

TRANSPORTATION SAFETY LAW PRACTICE MANUAL: William E. Kenworthy. Butterworth Legal Publishers, 1989, 2 Looseleaf Volumes, 1994, \$175.00.

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The TRANSPORTATION SAFETY LAW PRACTICE MANUAL, is a two volume set fully updated in October of 1994. The manual addresses most major issues in surface transportation law from tort liability of common carriers, to federal regulations concerning hazardous substance transport. The author, William E. Kenworthy, is a member of Rea, Cross & Auchincloss in Washington D.C. and specializes in transportation law. In addition, Mr. Kenworthy served as counsel for a major common carrier and a motor carrier rate bureau. Drawing from his experiences, the author has compiled an extensive look at the major issues involved in ground transportation safety law.

The manual is a comprehensive compilation of law regarding major ground transportation carriers. The reader can easily browse through either volume and quickly pinpoint a topic. From beginning to end the manual provides a clear, concise road map through transportation safety law.

Volume I focuses on motor carriers and the railroad industry, emphasizing federal and state regulations. Each chapter gives the reader an overview of the law and, in certain areas, advice on how to proceed should litigation arise. The volume begins by comparing the common law approach to transportation law with affirmative regulation. With regard to common law, the manual only covers the areas of common carriers and personal injury, however, the coverage is extensive. Chapter Two addresses sources of indemnity and contribution. The reader is reminded that as plaintiff or defendant, highway agencies may be liable for accidents. In addition, an agencies' duty to the public is described in areas ranging from highway design to notice of defective conditions.

Consideration of motor carrier safety begins in chapter Four. The chapter provides a history of motor carrier regulation from the Motor Carrier Act of 1935, to the 1966 Department of Transportation Act, to

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the Motor Carrier Safety Act of 1990. Chapter Eight addresses enforcement of motor carrier regulations by the Department of Transportation (DOT). The chapter highlights the DOT's power in areas including civil enforcement remedies, criminal penalties, and enforcement proceedings.

Railroad safety is examined in much the same way as motor carrier safety beginning with chapter Five's assessment of Federal Railroad Regulations. Besides covering a wide variety of federal regulations such as, the Safety Appliance Acts, Hours of Service Acts, and the Federal Railroad Safety Act, attention is also paid to the effects of regulations on states. Chapter Nine furnishes an overview of the DOT's Rail Enforcement Powers including emergency orders, injunctive relief, criminal penalties, and rule making authority.

A concern for public safety runs throughout the manual. Chapters Ten and Eleven touch on alcohol and drug policies and transportation of hazardous materials respectively. Mr. Kenworthy examines DOT drug and alcohol testing procedures, and the possible criminal sanctions accompanying failed tests. In chapter Eleven, the regulation of transporting hazardous materials is characterized as a high priority. Focus is given to the Hazardous Materials Transportation Act and other applicable laws including: the Federal Water Pollution Control Act, the Occupational Safety and Health Act, and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Volume I also focuses on the Commerce Clause and its authoritative powers, the DOT's historical background, motor carrier safety fitness ratings, transportation equipment and the leasing of such, employee qualifications for motor carriers and railroads, and general safety regulations. Each chapter contains a brief table of contents enabling the reader to quickly find specific topics.

While Volume I offers the reader a textual format with historical contexts, Volume II provides charts, forms, and statutes to guide the practitioner. In conjunction with Volume I, Volume II examines motor carrier and railroad related areas. This second volume offers enough forms, charts, and statutes to give the reader a sense of what action to take in various situations. Each respective form or chart is a reproduction of those used by practitioners or by agencies when filing accident, inspection, or other reports. As with Volume I, Volume II allows the reader to quickly locate a specific section and offers clear and concise language about given topics.

Two of the appendices in this volume discuss discovery procedures for interrogatories and requests for production of documents for motor carrier and railroad litigation. Other appendices cover various topics such as: accident investigation procedures of the National Transportation Safety Board, worker's compensation, hazardous and toxic materials, the

policy statement of the Federal Railroad Administration, accident reporting forms, a checklist for compliance with federal motor carrier safety regulations, safety regulations, fine schedules, truck sizes for motor carriers, and the handling and storage of different types of materials.

The TRANSPORTATION SAFETY LAW PRACTICE MANUAL covers major ground transportation issues except for the areas of tort liability for freight loss and damage. Mr. Kenworthy, nevertheless, informs the reader of the absence and offers two texts pertaining to freight loss and damage claims in footnotes. Unfortunately, the manual does leave a major transportation area uncovered—aviation. By not including aviation law in the manual Kenworthy can be accused of using a slightly misleading title. A more appropriate title might have been, the GROUND TRANSPORTATION SAFETY LAW PRACTICE MANUAL. The exclusion of aviation law does not, however, subtract from the excellent coverage of motor carriers and railroads. This two volume set would be a practical complement to any business or law practice facing ground transportation law issues.