

KUTC Newsletter

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An issue on public involvement and education

Inside

- Raising awareness of the importance of public works
- Public service tips from APWA Congress
- This and that
- Public access TV
- Power to the people!
- PAMs take proactive approach to public involvement
- One of those days...
- Web site on rainfall and stream capacities
- Explore KC: MARC's bike and pedestrian campaign
- Recommended resources on public involvement/education
- upcoming workshops and meetings
- new resources from Kansas LTAP

Please help us reach more people in your agency by routing this newsletter.

____ administration
 ____ engineering
 ____ shop

It's *all* open-book

... by Laura Snyder

Transportation agencies should know that data and recommendations from their safety studies may be subject to the disclosure requirements of the Kansas Open Records Act. Although US Code Title 23, Section 409 aims to protect agencies from the use of such information in litigation, some courts have ruled that this information must be released when requested outside the context of litigation. The problem, of course, arises when the smart plaintiff's lawyer makes the open records request before filing the lawsuit and then argues that the disclosure under the Open Records Act constitutes a waiver of the evidentiary privilege under Section 409.

Before Section 409¹ was passed in 1987, reports on hazardous intersections discovered in safety studies sometimes led to lawsuits for transportation agencies. Accident victims wanted reparations for intersections that agencies had failed to improve. According to the text of the law, Section 409 says any "reports, surveys,



schedules, lists, or data compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings. . . or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be

subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages. . ." In other words, documents protected under Section 409 are undiscoverable at trial.

The intent of Congress was that highway agencies should be able to study improving safety without fear of such studies being used as evidence against them in lawsuits.

A fear of releasing safety study data and recommendations has created reluctance in some agencies about performing studies at all. But that can lead to other problems. Failure to keep records of accidents and to perform safety studies can be used as evidence of negligence against transportation agencies. Tom Mulinazzi, Chairman of Civil, Environmental, and Architectural Engineering at KU, has seen lawsuits lost for this reason. "If you put your head in the

continued on page 2 ➤

¹US Code Title 23, Section 409 is also known as *The Discovery and Admission as Evidence of Certain Reports and Surveys*.

It's all open book,
continued from page 1

sand, and if you're ignorant to the facts, that's the surest way to lose a lawsuit," he said.

Some transportation agencies have used Section 409 to claim an exemption from releasing information from safety studies to the public or media. The Kansas Department of Transportation, for example, formerly had a closed-records policy about safety studies and accident data. However, Telegram Publishing sued KDOT in 1998 under the Kansas Open Records Act for KDOT's refusal to release information on the hazard rankings for railroad crossings in Finney County. KDOT lost their case in District Court and was ordered to release the rankings.

The issue of the applicability of Section 409 to the documents requested under the Kansas Open Records Act was not appealed by KDOT. However, an appeal was taken of the award of attorney's fees to Telegram Publishing. On that appeal the Kansas Supreme Court made a ruling that there was no good faith basis for KDOT's denial of access to the information requested by Telegram Publishing. There are arguments that could have been made to the Court on other legal theories which support the applicability of other exceptions to the Kansas Open Records Act disclosure provisions to data protected under Section 409. Those arguments were not made to the Court in the Telegram Publishing case due to policy decisions of agency officials not to take a position in opposition to disclosure, so there has been no definitive ruling on them.

Until such time as a governmental entity chooses to revisit this issue with the Court on any of the remaining theories that could be raised, the state of the law in Kansas is that Section 409 protects safety studies and accident data collected for the

Transportation agencies can take these steps to protect documents that could be subject to Section 409:

—Remember, Section 409 limits how a document can be used—namely, its discoverability in litigation and admissibility in court—and does not necessarily exempt an agency from releasing the document to the public or the media under the Kansas Open Records Act outside of the litigation setting.

—Vicky Johnson, KDOT attorney, recommends releasing all documents protected by Section 409 on watermarked paper with a cover letter noting the information is privileged under Section 409 and not admissible in court.

—Draft documents for a study the results of which are not yet final, are an exception and do not need to be released, according to Johnson. However, once completed, they are arguably subject to disclosure under the Open Records Act outside of the litigation setting.

purposes enumerated in 409 from discovery and admission into evidence in the litigation setting. However, the Open Records Act still may require that documents be released upon request outside of the litigation setting as public records.

Vicky Johnson, attorney for KDOT, said KDOT takes measures to protect itself from the use of documents disclosed under the Open Records Act in subsequent litigation. "Anytime we give out a document that we believe is privileged under 23 USC Section 409, we print it on watermarked paper," said Johnson. The watermarked text states [in a very large font, placed on a diagonal to cover the printable area of the page]: "USE RESTRICTED 23 USC § 409." If a plaintiff tried to enter the document into evidence at court, KDOT would seek to have it excluded, Johnson said. The watermark is clearly visible on any photocopies made of the document.

The special watermarked paper is generated by KDOT's office, using Word Perfect software. Watermarks can also be created in Word. Besides the watermark, all documents KDOT sends out pertaining to safety studies are accompanied by a cover letter explaining the information is privi-

leged under Section 409.

Johnson thinks the watermark is currently the best method to preserve the privilege afforded by Section 409 until policy makers decide to test some of the other legal theories available for asserting 409 under existing exceptions to the Kansas Open Records Act or until Section 409 is amended to make it clear that it supercedes state Open Records Act provisions. Johnson said that KDOT does not have any current plan to pursue those other theories in court. "The current public policy position of KDOT is that everything that we do should be open to the public and we will attempt to protect our evidentiary privilege by the use of the watermark and cover letter," she said.

For more information, contact Vicky Johnson at vicky@ksdot.org

Sources

US Code Title 23, Section 409:
http://caselaw.lp.findlaw.com/cascode/uscodes/23/chapters/4/sections/section_409.html;

Kansas Open Records Act (Statutes K.S.A. 45-215 through 45-223) can be found at:
<http://www.kslegislature.org/cgi-bin/statutes/index.cgi>. ■

Raising awareness of the importance of public works (and its workers)

... by Lisa Harris

“I don’t get no respect!” This line was made famous by comedian Rodney Dangerfield, but it probably originated in a local road department. Derogatory comments about local road work are infamous, and they apply to public works employees of all stripes. Let’s face it: at least some of the perception is based on truth, and many local agencies have taken steps to raise the image of the profession by requiring appropriate attire and standards of professional conduct and customer service. But the negative image has still been difficult to shake, and that is very frustrating to department managers who know the value of their employees to the community. A positive image will pay dividends in greater dignity for (and loyalty from) employees and a more satisfied and better informed public.

