

# TRANSPORTATION LAW JOURNAL

*INDUSTRY LEADER IN MULTI-MODAL LAW, ECONOMICS & POLICY*

UNIVERSITY OF DENVER • COLLEGE OF LAW

## ARTICLES

Injecting Competition in the Railroad Industry  
Through Access

*Salvatore Massa*

The Spread of Tuberculosis in the Aircraft Cabin—  
Issues of Air Carrier Liability

*Ruwantissa I.R. Abeyratne*

Regulating Safety Culture in the Railroad Industry:  
The Time Has Come for Broader Horizons

*James A. Squires*

## COMMENT

Taxicab Licenses: In Search of a Fifth Amendment,  
Compensable Property Interest

*Steve Oxenhandler*

VOLUME 27 • NUMBER 1 • WINTER 2000





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.

The *Transportation Law Journal* is published three times a year, summer, fall, and spring, by the students of the University of Denver College of Law. Fourth class postage paid at Lincoln, Nebraska, and at additional mailing offices.

Correspondence should be addressed to *Transportation Law Journal*, University of Denver College of Law, 7039 East 18th Avenue, Denver, Colorado 80220; (303) 871-6162. FAX: (303) 871-6165. E-mail: [tlj@student.law.du.edu](mailto:tlj@student.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 Board of Editors, 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*, the University of Denver, or the Transportation Lawyers Association.

Cover design by Lee Corbin



## UNIVERSITY OF DENVER COLLEGE OF LAW

### ADMINISTRATIVE OFFICERS

DANIEL L. RITCHIE, M.A., M.B.A., *Chancellor*  
WILLIAM F. ZARANKA, PH.D., *Provost, Dean of Faculty*  
NELL JESSUP NEWTON, B.A., J.D., *Dean, College of Law*  
CRAIG WOODY, *Vice Chancellor for Financial Affairs/Treasurer*  
CAROL FARNSWORTH, *Vice Chancellor for Communication*  
KEITH M. HARRISON, B.A., J.D., *Associate Dean for Academic Affairs*  
GARY L. ALEXANDER, B.A., M.L.L., J.D., *Director, Westminster Law Library*  
ANNE STARK WALKER, J.D., *Director of Career Services*

### FACULTY

DAVID W. BARNES, A.B., M.A., PH.D., J.D., *Professor of Law*  
ARTHUR BEST, A.B., J.D., *Professor of Law*  
JEROME BORISON, B.S., J.D., LL.M., *Associate Professor of Law*  
BURTON F. BRODY, B.S.C., J.D., LL.M., *Professor of Law*  
J. ROBERT BROWN, JR., B.A., M.A., PH.D., J.D., *Professor of Law*  
PENELOPE BRYAN, B.S., J.D., M.A., *Professor of Law*  
FEDERICO CHEEVER, B.A., M.A., J.D., *Assistant Professor of Law*  
ALAN K. CHEN, B.A., J.D., *Assistant Professor of Law*  
ROBERTO L. CORRADA, B.A., J.D., *Professor of Law*  
EDWARD A. DAUER, A.B., LL.B., *Dean Emeritus and Professor of Law*  
PAUL STEPHEN DEMPSEY, A.B.J., J.D., LL.M., D.C.L., *Professor of Law and Director, Transportation Law Program*  
NANCY S. EHRENREICH, B.A., J.D., LL.M., *Assistant Professor of Law*  
MARTHA M. ERTMAN, A.B., J.D., *Assistant Professor of Law*  
ROBERT M. HARDAWAY, B.A., J.D., *Professor of Law*  
KEITH M. HARRISON, B.A., J.D., *Associate Professor of Law and Associate Dean for Academic Affairs*  
JEFFREY H. HARTJE, B.A., J.D., *Associate Professor of Law*  
SHEILA K. HYATT, B.A., J.D., *Professor of Law*  
FRANCIS W. JAMISON, B.A., J.D., *Professor of Law and Internship/Externship Coordinator*  
JAN G. LAITOS, B.A., J.D., S.J.D., *Professor of Law and Director, Natural Resources Program*  
HARRY O. LAWSON, B.A., M.S., *Professor of Judicial Administration Emeritus*  
NEIL O. LITTLEFIELD, B.S., LL.B., LL.M., S.J.D., *Professor of Law Emeritus*  
LUCY A. MARSH, B.A., J.D., *Professor of Law*  
VED P. NANDA, B.A., M.A., LL.B., LL.M., *Thompson G. Marsh Professor of Law and Director of the International Legal Studies Program*  
JULIE A. NICE, B.S., B.S., J.D., *Assistant Professor of Law*  
STEPHEN L. PEPPER, A.B., J.D., *Professor of Law*  
GEORGE W. PRING, B.A., J.D., *Professor of Law*  
JOHN H. REESE, B.B.A., LL.B., LL.M., S.J.D., *Professor of Law*  
PAULA R. RHODES, B.A., J.D., *Associate Professor of Law*  
EDWARD J. ROCHE, JR., B.B.A., J.D., *Professor of Law*  
HOWARD I. ROSENBERG, B.A., LL.B., *Professor of Law*  
JOHN T. SOMA, B.A., M.A., J.D., PH.D., *Professor of Law*  
JOYCE S. STERLING, B.A., M.A., PH.D., *Professor of Law*  
CELIA R. TAYLOR, B.A., J.D., *Assistant Professor of Law*  
MARK A. VOGEL, B.B.A., J.D., LL.M., *Associate Professor of Law and Director, Graduate Tax Program*  
TIMOTHY B. WALKER, A.B., M.A., J.D., *Professor of Law*  
JAMES L. WINOKUR, B.A., LL.B., *Professor of Law*  
ROBERT B. YEGGE, A.B., M.A., J.D., *Dean Emeritus and Professor of Law*  
EDWARD H. ZIEGLER, JR., B.A., J.D., LL.M., *Professor of Law*

