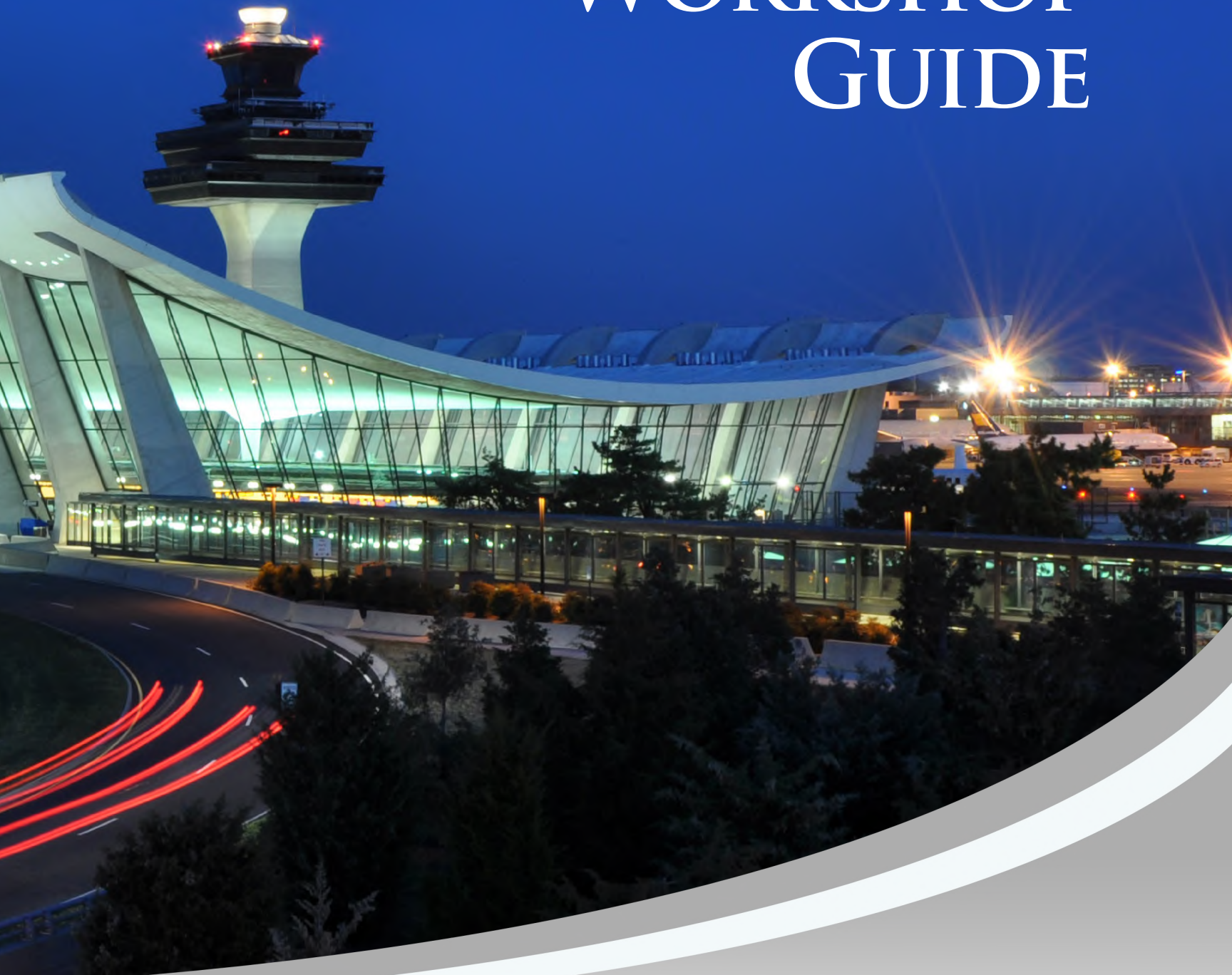




KAPLAN KIRSCH ROCKWELL

# WORKSHOP GUIDE



AMERICAN ASSOCIATION



OF AIRPORT EXECUTIVES



International Municipal  
Lawyers Association

Advancing Excellence in the practice of Local Government Law

# USEFUL CONFERENCE INFORMATION

---

- **Conference Materials.** All presentations and the latest information regarding the conference are available at [www.airportlawconference.com](http://www.airportlawconference.com). Wi-Fi access is available during the conference for access to presentations and other materials.
- **CLE Accreditation.** It is the responsibility of each participant to file the appropriate paperwork with your state bar for continuing legal education credit for this course. We have secured credit authorization from Colorado and Pennsylvania. CLE forms for those states will be made available with the conference materials on the website [www.airportlawconference.com](http://www.airportlawconference.com). In the past, we have found that many states have offered CLE credits for this conference. To obtain such credit, participants have typically provided a copy of the course agenda and speaker biographies. (You should note that IMLA is a certified provider of CLE programs in many states and their co-sponsorship of this program will be useful in securing CLE credits.) If you have questions or need additional documents to assist with your state filing, contact Melissa Sabatine with AAAE at the conference or by e-mail at [Melissa.Sabatine@aaae.org](mailto:Melissa.Sabatine@aaae.org).
- **TRB Resources.** On pages 19 and 20 of this Workshop Guide is a list of the legal research digests that have been prepared under the aegis of the Transportation Research Board's Airport Cooperative Research Program. All of these publications are available for download free-of-charge at the TRB website [www.trb.org](http://www.trb.org). The electronic version of this Workshop Guide contains hyperlinks to these materials.
- **Airport Law Alert.** If you would like to stay abreast of airport law developments throughout the year, you may want to subscribe to the semi-annual *Airport Law Alert* that Kaplan Kirsch & Rockwell LLP publishes. It contains a summary of recent regulatory, statutory, policy, and case law developments. If you have not already subscribed, send an e-mail with "Subscribe" in the subject line and include your contact information to [airportlawalert@kaplankirsch.com](mailto:airportlawalert@kaplankirsch.com).
- **Questions?** During the conference, if you have questions about the conference, feel free to contact Melissa Sabatine or other AAAE staff, or any of the Kaplan Kirsch & Rockwell attorneys.
