

Canadian Air Deregulation

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The United States has opted for a completely open system of entry to the field of aviation.¹ Europe, on the other hand, has a system of strict national regulation of airlines—most of which are owned by the host governments.² Canada has tried for a middle ground between the Scylla of nationalized airlines and the Charybdis of uncontrolled free marketeering. In 1985, it appeared that Canada may be taking a free-market gamble in becoming the second nation to relegate economic regulation of aviation to the dustbin of history.

I. THE ERA OF REGULATION

Like most transportation undertakings in Canada, air transportation began as a duopoly of the Crown Corporation (Canadian National) and the large private entity (Canadian Pacific). Trans-Canada Airlines (TCA) began as a subsidiary of the CNR, and later became a Crown Corporation in its own right. In the 1960s this airline's name was changed to Air Canada, a logo that fortuitously reads the same in English or in French.³ Canadian Pacific at first viewed the airline business as a concomitant of its

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1. Dempsey, *The Rise and Fall of the Civil Aeronautics Board—Opening Wide the Floodgates of Entry*, 11 *TRANSP. L. J.* 91 (1979).

2. Haanappel, *Deregulation of Air Transport in North America and Western Europe*, 91 *AIR WORTHY* 113 (1985).

3. S. GOLDENBURG, *CANADIAN PACIFIC: A PORTRAIT OF POWER* 151-52 (1983).

rail lines, but experienced difficulties in obtaining authority to operate coast-to-coast traffic in competition with Trans-Canada.⁴ Canadian Pacific now prefers to call its airline CP Air (as part of a marketing shift that abandoned the historic name in favor of trendy logos such as CP Rail and CP Ships in the late 1960's). Canadian Pacific is the largest private enterprise in Canada, and operates the second largest airline.

In addition to the Big Two, there are several regional carriers in Canada which correspond to the "local service" airlines, such as Piedmont or Southwest in the United States. The four major regional carriers in Canada are Quebecair (financially controlled by the Quebec government), Pacific Western Airlines (owned at one time by the government of Alberta but now returned to the private sector), Nordair (currently owned by Air Canada but scheduled to be sold to private interests) and Eastern Provincial Airways (a subsidiary of CP Air).⁵ Until 1984, each airline was restricted to one section of the country. However, since the policy changes of that year, there has been considerable overlapping of carriers and their territories. In addition, there are smaller local service carriers and charter operators, the largest of which is Wardair.

Canada is served by the United States and other foreign airlines as well. Operation of foreign carriers into and out of Canada and authority for Canadian carriers to fly to and from foreign countries is by virtue of bilateral agreements signed by the Canadian government and the government of the destination country. Overseas operations have been entrusted to one or another of the two flag carriers: Air Canada serves London while CP Air flies to and from Amsterdam. Bilateral agreements with the United States provide by far the bulk of Canada's international air travel; some routes, such as New York-Montreal, are served by both American and Canadian airlines, while on other, less busy routes, one nation or the other has decided not to operate the service to which the bilateral agreement would entitle it.⁶ For example, the route between Minot, N.D. and Regina, Sask. was originally served by Norcanair, a local Saskatchewan carrier. Norcanair subsequently discontinued the service, and the route was being flown by Denver-based Frontier Airlines. Cabotage restrictions mean that local traffic within Canada cannot be handled by foreign airlines; the Frontier route mentioned above continues north of Regina to Saskatoon, but only with passengers boarding at Minot or points south thereof.

4. Bonsor, *The Economic Regulation of Commercial Air Transportation*, 1984 *TRANSP. ECON.* 59.

5. Haanappel, *Deregulation of Canadian Air Transport: If It Happens*, 9 *ANNALS OF AIR AND SPACE LAW* 59, 62 (1984).

6. Haanappel, *Deregulation of Air Transport in North America and Western Europe*, 91 *AIR WORTHY* 108 (1985).

United States carriers have been successful in attracting traffic boarding at Canadian gateways. Many suggest that the extraterritoriality agreements, which allow the United States to maintain customs and immigration agents at Canadian airports, assist American airlines in attracting and retaining through passengers from Canada who connect to other planes of the same carrier at United States hub airports. Airports in Canada serving commercial air carriers are virtually all owned by the federal government, making the government of Canada the largest owner and operator of airports in the world.⁷