RECEIVED

MAR 11 2000

UNIVERSITY OF DENVER  
LAW LIBRARY

SPECIAL ADJUNCT FACULTY

- J. WADINE GEHRKE, B.A., J.D., *Adjunct Professor of Clinical Law and Internship Liaison.*  
 JACQUELINE ST. JOAN, B.A., J.D., *Clinical Visiting Professor and Director, Mediation Arbitration Center.*  
 ROBERTA J. STEINHARDT, B.A., J.D., *Clinical Visiting Professor.*  
 MARGARET E. WALKER, B.S., M.Ed., J.D., *Adjunct Professor of Clinical Law and Director, Student Law Office Civil Clinical Project.*

ADJUNCT FACULTY

- HAROLD O. BLOOMENTHAL, B.S., J.D., J.S.D., *Adjunct Professor of Law.*  
 WALTER C. BRAUER III, B.S., A.M., J.D., *Adjunct Professor of Law.*  
 WILLIAM T. DISS, B.S., J.D., *Adjunct Professor of Law*  
 THE HONORABLE WILLIAM F. DRESSEL, B.A., J.D., *Adjunct Professor of Law and Judge, 8th Judicial District Court, Colorado.*  
 DANIEL W. EDWARDS, B.A., J.D., *Adjunct Professor of Law*  
 THE HONORABLE DAVID M. EBEL, B.A., J.D., *Adjunct Professor of Law and Judge, Tenth Circuit Court of Appeals.*  
 RICHARD D. GREENGARD, B.A., J.D., *Adjunct Professor of Law*  
 THE HONORABLE JOHN L. KANE, B.A., J.D., *Adjunct Professor of Law and Senior Judge, United States District Court, Colorado.*  
 DAVID S. KAPLAN, B.A., J.D., *Adjunct Professor of Law*  
 THE HONORABLE HOWARD M. KIRSHBAUM, *Justice, Supreme Court of Colorado & Adjunct Professor of Law*  
 BRUCE MARKS, B.S., J.D., *Adjunct Professor of Law*  
 THE HONORABLE DONALD W. MARSHALL, B.S., M.S.J.A., J.D., *Adjunct Professor and Judge, 17th Judicial District Court, Colorado.*  
 STEPHEN L. PEVAR, A.B., J.D., *Adjunct Professor of Law*  
 THOMAS RAGONETTI, A.B., M.R.P., J.D., *Adjunct Professor of Law*  
 KAREN STEINHAUSER, B.A., J.D., *Adjunct Professor of Law*  
 THE HONORABLE DANA U. WAKEFIELD, B.A., J.D., *Judge, Denver Juvenile Court & Adjunct Professor of Law*  
 MICHAEL O. WIRTH, B.S., M.A., Ph.D., *Chair, Mass Communications, University of Denver & Professor*  
 BROOKE WUNNICKE, B.A., LL.B., *Adjunct Professor of Law*

