

TRANSPORTATION LAW JOURNAL

INDUSTRY LEADER IN MULTI-MODAL LAW, ECONOMICS & POLICY

UNIVERSITY OF DENVER • COLLEGE OF LAW

SYMPOSIUM ON INTERMODAL TRANSPORTATION

Summer 2000

In Cooperation with

NCIT
THE NATIONAL CENTER FOR INTERMODAL TRANSPORTATION

&

ITI
University of Denver
Intermodal Transportation Institute

VOLUME 27 • NUMBER 3 • SUMMER 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. 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

RECEIVED

MAR 28 2001

UNIVERSITY OF DENVER
LAW LIBRARY

TRANSPORTATION LAW JOURNAL

Volume 27

2000

No. 3

Copyright © 2000 by the Transportation Law Journal

TABLE OF CONTENTS

I. INTRODUCTION:

Symposium on Intermodal Transportation

*Joseph S. Szyliowicz and
Paul Stephen Dempsey* 295

II. SYMPOSIUM ON INTERMODAL TRANSPORTATION

Intermodalism: The Challenge and the Promise

Joseph S. Szyliowicz 299

Intermodal Transportation in Historical Perspective

Arthur Donovan 317

Developing a Standard Definition of Intermodal Transportation

*W. Brad Jones,
C. Richard Cassady, and
Royce O. Bowden, Jr.* 345

Modeling Intermodal Transportation Systems: Establishing a Common
Language

*D. Wesley Graham, C. Richard
Cassady, Royce O. Bowden, Jr.,
and Stephen A. LeMay* 353

The Law of Intermodal Transportation: What It Was, What It Is,
What It Should Be

Paul Stephen Dempsey 367

Intermodal Education in Comparative Perspective

*Jonathan B.L.K. Jervell III,
Anthony Perl, Patrick Sherry,
and Joseph S. Szyliowicz* 419

Measuring Economic Benefits of Intermodal Transportation

Dr. Yuri V. Yevdokimov 439

New York Regional Intermodal Freight Transportation Planning:
Institutional Challenges

*José Holguín-Veras and
Robert E. Paaswell* 453

Progress in Intermodal Passenger Transportation: Private Sector
Initiatives

*Andrew R. Goetz and
Timothy M. Vowles* 475



UNIVERSITY OF DENVER COLLEGE OF LAW

ADMINISTRATIVE OFFICERS

DANIEL L. RITCHIE, M.A., M.B.A., *Chancellor*
Daniel L. Ritchie, A.B., M.B.A., Chancellor
William F. Zaranka, Ph.D., Provost
Craig Woody, B.A., Vice Chancellor for Financial Affairs/Treasurer
Carol Farmsworth, M.A., Vice Chancellor for Communications
Mary Ricketson, B.A., J.D., Dean of the College of Law
J. Robert "Jay" Brown, B.A., M.A., Ph.D., J.D., Associate Dean for Academic Affairs
Gary L. Alexander, B.A., M.L.L., J.D., Asst. Dean of Information Services and Library
Director
Al. L. Dong, B.A., M.L.S., J.D., Reference Librarian
Iain Davis, B.A., Financial Aid Director
Sally Fry, B.A., Chief Financial Officer
Sheila Green, B.A., M.A.L.S., Reference Librarian
Meghan Howes, B.A., M.E.A., Writer/Editor
Martha Keister, A.B., M.A., M.L.S., International Law Librarian
Johanna E. Kelly, A.B., Assist. Dean for Development & External Affairs
Stephen Favreau, Masters, B.A., Asst. Dean of Administration
David Lively, B.A., M.A., M.B.A. Candidate, Assoc. Director Development
Lauri A. Mlinar, Director of Events
Nancy P. Nones, B.A., Administrator, International Legal Studies
Laura Dean, B.A., Director of Alumni Relations
Robin A. Ricer, B.S., Program Coordinator, Graduate Tax Program
Cynthia Rold, B.A., J.D., Dean of Student Services
Jacqueline St. Joan, A.B., J.D., M.A., Director, Clinical Programs, Assoc. Professor of Law
Susan Tobin, B.A., Registrar
Forrest Stanford, B.A., J.D., Director of Admissions
Patty Powell, Director of Career Services

