OHIO

Flexible Pavements OF OHIO

HOT-MIX ASPHALT

Absolutely Asphalt – for COST, for CONVENIENCE, for COMFORT

VOL. 12 NO. 1 CURRENT NEWS April, 2003

OHIO TRANSPORTATION FINANCIAL PLAN ENACTED

10 Year Construction Program Anticipated

On January 24, 2003, Governor Bob Taft unveiled a transportation funding plan that would increase funding for Ohio's roads and bridges, both at the state and local level.

The plan, as proposed, provided for a 2¢ per year gas tax increase over 3 years for a total of 6¢. It also provided for phasing out funding of the highway patrol from the gas tax and transferring that 2.8¢ to local agencies for highway and bridge projects. The patrol would be funded instead from increased fees for driver licenses, vehicle registrations and car title transactions.

The total package when fully phased in would provide:

- $250 million annually for ODOT's major new program for 10 years
- $121 million annually for Ohio's cities
- $105 million annually for Ohio's counties
- $ 63 million annually for Ohio's townships

$539 million total per year

Ohio Transportation, *continued on page 2*

In This Issue

CONCRETE PAVING ASSOCIATION ATTEMPTS TO TACK AMENDMENTS ON TO GAS TAX BILL

The Ohio Chapter of the American Concrete Pavement Association, now going by the name of the Ohio Concrete Construction Association (OCCA), made an all out, no holds barred push to gain market share by amending the gas tax increase and highway funding bill, which was recently passed by the Ohio legislature.

After Governor Taft unveiled his increased transportation funding proposal, it was placed in HB 87, which is the FY 2004 – FY 2005 ODOT Biannual Budget Bill. The first committee to hold hearings was the Transportation Subcommittee of the House Finance Committee. The OCCA paraded seven witnesses before the committee.

Leadoff testimony was provided by Tom Norris, Executive Director of OCCA, followed by two out of state witnesses, two concrete paving contractors, a cement manufacturer and then anchored by Roger Jones, executive director of the Ohio Ready-Mix Concrete Association. All of these witnesses beat the same drum – insisting that Ohio uses less concrete than neighboring states and is therefore out of step with the rest of the country in its pavement selection process. The concrete proponents posed the question: What's wrong with Ohio's pavement selection process?

The OCCA's testimony at the hearing attacked ODOT, its pavement selection process, and even former Director Jerry Wray who's visionary leadership brought ODOT to prominence and cast the Department as a model of efficiency in government. Mr. Norris testified that "the debate isn't about which is better, concrete or asphalt. The debate is over how ODOT makes its decisions." When asked by one of the committee members how the situation could be rectified, Mr. Norris responded that 30% of the pavement projects should

Concrete Paving, *continued on page 6*

Ohio Transportation, *continued from page 1*

On February 25, 2003, the package was introduced into the Ohio House of Representatives as part of HB 87, the ODOT Biannual Budget Bill. As the bill moved through the House and Senate, over 100 amendments were proposed necessitating a Conference Committee to reconcile the House and Senate versions. The Conference Committee reached consensus on March 26th, and the Bill was ratified by both Houses the same day. The Governor signed the bill on March 31ST.

Some of the more important amendments to the original proposal were:

- Phasing out the 3¢ surcharge on diesel fuel starting in 2005. This will reduce the package by approximately $35 million per year when fully implemented.
- Exemption of school buses from paying the gas tax. This will reduce the package by a little over $1 million per year.
- Eliminating the last 2¢ gas tax increase (a $120 million per year loss) if federal actions correct Ohio's donor state status and penalties for ethanol use (a $300 million per year gain).
- Allows for vehicle registration for 2 years at a time.
- Lowers the definition of drunk driving from 0.10 blood-alcohol content to 0.08. If not enacted by October, Ohio faced losing federal transportation money.
- Eliminates increases in title fees and provides for a corresponding increase in vehicle registrations and driver licenses to make it revenue neutral. This will provide $175 million per year to fund the highway patrol.

The Governor and House and Senate Leadership deserve our thanks and appreciation for recognizing the importance of Ohio's transportation system in maintaining Ohio's economy. Having the courage to enact this legislation at a time when the state is faced with so many other budget problems is truly unprecedented. Below is a list of how Ohio's legislators voted on HB 87. A note of thanks to those who supported this issue would be most appreciative.

OHIO HOUSE OF REPRESENTATIVES

Yea: 63

Allen	Gibbs	Oterman	Strahorn
Barrett	Hagan	Patton S.	Sykes
Book	Hartnett	Patton T.	* Taylor
Buehrer	Hollister	Peterson	Trakas
Callender	Hoops	Price	Ujvagi
Calvert	Husted	Raga	Wagner
Carmichael	Jerse	Raussen	Walcher
Cates	Jolivette	Redfern	Webster
Clancy	Kearns	Reinhard	White
Collier	Kilbane	Schlichter	Widener
Core	Lata	Schmidt	* Williams
Daniels	McGregor	Schneider	Wolpert
DeWine	Miller	Seltz	Yates
Evans C.	Niehaus	Setzer	* Young
Evans D.	Oelslager	Smith G.	Householder
Flowers	Olman	Stewart J.	

Ohio Transportation, *continued on page 4*

* Changed and voted no on conference committee report

PAVEMENT SELECTION THE ODOT WAY

New Process Could Be National Model

The high cost of constructing new pavement makes selecting the paving material and rehabilitation strategy to be used in this type work one of the Ohio Department of Transportation's most important decisions. Making bad choices results in wasting millions. With needs vastly surpassing available monies ODOT can ill afford losing precious resources and delaying other sorely needed paving projects. As agent for the taxpayers' money ODOT is entrusted to allocate resources in a manner that ensures the greatest benefit to the taxpayer for least possible cost. To ensure dollars are wisely spent ODOT is hard at work developing a process for selecting the type of material – asphalt or concrete – and the strategies ODOT will use in constructing pavements.

Under the new pavement selection process titled "Pavement Selection the ODOT Way" merit will be the basis for selecting the type of material. That is, rather than selecting paving material type based on hype or an industry's promotional claims, the process looks at facts of past performance, quality indicators, etc. to determine the merit of using asphalt or concrete. The hoped-for outcome of "Pavement Selection the ODOT Way" is a process that results in sound decisions, is fiscally prudent, and concerns itself primarily with interests that serve the travelling public.

Many factors are involved in the selection of paving material type – some of greater importance than others. A legitimate and fair selection process considers these factors. Factors being evaluated by ODOT for inclusion in "Pavement Selection the ODOT Way" are pavement cost – both the cost of original construction and cost over a pavement's life; delay to the travelling public caused from construction work; risk of rising construction cost resulting from poor soil support; a rehabilitation strategy's capability to facilitate pavement drainage; when salvaging existing pavement, the effect on future pavement performance resulting from using a different type/thickness of paving material; the ability of a paving material/strategy to facilitate vehicle traffic during construction; the future recyclability of the paving material/strategy; and riding comfort provided by the competing materials.

