The Future of Law and Transportation

NOVEMBER 6, 2020
#TransportationLaw2020
Direct Zoom link to join: https://tinyurl.com/TransportationLaw2020
FRIDAY, NOVEMBER 6
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8:30-8:45am Welcoming Remarks & Introductions

Dean Kevin Washburn, N. William Hines Dean and Professor of Law, University of Iowa College of Law

IBL Center Director, Professor Jason Rantanen, Professor of Law, Ferguson-Carlson Fellow in Law, and Director of the Iowa Innovation, Business & Law Center, University of Iowa College of Law

Law Review Organizers and Hosts, Dana Waterman and Hayley Sherman, Editor-In-Chief and Symposium Editor, respectively, Iowa Law Review

Faculty Organizer and Host, Professor Gregory Shill, Associate Professor of Law, University of Iowa College of Law, and Affiliated Faculty Member, National Advanced Driving Simulator, University of Iowa College of Engineering

8:45-9:45am Panel One
Transportation Planning & Land Use I

Jonathan Levine, Professor of Urban and Regional Planning, University of Michigan Taubman College of Architecture and Urban Planning
“Transportation Policy Entrenchment: Institutional Barriers to Accessibility-Based Planning”

Audrey McFarlane, Associate Dean of Faculty Research & Development and Dean Julius Isaacson Professor of Law, University of Baltimore School of Law
“Black Mobility and the Refusal of Funds: Structural Racism and Mass Transportation Decision-Making”

Sara Bronin, Thomas F. Gallivan Chair in Real Property Law and Faculty Director, Center for Energy and Environmental Law, University of Connecticut School of Law
“Dangerous by Design: How Vehicle and Street Standards Hurt Us”
9:45-11:05am  Panel Two  
Rights of Way & Public Space

David Prytherch, Professor of Geography, Miami University, Department of Geography
“Mobility Justice and the Public Right-of-Way: The Geography of Traffic Law and Design”

Jamila Jefferson-Jones, Associate Professor of Law, University of Missouri-Kansas City School of Law
“#DrivingWhileBlack as #LivingWhileBlack”

Tara Goddard, Assistant Professor, Texas A&M University, College of Architecture, Department of Landscape Architecture & Urban Planning
“Not ‘Just Semantics’: How the Language and Framing of Transportation Safety Shapes Perception and Practice”

Vanessa Casado Pérez, Associate Professor of Law, Texas A&M University School of Law, and Research Associate Professor of Agricultural Economics, Texas A&M Department of Agricultural Economics
“Reclaiming the Streets: Pedestrianization”

11:05-11:15am  Short Break

11:15am-12:00pm  Keynote Address
Beth Osborne, Director, Transportation for America

12:00-12:45pm  Lunch (no programming)

Direct Zoom link to join: https://tinyurl.com/TransportationLaw2020 (same link)

12:45-1:45pm  Panel Three  
Mobility, Segregation & Polarization

Clayton Nall, Assistant Professor, University of California-Santa Barbara, Department of Political Science
“The Road to Inequality and Political Constraints on Legislat ing a Green New Deal”

Deborah Archer, Associate Professor of Clinical Law and Co-Faculty Director, Center on Race, Inequality, and the Law, New York University School of Law
“Transportation Policy and the Underdevelopment of Black Communities”

Daniel Rodriguez, Harold Washington Professor of Law and Dean Emeritus, Northwestern University Pritzker School of Law
“Road Wary: Transportation, Law, and the Problem of Escape”
Panel Four  
Transportation Planning & Land Use II

Janice Griffith, Professor of Law, Suffolk University School of Law  
“Metropolitan Planning Organizations: Evolving Roles as Transportation Planning Incorporates Environmental and Sustainability Goals”

Noah Kazis, Legal Fellow, New York University Furman Center for Real Estate and Urban Policy, New York University School of Law and the Robert F. Wagner Graduate School of Public Service  
“Transportation, Land Use, and the Sources of Hyper-Localism”

Kenneth Stahl, Professor and Director, Environmental Land Use and Real Estate Law Program, Chapman University, Dale E. Fowler School of Law  
“Integrating Transportation Policy into the Land Use Curriculum”

Darien Shanske, Professor of Law, University of California-Davis School of Law  
Co-author: Deb Niemeier, Clark Distinguished Chair, Civil and Environmental Engineering, University of Maryland A. James Clark School of Engineering  
“Subsidizing Sprawl, Segregation and Regressivity: A Deep Dive into Sublocal Tax Districts”

