

(Link 1)

THE SEVEN COMMITTEES

AL010 (A4004)

Transportation Law Committee

Tamar Graham Scott, Chair

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The Transportation Law Committee concentrates on the interpretation of federal and state law relating to planning, construction, and operations by state agencies. Members of this committee were instrumental in presenting a number of seminars and sessions dealing with ISTEA soon after its enactment.

Since late 1994, the committee has also concentrated on a number of systemic issues: the spending clause of the Constitution and relationships between the federal and state governments; federal preemption of state action; and the legal impact of the metric system. These issues were the bases for legal debate over federal-state relations and the structure of transportation programs throughout the 1990s, into the 21st century.

AL020 (A4007)

Transit and Intermodal Transportation Law Committee

Bruce M. Smith, Chair Apperson Crump & Matwell, PLC

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ISTEA and the Clean Air Act amendments recognized the need for increased use of public transit to help reduce air pollution. Thus, the potential for funding transit acquisitions and operations was greatly increased, as was the involvement of transit operators in the planning process both in the development of state implementation plans and as part of metropolitan planning organizations. As program officials turn to their attorneys to seek help in understanding the mountain of regulations, guidelines, and other legal issues pertaining to transit operations, these attorneys look to the research and clearing house activities of the Transit and Intermodal Transportation Law Committee to obtain primary information and analysis.

AL030 (A4005)

Contract Law Committee

Mark G. Kelsey, Chair

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The Contract Law Committee assembles and distributes information and legal analysis for cases on construction contract claims.

The rise of soft cost contract claims as a substantial aspect of any constructions program, the lack of attorneys knowledgeable in construction contract matters, the interest of state transportation departments in various forms of innovative contracting practices, the increased use of litigation to halt or influence the method of construction, the ascendancy of issues related to transit procurement, the eminence of IVHS technology, and questions surrounding minority contracting all point to the continued essential role of those involved in government contracting.

AL040 (A4003)

Emerging Technology Committee

Yvie Dondes, Chair

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The Emerging Technology Committee focuses on the application of high technology and draws on attorneys from state and local government. Just as the Legal Resources Group Council works closely with AASHTO Legal Affairs Subcommittee on highway issues and with the American Public Transit Association's Legal Committee on transit matters, this committee works with IVHS America's Legal Committee on the application of new technology to highways and traffic control systems.

AL050(A4006)

Environmental Issues in Transportation Law Committee

Margaret N. Strand, Chair

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Environmental issues have long been an important part of transportation planning, but the Clean Air Act Amendments of 1990, as supplemented by the environmental requirements of ISTEA, have made environmental requirements a central, if not the dominant, element of transportation planning. Critical legal issues being addressed by the committee fall into four main areas: (a) the discovery, handling, transportation, and disposal of hazardous materials by transportation agencies; (b) compliance with the Clean Air Act Amendments of 1990 and the planning requirements of ISTEA; (c) compliance with the Clean Water Act; and (d) compliance with the environmental enhancement requirements of ISTEA.

The Environmental Issues in Transportation Law committee puts out *The Natural Lawyer*, a quarterly newsletter that contains up-to-date material contributed by federal and state transportation attorneys.

AL060 (A4001)

Eminent Domain and Land Use Committee

John W. Strahan, Chair

Attorney

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The Eminent Domain and Land Use Committee is concerned mainly with evaluation of interest in property (i.e. land, right of way, tenancy) condemned by government entities for highway purposes. Initially, its concern focused on land acquisition and evaluation issues. In recent years, however, a series of court decisions have turned constructive takings by government action into a preeminent issue.

AL070 (A4002)

Tort Liability and Risk Management

Jay L. Smith, Chair

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Tort liability has become a major concern for highway departments. The erosion of sovereign immunity and the courts' and plaintiffs' increasing use of design and maintenance manuals as standards rather than guides have intensified the exposure to tort liability for transportation departments all over the country. Increasingly, states are establishing risk management groups to provide oversight and devise programs to enhance safety and thus minimize, or at least reduce, exposure to tort liability.

In fulfilling its mission, the Tort Liability and Risk Management Committee, composed of attorneys, engineers, risk managers, and administrators, has implemented a program of education, training, and research and has sponsored workshops and seminars on defending and avoiding tort litigation.