LECTURERS IN LAW

- |  |   |
|--|---|
| STEPHEN D. ALFERS, B.A., J.D.              | EUGENE KOZLOWSKI, B.A., M.A., Ph.D.   |
| GARRY R. APPEL, B.A., J.D.                 | SCOTTY P. KROB, B.A., J.D.  |
| ANGELA R. ARKIN, B.A., J.D.                | DAVID A. LANE, B.A., M.B.A.   |
| STEVE ARMSTRONG, B.S., J.D.                | RICHARD W. LAUGESSEN, B.A., J.D.  |
| PATRICIA S. BANGERT, B.A., J.D.            | RICK LEAMAN, B.A., M.B.A.   |
| SETH J. BENEZRA, B.A., J.D.                | HERRICK K. LIDSTONE, JR., A.B., J.D.  |
| WILLIAM P. BETHKE, B.A., J.D.              | DAVID LOCKWOOD, B.A., J.D.  |
| THEODORE A. BORRILLO, B.B.A., J.D., J.S.D. | J. TRIPLETT MACKINTOSH, B.A., M.A., J.D.  |
| MARK H. BOSCOE, B.A., J.D.                 | THE HONORABLE LAWRENCE A. MANZANARES, B.A., J.D., <i>Judge, Denver County Court</i> |
| CONSTANCE E. BROOKS, B.A., J.D.            | DAVID MAZZARELLA, B.S., M.A., J.D., LL.M.   |
| LAIRD CAMPBELL, A.B., LL.B.                | JOAN H. MCWILLIAMS, B.S., M.S.J.A., J.D.  |
| THOMAS E. CARBONNEAU, B.A., M.A., J.D.     | GLENN W. MERRICK, B.A., J.D.  |
| PHILIP A. CHERNER, B.S., J.D.              | ROBERT D. MILLER, B.S., M.D., Ph.D.   |
| WILLIAM M. COHEN, B.S.M.E., J.D., LL.M.    | RICHARD L. NATHAN, B.A., J.D.   |
| DAVID COX, B.S.B.A., M.S.B.A., J.D.        | MYRON H. NORDQUIST, B.S., J.D., J.S.D.  |
| DAVID R. DEMIRO, A.B., J.D.                | TERRY O'NEILL, B.A., J.D.   |
| LINDA DONNELLY, B.A., J.D.                 | WILLIAM O'QUINN, B.S., J.D.   |
| JOSEPH M. EPSTEIN, B.A., J.D.              | LARRY S. POZNER, B.S., J.D.   |
| THOMAS C. FOLSOM, B.S., J.D.               | MICHAEL S. QUINN, B.A., J.D.  |
| ALAN J. GILBERT, ScB., J.D.                | GERALD J. RAFFERTY, B.S., J.D.  |
| MONICA S. GLICKMAN, B.A., J.D.             | MARCELINA RIVERA, B.A., J.D.  |
| HAROLD GOLZ, B.A., J.D.                    | GILBERT M. ROMAN, B.A., J.D.  |
| SETH A. GROB, B.A., J.D.                   | DONALD SALCITO, B.A., J.D.  |
| J. SCOTT HAMILTON, B.A., J.D., LL.M.       | GORDON E. SCHIEMAN, B.S., B.A., J.D., LL.M.   |
| CAROL J. HARMON, B.A., M.A., J.D.          | JAMES SERVEN, B.A., B.S., M.B.A., J.D.  |
| ROBERT G. HEISERMAN, JR., B.A., J.D.       | J. ALISON SHELTON, B.A., J.D.   |
| NED HEPPENSTALL, B.A., J.D.                | JOHN F. SHEPHERD, A.B., J.D.  |
| GREGORY B. KANAN, B.A., J.D.               | SHARI SHINK, B.S., J.D.   |
| ROBERT R. KEATINGE, B.A., J.D., LL.M.      |   |
| GLENN E. KELLER, JR., B.S., J.D.           |   |

JAMES W. SPENSLEY, B.S., J.D.  
JOHN D. STERNBERG, B.A., J.D.  
BARRY J. SWANSON, B.A., PH.D., J.D.  
CRAIG L. TRUMAN, B.A., J.D.