Regulation by the Canadian Transport Commission (CTC) was pervasive in the areas of entry, exit and rates charged for air service. The Aeronautics Act⁸ grants to the CTC's Air Transport Committee (ATC) the power to grant certificates to carriers to operate common carrier air service over particular routes, using the familiar criterion of public convenience and necessity.⁹ Tariffs containing the legal fares to be charged must be filed with the ATC for approval,¹⁰ and airline mergers are also governed by the requirement for ATC approval.¹¹ These powers are similar to the powers exercised in the United States by the Civil Aeronautics Board (CAB) prior to deregulation, but with some important differences:

1. The CTC could control flight frequency and types of aircraft;
2. Most CTC policy is found in regulations rather than the statute;
3. The CTC is not a fully autonomous agency, as was the CAB;
4. The CTC often follows ministerial policy statements.¹²

Throughout the 1970's and 1980's, the CTC exercised traditional utility-type regulation over Canada's airline industry. In contrast, the United States witnessed a complete dismantling of its airline regulatory system, culminating in the demise of the Civil Aeronautics Board on December 31, 1984.¹³ Today, no regulatory authority is required for entry into the airline business in the United States, except that only United States citizens may own airlines. Regulatory approval is still necessary for United States airlines to fly to other countries (including Canada) and for Canadian and other foreign carriers to fly to the United States.

Deregulation in the United States brought on the bankruptcy of several carriers and the replacement of the line-haul carriers with small com-

7. Dupuis, *Mirabel: Vers le Parachevement du Scenario*, 61 ANNALS OF AIR AND SPACE LAW 31 (1981).

8. Aeronautics Act, Can. Rev. Stat. Ch. A-3 (1970).

9. Aeronautics Act, §§ 14(1)(a)(b), 16(1)(3), *supra* note 8.

10. Aeronautics Act, § 14(1)(m), *supra* note 8.

11. Aeronautics Act, § 14(1)(e)(f)(L), *supra* note 8.

12. Haanappel, *supra* note 2, at 105-106.

13. 49 U.S.C. 1551 (1980). See also Thoms, *The Deregulated Skies*, 31 NETHERLANDS INT'L. L. REV. 398 (1984).

muter airlines on many routes.¹⁴ Most airlines in the United States opted for a hub-and-spoke operation, funnelling passengers into one or two central airports and having them change aircraft. Fares were drastically lowered in highly competitive markets, mostly between larger cities. Few bargains were available in smaller towns, away from the major air hubs. Air travel rates bore little relationship to distance travelled. Canadian observers, seeing their passengers cross the border from Montreal to Burlington and Toronto to Buffalo to ride People Express (always the darling of the deregulators) suggested that Canadians would benefit from the low-cost carriers that deregulation would bring.¹⁵ Others, noting the vast distances, open spaces and unsuitability of their country for a hub-and-spoke system, wondered about the possible dislocating effects of the export of deregulation to Canada from the air transport giant to the south.¹⁶

II. THE 1984 PROPOSALS—THE AXWORTHY AXE

In Liberal Transport Minister Lloyd Axworthy's remarks to the Parliament on new Canadian air policy, he stated the following:

As many Canadian travellers know, it is a fact that our airlines do not always offer the kind of prices people want. I have received about 400 letters from people who want what they see as U.S.-deregulation-style prices. Canadians are also voting with their feet. A poll by the Consumers' Association of Canada found that eleven percent of Canadian travelers began their trips in the U.S. last year. My department's own records show at least 200,000 Canadian travellers cross the border each year. At least the bus companies are benefiting from the new traffic to Buffalo and Burlington!¹⁷

With these words, Lloyd Axworthy kicked off Canada's new air transport policy in May, 1984. The essence of this policy, Axworthy said, was less regulation and more competition. Since full deregulation cannot take place without a sunset law disestablishing the CTC and its role in air transport regulation, Axworthy merely directed the CTC to use its existing discretion in interpreting the public convenience and necessity to favor competition in the skies.¹⁸ A "use it or lose it" approach was adopted which directs the CTC to advise the Minister when airlines have decided to leave a route within 30 days.¹⁹ Cargo services would be dealt with in the same manner as scheduled passenger service.²⁰ Financially fit char-

