

TRANSPORTATION LAW JOURNAL

RECEIVED



SEP 19 '82

UNIVERSITY OF DENVER
COLLEGE OF LAW LIBRARY

UNIVERSITY OF DENVER COLLEGE OF LAW

ARTICLES

Clear Track for Deregulation —
American Railroads, 1970-1980

William E. Thoms

Ploughshares into Swords from
Buffalo Forge?

Henry H. Perritt, Jr.

Limitation of Liability and Pleasure
Boats: 65 Years of Judicial Misinterpretation
of the Intent of Congress

David W. Tiffany

TWO VIEWS ON URBAN MASS TRANSPORTATION

The Need for Limitations on Federal Mass
Transit Operating Subsidies: The Chicago
Example

Henry Lowenstein

The Future of Urban Public Transportation:
The Problems and Opportunities of a
Changing Federal Role

*Brendon Hemily
Michael D. Meyer*

NOTES

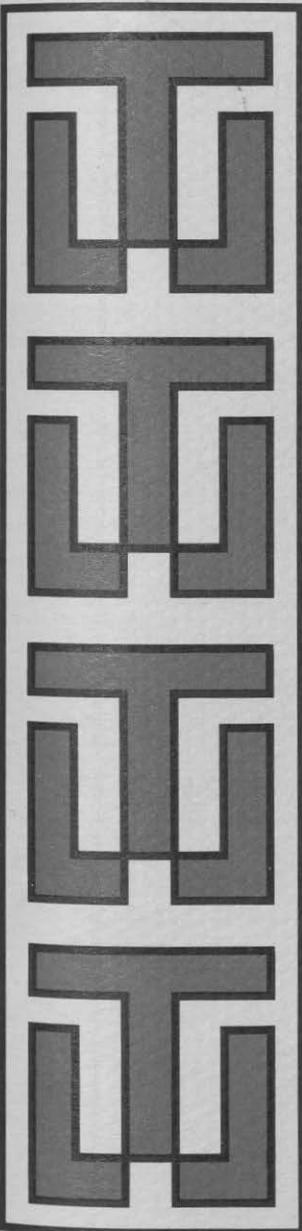
The Staggers Rail Act of 1980: Authority
to Compete with Ability to Compete

Airports: Full of Sound and Fury and
Conflicting Legal Views

VOLUME XII

NO. 2

1982





UNIVERSITY OF DENVER COLLEGE OF LAW

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, 200 West 14th Avenue, Denver, Colorado 80204. 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 Motor Carrier Lawyers Association.

TRANSPORTATION LAW JOURNAL

Volume 12

1982

No. 2

Copyright © 1982 by the Transportation Law Journal

TABLE OF CONTENTS

ARTICLES

- Clear Track for Deregulation— American
Railroads, 1970-1980
William E. Thoms 183
- Ploughshares into Swords from Buffalo
Forge?
Henry H. Perritt, Jr. 219
- Limitation of Liability and Pleasure Boats:
65 Years of Judicial Misinterpretation
of the Intent of Congress
David W. Tiffany 249

TWO VIEWS ON URBAN MASS TRANSPORTATION

- The Need for Limitations on Federal Mass
Transit Operating Subsidies: The
Chicago Example
Henry Lowenstein 265
- The Future of Urban Public Transportation:
The Problems and Opportunities of a
Changing Federal Role
Brendon Hemily
Michael D. Meyer 287

NOTES

- The Staggers Rail Act of 1980: Authority to
Compete With Ability to Compete 301
- Airports: Full of Sound and Fury and
Conflicting Legal Views 325



UNIVERSITY OF DENVER COLLEGE OF LAW

ADMINISTRATIVE OFFICERS

OF THE UNIVERSITY

ROSS PRITCHARD, B.A., M.A., Ph.D., *Chancellor*
IRVING B. WEINER, A.B., M.A., Ph.D., *Vice Chancellor for Academic Affairs*
RICHARD A. HARRINGTON, B.B.A., M.S.B.A., C.P.A., *Vice Chancellor for Financial Affairs and Treasurer*
LEONARD A. MEYER, B.S., *Vice Chancellor for Institutional Advancement*
THOMAS G. GOODALE, Ph.D., *Vice Chancellor for Student Affairs*

