

## Index

### A

#### Accident investigation

- rail operations, 7-10 to 7-11
- substance abuse testing in, 7-21

#### Adamson Act, 9-14

#### Administrative Procedure Act, 6-17 to 6-18

#### Advertisement for bids and proposals, 5-12 to 5-14

#### Affirmative action programs, 10-10 to 10-12

#### Age Discrimination Act (1975), 10-3

#### Age Discrimination in Employment Act, 9-28 to 9-29, 10-28 to 10-30

#### Air Pollution Control Act (1955), 3-11

#### Air quality, 2-23

- evolution of federal controls, 3-11 to 3-13
- Transportation Improvement Program compliance, 3-17 to 3-19
- transportation planning considerations, 3-14 to 3-17
- See also* Clean Air Act

#### Air Quality Act (1967), 3-11

#### Air transportation

- America First procurement regulations, 5-33 to 5-34
- federal funding for, 4-24
- in intermodal transportation system, 2-15, 4-24

#### Air Transportation Safety and System Stabilization Act, 1-10, 7-32 to 7-33

#### Alcohol testing. *See* Substance abuse/misuse testing

#### Alternatives analysis

- in environmental impact statements, 3-7 to 3-8
- under New Starts Program, 4-8, 4-9, 4-12
- in transportation planning, 2-11, 2-13

#### Americans with Disabilities Act, 7-22 to 7-23, 7-28 to 7-29, 10-30, 10-32 to 10-34, 10-40 to 10-43, 10-46 to 10-47

- remedies, 10-51 to 10-52

#### Amtrak. *See* National Railroad Passenger Service Corporation

#### Amtrak Reform and Accountability Act (1997), 2-15

#### Appraisals, for property acquisitions, 5-35 to 5-36

#### Arbitration, 9-18, 9-21

#### Architectural services procurement, 5-23

#### Aviation and Transportation Security Act, 1-10

### B

#### *Best Practices Procurement Manual*, 5-3, 6-3, 6-6

#### Boiler Inspection Act (1911), 7-3

#### Bond financing, 4-30, 4-32 to 4-35

#### Bonds, performance, 5-14 to 5-15, 5-18 to 5-19

#### Bribery, 5-20, 5-21

- lobbying prohibitions, 6-7

#### Brooks Act. *See* Federal Property and Administrative Services Act

#### Buses

- access for persons with disability, 10-43 to 10-45, 10-51
- acquisition requirements, 5-43 to 5-45
- capital investment, 4-7

- charter service, 8-4 to 8-8
- prohibition of federally subsidized competition, 8-3
- safety regulation, 7-29 to 7-30
- school bus operations, 8-8 to 8-11
- Buy America requirements, 1-22
  - applicability, 5-26 to 5-28
  - certification, 5-28
  - investigations of compliance, 5-28 to 5-30
  - post-delivery audit, 5-32 to 5-33
  - pre-award audit, 5-31 to 5-32
  - statutory regime, 5-24 to 5-26
  - waivers, 5-30 to 5-31

## C

- Calculus of risk, 11-4 to 11-5
- Capital Investment Program, 4-7 to 4-8
  - new starts program, 4-8 to 4-18
- Capital leases, 4-36 to 4-37
- Central Service Cost Allocation Plan, 5-24
- Certificates of participation, 4-32 to 4-33
- Certification
  - Buy America requirements, 5-28
  - commercial driver's license, 7-26 to 7-29
  - of contractor debarment/suspension status, 6-18 to 6-19
  - disadvantaged business enterprises, 10-7 to 10-8
  - drug-free workplace, 7-18 to 7-19
  - of labor law requirements, 9-15 to 9-16
  - of Metropolitan Planning Organizations, 2-24
  - of nondiscrimination, 10-4 to 10-6
  - paratransit eligibility, 10-47 to 10-48
- Charter service, 8-4 to 8-8
  - antidiscrimination law, 10-51
- Civil Rights Act (1871), 10-12, 10-35
- Civil Rights Act (1964), 9-28, 10-3, 10-4, 10-5, 10-27, 10-28
  - Section 1983 claims, 10-12 to 10-14
- Civil Rights Act (1991), 10-12
- Civil Rights Attorney's Fees Award Act (1976), 10-12
- Civil rights law
  - age discrimination, 10-28 to 10-30
  - certification of nondiscrimination, 10-4 to 10-6
  - constitutional case law, 10-10 to 10-18
  - disabilities discrimination, 10-30 to 10-34
  - drug abuse and, 7-22 to 7-23
  - in employment, 10-18 to 10-34
  - environmental justice claims, 3-39 to 3-42
  - evaluating discrimination claims, 10-18 to 10-22
  - in federal contracting, 10-4 to 10-12
  - federal funding and, 1-7
  - in federal transportation law, 1-20, 1-26 to 1-27
  - hostile work environment claims, 10-23 to 10-24
  - national origin discrimination, 10-26
  - nondiscrimination in property acquisition and relocations, 5-40 to 5-41
  - passenger rights, 10-34 to 10-52

- race discrimination claims, 10-24 to 10-26, 10-34 to 10-37
- regulatory regime, 10-3 to 10-4
- religious discrimination, 10-26 to 10-27
- retaliation claims, 10-22 to 10-23
- reverse discrimination claims, 10-26
- sexual discrimination, 10-4, 10-27 to 10-28
- sexual harassment, 10-28
- substance abuse discrimination, 10-3, 10-30
- Clean Air Act, 5-22
  - air quality regions, 3-14
  - case study in transportation planning compliance, 3-19 to 3-23
  - conformity determinations, 3-16 to 3-19
  - goals, 3-13
  - Metropolitan Planning Organizations under, 2-3, 2-6, 2-12, 2-17, 3-17 to 3-19
  - origins, 3-11, 3-12
  - requirements, 3-12 to 3-13
  - transportation control measures in, 3-12, 3-13 to 3-14
  - Transportation Improvement Program and, 2-19 to 2-20
  - Transportation Management Areas and, 2-9
  - See also* Non-attainment areas
- Clean Water Act, 3-28
- Coastal Zone Management Act, 3-36 to 3-37
- Collective bargaining rights, 9-17 to 9-18, 9-20 to 9-21
- Commerce Clause, 9-26 to 9-27
  - civil right claims based on, 10-13
- Commercial motor vehicles, 7-26 to 7-29
- Common carrier
  - definition, 11-3
  - duty of care, 11-3, 11-5
  - liability, 11-3 to 11-4
- Commuter railroad service
  - federal agency jurisdiction, 7-3 to 7-5
  - Railway Labor Act applicability, 9-3 to 9-4
- Competition
  - charter services, 8-4 to 8-8
  - federally spending and, 8-3 to 8-11
  - in procurement, 5-6 to 5-7
  - school bus operations, 8-8 to 8-11
- Comprehensive Alcohol Abuse and Alcoholism Prevention Act (1970), 10-3, 10-30
- Comprehensive Environmental Response, Compensation and Liability Act, 3-30 to 3-36
- Conflict of interest
  - disclosure, 6-6
  - ethical practice, 6-4 to 6-6
  - organizational, 6-5 to 6-6
- Congestion Mitigation and Air Quality funds, 2-4, 3-17
  - eligibility, 4-20 to 4-21
  - funding, 4-3
  - purpose, 4-19 to 4-20
- Constitutional law
  - disadvantaged business enterprise requirements and, 10-10 to 10-12
  - environmental justice claims, 3-41 to 3-42
  - labor law jurisdiction, 9-18 to 9-19
  - minimum wage laws and, 9-26 to 9-27