“Part of the dilemma with image is that people often associate public works with problems,” said Suzanne Loomis, public works director for the city of Newton.

Other public service professionals, such as fire fighters or police, enjoy better reputations with their constituents; those professions are often seen as more directly tied to individual safety and welfare.

What to do?

Clean up your act

If you haven’t done this already, establish a dress code for your employees. We’re not talkin’ suits and ties here, but realistic guidelines that take into account what a worker needs to work comfortably and safely, and something that befits a representative of your organization. Soldier Township in Shawnee County, KS, for example,

requires crew workers to wear jeans, and the township provides coordinating denim shirts embroidered with the townships’ logo—adding a bit of marketing, to boot.

What if your crews look sharp, but their customer service skills need some polish? Give them some training. Good sources for training materials include NACE (www.countyengineers.org), APWA (www.apwa.net) and the International City/County Management Association (www.icma.org).

Get the word out

To adults. Steve Pudlowski of the Wisconsin LTAP said “I think the real marketing issue [for public works] is keeping your community informed about programs, decisions to be

We asked 30 people “Name two types of public service employees who risk their personal safety on a regular basis to provide safety for the community.” No one answered “road worker.” But that’s exactly what they do, and a whole lot more.

made, infrastructure condition, how to request improvements, how to provide input, etc. Public works leaders are not ‘selling’ something but ‘informing’ the public.”

To that end, many departments have pamphlets that describe snow removal operations, street sweeping, recycling, etc. Many communities also have Web sites to communicate with the public. Web sites in Kansas range from simple informational sites (e.g. Haskell and Sherman Counties) to sites that include photographs of staff (e.g. cities of Ulysses and Newton) to more comprehensive sites in urban areas (e.g. Wichita, Manhattan, and Johnson County). Newton’s site also lists highlights of work performed in

the previous year.

To kids. The American Public Works Association has a Web site for children at www.pwpaws.net/. The purpose of the site is to help kids develop an appreciation of public works services and careers. The site has separate pages for elementary, junior high and high school students. The high school page includes a link to APWA’s video *Everyday Heroes*, which is also a good resource for educating adults.

Al Prater, Director of the Calcasieu Parish Government Access Channel in Louisiana, has worked up some great informational material for broadcast in his area. In May 2004 the parish produced a video titled *A Closer Look: In the Ditches with Public Works*. It explains what the public sees during mowing, spraying, and ditch cleaning and the whys and hows of various public works operations—narrated by a road maintenance superintendent. The parish’s access channel also recently completed a

videotape addressing mosquito control. Prater has a background in public works and a good understanding of the issues about public education of public works. The videotape, *A Closer Look...*, is available for loan on page 15. Prater can be reached at (337) 721-3571.

Get your people out

For school events. Many communities around the country hold a “construction career day” to give older children hands-on experience with heavy equipment (heavily supervised, of course!) and information about the variety of jobs available in the public works field. These events provide an

continued on page 5 ►

At your service

APWA Congress roundtable serves up tips for public service excellence.



[T]he American Public Works Association holds roundtable discussions at its annual Congress. This year I attended one on public service. Here are some tips from participants around the table. —Lisa Harris, Ed.]

Dealing with hostile customers

Greeley, CO—If things escalate on the phone, diffuse the situation by saying, “Let me come out and talk to you.”

Greeley, CO—Don’t immediately send a caller to your Web site for the information they need. Some citizens will get angry if you expect them to do anything other than make a phone call. Plus, some people don’t have access to a web site or they get confused using one. That’s especially true for some of our older citizens or those who do not read English well.

Taylor, MI—We had a problem with getting a lot of angry calls, so we decided to train our phone answerers how to handle upset customers. We tell them: “Don’t let the caller rattle through a laundry list of complaints. Get the caller back on the issue...and if the customer gets abusive, end the call.” After we started the training, the incidence of calls that have gotten abusive has dropped significantly.

Handling inquiries or complaints

Yuma, AZ—We provide customer service training for every public works employee. We tell them to be polite and don’t answer specific questions that are not part of their jobs. They are coached to say “Let me have you talk with my supervisor about that,” and then to give the supervisor’s name and phone number.

Des Moines, IA—Echo the caller’s frustration—empathize. Take time to establish rapport on the phone; that builds trust.

Highland Park, IL—Every call we receive gets answered in 24 hours to say we have received it and we understand it. We keep in touch with the customer until the inquiry is answered or addressed.

Des Moines, IA—People need process. If someone calls with a request and you think you know the answer, still take time to listen. It’s OK to tell them you have thought about this before, explain the issue, and say: “If you have any new ideas about this, give me a call.”

Several cities—Share your pavement management strategy with customers who complain about road maintenance...and...educate your commissioners about the importance of not leapfrogging the city’s PMS strategy.

Greeley—Just listen. If callers are treated appropriately, even if they don’t get what they want, most callers will go away satisfied.

Building a customer service culture

Greeley, CO—Customer service starts inside the agency. Don’t let your internal communications go against your customer service values—by you or your staff sending or allowing nasty memos, for example.

Several cities—Make sure customer service is part of your employees’ performance evaluations.

Des Moines, IA—Our city uses a call center that provides language interpretation to help us communicate with residents who do not speak English. We initiate a three-way call so the interpreter can participate. This is a national service; they provide interpreters for over 100 languages, including many Spanish and Southeast Asian dialects. The charge is pretty reasonable—about \$2.00 per minute for foreign languages commonly used in the United States. [For more information on the service Des Moines uses, visit www.language-line.com.]

Greeley, CO—Nobody wants to hear about “warrants.” They want to hear you went out to look at the problem and here’s why.

Greeley, CO—Every five years the public works department does a customer satisfaction survey through the city newsletter. A survey is useful; you learn about problems that way. But we learned not to send a survey right after the snow season, because people tend to be especially critical then.

Des Moines, IA—Prior to initiating a construction project, the city notifies everyone on the block that they will be working there, and leaves a contact number.

Highland Park, IL—The mayor and city manager meet weekly to discuss customer service issues. They review a

list of issues and calls received from various departments.

Port Angeles, WA—All department heads have business cards with the department's values printed on the back of the cards.

Port Angeles, WA—We try to keep the public informed about projects. We put up signage at projects describing the scope of the work and the season it is expected to be completed. We also communicate through the media—PSAs, newspaper, radio—and our Web site.