- **Course Evaluation.** At the end of the conference, you will be asked to fill out a course evaluation. Please take the time to provide us with your feedback – we review the results carefully, and each year, we make changes to the program based upon the evaluation results.



## 31<sup>ST</sup> Annual Basics of Airport Law Workshop and 2015 Legal Update

The St. Regis Hotel • Washington, DC • November 1-3, 2015

### WORKSHOP AGENDA

---

#### Sunday, November 1

---

10:00 a.m. – 5:00 p.m. REGISTRATION

12:00 p.m. – 1:15 p.m. **SESSION 1 AND LUNCH – A SHORT HISTORY OF AIRPORTS**

Peter J. Kirsch, *Partner, Kaplan Kirsch & Rockwell LLP*, Moderator  
Daniel S. Reimer, *Assistant General Counsel, Denver International Airport*

This session is a popular component of this conference. The speaker will discuss the evolution of airports and airport law in the United States, and the changing role of local, state, and federal governments in the airport system. It is designed to provide a historical context for why legal authority is divided among different agencies and why the United States' airport law scheme is unique among other industrialized nations.

1:15 p.m. – 2:45 p.m. **SESSION 2 – AIRPORT LAW 101 – AN INTRODUCTION TO AIRPORT LAW**

Peter J. Kirsch, *Partner, Kaplan Kirsch & Rockwell LLP*

This session will provide an introduction to research tools and the non-traditional sources for airport law. It will provide a basic explanation for how and why airport law is not the same as aviation law, the law governing other transportation modes, or more general municipal law. This session will explore the manner in which the federal government (primarily, but not exclusively, the FAA) regulates airports and the activities of airport proprietors. The session will discuss those areas where federal regulation is pervasive, where legal authority is shared, and where there is only limited federal regulatory oversight.

2:45 p.m. – 3:15 p.m. AFTERNOON REFRESHMENT AND NETWORKING BREAK

3:15 p.m. – 4:45 p.m. **SESSION 3 – AIRPORT LAW 102 – WHO ARE AIRPORT STAKEHOLDERS AND WHAT ARE THEIR ROLES?**

John E. Putnam, *Partner, Kaplan Kirsch & Rockwell LLP*

Airport proprietors have relationships with a myriad of users, including stakeholders from aircraft operators and fixed-base operators to passengers, other government agencies, and neighboring jurisdictions. This session will explore the different legal implications of each of these relationships and how they are distinct or interrelated.