3:05-3:15pm  
Short Break

3:15-4:00pm  
Keynote Address  
The Honorable Ray LaHood, 16th U.S. Secretary of Transportation

Panel Five  
Transportation & Finance

Pamela Foohey, Professor of Law, Indiana University-Bloomington, Mauer School of Law  
“Bursting the Auto Loan Bubble in the Wake of COVID-19”

Randall Johnson, Professor of Law and Director of the Public Service Law Center at Mississippi College, Mississippi College School of Law  
“Why Illinois Should Eliminate Its Video Tolling Subsidy”

4:40-4:45pm  
Thank You & Farewell

#TransportationLaw2020
Ray LaHood is the former US Secretary of Transportation and current Co-Chair of Building America's Future along with former Pennsylvania Governor Ed Rendell. The bi-partisan coalition focuses on the need for more significant investment in America's infrastructure to ensure that America maintains its place as a global economic power.

With a 36-year career in public service, Secretary LaHood has extensive experience on major national policy issues, among them transportation and infrastructure. He served as the 16th Department of Transportation Secretary from 2009 to 2013 and quickly became known as a bipartisan leader and skilled conciliator in a highly partisan environment.

Secretary LaHood’s tenure was marked by landmark efforts to improve safety in every mode of transportation, from aviation and rail to pipelines and automobiles. Under his leadership, improvements to America’s infrastructure included building or replacing 350,000 miles of highway, repairing 20,000 bridges and renewing or constructing 6,000 miles of rail track. Secretary LaHood also achieved more stringent fuel efficiency requirements from automakers, took steps to address airline pilot fatigue and turned the problem of distracted driving into a national concern. As Secretary of Transportation, he oversaw an agency with more than 55,000 employees and a $70 billion budget in charge of air, maritime and surface transportation.

Before heading the US Department of Transportation, Secretary LaHood served from 1995 to 2009 in the US House of Representatives on behalf of the 18th District of Illinois and also served on various House committees, among them the powerful Appropriations Committee and the House Intelligence Committee. He served as chief of staff to US House Minority Leader Robert Michel from 1982 to 1994. He was director of the Rock Island County Youth Services Bureau from 1972 to 1974; chief planner of the Bi-States Metropolitan Planning Commission from 1974 to 1977; and district administrative assistant for US Congressman Tom Railsback from 1977 to 1982.

He is married to Kathy LaHood, and they have four children and eleven grandchildren.
Deborah N. Archer is an Associate Professor of Clinical Law and Co-Faculty Director of the Center on Race, Inequality, and the Law at NYU School of Law. She is a nationally recognized expert on civil rights and racial justice, and teaches and writes in these areas. Her scholarship has appeared in leading law reviews, including the Michigan Law Review, Vanderbilt Law Review, and the Harvard Civil Rights-Civil Liberties Law Review. Deborah received her J.D. from Yale Law School, where she was awarded the Charles G. Albom Prize, and her B.A. from Smith College. Deborah has also worked as an attorney with the American Civil Liberties Union and the NAACP Legal Defense and Educational Fund, Inc., where she litigated in the areas of voting rights, employment discrimination, and school desegregation.

Deborah is currently a member of the National Board of Directors of the American Civil Liberties Union and General Counsel to the Board. She is also a member of the Board of the Legal Aid Society of New York. Deborah previously served on the New York City Civilian Complaint Review Board, the nation’s oldest and largest police oversight agency, and the 2018 New York City Charter Revision Commission.

Deborah was selected as an Aspen Ideas Festival Scholar and a recipient of the Judge Jane M. Bolin Alumni Service Award from Yale Law School, the Constance Baker Motley Award from Columbia Law School, the Haywood Burns/Shanara Gilbert Award from the Northeast People of Color Legal Scholarship Conference, and the Otto L. Walter Distinguished Writing Award from New York Law School.

