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# TRANSPORTATION LAW JOURNAL

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Industry Leader in Multi-Modal Law, Economics & Policy

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Motor Carrier Service and Federal and  
State Overtime Wage Coverage

*James C. Hardman*

## NOTES

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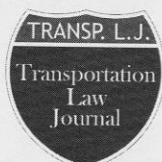
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*Kimberly Martinez*



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Dear Reader,

I can confidently say that it was no small feat for our staff to assemble the first Issue of the 2008 year. Thanks to the revitalized relationship between the Transportation Lawyers Association and the University of Denver, the Transportation Law Journal is receiving a record number of student submissions and requests for articles. The three student notes and two case comments included in this Issue is a reflection of those high numbers. In an effort to include as many of these high quality submissions as possible, our staff has been putting in longer hours and undertaking more and more responsibility. So it is without hesitation that I extend my sincerest gratitude to the Transportation Law Journal staff and their amazing efforts in assembling this Issue.

If our staff's long hours and hard work were not enough, this Issue is particularly special because it includes three student notes from our former, current, and future Executive Articles Editors. These notes address some of the most important and developing areas in transportation law. Nicholas Farber's note, for example, discusses how the I-35W Bridge collapse in Minneapolis has highlighted the rising costs of highway maintenance and the inability of states to raise a sufficient amount of funds to ensure that they are continually safe. Mr. Farber looks beyond the option of raising the gasoline tax to improve our transportation infrastructure by proposing that states and private companies enter into leasing or sale contracts to maintain the current transportation structures.

Joshua Prok, one of the Journal's newly elected Executive Articles Editor, has integrated his passion of transportation law as it relates to promoting practices consistent with environmental stewardship in his student note: *Interstate Wind*. *Interstate Wind* describes an opportunity to enhance our continuing investments in transportation fuels by deploying innovative, distributed, wind energy systems to generate electricity from air displaced by vehicles on U.S. highways. According to Mr. Prok, public support and funding of such projects can mobilize the private sector toward developing a new wind energy infrastructure to power innovation and expansion of existing transportation corridors and ease the strain on our electric grid.

In addition to these exciting student notes, two staff editors from the Journal have invested their time in composing case comments on recent decisions impacting motor carrier employers and employees, as well as brokers, shippers, and other carriers. David Hyams' comment, *Going Overboard on Overtime* for example, analyzes a recent Washington Supreme Court decision awarding overtime pay to an interstate truck driver who worked most of his hours out of state. Mr. Hyams addresses how this case has the potential to cause significant economic impact to motor carriers conducting business in or with the state of Washington, and its precedential value in general.

The second student comment is by one of the Journal's newest staff members, Kimberly Martinez. Ms. Martinez was invited to publish her case comment on



two cases that discuss the liability that results when a broker files bankruptcy after a shipper pays the broker to arrange the shipment of its product with a motor carrier. Although twelve other students addressed the issue with much vigor and debate, Ms. Martinez's review of the issue and related cases clearly merited publication.

Last, but certainly not least, fellow Transportation Lawyer Association member and Past President, James Hardman, has updated his version of a paper that appeared as part of *Understanding Compensation and Overtime Exemption Issues in the U.S. Trucking Industry*, a research report sponsored and funded by the American Transportation Research Institute in Washington, D.C., and prepared by the Institute's Research Team.

Mr. Hardman will be publishing again in our next Issue this year, which will be a symposium on the most current issues surrounding the independent contractor and employee distinction. Until then, we continue to look forward to serving you through our publications. For more information on our Journal and its members, please be sure to visit our newly renovated website at <http://www.law.du.edu/lawReviews/transportationJournal/index.cfm>, or contact us at [tlj@law.du.edu](mailto:tlj@law.du.edu).

Yours truly,

Bridgette M. Miller  
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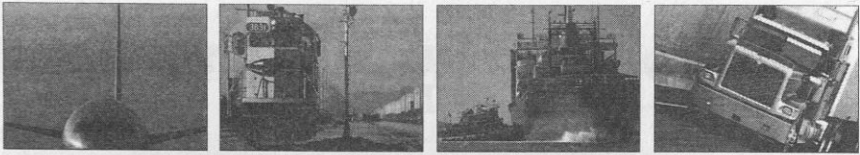
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