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## **Time to complete late season pavement work**

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During October, the declining daytime temperatures mean that the time has nearly passed for some pavement maintenance items, such as sealcoating. But the late fall into early December is an important time for asphalt repairs, especially alleviating liability issues. Now is a good time to check your parking areas for conditions that may accelerate winter asphalt damage or present winter liability issues to employees, customers and tenants.

### **Any Uncompleted Pavement Projects?**

Areas of open or broken asphalt will allow water to flow to the pavement base and sub-grade, greatly increasing freeze-thaw damage over the course of the winter. The wet soil also yields under the weight of passing vehicles, causing settlement and breaking of the asphalt above, and leading to potholes and more expensive repair work in the spring. During a wet winter, seemingly insignificant cracks can develop into gaping potholes with remarkable speed.

The best protection against water penetration is sealing all cracks with a hot-applied rubberized joint sealant that meets federal specifications. The superior flexibility and durability of this product, even at very low temperatures, allow it to block water seepage through cracks even under the harshest winter conditions.

If isolated areas exist where pavement damage is too extensive to be crack sealed, those areas should be cut square, ripped out, regraded, and then repaved with 1.5" of bituminous binder, followed 1.5" of bituminous topcoat asphalt to provide a new surface. The edges should be emulsified to bond the new pavement to the existing ensuring a seamless transition.

### **Beware of Winter Liability**

Insurance industry statistics show that the majority of claims for slips, trips and falls occur during the winter months. Potholes and broken pavement that may be hazardous enough under foot during the summer months can become truly treacherous when hidden by snow or filled with ice. These areas become invitations for negligence lawsuits if not properly addressed.

Negligence is the basis for liability in the majority of personal injury claims. In the courtroom, negligence can be shown not only in the failure to use reasonable care in maintenance of the property, but also in the failure to use reasonable care in regular inspection for hazards.

So don't get caught by the liability trap. Check your parking areas and walkways for asphalt damage and deterioration that could send a worker or customer sprawling. Good pavement maintenance not only serves to prevent injuries, but also helps guard against fraudulent claims and unreasonable injury settlements.

Property owners and managers faced with a few areas of broken or cracked pavement in an otherwise sound parking surface often tend to defer repair of these conditions until the entire parking lot is ready for a new surface coat. Casualty insurance carriers, however, will tell you candidly that is a poor money-management decision. Modern cut and patch paving methods are the most

economical way to prolong the life of a parking area while heading off liability problems.

As you make your fall grounds inspection do it with a legal eye. The few areas of cracks and broken pavement that may seem inconsequential in an otherwise acceptable parking area can have the look of serious negligence to a jury when seen in larger than life glossy photos.

#### Safety Inspection Considerations

Periodic inspection should include more than just the condition of the pavement surface.

• Line painting and pavement markings, vehicle travel lanes, and directional travel arrows should all be clearly marked and highly visible.

• Handicapped accessible parking spaces, ramps and signage must be ADA compliant to provide appropriate access as well as complying with federal and municipal codes.

• Curbing edges in pedestrian travel areas should be painted for visibility to avoid trip hazards.

• All storm drain gratings should be flush with pavement surfaces to ensure proper drainage and avoid trip hazards.

If your property is used at night, as most are during the darker months, then walk your parking areas after dark. Problems of illumination and visibility that are not apparent in broad daylight can lead to personal injury claims.

Your pavement contractor can be your best resource in attaining the longest life from your pavement while avoiding liability pitfalls. At U.S. Seal-Coat & U.S. Paving, we provide our customers with free pavement inspection and consultation services, and regularly provide cost effective solutions to a variety of pavement problems.

Mike Musto is president of U.S. Seal-Coat & U.S. Paving, Woburn and Plymouth, Mass. and Hartford, Conn.

New England Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540