Here's How it Works

A scoring system was developed to weigh and combine all the factors important in pavement selection. The scoring system includes the factors previously mentioned and is broken into four major categories. These are: LIFE CYCLE COST, USER DELAY, CONSTRUCTABILITY, and ENVIRONMENT. A Weighting Value is applied to each of the four major categories. The value applied is indicative of the significance of the factor in view of the state of the practice. As such, COST receives the highest weighting of 40. USER DELAY receives a weight of 30, CONSTRUCTABILITY is weighted at 20, and ENVIRONMENT receives a weight of 10. These four major categories are further broken down into sub-categories.

The score for each factor (i.e. LIFE CYCLE COST, USER DELAY…) has four parts. Part one is the Weighting Value and was previously discussed (i.e. 40, 30…). Part two is an Importance Value. This value ranges from 1 to 10 and reflects the importance that a particular item of the pavement selection may have to ODOT. For instance, low initial construction costs are important to ODOT. Hence, a higher number is assigned to the importance of initial cost as compared to that of, say, recyclability – an issue of less importance. Part three is a Reliability Value. Reliability reflects the accuracy of, or confidence in the data. Its value ranges from 1 to 5. For example, data for determining the cost to construct a new project is well established and as such is very reliable. In this instance the initial construction cost factor would be assigned a high reliability value. Conversely, when projecting maintenance work needed in the future the extent and timing of the work is quite uncertain. Hence, a lower reliability is assessed against the factors related to this work. Part four is the final part and it is a Spread Value. The Spread Value accounts for the differences between the paving material types/strategies to address the various factors. To illustrate, consider again

Pavement Selection, *continued on page 14*

LOOKING FOR THE Q

New Quality Program Established

Seeking to encourage high quality asphalt pavement construction and to recognize paving crews who do such, Flexible Pavements recently added a new feature to its quality paving recognition program. This new feature, the "Look for the Q" Program was announced at FPO's 41st Annual Meeting and Equipment Exhibition last March. The "Q" stands for Quality!

The program rewards paving crews whose quality of work is sufficiently high to elicit a nomination for a quality paving award. The reward is a metal medallion suitable for placement on asphalt construction equipment. The medallion provides a visual indication of a crews'commitment to the practice of building high quality pavements. Customers of our industry have to look no further than the Q emblem on the asphalt paver to know they can expect quality workmanship. Like the flying aces of old who decorated their aircraft with symbols of those

they've conquered, so too the paving crew whose pursuit of excellence has landed a quality paving award nomination will decorate its machine of conquest.

Over the many years that Flexible Pavements of Ohio has been presenting awards for high quality workmanship there has been a steady growth in the interest of asphalt paving contractors to construct durable, long-lasting asphalt pavements. Fueling that growth in the future will be the "Look for the Q" Program.

Ohio Transportation, *continued from page 2*

Nay: 34

Aslanides	Distel	Key	*Smith S.
Beatty	Domenick	Koziura	Stewart D.
Blasdel			
Brinkman	Driehaus	Mason	Widowfield
Boccieri	Faber	Perry	Williamowski
Brown	Fessler	Reidelbach	Wilson
Chandler	Gilb	Schaffer	Woodard
Cirelli	Grendell	Seaver	
DeBose	Harwood	Sferra	
DePiero	Hughes	Skindell	

Not voting: 1

Carano

*Changed and voted yes on conference committee report

OHIO SENATE

Yea: 20

Amstutz	Gardner, Robert	Prentiss	Austria	Herrington
Armbruster	Goodman	Roberts	Brady	Jordan
Blessing	Harris	Schuler	Coughlin	Mumper
Carey	Hottinger	Schuring	Dann	Nein
Fedor	Jacobson	Watchman	DiDonato	Spada
Fingerhut	Mallory	White	Hagan	Stivers
Gardner, Randy	Miller			

Nay: 12

Not voting: 1

Carnes

FEDERAL HIGHWAY 2003 BUDGET BILL HOLDS FIRM ON HIGHWAY FUNDING – LOOKS TO INCREASE FOR 2004

Stage Being Set for TEA-21 Replacement Legislation

On February 20, 2002, the President signed the Fiscal Year 2003 Highway Budget Bill, which set funding at $31.8 billion. This was a great victory for the highway industry as the President had originally proposed $23.3 billion, the House $27.7 billion, and the Senate $31.8 billion, which was the same level as FY 2002. Most thought the number would be somewhere in-between the President's and Senate's proposals. Already 5 months into the 2003 fiscal year, the US DOT had been operating on continuing resolutions, which were based on the FY 2002 level of $31.8 billion. Since FY 2003 is the last year of the TEA-21 Highway Act, the funding level was extremely important as it sets the jumping off point for the new 5-year TEA-21 replacement.

The President's budget proposal for FY 2004, which will be the first year in the new Highway Act, was $29.3 billion. Both the House and Senate are intent on increasing '04 spending over the 2003 levels. House Transportation and Infrastructure Committee Leaders Young (R-AK) and Oberstar (D-MN) are committed to boost the highway program from $40 billion in 2004 to $60 billion by 2009 in the TEA-21 replacement legislation. The proposed funding increase would come from indexing the gas tax to the 1993 Consumer Price Index, which was the last year the gas tax was raised. This would provide an immediate increase of 5.4¢ per gallon for gasoline and 7.2¢ per gallon for diesel fuel with automatic annual increases commensurate with the Consumer Price Index. Thirteen states already have their state gas tax tied to the Consumer Price Index. A lot of work lies ahead, as House Majority Leader Tom DeLay (R-TX) appears opposed to the indexing proposal. Currently the 2004 House budget calls for a "reserve fund" that would allow for spending any increased revenue that would come from the new Highway Act to replace TEA-21.

On the Senate side, Kit Bond (R-MO) and Harry Reid (D-NV) offered an amendment on the Senate floor to the FY 2004 budget resolution that would increase highway from $30.5 billion to $39.3 billion. It passed and matches the House strategy of starting the next Highway Act at a level of $40 billion.

A House/Senate Conference Committee will now have to work out the language differences in the two 2004 resolutions.

Also on the table for the next Highway Act are the ethanol issue, which costs Ohio $160 million per year, and the donor state penalty which means $140 million per year to Ohio. Prospects for doing something to impact these issues is better now than at any time in the past.

Much work lies ahead, but our prospects appear hopeful.

MECHANISTIC PAVEMENT DESIGN SEMINAR PLANNED

Educational Opportunity

This spring the NCHRP research report that will serve as the basis of the new AASHTO Pavement Design Method is due to be published. Soon thereafter, OCAPE and Flexible Pavements of Ohio will sponsor a one-day seminar to introduce the new mechanistic-empirical design method. Experts from ERES consultants, who have conducted the NCHRP project, will teach the seminar to familiarize participants with the proposed design method and software. ODOT has indicated that they intend to implement this design procedure within the next year. Even if you attended the NHI course on mechanistic-empirical pavement design, you won't want to miss this seminar, which will take the next step by introducing the actual design procedure. Since the actual release date of the report is not yet known, it is anticipated that this seminar will be presented in June or July. Watch the website www.flexiblepavements.org and your mailbox for notice of the actual date.