Beth Osborne is the director of Transportation for America, the transportation arm of Smart Growth America, which advocates for a transportation system that connects people to jobs and services by multiple modes of travel no matter their financial means or physical abilities. She was previously at the U.S. Department of Transportation, where she served as the Deputy Assistant Secretary for Transportation Policy and then Acting Assistant Secretary for Transportation Policy. Before joining USDOT, Beth worked for Sen. Tom Carper (DE) as an advisor for transportation, trade and labor policy; as the policy director for Smart Growth America; and as legislative director for environmental policy at the Southern Governors’ Association. She began her career in Washington, DC, in the House of Representatives working as a legislative assistant for Rep. Ron Klink (PA-04) and as legislative director for Rep. Brian Baird (WA-03).
Sara Bronin is the Thomas F. Gallivan Chair of Real Property Law at UConn Law School and the faculty director for the UConn Center for Energy and Environmental Law. She has written over a dozen articles and several books, focusing on property, land use, historic preservation, and climate change.

Bronin is an advisor for the National Trust for Historic Preservation and the Sustainable Development Code, and a board member of Latinos in Heritage Conservation. At the state level, she is currently leading the DesegregateCT coalition. Previously, she led the nationally-recognized efforts of the City of Hartford to draft and adopt a Climate Action Plan, City Plan, and zoning code overhaul. Among other things, the zoning code reforms made Hartford the first city in the country to abandon minimum parking requirements citywide and created new transit-oriented development districts. She also chaired the city’s Energy Improvement District, Preservation Connecticut, Connecticut Hispanic Bar Association, and Connecticut Urban Legal Initiative.

Bronin received bachelor degrees in architecture and Plan II from UT-Austin, an M.Sc. from Oxford (as a Rhodes Scholar), and a law degree from Yale (as a Truman Scholar). While in law school, she clerked for then-Judge Sonia Sotomayor on the Second Circuit Court of Appeals. While at UT-Austin, she led the Campus Campaign for Light Rail on a ballot measure that was narrowly — and very short-sightedly — defeated.

Pamela Foohey is a Professor of Law at Indiana University Maurer School of Law and Chair of the Advisory Board to Indiana University’s Center for Law, Society & Culture. Professor Foohey’s research centers on bankruptcy, business, consumer finance, and commercial law. Her work in business bankruptcy focuses on non-profit entities, with a particular emphasis on how churches and other religious organizations use bankruptcy. She is a co-investigator on the Consumer Bankruptcy Project (CBP), a long-term research project studying persons who file bankruptcy which has been the leading empirical study of consumer bankruptcy for the past 35 years. Her and her co-authors’ most recent publication based on CBP data, Driven to Bankruptcy, documents what happens to car owners and their car loans when they enter bankruptcy. Professor Foohey currently serves on the editorial advisory board of the American Bankruptcy Law Journal, which is a peer-reviewed academic law review published by the National Conference of Bankruptcy Judges, and in 2019, was named a “40 Under 40” Emerging Leader in Insolvency Practice by the American Bankruptcy Institute.

Vanessa Casado Pérez is an Associate Professor at Texas A&M School of Law and a Research Associate Professor at Texas A&M Department of Agricultural Economics. Her scholarship focuses on public property and natural resources law. In several publications, she explores the role of property rights in the management of scarce natural resources and urban public property spaces. She has published in, among others, Southern California Law Review, Florida State Law Review, the NYU Environmental Law Journal, or the California Journal of Public Policy. She is affiliated with the Bill Lane Center for the American West at Stanford University. Prior to joining Texas A&M, Professor Casado Perez was Teaching Fellow of the LL.M. Program in Environmental Law & Policy and Lecturer in Law at Stanford Law School. She holds an LLB, a BA in Economics, and an LLM from Universitat Pompeu Fabra in Barcelona, where she is from. She also holds an LLM from the University of Chicago Law School and a JSD from NYU School of Law.

Tara Goddard is an Assistant Professor in the Department of Landscape Architecture and Urban Planning at Texas A&M University. Dr. Goddard earned her PhD in Urban Studies from the Nohad A. Toulan School of Urban Studies and Planning at Portland State University. She holds a Masters in Civil Engineering from the University of California, Davis, and served from 2007 through 2011 as the Bicycle/Pedestrian Coordinator for the City of Davis, CA. Tara’s research interests include all things transportation safety-related, but in particular, the interactions of transportation and social psychology and their influence on differential experiences and safety outcomes for vulnerable road users.
Jamila Jefferson-Jones writes about property and wealth attainment by communities and groups on the margins of society. In line with her interest in property rights on the margins of society, she uses critical race methodologies to interrogate the ways in which white people seek to exclude black people from public and private spaces, including whites’ use of or threat of police action to enforce both the racial segregation of space and notions of white supremacy. Her recent article on this subject, #LivingWhileBlack: Blackness As Nuisance was published in the American University Law Review and featured in the New York Times.

