



## CE 579 / PPD 588: Introduction to Transportation Planning Law

**Units:** 2  
**Term:** Fall 2019  
**Day of Week:** Monday, 6:30PM-8:10PM  
**Location:** KAP 145  
**Instructor:** Patrick Harder  
**Office:** KAP 201  
**Office Hours:** Monday, 4:30PM-5:30PM  
**Contact Info:** [pharder@usc.edu](mailto:pharder@usc.edu)  
**Phone:** (213)612-7859

**Website:** <https://blackboard.usc.edu/>  
**IT Help:** [engrhelphelp@usc.edu](mailto:engrhelphelp@usc.edu) for Viterbi IT  
[consult@usc.edu](mailto:consult@usc.edu), 0-5555 for ITS

### Catalogue Course Description

Federal and state statutory and regulatory requirements affecting California transportation systems, including transportation planning and funding law; and government contracting, environmental, and civil rights requirements.

### Expanded Course Description

This course is an introduction to basic Federal and California laws relating to the planning, funding and competitive bidding and award of contracts for the construction of transportation-related public works projects.

The following topics will be covered over the semester:

- I. Introduction.
  - A. The significance of transportation law.
  - B. Basics of administrative law : Statutes and administrative agency rules.
- II. The players: Major governmental agencies and private interest groups and parties involved in California transportation planning.
- III. Accountability of public agencies: Open meetings, decision making and records.
- IV. Setting policy: Federal and State transportation planning law.
  - A. The Statewide Transportation Plan.
  - B. Regional Transportation Planning.
- V. Contracting: Consulting, construction, and corruption: Federal and State competitive bidding and conflict-of-interest laws.
  - A. Contracting and procurement structures
  - B. Public-Private Partnerships

- VI.** Transportation funding: Federal, State, local, and “innovative” sources; accounts, flow, and restrictions on use.
- VII.** Federal and State transportation programming.
  - A. The State Transportation Improvement Program (STIP).
  - B. Regional and County Transportation Improvement Programs.
- VIII.** Environmental laws applicable to transportation planning.
  - A. The Federal and State Clean Air Acts.
  - B. The National Environmental Policy Act and the California Environmental Quality Act.
- IX.** Civil Rights laws
  - A. Title VI of the 1964 Civil Rights Act.
  - B. The status of affirmative action in public contracting requirements.
  - C. Environmental Justice and Executive Order 12,898.
  - D. Property rights and Takings issues
- X.** Federal and State labor laws.

### **Audience**

This course exists at the intersection of civil and environmental engineering and public policy and urban planning. It is appropriate for graduate students in the Viterbi and Price Schools, subject to approval of their program advisors.

### **Learning Objectives and Outcomes**

This course is an introduce students to basic Federal and California laws relating to the planning, funding and competitive bidding and award of contracts for the construction of transportation-related public works projects. Main learning objectives of the course include:

1. Providing an overview of the major Federal, State, regional and local agencies involved in the planning, funding, and award of transportation-related public works contracts and grants.
2. Summarizing the major Federal and State schemes of laws and regulations governing transportation planning and finance and the award of transportation-related public works contracts and grants.
3. Discussing the major sources of funding – Federal, State and local; traditional as well as innovative – available for the planning and construction of transportation infrastructure projects,
4. Explaining the requirements imposed on transportation planning and the construction of transportation-related public works projects by competitive bidding laws, the State and Federal Clean Air Acts, other major environmental laws, civil rights laws, and labor laws.
5. Imparting a practical overview of the Federal and State laws prohibiting and penalizing corruption in the government contracting process and protecting whistleblowers.

**Prerequisite(s)** None

**Co-Requisite(s)** None

**Concurrent Enrollment** None

### Recommended Preparation

This course is designed primarily for graduate planning and engineering students and presumes general backgrounds in either of these areas. Students should have an interest in transportation, but no specific prior coursework is needed. Students who are unsure of their preparation are encouraged to consult with the instructor for a careful determination.

### Communication and Course Notes

All class related information, assignments, and reading materials are available on blackboard, <https://blackboard.usc.edu/>. For issues requiring an immediate response, USC email ([pharder@usc.edu](mailto:pharder@usc.edu)) is the best way to communicate.

### Technological Proficiency and Hardware/Software Required

Students should be comfortable working on the World Wide Web, and prepared to communicate in a timely way via email.

### Required Readings and Supplementary Materials

The following text is required and available at the USC Bookstore:

1. March, J., California Public Contract Law : Basic Principles and Special Requirements, Solano Press Books, July 2007.

Other individual articles and materials may be assigned to students for reading over the course of the semester, in which case copies of all such materials will be available on blackboard beforehand.

