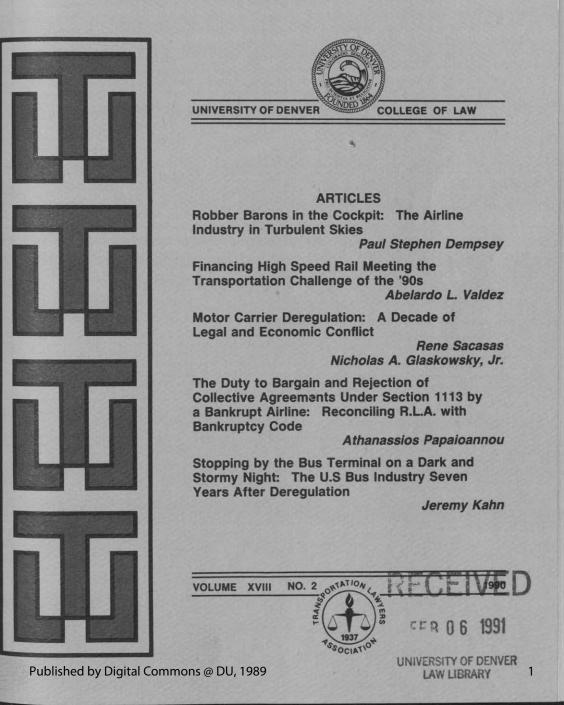
: Vol. 18, no. 2: Table of Contents

TRANSPORTATION LAW JOURNAL



UNIVERSITY OF DENVER COLLEGE OF LAW

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—pipelines, freight forwarders, brokers, and air, motor, rail and water carriage.

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 twice a year, winter and summer, 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, 1900 Olive Street, Denver, Colorado 80220; (303) 871-6162. 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.

: Vol. 18, no. 2: Table of Contents

TRANSPORTATION LAW JOURNAL

Volume 18 199	90	No. 2	
Copyright © 1990 by the Tr	ransportation Law Journal		
TABLE OF (CONTENTS		
ARTICLES			
Robber Barons in the Cockpit: The Airline Industry in Turbulent Skies	Paul Stephen Dempsey	1	C
Financing High Speed Rail Meeting the Transportation Challenge of the '9	e	. 173	
Motor Carrier Deregulation: A Decade Legal and Economic Conflict	e of Rene Sacasas Nicholas A. Glaskowsky, Jr.	. 189	1
The Duty to Bargain and Rejection of Collective Agreements Under Sec by a Bankrupt Airline: Reconcilin R.L.A. with Bankruptcy Code		. 219	
Stopping by the Bus Terminal on a Da Stormy Night: The U.S. Bus Indu Seven Years After Deregulation		. 255	

14

3



ADMINISTRATIVE OFFICERS

DANIEL L. RICHIE, M.A., M.B.A., Chancellor JOHN F. JONES, B.A., M.S.W., M.A., Ph.D., Provost

LIZ WILLIAMS, B.S., M.A., Vice Chancellor for Business and Financial Affairs/Treasurer LIZ WILLIAMS, B.S., M.A., Vice Chancellor for Dusiness and Financial Analis/ Treasu TERRY GIBSON, B.A., Vice Chancellor for Institutional Advancement JERRY D. PLUNKETT, Ph.D., Vice Chancellor for Strategic Projects L. JOSEPH SANDERS, B.A., M.A., Vice Chancellor for Communication EDWARD A. DAUER, A.B., LL.B., Dean of the College of Law and Professor of Law JEFFREY H. HARTJE, B.A., J.D., Associate Dean for Academic Affairs and Associate Professor of Law

Professor of Law

EDWARD J. ROCHE, JR., B.B.A., J.D., C.P.A., Associate Dean for Business Affairs MARK S. CALDWELL, B.A., J.D., Assistant Dean for Continuing Education and Professional Affairs

GARY L. ALEXANDER, B.A., M.LL., J.D., Research/Reference Coordinator SUSAN EWING BARBER, B.A., Director, Institute for Advanced Legal Studies DAVID A. BURROWS, B.A., M.A.L.S., Users Services JEFFREY S. DAVIS, B.A., Bookstore Manager

NANCY ELOFSON, B.S., Business Manager

PHILIP E. GAUTHIER, B.S., Director of Alumni and Public Relations WADINE GEHRKE, B.S., J.D., Staff Attorney, Lawyering Skills Program BARBARA N. GREENSPAHN, B.A., M.S., J.D., Director of Law Libraries/Associate Professor of Law Library Sciences