Professor Jefferson-Jones is on the faculty of the School of Law at the University of Missouri Kansas City where she teaches courses in Property, Real Estate Transactions, Fair Housing, Entrepreneurial Urban Development, and Professional Responsibility. In addition to her appointment in the School of Law, Professor Jefferson-Jones recently served as the Interim Director of the Black Studies Program in the College of Arts and Sciences.

Jamila Jefferson-Jones is a graduate of Harvard Law School and Harvard College. Prior to entering academia, she practiced law for over a decade at firms in the District of Columbia and in her hometown of New Orleans.

Audrey McFarlane's research and teaching focus on areas of law related to economic development. Her scholarship examines the ways in which economic development is not a neutral policy that government can advance without addressing significant structural issues related to race, class and geography. Her most recent works have focused on how mixed income housing reflects social domination and seeks to manage discrimination and how constitutional doctrine should evaluate the propriety of inclusionary zoning in ways that account for developers’ role and influence on development decision-making. Professor McFarlane has also written on a range of topics including how norms of property law contribute to recurrent foreclosure crises, the insights of critical race theory for eminent domain and regulatory takings, and democratic theoretical justifications for community participation in economic development. She has been a visiting professor at Northeastern School of Law, Seattle University School of Law and University of Maryland School of Law.

Professor McFarlane has an A.B. from Harvard-Radcliffe and a J.D. from Stanford Law School where she was a member of the Stanford Law Review. She joined the University of Baltimore School of Law faculty after clerking for the Hon. A. Leon Higginbotham, Jr., Chief Judge of the United States Court of Appeals for the Third Circuit, and working as an associate at the Washington D.C. law firm of Wilmer Cutler and Pickering. At UB, she teaches courses in Property, Land Use, Local Government and Local Economic Development.

Noah Kazis is a Legal Fellow at the NYU Furman Center. Previously, he worked at the New York City Law Department, where he represented the City in matters including the development of the first legislation limiting greenhouse gas emissions from buildings, the defense and implementation of the City’s sanctuary city policies, and two rounds of charter revision. He also served as a law clerk for the Honorable Douglas P. Woodlock of the United States District Court for the District of Massachusetts and the Honorable Joseph A. Greenaway, Jr. of the United States Court of Appeals for the Third Circuit. His research has been published or is forthcoming in the Harvard Law Review, the Yale Law Journal, and the Hastings Law Journal, among other publications.

Jonathan Levine is a professor of urban and regional planning at the University of Michigan’s Taubman College of Architecture and Urban Planning. His research centers on the potential and rationales for policy reform in transportation and land use. His current work, focusing on the transformation of the transportation and land-use planning paradigm from a mobility to an accessibility basis, includes a number of sponsored projects, as well as a recent book, From Mobility to Accessibility: Transforming Urban Transportation and Land-Use Planning (Cornell University Press, 2019), written jointly with Taubman College’s Joe Grengs and Florida Atlantic University’s Louis Merlin. Levine is the author of Zoned Out: Regulation, Markets, and Choices in Transportation and Metropolitan Land Use (Resources for the Future, 2006), which argued for transportation and land-use policy reform on the basis of expansion of households’ effective range of choices rather than proven modification of travel behavior. In addition to a PhD in City and Regional Planning from the University of California, Berkeley, he holds a Master of City Planning and a Master of Science in engineering, with a civil engineering/transportation focus.

Clayton Nall's research seeks to explain how policies that change geographic space change American politics, and his broader research interests encompass American political development, public policy, political geography, and political methodology. His book, The Road to Inequality: How the Federal Highway Program Polarized America and Undermined Cities (Cambridge University Press, 2018) uses new data sources constructed from public archives and databases to examine how the largest public works project in U.S. history created Republican suburbs, increased the urban-suburban political divide, and worsened spatial inequality in the nation’s metro areas. He is currently pursuing research broadly addressing the politics of housing, examining how the expression of economic self-interest in local politics interacts with Americans’ nationally focused political ideologies.
David Prytherch is Professor of Geography at Miami University in Oxford, OH, USA. He is an urban geographer interested in planning and sustainability. Recent books include Law, Engineering, and the American Right-of-Way: Imagining a More Just Street (2018, Palgrave). He teaches in Miami's urban planning program, serves on his local City Council, and enjoys the carbon-freedom of his bicycle.

