

# Office of Real Estate Services Newsletter



U.S. Department of Transportation  
Federal Highway Administration

2009



## First Anniversary Issue

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## OFFICE OF REAL ESTATE SERVICES NEWSLETTER

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The Office of Real Estate Services provides global leadership and innovation in public sector real estate and outdoor advertising control through information sharing and knowledge exchange.

### Contributing Editors

<b>Director –</b>	Gerald Solomon
<b>Managing Editor –</b>	Carolyn James
<b>Copy Editors –</b>	Tom White Dee Gallo
<b>Layout and Design –</b>	Allen Adon Jr.
<b>Layout and Design Assistant –</b>	Al-hasan Rashida

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## Message from the Director - Gerald Solomon

### First Anniversary Edition

*It is with great pleasure that I have an opportunity to offer a few words for the First Anniversary Edition of the Office of Real Estate Services (HEPR) Newsletter. I hope that we have achieved our goal of providing a product that is informative while entertaining. As I am starting this article, I am on my way to the 2009 AASHTO Right of Way/ Utility Conference. Arriving at the airport at 6:00 a.m. on a Sunday morning, I had a lot of time to think about all that has occurred over the past year since our first edition. This became more evident as we went through the Conference.*

*Last year's conference theme year was "Transition – The Road Ahead." We recognized, as a great philosopher once commented, "The Times They Are a Changin." However, at the time, I don't think many of us anticipated the significance of the changes from May 2008 to May 2009. At the 2008 Conference, we talked a lot about issues associated with downsizing, outsourcing, and succession planning. And we did again this year, as those concerns have not gone away. In fact, at the opening session, one feature speaker, John Martin, provided an extremely interesting talk about the generations and what is happening with the "Boomers." For those who did not have an opportunity to hear him, I urge you to look at the Web site. On the Home Page, it identifies the book on their research as offering "Valuable Insights into the Hearts, Minds, and Wallets of Today's Baby Boomers." The site is accessible at: <http://www.boomerproject.com/home.php>.*

*However, many other topics were relatively new. A year ago, I don't recall us recognizing that the road ahead would require transportation agencies to have an active role in concurrently creating good jobs, addressing transportation infrastructure needs, and*

*improving the U.S. economy through expediting the delivery of "shovel ready" projects with funds from the "American Recovery and Reinvestment Act of 2009" (ARRA). Yet this year, a panel representing Federal Highway Administration (FHWA) and State Departments of Transportation (State DOTs) had an excellent session on this issue and the associated right-of-way (ROW) and utility implications. Similarly, while issues associated with Climate Change and Green House Gasses were not unknown a year ago, we were not truly aware that the road ahead would require addressing the Nation's energy and environmental needs through implementing compatible uses of highway ROW for such activities as carbon sequestration and accommodation of facilities that generate and/or transmit renewable energy. This year's Conference also included an excellent session that addressed various concurrent uses of the ROW to achieve these and other objectives.*



*AASHTO Reception at the National Cowboy & Western Heritage Museum – from left to right – Bimla Rhinehart, Executive Director, California Transportation Commission; Gerry Solomon, Director of The Office of Real Estate Services, FHWA; Alan Hartley, Special Projects Manager, State-wide Operations and Programs, Transport Services Division Department for Transport, Energy and Infrastructure, Adelaide, Australia; and John Campbell, Director Right of Way Division, Texas Department of Transportation.*

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*And the list goes on – in the General and Break-out sessions, in the Directors Meetings, and elsewhere throughout the Conference, we collectively shared information about topics previously not touched upon. While this year’s Conference did not have the numbers of attendees as in past years, I would recognize it as a success because it did include a diverse group of individuals, which facilitated meaningful dialogue about these and many other cross cutting topics.*

*Participants included ROW and utility professionals coming from many different State DOTs and FHWA Division offices, as well as internationally from Canada and Australia. They also included representatives of the consultant community and varying professional organizations including the International Right-of-Way Association and the National Association of Public Real Estate Professionals. All were brought together to address these and other cross cutting topics that went far beyond the world of ROW or utilities as we remember them from Conferences past.*