LECTURERS IN LEGAL ADMINISTRATION

CYNTHIA L. ACREE, B.A., M.S.J.A.  
TERI P. CAMPBELL, B.B.A., M.S.J.A.  
KIMBERLY L. CURTIS, B.S., M.S.J.A.

EMERITUS LAW FACULTY

WILLIAM A. ALTONIN, A.B., J.D., LL.M.  
WILLIAM M. BEANEY, A.B., LL.B., PH.D.  
MURRAY BLUMENTHAL, B.M.E., M.A.,  
PH.D.  
JOHN A. CARVER, JR., A.B., LL.B., LL.D.  
ALFRED J. COCO, B.A., J.D., M.L.L.  
DANIEL S. HOFFMAN, B.A., LL.B.  
JOHN PHILLIP LINN, A.B., M.A., J.D.

ADMINISTRATIVE STAFF

BARBARA ALLEN, B.A., M.L.S.  
DONNA S. ELLIS, B.S., *Financial Aid Director*  
MARGARET FAIVER, *Office Administrator,  
Student Services*  
ANDREA FORREST, B.A., *Career Counselor*  
SALLY FRY, B.A., *Chief Financial Officer*  
SHEILA GREEN, B.A., M.A., *Reference  
Librarian*  
TANYA HAYNES, *Publications and Planning  
Coordinator*  
STEPHANIE HEAPS, *Computer Center  
Supervisor*  
HELEN JACOBSON, B.A., *Career Counselor*  
JOHANNA E. KELLY, A.B., *Director of Devel-  
opment, Major Gifts*  
SUSAN K. MADISON, B.A., M.A.L.S., *Head,  
Bibliographic Services*  
SALLY J. MARESH, B.A., M.A., J.D., *Chief  
Operating Officer*

STAFF AMICI UNIVERSITATIS

PHILIP E. GAUTHIER, *Director of Alumni  
and Public Relations, University of Den-  
ver College of Law, 1972-91.*  
VELVIN GUIET, *Bookstore Manager, Univer-  
sity of Denver College of Law, 1974-88*

GAYLORD A. VIRDEN, B.A., M.A., J.D.  
ARNOLD C. WEGHER, B.M.E., LL.B., LL.M.  
JOHN F. WELBORN, B.A., J.D.  
ROBERT A. ZUPKUS, A.B., J.D.

SUZANNE B. O'NEILL, B.A., J.D., LL.M.  
RONALD L. SEIGNEUR, B.A., M.B.A.  
THADDEUS J. SPACK, B.A., M.A., M.S.J.A.

THOMPSON G. MARSH, A.B., LL.B., M.A.,  
LL.M., J.S.D.  
CHRISTOPHER MUNCH, B.S., J.D.  
EDWARD E. PRINGLE, J.D., LL.D.  
THE HONORABLE GREGORY KELLAM SCOTT,  
B.S., Ed.M., J.D., *Justice Colorado  
Supreme Court*  
JAMES E. WALLACE, A.B., LL.B., B.D.,  
PH.D.

LAURI A. MLINAR, *Director of Events*  
NANCY P. NONES, B.A., *Administrator, Inter-  
national Legal Studies*  
CATHERINE PABLICH, B.A., M.L.S., *Head of  
User Services*  
JOANNA PATRICK, B.A., *Manager of Library  
Operations*  
ANN POLUMBUS, B.A., M.A.T., *Director of  
Alumni Relations*  
ROBIN A. RICKER, B.S., *Program Coordina-  
tor, Graduate Tax Program*  
NANCY ROPER, *Manager, Faculty Support  
Manager*  
CLAUDIA L. TOMLIN, B.A., *Director of  
Admissions*  
MARY KATHLEEN WILDER, B.A., M.A., J.D.,  
*Director of Legal Writing Program*

CHARLIEN E. RYAN, *Assistant to Associate  
Dean, 1977-1991*  
IRMGARD K. VRAGEL, B.A., 1965, *Registrar,  
University of Denver College of Law,  
1981-87*