- state labor law and, 9-23 to 9-24
- state police power and, 1-12 to 1-13
- substance abuse/misuse testing, 7-23 to 7-25
- transit organization governance and, 1-16
- Consultants, procurement, 5-13
- Consultation, 2-13
- Contracting
  - antidiscrimination law, 10-4 to 10-6
  - as capital cost, 4-30
  - conflict of interest issues, 6-4 to 6-6
  - disadvantaged business enterprise requirements, 10-6 to 10-12
  - express warranty in, 11-28
  - with high-risk grantees, 6-8 to 6-9
  - See also* Procurement
- Contract Work Hour and Safety Standards Act, 9-26, 9-28
- Cooperative, comprehensive, and continuing planning, 2-7
  - federal requirements, 2-11 to 2-15
  - intermodal transportation, 2-14 to 2-15
  - phases, 2-12
- Copeland Act, 9-28
- Copyright law. *See* Patent and copyright law
- Corridor preservation, 4-31
- Cost-plus bidding, 5-22
- Council on Environmental Quality, 3-6 to 3-7
- Cross-border leasing, 4-30, 4-37
  
- D
- Davis-Bacon Act, 9-24 to 9-25
- Debarment
  - causes for, 6-14
  - certification of contractor status, 6-18 to 6-19
  - definition, 6-13
  - effects, 6-13
  - mitigating factors, 6-14 to 6-15
  - procedures for, 6-13 to 6-15, 6-16 to 6-18
  - scope of, 6-15 to 6-16
  - settlement, 6-15, 6-17
  - See also* Exclusion from government procurement
- Debt, 4-32 to 4-35
- Demand forecasting, 2-10 to 2-11
- Department of Homeland Security
  - authorities and responsibilities, 1-10
  - origins and development, 1-10
- Department of Housing and Urban Development, 1-3
- Department of Labor, 1-11
- Department of Transportation Act, 3-10
- Department of Transportation and Related Agencies Appropriations Act (1988), 8-6
- Diesel fuel tax, 4-3, 4-28
- Disabilities, persons with, 4-6
  - access to vehicles and transportation facilities, 10-43 to 10-46
  - charter services for, 8-6 to 8-7
  - definition, 10-41 to 10-42
  - drug abusers as, 7-22 to 7-23, 10-41

- employee rights, 10-30 to 10-34
- half-fare requirements, 10-49 to 10-50
- motor vehicle operator regulation, 7-28 to 7-29
- paratransit services, 10-46 to 10-49
- personal care attendants, 10-48 to 10-49
- reasonable accommodation, 7-28, 10-33
- transportation rights, 10-37 to 10-52
- Disadvantaged business enterprises, 10-6 to 10-12
- Displaced persons, 5-34 to 5-35
  - definition, 5-38
  - relocation process, 5-38 to 5-40
- Dredged material, 3-28
- Drug Abuse Office and Treatment Act (1972), 10-3, 10-30
- Drug-Free Workplace Act (1988), 6-13, 7-18 to 7-19
- Drug use. *See* Substance abuse/misuse testing
- Due process rights, 10-14 to 10-15
- Duty of care, 11-3, 11-5

## E

- Educational Amendments (1972), 10-3
- Elderly and Persons with Disabilities Program, 4-6
- Elderly persons
  - antidiscrimination law, 10-28 to 10-30
  - charter services for, 8-6 to 8-7
  - half-fare requirements, 10-49 to 10-50
- Emergency Railroad Transportation Act (1933), 9-10
- Emotional injury claims, 11-13
- Endangered Species Act, 3-23 to 3-24
- Energy conservation, 1-4, 3-38
  - property acquisition requirements, 5-41 to 5-42
- Energy Policy and Conservation Act, 3-38
- Engineering services procurement, 5-23
- Environmental assessments, 3-4, 3-6, 3-8 to 3-9
- Environmental impact statements
  - alternatives analysis, 3-7 to 3-8
  - for Class I actions, 3-7 to 3-8
  - for Class III actions, 3-8 to 3-9
  - major federal actions requiring, 3-7
  - mitigation measures, 3-6 to 3-7
  - preparation, 3-8
  - purpose, 3-6
  - requirements, 3-4, 3-6, 3-7
  - scope of review, 3-6
- Environmental justice, 3-39 to 3-42
- Environmental protection
  - Coastal Zone Management Act, 3-36 to 3-37
  - Comprehensive Environmental Response, Compensation and Liability Act, 3-30 to 3-36
  - Endangered Species Act, 3-23 to 3-24
  - federal transportation law, 1-22, 1-24 to 1-25, 1-27
  - ISTEA provisions, 1-4
  - new starts planning, 4-14 to 4-15
  - procurement process requirements, 5-22 to 5-23
  - of public areas, historical sites and wildlife refuges, 3-10 to 3-11

- recycling and reuse, 3-39
- Resource Conservation and Recovery Act, 3-29 to 3-30
- Safe Water Drinking Act, 3-36
- statutory regime, 3-3 to 3-4
- water quality regulations, 3-24 to 3-29
- Wild and Scenic Rivers Act, 3-36
- See also* Air quality; Clean Air Act; Energy conservation; Environmental impact statements; Environmental Protection Agency; National Environmental Policy Act (1969)

#### Environmental Protection Agency

- authorities and responsibilities, 1-10
- drinking water regulation, 3-36
- hazardous substances regulation, 3-30 to 3-36
- Office of Environmental Justice, 3-39 to 3-40

Equal Employment Opportunity programs, 10-4

Equal Pay Act (1963), 10-4

Equal Protection Clause, 1-16, 10-10

- civil right claims based on, 10-15 to 10-16
- environmental justice claims and, 3-40 to 3-41

#### Ethics

- conflict of interest issues, 6-4 to 6-6
- federal standards, 6-3 to 6-4
- lobbying practices, 6-7
- political activities of government employees, 6-7 to 6-8
- See also* Fraud

#### Exclusion from government procurement

- arbitrary and capricious standard, 6-18
- certification, 6-18 to 6-19
- for nonresponsibility, 6-11 to 6-12
- proceedings, 6-16 to 6-18
- regulatory regime, 6-9 to 6-11
- scope of, 6-15 to 6-16
- settlement of, 6-15, 6-17
- by suspension, 6-12 to 6-13
- voluntary, 6-15
- See also* Debarment