4:45 p.m. – 5:15 p.m. **SESSION 4 – INTRODUCTION TO THE AIRPORT COOPERATIVE RESEARCH PROGRAM (ACRP) AS A RESOURCE FOR AIRPORT LAWYERS**  
Marci A. Greenberger, *Senior Program Officer, Transportation Research Board*

The Transportation Research Board's Airport Cooperative Research Program produces legal research digests and original research reports on topics of interest to the airport community. The TRB staff member responsible for overseeing the research program will provide an update on the latest reports and discuss forthcoming research topics.

5:30 p.m. – 7:00 p.m. **OPENING RECEPTION**

## **Monday, November 2**

---

8:00 a.m. – 8:45 a.m. **REGISTRATION AND CONTINENTAL BREAKFAST**

8:45 a.m. – 9:00 a.m. **WELCOME**  
Melissa Sabatine, *Senior Vice President – Regulatory Affairs, AAAE*

9:00 a.m. – 10:30 a.m. **SESSION 5 – COMPLIANCE WITH GRANT OBLIGATIONS AND OTHER FEDERAL REQUIREMENTS**  
W. Eric Pilsk, *Partner, Kaplan Kirsch & Rockwell LLP, Moderator*  
Cindy Baraban, *Senior Attorney Advisor, DOT*  
Scott Mitchell, *Office of the Chief Counsel, FAA*  
Kevin Willis, *Manager, Office of Airport Compliance, FAA*

Interactions between airports and the FAA can be complex and even contentious if airport lawyers do not understand the basic principles underlying the FAA programs for compliance with grant assurance obligations. This session will provide practical guidance—directly from the key FAA regulators and their lawyers—on how to maintain compliance with grant obligations and how to interact with the FAA when compliance problems do arise. The session will also review recent FAA compliance decisions and provide guidance on the latest FAA policies on the most common compliance problems.

10:30 a.m. – 10:45 a.m. **MORNING REFRESHMENT AND NETWORKING BREAK**



10:45 a.m. – 12:15 p.m. **CONCURRENT SESSIONS**

**SESSION 6 – UNDERSTANDING AIRPORT FINANCE 101**

Frank San Martin, *Manager, Airports Financial Assistance Division, FAA*  
Eric T. Smith, *Partner, Kaplan Kirsch & Rockwell LLP*

Since lawyers are often not accountants or financial analysts, this session offers airport lawyers an introduction to the unique legal structure under which airports generate revenue and the constraints on expenditure of airport funds. Airport finance can be a strange and unfamiliar world, especially for lawyers who might otherwise be familiar with municipal finance.

**SESSION 7 – CURRENT ISSUES IN AIRPORT FINANCE**

Nora Richardson, *Director, LeighFisher*  
Thomas R. Devine, *General Counsel, Airports Council International – North America*

Airport finance is an always-evolving field of regulation and law. For attendees who already have a basic understanding of how airports are financed and the regulations that affect airport finance generally, this session will delve deeply into the current trends in the law, recent policy and regulatory developments, and new or unique legal issues that airport lawyers can expect to encounter in coming years.

12:15 p.m. – 1:30 p.m. **LUNCH AND KEYNOTE ADDRESS**

Ginger Evans, *Commissioner of Aviation, City of Chicago*

Ginger Evans was recently appointed as the Commissioner of Aviation for one of the world's largest and most complex airports. A regular feature of the workshop is the opportunity to hear from airport management about how they interact with lawyers and how lawyers can be most helpful (and when to get out of the way!).

1:45 p.m. – 2:45 p.m. **SESSION 8 – THE ROLE OF TSA AND RECENT DEVELOPMENTS IN AIRPORT SECURITY REQUIREMENTS**

Francine Kerner, *Chief Counsel, TSA*

The annual presentation from the TSA's Chief Counsel on TSA legal issues is often the highlight of the conference. The senior TSA attorney provides an update on current legal issues facing the agency and offers an insider's perspective on how the TSA interacts with local law enforcement, airport staff, and airport counsel. This session will provide a frank, off-the-record discussion of legal problems facing airport security.

2:45 p.m. – 3:15 p.m. **AFTERNOON REFRESHMENT AND NETWORKING BREAK**

3:15 p.m. – 4:45 p.m. CONCURRENT SESSIONS

**SESSION 9 – AIRPORT ENVIRONMENTAL LAW AND AERONAUTICAL DEVELOPMENT**

Catherine (“Katie”) M. van Heuven, *Partner, Kaplan Kirsch & Rockwell LLP*  
Gail Orendorff, *Office of the Chief Counsel, FAA*

Securing environmental approvals for airport projects often involves the complex interplay of federal, state, and local environmental review processes. These processes provide many traps for the uninformed and opportunities for project opponents to delay or even halt projects. This session will examine the best practices for navigating the environmental review process and will discuss measures to ensure continuing compliance with environmental reporting and monitoring requirements. The speakers will also discuss the highly regulated areas of airport planning and development. Airport lawyers need to understand the fundamentals of airport planning to provide counsel on the legal implications of long-term planning decisions.