## TRANSPORTATION LAWYERS ASSOCIATION

### EXECUTIVE COMMITTEE MEMBERS

#### OFFICERS

President ..... *W. Robert Alderson*  
President-Elect ..... *Kenneth R. Hoffman*  
First Vice President ..... *Fritz R. Damm*  
Second Vice President ..... *Robert E. McFarland*  
Secretary-Treasurer ..... *Catherine Pawluch*  
Immediate Past President ..... *Ann M. Pougiales*

#### Representatives-at-Large

*Wesley S. Chused*  
*Peter R. Corbin*  
*Francis A. Courtenay, Jr.*  
*R. Wayne Myles*  
*Kathleen C. Jeffries*  
*Brian J. Smith*  
*John R. Ruhl*  
*Michael Spurlock*

#### CTLA Representative-at-Large

*Douglas C. McTavish*

#### Past Presidents

<i>August W. Heckman</i>	<i>Frank W. Taylor, Jr.</i>
<i>Phineas Stevens</i>	<i>A. Charles Tell</i>
<i>John E. Jandera</i>	<i>Richard H. Champlin</i>
<i>Leroy Hallman</i>	<i>Michael J. Ogborn</i>
<i>Walter N. Bieneman</i>	<i>Kim D. Mann</i>
<i>Alvin J. Meiklejohn, Jr.</i>	<i>Richard P. Kissinger</i>
<i>James W. Hagar</i>	<i>David R. Parker</i>
<i>William J. Lippman</i>	<i>Mark J. Andrews</i>
<i>John A. Vuono</i>	<i>Edward J. Kiley</i>
<i>Charles Ephraim</i>	<i>Alex M. Lewandowski</i>
<i>James C. Hardman</i>	<i>William D. Taylor</i>
<i>Robert D. Schuler</i>	<i>David B. Schneider</i>
<i>James M. Doherty</i>	<i>James F. Flint</i>
<i>Harold D. Miller, Jr.</i>	<i>Ann M. Pougiales</i>
<i>Wilmer B. Hill</i>	

# TRANSPORTATION LAW JOURNAL

Winter 2000

*Editor in Chief*  
AUDREY M. SIMON

*Managing Editor*  
BRIAN K. FURGASON

*Business Editor*  
JOSEPH A. GUERRIERO

*Articles Editors*  
MELINDA B. BARTON  
STEVEN GAHLINGS

*Technical Editor*  
MATTHEW J. KAVANAGH

*Symposium Editor*  
CYNTHIA J. MCNABB

*Associate Editor*  
BRETT D. CHARDAVOYNE

*General Editor*  
DAVID W. BECKER, JR.  
HOWARD D. HURWITZ

*Staff*

KIMBERLY A. BRUETSCH  
KENNETH S. CHANG  
VICHIAN FORD  
JONATHAN D. GANS  
KRISTOPHER GOTZMER

TODD IRWIN  
SVETLANA S. MOSIN  
MICHAEL J. SCHROEDER  
CHRISTOPHER WALKER  
ROBERT THOMAS ZENTNER

*Faculty Advisor*  
PAUL STEPHEN DEMPSEY



UNIVERSITY of DENVER

College of Law  
Transportation Law Program

To Prospective Law Students:

Transportation is an enormously important industry, an essential part of the nation's infrastructure of travel, communications and commerce.

Transportation is a vast industry, accounting for 16% of the Gross National Product, with networks of airlines, railroads, trucking companies, busses, pipelines, barge lines and ocean vessels linking the far corners of the nation and the world.

The evolution of public policy in transportation, moving from regulation to deregulation, has made the practice of transportation law a dynamic, challenging arena, integrating principles of law and economics. The transformation of the regulatory landscape creates new opportunities for lawyers as transportation firms transform themselves into lean and aggressive market driven companies.

Few industries offer a young lawyer such a dynamic landscape of shifting law and policy, one filled with challenge and opportunity. The pages of the *Transportation Law Journal* reflects these dynamics.

The University of Denver's Transportation Law Program is the premiere such program in the United States. If transportation law is what you want to do, the University of Denver is the place to do it. If you are a prospective law student, write me, and ask for our catalog.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Stephen Dempsey".