14. Dempsey, *Transportation Deregulation—On a Collision Course?*, 13 *TRANSP. L. J.* 329, 342 (1984).

15. S. GOLDENBURG, *supra* note 3, at 148-49.

16. Haanappel, *supra* note 2, at 110.

17. L. Axworthy, Remarks to the Parliament on the new Canadian air policy (May 10, 1984) p. 2.

18. Haanappel, *supra* note 2, at 106-107.

19. Axworthy, *supra* note 17, at 6.

20. *Id.*

ter airlines, however, were freed altogether from meeting entry requirements.²¹

The Transport Minister required pricing controls to be eliminated entirely on the lowering of fares within 2 years, although maximum price controls would still be in force because entry would not be totally free. In the interim period, 1984-1986, liberalization of fare policy is to be based on a continuing study of airline rates undertaken by the CTC.²² Presently, airlines may charge as little as they like for promotional fares, or even the basic coach rate, but they are limited in rate hikes and maximum fares charged, especially to remote areas and monopoly markets.

The historic division between the Big Two and regional and charter carriers was eliminated by the Axworthy statement. Henceforth, any carrier, including a formerly unscheduled charter carrier like Wardair, could apply to the CTC for any route.²³ In addition, restrictions on frequency of service, nonstop service or the use of particular type of aircraft were to be eliminated from existing certificates.²⁴ Carriers were encouraged to re-submit their licenses to the CTC to consolidate their authority to promote more competition. What about the downside of liberalized regulation—service to small communities? The Minister spoke of increased demonstration projects that would use the new Canadian-built deHavilland DASH-8 short-range aircraft.²⁵

The new transportation policy attempts to make better use of under used facilities, and Axworthy particularly encouraged the CTC to give favorable consideration to applications to serve Mount Hope Airport in Hamilton, which was too close to Toronto to attract much service in its own, and Mirabel Airport, which was in the vicinity of Montreal. This would make better use of these white elephants and at the same time reduce congestion at Pearson International and Dorval airports.²⁶ In addition, airlines that had United States-Canada transborder authority but were not currently offering service were told to “use it or lose it”, the implication being that the rights would be transferred to another more willing carrier if the certificate holder failed to fly the route regularly.²⁷

In a later development in August, 1984, Canada and the United States agreed to an “open airports” policy between the two countries.

21. *Id.*

22. Haanappel, *supra* note 2, at 107.

23. In order to emphasize this point, Axworthy in May, 1984, approved Pacific Western's application for Vancouver-Edmonton/Calgary non-stop authority that the CTC had dismissed as inappropriate for the role of a regional carrier. Axworthy, *supra* note 17, at 7-8.

24. *Id.*

25. *Id.* at 9.

26. *Id.* at 8.

27. *Supra*, note 2, at 108.

The policy begins on a very modest scale; only one airport is involved in each country. The United States and Canada agreed to an automatic licensure of any number of airlines to serve all routes from the designated airport. Thus, pursuant to this agreement, airlines can serve any points in the United States from Montreal and all points in Canada from San Jose. There are some restrictions: nonstop service to Boston, JFK International, O'Hare, Los Angeles, San Francisco, Miami and Seattle from Mirabel are not allowed, and all flights on this route must originate or terminate at Mirabel.²⁸ So far, there has been one taker on the Mirabel route. People Express began serving Mirabel in July, 1986, with introductory fares of \$29 (U.S.) on the Newark-Mirabel run,²⁹ paralleling an Eastern Airlines-Air Canada route which regularly charged over \$100 for the one-way trip. Quebec officials hoped that the influx of People's customers would bring new life to the airport which Maclean's Magazine called "a major planning disaster."³⁰

The same month brought a United States-Canadian agreement on commuter air services across the border, providing for an expedited procedure for the approval of transborder services by aircraft seating no more than 60 passengers with a route of no more than 400 air miles (in Central Canada) and 600 miles elsewhere (except Alaska). Automatic approval is to be given by one nation once the other has approved the transborder service.³¹

The new airline policy did not apply to all of Canada. Axworthy drew a line across his country at 50 degrees north in the East and 55 degrees in the West, the city of Winnipeg being the demarcation line. South of that line, where over 90% of the Canadian people live, the new liberalized policy would apply. To the north is the regulated zone, where the pre-1984 CTC policies would still hold forth. The reason for this is that these northern areas of little population could not withstand competition. Either a monopolist would charge exorbitantly high prices or a competitor would come in where neither could survive.³²

The Transport Minister did not provide any statutory reform, and in-

28. Department of External Affairs, no. ETT-1482, Aug. 21, 1984 (concerning experimental transborder air services program between Canada and United States).