Concrete Paving, *continued from page 1*

be set aside for concrete. The concrete proponents asserted that asphalt had an unfair "monopoly," and that concrete offers a better long-term solution that was unfairly ignored.

As a result, Director Gordon Proctor had to spend a large part of his testimony defending the Department's pavement selection process rather than addressing the Department's financial needs as put forth in the Governor's Transportation Proposal.

Rather than giving his prepared testimony in support of the gas tax increase, FPO Executive Director Fred Frecker was forced to rebut the OCCA's claims. "The pavement selection policy is supposed to pick the best pavement. How can you say the debate is not about which paving material is better?" asked Frecker. Frecker reiterated the reasons asphalt is chosen by both public and private sector customers. Asphalt is the more economical pavement, requires less maintenance, causes less disruption to traffic, and is smoother and quieter.

In the end OCCA's arguments were non-persuasive. The OCCA failed to explain how Ohio's many asphalt contractors competing against each other and the concrete industry can be considered a monopoly, or how it can be said concrete lasts longer, when eventually it must be ripped out. It was also demonstrated by Director Proctor and Fred Frecker that Ohio is in fact in line with the majority of other states in its pavement selection process. Frecker was able to demonstrate how trends show decreased use of concrete nationwide, as agencies begin to recognize that asphalt technology has outpaced concrete, making concrete an outdated paving material.

The hearing closed having had more testimony and time spent on the asphalt/concrete debate than on the Governor's highway funding plan. Fortunately, the Transportation Subcommittee reported HB 87 to the full Finance Committee without any of the changes requested by OCCA.

Next came testimony before the full House Finance Committee. Again the OCCA attacked ODOT saying its new pavement selection policy "… was simply a means to quantify past pavement decisions which predominately selected asphalt." The OCCA sought support for an amendment that legislated how the ODOT life cycle cost analysis was to be done. Both FPO and ODOT opposed this.

ODOT Director Gordon Proctor submitted a substitute amendment that would establish an independent outside review of ODOT's pavement selection process rather than having it legislated. The OCCA tried several times to change the amendment to make it look more like OCCA's original proposal, but each time was rebuffed. HB 87 cleared the House with the Proctor amendment for a third party review.

HB 87 then went to the Senate. Senate President Doug White called a meeting with the OCCA, FPO and ODOT. He indicated to all present that it was his opinion that the Senate should not legislate pavement selection. Senator White explained that his philosophy is that while politicians decide if we go to war, generals fight wars, not politicians – just as engineers should select pavements, not politicians.

The House amendment provided for an independent committee to select an outside consultant to review the process. Senator White relayed that the group should decide the makeup of the independent committee and he would recommend the Senate add it to the amendment. If the parties could not agree on the committee makeup, then it would be his recommendation that the amendment be pulled from the bill. The committee makeup, identified by profession rather than individual, was arrived at fairly and quickly. The OCCA still tried to get some of the language changed, but to no avail. The amendment left the Senate as written by ODOT.

In the end common sense prevailed. The majority of the state legislature accepted the fact that asphalt covers most of Ohio's roads for a simple reason – one which was not among the many generated by the concrete proponents. Asphalt is the better pavement for cost, for convenience and for comfort. Pavement selection is best left to engineers who have experience dealing with pavement types, not lobbyists and politicians.

CITY OF COLUMBUS ADOPTS FULL DEPTH ASPHALT PAVEMENT DESIGN

Residential Street Pavement Design Policy Revised

For almost 40 years, the City of Columbus Street Design Standards included only two options: a total concrete section or an asphalt surface on a concrete base. This philosophy carried over to freeway type facilities where the standard design was an asphalt surface on a concrete base for the driving lanes and a total concrete section for the berms. Columbus is Ohio's largest city with a population of over 1 million people.

With the election of Mayor Michael B. Coleman things started to change. One of the Mayor's top priorities was to entice people to move into the city limits of Columbus. Part of the strategy to accomplish this was to make housing more affordable. A Blue Ribbon Committee was established to recommend ways to reduce home prices while still providing quality housing. One of the recommendations from the panel was to allow developers to build roads in new housing subdivisions with full depth and/or deep strength asphalt. The cost of building the streets are reflected in home prices because developers must pay to construct them and then turn them over to the city for maintenance and repair. The city hired Resource International of Westerville to develop the new standards. Resource estimated that asphalt pavements would be 27% more economical over a 30-year life than residential streets built with concrete.

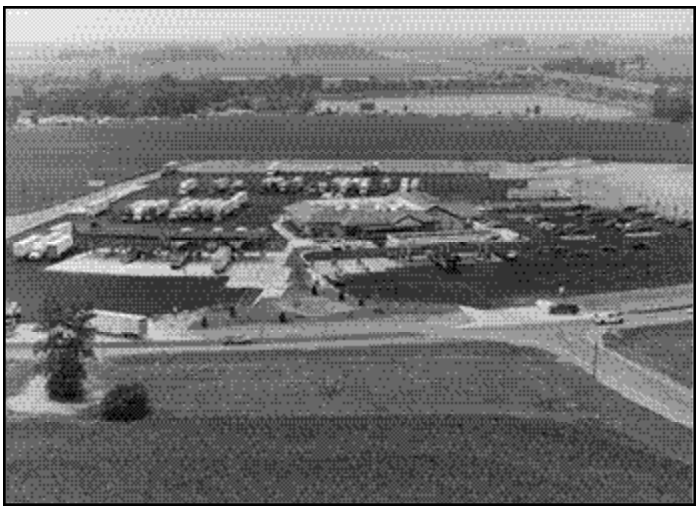
The new updated standards, which became effective February 28, 2003, are shown in the table below. Asphalt pavement will not only provide the City of Columbus with more economical streets initially, but will provide for a longer life pavement with less maintenance.