Extortion, 5-20, 5-21

## F

Fair Labor Standards Act, 9-26 to 9-27

False Claims Act, 6-19 to 6-21

False Claims Integrity Program, 6-21

Fare revenue, 4-4

- to secure debt financing, 4-33

Federal Acquisition Regulations System, 6-4, 6-10

Federal Acquisition Streamlining Act (1994), 6-11

Federal-Aid Highway Act (1973), 1-3 to 1-4, 8-3, 10-38

Federal Aviation Act, 4-24

Federal Employers Liability Act, 7-4, 11-16

Federal Highway Act (1973), 4-3

Federal Implementation Plans, 3-14

Federal legislation and regulation

- air pollution controls, 3-11 to 3-13
- civil rights statutory regime, 10-3 to 10-4

- environmental law, 3-3 to 3-4
- ethics standards for procurement and contracting, 6-3 to 6-4
- historical development, 1-3 to 1-6, 4-3
- metropolitan transportation planning requirements, 2-3
- motor vehicle operator regulation, 7-26 to 7-27
- preemption of state law, 7-25 to 7-26, 9-23 to 9-24
- principle elements of, 1-19 to 1-22
- procurement regime, 5-3
- rail safety, 7-3
- state authority and, 1-11, 1-12 to 1-13, 1-20 to 1-21
- See also specific department or agency; specific legislation*
- Federal Property and Administrative Services Act (Brooks Act), 5-4, 5-23
- Federal Railroad Administration, 7-3 to 7-7
- Federal Railroad Safety Act (1970), 7-3, 7-4
- Federal Railroad Safety Authorization Act (1994), 7-3, 7-7
- Federal Transit Act, 4-15, 8-8 to 8-9, 9-14 to 9-18, 10-3
  - historical development, 1-3
- Federal Transit Administration
  - authorities and responsibilities, 1-6 to 1-7
  - organizational structure, 1-7 to 1-9
  - relations with state and local governments, 1-7, 1-9
  - Safety Action Plan, 7-15
- Federal Water Pollution Control Act, 3-25, 3-26, 3-27 to 3-28, 5-22
- Financial Institutions Reform, Recovery, and Enforcement Act (1989), 5-36
- Financing of transportation projects
  - accessibility programs, 4-6
  - accounting and auditing requirements, 4-25 to 4-26
  - air transportation, 4-24
  - capital expenses, 4-4
  - Capital Investment Program, 4-7 to 4-18
  - certificates of participation, 4-32 to 4-33
  - charter services, 8-5 to 8-8
  - cost overruns, 4-15, 4-16
  - credit instruments, 4-32 to 4-35
  - federal ethics standards, 6-3 to 6-4
  - federal law governing, 1-19 to 1-20, 1-23 to 1-28
  - flexible funding program, 2-4, 4-19 to 4-21
  - future challenges, 4-3 to 4-4
  - grant anticipation notes, 4-33 to 4-34
  - historical development of federal legislation, 1-3 to 1-5, 1-6, 4-3
  - incidental nontransit spending, 4-31
  - innovative strategies, 4-29 to 4-31
  - intermodal transportation projects, 4-21 to 4-25
  - ISTEA provisions, 2-4
  - job access and reverse commute projects, 4-18 to 4-19
  - joint development projects, 4-30, 4-38 to 4-39
  - labor law requirements, 9-14 to 9-15
  - leasing, 4-30, 4-32 to 4-33, 4-36 to 4-38
  - local financial commitment in federally-funded projects, 4-14, 4-15, 4-26 to 4-27, 4-31
  - local funding sources, 4-27 to 4-29
  - long-range planning, 2-16
  - new starts program, 4-8 to 4-18
  - nonurbanized area formula program, 4-5 to 4-6

- operating expenses, 4-4
- in planning phase, 4-4
- private sector investment, 4-29 to 4-30
- procurement and nonprocurement approaches, 6-3
- prohibition of federally subsidized competition, 8-3 to 8-11
- response to September 11 terrorist attacks, 1-10
- revolving loans, 4-33
- role of Metropolitan Planning Organizations, 2-25 to 2-26
- rural transit assistance, 4-6
- school bus operations, 8-8 to 8-11
- for security systems, 7-32
- State Infrastructure Banks in, 4-35 to 4-36
- support for transit-related financial enterprises, 4-31
- tax-increment, 4-33
- Transportation Improvement Program requirements, 2-18, 2-19
- Transportation Infrastructure Finance and Innovation Act, 4-34 to 4-35
- urbanized area formula grants, 4-5, 4-30, 4-31
- See also specific federal program*

Finding of no significant impact, 3-4, 3-6, 3-9

Fixed guideway systems, 4-8

- federal agency jurisdiction, 7-7

- state oversight, 7-13 to 7-14

*See also* Rail operations

Flex funds, 2-4, 4-19 to 4-21

Flood insurance, 5-43

Floodplain management, 3-37

Forecasting, 2-10 to 2-11

Fraud

- in Buy America program, 5-26

- debarment for, 6-14

- federal penalties, 6-6 to 6-7

- federal transportation law, 1-19, 1-25

- Office of Inspector General investigations, 6-21

- in procurement process, 5-19 to 5-22

- qui tam* actions, 6-19 to 6-21

- suspension based on suspicion of, 6-13

Free speech, 10-16 to 10-18, 10-22

Full Funding Grant Agreement, 4-11

G

Gasoline tax, 4-3 to 4-4, 4-28

Gender discrimination, 10-27 to 10-28

- antidiscrimination law, 10-4

Geographical bidding, 5-22

Grant anticipation notes, 4-33 to 4-34

H

Hatch Act, 1-26, 6-3, 6-7 to 6-8

Hazardous materials management, 3-29 to 3-36

Hazard Ranking System, 3-31

High-occupancy vehicle lanes, 1-3 to 1-4

High-risk grantees, 6-8 to 6-9

Highway Trust Fund, 1-3, 1-4, 4-3



Historical sites, 3-10 to 3-11, 3-37 to 3-38  
 Homeland Security Act (2002), 1-10  
 Hours of Service Act (1907), 7-3, 9-13 to 9-14  
 Housing Act (1961), 1-3  
 Housing and Community Development Act (1974), 8-3  
 Housing and Home Finance Agency, 1-3