*I particularly want to thank the many people at the Oklahoma Department of Transportation for all of the work that they did to ensure the success of the Conference. I also want to express my appreciation to the Realty and Utility staff from our Division offices. I was pleased to see that we had approximately 20 Divisions represented, and that many of these individuals not only actively participated in our FHWA meeting (Sunday afternoon) but also were involved in many of the Panel presentations, addressing such topics as LPA Oversight/ Stewardship, Relocation Issues, Federal Land Transfers, Real Estate Impacts from the Financial Market Meltdown, and the ARRA and Use of Right-of-Way sessions referenced above. And finally, I want to thank the Department for Transport, Energy and Infrastructure (DTEI) in South Australia, and Alan Hartley, Special Projects Manager, Statewide Operations and Programs, Transport Services Division, for*

*supporting and participating in the Conference. Alan’s attendance, and his presentation on ROW and utility issues associated with early contractor involvement and alliance contracting methods of project delivery, not only gave the audience the pleasure of hearing his enjoyable Australian accent, it contributed significantly to the success of ideas identified through the 2008 ROW and Utility Scan. We remain confident that the relationship between ROW and utility professionals of transportation agencies from our two countries will continue to grow and will benefit the proficiency of the two disciplines.*

*Please continue to enjoy the HEPR Newsletter, and provide us with suggestions of improvement as we start our second year.*

### Addendum

*As noted, this year’s ROW / Utility Conference was held in Oklahoma City. The Conference commenced on April 19, the anniversary of the bombing of the Federal Building. This domestic act of terrorism resulted in the death of 11 of our FHWA colleagues.*

*While there, I had occasion to meet a young man named Brendan Brustad in the hotel fitness center. I later came to find out that last year Brendan ran 168 miles – 142 miles from Altus to Oklahoma City and 26.2 miles in the Memorial Marathon – in honor of the 168 victims of the bombing. When I met Brendan this past April, he was in the midst of running 168 hours on a treadmill, to again honor the victims. In addition to running 168 hours, Brendan also hoped to break the Guinness Book*



*Brendan Brustad pursuing his 168 hour treadmill runs to honor the victims of the Oklahoma City bombing.*

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*record for number of miles run on a treadmill in 1 week – 455.19 miles.*

*I was pleased to learn that Brendan did accomplish his goal of running 168 hours and while doing so, also was successful in establishing the new Guinness Book record. I would like to think that when Brendan's record is added to the next edition of the Guinness Book, there will be an asterisk next to his name and next to that asterisk will be the words "In honor of the 168 victims of the Oklahoma City Bombing."*

*Not many will achieve feats comparable to those of Brendan. However, it is reassuring to know that the lives of those lost are celebrated and remembered every day by people such as Brendan and by the more than four million others who have come to visit the site.*

*For further information contact Gerry Solomon at: [gerald.solomon@dot.gov](mailto:gerald.solomon@dot.gov)*

## Project Development Guide

### **The Federal Highway Administration (FHWA) Office of Real Estate Services *Project Development Guide***

The newly updated version of the FHWA *Project Development Guide* (PDG) can be found at <http://www.fhwa.dot.gov/realestate/pdg.htm>. It is designed to provide information necessary to complete a typical Federal-aid highway right-of-way (ROW) project by tracking the development of a transportation project subject to Federal requirements. The user should keep in mind that certain details of the development of a ROW project may be unique to the acquiring agency and/or the project. Therefore, consultation between the FHWA,

States, or local agencies is critical to assure full understanding of Federal laws, regulations, and policies. Unless otherwise noted, the provisions apply to local agencies too. Federal regulations consider local acquiring agencies to be State agencies and, as such, the Federal requirements for State agencies apply to locals wishing to use Federal funds in a transportation project. To assure compliance with Federal regulations, the reader is advised to consult with the appropriate FHWA Division Office for clarification or for additional information.

The PDG has proven to be a useful tool for those new to the ROW process. It has been updated to reflect current rules and regulations and is a good guide for those responsible for completing the acquisition of realty for a Federal transportation project. Information is arranged in a sequential order, based on the typical project development process. The format presents data in the following order: Federal laws; regulations; policies; procedures; implementation through policy interpretations; and best practices.