**SESSION 10 – NON-AERONAUTICAL DEVELOPMENT OF AIRPORT LAND**

John E. Putnam, *Partner, Kaplan Kirsch & Rockwell LLP*  
Daniel S. Reimer, *Assistant General Counsel, Denver International Airport*

Non-aeronautical development has become an increasingly important revenue tool for airports. Use of airport property for revenue generation, while permitted under applicable law, is complex and requires navigation of many federal and sometimes local requirements. This session will address the complexities and the opportunities presented by non-aeronautical development, the models that airports have used to accomplish such developments, and the considerations for airport lawyers in negotiating arrangements with private sector developers.

---

**Tuesday, November 3**

---

8:00 a.m. – 9:00 a.m. REGISTRATION AND CONTINENTAL BREAKFAST

9:00 a.m. – 10:00 a.m. **SESSION 11 – THE AIRPORT’S LIABILITY AND RESPONSIBILITIES FOR SAFETY**

Peter J. Kirsch, *Partner, Kaplan Kirsch & Rockwell LLP*  
Eric T. Smith, *Partner, Kaplan Kirsch & Rockwell LLP*

The obligation of airport proprietors for safety is an evolving legal landscape. While the FAA remains primarily responsible for safety in the national system, airports have their own unique role to play. The FAA has introduced the concept of Safety Management Systems that will change airport proprietors’ role and will require significant revisions in how airport lawyers view their client’s safety obligations.

10:00 a.m. – 10:30 a.m. MORNING REFRESHMENT AND NETWORKING BREAK

10:30 a.m. – 12:00 p.m. CONCURRENT SESSIONS

**SESSION 12 – WHAT IS PRIVATIZATION AND WHAT DO LAWYERS NEED TO KNOW ABOUT PRIVATE INVESTMENT IN AIRPORTS?**

Brett Smith, *Propeller Airports*

Peter J. Kirsch, *Partner, Kaplan Kirsch & Rockwell LLP*

While private investment in airports has always existed, the legal landscape for privatization of airport functions is changing quickly. Increased interest by investors, coupled with a more uncertain federal funding environment, means that many airports are exploring innovative private investment opportunities. This session will explore some of the newest models of private investment and discuss the legal obligations of airport lawyers when reviewing such transactions.

**SESSION 13 – LEASING FOR AIRLINES AND OTHER COMMERCIAL USERS**

Eric T. Smith, *Partner, Kaplan Kirsch & Rockwell LLP*

Joseph Messina, *Divisional Deputy Solicitor, City of Philadelphia*

Airports have traditionally entered into long term use and lease agreements with airlines which were fairly standard and subject to only limited negotiation. The world is different today – airports often enter into shorter, 5-year agreements, and each airline has its own particular needs or financial demands. Therefore, the lawyer's role has become far more prominent in negotiating such agreements. This session will discuss the latest developments in leasing and the business relationship between airports and their airlines.

12:00 p.m. – 1:30 p.m.

**SESSION 14 AND LUNCH PRESENTATION – FAA REAUTHORIZATION UPDATE AND FORECAST**

Joel Bacon, *Executive Vice President, Government & Public Affairs, AAAE*

The authorization for FAA programs expired on September 30, 2015, and was extended by Congress for six months, through March 2016. The AAAE senior executive responsible for Congressional relations will discuss the prognosis for Congressional action on a long-term authorization bill, the issues that Congress is likely to consider, and the implications for airport operations.

1:30 p.m. – 3:00 p.m.

CONCURRENT SESSIONS

**SESSION 15 – THE LAW OF AIRPORT NOISE 101**

Catherine (“Katie”) M. van Heuven, *Partner, Kaplan Kirsch & Rockwell LLP*  
Ted Baldwin, *Senior Vice President, HMMH*

The problems with airport noise are as old as airports themselves. While both the law of airport noise and the role of airports in addressing noise have been fairly well settled for 25 years, airports are, for the first time in a generation, facing new noise issues and new legal problems associated with flight tracks, NextGen flight procedures, and helicopter operations, among others. This session will provide an introduction into the role of airports in addressing noise, the liability and obligations of airports, and the role of the FAA in resolving noise problems.