## I

ICC Termination Act, 5-45, 7-27, 9-12  
 Indemnification and suretyship, 5-14 to 5-15, 5-18 to 5-19  
 Insurants, 7-30  
 Intellectual property rights, 5-49 to 5-50  
 Intermodal Surface Transportation Efficiency Act (ISTEA) (1991), 4-3  
   disadvantaged business enterprise requirements, 10-8  
   eligibility for federal support under, 4-22 to 4-23, 4-25  
   fixed guideway system oversight, 7-13  
   flexible funding program, 4-19 to 4-21  
   major provisions, 1-4 to 1-5, 2-4, 4-21 to 4-22  
   origins and development, 1-3, 1-4, 2-3 to 2-4  
   provisions for Metropolitan Planning Organizations, 1-14, 2-4, 2-25  
   purpose, 2-4, 2-14 to 2-15, 4-21  
 Intermodal transportation  
   federal support for, 4-21 to 4-25  
   planning, 2-14 to 2-15  
   *See also* Intermodal Surface Transportation Efficiency Act (ISTEA) (1991)  
 International planning, 2-23 to 2-24  
 Interstate Commerce Act, 9-11 to 9-12, 10-34  
 Interstate Commerce Commission, 1-11, 5-45, 9-11 to 9-12  
 Interstate Compacts, 1-16  
 ISTEA. *See* Intermodal Surface Transportation Efficiency Act (1991)

## J

Job access projects, 4-18 to 4-19  
 Joint development projects, 4-30, 4-38 to 4-39

## L

Labor law  
   allegations of violations of, 9-21 to 9-22  
   antidiscrimination law, 10-18 to 10-34  
   collective bargaining rights, 9-6 to 9-9, 9-15, 9-17 to 9-18, 9-20 to 9-21  
   dispute resolution, 9-16 to 9-17, 9-18, 9-21  
   employee drug and alcohol testing, 7-15 to 7-18, 7-19 to 7-26  
   federal funding and, 1-7, 1-24, 1-26  
   federal oversight, 1-10 to 1-11, 1-20  
   Federal Transit Act, 9-14 to 9-18  
   federal *vs.* state jurisdiction, 9-18 to 9-20  
   minimum wage laws, 9-24 to 9-27  
   National Labor Relations Act provisions, 9-20 to 9-24  
   protected employees, 9-16, 9-23  
   rail employees, 9-13 to 9-14. *See also* Railway Labor Act (1926)  
   right to strike, 9-28  
   Section 13(c) agreements, 9-14, 9-16 to 9-17  
   state, 9-27 to 9-28

unionization rights and procedures, 9-4 to 9-6, 9-15 to 9-16, 9-20  
 Urban Mass Transportation Act provisions, 1-3

*See also specific legislation*

#### Leases

for capital projects, 4-36 to 4-37  
 certificates of participation, 4-32 to 4-33  
 cross border, 4-30, 4-37  
 innovative financing techniques, 4-30  
 lease-in/lease-out, 4-38  
 procurement, 5-7 to 5-8  
 sale/leasebacks, 4-37 to 4-38  
 under Surface Transportation and Uniform Relocation Assistance Act, 4-36

Liability, tort. *See* Tort liability

Like-kind exchange, 4-31

Lobbying, 6-7

Local government. *See* State and local government

Long-range planning, 1-11

air quality considerations, 3-17  
 federal requirements, 2-3, 2-16 to 2-17  
 intermodalism in, 2-15

#### M

Major federal actions, 3-7

Major Investment Study, 2-11, 4-9

Medical conditions, motor vehicle operator, 7-28 to 7-29

Metric Conversion Act, 5-50

Metric measurement, 1-25, 5-50 to 5-51

Metropolitan Planning Organizations

assessing performance of, 2-26  
 authorities and responsibilities, 1-14, 2-3, 2-4, 2-16 to 2-17, 2-19 to 2-20, 2-25 to 2-26, 3-10, 3-17  
 boundaries, 2-6  
 certification, 2-24  
 Clean Air Act compliance requirements, 3-17 to 3-19  
 comprehensive planning requirements, 2-13  
 cooperative planning requirements, 2-12 to 2-13, 2-26  
 designation process, 1-13 to 1-14, 2-5  
 federal requirements for, 2-5 to 2-6  
 governance structure, 2-5  
 historical and conceptual development, 1-4, 1-5, 1-6, 2-3, 2-25  
 national and international planning, 2-23 to 2-24  
 participation in, 2-25, 2-26  
 response time, 2-25  
 state requirements for, 2-6 to 2-9  
 state transportation agencies established before, 2-5 to 2-6

Metropolitan transportation plans

federal requirements, 2-3  
 historical development of federal role in, 1-4  
*See also* Metropolitan Planning Organizations

Minimal needs doctrine, 5-7

Minimum wage laws, 9-24 to 9-27

Mitigation, 3-4, 3-5, 3-6 to 3-7

wetlands, 3-28

Motor Carrier Safety Act (1984), 7-26

Motor Carrier Safety Improvement Act (1999), 7-26 to 7-27  
 Motor vehicle operator regulation, 7-26 to 7-29  
 Motor Vehicle Safety Act (1986), 7-26 to 7-27

## N

National Ambient Air Quality Standards, 3-11, 3-12  
 National Capital Transportation Act, 4-15  
 National Consistency Plan, 3-31  
 National Environmental Policy Act (1969), 2-9, 3-4 to 3-10, 4-14, 5-22  
   joint development project application, 4-39  
 National Hazardous Response Plan, 3-31  
 National Highway System, 2-13  
 National Highway System Designation Act (1995), 4-35 to 4-36  
 National Historic Preservation Act, 3-37 to 3-38, 4-39  
 National Intermodal Transportation System, 2-15  
 National Labor Relations Act (1935), 9-3, 9-20 to 9-24  
   federal preemption, 9-23 to 9-24  
   jurisdiction, 9-20, 9-23  
   purpose, 9-20  
 National Labor Relations Board  
   authorities and responsibilities, 1-10  
   investigative procedure, 9-21 to 9-22  
   judicial review of decisions of, 9-22 to 9-23  
   *See also* National Labor Relations Act (1935)  
 National Mass Transportation Assistance Act (1974), 10-37 to 10-38  
 National Mediation Board, 1-10 to 1-11  
 National Pollutant Discharge Elimination System, 3-24 to 3-28  
 National Priorities List, 3-31  
 National Railroad Passenger Service Corporation (Amtrak), 1-11, 9-10 to 9-11  
   safety regulation, 7-9  
 National Trails System Act, 5-47, 5-48  
 Navigable waters, 3-27  
 Needs assessment, 2-10  
 Negligence, 11-3 to 11-8  
   contributory, 11-14 to 11-15  
   failure to warn, 11-27  
   Federal Employees' Liability Act, 11-16  
   strict liability and, 11-20  
   *See also* Tort liability  
 New starts  
   criteria for approval, 4-9 to 4-15  
   environmental considerations, 4-14 to 4-15  
   federal capital investment program, 4-8 to 4-18  
   financial support for planning, 4-4  
   planning procedure, 2-11, 4-13  
   preliminary engineering, 4-14  
   project management oversight, 4-16 to 4-18  
   project management plans, 4-15 to 4-16  
   recent history, 4-3  
 Non-attainment areas, 1-14, 2-6  
   Clean Air Act requirements, 3-14  
   long-range planning requirements, 2-17  
   Transportation Management Areas and, 2-9

transportation planning requirements, 3-14 to 3-17  
 Non-profit agencies, 8-6 to 8-7  
 Nonurbanized Area Formula Program, 4-5 to 4-6, 4-31  
 Nuisance, 11-19 to 11-20