JACQUELINE E. HALL, B.A., Director of Development ELAINE JURRIES, B.A., M.A.L.S., Bibliographic Access Librarian SALLY MARESH, B.A., M.A., Administrator, Lawyering Skills Program

LAURI MLINAR, Administrative Assistant

NANCY NONES, B.A., Administrator International Legal Studies Program ROBIN RICKER-MILLER, B.S., Program Coordinator, Graduate Tax Program

CUNTHIA RIXEY SCOTT, B.A., M.LL., J.D., Research/Reference Librarian SHIRLEY SNYDER, B.A., Financial Aid Manager

CLAUDIA L. TOMLIN, B.A., Director of Admissions and Financial Aid HOLLACE WESTFELDT, B.S., M.A.L.S., Cataloging Librarian MARY KATHLEEN WILDER, B.A., M.A., J.D., Research/Reference Librarian

RITA ZASLOSKY, B.A., Director of Placement

FACULTY

DAVID W. BARNES, A.B., Ph.D., J.D., Professor of Law

ARTHUR BEST, A.B., J.D., Professor of Law

SANDRA L. BLACKSTONE, B.A., J.D., Ph.D., Assistant Professor of Law JEROME BORISON, B.S., J.D., LL.M., Assistant Professor of Law

BURTON F. BRODY, B.S., J.D., LL.M., Assistant Professor of Law BURTON F. BRODY, B.Sc., J.D., LL.M., Professor of Law J. ROBERT BROWN, JR., B.A., J.D., M.A., Assistant Professor of Law ALFRED J. COCO, B.A., J.D., Professor of Law THOMAS D. CRANDALL, B.S., J.D., Professor of Law EDWARD A. DAUER, A.B., LL.B., Dean and Professor of Law

PAUL STEPHEN DEMPSEY, A.B.J., J.D., LL.M., D.C.L., Professor of Law and Director of Transportation Law

NANCY S. EHRENREICH, B.A., J.D., LL.M., Assistant Professor of Law ROBERT M. HARDAWAY, B.A., J.D., Professor of Law KEITH M. HARRISON, B.A., J.D., Assistant Professor of Law

SHEILA K. HYATT, B.A., J.D., Associate Professor of Law PENELOPE S. INGBER, B.S., M.A., O. Assistant Professor of Law FRANCIS W. JAMISON, B.A., LL.B. Professor of Law and Director of Advocacy Skills

Program

JAN G. LAITOS, B.A., J.D., S.J.D., Professor of Law, Professor of Law and Director of Advocacy Skills Program

HARRY O. LAWSON, B.A., M.S., Professor of Judicial Administration and Director of Master of Science in Judicial Administration Program

NEIL O. LITTLEFIELD, B.S., LL.B., LL.M., S.J.D., Professor of Law

Lucy Marsh, B.A., J.D., Professor of Law Christopher J. Munch, B.S., J.D., Professor of Law Ved P. Nanda, B.A., M.A., LL.B., LL.M., Professor of Law and Director of International Legal Studies Program

STEPHEN L. PEPPER, A.B., J.D., Professor of Law GEORGE W. PRING, B.A., J.D., Professor of Law EDWARD E. PRINGLE, LL.B., LL.D., Professor of Law; Director of Legal Research & Writing Program; Former Chief Justice of Colorado Supreme Court

JOHN H. RESE, B.B.A., LL.B., LL.M., S.J.D., Professor of Law STEPHEN C. RENCH, B.A., J.D., Distinguished Adjunct Professor of Law EDWARD P. RICHARDS III, B.A., J.D., M.P.H., Visiting Associate Professor of Law EDWARD J. ROCHE, JR., B.B.A., J.D., C.P.A., Associate Dean for Business Affairs and Associate Professor of Law

Associate Professor of Law Howard I. Rosenberg, B.A., LL.B., Professor of Law CYNTHIA SAVAGE, B.A., J.D., Visiting Professor of Clinical Law G. KELLAM SCOTT, B.S., ED.M., J.D., Associate Professor of Law JOHN T. SOMA, B.A., J.D., M.A., Ph.D., Professor of Law JOYCE S. STERLING, B.A., M.A., Ph.D., Associate Professor of Law LAWRENCE P. TIFFANY, A.B., LL.B., S.J.D., Professor of Law MARK A. VOGEL, B.B.A., J.D., LL.M., C.P.A., Assistant Professor of Law and Director of Graduate Tax Program MARK A. VOGEL, B.B.A., J.D., LLIM., C.F.A., Assistant Professor of Law and Graduate Tax Program MARGARET E. WALKER, B.S., M.ED., J.D., Visiting Professor of Clinical Law TIMOTHY B. WALKER, A.B., M.A., J.D., Professor of Law JAMES E. WALLACE, A.B., LL.B., B.D., Ph.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