Des Moines—I end our Monday morning staff meeting by saying: "They pay us to solve problems. Let's go find some solutions." ■

Public education about public works, continued from page 3

opportunity to promote the profession and generate interest in young citizens. For information on one such event, visit www.cti.uconn.edu/ti/constructioncareerday2.htm, where you can see photographs and information about a construction career day recently held in Connecticut.

Community service. Hays, KS, does a once-a-year alley clean-up that is well received by citizens. "We pick up items we don't normally pick up, like couches and other big household items," said Brenda Hermann, public works director. "We get excellent feedback, and our staff is seen in a positive light," she said.

Bring the people to you

Tours. Consider having an open house of your facilities, featuring activities of interest to families. See www.apwa.net/About/npww/celebrations04.asp for an example of a successful open house in Pittsburg, CA.



Photograph by Mehrdad Givechi

Is this a new way to say there really, really is a curve ahead? No... These signs were tested and demonstrated at the Mendocino Safety Showcase, sponsored by National LTAP. Mike Graf, Ellis County, and J.R. McMahon, Miami County, received stipends to attend the showcase. Look for more in our next issue.

Grand openings. The city of Olympia, Washington, has given a great deal of thought to bettering the image of public works. They created an ambitious campaign to promote a bridge construction project that had serious impacts on businesses and residences nearby. The new bridge also brought significant benefits to the community. The bridge was celebrated with a festive opening ceremony attended by hundreds of citizens. This idea can be adapted to other major public works projects. A videotape about the project is available for loan on page 15.

One of the barriers to educating the public about public works is finding the time to do it. "Every year we say we really need to do something more [about educating the public]. And every year we never get to it," Herrman said.

We hope that you have found some ideas and tools in this article you can use in your agency. Choose just one or two, and try them, or build a whole education campaign if you can carve out the time. Your efforts will be worth it. ■

This and that

KCHA/APWA Joint Meeting set for April 27-29, 2005 in Salina.

Mark your calendar for the joint Spring meeting of Kansas County Highway Association and the Kansas Chapter of the APWA.

LTAP to add new position.

Kansas LTAP is planning to add a new staff position starting in 2005. This person will spend a good portion of his or her time on the road, visiting road departments and providing on-site training. Interviews will start soon.

Rush rides along. At recent gravel road maintenance workshops motor grader operators have reported turning off their audible back-up warning devices during their favorite radio talk shows, because of the noise. This poses a threat to personal safety and your agency's liability. All safety devices should be fully functional when the motor grader is in use. ■

Public access TV: Start-up and success

... by Laura Snyder

From road construction, recycling, solid waste removal, and parks and recreation, more communities are turning to public access television to get the word out.

Public access television stations, also called PEG stations, have been increasing in popularity since their birth in the 1970s. PEG stands for the three types of access television: *Public*, *Education*, and *Government*. These stations are negotiated through cable franchise agreements between municipalities and cable companies, which usually provide bandwidth for one or more PEG channels.

Public access stations are typically run by nonprofit community groups and are open to anyone in the community who wants to run a television program, within Federal Communications Commission restrictions. Education stations typically show school board meetings and televised distance learning classes. Government access stations have great potential to educate viewers on issues from city board meetings to public works.

PEG stations, especially public access stations, were developed to serve as a community soapbox for groups that might otherwise not have access to electronic media. Generally, public access stations are organized as nonprofit organizations that do not sell commercial advertising spots. Nonprofit access stations are also more responsive to community needs and show more accountability to the community. These access stations are tax

exempt 501(c)(3) organizations under U.S. tax law and IRS code. This provides an outlet for agencies like the United Way to



broadcast videos to a community. On the flipside, a nonprofit public access station also has to allow groups like the Ku Klux Klan the same amount of air time,

said Thad Vessar, TV Productions Specialist for the city of Olathe, Channel 7.

Government access stations expand on this level of community involvement and allow citizens to take a more active role in their local governments. Viewers who might otherwise not attend board and council meetings can watch broadcasts from their own homes to stay informed on issues.

Currently, only 10 to 15 percent of communities in the nation have PEG access. Vessar said costs may prohibit PEG stations in smaller communities and townships in Kansas. But viewer demand is growing. In Johnson County, Board of Commissioners Clerk Casey Carl said a plan is in the works to find the easiest way to bring government to television. "We have had our constituents write in and call in and tell us that's what they want in order for us to have a more effective, communicative gov-

ernment," Carl said. Carl is working with Channel 7 in Olathe and will probably use their studios at first.

Allie Lousch, Administrative Program Coordinator for the city of Manhattan, Kansas, agreed that government access television is popular with viewers. She said she receives a high volume of complaints anytime there is a system error on Channel 3, Manhattan's government access channel. "When things don't go right, I realize how much people rely upon it," she said.

Two kinds of televised information

Bulletin boards. For communities that don't want to broadcast meetings, bulletin boards are a less expensive option. They can be as simple as a Power Point slideshow run through a scan converter. Olathe's Channel 7 bulletin board uses a more advanced Power Point display system called the Scala Channel Info. Text and images can be updated

Benefits of public access TV to governments:

- Allows another outlet to communicate with constituents, including those who are less mobile;
- Informs and educates the public about government services and programs;
- Encourages public interest in local government.

Benefits to citizens:

- Serves as soapbox or open forum;
- Allows citizens to take a more active role in government;
- Makes governments more accountable and responsive to their communities.

from a remote office and sent via modem without disruption. Licensing software for Scala runs at about \$3,500, and the software for the remote updating station is \$1,500. That doesn't include the cost of the computers for each.

Manhattan's Channel 3 provides viewers with a text form of government reminders for city board and

committee meetings, changes in parking for K-State football games, city parks and recreation activities, and road closures. The screen is broken into four fields and shows a picture, updates from different city departments, a scrolling ticker with the city's Web site, and a government calendar.

The updates are helpful in notifying the public of cancelled meetings due to bad weather, and even once alerted the community of a missing child, said Lousch. The information can be updated at any time without restriction from the convenience of Lousch's desk, but the server must be restarted once a week to keep it running efficiently. However, the server refreshes once every 10 minutes, so it could take anywhere from seconds to almost 10 minutes for new information to appear on the television screen.

While most of the information on Channel 3 is also available on Manhattan's Web site, Lousch doesn't think the Internet will replace the need for televised information. "I think the Web site and the TV work in tandem," she said.

