

To: SUPERSEDED BY <u>EB 06-057</u> EFFECTIVE <u>5/3/07</u>		New York State Department of Transportation ENGINEERING INSTRUCTION	EI 02-026
Title: RAPID-HARDENING CEMENTITIOUS AND POLYMER CONCRETE REPAIR MATERIALS			
Distribution: ☒ Manufacturers (18) ☐ Surveyors (33) ☒ Main Office (30) ☒ Consultants (34) ☒ Local Govt. (31) ☒ Contractors (39) ☒ Regions/Agencies (32) ☐ _____ ()		Approved:  Philip J. Clark, Deputy Chief Engineer Design Division <u>08/15/02</u> Date	

ADMINISTRATIVE INFORMATION:

- **Effective date.** This EI is effective with projects submitted for the letting of 01-16-03.
- **Superseded issuances.** Nothing is hereby superseded.
- **Disposition of issued materials.** The changes will reside in the Standard Specifications, various locations as indicated, and in the various revised versions of the special specifications identified herein.

PURPOSE:

- To disapprove the identified special specifications, and
- To change the name of §701-09 from "*Rapid Setting Concrete Repair Material (Normal Weather)*" to "*Rapid Hardening Concrete Repair Material (Normal Weather)*," and
- To change the name of §721-20 from "*Rapid Setting Polymer Concrete*" to "*Rapid Hardening Polymer Concrete*," and
- To change the term "setting" to "hardening" wherever that word appears in conjunction with these materials.

TECHNICAL INFORMATION:

- **Interim Guidance.** Designers should discontinue the use of the identified disapproved special specifications. Designers should re-submit appropriately revised special specifications which do not use the terms "rapid setting" or "rapid set" in revised or new specifications for these types of concrete repair materials in the future.
- **Actions by particular units.**
 - **Regional Design Groups.** Design groups in the Regions need to resubmit needed special specifications for the affected concrete repair specifications.
 - **Regional Construction Groups.** No actions are necessary for ongoing contracts. Staff is reminded, however, that use of the existing specifications and the term "rapid setting" is intended in a generic sense, and is not intended to mean use a proprietary, trademarked product.
- **Cost Impact.** None
- **Changes.** This engineering instruction changes the term "rapid setting" to "rapid hardening" in the titles of §701-09 *Rapid Setting Concrete Repair Material (Normal Weather)* and §721-20 *Rapid Setting Polymer Concrete*. It also changes references to these subsections.

IMPLEMENTATION:

- DQAB will issue the attached shelf note, which is to be effective commencing with the letting of 01-16-03. Designers will have to modify and re-submit the indicated disapproved special specifications if that kind of work is needed in the future.

- **Disapproved Specifications.**

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|----------------|--------------|
| • 06555.91 | • 10595.62 |
| • 01503.0298 | • 01502.6030 |
| • 04502.8023 | • 18502.0707 |
| • 04502.802301 | • 16584.13 |

TRANSMITTED MATERIALS: Shelf note titled "Rapid Hardening Concrete Repair Materials."

BACKGROUND: The Department has used the term "rapid setting" to describe certain classes of polymer and cementitious concrete repair materials for a number of years. Department requirements for these materials are set forth in §701-09 *Rapid Setting Concrete Repair Material (Normal Weather,)* included in the *2002 Standard Specifications* at page 7-8 and §721-20 *Rapid Setting Polymer Concrete* included at page 7-214. The Department was notified by Lyon & Lyon, attorneys-at-law, that the Department's use of the term "rapid setting" in conjunction with the subject materials was felt to be confusingly similar to "Rapid Set," a trademark owned by one of their clients. They requested we change the title and terms of §701-09 and §721-20, and refrain from use of terms confusingly similar to the referenced trademark. We have decided to comply with their request.

The attached shelf note changes the term "rapid setting" to "rapid hardening," a term not objected to, at appropriate locations in the *2002 Standard Specifications*. "Rapid hardening" is consistent with the terminology used in ASTM C928, Standard Specifications for Packaged, Dry, Rapid-Hardening Cementitious Materials for Concrete Repairs. There are no ASTM standards for Polymer Concretes.

The identified special specifications are the only known current contract items using the term "Rapid Setting" or "Rapid Set" to describe the subject polymer or cementitious concrete repair materials. Rapid Setting Asphalt Emulsions (Section 702) are not affected by this change.

REFERENCES: ASTM C928, Standard Specifications for Packaged, Dry, Rapid-Hardening Cementitious Materials for Concrete Repairs.

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Rapid Hardening Concrete Repair Materials

Make the following changes to the Standard Specifications of January 2, 2002:

Volume I of III.

Page vi, (Table of Contents) change "701-09 Rapid Setting Concrete Repair Material" to "701-09 Rapid Hardening Concrete Repair Material."

Page x, (Table of Contents) change "721-20 Rapid Setting Polymer Concrete" to "721-20 Rapid Hardening Polymer Concrete."

Volume III of III

Page 7-8, (§701-09) Lines 27, 28, 31, 33, & 41 change the word "setting" to "hardening" where it appears in those lines.

Page 7-214, (§721-20), Lines 21 and 22. Replace the word "setting" with the word "hardening" where it appears in those lines.