FACULTY

ROBERT S. ANDERSON, B.A., J.D., LECTURER
DAVID W. BARNES, A.B., M.A., PH.D., J.D., PROFESSOR OF LAW
THOMAS A. BARNES, JR., B.A., J.D., LECTURER
WILLIAM M. BEANEY, A.B., LL.B., PH.D., EMERITUS 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 "JAY" BROWN, JR., B.A., M.A., PH.D., J.D., ASSOCIATE PROFESSOR OF LAW
PENELOPE BRYAN, B.S., M.A., J.D., ASSISTANT PROFESSOR OF LAW
JOHN A. CARVER, JR., A.B., LL.B., LL.D., EMERITUS 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
CHRISTINE CIMINI, B.A., J.D., ASSISTANT PROFESSOR OF CLINICAL PROGRAMS
ALFRED J. COCO, B.A., J.D., M.L.L., EMERITUS PROFESSOR OF LAW
ROBERTO L. CORRADA, B.A., J.D., ASSISTANT PROFESSOR OF LAW
TAMI D. COWDEN, B.A., J.D., LECTURER
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
KATE DUBA, B.A., J.D., LECTURER
K.K. DU VIVIER, B.A., J.D., ASSISTANT PROFESSOR & DIRECTOR OF LAWYERING PROCESS
PROGRAM
NANCY S. EHRENREICH, B.A., J.D., LL.M., ASSISTANT PROFESSOR OF LAW
MARTHA M. ERTMAN, A.B., J.D., VISITING ASSISTANT PROFESSOR OF LAW
ROBERT M. HARDAWAY, B.A., J.D., PROFESSOR OF LAW
J. WADINE GEHRKE, B.A., J.D., ASSISTANT PROFESSOR OF CLINICAL PROGRAMS
KEITH M. HARRISON, B.A., J.D., PROFESSOR OF LAW
JEFFREY H. HARTJE, B.A., J.D., ASSOCIATE PROFESSOR OF LAW
TIMOTHY M. HURLEY, B.A., J.D., LECTURER

SHEILA K. HYATT, B.A., J.D., PROFESSOR OF LAW AND ASSOCIATE DEAN FOR ACADEMIC AFFAIRS
SAM KAMIN, B.A., J.D., PH.D., ASSISTANT PROFESSOR OF LAW
MARTIN KATZ, A.B., J.D., ASSISTANT PROFESSOR OF LAW
FRANCIS W. JAMISON, B.A., J.D., PROFESSOR OF LAW
JAN G. LAITOS, B.A., J.D., S.J.D., PROFESSOR OF LAW AND DIRECTOR OF NATURAL RESOURCES PROGRAM
HARRY O. LAWSON, B.A., M.S., PROFESSOR OF JUDICIAL ADMINISTRATIONS AND DIRECTOR, MASTER OF SCIENCE IN LEGAL ADMINISTRATION PROGRAM
NEIL O. LITTLEFIELD, B.S., LL.B., LL.M., S.J.D., EMERITUS PROFESSOR OF LAW
LUCY A. MARSH, B.A., J.D., PROFESSOR OF LAW
MICHAEL G. MASSEY, B.A., J.D., LECTURER
KIM MONTAGRIFF, B.S., J.D., LECTURER
VED P. NANDA, B.A., M.A., LL.B., LL.M., THOMPSON G. MARSH PROFESSOR OF LAW AND DIRECTOR, INTERNATIONAL LEGAL STUDIES PROGRAM
JULIE A. NICE, B.A., J.D., ASSISTANT PROFESSOR OF LAW
STEPHEN L. PEPPER, A.B., J.D., PROFESSOR OF LAW
GEORGE W. "ROCK" PRING, B.A., J.D., PROFESSOR OF LAW
JOHN H. REESE, 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.F.D., PH.D., PROFESSOR OF LAW
MARY A. STEEFEL, B.A., J.S., LL. M., LECTURER
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., EMERITUS PROFESSOR OF LAW
JAMES E. WALLACE, A.B., LL.B., B.D., PH.D., EMERITUS 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

TRANSPORTATION LAWYERS ASSOCIATION

EXECUTIVE COMMITTEE MEMBERS

OFFICERS

President	<i>Kenneth R. Hoffman</i>
President-Elect	<i>Fritz R. Damm</i>
First Vice President	<i>Robert E. McFarland</i>
Second Vice President	<i>Catherine A. Paluch</i>
Secretary-Treasurer	<i>Kathleen C. Jeffries</i>
Immediate Past President	<i>W. Robert Alderson</i>

Representatives-at-Large

*Wesley S. Chused
Paul D. Keenan
R. Wayne Myles
Marianne Rowden
Brian J. Smith
Michael Spurlock
Greg E. Summy
Eric L. Zalud*

Past Presidents

<i>Mark J. Andrews</i>	<i>Charles Ephrain</i>
<i>Franklin Van Osdel</i>	<i>James C. Hardman</i>
<i>August W. Heckman</i>	<i>Robert D. Schuler</i>
<i>Carll V. Kretsinger</i>	<i>James M. Doherty</i>
<i>Truman A. Stockton, Jr.</i>	<i>Harold D. Miller, Jr.</i>
<i>Harold G. Hernly</i>	<i>Wilmer B. Hill</i>
<i>Jack B. Josselson</i>	<i>A. Charles Tell</i>
<i>Ewell H. Muse, Jr.</i>	<i>Frank W. Taylor, Jr.</i>
<i>Phineas Stevens</i>	<i>Richard H. Champlin</i>
<i>John E. Jandera</i>	<i>Michael J. Ogborn</i>
<i>Leroy Hallman</i>	<i>Kim D. Mann</i>
<i>Walter N. Bieneman</i>	<i>Richard P. Kissinger</i>
<i>Alvin J. Meiklejohn, Jr.</i>	<i>David R. Parker</i>
<i>James W. Hagar</i>	<i>Bertram S. Silver</i>
<i>Edward J. Kiley</i>	<i>John S. Fessenden</i>
<i>William J. Lippman</i>	<i>Alex M. Lewandowski</i>
<i>Thomas E. James</i>	<i>William D. Taylor</i>
<i>John A. Vuono</i>	<i>David B. Schneider</i>
	<i>James F. Flint</i>