Table 1. Residential Pavement Design Options

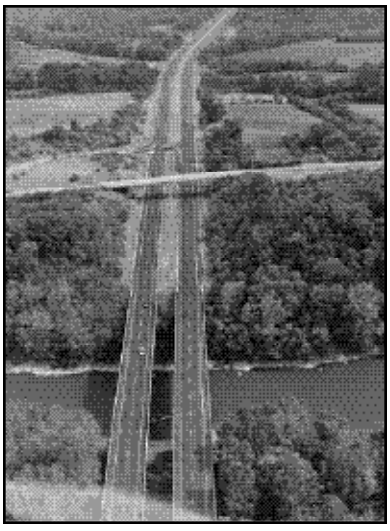
			Standard			
Average Daily Traffic	Typical Application	Pavement Component	FD Asphalt	Concrete	Composite	Flexible
0 - 500	Typically minigreens streets and cul-de-sac streets with no future extensions possible	Item 404	1.25		1.50	1.25
		Item 402	1.50			1.50
		Item 301	5.25			3.25
		Item 304				6.00
		Item 306			6.00	
		Item 452		6.00		
		Constructed Thickness	8.00	6.00	7.50	12.00
501 – 1,500	Typically short one to two-block long loop streets with no future extensions possible	Item 404	1.25		1.50	1.25
		Tem 402	1.50			1.50
		Item 301	5.75			3.75
		Item 304				6.00
		Item 306			6.00	
		Item 452		6.00		
		Constructed Thickness	8.50	6.00	7.50	12.50
1,501 – 3,500	Typically through streets serving one or more neighborhoods or abutting properties, but no non-residential uses	Item 404	1.25		1.25	1.25
		Item 402	1.50		1.50	1.50
		Item 301	7.25			5.25
		Item 304				6.00
		Item 305			7.00	
		Item 452		7.50		
		Constructed Thickness	10.00	7.50	9.75	14.00
> 3,500	Use ODOT Design Method for Ultimate Design ADT					

404 - HMASurface
402 - HMAIntermediate
301 - HMABase
304 - Aggregate Base
306 - PCC 2,500 psi
452 - PCC 4,000 psi

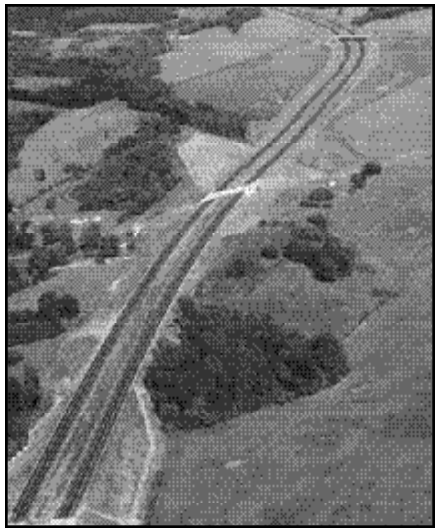
Ohio Quality HMA Recognized



John R. Jurgensen Co.
Flying "J" Travel Plaza



John R. Jurgensen Co.
US Route 27, Butler & Hamilton Counties



Shelly and Sands, Inc.
State Route 16, Muskingum County

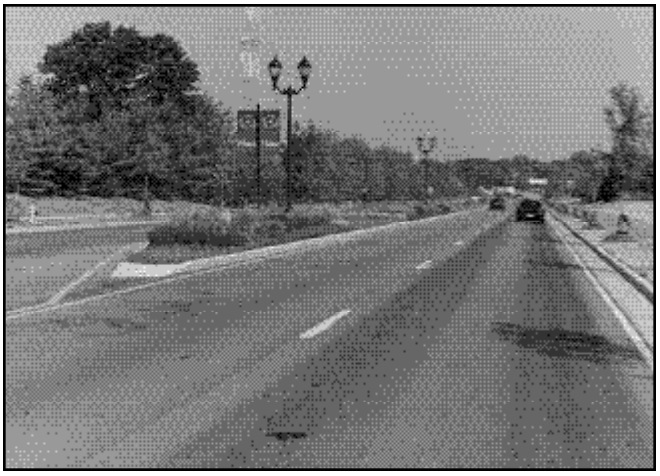
At the awards presentation during the National Asphalt Pavement Association's Annual Convention, held in San Diego earlier this year, Ohio contractors set the pace for Quality in Construction Awards. Four contractors received awards for seven separate projects. Only three states produced more award winning contractors than Ohio. In addition, Ohio contractors swept the Ecological Awards for existing plants and were a finalist for the Work Zone Safety Award.

For projects less than 50,000 tons, the John R. Jurgensen Company was honored for their work at the Flying J Travel Plaza and U.S. 27 at the Butler-Hamilton county line.

For projects over 50,000 tons, Quality in Construction (QIC) Awards were presented to the John R. Jurgensen Company for two projects. The first was ODOT Project 137(00), Tylersville Road in Butler County and Project 91(00), U.S. 35 in Fayette and Green Counties. Also in the over 50,000 tons category, Kokosing Construction Company received a QIC Award for Project 4(00), the rebuilding of I-70 in Franklin County from I-71 east to the county line. Northern Ohio Paving Company was honored for their work on the Ohio Turnpike from southeast of Youngstown to the Pennsylvania State Line. Shelly & Sands, Inc. picked up two QIC Awards. Project 37(01), which was the third lane addition to I-71 in Ashland County and Project 606(99), S.R. 16 in Muskingum County. All QIC award projects will be eligible for the Sheldon G. Hayes Award.

Two plants were given the Existing Plant Ecological Award and both were from Ohio; Shelly & Sands, Inc. Mar-Zane Plant #2 in Marietta and Tri-State Asphalt Company Mar-Zane Plant #29 in Morristown. Both these facilities recently received Diamond Achievement Commendations from NAPA. Ohio now has 13 plants that have received the Diamond Achievement Commendation.

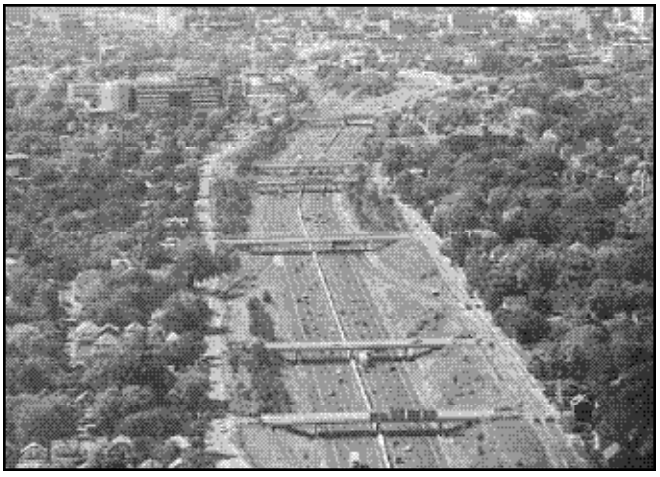
Ohio Contract, *continued on next page*



John R. Jurgensen Co.
Tylersville Rd., Butler County

The John R. Jurgensen Company was honored as a finalist for the Work Zone Safety Award.

Congratulations to all of these companies for their commitment to quality paving, the environment and worker safety!



Kokosing Construction Co., Inc.
IR-70, Franklin County

Northern Ohio Paving Co., a Div. Of The Shelly Company
Ohio Turnpike Project #59-01-02, Mahoning County

John R. Jurgensen Co.
US 35, Fayette & Green Counties

Shelly & Sands, Inc.
I-71, Ashland County

Preventive Maintenance, A Good Idea Whose Time Has Come

Cost Effectiveness Should Determine Treatment

There are plenty of studies that show that properly conceived and timed maintenance can be cost-effective in preserving an asphalt pavement, extending its useful life before extensive rehabilitation is needed and, thereby, lowering its life cycle cost. The payoff of preventive maintenance is long-term. Smaller investments made early can postpone future, more expensive rehabilitation.

So, why don't more agencies do more preventive maintenance?