29. Wallace, *Rays of Hope For an Unpopular Airport*, MACLEAN'S, July 22, 1985, at 13. See N.Y. Times, Dec. 7, 1985, at 26, col. 4 (letter to editor claiming that other airlines charge Canadians between \$118 and \$268 to fly the New York-Montreal route. Of course, these planes leave from the conveniently located Dorval airport and fly to LaGuardia and Kennedy rather than Newark).

30. Wallace, *supra*, note 29.

31. Department of External Affairs, no. ETT-1483, Aug. 21, 1984 (concerning additional transborder services of a regional, local, and commuter nature between Canada and United States).

32. For example, in markets like Winnipeg-Churchill, where there are no roads, common

deed, it would have been unwise to do so in view of the precarious nature of his government, which was rousinglly defeated in a few month's time; Axworthy and his erstwhile chief John Turner were the only Liberal members that returned from anywhere west of Ontario. It was left to the incoming government of Brian Mulroney to approach Parliament with legislative proposals. Since 1984, airline regulation in Canada has been governed by the existing Aeronautics Act as interpreted through the ministerial guidance of Mr. Axworthy. There have been no denials or serious opposition to new applications for airline authority. The line between regional and national carriers has been erased. Although there have been no new entries, airlines now fly across Canada. Canadian Pacific has moved to acquire Eastern Provincial outright and in November, 1985, Quebecair and Pacific Western agreed on a coordination of marketing and operating aspects that would create Canada's third largest airline.³³

III. THE 1985 PROPOSALS: THE MAZANKOWSKI MAZE

The Progressive Conservative government which followed the 1984 election was also committed to liberalization of transport regulation. The government of Prime Minister Brian Mulroney was committed to the previously opposed goals of cutting transport subsidies and, with them, the national deficit, and at the same time expanding service. He managed to do this with VIA Rail Canada, replacing some passenger train routes that the Liberal government had discontinued in 1981.³⁴ It fell to Mulroney's Transport Minister, Don Mazankowski, to construct a blueprint for legislation which would bring United States' style deregulation to Canada. Although at this writing not yet introduced into Parliament, the government's White Paper (entitled "Freedom to Move") is the best roadmap to what the Canadian transportation picture will look like in the 1990's.³⁵

The government's proposals replace the National Transportation Act with a new statutory scheme. Besides air transportation, the proposals deal with interprovincial trucking, marine transportation, commodity pipelines, and railway freight. The White Paper proposes replacing the Canadian Transport Commission with a new Independent Regulatory Commission, not beholden to the Ministry of Transport, but with vastly reduced powers.³⁶

With reward to the Axworthy proposals, the White Paper states:

carriers service is provided by three Pacific Western flights per week and a triweekly overnight VIA Rail train. *Supra*, note 2, at 107.

33. Dumas, *Quebecair et Pacific Western posent les Jalens du plus important reseau aerien interieur du Canada*, *Le Devoir* 1 Nov. 1985, Sec. 2, p. 1.

34. Berton, *Night Train to a Bus Stop*, *MACLEAN'S*, July 29, 1985, at 39.

35. Mazankowski, *Freedom to Move*, Government of Canada, July, 1985.

36. VIA Rail Canada is not included in regulatory reform; that subject will be dealt with in the

The domestic airline industry has now reached the point where continued economic regulation serves largely to frustrate air carriers, shippers and the traveling public. Reform must now be continued through change in the legislative base for economic regulation. The legislation was last revised in 1967 with passage of the National Transportation Act and revisions to Part II of the Aeronautics Act. The Government now proposes to reduce economic regulation to a minimum in pursuit of the following objectives:

1. Improvement or expansion in services to the travelling and shipping public;
2. Reasonable opportunities for all sizes and types of carriers to compete in the domestic market;
3. Removal of all unnecessary expense and paper burden from industry and government alike; and
4. Encouragement of a pricing regime that provides travellers and shippers with a competitive product.³⁷

To this extent, the government proposed that the familiar test of public convenience and necessity be replaced by a "fit, willing and able" test for a certificate to be issued to a carrier. The only requirements for licensure would then be the possession of valid Department of Transportation operating certificates and liability insurance to an amount specified in regulations. As in the United States, all air carriers will be able to serve all domestic markets.³⁸

