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U.S. Pavement Service's tips for pavement maintenance: How to avoid the liability trap

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Insurance industry statistics for commercial properties show that major liability losses result year after year from trips and falls in parking areas and on exterior walkways. With the summer months approaching, now is an excellent time to go out and survey your asphalt surfaces for liability hazards that can result in serious injury and costly lawsuits.

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.

Avoid Pitfalls

Don't get caught by the liability trap. Check your parking areas and walkways for damage and deterioration that could send a worker or visitor 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 allowing any trip and fall hazard to remain uncorrected is a risky strategy. Modern cut and patch paving methods can prolong the life of a parking area, while heading off liability exposures, and fresh sealcoating will provide a new looking surface. Timely asphalt maintenance is a good investment.

As you make your spring grounds inspection do it with a legal eye.

The few areas of cracks and broken pavement that may seem inconsequential in an otherwise sound 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. Check line painting and pavement markings. Parking space lines, vehicle travel lanes, and directional travel arrows should all be clearly marked and highly visible. Curbing edges in pedestrian travel areas should be painted for visibility. Handicapped parking spaces should be ADA compliant.

All storm drain gratings should be flush with pavement surfaces. If the grating pattern is longer in one direction, that should be set perpendicular to traffic, to avoid catching bicycle wheels.

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.

Critical Preventative Maintenance Steps

The most urgent maintenance item in the early spring is to seal new cracks in otherwise sound pavement to prevent water penetration and further fragmentation of the asphalt surface. All cracks should first be cleaned with pressurized air, and then sealed with a hot applied rubberized joint sealant that meets federal specifications.

Areas of spider-web cracks and broken pavement most often occur where simple linear cracks have been neglected and not properly sealed. Areas that have spider webbed cracks or potholes are beyond the point of cracksealing. These areas must be cut square, ripped out, regraded, and then repaved with 1.5" of bituminous binder, followed by 1.5" of bituminous topcoat asphalt. Edges must be emulsified to bond the new pavement to the old.

Sealcoating is an important means of preventing the solar damage that starts the whole pavement degradation cycle in the first place. Sealcoat is a coal tar pitch or asphalt emulsion fortified with additives. It provides an outstanding barrier against water seepage, petroleum spills, and ultraviolet oxidation. Sealcoating of pavement at three-year intervals will virtually stop solar damage to the binder material. For that reason, sealcoating is a very cost-effective preventative maintenance measure for greatly extending the useful life of pavement.

Talk with your Pavement Contractor

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

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