### Grading Breakdown

This course is a combination of lectures and some seminar, discussion-intensive classes. Students are required to complete all reading and assignments prior to each class. In addition to class participation and periodic class assignments, course requirements include a group project and a final paper.

Grades are calculated as follows:

Assignment	Points	% of Grade
Class Participation		15%
Writing Assignments		30%
In Class Presentation		15%
Group Project		10%
Final Exam		30%
<b>TOTAL</b>		100%

### Grading Scale

Course final grades will be determined using the following scale:

A	A-	B+	B	B-	C+	C	C-	D	F
95-100	90-94.9	87.5-89.9	85-87.4	80-84.9	77.5-79.9	75-77.4	70-74.9	65-69.9	64.9 & below

This scale is presented for the sake of completeness. Courses in which students earn grades below a C cannot be presented for credit toward graduation in a USC graduate program, though the course grade remains part of the students' graduate GPA.

### **Assignment Submission Policy**

Assignments are due at the point in the class period where the instructor ask to collect them. An assignment turned in after this point, but before midnight of that day, is considered one day late. An assignment turned in after midnight of that day is considered two days late, and so forth. Assignments will lose five points for every day that it is turned in late. For example, a paper meriting a score of 90 and turned in two days late will be downgraded to 80.

### **Grading Timeline**

Grades will be reported back to students within one to two weeks after each assignment is submitted.

### **Statement on Academic Conduct and Support Systems**

#### Academic Conduct:

Plagiarism – presenting someone else's ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in SCampus in Part B, Section 11, "Behavior Violating University Standards" [policy.usc.edu/scampus-part-b](http://policy.usc.edu/scampus-part-b). Other forms of academic dishonesty are equally unacceptable. See additional information in SCampus and university policies on scientific misconduct, [policy.usc.edu/scientific-misconduct](http://policy.usc.edu/scientific-misconduct).

#### Support Systems:

*Student Health Counseling Services - (213) 740-7711 – 24/7 on call*  
[engemannshc.usc.edu/counseling](http://engemannshc.usc.edu/counseling)

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

*National Suicide Prevention Lifeline - 1 (800) 273-8255 – 24/7 on call*  
[suicidepreventionlifeline.org](http://suicidepreventionlifeline.org)

Free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week.

*Relationship and Sexual Violence Prevention Services (RSVP) - (213) 740-4900 – 24/7 on call,*  
[engemannshc.usc.edu/rsvp](http://engemannshc.usc.edu/rsvp)

Free and confidential therapy services, workshops, and training for situations related to gender-based harm.

*Office of Equity and Diversity (OED) | Title IX - (213) 740-5086, [equity.usc.edu](http://equity.usc.edu), [titleix.usc.edu](http://titleix.usc.edu)*

Information about how to get help or help a survivor of harassment or discrimination, rights of protected classes, reporting options, and additional resources for students, faculty, staff, visitors, and applicants. The university prohibits discrimination or harassment based on the following protected characteristics: race, color, national origin, ancestry, religion, sex, gender, gender identity, gender expression, sexual orientation, age, physical disability, medical condition, mental disability, marital status, pregnancy, veteran status, genetic information, and any other characteristic which may be specified in applicable laws and governmental regulations.

*Bias Assessment Response and Support* - (213) 740-2421 [studentaffairs.usc.edu/bias-assessment-response-support](http://studentaffairs.usc.edu/bias-assessment-response-support)

Avenue to report incidents of bias, hate crimes, and microaggressions for appropriate investigation and response.

*The Office of Disability Services and Programs* - (213) 740-0776 [dsp.usc.edu](http://dsp.usc.edu)

Support and accommodations for students with disabilities. Services include assistance in providing readers/notetakers/interpreters, special accommodations for test taking needs, assistance with architectural barriers, assistive technology, and support for individual needs.

*USC Support and Advocacy* - (213) 821-4710 [studentaffairs.usc.edu/ssa](http://studentaffairs.usc.edu/ssa)

Assists students and families in resolving complex personal, financial, and academic issues adversely affecting their success as a student.

*Diversity at USC* - (213) 740-2101 [diversity.usc.edu](http://diversity.usc.edu)

Information on events, programs and training, the Provost's Diversity and Inclusion Council, Diversity Liaisons for each academic school, chronology, participation, and various resources for students.

*USC Emergency - UPC: (213) 740-4321, HSC: (323) 442-1000 – 24/7 on call* [dps.usc.edu, emergency.usc.edu](http://dps.usc.edu/emergency.usc.edu)

Emergency assistance and avenue to report a crime. Latest updates regarding safety, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible.