O

Occupational Safety and Health Act, 9-28  
 Office of Inspector General investigations, 6-21  
 Omnibus Transportation Employee Testing Act, 7-15, 7-19 to 7-26  
 Overtime pay, 9-26 to 9-27

P

Paratransit services, 10-46 to 10-49  
 Parks and wildlife refuges, 3-10 to 3-11  
 Passenger facility charges, 4-24  
 Patent and copyright law, 5-49 to 5-50  
 Patent law, 1-23 to 1-24  
 Planning

- air quality considerations, 3-14 to 3-19
- alternatives analysis, 2-11
- costs and benefits analysis, 4-8
- demand forecasting, 2-10 to 2-11
- federal requirements, 1-4, 1-11, 2-4 to 2-5
- financial support for, 4-4
- international, 2-23 to 2-24
- needs assessment, 2-10
- new starts procedures, 2-11
- phases, 2-10
- public participation, 2-9 to 2-10
- responsibility, 2-10
- TEA-21 requirements, 4-9
- zoning and land use issues, 2-11

*See also* Cooperative, comprehensive, and continuing planning; Long-range planning;  
 Metropolitan Planning Organizations

Point source pollution, 3-26 to 3-27

Police power of states, 1-12 to 1-13

Political activities. *See* Hatch Act

Portal-to-Portal Act, 9-27

Private sector investment, 4-29 to 4-30

- antidiscrimination laws for private transit providers, 10-50 to 10-51
- joint development projects, 4-30, 4-38 to 4-39
- prohibition of federally subsidized competition, 8-3 to 8-11

Procurement

- advertisement for bids and proposals, 5-12 to 5-14
- America First regulations, 5-33 to 5-34
- of architectural and engineering services, 5-23
- award of contract, 5-16 to 5-18
- Best Practices Procurement Manual*, 5-3
- bid and proposal submission procedures, 5-14 to 5-15
- bid guarantees, 5-14 to 5-15, 5-18 to 5-19
- bid mistakes and withdrawals, 5-15 to 5-16
- challenges to awards, 5-24
- competitive practices, 5-6 to 5-7

- by competitive proposals, 5-9 to 5-10
- corrupt practices, 5-19 to 5-22
- determination of grantee responsibility, 6-11 to 6-12
- disposition of procured property, 5-51 to 5-53
- documentation, 5-6
- environmental requirements, 5-22 to 5-23
- ethics standards, 6-3 to 6-6
- exclusion of individuals/companies. *See* Exclusion from government procurement
- federal transportation law, 1-21, 1-22
- forms of, 5-9 to 5-11
- FTA Master Agreement, 5-3
- grantee employee conduct requirements, 5-5 to 5-6
- grant requirements, 5-3 to 5-5, 5-23 to 5-24
- innovative strategies, 4-30 to 4-31
- leasing, 5-7 to 5-8
- lobbying prohibitions, 6-7
- metric measurement in, 5-50 to 5-51
- micro-purchases, 5-9
- minimal needs doctrine, 5-7
- minimum wage laws, 9-24 to 9-27
- payment systems, 5-11
- procedures, 5-3 to 5-11
- property. *See* Property acquisitions
- qualified bidder and product lists, 5-8 to 5-9
- regulatory regime, 5-3, 5-53
- rolling stock, 5-43 to 5-45
- sealed bid, 5-9
- small purchase, 5-9
- sole source, 5-10
- stages of, 5-5
- statement of work, 5-13 to 5-14
- third-party contracts, 6-4 to 6-7
- time-and-materials contracts, 5-10 to 5-11
- use of consultants in, 5-13
- See also* Buy America requirements; Contracting
- Professional associations, ethics standards, 6-4
- Program Fraud Civil Remedies Act (1986), 6-3 to 6-4, 6-6 to 6-7, 6-12
- Project management
  - conflict of interest issues, 6-5 to 6-6
  - new starts, 4-15 to 4-18
  - oversight, 4-16 to 4-18
  - planning, 4-15 to 4-16
- Property acquisitions
  - appraisal process, 5-35 to 5-36
  - documentation, 5-35
  - energy assessments, 5-41 to 5-42
  - flood hazard and, 5-43
  - maintenance requirements, 5-42 to 5-43
  - nondiscrimination requirements, 5-40 to 5-41
  - process, 5-36 to 5-38
  - purchase price, 5-37
  - reimbursement of owner expenses, 5-38
  - relocation process, 5-38 to 5-40

- statutory regime, 5-34 to 5-35
- tenant rights, 5-37 to 5-38
- Property disposition, 5-51 to 5-53
- Public Health Service Act, 10-3
- Public participation in planning, 2-9 to 2-10
  - new works, 4-12 to 4-14

Q

- Qui tam* actions, 6-19 to 6-21

R

- Racketeer Influenced and Corrupt Practices Act, 5-19 to 5-22
- Rail operations
  - access for persons with disability, 10-43 to 10-45
  - accident investigation and response, 7-10 to 7-11
  - consolidations and mergers, 9-11
  - employee and operations regulation, 7-8 to 7-9, 7-12
  - employee retirement and unemployment compensation rules, 9-13
  - event recorders, 7-8
  - federal agency jurisdiction, 7-3 to 7-7
  - Federal Employees' Liability Act, 11-16
  - federal funding, 4-8
  - federal oversight, 1-11, 1-22
  - hours of service regulation, 9-13 to 9-14
  - inspections, 7-11
  - line abandonment, 5-46 to 5-47
  - line transfers to noncarriers, 5-46
  - penalties for violation of regulations, 7-11 to 7-12
  - rails-to-trails program, 5-47 to 5-49
  - right of way regulation, 5-46 to 5-49
  - safety regulation, 7-3 to 7-14
  - state regulation, 1-12, 7-13 to 7-14
  - terminal conversions, 4-22 to 4-23
  - trackage rights and operating authority transfers, 5-45 to 5-49
  - track and equipment regulation, 7-7 to 7-8
  - See also* Intermodal transportation; Railway Labor Act (1926)
- Rail Passenger Service Act, 9-11
- Railroad Rehabilitation and Improvement Financing Program, 4-34
- Railroad Retirement Act, 7-4, 9-13
- Railroad Revitalization and Regulatory Reform Act (1976), 9-11
- Rail Safety Enforcement and Review Act (1992), 7-3
- Rail Safety Improvement Act (1988), 7-3
- Railway Labor Act (1926), 7-4
  - administration, 9-3
  - applicability, 9-3 to 9-4
  - dispute resolution provisions, 9-6 to 9-9
  - fair representation requirements, 9-6
  - good faith bargaining requirements, 9-6
  - labor protective provisions, 9-9 to 9-10
  - origins, 9-3
  - purposes, 9-4
  - significance of, 9-3
  - union certification rules, 9-4 to 9-6

