

San José State University

Course Number: MTM 214
Title: Transportation Policy & Regulation
Section: 001
Semester: Fall-B
Year: 2018

Instructor: Dr. James Brent
Office Location: 457 Clark Hall, SJSU Campus
Telephone: 408-924-5572
Email: james.brent@sjsu.edu
Office Hours: Mondays and Wednesdays, 8:00 to 9:00 and 10:30 to 12:00
Class Days/Time: Thursdays, 5:30-9:30, August 2 to October 4
Classroom: Via videoconference
Prerequisites: None

Course Format

Students attend class sessions via live video conferencing at the site most convenient to them, with sites at the Mineta Transportation Institute, Caltrans district offices, and other participating agencies. Students may also join class via Zoom, as explained on the last page of this syllabus.

Students must have regular access to email and the internet in order to communicate with the instructor, submit assignments, and engage in other class activities.

Course Description

Surveys political frameworks of governments as both customer and provider; development of transportation policy with public involvement; and performance measurement with public oversight. Reviews policy impact on intermodal development in seeking to manage public and private objectives and diverse agendas of federal, state and local agencies.

Course Learning Outcomes

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

- distinguish between the various sources of transportation law & policy
- describe the process of creating transportation legislation
- conduct legal research related to transportation issues
- explain the main federal laws related to transportation
- describe the leading Supreme Court cases related to transportation
- explain the tradeoffs between public and private interests in various aspects of transportation policy
- 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 30) = 25% [Learning Objectives 1, 4, 5, 6, 7]
- Final Exam (October 4) = 25% [Learning Objectives 1, 2, 4, 5, 6]
- Research Paper (due October 4) = 30% [Learning Objectives 1, 3, 5, 6, 7]
- Oral presentation = 10% [Learning Objectives 1, 3, 5, 6, 7]
- 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.

Final letter grades for the course will be assigned based on the following scale:

A = 93-100%	B = 83-87%	C = 73-77%	D = 63-67%
A- = 90-92%	B- = 80-82%	C- = 70-72%	D- = 60-62%
B+ = 88-89%	C+ = 78-79%	D+ = 68-69%	F = 59% or less

Classroom Protocol for the Lucas College Graduate School of Business

<http://www.sjsu.edu/cob/Students/policies/index.html>

University Policies

Per University Policy S16-9, university-wide policy information relevant to all courses, such as academic integrity, accommodations, etc. will be available on Office of Graduate and Undergraduate Programs' [Syllabus Information web page](#) at <http://www.sjsu.edu/gup/syllabusinfo/>

Lucas College and Graduate School of Business Mission

We are the institution of opportunity in Silicon Valley, educating future leaders through experiential learning and character development in a global business community and by conducting research that contributes to business theory, practice and education.

MTM 214 – TRANSPORTATION POLICY & REGULATION

This schedule is subject to change upon notification.

Specific readings for each class are listed in the course website.

Week	Date	Topics, Readings, Assignments, Deadlines
1	08/02	Introduction to the Course & Your Colleagues A Brief History of Transportation Law in the U.S.
2	08/09	Constitutional Foundations (Part 1) – The Takings Clause Regulatory Takings
3	08/16	Constitutional Foundations (Part 2) The Interstate Commerce Clause & Preemption The “Dormant” Commerce Clause
4	08/23	Transportation & Discrimination --Racial Discrimination --Disability Discrimination
5	08/30	MIDTERM EXAM
6	09/06	Making Transportation Law in the Intermodal Era --The Legislative Process and SAFETEA-LU [<i>All Roads Lead to Congress</i> discussion]
7	09/13	Transportation & the Environment Transportation Safety & Security
8	09/20	Public Transit & Congestion Mitigation --Urban Mass Transit --Amtrak --Strategies for Mitigation
9	09/27	Making Agency Regulations Transportation & the First Amendment
10	10/04	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 6 through 9, and 10 if needed.

Online Access via Zoom:

You can join class using SJSU Zoom from any location, as long as you:

- Are in a quiet room without distractions (e.g., no family members or colleagues walking through or asking questions)
- Have stable internet access
- Use a video camera and good quality microphone so that you are seen as well as heard
- Follow good "meeting etiquette" principles (one such list: <https://blog.gotomeeting.com/7-rules-virtual-meeting-etiquette-every-professional-know/>)

To access class sessions by Zoom, click on the following link from your computer or tablet:

<https://sjsu.zoom.us/j/350339568>

Plan to join at least ten minutes before 5:30 pm, to make sure you are ready when class begins. (The very first time you join from a computer or device, allow extra time for set-up.)

The university has many useful tutorials on how to use Zoom here:

<http://www.sjsu.edu/ecampus/teaching-tools/zoom/index.html>