*USC Department of Public Safety - UPC: (213) 740-6000, HSC: (323) 442-120 – 24/7 on call* [dps.usc.edu](http://dps.usc.edu)

Non-emergency assistance or information.

**Weekly Course Schedule:**

Readings identified here should be completed in advance of lectures. Assignments are due on the day under which they are listed. Additional readings will sometimes be posted in advance of the lectures.

	<b>Topics/Daily Activities</b>	<b>Readings and Homework</b>	<b>Deliverable/ Due Dates</b>
<b>Week 1</b>	<p>Overview of Course</p> <ul style="list-style-type: none"> <li>• Introduction and course summary</li> <li>• The State of our Nation’s Infrastructure</li> <li>• Challenges to Funding and Delivery of Infrastructure</li> <li>• The Role of the Federal Government, State Government and Local Governments</li> <li>• Stakeholders – Environmental, Labor, Utilities, Contractors, Engineers, Private Developers</li> </ul>	<p><b>TBD – Check Blackboard in the days preceding the first day of class</b></p>	
<b>Week 2</b>	<p>Foundations of American Law</p> <ul style="list-style-type: none"> <li>• English Common Law</li> <li>• Principles of Equity</li> <li>• Case Law and Principles of Stare Decisis</li> <li>• The Legislative Process</li> <li>• Statutes</li> <li>• Regulations</li> <li>• Administrative Guidance</li> <li>• Legislative History</li> </ul>	<p>March, p. 1-21; Introduction of Writing Assignment #1 i</p>	<p>Writing Assignment #1 Due Week 4</p>
<b>Week 3</b>	<p>Transportation Planning</p> <ul style="list-style-type: none"> <li>• Statewide Transportation Planning</li> <li>• Regional Transportation Planning</li> <li>• The Role of Cities in Transportation Planning</li> <li>• Legal Issues Associated with Different Transportation Modes               <ul style="list-style-type: none"> <li>○ Roads, Bridges, Tunnels</li> </ul> </li> </ul>	<p>Reading TBD; Introduction of class presentation assignment</p>	<p>Class Presentations conducted Week 5</p>

	<ul style="list-style-type: none"> <li>○ Rail</li> <li>○ Ferries</li> <li>○ Bicycle</li> <li>○ Pedestrian</li> </ul>		
<b>Week 4</b>	<p>Transportation funding</p> <ul style="list-style-type: none"> <li>● Federal Funding Sources</li> <li>● State Funding Sources</li> <li>● County and Regional Transportation Improvement Programs</li> <li>● Programming (allocation) of funds at the regional level</li> <li>● Restrictions on use</li> <li>● Funding agency oversight</li> <li>● Private Financing <ul style="list-style-type: none"> <li>○ Bank Club Financing</li> <li>○ TIFIA</li> <li>○ Private Activity Bonds</li> <li>○ Private Placements</li> </ul> </li> </ul>	TBD	Writing Assignment #1 due
<b>Week 5</b>	<b>In Class Presentations</b>		
<b>Week 6</b>	<p>Public Contracting Part I</p> <ul style="list-style-type: none"> <li>● Introduction to the Public Contracting Process</li> <li>● Basic Principles of Contract Law</li> <li>● Public vs. Private Contracts: Some Differences</li> <li>● Federal Public Contracting Laws and Regulations</li> <li>● State Public Contracting Laws and Regulations</li> <li>● Charter/Home Rule Cities and Counties</li> </ul>	March, p. 24-66 (excluding p. 44-49); Introduction of Writing Assignment #2	Writing Assignment #2 Due Week 9 (first draft), Week 12 (final draft)
<b>Week 7</b>	<p>Public Contracting Part II:</p> <ul style="list-style-type: none"> <li>● The competitive bidding process under Federal and State Law <ul style="list-style-type: none"> <li>○ Basic Principles</li> <li>○ When is competitive</li> </ul> </li> </ul>	March, p. 44-49; Introduction of Group Project	Group projects held Week 10