Broadcasts. For communities with sufficient funds to broadcast live meetings or show videos to their audiences, more equipment is required. The most basic start-up equipment for broadcasting live meetings includes a few cameras and a switcher. The switcher is a panel with buttons that provides special effects, processes audio, serves as a recording device, and makes the production come together, Vessar said. He estimated current costs for start-up materials at \$50,000 to \$100,000.

Because the equipment and manpower for broadcasting live meetings is far more expensive than bulletin boards, look into trading community service hours instead of payment for camera operators to save on costs.

Another alternative to save on costs might be to ask your government to budget for a permanent television

continued on page 10 ►

Power to the people!

Getting the public "involved" isn't enough. You have to be willing to share decision-making power.

... by Lisa Harris

The 2004 APWA Congress in Atlanta, Georgia, featured a presentation by Kristina Ray, a consultant who specializes in public participation issues in public works. Ray discussed research she conducted on elements of a public participation program, and which of those elements really make a difference (or don't).

Little quantitative research has been done on public participation. There have been a few scientific studies but most information is in the form of collected opinions and

commentary. Ray's study was more scientific and focused on two independent variables: the *timing* of getting the public involved in a project (early vs. late) and the level of *power-sharing* by the public (high vs. low). By power-sharing she means the ability to influence or make significant decisions about a project.

Ray also identified two variables influenced by timing and power-sharing; these "dependent" variables are *satisfaction with the public participation process itself* and satisfaction with the *outcome* of the process (each rated high vs. low).

To conduct the research, Ray surveyed 800 San Diego residents about a hypothetical public works project—a new water treatment plant.

Ray divided the group into four sets of 200 residents, and presented each set with a different scenario for public involvement with the project. Residents were then asked to rate their satisfaction with their given par-

ticipation scenarios.

The four public participation scenarios were:

- early* input and *low* power-sharing,
- late* input and *low* power-sharing,
- early* input and *high* power-sharing, and
- late* input and *high* power-sharing.

We don't have space here to show all the results, but one thing was clear: power-sharing was the most important factor in satisfaction with the public involvement process (and with

What specific decisions in the project could be made or influenced by the public?

the outcome of the project). Timing of input was not nearly as important. In fact, residents who were given the opportunity to provide early input (usually considered desirable), but were offered low power-sharing, were less satisfied than those with the same low level of power-sharing with later input. Ray said these residents could have been more dissatisfied with their scenario because they felt the opportunity for early input was "just for show" and a waste of time.

Based on the study's results and her personal experiences facilitating public meetings, Ray offered specific advice for public works departments embarking on a project for which they will seek public involvement:

- It's better to *not involve* the public at all than to involve them without sharing power. "Don't put them through a sham process," she said.
- If you are willing to share power,

continued on page 10 ►

KDOT Korner

PAMs take proactive approach

... by Steve Swartz

Whether they are facing the media after a tragedy, presenting a plan to city leaders or helping establish safe passage for horse-drawn buggies, Public Affairs Managers have become key components of how KDOT does business.

“They look at things differently than we (engineers) do,” said Joe Palic, a District Two Area Engineer based in Marion. “Certain things we would overlook they would see and make a priority.”

Palic is a supporter of the PAM position, a product of KDOT’s Partnership Project (P2). The new position, recommended by a P2 sub-team headed by District Five Engineer Bob Cook, was instituted in May, and replaces the position of Public Involvement Liaison.

Our committee’s objective was to

“Instead of going out to the public to simply take input, the subteam thought we needed to be more proactive in informing and educating.”

increase KDOT’s involvement in the community,” said Cook.

“We have had it in mind that we were going to expand the position to be proactive—not reactive. Instead of going out to the public to simply take input, the sub-team thought we needed to be more proactive in informing and educating.”

The P2 Board of Directors agreed and decided to act on the recommendation as quickly as possible. The PAM position was approved for all six districts. And, in late August, a seventh PAM position was added for the

Wichita Metro office. Tom Hein, who had been the District Three PAM, has accepted that job.

“Nurturing relationships with communities is a cornerstone of P2. PAMs bring this expertise to the table and are a resource to be tapped. So, it was decided to move forward quickly on the sub-team’s recommendation,” said Julie Lorenz, Director of the Division of Public Affairs.

“We are actively sponsoring ribbon-cuttings and ground-breakings across the state to better highlight the good work that KDOT does,” Lorenz said.

Such activities give Kansans a chance to see that KDOT is using their tax dollars wisely, said Priscilla Peterson, the District Four PAM.

“It seems that increasingly, year after year, people want their state agencies to be accountable,” said Peterson, who recently organized a

major ribbon-cutting ceremony for the US-400 project at Parsons.

“Taxpayers are saying this is our money you are spending on these projects and they want to see how it is being spent.”

Taxpayers also need to know when major events that aren’t positive happen in the state’s transportation system, and the PAMs’ expertise is invaluable in getting facts to the media quickly, completely and responsibly. When fatality accidents occurred in US-50 work zones in June, the PAMs took the lead in handling the

KDOT’s Public Affairs Managers

- Wichita Metro—Tom Hein
- District One—Joe Blubaugh
- District Two—David Greiser
- District Three—Gina Mastin
- District Four—Priscilla Peterson
- District Five—Martin Miller
- District Six—Kirk Hutchinson
(has been on active military duty)

crush of media inquiries. They delivered in a big way, said Palic, in whose area the accidents occurred.

“I was on the phone all day long,” said District Two PAM David Greiser of the media inquiries he fielded after the accidents.

“We were the point of contact and that’s how it should be. Martin Miller (District Five PAM) and I were informed and prepared. This freed the Area and Construction Engineers to do their jobs and gave them a resource they could refer the media to,” said Greiser.

Palic was grateful. “I had other priorities regarding the scene itself. There was a conscious effort to utilize the PAMs and give a consistent message. I found David and Martin to be a big help,” said Palic.

“Honestly,” he added, “those guys are better at it than we (engineers) are.”

While the PAMs are expected to take the lead in working with the media, KDOT Area Engineers, Maintenance Superintendents, and others who have had good relationships with reporters are encouraged to continue those relationships.

Although the PAMs have become experts in communicating KDOT’s message to a large audience through television or newspaper interviews,

ceremonies and public meetings, it is just as important that they be able to work one-on-one.