The PDG reflects the needs expressed by State and local governments for an easy to use, user friendly guide, to assist those interested in better understanding the Federal-aid ROW project development process as it relates to their operations. The FHWA developed the PDG to assimilate available guidance in a single location. The objectives of this guide are:

- to improve program delivery of Federal-aid funds in the ROW acquisition phase of Federal-aid highway projects;
- to examine existing project development procedures and emphasize the flexibility available to acquiring agencies;

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- to present best practices of State and local agencies and share such information;
- to provide a mechanism to share concepts concerning effective project development activities; and
- to provide new innovative techniques that will enhance our acquisition and property management programs.

For further information contact Kathy Facer at: [kathleen.facer@dot.gov](mailto:kathleen.facer@dot.gov).

## Ecological Workshop

### Federal Highway Administration (FHWA) funded Ecological Workshops in Kansas City

The development of an ecological action plan is part of the FHWA grant awarded in 2008 to the Mid-America Regional Council (MARC), a Metropolitan Planning Organization located in Kansas City. The ecological framework supports making infrastructure more sensitive to wildlife and ecosystems through greater interagency cooperation and conservation.

MARC is working to: 1) conduct research of integrated planning activities Nationwide; 2) conduct workshops to further understand the ecological approach; and 3) refine the action plan, including a mitigation framework. Shaping a strategy for better integrating environmental and transportation planning will affect the long-range transportation plan, *Transportation Outlook 2040*, and will serve as a guide for transportation and natural resource agencies.

Here are some items, excerpted from the MARC ecological framework, that have ties to transportation and use of existing right-of-way:

1. Align State, regional and local transportation-related planning efforts with the vision of sustainability. MARC is in the process of updating its long-range transportation plan. The plan is being developed within the context of a future sustainable region (50 to 75 years out). MARC is conducting a regional freight outlook study. The Kansas Department of Transportation completed its long-range transportation plan in 2008 and is studying I-70 interchanges and the US56 corridor. The Missouri Department of Transportation (MoDOT) completed its long-range transportation plan in 2007 and is studying the I-70 Kansas City Metro Corridor.

2. Assemble and merge environmental, historic, cultural and transportation data early in the transportation planning process to inform the plan and assess potential impacts of proposed transportation projects. MARC is updating its long-range transportation plan. Its GIS department is in the process of merging environmental and transportation data to assess impacts of transportation projects.

3. Develop environmental policies for transportation-related construction, operation, and maintenance functions that include recycled materials, alternative fuels, anti-idling measures, natural products for de-icing and roadway striping, native plantings in rights-of-way and protection of individual significant trees and areas of established vegetation. State agencies and local municipalities have developed several policies aimed at the measures listed. MoDOT includes several measures: (i.e., recycled materials, alternative fuels, and natural products), in its Tracker Report.

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4. Develop a process for collecting, sharing, and updating natural resource and transportation data among agencies. Data needs identified include potential ecological restoration sites, floodplains by soil type, stream quality, and better wildlife habitat data.

5. Initiate a regional mitigation strategy feasibility study. The strategy would include a regional mitigation bank which directs mitigation dollars to prioritized ecological areas; redevelopment and infill sites; transit-oriented and pedestrian/bicycle-friendly communities; conservation easements; stream buffer ordinances; performance measures and regular monitoring for mitigation sites; and formal documentation to memorialize agency roles.

Right-of-way related efforts that can support sustainability, community impacts, and mitigations:

- Use of right-of-way for transit-oriented development.
- Use of right-of-way for mixed use, (i.e., pedestrian and bicycle projects).
- Use of conservation easements.
- Use of mitigations related to ecological areas; carbon sequestration.
- Use of right-of-way for reforestation.
- Protection of landscaping, vegetation, and significant trees in the right-of-way.
- Corridor protection for future transportation projects, including freight projects.
- Use of excess right-of-way to support redevelopment, infill, and creation of affordable housing.
- Increased use of relevant data and performance measures by agencies.
- Participate in the formalization of agency roles.

For further information contact Kathy Facer at: [kathleen.facer@dot.gov](mailto:kathleen.facer@dot.gov).