**SESSION 16 – LATEST DEVELOPMENTS IN NOISE LAW**

John E. Putnam, *Partner, Kaplan Kirsch & Rockwell LLP, Moderator*  
Mary Ellen Eagan, *CEO, HMMH*

Since the enactment of the Airport Noise and Capacity Act in 1990, the legal responsibility of airports for airport noise has been limited. New technologies, new operational procedures, and growth in airport operations have brought noise issues to the top of the public policy agenda at many airports for the first time in many years. This session, intended for lawyers who are already familiar with the regulatory structure for airport noise issues, will address the latest issues that airports are facing, the innovative approaches that airports are adopting, and the evolving role of the FAA air traffic function in addressing noise problems.

3:00 p.m. – 3:30 p.m.

AFTERNOON REFRESHMENT AND NETWORKING BREAK

3:30 p.m. – 4:30 p.m.

**SESSION 17 – AIRPORT LAW FORECAST FOR 2016: WHAT HOT TOPICS SHOULD AIRPORT LAWYERS BE WATCHING?**

Structured panel discussion moderated by W. Eric Pilsk, *Partner, Kaplan Kirsch & Rockwell LLP*  
Other faculty speakers

This session will be an interactive discussion moderated by several workshop faculty addressing the latest policy initiatives from the federal government, the prognosis for future regulatory and legislative developments, and case law affecting all the topics discussed during the previous workshop sessions. The panel will also allow time for participants to ask about new topics of interest.



## Workshop Faculty

---

**Joel Bacon**  
Executive Vice President,  
Government & Public Affairs  
AAAE  
The Barclay Building  
601 Madison Street  
Alexandria, VA 22314  
Phone: 703.575.2578  
Joel.Bacon@aaae.org

Joel Bacon serves as Executive Vice President of Government and Public Affairs for AAAE. In his current role, Joel leads the Association's advocacy and public affairs operations with oversight of legislative and regulatory affairs, transportation security policy, communications, press, public relations, and Airport Magazine.

Joel joined AAAE in 2000 and played a key role for well more than a decade in the development and implementation of the Association's legislative program, focusing on security, budget, and appropriations issues. Prior to joining AAAE, he served as senior manager of legislative affairs with the National Business Aviation Association.

Joel began his professional career in the office of Kansas Senator Nancy Landon Kassebaum where he held positions as legislative assistant and press secretary. He also worked for the Senate Labor and Human Resources Committee during Senator Kassebaum's term as Chairman.

Joel served as the first district director for then-Representative Jerry Moran, who now serves in the United States Senate.

Joel and his wife, Amy, have two children and live in Alexandria, Virginia.

**Ted Baldwin**  
Senior Vice President  
HMMH  
77 S. Bedford Street  
Burlington, MA 01803  
Phone: 781.229.0707  
tbaldwin@hmmh.com

Mr. Baldwin specializes in airport noise analysis, noise abatement, and compatible land use. Over the past 30 years, he has assisted more than 80 airports across the U.S. and overseas on Part 150 noise compatibility studies, Part 161 use restriction studies, state and federal environmental impact assessments, noise elements of airport master plan studies, design and use of noise monitoring systems, noise measurement and modeling, expert testimony, and other specialized noise studies.

Prior to entering consulting, Mr. Baldwin held the positions of Aviation Planner and Assistant Manager of Noise Abatement at Massport, operator of Boston-Logan and Hanscom Field (Boston's primary reliever).

Mr. Baldwin has a Bachelor of Science in Engineering degree from Cornell University and a Master of City and Regional Planning degree from Harvard University. He is a member of the Institute of Noise Control Engineering (INCE), the Acoustical Society of America (ASA), the American Association of Airport Executives (AAAE), and the Florida Airports Council.

In 1989, Mr. Baldwin received the first "Federal Aviation Administration Certificate of Appreciation" awarded by the New England Region to a non-FAA employee. The certificate recognized his "ability to deal objectively with the controversial issue of airport noise," his "sensitivity and balance in representing both the pro and con of the noise issue," and his efforts "to promote aviation safety, understanding, goodwill, and recognition of the FAA and its mission."