	<ul style="list-style-type: none"> <li>o bidding necessary?</li> <li>o The “Cone of Silence”</li> <li>o Lobbying</li> <li>• Drafting and Publication of Requests for Information (RFIs); Requests for Qualifications (RFQs); Requests for Proposals (RFPs)</li> <li>• Public Meetings and Public Records</li> <li>• Subcontractor Listing Laws</li> <li>• Payment and Performance Bonds</li> <li>• Pre-Qualification and Short-listing</li> <li>• Evaluation of Proposals</li> <li>• Contract Award</li> <li>• Bid Protests</li> </ul>		
<b>Week 8</b>	<p>Public Contracting Part III</p> <ul style="list-style-type: none"> <li>• Elements of a Public Contract <ul style="list-style-type: none"> <li>o Commercial Terms</li> <li>o Risk Allocation</li> <li>o Labor Provisions</li> <li>o Federal Requirements</li> <li>o Technical Provisions</li> <li>o Scope of Work</li> <li>o Contract Amendments</li> </ul> </li> </ul>	March, Chapter 3 (p. 87-102)	
<b>Week 9</b>	<p>Innovations in Public Contracting</p> <ul style="list-style-type: none"> <li>• Design-Build</li> <li>• Construction Manager/General Contractor</li> <li>• Public Private Partnerships <ul style="list-style-type: none"> <li>o Pre-Development Agreements</li> <li>o Availability Payment Structures</li> <li>o Revenue Risk Transactions</li> </ul> </li> </ul>	March, p. 83-84; Case study (to be supplied on Blackboard)	<b>Writing Assignment #2 First Draft Due</b>



<b>Week 10</b>	<b>Group Projects</b>		
<b>Week 11</b>	<p>Pre-Procurement Planning and Preparation</p> <ul style="list-style-type: none"> <li>• Property Acquisition <ul style="list-style-type: none"> <li>○ Use Restrictions</li> </ul> </li> <li>• Subsurface Utilities Engineering</li> <li>• Level One Hazardous Materials Investigation</li> <li>• Geotechnical Boring Programs</li> <li>• Site Condition Surveys</li> <li>• Risk Identification &amp; Allocation <ul style="list-style-type: none"> <li>○ Monte Carlo Simulations</li> </ul> </li> <li>• Value for Money Analysis</li> </ul>	TBD	
<b>Week 12</b>	<p>Abuse of the Public Contracting Process</p> <ul style="list-style-type: none"> <li>• Federal/State Civil and Criminal Laws <ul style="list-style-type: none"> <li>○ Prohibitions on Conflicts of Interest</li> <li>○ Bid Rigging</li> <li>○ Bid Shopping</li> <li>○ Kick-Backs</li> </ul> </li> <li>• Federal and State False Claims Acts</li> <li>• Whistleblower protection <ul style="list-style-type: none"> <li>○ Qui tam actions</li> </ul> </li> </ul>	March, p. 109-137	<b>Writing Assignment #2 Final Draft Due</b>
<b>Week 13</b>	<p>Environmental Laws Applicable to Transportation Projects</p> <ul style="list-style-type: none"> <li>• Air Quality Laws <ul style="list-style-type: none"> <li>○ The California Clean Air Act: Air Quality Management Plans <ul style="list-style-type: none"> <li>▪ South Coast Air Quality Management District</li> </ul> </li> </ul> </li> </ul>	TBD	

	<ul style="list-style-type: none"> <li>○ The Federal Clean Air Act</li> <li>○ Transportation Control Measures</li> <li>○ Air Quality Conformity</li> <li>● Water Quality Laws <ul style="list-style-type: none"> <li>○ Federal Clean Water Act</li> <li>○ State Water Quality Control Act</li> </ul> </li> </ul>		
<b>Week 14</b>	<p>Environmental Approvals</p> <ul style="list-style-type: none"> <li>● National Environmental Policy Act (NEPA)</li> <li>● California Environmental Quality Act (CEQA)</li> <li>● Coast Guard Permits</li> <li>● Local Environmental Permits</li> </ul>	TBD	
<b>Week 15</b>	<p>Civil Rights Laws</p> <ul style="list-style-type: none"> <li>● Discrimination <ul style="list-style-type: none"> <li>○ Title VI of the 1964 Civil Rights Act</li> <li>○ The Status of Affirmative Action in Public Contracting Requirements</li> </ul> </li> <li>● Labor Laws <ul style="list-style-type: none"> <li>○ Occupational Safety and Health (OSHA) Laws</li> <li>○ Davis-Bacon Act - Prevailing Wages</li> <li>○ Collective Bargaining Agreements</li> <li>○ Public Employee Unions</li> <li>○ Project Labor Agreements</li> </ul> </li> <li>● Environmental Justice</li> <li>● Property Rights <ul style="list-style-type: none"> <li>○ Condemnation and Eminent Domain</li> </ul> </li> </ul>	March, p. 66-83	

	<ul style="list-style-type: none"> <li>○ Easements and Prescriptive Easements</li> <li>○ Inverse Condemnation</li> </ul>		
<b>FINAL</b>	<b>Take Home Final Exam Distributed the Last Day of Class</b>		Date: Due December 16 at 8:00PM. See the USC <i>Schedule of Classes</i> at <a href="http://classes.usc.edu/">classes.usc.edu/</a> .