It was that latter approach that put Miller in the cab of a Yoder Township road grader this summer talking about modern highway systems and horse and buggy transportation. A Reno County interchange project to be let in 2006 temporarily will close a county road that members of the area Amish community use when going into Hutchinson by horse and buggy. So Miller wanted to find out if a proposed shoulder improvement on the four-lane K-96 would provide an acceptable, safe detour route for the slow-moving buggies.

When Miller came upon the township road grader, he flagged it down to have a conversation with the operator, assuming he might know something about buggies and how the county road was used. Miller discovered the operator was a member of the Amish community and did, indeed, know about the needs of horse and buggy travelers. The operator was assured by the plan Miller described and his input became a part of the process to find a safe detour for the buggies.

Miller's proactive approach in finding out how KDOT can best serve Kansans was just what the P2 sub-team had hoped for when they developed the PAM recommendation, said Cook.

"Martin's approach shows that we don't have to wait for the public to tell us what they want," said Cook. "We can go to them, whether it is at a public meeting or along a county road, and ask how we can best meet their needs.

"PAM is a real success story."

Reprinted with permission from KDOT's *Translines*, September 2004. ■

One of those days...

... by Diana Benda, Michigan LTAP

The staff at a coffee shop was having "One of those days." The espresso machine was malfunctioning; the bakery had not delivered the bagels and sweet rolls, someone from the morning shift called in sick, and the crew from the previous evening had failed to restock the cabinets with supplies. There were several people waiting to get their first cup of coffee for the day.

A woman at the back of the line began to complain loudly. "What is taking so long? Are you growing beans back there? I don't have all day."

"Yes, we are running on empty this morning," the manager said with a pleasant smile. He motioned for the woman to come forward. "What can I get for you?"

Dealing with the public isn't always easy. It requires patience, diplomacy, and a willingness to put yourself in their position. But if you can manage to do that, negative situations like this can be turned around into "one of those days" when you are a winner.

"I want a large coffee with steamed milk—to go," barked the woman.

"No problem," said the manager. He looked past the woman to the other customers, offering them a reassuring wink. In a matter of moments he had made the woman's coffee, taken her money, and sent her on her way with "Have a nice day."

The customers stood silently with confused looks on their faces. The manager said, "Folks, I'm really sorry for the

inconvenience this morning. Because you have all been so patient, your coffee is on the house,"

—Source unknown

We all have experienced "one of those days." Days where everything seems to

go wrong. Here an individual took advantage of a potentially bad situation and turned it around. The complainer was removed from the room before infecting everyone else with her sour behavior. But she left with the feeling that she had received special treatment and will likely return to the

coffee shop again.

The other customers were rewarded for their patience by receiving their morning coffee free. I'm sure each of them left the coffee shop with a small smile on their face instead of leaving in a bad mood.



Dealing with the public isn't always easy. It requires patience, diplomacy, and a willingness to put yourself in their position. But if you can manage to do that, negative situations like this can be turned around into "one of those days" when you are a winner.

Reprinted with permission from *The Bridge*, Michigan LTAP, January/March 2004. ■

Power to the people,

continued from page 7

early participation is best. But if that is not possible, late is better than never. "It's never too late [to involve the public] if there is some element of the project they can influence," she said.

—Work with your elected officials to define the level of power-sharing you are willing to commit to—before starting a public participation program. Ray cautioned that commissioners will sometimes back-pedal on their commitment to public involvement if they start receiving a deluge of phone calls from residents, but this initial effort nonetheless can help you set boundaries and reasonable expectations. She gave the example of a street-light project where a resident wanted lights dim enough so stars could easily be seen at night. Lights as dim as that would not do an effective job providing illumination and safety, so the minimum level of light would be one aspect that would not be negotiable. In this case, perhaps the public could share power in choosing the design of the fixtures in their neighborhoods.

"There is almost always some part of the process that has some give," Ray said. Talk with your elected officials about this. What specific decisions in the project could be made or influenced by the public? Even if input has to come late in the game, it can have a significant effect on public satisfaction with your department. Ray gave an example of a city that located a new water plant without public input, but allowed residents who live nearby some influence in determining the plant's operating schedule to best mesh with neighborhood needs. The residents were not happy to have a water plant in their area, but they appreciated having some control over some of its potentially disrupting aspects.

—Make sure that the people involved in the public participation process

represent a cross-section of the people who will be *most affected by the project*—not necessarily a cross-section of the whole community.

Ray noted that it is difficult sometimes to convince average citizens to participate in public involvement, and some will never participate—for example, a single mother holding down two jobs. But you can increase your chances of getting residents involved by taking the time to explain how the project will affect them personally—and how their participation will make a difference. Then make good on what you say.

For more information, call Kristina Ray at Katz & Associates, San Diego, California, at (858) 452-0031, ext. 300 or send a message to Kray@katzandassociates.com. An audio version of Ray's presentation at AWPAs Congress can be purchased for \$14.00. Visit: www.netsymposium.com. ■

Public access TV

continued from page 7

studio in your city hall. Channel 3 in Manhattan broadcasts city commission meetings. Cameras from the city commission meeting room film the meetings and broadcast directly to Channel 3. The cost for this set-up was incorporated into city hall renovations in 1998.

How to get started

If your local area already has a government access channel, the next step is deciding what sorts of public works information to broadcast. If you don't, here are some tips to get a PEG station started:

1. Get a copy of your municipality's current cable franchise agreement from your city hall. Find out if it includes PEG access. If not, see if the cable company is willing to renegotiate

now or when the franchise agreement is up for renewal. The Cable Acts of 1984 and 1992 are federal laws that require cable companies to provide bandwidth for community use. Local governments can negotiate PEG channels as part of franchise agreements under these laws.

2. Although they are not required to do so, many cable companies will provide funding for equipment and facilities. Ask your cable company for a grant for your start-up, or even a yearly stipend. Cable companies like to be able to advertise to their subscribers that they offer local channels, unlike their satellite dish competitors. Satellite companies have found that beaming signals to satellite dishes and back into homes just isn't cost-effective, said Vessar. Cities may also pay a portion of the cable franchise fees they receive to PEG access stations. Another source of funding is the city tax that is included on subscribers' cable bills.

3. Keep it simple. Bulletin boards are inexpensive and can be easily edited from a remote location. But don't go overboard.

"One of the challenges about doing bulletin board programming is that it can sometimes be very unattractive and very wordy," cautions Lisa Patterson, Communications Coordinator for the city of Lawrence.