# Workshop Faculty

---

**Cindy Baraban**

Deputy Assistant General Counsel for  
Operations  
U.S. Department of Transportation  
Office of the Secretary  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
Phone: 202.366.9159  
cindy.baraban@dot.gov

Cindy Baraban serves as the Deputy Assistant General Counsel for the Office of Operations in the Office of the General Counsel at the U.S. Department of Transportation. In this capacity, Cindy helps to oversee the work of attorneys across a wide range of practice areas, including aviation, environmental, transportation security and emergency response, and information management and disclosure under the Freedom of Information Act, the Privacy Act, and information security laws. Prior to assuming the role of Deputy Assistant General Counsel for Operations, much of Cindy's work at DOT focused on matters pertaining to the economic regulation of domestic airlines and airports, including competitive access issues, slot management, air service to small communities, and matters arising under the Airline Deregulation Act.

Before joining DOT, Cindy was in private practice and advised clients on aviation law issues. She advised airport clients on numerous regulatory and transactional matters, including airport privatization. She also advised on aircraft sale, lease, and financing transactions, as well as charter and fractional ownership agreements. She counseled clients on the regulatory aspects of various aircraft transactions, including registration, ownership, and operation.

Cindy clerked for the Honorable S. Arthur Spiegel in the U.S. District Court for the Southern District of Ohio. She is a graduate of DePauw University, and the Indiana School of Law -- Bloomington.

**Thomas R. Devine, Esq.**

General Counsel  
ACI-NA  
1615 L. Street, NW  
Suite 300  
Washington, DC 20036  
Phone: 202.293.8500  
tdevine@aci-na.org

Tom Devine is the General Counsel of Airports Council International – North America. He provides legal and strategic counsel to the ACI-NA President, Board, and staff, and represents the interests of airports in regulatory, administrative, and judicial proceedings, as well as government-industry task forces and professional associations. He assists airport members on legal issues and serves as secretary to the Legal Affairs Committee.

Prior to rejoining ACI-NA in April 2014, Tom spent 22 years representing airports in private practice on matters relating to rates and charges, use of airport revenue, PFCs, air service incentives, and other issues involving implementation of airport initiatives, while complying with federal requirements. He also served as General Counsel to the National Airline Commission in the summer of 1993, and spent 6 years as an FAA attorney in the Legislative Staff of the Chief Counsel's Office, where he reviewed and drafted legislation, and prepared agency witnesses for congressional hearings.

Tom has chaired the Rising Hope Administrative Board for the past 4 years. He received a J.D. from Stanford Law School and an A.B. in Psychology from Stanford University.

## Workshop Faculty

---

**Mary Ellen Eagan**

CEO  
HMMH  
77 S. Bedford Street  
Burlington, MA 01803  
Phone: 781.229.0707  
meagan@hmmh.com

As President, CEO, and Chairman of the Board of Directors of HMMH, Mary Ellen is responsible for providing strategic leadership for the company and management to achieve long-term goals, strategies, and policies. Ms. Eagan became HMMH's third President in July 2004 and was appointed CEO and Chairman in 2012.

In addition to her corporate responsibilities, Ms. Eagan's consulting practice focuses on the environmental impacts of aviation, with a particular emphasis on noise. She is principal-in-charge for some of the firm's most challenging projects, including Part 150 Noise Studies for the Port Authority of New York and New Jersey and support to the Federal Interagency Committee on Aircraft Noise.

Ms. Eagan is very active in the industry. She is Chair of the Transportation Research Board's Aviation Group, and serves of the Board of the Airport Consultants Council. She is also actively involved with Airports Council International, serving as co-chair of the Noise Working Group and a Business Partner to the ACI World Environment Standing Committee.

She holds a BS in Engineering from Cornell University and an MBA from Simmons College.

**Ginger Evans**

Commissioner of Aviation  
City of Chicago  
Phone: 773.686.8060  
Ginger.Evans@cityofchicago.org

Chicago Department of Aviation (CDA) Commissioner Ginger S. Evans manages one of the world's busiest airport systems comprised of O'Hare and Midway International Airports. Each year, Chicago's airports handle more than 90 million passengers, over one million operations and 1.5 million tons of cargo. Evans is also charged with implementing a capital plan for O'Hare — focused on customer service, supporting tenant requirements, increasing O'Hare's already robust global connectivity, and increasing the airfield's efficiency and capacity.

