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Recall the Recall

Kevin M. McDonald

Hours of Service Regulations in the U.S. Railroad Industry: Time for a Change

Patrick Sherry, Gregory Belenky, Simon Folkard

Predicting the Conditional Viability of Build-Operate-Transfer Contracts for Transportation Facilities without Forecasting Revenues

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Recent Developments in the EC Legal Framework on Ship-Source Pollution: The Ambivalence of the EC's Penal Approach

Iliana Christodoulou-Varotsi







# UNIVERSITY OF DENVER COLLEGE OF LAW 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 transportation—aviation/airports, motor, rail, maritime, aerospace, and pipelines, freight forwarders, and brokers.

The *Transportation Law Journal* is sponsored jointly by the Transportation Law Program of the University of Denver College of Law and the Transportation Lawyers Association, the largest bar association of its kind in the United States and Canada. Visit <a href="http://translaw.org">http://translaw.org</a> to learn more about the Transportation Lawyers Association.

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Dear Reader,

As Faculty Advisor of the *Transportation Law Journal*, I am privileged to present Volume 33:3 on behalf of the 2006-2007 *Journal* board and members.

Much has been accomplished by the dedicated members of the editorial board over the past several years. I am most happy to report that the *Journal* is now up to date thanks to the Herculean efforts of our past three *Journal* editors and staff. This effort recently culminated in the 251 page issue for Fall 2005/Spring 2006 which included no less than seven scholarly and comprehensive articles on cutting edge issues in the area of transportation law.

Even more exciting is the revitalized relationship between the *Transportation Law Journal* and the Transportation Lawyers Association. Although the TLA has always provided both financial and logistical support to the *Journal, Journal* editors now regularly attend and participate in TLA events and institutes, while TLA members work closely with the *Journal* reviewing and critiquing articles, as well as submitting articles for publication. The result has been both the crossfertilization of ideas as well as renewed opportunities for transportation law students and *Journal* members to liaison and network with the most knowledgeable and professional transportation lawyers in the country and around the world.

Consistent with revitalized relationship has been the participation of TLA members in the Transportation Law class offered at the Sturm College of Law. Members have traveled at their own expense to serve as visiting professors and give to the transportation law students here at the Sturm College of Law the benefit of their vast experience and knowledge in the area of transportation law. In addition, many of these TLA members are now contributing to a transportation law casebook and hornbook being prepared here at the College of Law.

The prospects for the future are no less exciting. The Sturm College of Law's new dean, Beto Juarez, has expressed his interest in expanding the transportation law curriculum, pledged his continuing support for the *Journal* and TLA, and promises to play an important role in the revitalized relationship between the two.

All of this augurs well for the future of both the *Journal* and the TLA, and I look forward to the role both will play in the future development of transportation law.

Warmly,

Robert Hardaway Professor of Law and Faculty Advisor of the Transportation Law Journal University of Denver Sturm College of Law



Dear Reader,

This issue highlights many of the extraordinary changes and concerns in the transportation industry today. Whether it be rising concerns over environmental pollution in the shipping industry, changing hours of service regulations in the railroad industry, or new strategies for successfully completing transportation mega-projects, the articles published in this edition of the *Transportation Law Journal* underscore the importance of transportation law to national and international business, law, and politics.

This year's editorial board is proud to recognize the *Transportation Law Journal's* thirtieth anniversary at the University of Denver Sturm College of Law. Now, in its fourth decade of publication, the *Journal* continues its strong tradition as the primary national and international law journal source of scholarly articles on transportation issues.

The success of the *Transportation Law Journal* is due in large part to the significant efforts over the past thirty years by devoted student editors on the editorial board. This year's record-breaking number of editors has proved a particularly valuable asset for augmenting the publication's usefulness for the practicing bar, government, and academic community.

We wish to thank the current 2006-2007 editorial board, *Transportation Law Journal* alumni, and University faculty for the tireless effort and support they have lent to the *Journal's* cause. In particular, we would like to express our sincere gratitude to the Transportation Lawyers Association for establishing, funding, and supporting the University of Denver and the *Transportation Law Journal*.

Sincerely,

Matthias M. Edrich Editor-in-Chief medrich07@law.du.edu Elliot Miller Managing Editor emiller07@law.du.edu

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