There are two significant barriers:

1) Plenty of bad roads needing repair. Most agencies have many roads needing repair or rehabilitation and not enough revenue to do them adequately, thus they have reasonably adopted a program of "worst - first", repairing or rehabilitating the roads in the worst condition first and going as far as the money will go. This is usually called reactive maintenance. The public has generally come to accept this as proper, and questions why anyone would spend money on a road in better condition. Many agencies don't believe that they can afford to invest scarce funds today for a potential, future savings. To exacerbate the problem, many agencies try to stretch the dollars to cover all the bad roads by doing inadequate rehabilitation that doesn't adequately correct the structural damage and subsequently, leads to premature failure.

2) Preventive Maintenance isn't easy. Selecting the right treatment at the right time is not a simple matter. Only agencies that have good, working pavement management systems and lengthy experience with PM treatments have the data to identify the most cost-effective treatments and timing. All the rest of us have to estimate based on information we can glean from others' experience. The risk is that if we don't get it right, we might actually increase our life cycle cost over that of a reactive (rather than preventive) approach. Most of us have a difficult enough time planning and timing rehabilitation strategies. Preventive maintenance strategies are even more difficult. There are many alternative treatments to choose from and no clear-cut best time to apply the various treatments.

So, why risk it? I repeat my opening statement — There are plenty of studies that show that properly conceived and timed preventive maintenance can be cost-effective in preserving a pavement, extending its useful life before extensive rehabilitation is needed and, thereby, lowering its life cycle cost. These barriers are not insurmountable, others have done it. To not implement preventive maintenance is to neglect an opportunity for the best use of the public's money.

It is, therefore, necessary to start with a plan or program of preventive treatments that has a high probability of achieving life cycle cost-effectiveness. That is, of reducing the total maintenance bill for the pavement over time. To do that we must select the right candidate pavement and apply the best treatment at the most appropriate time.

The most promising candidates for preventive maintenance are pavements, which are in fair to good condition with little or no structural, load-related distress. These are likely to be pavements which were designed and built to an adequate standard and are still within their original or rehabilitated design lives. We start with preserving our more recently constructed or reconstructed pavements. Hence the saying that preventive maintenance is about keeping good pavements good rather than repairing bad pavements. Pavements with distress that only affects the layers closest to the surface are candidates for preventive maintenance. Top down cracking, raveling and porosity are surface distresses that can be arrested with PM. Load-related, fatigue cracking that extends through the depth of the pavement and rutting deformation are structural damage that will require rehabilitation.

Next, we must select the right time to apply a treatment. Experience has shown that for structurally sound pavements the best time to apply a PM treatment is when the surface distress has just appeared and before climate and wear have had a chance to more significantly damage the pavement structure. For example, cracks should be sealed or filled as soon as possible after they develop. When other surface distress such as porosity, raveling or cracking that is too fine for sealing or when cracking becomes too extensive for economical sealing or filling, a general surface treatment or overlay is warranted.

Finally, we must select a treatment that corrects the surface distresses and which can be expected to

Preventive Maintenance, *continued on page 11*

Preventive Maintenance, *continued from page 10*

be most cost-effective. In its simplest form cost-effectiveness can be estimated as annualized cost, how much the treatment costs divided by how long it will last. Longer lasting surfaces that don't have to be re-done as often are likely to be the more cost-effective investment. A more sophisticated approach is to consider how much a given treatment will extend the useful life of the pavement. This requires consideration of future loading and structural capacity as well as present condition assessment. In general thicker treatments that add strength to a flexible pavement are more likely to extend the useful life of the pavement.

In order to try to insure cost-effectiveness of our treatment selection, it may be useful to prepare life cycle cost analyses of various alternative scenarios. For example, compare the life cycle cost of our proposed PM treatment plan against a more conventional schedule of rehabilitation's. Use net present value at an appropriate discount rate of about 4%. If the plan shows that it can save money over the life of the pavement, then, we can have some confidence in our selection of treatment.

Asphalt overlays have long proved themselves to be cost effective in maintaining pavements. They correct the existing distresses and add strength to the pavement. Now there are asphalt paving mixtures that are specifically formulated for use as thin, preventive maintenance overlays and which will deliver long lived surfaces on structurally sound pavements. ODOT, SS 854 "Smoothseal" is the premium treatment for this application. Smoothseal is formulated with a high percentage of polymer modified asphalt binder for durability and a gradation to permit placement at 3/4 to 1 inch thick. A thin overlay of Smoothseal on a structurally sound pavement can provide a very long lasting surface that protects the underlying pavement structure from the ravages of climate and wear.

HAMMETT ASPHALT M
WITH NEW

Hammett Asphalt paves a parking lot for Madison High School. The paver operator is the 4th generation Hammett in the business.

Wilbur Hammett (lt.) discusses materials with Ralph Kyanko (rt.) of Kokosing Materials who supplied the asphalt for the Madison High School project.

A new facility has provided a new look for longtime contractor Hammett Asphalt Paving, Inc. After over half a century of service in the Mansfield area, Wilbur Hammett and his sons have upgraded the company's headquarters and equipment to demonstrate its commitment to quality.

"My dad taught me to always keep equipment clean and in good working condition," said Wilbur Hammett, the company's owner, who sees the new facility as an extension of that doctrine. "We've always reinvested as much as we could in the business so we can look our best and do our best work."

The new facility, located at 425 Oak Street in Mansfield, is a major step up from the company's original headquarters, an enlarged garage behind Wilbur Hammett's homestead. The new headquarters includes a sharp new office space, and a large maintenance and repair garage that will house the company's signature green and white vehicles.

The front of Hammett Paving's new headquarters will soon become a local landmark. Wilbur and his sons are in the process of refurbishing an antique 1920 Galion steamroller, which will sit in front of the Oak Street address. The roller was a gift from longtime business partner and neighbor Kokosing Construction. It had been collecting rust at the nearby Kokosing facility. "After we expressed interest, they told us they would just give it to us," Wilbur said. "It's been a labor of love, especially for my son Jeff. He spent a lot of time this past winter restoring it to the way it once looked."

Galion steamrollers were once the most common roller in road construction. Based in Galion, Ohio, the company was the nation's leading manufacturer of road rollers. Another manufacturer eventually acquired the company and in 1999 operations in Galion were discontinued. Today Komatsu still produces a line of road graders with the famous Galion label. The roller being refurbished by the Hammett's will serve purely decorative purposes.

When not refurbishing antique construction equipment, Hammett Paving focuses solely on asphalt paving. Purchasing its asphalt from the nearby Kokosing plant, the company specializes in parking lots, driveways and cemetery roads, working mainly in and around Mansfield.

Wilbur Hammett's father, Harold, started the

ARKS HALF CENTURY
/ FACILITY

company in 1945. When he passed away in 1974, Wilbur and his brother took over. Wilbur later bought out his brother's interest in the company and began running the operation with his two sons, Jeff and Jerry. With nearly half a century of experience in the asphalt business between them, Jeff and Jerry Hammett will soon assume full management responsibilities.