Jason Rantanen is a Professor and Ferguson-Carslon Fellow in Law at the University of Iowa College of Law. He writes in the areas of patent law, federal courts, and empirical legal studies. He has authored numerous articles and book chapters that address the law from both practical and theoretical perspectives, and his scholarship has appeared in the USC Law Review, Florida Law Review, Washington & Lee Law Review, American University Law Review, Michigan State Law Review, and Stanford Technology Law Journal, among others. He is also a co-author of the widely-read PatentlyO law blog. In addition to his teaching and scholarship work, Professor Rantanen is the faculty advisor for the Iowa Intellectual Property Law Society student group and director of the University of Iowa Innovation, Business & Law Center.

Professor Rantanen’s recent publications include “Administering Patent Law” in the Iowa Law Review, two co-authored chapters in the Research Handbook on the Economics of Intellectual Property Law (Vol. II – Analytical Methods) and “Patents as Credentials,” co-authored with Sarah E. Jack, in the Washington & Lee Law Review. He is also the creator of the Compendium of Federal Circuit Decisions, the largest and most comprehensive publicly available dataset on decisions by the United States Court of Appeals for the Federal Circuit.
Daniel B. Rodriguez is the Harold Washington Professor at Northwestern University and served as dean of the Law School from January 2012 through August 2018. During the 2018-19 academic year, he was a visiting professor at Stanford Law School and the Louis Brandeis visiting professor of law at Harvard Law School.

Professor Rodriguez has taught full-time at a number of law schools including, the University of Texas-Austin, the University of San Diego (where he also served as dean), and at the University of California, Berkeley.

His scholarship and teaching spans a wide range of topics in public law, including administrative law, local government law, constitutional law, and property. He is also deeply interested in the law-business-technology interface.

A graduate of California State University Long Beach and the Harvard Law School, Professor Rodriguez has served as the Chair of the ABA Center for Innovation, the President of the Association of American Law Schools, and a council member of the American Law Institute.

Professor Darien Shanske holds a J.D. from Stanford Law School, a Ph.D. from UC Berkeley in Rhetoric, an M.A. from McGill University in Philosophy, and a B.A. from Columbia University. Before law school, Professor Shanske worked as a financial consultant to California local governments; after law school, he worked as an attorney in the public finance department of Sidley Austin in San Francisco. Professor Shanske then clerked for Judge Pierre N. Leval of the United States Court of Appeals for the Second Circuit.

Professor Shanske’s academic interests include taxation, particularly state and local taxation, local government law, public finance, and political theory, particularly jurisprudence. Some of his current projects are on the local property tax, the state and local fiscal relationship, the fiscal constitution of California, and the role of reciprocity in Aristotle.

Kenneth Stahl is Professor of Law and the director of the Environmental, Land Use, and Real Estate Law program at Chapman University Fowler School of Law. He is the author of Local Citizenship in a Global Age (Cambridge University Press 2020), which discusses how the nature of citizenship and the relationship between local and national governments have been transformed by globalization. Professor Stahl’s scholarly works have been widely published in many journals. He is also a land use attorney who works to ensure that cities’ land use policies comply with state and federal law, and a board member of People for Housing, Orange County, a chapter of the “Yes In My Backyard” movement that seeks to reform zoning laws to legalize the production of more housing.

Professor Kevin Washburn joined Iowa Law as its 18th dean on June 15, 2018. Most recently he was a Regents Professor of Law at the University of New Mexico School of Law and had served as its dean from June 2009 to October 2012, when he was appointed by President Obama and confirmed by the Senate to be the Assistant Secretary of Indian Affairs at the U.S. Department of the Interior. He served in that role until January of 2016.

Washburn is a citizen of the Chickasaw Nation of Oklahoma. He earned a BA from the University of Oklahoma and a JD from the Yale Law School. Prior to entering academia, he clerked for a judge on the Ninth Circuit, worked as a trial attorney and then a prosecutor with the U.S. Department of Justice, and served as the general counsel of the National Indian Gaming Commission. As an academic, he has held faculty positions at Minnesota and Arizona, and taught for a year as a visitor at Harvard. He has taught and published casebooks in specialty subjects, primarily the law of gaming and gambling and federal Indian law.