ADJUNCT FACULTY

JUNCT FACULTY
HOWARD R. ACKERMAN, JR., B.A., M.S.J.A., Adjunct Professor of Judicial Administration GARY R. BURGHART, B.A., J.D., Adjunct Professor of Law
WILLIAM T. DISS, B.S., J.D., Adjunct Professor of Law
STEPHEN P. EHRLICH, B.S., B.A., J.D., Adjunct Professor of Law
ROBERT G. HEISERMAN, JR., B.A., J.D., Adjunct Professor of Law
ROBERT G. HEISERMAN, JR., B.A., J.D., Adjunct Professor of Law
DENNIS E. HOWARD, B.A., M.S.J.A., Adjunct Professor of Law
DENNIS E. HOWARD, B.A., M.S.J.A., Adjunct Professor of Judicial Administration
THE HONORABLE HOWARD M. KIRSHBAUM, B.A., A.B., M.A., LL.B., Adjunct Professor of Law; Justice, Colorado Supreme Court
LARRY S. POZNER, B.S., J.D., Adjunct Professor of Law
EDWARD J. SCHEUNEMANN, A.B., LL.B., Adjunct Professor of Law
GORDON E. SCHIEMAN, B.S.B.A., J.D., ILI.M., Adjunct Professor of Law
JAMES W. SPENSLEY, B.S., J.D., Adjunct Professor of Law
THE HONORABLE DANA U. WAKEFIELD, B.A., J.D., Judge, Denver Juvenile Court
ARNOLD C. WEGHER, B.M.E., LL.B., Adjunct Professor of Law

LECTURERS IN LAW

THE HONORABLE DONALD E. ABRAM, B.S., J.D. CELIA A. ALBERTS, B.A., LL.M. RICHARD B. BAUER, B.A., LL.B. GLENN K. BEATON, B.S., J.D. THEODORE A. BORRILLO, B.B.A., LL.B., LL.M. FRANK O. BOWMAN III, B.A., J.D. WALTER C. BRAUER III, B.S., J.D. CONSTANCE E. BROOKS, B.A., J.D. SUSAN E. BURCH, B.A., M.A., J.D. J. WILLIAM CALLISON, A.B., J.D. LAIRD CAMPBELL, A.B., LL.B. PHILIP A. CHERNER, B.S., J.D. MICHAEL CLAYTON, A.B., B.S., J.D. LAURA L. DAVIS, A.B., J.D. DAVID R. DEMURO, A.B., J.D. THE HONORABLE WILLIAM F. DRESSEL, B.A., J.D. DAVID M. EBEL, B.A., J.D.

DANIEL W. EDWARDS, B.A., J.D. PHILLIP S. FIGA, B.A., J.D. LILLIAN H. FILEGAR, B.A., J.D. JOHN P. FITZGERALD, B.A., J.D. JON J. FRANKLIN, B.A., J.D. ANDREW I. GAVIL, B.A., J.D. ALAN J. GILBERT, SC.B., J.D. RICHARD D. GREENGARD, B.A., J.D. EDWARD M. HEPPENSTALL, B.A., LL.B. DEANNA E. HICKMAN, A.B., J.D. JAMES W. HILL, B.S., J.D. JAY S. HOROWITZ, B.A., LL.B. PAUL S. HUDNUT, B.A., J.D. JOHN R. JACKSON, B.A., J.D. DANIEL S. JAPHA, B.S.B.A., J.D. ROBERT R. KEATINGE, B.A., J.D. ROBERT L. MCGAHEY, JR., A.B., J.D. GLENN W. MERRICK, B.A., J.D. GALE A. NORTON, B.A., J.D. MICHAEL J. OGBORN, B.A., J.D.

Transportation Law Journal, Vol. 18 [1989], Iss. 2, Art. 1

STEPHEN D. OVERLY, B.A., M.P.A., J.D. ROBERT E. PELC, B.S., M.A., Ph.D., M.B.A. STEPHEN L. PEVAR, A.B., J.D. EDWARD P. PIERSON, B.A., J.D. VICKI S. PORTER, B.A., J.D. BEN A. RICH, B.A., J.D. JOHN L. RUPPERT, B.A., J.D., LL.M. PATRICK J. RUSSELL, B.A., B.S., M.S., M.B.A., J.D., LL.M. ZEKE M. SCHER, B.S., B.A., J.D. THE HONORABLE EDWARD A. SIMONS, B.S., J.D.