A fourth generation, Jeff's son Nick, appears likely to follow in the footsteps of his father, uncle, grandfather and great grandfather. "As a junior in high school, he's already shown a lot of interest in the business and works for us each summer," said Wilbur. "We're glad that he seems to want to get into the family business."

In the peak of construction season, Hammett has about 8 employees. There's no line between management and labor in this company. On most summer days Wilbur and both of his sons will be out on the job site participating in the dirty work.

"That's the way I like it," said Wilbur. "I've been in the asphalt business for 52 years and I wouldn't have it any other way. We are very particular about the work we do. We want it to be done like we would want it done on our own properties. The only way we know to ensure that kind of quality is to get out there and do it ourselves."

The company does practically no marketing or advertising. Repeat customers and referrals seem to keep Hammett crews busy. Wilbur does admit to placing the occasional ad in publications that support local causes. "That's more to support the cause than to market the company," he said.

This commitment to quality is also part of the reason Wilbur and his sons have no desire to grow the size of the company. It has grown a little in its five decades of service, mainly in the purchase of new equipment. But the goals of the Hammett's still center on a commitment to doing good work, as opposed to long- term growth.

"We're satisfied being a family business," Wilbur Hammett said. "We've never wanted to get any bigger. This is how we like doing business."

Hammett's new facility was occupied in February, 2000.

Hammett Asphalt Paving, Inc.'s new facilities in Mansfield.

Pavement Selection, *continued from page 3*

Pavement Selection the ODOT Way - DRAFT 2/03

Factor		W	I	R	Spread					Attainable Points
LIFE CYCLE COST	Initial Construction	40	8	5	1.0	0.8	0.5	0.3	0	1600
	Future Maintenance	25	8	2	1.0	0.8	0.5	0.3	0	400
USER DELAY	Initial Construction	30	3	3	1.0	0.8	0.5	0.3	0	270
	Future Maintenance	30	6	2	1.0	0.8	0.5	0.3	0	360
CONSTRUCTABILITY	Subgrade	20	7	3	1.0		0.7		0.6	420
	Drainage	20	2	4	1.0				0.8	160
	Uniformity of Cross Section	20	6	5	1.0		0.8		0.6	600
	Maintenance of Traffic	20	7	3	1.0				0.5	420
ENVIRONMENT	Recyclability	10	3	4	1.0	0.9	0.8	0.7	0.3	120
	Ride	10	5	3	1.0				0.7	150

W – Weighting
I – Importance
R – Reliability

the Ride factor. Asphalt pavements are smoother and quieter than concrete pavements. In this instance the Spread Value would be higher for asphalt than for concrete as a result of the superior smoothness of asphalt pavements. Spread Values range between 0 and 1.0.

The above matrix shows all of the factors and values used in ODOT's draft pavement selection process. To determine which paving material/strategy is the best selection a person merely enters the matrix, selects the multipliers appropriate for the material/strategy being evaluated and computes the score.

What seems to be a very straightforward and simple approach to pavement selection has required enormous effort on the part of the staff of the Ohio Department of Transportation. ODOT has sought comment from industry and is making every effort to develop a process that selects pavements based upon the merits of the paving material/strategy. As much as capable, ODOT's approach is fact-based. In developing "Pavement Selection the ODOT Way" the Department is giving its best effort to implement a method that results in sound decisions, is fiscally prudent, and concerns itself primarily with interests that serve its customer, the travelling public.

"Pavement Selection the ODOT Way" sets a new standard for pavement type selection and is being watched closely by transportation agencies throughout the country.

THE 2003 ANNUAL MEETING

EXCELLENCE IN PAVING AND MANUFACTURING RECOGNIZED

The event was the Awards Ceremony of the 41st Annual Meeting and Equipment Exhibition of Flexible Pavements of Ohio. The reason for the gathering was the recognition of excellence in asphalt paving and manufacturing facilities. Present were Ohio's finest in asphalt pavement construction and ecological asphalt manufacturing. The stirring remarks of Mike Thompson, FPO's Chairman of the Board, set the tone for the gathering.

In this time of a difficult and uncertain economy, and with our hot mix pavement industry under an unrelenting assault by the concrete pavement industry to take an even larger share of our market, it is evermore necessary for our industry to provide the best possible product to our customers.

We must continue to provide the lowest cost, the most convenience and the best comfort for our customers. New technology and products in the recent past have provided us the tools to maintain our superior position in the marketplace.

It is up to all of us producers, contractors, equipment dealers and raw material suppliers to do our part to maintain – and even increase – our share of the market. Today we will recognize those contractors who have done their part to provide a quality product and represent our industry in the best light.

- Mike Thompson, Chairman

OHIO DEPARTMENT OF TRANSPORTATION AWARDS

New Full Depth Asphalt Concrete Pavement

Leading the presentations for Ohio Department of Transportation Awards was Walid Gemayel, Deputy Director, Division of Construction Management. Awards for five projects were presented. In the New Full Depth Asphalt Concrete Pavement Category, Kokosing Construction Company was the winner. The project was the reconstruction of Franklin IR-70 from IR-71 to the Franklin/Fairfield County Line using warranted asphalt pavement, project 4(2000). Honorable mention was received by the John R. Jurgensen Company for project 91(2000), Gre/Fay-US Route 35-26.2.

Representatives for Kokosing Construction and ODOT, District 6, receive awards for the construction of IR-70, Columbus, Ohio

Multiple Course Overly

Kokosing also took first place for ODOT's Multiple Course Overlay Category. That project, 427(2001), was located in Lawrence County on US Route 52 and required a two-course overlay consisting of 19 mm and 12.5 mm superpave mixes. Total project cost was approximately $1.5 million. Honorable mention went to the S E Johnson Companies for paving work in Darke County on US Routes 36 and 127, project 109(2001).

Accepting awards are Kokosing Construction and representatives from ODOT, District 9, for the construction of US Route 52 in Lawrence County

Minor Rehabilitation with Asphalt Concrete - Interstate Pavement

ODOT introduced a new category this year for paving awards – Minor Rehabilitation with Asphalt Concrete. Awards were presented for interstate, urban arterial, and rural 2-lane pavements. S E Johnson Companies won the Interstate Pavement award with its work on project 287(2002) – Miami County, IR-75. The project required night paving and coordination of traffic control measures with an adjacent major reconstruction project. Superb ride quality was achieved on this $1.9 million project. Honorable mention was given to Osterland for paving project 21(2002), Cuyahoga IR-90, from the Innerbelt to Bratenahl.

S E Johnson Companies wins award for paving IR-75 in Miami County. Accepting award are representatives for S E Johnson Companies and ODOT, District

Urban Arterial

Urban Arterial winner was the Shelly Company – project 344(2002). Their work on Picaway County, US Route 22, achieved excellent ride quality with using planing and a single 1fi-inch overlay. Project length was just shy of 3 miles and required maintaining traffic under urban traffic conditions while paving was performed. The project receiving honorable mention was Lorain County, SR-611, constructed by Kokosing Construction – project 286(2002).

