

TRANSPORTATION LAW JOURNAL

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ARTICLE

Complete Preemption Under the Railway Labor Act: Protecting Congressionally Created Grievance Arbitration Procedures

*Kelly Collins Woodford
Harry A. Risetto
Thomas J. Woodford*

NOTES

No Free Ride: Limiting Freight Railroad Liability When Granting Right-of-Way to Passenger Rail Carriers

Justin J. Marks

Tailor-Made: State Regulation at the Periphery of Federal Law

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In order to expand the scope of the *Transportation Law Journal* and to encourage scholarly debate, the *Journal* board and Transportation Lawyers Association invites you to submit for publication articles concerning transportation law or policy. In particular, the *Journal* and the TLA are interested in essays and notes addressing current **maritime, motor/trucking, railroad, aviation/airports, aerospace, pipelines,** and **general transit** issues.

POLICIES FOR SUBMITTING ARTICLES

- ✓ **Format:** Article must be submitted in Microsoft Word “.doc” or Open Document Format “.odf” format. Page must be set to 8½" × 11", double-spaced, and typed in Times New Roman 10pt font.
- ✓ **Sources:** All factual assertions must be accompanied with footnote indication of source materials. Footnote form must comply with *The Bluebook: A Uniform System of Citation – Eighteenth Edition*. If material cited is not covered by *The Bluebook*, cite according to the U.S. Government Printing Office Style Manual.
- ✓ **Table of Contents:** Prepare a table of contents for the article including all headings and subheadings.
- ✓ **Summary:** Submit a two to three page summary of the article for placement on the Internet.
- ✓ **Submission:** Submit your completed article, note, or book review including a one-paragraph professional biography of each author via email or via postal service in electronic format to:

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2255 E. Evans Avenue Room 448

Denver, CO 80208

tlj@law.du.edu

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TRANSPORTATION LAW JOURNAL

The *Transportation Law Journal* is a major professional publication in the field of transportation law, and is dedicated to maintaining its position as a valuable working tool for the practicing bar, government, and the academic community. It addresses both domestic and international developments of legal, regulatory, economic, and political interest in all modes of passenger and freight transportation –aviation/airports, passenger rail, transit, cycling, freight rail, motor carrier, maritime, aerospace, and pipelines, freight forwarders, and brokers.

The students of the University of Denver Sturm College of Law publish the *Transportation Law Journal* three times a year -summer, winter, and spring. Fourth-class postage paid at Lincoln, Nebraska, and at additional mailing offices.

Correspondence should be addressed to *Transportation Law Journal*, University of Denver Sturm College of Law, 2255 E. Evans Avenue, Room 448, Denver, Colorado, 80208; (303) 871 – 6162, FAX (303) 871 0 6165. Email: tlj@law.du.edu. Advertising rates are available on request.

Inquiries regarding submission of manuscripts for publication should be addressed to the Editor-in-Chief. All manuscripts are carefully considered by the executive board, which reserves the right to make final publication decisions. Manuscript preparation instructions are available on request.

The opinions expressed herein do not necessarily reflect the views of the *Transportation Law Journal* or the University of Denver.

TRANSPORTATION LAW JOURNAL

Volume 36

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No. 3

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TABLE OF CONTENTS

ARTICLE

- Complete Preemption Under the Railway Labor Act:
Protecting Congressionally Created Grievance
Arbitration Procedures
- Kelly Collins Woodford* 261
Harry A. Risetto
Thomas J. Woodford

NOTES

- No Free Ride: Limiting Freight Railroad Liability When Granting
Right-of-Way to Passenger Rail Carriers
- Justin J. Marks* 313
- Tailor-Made: State Regulation at the Periphery of Federal Law
- Zachary Smith* 335



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Dear Subscriber:

We hope you enjoy the first of three issues by the 2009-2010 editorial staff of the *Transportation Law Journal*. The focus of this edition is rail law, a particular interest of mine. The topic is quite timely given the Obama Administration's prioritization of rail for freight and passenger transportation and a number of recent state actions related to passenger rail expansion.

The feature article by Kelly Collins Woodford, Harry A. Risetto, and Thomas J. Woodford argues that under the U.S. Supreme Court's 2003 decision in *Beneficial National Bank*, the complete preemption doctrine should be expanded to cases arising under the Railway Labor Act.

The two student notes, one of which I authored, delve into rail indemnity and environmental issues. My article specifically examines indemnity agreements whereby passenger rail agencies accept the liability of freight railroad companies in order to access rights-of-way owned by host freight railroad. Zachary Smith's student note considers the role of local governments in regulating railroads. Mr. Smith analyzes a Ninth Circuit case regarding local air quality rules in Los Angeles.

This issue would not have been possible without the hard work of the University of Denver students who are dedicated to the success of this journal. I especially would like to thank our Managing Editor, Jay Sim, for his assistance in publishing the TLJ.

Regards,

Justin Marks
2009-2010 Editor-in-Chief

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Volume 36

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CORRECTION

The Summer Symposium Issue 36.2 omitted author contact information for the article entitled, *The Evolution of Motor Carrier Liability Under The Carmack Amendment Into the 21st Century* by Wesley S. Chused. Mr. Chused is a partner at Looney & Grossman, LLP, Boston, MA and he may be contacted at wchused@lgllp.com. The TLJ regrets the error.