Rapid transit rail operations, 7-3 to 7-7  
 Recycling, 3-39  
 Rehabilitation Act (1973), 9-29, 10-3, 10-30 to 10-31, 10-38, 10-51 to 10-52  
*Res ipsa loquitor*, 11-7 to 11-8, 11-23  
 Resource Conservation and Recovery Act (1976), 3-29 to 3-30  
*Respondeat superior*, 11-8 to 11-9  
 Responsible contractors, 6-11  
 Revenue bonds, 4-32  
 Reverse commute projects, 4-18 to 4-19  
 Revolving loans, 4-31, 4-33  
 Right-of-way
 

- acquisition, 4-31
- rail lines, 5-45 to 5-49

 Risk
 

- assumption of, 11-15
- calculus of, 11-4 to 11-5
- management, 11-29

 Rolling stock
 

- access for persons with disability, 10-43 to 10-45
- acquisition requirements, 5-43 to 5-45
- Buy America requirements, 5-26 to 5-27, 5-30 to 5-31, 5-32 to 5-33
- disposition, 5-52

 Rotation bidding, 5-22  
 Rural Transit Assistance Program, 4-6  
 Rural Transportation Accessibility Incentive Program, 4-6

## S

Safety
 

- bus regulation, 7-29 to 7-30
- construction regulation, 7-30 to 7-31
- federal role in, 1-10
- federal transportation law, 1-22, 1-23, 1-27 to 1-28
- fitness of common carriers and operators, 7-30
- motor vehicle operator regulation, 7-26 to 7-29
- rail regulations, 7-3 to 7-14
- security and, 7-31 to 7-33
- seismic design and construction, 1-23, 7-30 to 7-31
- state and local regulation, 7-33
- state police power and, 1-12 to 1-13
- See also* Substance abuse/misuse testing; Tort liability

 Safety Appliance Acts, 7-3  
 Safe Water Drinking Act, 3-36  
 School bus operations, 8-8 to 8-11  
 Search and seizure, 7-23 to 7-24  
 Security, 7-31 to 7-33  
 Seismic safety, 1-23, 7-31  
 Service Contract Act (1965), 9-26  
 Sexual harassment, 10-28  
 Signal Inspection Act (1920), 7-3  
 Small Business Act (1958), 10-6  
 Sovereign immunity to tort liability, 11-16 to 11-18  
 Special assessment districts, 4-28  
 Special events transportation, 8-6

- Staggers Rail Act (1980), 5-46 to 5-47
- Standard of care, 11-5 to 11-6
- State and local government
  - debarment actions, 6-18
  - departments of transportation authorities and responsibilities, 1-11 to 1-12
  - ethics standards, 6-4
  - federal preemption of state law, 7-25 to 7-26, 9-23 to 9-24
  - historical development, 1-11
  - intermodal planning requirements, 2-15
  - labor law, 9-18 to 9-20, 9-27 to 9-28
  - local financial commitment in federally-funded projects, 4-14, 4-15, 4-26 to 4-27, 4-31
  - Metropolitan Planning Organizations and, 1-14, 2-6 to 2-9
  - minimum wage laws, 9-25
  - motor vehicle operator regulation, 7-29
  - rail operations oversight, 1-12, 7-13 to 7-14
  - safety regulation, 7-33
  - sources of project funding, 4-27 to 4-29
  - sovereign immunity, 11-17 to 11-18
  - See also* Transit organizations
- State Implementation Plans, 2-13
  - air quality considerations, 3-14 to 3-15
  - Transportation Improvement Program and, 2-20
- State Infrastructure Banks, 4-35 to 4-36
- Statement of work, 5-13 to 5-14
- State police power, 1-12 to 1-13
- Statewide Transportation Improvement Program, 1-11
  - development process, 2-23
  - requirements for, 2-21 to 2-23
  - scope of coverage, 2-23
  - Transportation Improvement Program and, 2-20
- Steel and iron, 5-26
- Subcontractors
  - qui tam* liability, 6-21
  - responsibility, 6-11
- Substance abuse/misuse testing
  - antidiscrimination law, 10-3, 10-30, 10-41
  - audit of procedures and facilities for, 7-23
  - certification, 7-18 to 7-19
  - civil rights law and, 10-3
  - confidentiality in, 7-23
  - constitutional law and, 7-23 to 7-26
  - disability law and, 7-22 to 7-23
  - documentation, 7-23
  - employer response to positive test, 7-22 to 7-23
  - federal regulatory regime, 7-15 to 7-18, 7-19 to 7-20
  - follow-up testing, 7-22
  - laboratory standards, 7-23
  - motor vehicle operator regulation, 7-27 to 7-28
  - post-accident, 7-21
  - pre-employment, 7-20 to 7-21
  - in rail operations, 7-12
  - random, 7-21 to 7-22
  - for reasonable suspicion, 7-21



- requirements for employers, 7-18 to 7-20
- return-to-duty testing, 7-22
- scope, 7-15
- state law, 7-25 to 7-26
- Superfund, 3-31
- Superfund Amendments and Reauthorization Act, 3-31
- Supremacy clause, 7-25 to 7-26, 9-23 to 9-24
- Suretyship. *See* Indemnification and suretyship
- Surface Transportation and Uniform Relocation Assistance Act (1987), 4-8, 4-16, 4-33
  - Buy America provisions, 5-25, 5-31
  - leasing rules, 4-36
- Surface Transportation Assistance Act (1978), 1-4, 5-24
- Surface Transportation Assistance Act (1982), 5-25, 10-39
- Surface Transportation Board, 5-45 to 5-46, 7-3
  - authorities and responsibilities, 1-11
- Surface Transportation Program, 4-14, 4-21
- Suspension from government procurement, 6-12 to 6-13, 6-15 to 6-16. *See also* Exclusion from government procurement
- Swift Rail Development Act. *See* Federal Railroad Safety Authorization Act (1994)

## T

- Taft-Hartley Act, 9-19
- Tailor bid, 5-22
- Takings law
  - Endangered Species Act provisions, 3-24
  - rails-to-trails program and, 5-48 to 5-49
- Tax revenue, 4-3 to 4-4, 4-27 to 4-29
  - to secure debt financing, 4-33, 4-34
- TEA-21. *See* Transportation Equity Act for the 21st Century (1998)
- Time-and-materials contracts, 5-10 to 5-11
- Tort liability
  - assumption of risk doctrine, 11-15
  - but-for test, 11-8
  - comparative fault doctrine, 11-15 to 11-16, 11-29
  - consumer expectations test, 11-26
  - contract law and, 11-28
  - contributory negligence, 11-14 to 11-15
  - costs, 11-3
  - defenses against, 11-14 to 11-18
  - for design defects, 11-25 to 11-27
  - direct consequences rule, 11-11 to 11-12
  - economic injury claims, 11-13 to 11-14
  - emotional injury claims, 11-13
  - for failure to warn, 11-27
  - Federal Employees' Liability Act provisions, 11-16
  - foreseeability doctrine, 11-9 to 11-11
  - intervening causes and, 11-12
  - last clear chance doctrine, 11-15
  - of lessors, 11-28
  - multiple tortfeasors, 11-8
  - negligence, 11-3 to 11-8
  - nuisance claims, 11-19 to 11-20
  - producing cause analysis, 11-28 to 11-29