Representatives for Shelly Company and ODOT, District 6, accept awards for the paving of US Route 22 – ODOT Urban Arterial category winner.

Rural 2-Lane Pavement

The final ODOT award presented was for the paving of a rural 2-lane pavement. That award went to McCourt Construction for Mahoning County SR-165, from SR-14 to SR-46 – project 145(2002). This 11-mile project utilized a 3/4-inch leveling course followed by a $1^{1/2}$ inch, item 446, Type 1 asphalt surface course. S E Johnson Companies received honorable mention for this category with the paving of US Route 23 and SR-103 in Wyandot County- project 313 (2002).

Winning the award for ODOT's Rural 2-lane category was McCourt Construction. Representatives of McCourt and ODOT, District 4 are pictured receiving awards.

FLEXIBLE PAVMENT OF OHIO AWARDS

Over the many years that Flexible Pavements has been presenting awards for high quality workmanship a steady growth in the interest of asphalt paving contractors to construct durable, long-lasting asphalt pavements has been seen. This is verified by the numerous awards presented for special use pavements, airport, commercial parking facilities, and local road and street projects.

Fred Frecker, Executive Director of Flexible Pavements of Ohio, announces winning projects.

Special Use Pavement Awards

The first awards were presented for the Special Use Pavement category. Decker Construction Company received an award for the construction of the skid pad at the Ohio Peace Officers Training Academy. The project required precision paving to ensure the grade of the skid pad was flat with no deviations that would permit water ponding. It required approximately 7000 square yards of asphalt paving with a buildup of $2^{1/2}$ inches of 301, $1^{3/4}$ inches of 402, $1^{1/2}$ inches of 404, and 3 seal coatings.

Fritz Smith, Decker Construction, takes home award for the construction of the skid pad at the Ohio Peace Officers Training Academy.

The next award, also in the Special Use Pavement category, was presented to the Osterland Company for the construction of the steel coil storage area roadways at the International Steel Group's Cleveland facilities. Who says asphalt can't handle heavy loads?! If there ever was a highest stress pavement application the steel coil storage area at ISG is it. Coil handling trucks weighing in excess of one hundred thousand pounds (empty weight) carry two forty-two thousand pound steel coils – a whopping total of one hundred eighty five thousand pounds. The pavement buildup was $8^{1/2}$ inches of mega-base (an Osterland formulation), and $2^{1/2}$ inches of a composite mix of P401 and polypropylene fibers – all placed on years of built-up crushed stone.

Pete Alex, Osterland Corporation, accepts award for the construction of ISG's steel coil area roadways.

Airport Pavement - Minor Rehabilitation

In the Airport Pavement category three awards were presented. The first was for the minor rehabilitation of runway 6L-24R at the Dayton International Airport. This project involved cold-milling and a multiple course overlay placed by two contracting companies – SE Johnson and Ebony Construction. Resulting in an extremely smooth surface and uniform mix texture the pavement was placed under the most difficult of construction conditions. Runways could only be closed for a period of twenty-one total days due to heavy air traffic use. Taxiways had to be operational in conjunction with air carrier night-time shipping operations. Three milling crews and four paving crews, working two shifts, accomplished this task using two asphalt plants. All 56,732 tons of material was placed within a 12 day period.

Winners of an Airport Pavement Category award are S E Johnson Companies and Ebony Construction for runway 6L-24R at the Dayton International Airport. Receiving awards are representatives from S E Johnson, Ebony, Dayton International Airport, and PBS&J.

Airport Pavement- Reconstruction

The Shelly Company was the recipient of the award for the Airport Pavement – Reconstruction category. The project called for the reconstruction of the City of Zanesville Airport Runway 4-22. This project called for the pulverization and stabilization of the existing runway. Approximately 18,000 tons of hot mix was used in the construction. The base course material met FAAspecs for P401, 3/4" aggregate size and surface course, P401 having 1/2-inch sized aggregate.

Shelly Company wins award for reconstruction of the City of Zanesville Airport runway 4-22. Present to receive the awards were the mayor of the City of Zanesville, Jack Fenton, and representatives from the Shelly Company and Richland Engineering.

Airport Pavement- New Construction

The last award in the airport pavement category was for the new construction of Taxiway J, Port Columbus International Airport. This project was constructed as a joint venture between Gaddis & Sons and the Decker Construction Company. The pavement buildup required in excess of 12,000 tons of hot mix and called for the following mixes: 4 inches of P401 base, 3 inches of P401 intermediate course mix, and 2 inches of P401 surface course mix.

Accepting awards for the new construction of Port Columbus' Taxiway J project are representatives from the Gaddis Construction / Decker Construction joint venture and Port Columbus International airport.

Commercial Parking Facility

Winning the Commercial Parking Facility Category was the John R. Jurgensen Company. This year's award is for the construction of the Flying J Truck Stop located in Jeffersonville. Due to the mix of traffic loads, four different pavement buildups were required. These ranged from 11 inches in lightly loaded areas all the way up to 29 inches in heavily loaded areas. All 26,000+ tons of mix used in the construction was manufactured to ODOT specifications.

Flying J Truckstop wins this year's Parking Facility category. Representatives of the Jurgensen Company accept the awards.

Local Road or Street - Overlay Construction

The Local Road or Street Category was next. Beginning with the winning pavements for overlay construction, two pavements were recognized for outstanding quality.

The first, County Road 175 was overlaid by Erie Blacktop. This project was approximately 6 miles long, starting at the Erie / Sandusky County line and continued west to US Route 20. ODOT specification 448 was the basis for hot mix production and acceptance. Approximately 10,000 tons of mix was placed resulting in a very uniform mixture texture.

Erie Blacktop captures a paving award for paving performed on Sandusky County Road 175. Pictured is Jim Moyer, Sandusky County Engineer, and representatives of Erie Blacktop and Craig Technologies.

The second pavement was located in the City of Troy. The winning pavement was South Ridge Avenue and was part of an extensive city-wide resurfacing program performed by the John R. Jurgensen Company. That program required the milling of the existing pavement and placement of approximately 14,000 tons of hot mix using ODOT specification 448, Type 1.

South Ridge Avenue, City of Troy, was a winning pavement for the Local Road or Street category. Constructed by the John R. Jurgensen Company, the awards are received by Jim Everman, Jurgensen Company, and the City Engineer for Troy, Deborah Swan.

Local Road and Street - Minor Rehabilitation

The next category for Local Road and Street was Minor Rehabilitation. Three outstanding projects received awards. The Osterland Company was the contractor responsible for the high quality work being recognized with the first award. The award was presented for the paving of Chagrin River Road. The project limits were Cedar Road to Old Mill Road in the Villages of Gates Mills and Hunting Valley. The type of work consisted of a 2-course overlay having a total buildup of 3 inches. The rehab strategy included some minor repair work, cold-milling, drainage upgrades, and other incidental work. ODOT spec. materials were used and mixture volumetric analysis was required as part of the quality assurance measures.