TRANSPORTATION LAW JOURNAL

2000-2001

Editor in Chief

CHRISTOPHER JOHN WALKER

Managing Editor

JONATHAN D. GANS

Business Editor

ELIZABETH GORMLEY

Articles Editors

ROBIN WHITE

JESSE WITT

Technical Editor

RICHARD TODD IRWIN

Symposium Editor

PEGGY HOYT

General Editors

PETER MUCCIO

SVETLANA S. MOSIN

Staff

JEAN BLACK

DAVID GLYNN

PAMELA MC ADAMS

PHILLIP HUNDL

LINDSAY WYNGARDEN

JACOB EDSON

ROBBINE KRAMER

GILLIAN FLENER

JEFFREY CLAYTON

JOANNE KOHEN

RYAN MC MANIS

MATTHEW J. KAVANAGH

BILLY-GEORGE HERTZKE

WILLIAM RESSUE

CHRISTOPHER LEACH

BRANDI HILLEWAERT

IRENA TENENBAUM

ADAM TUCKER

DELOIS DAVIS

MELINDA VIEL

Faculty Advisor

PAUL STEPHEN DEMPSEY

ITI
University of Denver
Intermodal Transportation Institute

ITI Board of Directors

Board Executive Committee

Gilbert E. Carmichael
Senior Chairman
Vice Chairman
WABTEC Corporation
Meridian, Mississippi

Clifford J. Hardt
Vice Chairman
Education
Vice President, Strategic Planning
Federal Express Corporation
Memphis, Tennessee

Jeffery D. McMorris
Vice Chairman
Development
President
JEFFTAM Investments, Ltd.
Denver, Colorado

Donna Warner Wilson
Vice Chair
***Representative of the Chancellor
and the Provost***
University of Denver
Denver, Colorado

Thomas L. Finkbiner
Chairman
Chief Executive Officer
Quality Distribution
Tampa, Florida

Craig R. Lentzsch
Vice Chairman
Intermodal Passenger Transportation
President & CEO
Greyhound Group
Dallas, Texas

Theodore Prince
Vice Chairman
Intermodal Freight Transportation
Principal
Transgistics, LLC
Richmond, Virginia

Board Members

Sam Addoms
President & CEO
Frontier Airlines, Inc.
Denver, Colorado

William J. Augello
Executive Director & General Counsel
Transportation Consumer Protection
Council, Inc.
Tucson, Arizona

Brooks A. Bentz
Associate Partner
Accenture
Wellesley, Massachusetts

John Betz
Vice President
National Freight Transportation
Library, Inc.
Arvada, Colorado

Pat Broe
Chairman of the Board
OmniTRAX
Denver, Colorado

Joanne F. Casey
President
Intermodal Association of
North America (IANA)
Greenbelt, Maryland

Jerry Davis

Retired, Vice Chairman
Union Pacific Railroad
Denver, Colorado

Edward M. Emmett

President & COO
The National Industrial
Transportation League
Arlington, Virginia

Mac A. Fleming

President
Brotherhood of Maintenance of
Way Employes
Southfield, Michigan

Thomas L. Hardin

President
Hub Group
Lombard, Illinois

Michael R. Haverty

President & CEO
Kansas City Southern Industries
Kansas City, Missouri

J. B. Hunt

Senior Chairman
J. B. Hunt Transport Services
Lowell, Arkansas

Lawrence H Kaufman

National Transportation Correspondent
Journal of Commerce
Denver, Colorado

Peter I. Keller

Executive Vice President & COO
NYK Line (North America), Inc.
Secaucus, New Jersey

Jack Lanigan, Sr.

Chairman of the Board
Mi-Jack Products
Hazel Crest, Illinois

Alan L. Lindsey

General Director, Safety & Rules
Burlington Northern Santa Fe
Corporation
Fort Worth, Texas

William W. Millar

President
American Public Transit Association
Washington, DC

Klaus W. Nielsen

Retired United Parcel Service
Brookfield Center, Connecticut

John R. Nussrallah

President, Railcar Division
Trinity Industries, Inc.
Dallas, Texas

Donald C. Orris

Chairman & CEO
Pacer International, Inc.
Denver, Colorado

Craig E. Philip

President & CEO
Ingram Barge Company
Nashville, Tennessee

Charles Rowland

Retired, Canaveral Port Authority
Merritt Island, Florida

Emilio Sacristán Roy

Director de Proyectos Especiales
Alstom Transporte S.A. de C.V.
Mexico City, Mexico

Alan Stone

Consultant
Stone Container Corporation
Chicago, Illinois

George Warrington

President & CEO
Amtrak
Washington, DC

George C. Woodward

Senior Vice Presiden
ALK Associates, Inc.
Princeton, New Jersey



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.