## Right-of-Way Topics and Linkages

### Kansas Junkyard and Salvage Control



The Kansas Department of Transportation (KDOT) has an active salvage control program that monitors salvage yards within 1,000 feet of any public road. KDOT has received, for several years, complaints regarding a salvage yard which is located along I-35 south of Kansas City and in Miami County. The salvage yard owner has been transporting to his facility, from all over the country, old semi-trucks, vans, and school buses and filling these salvage vehicles with old tires. These actions resulted in the accumulation of a 10 foot high pile of rusted salvaged material stored on a 22 acre site which could not be screened from the interstate.

Miami County is comprehensively zoned. The 22 acre salvage yard is zoned commercial/ industrial, and therefore has a legal right to exist. However, in recent years the owner failed to meet the conditional use provisions outlined by Miami County, and thus the site became non-compliant. The owner no longer had a permit to sell parts, and can only sell assembled or entire trucks.

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The site is considered a public nuisance with areas that have contributed to creating a mosquito breeding ground. The site also has the possibility of site contamination. Over the past 10 years, KDOT has been unsuccessful in getting the owner to self-abate the site. The owner also began encroaching on KDOT



right-of-way by utilizing this area to park his vehicular arrivals and by utilizing this portion of the right-of-way as his staging area. The owner ignored repeated warnings regarding illegal use of the right-of-way. The State obtained a court order to remove all material from this site and secured a contractor to assist in hauling the scrap to a recycler located in Springfield, Missouri. KDOT is receiving a set monetary amount per ton of salvage, from which it will deduct all expenses, including soil clean-up. Any of the funds remaining after

the clean-up will be remitted to the owner. Expenses could be quite high, as KDOT estimates there are 10,000 tires on the site and it will cost \$5.50 to recycle each tire.

Since January, the KDOT contractor has been cutting, crushing, and hauling 5 days a week, and has completed the removal of approximately half of the salvage material. It will be several months before the abatement is complete.

For additional information, contact Bill Simons at KDOT, [simons@ksdot.org](mailto:simons@ksdot.org), 785-296-4053

## **Nevada Department of Transportation (NDOT) Efforts to Integrate Right-of-Way (ROW) Information and Geographic Information Systems (GIS)**

**By Halana Salazar and Eric Warmath, Nevada DOT**

To enhance its ROW management operations, NDOT partnered with Smart Data Strategies to begin implementation of the Integrated Right-of-Way Information Network (IRWIN). The goal of IRWIN is to efficiently manage property through an expert system that integrates electronic and hardcopy information and puts it at the employees' fingertips. IRWIN will take advantage of previous work done by the GIS section to create a historical road network showing the majority of the system changes over time. This will allow users to perform property and infrastructure queries for a specific location or at a specific time. Documents and contract plans in the electronic document management system will be linked with GIS to facilitate work processes. This system already saves hundreds of personnel hours each year in right-of-way processes as well as saves personnel hours for engineering and other divisions



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who need access to contract plans. GIS enabled plan documents will save additional personnel -hours by expediting searching.

The system to be completed in 2009 will:

- integrate with NDOT's GIS, Public Lands Survey System data, and video logging system;
- integrate with NDOT's electronic document management system, offering a GIS interface to allow users to track work processes and access stored documents from a centralized information center;
- process and track encroachment permits associated with NDOT ROW;
- manage an inventory of properties NDOT owns or uses;
- track and monitor all outdoor advertising permits;
- integrate with NDOT's Integrated Financial System; and
- provide public access to their ROW permit information.

IRWIN consists of user interface screens customized for ROW workflows, including:

- property acquisition module,
- property management module,
- permits dashboard,
- encroachment permits module,
- billboard module,
- system administration and security module, and
- document linkage.

The IRWIN electronic document management system is built on ApplicationXtender 5 (AX5) software, which was already available in-house and met the NDOT system requirement. The budget for IRWIN is fixed at \$5.6 million.