Osterland Company wins a paving award for Chagrin River Road. Accepting awards are Pete Alex, Osterland Company, Bill Mauk and Mike Tworzydlo of the Cuyahoga County Engineer's Office.

Kellogg Avenue in the City of Cincinnati was the second pavement for the Local Road or Street Minor Rehabilitation category. This project, paved by Barrett Paving Materials, required full-depth pavement repairs, pavement planing and a 2-course overlay. A Type 1 mix designed to handle medium traffic was used for the intermediate course. It was followed by an overlay of Type 1H mix to give the pavement greater stability. A total of 7800 tons of hot mix was used in the pavement rehabilitation.

Representatives of Barrett Paving Materials and the City of Cincinnati were on hand to receive the Local Road or Street award for the paving of Kellogg Avenue.

Local Road and Street - Minor Rehabilitation

The third award was for the Anthony Wayne Trail in Toledo. This project required the milling and multiple course overlay of the Anthony Wayne Trail, US Route 25, between Collingwood Boulevard and Detroit Avenue. Miller Brothers Construction, winner of the award, commenced the project with 230,000 square yards of 3 inch deep milling. The material was replaced with two 1 1/2-inch lifts of density specification asphalt mix. 20,150 tons of Type 2 material and a like amount of Type 1H were placed. Both mixes used a PG 76-22 binder. All construction was conducted at night. Notably, this same project was featured in Hot Mix News for the very positive response nighttime paving exuded from the public.

Anthony Wayne Trail in the City of Toledo wins a Local Road or Street category paving award. The paving contractor was the Miller Brothers Construction Company.

Local Road and Street - Major Rehabilitation

Winning the Local Road or Street Major Rehabilitation Category was the Shelly Company. The project involved the improvement of Plainfield Road from a 2-lane facility to 4 lanes in the City of Blue Ash. Work consisted of the placement of 9 inches of asphalt concrete base, followed by a 1/2-inch thick multi-seal treatment and a variable thickness asphalt overlay. Performance grade binder PG 76-22 was used in both surface and intermediate courses. A type 1H mix topped it all off.

Accepting awards for the Plainfield Road Improvement project are representatives of the Shelly Company, the City of Blue Ash, and Dean Consulting.

Local Road and Street - Reconstruction

Mansfield Asphalt Paving Company won the Local Road or Street Reconstruction category. This project involved the complete reconstruction of Harrington Memorial Parkway from State Route 13 to Lahm Airport. The existing road was of varying widths, new underground utilities were installed and a third lane was added. The project required approximately 17,000 tons of hot mix in the construction of a 12 1/4inch thick pavement.

Harrington Memorial Parkway, constructed by Mansfield Asphalt Paving Company, was the recipient of the Local Road or Street Reconstruction category. Pictured are representatives from Mansfield Asphalt Paving, the City of Mansfield, K E McCartney, and Hall's Testing.

Local Road and Street - New Construction

The Local Road or Street New Construction award was for the Bloomfield Hills road widening. The contractor performing the work was Decker Construction Company. The project was just south of Bloomfield, Ohio, on US Route 23. The widening incorporated a density specification provision. Buildup called for 6 inches of crushed aggregate base (304), 9 inches of asphalt concrete base, 1 3/4 inches of Type 2, and 1 1/4 inches of Type 1.

Dominion Homes project, Bloomfield Hills road widening, constructed by Decker Construction wins the Local Road or Street New Construction award. Pictured are representative from Decker and Dominion Homes.

Master Craftsman Award

The Master Craftsman Award was presented next. This award was established to recognize those contractors whose work has stood the test of time. Performance is the ultimate measure of a pavement's quality. The winner of this award is acknowledged for a commitment to quality workmanship, exhibited by exemplary pavement performance, transcending that which is excellent. The award recipient is selected from pavements with an existing surface course having given acceptable service 15 years or more. This year's recipient was the Heffner Construction Company for the paving of the main runway of Port Columbus International Airport in 1987. At the time of its construction this project - runway 28L-10R - also received national recognition from the National Asphalt Pavement Association.

Heffner Construction Company captures the Master Craftsman Award for runway 28L-10R, Port Columbus International Airport. Pictured are Vance Bickham, Bill Heffner, and Ted Guthrie.

Ecological Awards

Two Ecological Awards were presented this year. The first went to Valley Asphalt Corporation plant number 25 - located in Troy, Ohio. The facility is an ASTEC Turbo 400 ton per hour double barrel drum plant located near residential development. Valley Asphalt Corporation has taken a proactive approach in environmental stewardship with this HMA facility. That proactive approach had also garnered them a Diamond Achievement Commendation from the National Asphalt Pavement Association.

Valley Asphalt Corporation, plant number 25, was selected to receive a Flexible Pavements of Ohio Ecological Award for their proactive approach in environmental stewardship.

The second HMA facility winning an ecological award was Cuyahoga Road Products' Downtown Facility. Located near the heart of downtown Cleveland, Cuyahoga Road Products is particularly sensitive to the concerns of the local community – so much so that this facility was one of the first in Ohio to successfully meet the qualifications for a NAPA, Diamond Achievement Commendation. A credit to Pete Alex, CEO of Osterland - Cuyahoga Road Products' parent company - for his raising the awareness on the national level that eventually lead to the Diamond Achievement Commendation, and elevating the perception of the HMA industry in our communities.

Cuyahoga Road Products' downtown mixing facility was selected to receive a Flexible Pavements of Ohio Ecological Award. Located near the heart of Cleveland, Cuyahoga Road Products is an industry leader in working to establish strong community relationships through good environmental stewardship.

LEGAL CORNER

Ohio Has No Statute of Repose

The Ohio Supreme Court dealt a blow to the entire construction industry in this state when it again threw out Ohio's "statute of repose" as unconstitutional. While a "statute of repose" is not a "statute of limitations," it limits the number of lawsuits that can be asserted against design professionals, contractors, subcontractors and the like by preventing lawsuits filed more than a certain number of years after the construction was completed.

While a statute of limitations is generally a shorter period than a statute of repose, because courts in many circumstances have allowed the statute of limitations to commence only when the injured party "knew or should have known" of the defect, this means that a lawsuit could now be asserted 20, 30 or more years after the work was performed.

This created an unenviable problem for the construction industry who was faced with keeping project records almost indefinitely and relying upon recollections and employees that have long since disappeared. This new found open-end liability was a nightmare for those in the construction industry faced with defending claims years after the fact when records, employees and memories have been lost.

In an effort to find a solution that the Ohio Supreme Court might consider constitutional, the Ohio General Assembly in the 1996 Tort Reform Bill (Am. Sub. H.B. 350) instituted a fifteen- (15) year statute of repose. This new law became effective on January 27, 1997 but has already been declared unconstitutional by Ohio's Supreme Court. This means that the construction industry is again faced with retaining records indefinitely to defend against potential open-ended liability in that Ohio no longer has a "statute of repose" in place limiting suits on old projects

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