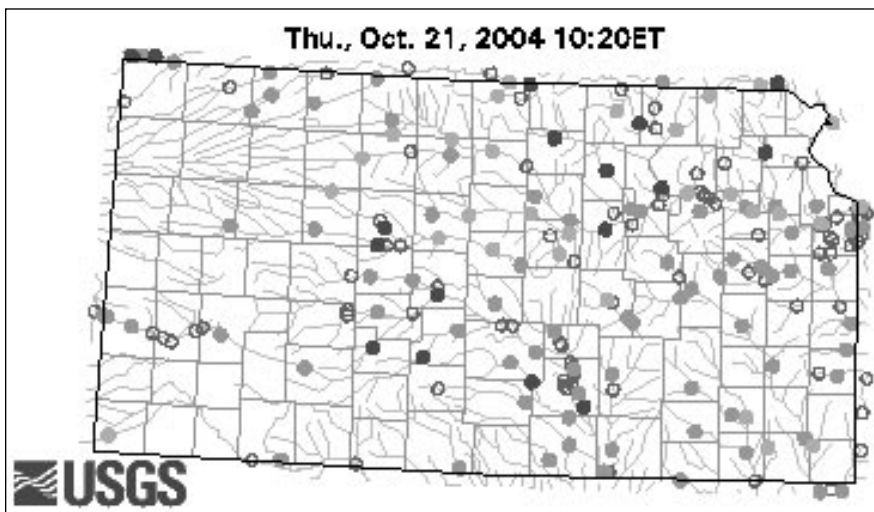
For more information, contact Thad Vessar, TV Productions Specialist for the City of Olathe, Channel 7, at tvessar@olatheks.org, or Gary Fees, City Clerk/Communications Manager for the city of Manhattan, at fees@ci.manhattan.ks.us

Sources

Fair Lawn Creative Cable
Community Access Television
<http://www.flcctv.org/access.htm>

Alliance for Community Media
http://www.alliancecm.org/index.php?page_id=14. ■

Cheyenne County offers tip on useful rainfall Web site



This map from the web site shows streamflow gages in Kansas indicated by dots. On your computer the dots are color coded to indicate discharge level.

... by Lisa Harris and Laura Snyder . .

[Cheyenne County's road supervisor, Dave Flemming, called us with information about a Web site he uses for rainfall and streamflow information. He thought this would be useful to other road departments. Thanks, Dave!]

A major storm is headed your way. There is a possibility of flooding, but you won't really know if you need to barricade your low water crossings and take other safety measures until the water rises.

Now there's a way to better predict what will happen with many of Kansas's streams and rivers. The U.S. Geological Survey (USGS) provides online information on rainfall and streamflow for 177 locations across the state. Updated data is posted hourly on maps easily accessible, for free, from the Internet. By tracking rainfall and streamflow as the storm moves closer to you, you'll have a better sense of what to expect.

To use the site, go to <http://ks.water.usgs.gov/>. A streamflow conditions map for Kansas appears at the

top of the page. The map shows county lines, major streams and rivers, and locations of all the streamflow gages in the state (see above). The gages are color-coded in a continuum from very dry to very wet.

You can select any gage site by name or by clicking a location on the map to see a more detailed page of data. The page includes separate graphs to show precipitation and gage height.

"Because the map is updated every hour, you can track the effects of a storm coming your way and plan ahead for possible flooding," Flemming said.

You can view discharge, also called water flow, in a variety of ways besides the hourly updates. Measured in cubic feet per second (cfs), discharge can be displayed on a graph showing each day's median over a week's time. Longer-term trends can be tracked on a chart that compares current discharge with median daily

flow over the last 13 years.

The page also has a function that allows you to create tables and customize reports based on the number of days you want included.

If you live in wetter Eastern Kansas, you might be interested in the Kansas Flood Watch link on this Web site, which shows flood and high flow conditions across the state.

Another link, the Cowskin Creek Flood Watch, is an investment by the city of Wichita to better monitor an area prone to flooding. A drop-down menu lets you choose flood heights from 17 to 23 feet and zoom in on a map of the area to see what surrounding neighborhoods might currently be at risk of flood.

"It's helpful for city officials. When 13th Street was at 20 feet, they could get barricades up and prevent people from driving through there,"

Do you have a tip from which other local road departments could benefit?

If yes, call Lisa Harris at Kansas LTAP at (785) 864-2590. We'll get the word out.

said Seth Studley, hydrologist for USGS.

In Cheyenne County, Flemming said he uses the precipitation information on the site most often. When working on roadways or bridges, Flemming says it's helpful to know ahead of time if weather conditions will interfere with a project. The hourly updates on the Web site directly from the gage sites are more precise than weather forecasts, he said.

For more information, visit the site at <http://ks.water.usgs.gov> or call Dave Flemming at Cheyenne County at (785) 332-8840, or e-mail Seth Studley at sstudley@usgs.gov. ■

A Leg Up

MARC develops bike/ped program with partners

... by Lisa Harris

Combine traffic congestion, poor air quality, sedentary citizens who need more exercise, and attractive outdoor destinations to be visited and appreciated, and you have the reasons behind an ambitious campaign in the Kansas City area to encourage walking and bicycling. *Explore KC* is the Mid-American Regional Council's (MARC) campaign to promote the exploration of the Kansas City region by foot or by bicycle.

- The program aims to increase:
- the number of citizens who bike or walk to work, school and other destinations,
- the number of citizens who bike or walk for exercise,
- public awareness of bicycling and pedestrian facilities in the region, and
- awareness of health benefits associ-



ated with safe walking and bicycling. MARC staff sought and created partnerships to share costs of publicity and to build broad support for the various bicycle and pedestrian programs of Explore KC. Many were developed with the participation of community-minded organizations.

Explore KC Components

Favorite Places. Citizens can nominate up to 10 of their favorite places to bike and walk in the Kansas City region. Participants are encouraged to report why they enjoy the places they nominate. Is there a specific memory associated with this place? Does it possess features that other places in the region do not? By nominating favorite places, participants will help others in the region learn of great new places to bike or walk. The results will be tallied and a report will be published in various publications, including at www.marc.org/bikeped.

Bicycle Commuter Challenge. Since 2002, the MARC Bicycle and

Pedestrian Program has teamed up with the Kansas City Corporate Challenge to organize the Bicycle Commuter Challenge. More than 230 bicyclists and pedestrians left their cars at home for the 2003 event, resulting in 7,765 miles either biked or walked during the week of competition.

BikeBuddies. This is a program through RideShare that matches existing bike commuters with potential bike commuters to increase safety by riding together.