## *Challenges*

- Developing a material-sites database, then, finding an owner to maintain it due to the number of work units involved: Materials, ROW, Environmental, and Archeology and their diversity of need.
- Delays in training staff in GPS/GIS due to GIS software migration from Intergraph to Environmental Systems Research Institute, Inc. ESRI-GIS products.
- 89 percent of lands in Nevada are Federal, and primarily owned by the Bureau of Land Management (BLM). The BLM has not completed a cadastral survey of the State. For this reason, the Public Land Survey System (PLSS), maintained and regulated by the BLM, and the basis for most land transfers and ownership in the West, has been critical to documenting ROW placements prior to 1976, when NDOT mileposts were implemented. The NDOT plans to include its own data in PLSS to strengthen control along roadways, but no complete maintenance strategy has been developed to date for the data.
- Creating an NDOT ROW parcels data layer. Existing hard-copy data must be morphed to an electronic form and some existing electronic data must be transformed into a GIS-compatible format. Furthermore, the accuracy and resolution of existing ROW data don't always meet the NDOT standard.

## *Lessons Learned*

- Index data and documents as if the electronic document management system was a stand-alone application. Good indexing allows for the cross-linkage of many types of documents and multiple applications.
- Avoid an unrealistic project scope and being locked in to inflexible positions on standards,

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software, schedule, or methodology.

- Assemble as strong a team as possible, involving the most knowledgeable people at every level where possible.
- Obtain executive sponsorship and end-user buy-in, especially at district levels.
- Limit application development projects to 5 years because if certain staff is lost, critical knowledge and skills can also be lost.
- Get Information Technology staff involved at both the management and technician levels.
- Capture knowledge and workflows early. People move on or retire and you need plenty of time to review and understand workflows with all participants. Capturing workflows early increases the chance for process improvement. Doing so also eases application coding and speeds system development.

For further information contact Eric Warmath at 775-888-7265, [ewarmath@dot.state.nv.us](mailto:ewarmath@dot.state.nv.us); or Halana Salazar at 775-888-7470, [hsalazar@dot.state.nv.us](mailto:hsalazar@dot.state.nv.us).

## **Drug Enforcement Authority (DEA) National License Plate Reader Program By Robin Broils-Cox**

The DEA is expanding their National License Plate Reader Program (LPR) to include major highways along the southern border States of Texas, Arizona, and New Mexico. On April 2, 2009, The Office of Real Estate Services and The Office of Interstate and Border Planning met with the DEA members of the LPR program at DEA Headquarters to discuss their LPR initiative and the placement of LPRs on highway right-of-way (ROW). The DEA presented an overview of their LPR Program by explaining that 70 percent of all criminal activity in the United States involves vehicles. The Southwest border is considered the primary gateway for drugs entering and money leaving the United States. The

DEA estimates that \$20 billion in bulk drug money proceeds are smuggled to Mexico across and through the Southwest border States. According to the DEA, this is the most significant money laundering threat facing United States drug law enforcement. The DEA has installed LPRs at custom border checkpoints in Texas; and portable units in Arizona, NYC, Texas, and Colorado. Mobile units are used by California Highway Patrol, Arizona Department of Public Safety, Maryland State Police, and others. The DEA would like to extend these installations to other areas along ROW corridors leading into Mexico and eventually along the US-Canada border as well. An FBI press release stated that the implementation of LPR along the Southwest border has provided a surveillance method that uses optical character recognition on images that read vehicle license plates. The LPR initiative combines existing DEA and other law enforcement database capabilities with new technology to identify and interdict devices being utilized to transport bulk cash, drugs, weapons, as well as other illegal contraband. The LPRs are fixed, portable, and mobile.

The primary purpose of the meeting was to develop a working relationship to ensure that the DEA had access to information on the appropriate means for requesting permission to place their LPR units on or near highway ROW. The DEA was encouraged to seek future coordination meetings with the Office of Interstate and Borders to discuss safety, ROW, and the Manual on Uniform Traffic Control Devices Guidance. The Office of Real Estate Services encourages Division Realty Officers to work closely with State counterparts if their State is currently part of this LPR initiative or if future plans involve installation of LPRs. This initiative will help in ensuring that the ROW is preserved for the free and safe flow of traffic.

For additional information contact Robin Broils-Cox at: [robin.broils-cox@dot.gov](mailto:robin.broils-cox@dot.gov).

