

County of Fresno Department of Public Works  
Attn: Mr. Johannes J. Hoeverts, Manager  
Maintenance and Operations Division  
2220 Tulare Street, 8<sup>th</sup> Floor  
Fresno, California 93721

Dear Mr. Hoeverts,

I am in receipt of your letter dated August 3, 2006, in response to our letter of complaint concerning the paving of our street with a temporary asphalt paving material instead of the industry standard hot mixed asphalt concrete. Although I am thankful that I have received a written acknowledgement of our complaint, it is hardly an adequate or accurate response.

The first paragraph of your letter seems to blame the residents of our street for the damage to the temporary paving mix for not knowing how to drive on slow curing asphalt concrete. These people are knowledgeable of the characteristics of hot mixed asphalt pavements and are used to driving on them, they were totally unprepared to drive on a very tender mix which is easily raveled and rutted by the short radius turning movements which can be expected in a residential neighborhood. I do not know the reasoning behind choosing the hottest part of the year to pave what is universally considered to be a "blanket job", with slow curing material. Within the weeks following the work being done this material was easily disturbed by simply walking on it. Your letter did not address the damage to our carpets and wood floors caused by the uncured material being transported into our homes on the bottoms of our shoes. In addition every vehicle on the street has asphalt and aggregate stuck to the undercarriage and exposed running parts of the engine compartment.

You state that the SC3000 oil meets the requirements of Section 93 "Liquid Asphalts", of the Caltrans Std. Specifications. Does this mean that a battery of tests were run on a sample of oil representative of that used in the material placed on our street, and passed? This specification is for oil only, you fail to mention that the applicable specifications for roadway paving are contained in section 39 "Asphalt Concrete", of the Std. Specifications. Section 39 does not allow the use of soft oil in roadway paving. Caltrans maintenance forces may use cold mix asphalt concrete for minor repairs of distressed pavement, but only as a temporary measure until a capital outlay project can be delivered to remedy the problem correctly. Your contention that cold mix asphalt concrete allows faster turnover to public traffic is simply not true. This mix was easily abraded, rutted and pushed for weeks and still remains tender, hot mix asphalt concrete sets up in 3 to 4 hours maximum and is seldom damaged by vehicular traffic after that time.

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The reason I know these things to be true is because I have worked for the Department of Transportation for over 22 years, in the capacity of construction field engineer for most of that time. In fact I have been involved in all but two urban freeways constructed during the last 22 years, at one point I believe I even worked with you while you performed QCQA testing under the employment of Twining Labs on behalf of the State's construction contractor for freeway 168.

I believe your statement that the use of cold mix is economical and convenient for the County, but at whose expense? Cold mix asphalt has not been used as an overlay on any other street in this County island area of Fig Garden that I know of, however hot mixed and hot recycled asphalt concrete has been used. Permits issued by the County to property owners for sewer line work, or any other pavement disturbing work, always contain the clause, "AC surfacing must be replaced with hot mixed asphalt". I know this fact first hand, and from the accounts of others in the neighborhood. During the course of working on many urban freeways in this town I have been in charge of constructing County streets and connector roads. I have never encountered any that were originally constructed or overlaid with cold mix and the County has certainly never allowed us to reconstruct any of their roads with cold mix no matter how "economical and convenient", it would be to the State. Why are roadway funds short? That is not my problem, my neighbors and myself have been paying property taxes for the last twenty years without any roadway rehabilitation projects done to our street. The amount of money from those 20 years of taxes are way more than what is necessary to fix our street correctly.

On the issue of curb repair you have me at a disadvantage, I am not familiar with County Policy "B-2805". The fact is that curb replacement was under way by County forces when a gas line was hit due to the failure of County crews to notify Underground Service Alert for a utility marking prior to beginning underground work, as required by State law. After that the crews were directed to discontinue curb repair work. You offer to set up an assessment district to help us repair our curbs. The fact is that an assessment district was formed some years ago to place the curbs as well as a sanitary sewer line down the center of the street. Both of these improvements were made inside of the County's dedicated road easement area. We are not required to maintain the pipeline, so why the curb? What date was County Policy B-2805 adopted? I suspect it was sometime after the installation of curbs under this assessment district. Curbs which were probably required by the County for approval of the project in the first place.

My issue is that contrary to your letter the use of cold mixed asphalt concrete as an overlay on a residential street in this neighborhood is unprecedented. Because of the decision to use this material instead of hot mixed asphalt concrete, the residents of this neighborhood have been damaged. Who will pay to have carpets cleaned in our homes and automobiles? Who will bear the expense of sanding and refinishing our wood floors?

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Who will bear the cost of auto repairs from abrasive wear because of stuck on asphalt particles? And finally I have to ask Mr. Hoeverts, what material is the street in front of your house paved with, and would you like to have it overlaid with cold mixed asphalt as was done to us?

If you wish to respond to any of my questions, which would be to my great surprise, I can be contacted at 228-0688, or on cell at 905-6432.

Sincerely,

Joe Kosko  
25 Year Resident  
& Taxpayer

cc: Susan Anderson, Supervisor District 2  
Alan Weaver, Director of Public Works and Planning  
Frank Fowler, Deputy Director of Public Works and Planning