- product liability concepts, 11-21 to 11-27
- proof of statutory violation, 11-6 to 11-7
- proximate causation, 11-9 to 11-14, 11-28 to 11-29
- rescue doctrine, 11-11
- res ipsa loquitor*, 11-7 to 11-8, 11-23
- risk management and, 11-29
- sovereign immunity claims, 11-16 to 11-18
- strict liability doctrine, 11-20 to 11-29
- substantial factor considerations, 11-11
- trespass cases, 11-18 to 11-19
- vicarious, 11-8 to 11-9
- zone of danger rule, 11-13
- Tour carriers, 10-51
- Transit impact fees, 4-28
- Transit organizations, 1-3
  - formation of, 1-16
  - future challenges, 4-3
  - general manager's roles and responsibilities, 1-17
  - governance structure, 1-16 to 1-17
  - powers of, 1-17 to 1-18
  - purpose, 1-14
  - role in planning, 2-10
  - scope of service, 1-15
- Transportation Act (1920), 9-3
- Transportation Act (1940), 2-14
- Transportation control measures, 3-12, 3-13 to 3-14
  - Clean Air Act compliance, 3-14 to 3-17
  - TEA-21 funding, 3-17
- Transportation Equity Act for the 21st Century (TEA-21) (1998)
  - Buy America provisions, 5-25 to 5-26
  - credit programs, 4-34 to 4-35
  - disadvantaged business enterprise requirements, 10-8
  - goals, 1-5 to 1-6, 2-4 to 2-5
  - job access and reverse commute provisions, 4-18 to 4-19
  - major provisions, 1-6, 2-4
  - new starts regulations, 4-9
  - project planning requirements, 4-9
  - spending, 4-3
  - transportation control measure funding, 3-17
- Transportation Improvement Program, 3-10
  - air quality standards compliance, 3-17 to 3-19
  - cooperative planning requirements, 2-12, 2-13, 2-26
  - development process, 2-18
  - federal requirements, 2-3, 2-17 to 2-20
  - goals, 1-5 to 1-6
  - ISTEA requirements, 1-14, 2-4
  - preparation of, 1-14
  - scope of coverage, 2-19
  - TEA-21 requirements, 1-5 to 1-6
  - Unified Planning Work Program requirements, 2-20
- Transportation Infrastructure Finance and Innovation Act (1998), 4-34 to 4-35
- Transportation Management Areas
  - cooperative planning requirements, 2-12 to 2-13

- designation, 2-9
- requirements, 2-9
- Transportation System Management, 4-8
- Tripper service, 8-9

## U

- Unified Planning Work Program, 2-12, 2-20
- Uniform Relocation Assistance and Real Property Acquisition Policies Act (1970), 5-34 to 5-35
- Unilateral Administrative Order, 3-32
- Urbanized Area Formula Grants Program, 4-5, 4-30
- Urban Mass Transportation Act (1964), 1-3, 1-6, 4-3, 7-4, 8-3, 8-8, 9-10, 9-14, 10-37, 10-38 to 10-39
  - use in rural areas, 4-31
- Urban Mass Transportation Administration, 5-24 to 5-25
- Urban Mass Transportation Assistance Act (1970), 1-3
- Usage of public transportation, 4-3

## W

- Wage laws
  - hourly minimum, 9-24 to 9-27
  - overtime pay, 9-26 to 9-27
- Waste management, 3-29 to 3-30
- Water quality
  - regulatory regime, 3-24 to 3-29
  - Safe Water Drinking Act, 3-36
- Water transportation, America First procurement regulations, 5-34
- Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 2-15, 4-24
- Wetlands protection, 3-28
- Wild and Scenic Rivers Act, 3-36

## Z

- Zoning and land use, 2-11
  - Metropolitan Planning Organizations and, 2-25



## Index of Cases

### A

*Adams v. New Jersey Transit Rail Operations*, 10–23  
*Adarand Constructors v. Pena*, 10–10 to 10–12  
*Alexander v. Merit Systems Protection Board*, 6–8  
*Alexander v. Sandoval*, 3–41  
*Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America v. Missouri*, 9–23  
*Amalgamated Transit Union AFL-CIO v. Jackson Transit Auth.*, 9–18 to 9–19  
*Amalgamated Transit Union International v. Donovan*, 9–17, 9–18  
*Amalgamated Transit Union v. Skinner*, 7–15  
*Anderson v. Washington Metropolitan Area Transit Authority*, 11–20  
*Area Transportation, Inc. v. Ettinger*, 8–10

### B

*Barber Lines A/S v. M/V Donau Maru*, 11–13  
*Bayview Hunters Point Community Advocates v. Metropolitan Transportation Commission*, 3–16  
*Beausoleil v. Massachusetts Bay Transportation Authority*, 11–18  
*Beharry v. New York City Transit Authority*, 7–24  
*Berry v. The Borough of Sugar Notch*, 11–10  
*Bivens v. Six Unknown Federal Narcotics Agents*, 10–13  
*Bolden v. Southeastern Pennsylvania Transportation Authority*, 7–25  
*Brinson v. New York City Transit Authority*, 10–25  
*Brown v. Board of Education*, 10–34  
*Bruce v. Martin-Marrietta Corp.*, 11–27  
*Brumer v. Los Angeles County Metropolitan Transportation Authority*, 11–19 to 11–20  
*Burkhart v. Washington Metropolitan Area Transit Authority*, 10–43  
*Bush v. Harvey Transfer Co.*, 11–6  
*Butterfield v. Forrester*, 11–14

### C

*Caridad v. Metro-North Commuter Railroad*, 10–28  
*Cleveland Board of Education v. Loudermill*, 10–14, 10–15  
*Central of Georgia Ry. Co. v. Price*, 11–10  
*Chicago Transit Authority v. Adams*, 8–9  
*Chicago Transit Authority v. Flohr*, 7–4  
*Children of the Rosary v. City of Phoenix*, 10–18  
*Cintrone v. Hertz Truck Leasing & Rental Service*, 11–28  
*City of Richmond v. J.A. Croson Co.*, 10–26  
*Commercial Drapery Contractors, Inc. v. United States*, 6–13  
*Cort v. Ash*, 5–17  
*Council of Commuter Organizations v. Gorsuch*, 3–9  
*Cunningham v. Metropolitan Seattle*, 1–16

### D

*Delaney v. EPA*, 3–15  
*Demand v. New York Central & Hudson River Railroad Co.*, 11–19  
*De Silva v. New York City Transit Agency*, 10–25