Guaranteed Ride Home. Participants in BikeBuddies are eligible for this program that provides a free ride home in the event of an emergency during a work shift. This provides a safety net for people who choose to commute to work by bicycle. Certain restrictions apply.

Student Bicycling Program. This program promotes the benefits of bicycling vs. car ownership to college students, such as saving money on car payments, insurance, and parking, and saving time in getting from class to class. MARC staff developed brochures that were distributed on campuses and at www.marc.org/bikeped/collegesafety.pdf. MARC staff are also working with the colleges to increase bicycle accessibility.

Safer-Routes-to-School Training. Interest in organized biking and walking programs for school children is on the rise because of concern over obesity and diabetes in children, dwindling bussing budgets, and concerns about traffic safety for kids who already bike and walk to school.

In April 2003 MARC and the Missouri Department of Health and Senior Services partnered to offer training in an innovative approach to these issues called Safe Routes to

The 4 E's MARC's bicycling and pedestrian programs are based on a commonly-accepted planning model incorporating the 4 E's: engineering, enforcement, education and encouragement. MARC's Aaron Bartlett explains: "*Engineering* has to do with the design of the facility; *enforcement* pertains to laws to protect bicyclists and pedestrians and participation of law enforcement officials in enforcing those laws; *education* informs citizens about the facilities, rules of the road, and benefits of bicycling and walking; and *encouragement* appeals to a person's sense of fun, community, and adventure in trying and adopting these nonmotorized forms of transportation.

School. Two nationally-known trainers were invited to Kansas City to provide the training.

The effort is making a difference. On International Walk to School Day, October 6, 2004, Southwood Elementary School in Raytown, MO, reported 201 students who walked to school, markedly higher than the school's daily average of 35.

A related effort is a pilot project with the same school to create a "walkpool," where a small group of students walk to and from school escorted by one or more adults.

Let Kids Lead. In this program, middle and junior high school stu-

dents learn about the impact of transportation choices on air quality. The cornerstone of the program is the "transportation choices survey," an online tool students can use to assess peer travel behavior and also to help planners identify factors that prevent kids from walking and cycling. Other cities, like Boston and Tampa, also have *Let Kids Lead* programs.

For more information, visit MARC'S Web site at www.marc.org/bikeped. To receive brochures and/or maps for these programs, call Aaron Bartlett, bicycle and pedestrian transportation planner, Mid-America Regional Council, (816) 474-4240. ■

in real-world situations. Also included is a list of additional references for more information on specific topics mentioned in the text. To order a copy, fax NACE at (202) 393-2630.

Public Works Outreach Toolkit,

American Public Works Association (APWA), 2003, \$15 for members, \$25 for non-members. This toolkit is a bundle of resources designed to help familiarize the public with your services and operations. The kit includes: A six-minute video entitled *Everyday Heroes* that emphasizes the everyday role of public works professionals on the public's quality of life; a 30-second Public Service Announcement for stand-alone use or for short introductions for outreach presentations; a how-to guide designed to help plan community outreach programs; and an APWA resource flyer and order form full of APWA giveaways and prizes.

Taking it to the Streets, APWA,

2001, \$12 for members, \$15 for non-members. This booklet offers common sense, easy to understand answers to common transportation-related questions. Not every agency has a traffic engineer on staff, so the answers provided here are meant to provide a level of comfort for those who respond to questions posed by citizens and elected officials.

Public Works Tough Questions,

APWA, 1998; \$29 for members, \$39 for non-members. How well public works professionals handle complaints and inquiries from the public can influence their own personal careers as well as the organization's image and funding. This book provides strategies and answers for responding to tough, tricky or hostile questions on specific issues from a variety of audiences.

To order APWA publications, visit their Web site at www.apwa.net or call (816) 472-6100. ■

Recommended resources on public involvement and education

... by Courtney Hansen

Governments are from Saturn; Citizens are From Jupiter: Strategies for Reconnecting Citizens and Government, Municipal Research & Services Center of Washington, 1998; available online as an 876K PDF download at <http://www.mrsc.org/Publications/srctxt.pdf>.

The guide explores evidence and sources of growing distrust of citizens for government, and also highlights valuable benefits that government provides. It focuses primarily on specific examples of successful strategies that communities have used to reconnect citizens with government. While not specific to public works, this publication provides good food for thought and ideas to try or adapt.

Public Involvement Techniques for Transportation Decision-Making,

FHWA, 1996, available as an online guide at <http://www.fhwa.dot.gov/reports/pittd/cover.htm>. This extensive publication is a catalog of various ways to establish good public involvement.

The foreword includes a useful general outline for designing a public involvement program along with references on where to find information on each step. Each of the four chapters, "Informing people through outreach and organization," "Involving people face-to-face through meetings," "Getting feedback from participants," and "Using special techniques to enhance participation," ends with a section called "Taking initial action steps"—a valuable resource for agencies just getting started in a particular area of public involvement.

NACE Action Guide: Public

Awareness and Support, National Association of County Engineers, 1995, \$7 for members, \$10 for non-members. This guide is tailored toward helping county road officials promote and educate about street and highway maintenance and expansion projects. It includes explanations of the aspects of public involvement, as well as examples and descriptions of techniques effective in fostering an understanding of how public involvement is applied

Reviews

... by Lisa Harris

Joint Sealing Portland Cement Concrete Pavements, FHWA,

October 2002, jointly produced by the Federal Highway Administration and the Foundation for Pavement Preservation. Outlines the steps in a concrete joint-sealing project, from bidding to clean-up and re-opening the road to traffic. The checklists help agencies make sure important steps in joint sealing don't "fall through the cracks." It also includes a section on common problems and solutions. 17 pages.

Pennsylvania Bridges: Maintaining the Past, Preserving the Future, Pennsylvania DOT, 2001.

Describes the rationale for having a bridge inspection and maintenance program to protect public investments

and safety. A good primer for elected officials, and a good example of a public education videotape. 8 minutes.

East Topeka Roundabouts,

Kansas DOT, 2000. This videotape was produced to provide public information about the safety features of roundabouts as part of a project constructed in Topeka. Includes excellent animated footage of traffic entering and exiting a single-lane roundabout. 8.5 minutes.

Driving Modern Roundabouts,

Cities of Olympia and Lacy, Washington, and the Washington DOT, 2002. This public education videotape shows how to drive through a two-lane roundabout. Includes how to deal with special safety concerns such as following a truck through a roundabout and yielding to emergency vehicles in a roundabout. 10 minutes.