DENT E. SUTHERLAND, B.S., M.ED., J.D. S. LEE TERRY, JR., B.A., J.D. B. LAWRENCE THEIS, B.A., M.A., J.D. ROBERT TRAGER, B.A., J.D. E. DALE TROWER, B.A., J.D. CRAIG L. TRUMAN, B.A., J.D. JAMES R. WADE, A.B., LL.B. CHARLES B. WHITE, B.A., J.D. D. ELIZABETH WILLS, B.A., J.D. KENNETH C. WOLFE, B.S.B.A., J.D.

EMERITUS FACULTY AND STAFF WILLIAM M. BEANEY, A.B., LL.B., Ph.D. MURRAY BLUMENTHAL, M.A., PH.D. JOHN A. CARVER, JR., A.B., LL.B., LL.D. MARJORIE GRISBY, *Amica Universitatus* VELVIN GUIET, *Amica Universitatus* DANIEL S. HOFFMAN, B.A., LL.B. JOHN P. LINN, A.B., M.A., J.D. THOMPSON G. MARSH, A.B., LL.B., M.A., LL.M., J.S.D. IRMGARD K. VRAGEL, B.A., *Amica Universitatus* : Vol. 18, no. 2: Table of Contents

TRANSPORTATION LAW JOURNAL

Editors in Chief

CHARLES KOLLER

JOANE GARCIA-COLSON

Managing Editor LAURA M. MIKOLOWSKY

Technical/Articles Editor STEPHANIE G. WATSON

Associate Editors

BARRON DOUGLAS FARQUHAR

DEANN CONROY

Staff Members

MARK BELL CHRISTINE N. CHAUCHE WILTON W. COGSWELL IV DANIEL L. COLLINS MELANIE BAKER DALY NANCY R. DINER C. WARREN DIXON III JEANNE DOREMUS RONALD J. FEY JR. ROB FORBES FREDERICK G. GARGER JULIA L. GRIFFITH ALLISON L. HARTMAN GREG JAMIESON LINDA JONES C. TODD JONES ANNE BOTTERUD-LATTA VIRGINIA LINDGREN SHIRLEE D. MITCHELL JAN MOONEYHAM GREGORY MUELLER BOB MURRAY MATTHEW W. SANIDAS LOREN SMITH ROSEMARY UNDERWOOD BART VALLS KENT C. VEIO CHRIS WILLIAMS DANIEL S. WITTENBERG

Candidates

FRED C. BRIGMAN III

TOM CHARLTON

Faculty Editor PAUL STEPHEN DEMPSEY

7

TRANSPORTATION LAWYERS ASSOCIATION

OFFICERS

Kim D. Mann Washington, D.C.
Richard P. Kissinger Denver, Colorado
David R. Parker Lincoln, Nebraska
Mark J. Andrews Washington, D.C.
Leonard R. Kofkin Chicago, Illinois
Michael J. Ogborn Denver, Colorado

AT-LARGE MEMBERS OF THE EXECUTIVE COMMITTEE

Paul Angenend John A. Crawford Michelle Govin Jeremy Kahn Edward J. Kiley William D. Taylor Austin, Texas Jackson, Mississippi Montreal, Quebec Washington, D.C. Washington, D.C. San Francisco, California

CHAIRMAN, TRANSPORTATION LAW JOURNAL BOARD OF GOVERNORS

> Roderick W. Macdonald Vancouver, British Columbia

TRANSPORTATION LAW JOURNAL

Volume 18

1990

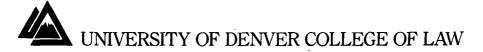
No. 2

Copyright © 1990 by the Transportation Law Journal

TABLE OF CONTENTS

ARTICLES

Robber Barons in the Cockpit: The Airline Industry in Turbulent Skies	Paul Stephen Dempsey	1
Financing High Speed Rail Meeting the Transportation Challenge of the '90		173
Motor Carrier Deregulation: A Decade Legal and Economic Conflict	of Rene Sacasas Nicholas A. Glaskowsky, Jr.	189
The Duty to Bargain and Rejection of Collective Agreements Under Secti by a Bankrupt Airline: Reconciling R.L.A. with Bankruptcy Code		219
Stopping by the Bus Terminal on a Dar Stormy Night: The U.S. Bus Indus Seven Years After Deregulation		255