### E

*Elaine's Cleaning Service, Inc. v. United States*, 6–18  
*Environmental Defense Fund v. Environmental Protection Agency*, 2–21  
*Epter v. New York City Transit Authority*, 10–29  
*Escola v. Coca-Cola Bottling Co.*, 11–23

## F

*Faragher v. City of Boca Raton*, 10–24  
*Felty v. New Berlin Transit, Inc.*, 11–12  
*Fletcher v. Rylands*, 11–20 to 11–21  
*Fox Valley & Western Limited v. Interstate Commerce Commission*, 9–12

## G

*Garcia v. San Antonio Metropolitan Transit Authority*, 9–26, 9–27  
*Garrison v. D.C. Transit System, Inc.*, 11–5  
*Glazer Construction Co. Inc. v. United States*, 6–11  
*Glosemeyer v. United States*, 5–48  
*Goldman v. Weinberger*, 10–27  
*Gonzalez v. Metropolitan Transit Authority*, 7–25  
*Gorris v. Scott*, 11–7  
*Greenman v. Yuba Power Products Inc.*, 11–23  
*Griggs v. Duke Power Co.*, 10–20

## H

*Hassan v. Slater*, 10–46  
*Henningsen v. Bloomfield Motors, Inc.*, 11–23  
*Hines v. Garrett*, 11–10  
*Hoeft v. Milwaukee & Suburban Transport Corp.*, 11–11  
*Holloman v. Greater Cleveland Regional Transit Authority*, 7–24

## I

*Indiana Harbor Belt R.R. Co. v. American Cyanamid Co.*, 11–21

## J

*James v. Peter Pan Transit Management*, 10–49  
*Jews for Jesus v. Massachusetts Bay Transportation Authority*, 10–16 to 10–17

## K

*Kalsi v. New York City Transit Authority*, 10–27  
*Kassel v. Consolidated Freightways Corp.*, 1–13  
*Kimel v. Florida Board of Regents*, 10–29  
*Kingston v. Chicago & N.W. Ry. Co.*, 11–8

## L

*Lamers v. City of Green Bay*, 6–20 to 6–21  
*Lanning v. Southeastern Pennsylvania Transportation Authority*, 10–21  
*Lear Siegler, Inc. v. Perez*, 11–29  
*Lehman v. City of Shaker Heights*, 10–17  
*Lesser v. Manhattan and Bronx Surface Transit Operating Authority*, 11–5

## M

*Macht v. Skinner*, 3–7  
*Macpherson v. Buick Motor Co.*, 11–22  
*Malabed v. North Slope Borough*, 10–26

*Marshall v. Cuomo*, 6–18  
*Martin v. Herzog*, 11–6  
*Mateen v. Connecticut Transit*, 10–27  
*McDonnell Douglas Corp. v. Green*, 10–20, 10–21  
*Medellin v. Chicago Transit Authority*, 10–14  
*Merrino v. New York City Transit Authority*, 11–11  
*Myers v. Hose*, 7–28

## N

*National Labor Relations Bd. v. Gissell Packing Co.*, 9–20  
*National League of Cities v. Usery*, 9–26 to 9–27  
*New Orleans Union Passenger Terminal Case*, 9–10  
*New York Dock R.R. v. United States*, 9–11  
*New York Urban League, Inc. v. New York*, 10–37  
*NLRB v. Hearst Publications*, 9–23  
*Novicki v. Cook*, 6–16

## O

*O'Brien v. Massachusetts Bay Transportation Authority*, 7–26

## P

*Palila v. Hawaii Department of Land and Natural Resources*, 3–24  
*People Express Airlines, Inc. v. Consolidated Rail Corp.*, 11–14  
*Petition of Kinsman Transit Co.*, 11–11, 11–13 to 11–14  
*Pickering v. Board of Education*, 10–16  
*Piedmont Heights Civic Club, Inc. v. Moreland*, 3–8  
*Plessy v. Ferguson*, 10–34  
*Port Authority Trans-Hudson Corporation v. Federal Railroad Administration*, 7–4  
*Psalgraf v. Long Island R.R. Co.*, 11–9, 11–11

## R

*Ralkin v. New York City Transit Authority*, 10–29  
*Redding v. Chicago Transit Authority*, 7–22 to 7–23  
*Reynolds v. Sims*, 1–16  
*Rickey v. Chicago Transit Authority*, 11–13  
*Robinson v. Chicago Transit Authority*, 11–12

## S

*Sacramento Regional Transit District v. Grumman Flexible*, 11–14  
*Salvatierra v. Via Metropolitan Transit Authority*, 11–17  
*Save Barton Creek Ass'n. v. Federal Highway Administration*, 3–7  
*Silverman v. United States*, 6–14  
*Skinner v. Railway Labor Executive's Ass'n*, 7–24  
*Smith v. Washington Metropolitan Area Transit Authority*, 11–10 to 11–11  
*Sotolongo v. New York City Transit Authority*, 10–26  
*South Carolina Highway Department v. Barnwell Brothers*, 1–13  
*Southern Pacific Co. v. Arizona*, 1–13  
*Special Counsel v. Gallagher*, 6–8  
*Stacy & Witbeck v. City and County of San Francisco*, 6–18  
*Stockett v. Muncie Indiana Transit System*, 10–25

## T

*Taxpayers Watchdog, Inc. v. Stanley*, 3–9

*Teahan v. Metro-North Commuter Railroad*, 10–31  
*Town of Secaucus v. Dep't of Transportation*, 4–39  
*Township of Belleville v. Federal Transit Administration*, 3–9  
*Transport Worker's Union of Philadelphia v. Southeastern Pennsylvania Transportation Authority*,  
7–25  
*Trustees for Alaska v. Fink*, 3–14, 3–15 to 3–16  
*24 Hour Fuel Corp. v. Long Island Railroad Co.*, 5–17, 5–18

## U

*Union Pump Co. v. Allbritton*, 11–28 to 11–29  
*United States v. Carroll Towing Co.*, 11–4 to 11–5  
*United States v. Earth Science, Inc.*, 3–27  
*United States v. Oxford Royal Mushroom Products, Inc.*, 3–26 to 3–27  
*United States v. Paradise*, 10–10  
*United States v. S.A. Empresa de Viacao Aereo. Rio Grandese (Varig)*, 11–17  
*United States v. Schimmels*, 6–21  
*United States v. Texas Pipe Line Co.*, 3–27  
*United Transportation Union v. Brock*, 9–18  
*Universal Camera Corp. v. National Labor Relations Board*, 9–22

## V

*Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 3–40

## W

*Wagner v. International Railway*, 11–11  
*Ward v. Housatonic Area Regional Transit District*, 10–14  
*Washington v. Davis*, 3–40  
*Watson v. Kentucky & Ind. Bridge and Ry. Co.*, 11–12  
*Woodham v. Federal Transit Administration*, 4–39  
*Wright v. Chief of Transit Police*, 10–17

## Y

*Young v. New York City Transit Authority*, 10–17