Paul Stephen Dempsey  
Professor of Law, and  
Director, Transportation Law Program

1900 Olive Street, Denver, Colorado 80220 303-871-6269

The University of Denver is an equal opportunity/affirmative action institution.





UNIVERSITY OF  
**DENVER**  
COLLEGE OF LAW

Transportation Law Journal  
7039 E. 18th Ave.  
Denver, CO 80220  
303.871.6162  
Fax 303.871.6165

Dear Subscribers:

It is with great joy and great sadness that I write this letter to you as my tenure as Editor-in-Chief of the Transportation Law Journal ("TLJ") comes to an end. I have had the pleasure to serve the TLJ for over two years and my experience has been very fruitful. With the beginning of a new school year, however, I must hand over the reigns of the TLJ to its new Editor-in-Chief, Audrey Simon, and her dedicated editorial board.

Audrey brings a great deal of experience to the Editor-in-Chief position, and I am confident Audrey will flourish in her new role. Audrey also has the services of one of the finest editorial boards that the TLJ has ever seen. I therefore leave the TLJ in dedicated hands and am positive that the TLJ will continue to grow and be recognized as the finest journal relating to intermodal transportation issues in the world.

On a personal note, I would like to again apologize to Salvatore Massa for the misprint of his article in the Railroad Symposium issue last summer. Mr. Massa has been very helpful and congenial in the TLJ's efforts to republish his article. For his understanding, I would like to thank Mr. Massa.

I hope that you have enjoyed the articles embodied in the last three issues of the TLJ. I know that under Audrey's leadership the TLJ will continue to publish cutting-edge articles exploring controversial issues in transportation law. Thank you for your continued support of the Transportation Law Journal!

Best Wishes,

Kevin P. Ahearn  
Editor-in-Chief, Volume 26 (1998-1999)



UNIVERSITY OF  
**DENVER**  
COLLEGE OF LAW

Transportation Law Journal  
7039 E. 18th Ave.  
Denver, CO 80220  
303.871.6162  
Fax 303.871.6165

Dear Subscriber,

I am proud to assume the role of Editor-in-Chief for Volume 27 of the Transportation Law Journal ("TLJ"). With the turn of the new millenium the TLJ focuses upon the dynamic state of multi-modal transportation. My editorial board and I strive to bring you the most current and debated topics in transportation law.

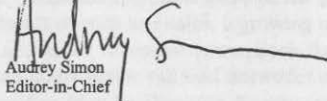
This issue contains articles on railroad competition and safety, airline liability and issues in taxi licensing. We are excited to produce an issue with such diversity of topics. In addition, we wish to thank Salvatore Massa for his help and understanding in the republication of his article entitled, "Injecting Competition in the Railroad Industry Through Access."

As we assume control of the TLJ, we want to extend our gratitude and best wishes to Kevin Ahearn and the 1998-1999 TLJ Board. Their leadership and dedication has enabled us to continue the tradition of excellence the TLJ has established.

We also wish to thank the Transportation Lawyers Association ("TLA") for their continued support of the TLJ and its staff. Working with the TLA has provided us with ample opportunities to excel in the area of transportation law.

Thank you for your continued support of the TLJ. We hope you enjoy this issue.

Very truly yours,

  
Audrey Simon  
Editor-in-Chief

# TRANSPORTATION LAW JOURNAL

---

Volume 27

2000

No. 1

---

Copyright © 2000 by the Transportation Law Journal

## TABLE OF CONTENTS

### ARTICLES

- Injecting Competition in the Railroad Industry Through Access  
*Salvatore Massa* ..... 1
- The Spread of Tuberculosis in the Aircraft Cabin-Issues of Air Carrier  
Liability  
*Ruwantissa I.R. Abeyratne* ..... 41
- Regulating Safety Culture in the Railroad Industry: The Time Has  
Come for Broader Horizons  
*James A. Squires* ..... 93

### COMMENT

- Taxicab Licenses: In Search of a Fifth Amendment, Compensable  
Property Interest  
*Steve Oxenhandler* ..... 113