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## **Self-Paced Web-Based Administrative Settlement Documentation Training** By Elizabeth Healy

The Washington Division, with assistance from Dave Leighow, and Washington State Department of Transportation (WSDOT) Real Estate Services, completed a review focusing on the sufficiency of documentation for administrative settlements. The review has been posted to the Program Review Library Web site and more specifically to the Internet address: <http://rc.fhwa.dot.gov/processreviews/prdocuments/00387405-19B9-D2BA-672689E4646AB58B.pdf>. The review found that there are opportunities for improvement in documenting administrative settlements for both WSDOT and local public agency projects. One of the report's recommendations is to develop a Web-based training course, utilizing a case-study format. We are planning an approximately, 1 hour course which will allow students an opportunity to prepare administrative settlement documentation. We are planning to request Resource Center assistance for help in the creation of the course. The team is working to release the first version of the course in March of 2010.

For additional information contact Elizabeth Healy at: [elizabeth.healy@dot.gov](mailto:elizabeth.healy@dot.gov).

## **Bird Rock: A Roundabout Way to a Better Boulevard**

By Doyt Y. Bolling, Retired Director,  
Utah LTAP Center

The benefits of using roundabouts in a well orchestrated La Jolla, California transportation improvement project were clearly demonstrated in the transformation of a four-lane congested

roadway into a two-lane community- and business-friendly facility with no loss in traffic capacity. The photographs in Figures 1 and 2 show the before and after conditions of Bird Rock Boulevard.

A showcase was held in December 2008, in La Jolla, California, to give transportation engineers and officials the opportunity to see the completed project, experience how it functions, and to learn from those involved in bringing the project to fruition. Presentations and a walking tour were given by those intimately involved in the project. This gave attendees the opportunity to observe first hand the success of the Bird Rock Traffic Improvement Project and to:

- see how access management techniques were used effectively as part of a comprehensive traffic improvement plan for the Bird Rock Community;
- learn how a five-lane boulevard carrying 22,000 vehicles per day, plagued with high vehicular speeds, safety concerns, and struggling businesses, and transform it into a safe, vibrant, and aesthetic centerpiece for the community;
- learn how access management and the roundabouts led to improvements in vehicular safety, speed management, and enhanced walk-ability throughout the area;
- learn how these improvements were accomplished through a reduction in the number of traffic lanes from four to two (i.e., one in each direction); and
- see how it has united the Bird Rock community.

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Figure 1. Before Condition: business closures; traffic delays; lack of pedestrian and Americans with Disabilities Act (ADA) provisions; and a divided community.

Especially significant to the success of the project were the key roles that elected officials, community representatives, businesses, engineering and public relation consultants, city engineering staff, construction engineering staff, and the contractor effectively performed with regard to:

- overcoming a history of project opposition;
- utilizing a project development process that recognized community values, built consensus, and effectively involved stakeholders;
- using design charettes and community volunteers to build ownership;
- collaborating with the disabled community to remove access barriers;
- accommodating additional traffic from a new development of condominium residences;
- developing trust and meaningful partnerships within the community;
- gaining local elected official and public/private partner support;
- providing results that improved pedestrian safety and ambience for residents and visitors

- walking to the beach or shopping in the area;
- improving the area's economic vitality and ability to sustain long term businesses;
- reducing cut-through traffic (avoiding congestion) on residential streets; and
- improving livability and the neighborhood quality of life!



Figure 2. After Condition: a livable, united community; business enhanced; developers beginning to invest; improved parking; pedestrian, ADA, and bicycle provisions; and landscape enhancements.

For more information on the Bird Rock Traffic Improvement Project and the presentations that were given in the product demonstration showcase, call the Utah Local Technical Assistance Program (LTAP) Center at 1-800-822-8878. Or use the Utah LTAP Web site: <http://www.utahltap.org> and click on Product Demonstration Showcases. This link contains downloadable presentations: [http://www.utahltap.org/file\\_search/file\\_display.php?course=66&year=2008](http://www.utahltap.org/file_search/file_display.php?course=66&year=2008).

## Calendar

Please visit this link for all the latest information regarding up and coming events.

<http://www.fhwa.dot.gov/hep/calendar.cfm>