ADMINISTRATIVE OFFICERS

DANIEL L. RICHIE, M.A., M.B.A., *Chancellor* JOHN F. JONES, B.A., M.S.W., M.A., Ph.D., *Provost* LIZ WILLIAMS, B.S., M.A., *Vice Chancellor for Business and Financial Affairs/Treasurer* TERRY GIBSON, B.A., Vice Chancellor for Institutional Advancement JERRY D. PLUNKETT, Ph.D., Vice Chancellor for Institutional Advancement JERRY D. PLUNKETT, Ph.D., Vice Chancellor for Strategic Projects L. JOSEPH SANDERS, B.A., M.A., Vice Chancellor for Communication EDWARD A. DAUER, A.B., LL.B., Dean of the College of Law and Professor of Law JEFREY H. HARTJE, B.A., J.D., Associate Dean for Academic Affairs and Associate Professor of Law EDWARD J. ROCHE, JR., B.B.A., J.D., C.P.A., Associate Dean for Business Affairs MARK S. CALDWELL, B.A., J.D., Assistant Dean for Continuing Education and Professional Affairs GARY L. ALEXANDER, B.A., M.LL., J.D., Research/Reference Coordinator SUSAN EWING BARBER, B.A., Director, Institute for Advanced Legal Studies DAVID A. BURROWS, B.A., M.A.L.S., Users Services DEFFREY S. DAVIS, B.A., Bookstore Manager NANCY ELOFSON, B.S., Business Manager PHILIP E. GAUTHIER, B.S., Director of Alumni and Public Relations WADINE GEHRKE, B.S., J.D., Staff Attorney, Lawyering Skills Program BARBARA N. GREENSPAHN, B.A., M.S., J.D., Director of Law Libraries/Associate Professor of Law Library Sciences JACQUELINE E. HALL, B.A., Director of Development ELAINE JURRIES, B.A., M.A.L.S., Bibliographic Access Librarian SALLY MARESH, B.A., M.A., Administrator, Lawyering Skills Program LAURI MLINAR, Administrative Assistant NANCY NONES, B.A., Administrator International Legal Studies Program ROBIN RICKER-MILLER, B.S., Program Coordinator, Graduate Tax Program HOBIN HICKEH-MILLER, B.S., Program Coordinator, Graduate Tax Program EMITA C. SAMUELS, B.A., Registrar CYNTHIA RIXEY SCOTT, B.A., M.LL., J.D., Research/Reference Librarian SHIRLEY SNYDER, B.A., Financial Aid Manager CLAUDIA L. TOMLIN, B.A., Director of Admissions and Financial Aid HOLLACE WESTFELDT, B.S., M.A.L.S., Cataloging Librarian MARY KATHLEEN WILDER, B.A., M.A., J.D., Research/Reference Librarian RITA ZASLOSKY, B.A., Director of Placement

FACULTY

DAVID W. BARNES, A.B., Ph.D., J.D., Professor of Law ARTHUR BEST, A.B., J.D., Professor of Law SANDRA L. BLACKSTONE, B.A., J.D., Ph.D., Assistant Professor of Law JEROME BORISON, B.S., J.D., LL.M., Assistant Professor of Law

BURTON F. BRODY, B.S., J.D., LL.M., Assistant Professor of Law BURTON F. BRODY, B.SC., J.D., LL.M., Professor of Law J. ROBERT BROWN, JR., B.A., J.D., M.A., Assistant Professor of Law ALFRED J. COCO, B.A., J.D., Professor of Law THOMAS D. CRANDALL, B.S., J.D., Professor of Law EDWARD A. DAUER, A.B., LL.B., Dean and Professor of Law

PAUL STEPHEN DEMPSEY, A.B.J., J.D., LL.M., D.C.L., Professor of Law and Director of Transportation Law

NANCY S. EHRENREICH, B.A., J.D., LL.M., Assistant Professor of Law

ROBERT M. HARDAWAY, B.A., J.D., Professor of Law KEITH M. HARRISON, B.A., J.D., Assistant Professor of Law SHEILA K. HYATT, B.A., J.D., Associate Professor of Law PENELOPE S. INGBER, B.S., M.A., J.D. Assistant Professor of Law FRANCIS W. JAMISON, B.A., LL.B. Professor of Law and Director of Advocacy Skills Program

JAN G. LAITOS, B.A., J.D., S.J.D., Professor of Law, Professor of Law and Director of Advocacy Skills Program

HARRY O. LAWSON, B.A., M.S., Professor of Judicial Administration and Director of Master of Science in Judicial Administration Program

NEIL O. LITTLEFIELD, B.S., LL.B., LL.M., S.J.D., Professor of Law