

# San José State University

**School: Business**  
**Department: Transportation Management**  
**Course Number: MTM 214**  
**Title: Transportation Policy & Regulation**  
**Section: 001**  
**Semester: Fall**  
**Year: 2017**

**Instructor:** Dr. James Brent  
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**Office Hours:** Mondays and Wednesdays, 8:00 to 9:00 and 10:30 to 12:00  
**Class Days/Time:** Tuesdays, 5:30-9:30  
**Classroom:** Via videoconference  
**Prerequisites:** None

## **Course Goals and Student Learning Objectives**

Upon successful completion of this course, students will be able to:

- distinguish between the various sources of transportation law & policy
- understand the process of creating transportation legislation
- conduct legal research related to transportation issues
- understand the main federal laws related to transportation
- understand the leading Supreme Court cases related to transportation
- understand of the relationship between American federalism and transportation

## **Required Texts/Readings**

### **Textbook**

Panagopoulos, Costas, and Joshua Schank. (2008). *All Roads Lead to Congress: The \$300 Billion Fight Over Highway Funding*. Washington DC: CQ Press.

## **Other Readings**

Reading for the remaining weeks will consist of journal articles and court cases. These readings will be distributed to you in .pdf format for free via the course web site.

## **Dropping and Adding**

Students are responsible for understanding the policies and procedures about add/drops, academic renewal, etc. Information on add/drops are available at

<http://www.sjsu.edu/advising/faq/index.htm#add>

Information about late drop is available at

<http://www.sjsu.edu/aars/policies/latedrops/>. Students should be aware of the current deadlines and penalties for adding and dropping classes.

## **Assignments and Grading Policy**

Your grade will consist of the following elements:

- Midterm (August 29) = 25%
- Final Exam (October 3) = 25%
- Research Paper (due September 26) = 30%
- Oral presentation = 10%
- Participation = 10%

The midterm and final examinations shall be administered on-line, and will usually be available for at least 48 hours. They consist exclusively of essay questions, and they will be based primarily on your understanding of the assigned readings, the legal concepts involved, and the arguments made therein. The research and oral presentation are described more fully at the end of the syllabus. Participation is assessed on quantity rather than quality – I am not judging the “worthiness” of your contribution to the class. No extra credit will be available.

Late Assignments – I am fairly flexible about allowing makeup exams when a student has an unavoidable conflict or an unexpected emergency. I am not at all flexible about due dates for the term paper, because the due date is not the only day that you may submit your paper – it is merely the last day you may submit your paper without penalty. The penalty for submitting the term paper late – regardless of excuse – is 10% of the total points possible for that assignment.

## **University Policies**

### **Academic integrity**

Students should know the University’s Academic Integrity Policy that is available at

[http://www.sa.sjsu.edu/download/judicial\\_affairs/Academic\\_Integrity\\_Policy\\_S07-2.pdf](http://www.sa.sjsu.edu/download/judicial_affairs/Academic_Integrity_Policy_S07-2.pdf)

Your own commitment to learning, as evidenced by your enrollment at San Jose State University and the University’s integrity policy, require you to be honest in all your academic course work. Faculty members are required to report all infractions to the office of

Student Conduct and Ethical Development. The website for Student Conduct and Ethical Development is available at [http://www.sa.sjsu.edu/judicial\\_affairs/index.html](http://www.sa.sjsu.edu/judicial_affairs/index.html)

Instances of academic dishonesty will not be tolerated. Cheating on exams or plagiarism (presenting the work of another as your own, or the use of another person's ideas without giving proper credit) will result in a failing grade and sanctions by the University. For this class, all assignments are to be completed by the individual student unless otherwise specified. If you would like to include in your assignment any material you have submitted, or plan to submit for another class, please note that SJSU's Academic Policy F06-1 requires approval of instructors.

### **Campus Policy in Compliance with the American Disabilities Act**

If you need course adaptations or accommodations because of a disability, or if you need to make special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours. Presidential Directive 97-03 requires that students with disabilities requesting accommodations must register with the DRC (Disability Resource Center) to establish a record of their disability.

### **MSTM Program Goals:**

*(Not all program learning goals are covered in every course)*

- 1. Develop a system-level and global perspective on the management of transportation organizations**
- 2. Develop an awareness of the transportation policy environment, including fiscal mechanisms, legislative structures, and intergovernmental coordination**
- 3. Develop potential for leadership in transportation organizations**
- 4. Develop written and oral communication skills and techniques**
- 5. Develop ability to analyze management issues and situations using appropriate conceptual approaches**

## **College of Business Policies**

To ensure that every student, current and future, who takes courses in the Boccardo Business Center has the opportunity to experience an environment that is safe, attractive, and otherwise conducive to learning, the College of Business at San José State has established the following policies.

