Member. True Inspection Services is a minority-owned, full-service commercial inspection company in the state of Ohio providing construction inspection services on commercial, government, aviation and industrial projects.

True Inspection Services was founded in 2007 to provide clients an independent, knowledgeable assurance that work is being performed according to specifications and standards. True Inspection Services is headquartered in Urbana and is a DBE, Edge and a HUB Zone certified company.

Go to [www.trueinspectionsservices.com](http://www.trueinspectionsservices.com) for additional information regarding this company.

Please join us in welcoming our new member.



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# Obituary: Robert Carl “Bob” Toney

## Ohio’s Asphalt Industry Loses a True Friend



Bob was a great friend and asset to the Flexible Pavements of Ohio community through his participation in association committees and functions. His presence was enjoyed because of his good-natured friendliness and passion for the industry. His knowledge and hard work helped to ensure the success of many association meetings and educational events. He will be missed. Bob’s humor and smile will live on in all of us.

We extend our condolences to Bob’s family and many friends.



It is with profound sadness that we report the passing of Robert Carl (Bob) Toney, age 56, on May 19, 2015. The Ohio Paving Industry lost a true friend, colleague and industry champion. Bob had worked the past 17 years for Ohio CAT as the dealer’s Paving Product specialist. Prior to Ohio CAT, he spent 13 years with The McLean Company where he worked in various parts and service roles. In total, Bob dedicated 30 years of his working career to serving Ohio’s paving contractors and producers. He built many strong and lasting relationships by providing expert product/application advice, machine/mat troubleshooting guidance and paver crew training. He spent many long days and nights working alongside his customers to help provide the highest-quality roads for the traveling public.

Bob Toney was born Feb. 23, 1959, to James R. and Delores Weisheimer Toney in Columbus, Ohio. He was a graduate of Reynoldsburg High School, Class of 1977 and attended Ohio State University. Bob loved the outdoors, fishing, boating, hunting and waterskiing. He is survived by his mother, Delores Squillace; daughter, Alanna Toney (Maxwell Dawes); son, Andrew Toney; brothers, Kevin Toney and John (Nancy) Toney; nephew, Asher Toney; aunt, Gracie Brumfield; and uncle, Ed (Ann) Weisheimer. There was a gathering of family and friends to celebrate Bob’s life on May 24th at the O.R. Woodyard Co. Northwest Chapel, 2990 Bethel Rd., in Columbus.

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