Market exit under the government proposals will not be impeded except by a requirement of advance notice. The line of demarcation between regulated and liberalized zones, currently at 50-55 degrees north, would be eliminated. If a free market could not provide services to Canada's northlands, presumably a direct subsidy would be required.³⁹

There will be no ongoing regulation of domestic tariffs under the Mazankowski proposals. However, the proposed new Independent Regulatory Agency will be empowered to review fare increases (but not decreases) for unconscionability, particularly where monopoly routes are concerned.⁴⁰ This would be one major distinction between Canada and the United States. In the latter country, airlines can charge all that the traffic can bear. CTC aircraft-ownership and financial requirements will be done away with. Carriers can use debt financing to obtain aircraft, but will be required to have adequate liability insurance.⁴¹ Specific authority over international air services will be vested in the Minister of Transport, who can also retaliate against discriminatory or unfair commercial prac-

proposed Rail Passenger Transportation Act. It is noted that there is as of this writing no Canadian legislation authorizing VIA, which operates more or less on ministerial fiat. *Id.* at 51-53.

37. *Id.* at 24.

38. *Id.* at 25-26.

39. *Id.* at 27.

40. *Id.* at 28.

41. *Id.* at 29.

tices by foreign governments or air carriers.⁴²

If Parliament enacts legislation along the lines of the White Paper, as is predicted, Canada's regulatory climate will be very much like that of the United States. However, the Mulroney government has not moved quickly to enact this legislation, despite having the votes, and many suspect that what will emerge from Parliament will be less drastic than the sunset legislation which abolished the CAB.⁴³ Deregulation seems popular enough in the United States, especially in the large cities where most of the working press is located,⁴⁴ but is not popular in Europe or throughout the members of the International Air Transport Association.⁴⁵ The CTC has practiced de facto deregulation in the year since the Axworthy statement, and there are few regulatory barriers in Canada's skies today. The important differences which will remain between Canada and the United States are that the Canadian government owns all its nation's commercial airports and the United States government owns two; the Canadian government owns a major airline and the United States government owns none. There have been policy statements that hint that Transport Canada wants to get out of the airport business, but very few statements regarding the privatization of Air Canada.⁴⁶

IV. WHAT OF THE FUTURE?

The Commission of the European Communities, after a four year period to study the effects of deregulation and whether it was exportable, concluded:

The United States is a large domestic market reserved to United States carriers; it was accepted policy to end governmental intervention in the market; and to accept social and economic effects of such a policy. Furthermore, the United States has 20 major carriers all operating on a commercial basis and the United States government can take a relaxed view on the fate of any one of them.⁴⁷

By contrast, over 60 percent of the traffic in Canada is carried by the Crown corporation Air Canada. The "People's Airline" serves every province of Canada and most of the air markets in the country. Outside of breaking up Air Canada into smaller units or selling it to private interests,

42. *Id.* at 31-32.

43. Berton, *The Uncertain Promise of Cheap Flights*, MACLEAN'S, July 29, 1985, at 38.

44. See, e.g., Hardaway, *Transportation Deregulation (1976-1984): Turning the Tide*, 14 TRANSP. L. J. 101 (1985).

45. Larose—Aubry, *Comments of International Organizations: IATA*, 9 ANNALS OF AIR & SPACE LAW 486, 489-91 (1984).

46. Haanappel, *Deregulation of Canadian Air Transport: If It Happens*, 9 ANNALS OF AIR & SPACE LAW 59, 74 (1984).

47. Civil Aviation Policy (Communication and Proposals by the Commission to the Council), Com. (84), 72 Final, para. 43 (15 March 1984).

there seems no way that meaningful competition can exist between a government-owned Goliath and a number of private Davids without recourse to the public purse.⁴⁸

Canada's geography doesn't lend itself to a highly competitive, deregulated environment. In the United States, a route map consisting of coast-to-coast trunk lines and regional complementary airlines, looking somewhat like a map of the nation's railway system, has been replaced with a hub-and-spoke map looking something like a giant spider's web. Frontier flights center at Denver; Republic's at Minneapolis, Memphis and Detroit; USAir's at Pittsburgh; People Express' at Newark and so on. Canada's population and trade routes, however, are east and west, oriented along the lines of the two transcontinental railways. This is where the population is located. Indeed, if the Canadian map were drawn strictly on demographics, instead of depicting the world's largest land mass outside the Soviet Union, it would look like Chile lying on its side. Most Canadians live within one hundred miles of the United States border. United States airlines could easily serve most of Canada as additions to their hub-and-spoke systems, but it would be difficult for Canada to be served by competing domestic carriers operating such a system.