### **Cell Phones:**

Students will turn their cell phones off or put them on vibrate mode while in class. They will not answer their phones in class. Students whose phones disrupt the course and do not stop when requested by the instructor will be referred to the Judicial Affairs Officer of the University.

### **Computer Use:**

In the classroom, faculty allow students to use computers only for class-related activities. These include activities such as taking notes on the lecture underway, following the lecture on Web-based PowerPoint slides that the instructor has posted, and finding Web sites to which the instructor directs students at the time of the lecture. Students who use their computers for other activities or who abuse the equipment in any way, at a minimum, will be asked to leave the class and will lose participation points for the day, and, at a maximum, will be referred to the Judicial Affairs Officer of the University for disrupting the course. (Such referral can lead to suspension from the University.) Students are urged to report to their instructors computer use that they regard as inappropriate (i.e., used for activities that are not class related).

### **Academic Honesty:**

Faculty will make every reasonable effort to foster honest academic conduct in their courses. They will secure examinations and their answers so that students cannot have prior access to them and proctor examinations to prevent students from copying or exchanging information. They will be on the alert for plagiarism. Faculty will provide additional information, ideally on the green sheet, about other unacceptable procedures in class work and examinations. Students who are caught cheating will be reported to the Judicial Affairs Officer of the University, as prescribed by Academic Senate Policy S04-12.

# MTM 214 – TRANSPORTATION POLICY & REGULATION

*This schedule is subject to change upon notification.*

Week	Date	Topics, Readings, Assignments, Deadlines
1	08/01	--Introduction to the Course & Your Colleagues --A Brief History of Transportation Law in the U.S.
2	08/08	Constitutional Foundations (Part 1) The Takings Clause
3	08/15	Constitutional Foundations (Part 2) The Takings Clause (continued) The Interstate Commerce Clause & Preemption The “Dormant” Commerce Clause
4	08/22	Constitutional Foundations (Part 3) --Racial Discrimination --Disability Discrimination
5	08/29	MIDTERM EXAM
6	09/05	Making Transportation Law in the Intermodal Era --The Legislative Process and SAFETEA-LU [ <i>All Roads Lead to Congress</i> discussion]
7	09/12	Transportation & the Environment Transportation Safety & Security
8	09/19	Public Transit & Congestion Mitigation --Urban Mass Transit --Amtrak --Strategies for Mitigation
9	09/26	Trains, Trucks and Highways --Rate Setting --Labor Laws
10	10/03	FINAL EXAM (and remaining presentations, if needed)

## TERM PAPER & PRESENTATION

“There is hardly a political question in the United States which does not sooner or later turn into a legal one.” -- Alexis de Tocqueville

Transportation agencies and officials are regularly subject to lawsuits on all manner of topics. Many of these cases raise extremely interesting factual and legal questions. Your term paper assignment is to locate and write about one of these cases that interest you. Although the case should be somehow related to one of the broad themes of the course, I will attempt to grant you as much flexibility as possible.

The case you write about should have the following elements (however, exceptions to virtually all of these requirements can be waived pursuant to consultation with me):

- It should have been decided within the past 20 years
- It should involve surface transportation
- It should involve a law or regulation passed by either the federal government or a state, county or municipal government
- It should not be the subject of one of the assigned readings in this course
- It should be controversial

The specific elements of your paper should be:

- A brief description of the facts of the case
- A brief description of the contents of the law being challenged
- A brief history of the law being challenged
- An explanation of the legal challenge(s) made to the law
- A discussion of the major relevant precedents
- An explanation of the Court’s decision and reasoning (if any)
- An explanation of any concurrences or dissents (if any)
- Your own views on whether the case was correctly decided

Your paper should possess the following characteristics:

- 1) It should be at least 15 typed, double-spaced pages long and utilize a minimum of 10 sources. Many of these sources should be academic in nature.
- 2) It should contain appropriate attribution. I do not care what citation format you utilize as long as you use one consistently.
- 3) It should display proper grammar and spelling.
- 4) Although much of your paper will be descriptive, it should also have an analytical element in which you argue in favor of or against the Court’s decision

In addition, students will be asked to give a 15-minute in-class presentation on their topic to the class. In-class presentations will be scheduled for weeks 4 through 9, and 10 if needed.