Farewell to the 4th!: Link to the Past, Gateway to the Future, City

of Olympia, Washington, 2001. This videotape was produced to honor the city's historic 4th Avenue Bridge that was demolished to build a new bridge. It reviews the history of the area near the bridge, and interviews citizens who share memories and stories about the bridge. The tape also promotes the new bridge which was designed with much thought given to community needs. A high-quality production. 20 minutes.

A Closer Look: In the Ditches with Public Works, Calcasieu

Parish, LA, 2004. This tape explains what the public sees during mowing, spraying, and ditch cleaning and the whys and hows of various public works operations—narrated by a road maintenance superintendent. 30 minutes. ■

Calendar

See our web site for even more calendar listings. Go to www.kutc.ku.edu and click on "Training Calendar."

... 2005

▲ Work Zone Traffic Control

January 4—Salina
March 22—Olathe
Call TASK Program
Phone: 785-532-5569

▲ Signing and Pavement Markings

January 4—Salina
March 22—Olathe
Call TASK Program
Phone: 785-532-5569

January 5
Kansas Asphalt Tech Transfer Meeting
Salina, KS
Call 785-826-2633

January 5
MUTCD for Law Enforcement in Salina, KS
TASK, 785-532-5569

January 11-13
Concrete Tech Course
Call 913-681-2219

January 13
**Recruitment and Succession Planning
Click, Listen & Learn

February 2
55th Annual Environmental Engineering Conference
Lawrence, KS
Phone: 785-864-4790

February 3
**Self Assessment: A Checklist for Improvement
Click, Listen & Learn

▲ Spring 2005
*Risk Management for Crews
2 locations in KS

▲ Spring 2005
Culverts & Drainage
5 locations in KS

▲ Spring 2005
Gravel Road Maintenance
5 locations in KS

▲ Spring 2005
Paved Rd. Maintenance
5 locations in KS

▲ Spring 2005
Bridge Maintenance
2 locations in KS

March 23
Bikes/Pedestrians/Traffic Calming
Olathe, KS
Call TASK Program
Phone: 785-532-5569

March 30-31
*NHI Course: Design and Implementation of Erosion and Sediment Control
in Manhattan, KS

April 12-14
*NHI Course: Construction of Portland Cement Concrete Pavements
in Wichita, KS

April 15-21
NACE 2005
Bismarck, ND
Call 202-393-5041

April 17-20
APWA North American Snow Conference
Kansas City, MO
Call 816-472-6100

*For information on calendar items indicated with an * or to suggest a topic for an LTAP workshop, contact: Rose Lichtenberg, LTAP Training Coordinator, 785/864-2594, rosemary@ku.edu.

**To arrange for an APWA "Click Listen and Learn" workshop at your own location, call Ashley Gann at 816/472-6100 ext. 3511. Cost is \$150 per downlink.

▲ = meets Kansas County Road Scholar Program requirements

April 27-29
APWA/KCHA Joint Meeting
Salina, KS
Call Suzanne Loomis at 316-284-6020

May 3-5
*NHI Course: Computerized Traffic Signal Systems
in Lawrence

May 24-25
Kansas Transportation Safety Conference
in Wichita, KS
Call Kristin Tate, KU Continuing Education, 785-864-4790

May 24-26
*NHI Course: Urban Drainage Design
in Topeka

Free Resources

Check off your selections, fill in the bottom portion, and return this form to:

KUTC Materials Request, 1530 W. 15th St., Room 2160, Lawrence, Kansas 66045 or fax to 785/864-3199

Videotapes

Two-week loan period. Two video limit per request.

- Pennsylvania Bridges: Maintaining the Past, Preserving the Future**
8 minutes, Pennsylvania DOT, 2001.
- East Topeka Roundabouts**
8.5 minutes, Kansas DOT, 2000.
- Driving Modern Roundabouts [Two Lane]**
10 minutes, Cities of Olympia and Lacy, Washington, and the Washington DOT, 2002.
- Farewell to the 4th!: Link to the Past, Gateway to the Future**
20 minutes, City of Olympia, Washington, 2001.
- A Closer Look: In the Ditches with Public Works**
30 minutes, Calcasieu Parish, LA, 2004.

Equipment

Available free—for loan to local highway agencies. Call us at (785) 864-5658 to arrange the time period needed for loan. There could be a waiting list for these items.

- Turning Movement Counter Board DB-400, Jamar Technologies, Inc.**
A basic model for recording turning movements at intersections. The board is is lightweight and comes with its own case.
- Turning Movement Counter Board TDC-8, Jamar Technologies, Inc.**
Can be used to do turning movement counts, classification counts, gap studies, stop-delay studies, speed studies, and travel time studies. The board is lightweight and comes with its own case.

Publications

You are free to keep these unless otherwise noted.

- Joint Sealing Portland Cement Concrete Pavements**
17 page laminated booklet of checklists, produced by FHWA, 2002.
- 2004 Kansas LTAP Video and Publication Catalog**
80 page catalog of videotapes, publications and CDs on road maintenance and traffic-related issues available for loan or free distribution, KU Transportation Center, 2004. Information in this catalog is also available online at www.lstap.kutc.ku.edu.

Order Form

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- send materials indicated
- address correction
- add to newsletter mail list

Note: Our video and publication catalog is accessible online, in a searchable format. Visit: www.ksltap.kutc.ku.edu

*For requests outside the United States: After receiving your request, we will notify you of the postage cost and will send materials after receiving payment for postage.

Kansas LTAP

Let us at the KUTC help you find the answers to your transportation-related questions.

KUTC, 1530 W. 15th St. #2160, Lawrence, KS, 66045
Call 785/864-5658 (fax 785/864-3199)
www.ksltap.kutc.ku.edu

The Kansas Local Technical Assistance Program (LTAP) is an educational, research and service program of the Kansas University Transportation Center (KUTC), located in the University of Kansas School of Engineering. Its purpose is to provide information to local and county highway agencies and transportation personnel by translating into understandable terms the latest technologies in the areas of roads, highways and bridges.

The *KUTC Newsletter* is one of the KUTC's educational activities. Published quarterly, the newsletter is free to counties, cities, townships, tribal governments, road districts and others with transportation responsibilities. Editorial decisions are made by the KUTC. Engineering practices and procedures set forth in this newsletter shall be implemented by or under the supervision of a licensed professional engineer in accordance with Kansas state statutes dealing with the technical professions.

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