What about the storied Great White North? Outside of Alaska, there is no United States equivalent of the flights to Churchill and Yellowknife. In the United States, airlines have concentrated on major city pairs. It is difficult to see how, absent some type of federally administered subsidy, the remote cities and villages of Canada's north could be served at all. It is for these reasons that this writer feels that some modification will be made before complete deregulation takes place in Canadian skies.

Canadian transportation policy is just one aspect of the major issue facing the Mulroney government today—free trade policy. The Mulroney regime is on record as favoring free trade with the United States and the elimination of tariff and non-tariff barriers to the movement of goods. In connection with this policy, Canada is moving toward proposing a uniform United States-Canadian air system.⁴⁹ This would include some limited cabotage rights for United States and Canadian carriers. The "open airports" policy is a small step in that direction. Whether Canada really wishes to slug it out in the United States hubs and treat the continent as one market is the big question of transborder transport. Historically, no continental market has ever been opened to carriers of different nations—even the European Community is viewed as separate nations for the purpose of airline transportation.⁵⁰

48. *Supra*, note 43 (quoting Marie Bernier, vice-president of public affairs for Nordair).

49. *Supra*, note 35, at 26.

50. A. LOWENFELD, AVIATION LAW, 5-112 to 5-122 (1981).

It remains to be seen if Canadian airlines are willing to leave what remains of their protected environment, and if the "People's Airline" will go to the mat with People Express for the stakes of a continental air travel market.

HAROLD A. SHERTZ ESSAY AWARD CONTEST

The Film, Air and Package Carriers Conference of the American Trucking Association, in conjunction with the Transportation Lawyers Association, in an endeavor to encourage interest within the legal education community, annually supports the Harold A. Shertz Essay Award Contest. The contest honors Harold A. Shertz, Esq., of the Philadelphia, Pennsylvania, Bar for his long service to the transportation industry and to the legal profession.

Submission of manuscripts must be in conformance with the competition's rules as follows:

1. *Eligibility:*

The contest is open to any law student of a school in the United States or Canada. An essay may be written in collaboration with another student provided there is full disclosure.

2. *Subject Matter:*

A contestant may write on any area of transportation law.

3. *Determination of Award:*

Essays will be judged on timeliness of the subject, practicality, originality, quality of research, and clarity of style. The Board of Governors of *Transportation Law Journal* shall act as judges. In the discretion of the judges, no prize may be awarded. The decision of the judges shall be final.

4. *Prizes:*

A prize of \$1,000.00 will be paid and the winning essay will be published in the *Transportation Law Journal*.

5. *Right of Publication:*

Each contestant is required to assign to the *Transportation Law Journal* all right, title, and interest in the essay submitted, and shall certify that the essay is an original work and has not had prior publication or been accepted for publication elsewhere. Papers written as part of a contestant's law studies are eligible provided first publication rights are assigned to the *Transportation Law Journal*.

6. *Formal Requirements:*

Essays must be submitted in English and be typewritten (double space) on 8 1/2" x 11" paper with 1" margins. Footnotes shall be typed separately and all citations must conform to *A Uniform System of Citation* 13th ed., 1982, Lorell Press, Avon, Mass. The essay shall be limited to forty pages including text and footnotes.

7. *Submission Requirements:*

Three copies of the essay should be enclosed in a plain envelope and sealed. Contestant's name should not appear on either the envelope or the essay. The envelope containing the essay should be placed in another envelope with a letter giving the name and address of the contestant and stating that the article is submitted for the contestant and that the author has read and agrees to be bound by the rules of the contest. Enclosed with this letter must be the certification set forth in Rule 5 above and a brief biographical sketch of the contestant.

8. *Date of Submission:*

Address your essay to Professor Paul Stephen Dempsey, Transportation Law Program, University of Denver College of Law, 1900 Olive Street, Denver, Colorado 80220. Entries must be received prior to December 31 of the year in which eligibility is sought.