OF THE COLLEGE OF LAW

DANIEL S. HOFFMAN, B.A., LL.B., *Dean of the College of Law and Professor of Law*
JAMES E. WALLACE, A.B., LL.B., B.D., Ph.D., *Associate Dean for Academic Affairs and Professor of Law*
JOHN C. HANLEY, B.S., M.B.A., *Associate Dean for Business Affairs*

Administrative Staff—College of Law

BARBARA ALLEN, B.A., M.A.L.S., *Catalog Librarian*
BARBARA A. BINTLIFF, B.A., M.L.L., J.D., *Reference Librarian*
DAVID H. BRAND, B.A., J.D., *Assistant Director, Continuing Legal Education in Colorado, Inc.*
MARK S. CALDWELL, B.A., J.D., *Assistant Director of Program of Advanced Professional Development*
INIS D. CLARK, *Administrative Assistant to the Assistant Dean, Program of Advanced Professional Development*
LORA L. COVEN, *Administrator, Advocacy Skills Program*
NANCY ELOFSON, B.S., *Administrative Assistant, Office of the Dean*
PHILIP E. GAUTHIER, B.S., *Director of Alumni and Public Relations*
FLORENCE M. GILBERT, B.A., *Director of Placement*
VELVIN GUIET, *Bookstore Manager*
RICHARD W. HALL, B.A., *Director of Special Projects*
DONNA A. KEY, B.S.B.A., *Administrative Assistant to the Dean*
CLAUDIA TOMLIN, B.A., *Admissions Officer*
IRMGARD K. VRAGEL, B.S., *Registrar*
KATHLEEN WITZAK, A.A., *Administrative Assistant to the Dean*

FACULTY

WILLIAM A. ALTONIN, A.B., J.D., LL.M., *Professor of Law*
WILLIAM M. BEANEY, A.B., LL.B., Ph.D., *Professor of Law*
MURRAY BLUMENTHAL, B.M.E., M.A., Ph.D., *Professor of Law*
JAMES A. BRANCH, JR., B.A., J.D., LL.M., *Assistant Professor of Law*
BURTON F. BRODY, B.Sc., J.D., LL.M., *Professor of Law*
JOHN A. CARVER, JR., A.B., LL.B., LL.D., *Professor of Law*
ALFRED J. COCO, B.A., J.D., M.L.L., *Professor of Law and Librarianship and Law Librarian*
PAUL STEPHEN DEMPSEY, A.B.J., J.D., LL.M., *Assistant Professor of Law and Director of Transportation Law Program*
VANCE R. DITTMAN, JR., A.B., LL.B., *Professor of Law Emeritus*
PHILIP G. DUFFORD, A.A., J.D., *Professor of Law and Director of Natural Resources Program*
SANFORD M. GUERIN, B.S., J.D., LL.M., *Associate Professor of Law*
ROBERT M. HARDAWAY, B.A., J.D., *Assistant Professor of Law*
SHEILA K. HYATT, B.A., J.D., *Assistant Professor of Law*
FRANCIS W. JAMISON, B.A., J.D., *Professor of Law and Director of Advocacy Skills Program*
JEROME L. KESSELMAN, B.S., M.B.A., J.D., C.P.A., *Professor of Accounting and Law*
CATHY S. KRENDL, A.B., J.D., *Professor of Law and Director of Business Planning Program*
JAN G. LAITOS, B.A., J.D., S.J.D., *Associate Professor of Law*
HARRY O. LAWSON, B.A., M.S., *Professor of Judicial Administration and Director of Master of Science in Judicial Administration Program*
JOHN PHILLIP LINN, A.B., M.A., J.D., *Professor of Law*
NEIL O. LITTLEFIELD, B.S., LL.B., LL.M., S.J.D., *Professor of Law*
DAVID L. LOCKWOOD, B.A., J.D., LL.M., *Assistant Professor of Law*