## UNIVERSITY OF DENVER COLLEGE OF LAW

### ADMINISTRATIVE OFFICERS

DANIEL L. RITCHIE, M.A., M.B.A., *Chancellor*  
WILLIAM F. ZARANKA, Ph.D., *Provost, Dean of Faculty*  
NELL JESSUP NEWTON, B.A., J.D., *Dean, College of Law*  
CRAIG WOODY, *Vice Chancellor for Financial Affairs/Treasurer*  
CAROL FARNSWORTH, *Vice Chancellor for Communication*  
KEITH M. HARRISON, B.A., J.D., *Associate Dean for Academic Affairs*  
GARY L. ALEXANDER, B.A., M.L.L., J.D., *Director, Westminster Law Library*  
ANNE STARK WALKER, J.D., *Director of Career Services*

### FACULTY

DAVID W. BARNES, A.B., M.A., Ph.D., J.D., *Professor of Law*  
ARTHUR BEST, A.B., J.D., *Professor of Law*  
JEROME BORISON, B.S., J.D., LL.M., *Associate Professor of Law*  
BURTON F. BRODY, B.S.C., J.D., LL.M., *Professor of Law*  
J. ROBERT BROWN, JR., B.A., M.A., Ph.D., J.D., *Professor of Law*  
PENELOPE BRYAN, B.S., J.D., M.A., *Professor of Law*  
FEDERICO CHEEVER, B.A., M.A., J.D., *Assistant Professor of Law*  
ALAN K. CHEN, B.A., J.D., *Assistant Professor of Law*  
ROBERTO L. CORRADA, B.A., J.D., *Professor of Law*  
EDWARD A. DAUER, A.B., LL.B., *Dean Emeritus and Professor of Law*  
PAUL STEPHEN DEMPSEY, A.B.J., J.D., LL.M., D.C.L., *Professor of Law and Director, Transportation Law Program*  
NANCY S. EHRENREICH, B.A., J.D., LL.M., *Assistant Professor of Law*  
MARTHA M. ERTMAN, A.B., J.D., *Assistant Professor of Law*  
ROBERT M. HARDAWAY, B.A., J.D., *Professor of Law*  
KEITH M. HARRISON, B.A., J.D., *Associate Professor of Law and Associate Dean for Academic Affairs*  
JEFFREY H. HARTJE, B.A., J.D., *Associate Professor of Law*  
SHEILA K. HYATT, B.A., J.D., *Professor of Law*  
FRANCIS W. JAMISON, B.A., J.D., *Professor of Law and Internship/Externship Coordinator*  
JAN G. LAITOS, B.A., J.D., S.J.D., *Professor of Law and Director, Natural Resources Program*  
HARRY O. LAWSON, B.A., M.S., *Professor of Judicial Administration Emeritus*  
NEIL O. LITTLEFIELD, B.S., LL.B., LL.M., S.J.D., *Professor of Law Emeritus*  
LUCY A. MARSH, B.A., J.D., *Professor of Law*  
VED P. NANDA, B.A., M.A., LL.B., LL.M., *Thompson G. Marsh Professor of Law and Director of the International Legal Studies Program*  
JULIE A. NICE, B.S., B.S., J.D., *Assistant Professor of Law*  
STEPHEN L. PEPPER, A.B., J.D., *Professor of Law*  
GEORGE W. PRING, B.A., J.D., *Professor of Law*  
JOHN H. REESE, B.B.A., LL.B., LL.M., S.J.D., *Professor of Law*  
PAULA R. RHODES, B.A., J.D., *Associate Professor of Law*  
EDWARD J. ROCHE, JR., B.B.A., J.D., *Professor of Law*  
HOWARD I. ROSENBERG, B.A., LL.B., *Professor of Law*  
JOHN T. SOMA, B.A., M.A., J.D., Ph.D., *Professor of Law*  
JOYCE S. STERLING, B.A., M.A., Ph.D., *Professor of Law*  
CELIA R. TAYLOR, B.A., J.D., *Assistant Professor of Law*  
MARK A. VOGEL, B.B.A., J.D., LL.M., *Associate Professor of Law and Director, Graduate Tax Program*  
TIMOTHY B. WALKER, A.B., M.A., J.D., *Professor of Law*  
JAMES L. WINOKUR, B.A., LL.B., *Professor of Law*  
ROBERT B. YEGGE, A.B., M.A., J.D., *Dean Emeritus and Professor of Law*  
EDWARD H. ZIEGLER, JR., B.A., J.D., LL.M., *Professor of Law*