

THE URBAN TRANSPORTATION MONITOR

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New Search Tool for Transportation Information a Huge Success

Transportation Libraries Catalog Now Contains Information From 20 Transportation Libraries in U.S.

A new library catalog, TL CAT (Transportation Libraries Catalog), was created earlier this year in WorldCat, the world's most comprehensive database of bibliographic information, from catalog records and holdings information. Originally, 15 transportation libraries contributed to the information contained in TL CAT. In addition to regular transportation literature, these libraries also hold special collections that feature rare and often unique items. These items are now included in the searchable database. More libraries have joined in to contribute catalog information. TL CAT has become an extremely useful search tool and is increasingly used by transportation professionals.

Nelda Bravo, head of the National Transportation Library, was the pioneer in creating TL CAT for the transportation community. She told *The Urban Transportation Monitor* that the National Transportation Library is underwriting costs for the catalog, including making it available free to all users. She added that the number of participating libraries has grown to 20. She is confident that other libraries will join, however, they have run out of funds to sponsor any more additions. Ms. Bravo explained that TL CAT is a great tool for researchers, especially those without access to professional reference library services. Transportation agency staff in remote locations or the private sector who are without access to university or State

DOT library facilities will now be able to find citations to journals, reports, videos, and especially copyrighted materials not found on the Web, and take them to their state or public libraries and ask for interlibrary loans.

Users of the catalog can limit searches to a specific group of transportation libraries, they can expand their searches to a larger group of transportation libraries, or they can seamlessly expand their searches

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California Governor Signs Law Allowing Hybrid Vehicles on State HOV Lanes

Safeguards Included to Prevent Congestion in HOV Lanes

Hybrid vehicle owners in California received welcome news in late September when California Gov. Arnold Schwarzenegger signed legislation allowing single-occupant gas-electric hybrid automobiles onto the state's 1,100 miles of high occupancy vehicle (HOV) lanes. Existing laws in California permit the preferential use of HOV lanes and toll bridges to super ultra-low emission vehicles that

meet the federal low-emission standard and display a distinctive decal issued by the Department of Motor Vehicles. The new law broadens the inclusion to vehicles that meet California's ultra-low emission vehicle and federal emission standards, or a hybrid vehicle or an alternative fuel vehicle that meets California's advanced technology partial zero-emission vehicle

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Gas-electric hybrid vehicles will be allowed on California HOV lanes pending federal approval. (Photo: Courtesy of the California Department of Transportation)

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Failure To Use Concrete Barriers Opens State DOT To Liability

also specified the methods to be used in implementing the contract. The court found that although the contract did not require the contractor to use any particular method for the removal and replacement of damaged sections of the highway, UDOT did specify the method (i.e., the traffic control plan) for protecting the motoring public during the project. Thus, under the "retained control" doctrine, UDOT could be held liable for injuries caused by the traffic control plan if it was determined that UDOT actively participated in that aspect of the project. The appellate court ruled that the degree of UDOT's participation in the completion of the project was a factual question that could not be resolved on summary judgment and thus remanded this issue back to the trial court for deliberations.

Third, the plaintiff maintained that UDOT's claim that it was protected from liability under the Governmental Immunity Act either under the discretionary function or negligent inspection exceptions was invalid. Under the first exception, UDOT's defense would be valid if it were established that the agency's decision to use traffic barrels instead of concrete barriers was a discretionary decision. In previous case law, the Utah Supreme Court has defined discretionary function as being those decisions occurring at the basic policy-making level and requiring evaluation of broad policy factors, and nondiscretionary decisions as those taking place at the operational level that concern routine, everyday matters.

In this case, the court found that the decision to use barrels rather than concrete barriers fell under the nondiscretionary category for several reasons: (1) The decision was part of a particular road maintenance project rather than being necessarily involved with a basic governmental program, such as preserving the state transportation system. (2) The decision to use barrels was not essential to the accomplishment of a policy or program. Changing the traffic control plan to use concrete barriers would not change the course of a policy, program, or objective; it would simply change a detail of the project. (3) The decision to use barrels was based primarily, if not wholly, on economic considerations, rather than policy evaluation and expertise. The regional office director admitted

he would have used the barriers if the extra cost did not jeopardize the project budget; thus he was constrained by the project budget and had no authority to alter it. Further, the process through which the decision was made to use barrels instead of barriers involved only minimal discussions between the regional office and any UDOT or FHWA official and involved no formal safety or cost-benefit study or report, thus strengthening the argument that the decision was an operational one. Rather, UDOT's discretionary function was exercised in the agency's initial prioritization of projects that led to the decision to perform the maintenance of the interstate.

The court also ruled that the "negligent inspection" exception did not apply in this case either. That rule provides immunity

for inspectors if they overlook something or make a faulty judgment in deciding whether to approve or reject the subject of an inspection (usually private property). Here, UDOT was not engaged in a regulatory activity. Rather, UDOT inspected the contractor's work for compliance with the contract to be performed on property owned by UDOT. Thus, because UDOT was inspecting property owned by the government, the negligent inspection exception did not shield UDOT from any liability that may exist for failing to properly monitor and inspect the contractor's work.

For all the above reasons, the appellate court reversed the trial court's grant of summary judgment dismissing UDOT from the case, and remand the case for further proceedings.

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New Search Tool for Transportation

even further, using the entire WorldCat database, to all types of libraries around the world. WorldCat is cooperatively produced and maintained by the OCLC (Online Computer Library Center).

Logically, transportation professionals will use TRIS (Transportation Research Information Services) to search for literature on a specific topic. TRIS is the world's largest and most comprehensive bibliographic resource on transportation information. TRIS is produced and maintained by the Transportation Research Board at the National Academy of Sciences. The TRIS database contains almost half a million records of references to books, technical reports, conference proceedings, journal articles and on-going research in the field of transportation. However, TRIS does not provide substantial information on which specific libraries in the U.S. contain the literature identified by means of a TRIS search. TL CAT can play a useful role here in identifying such libraries in the U.S. The 15 charter libraries contributing to the TL CAT include: Illinois DOT; Iowa DOT; Kansas DOT; Los Angeles County Metropolitan Transportation Authority; Michigan DOT; Minnesota DOT; Missouri DOT; Northwestern University Transportation Library; Ohio DOT; South

Dakota DOT; Transportation Research Board; University of Michigan Transportation Research Institute; University of California Berkeley Transportation Library; Virginia Transportation Research Council; and the Wisconsin Department of Transportation

The Connecticut Department of Transportation, Montana Department of Transportation, National Transportation Library, State Transportation Library of Massachusetts, and Washington State Department of Transportation have also agreed to participate in the catalog and will be contributing records soon. There are plans to expand TL CAT to other libraries in the United States and worldwide.

Founded in 1967, OCLC is a nonprofit, membership, computer library service and research organization.

The Transportation Libraries Catalog can be viewed through a link on the National Transportation Libraries Web site at <http://ntl.bts.gov/>.

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