O'Hare International is the busiest airport in the world for operations. In 2014, O'Hare handled nearly 882,000 operations and 70 million passengers. More than 50 passenger carriers provide service to over 210 destinations across the globe. O'Hare is also a leader in the air cargo industry, serving more than 30 cargo airlines and ranking sixth in North America and 17<sup>th</sup> in the world by cargo tonnage. Midway International is the nation's premier airport for point-to-point domestic service. There were nearly 250,000 operations and more than 21 million passengers at Midway in 2014, the highest in the airport's 88-year history. Six airlines at Midway provide service to 70 destinations.

Evans has 30 years of aviation experience. She joined the CDA in June 2015 after serving as Vice President of Engineering for the Metropolitan Washington Airports Authority (MWAA) in Washington, D.C. She has overseen major projects at Reagan National and Dulles airports, as well as the new Silver Line Metrorail extension. Prior to her role as Vice President at MWAA, Evans worked in private consulting on major aviation projects in Europe, the Middle East, and Latin America, as well as rail projects in New York and Washington. Prior to this, she served as Director of Aviation for Denver International Airport.

Ms. Evans is the recipient of the American Society of Engineers President's Medal; the McGraw-Hill Engineering News Record Award of Excellence; and the U.S. Environmental Protection Agency's Pollution Prevention Award. She is a member of the National Academy of Construction and the International Women's Forum.

# Workshop Faculty

---

**Marci A. Greenberger**

Senior Program Officer  
Airport Cooperative Research Program  
Transportation Research Board  
500 Fifth Street, NW  
Washington, DC 20001  
Phone: 202.334.1371  
mgreenberger@nas.edu

Marci Greenberger is currently a Senior Program Officer with the Airport Cooperative Research Program of the Transportation Research Board. The ACRP seeks near term solutions on issues that broadly affect airports that aren't currently being researched. Marci is currently managing approximately 25 projects including the legal studies program.

Ms. Greenberger has been involved in airport management for 18 years and has held management positions with the Burbank-Glendale-Pasadena Airport Authority; South Bend Regional Airport; and the Rhode Island Airport Corporation overseeing the operations at T.F. Green Airport, a medium-hub airport and the State's 5 general aviation airports.

Ms. Greenberger holds a Master in Business Administration from California State University – Northridge and a Bachelor of Science degree in Aviation Management from the Ohio State University.

Ms. Greenberger volunteers as co-coordinator of the Alexandria (VA) CERT (Community Emergency Response Team) and is a member of the Alexandria Citizens Corps Council, an advisory board to the Alexandria City Council on educating citizens to be prepared in the event of a natural or man-made disaster.

**Francine Kerner**

Chief Counsel  
U.S. Transportation Security  
Administration  
601 S. 12th Street, TSA-2  
Arlington, VA 22202  
Phone: 571.227.2693  
Francine.kerner@tsa.dhs.gov

Francine Kerner assumed the position of Chief Counsel at the Transportation Security Administration in January 2002. She advises senior officials on all legal matters relating to protection of the nation's transportation systems.

As TSA's first Chief Counsel, she was responsible for providing legal advice and services in connection with the largest mobilization of a civilian government agency since World War II. This mobilization resulted in the hiring, training, equipping and deploying of more than 60,000 employees to more than 450 locations in less than a year and the execution of a three-year budget in excess of \$16 billion.

As part of TSA's senior management team, she helped lead the effort to secure and successfully restore confidence in civil aviation following the September 11, 2001, attacks, working with senior Bush Administration officials, Congress and stakeholders to enhance security in all modes of transportation. As Chief Counsel, Kerner has built a nationwide legal office, hiring attorneys and support personnel from over 56 government agencies, private firms and corporations.

Before joining TSA, Kerner held a variety of senior legal positions at the departments of Commerce and Treasury. In her previous position as Deputy Assistant General Counsel for enforcement at Treasury, she provided counsel on a wide range of sensitive and complex matters involving Treasury law enforcement agencies.

Before joining the federal government in 1979, Kerner served as an Assistant District Attorney in the Kings County District Attorney's Office in Brooklyn, N.Y.

In 2001, she received the Presidential Meritorious Executive Rank Award for outstanding contributions as a federal attorney. In 2013, she received the Burton Award for legal achievement in public service, and was also named by the District of Columbia Bar as the recipient of the Beatrice Rosenberg Award for Excellence in Government Service. She is a graduate of Queens College in New York City and New York University School of Law.

# Workshop Faculty

---

**Peter J. Kirsch, Esq.**

Partner  
Kaplan Kirsch & Rockwell LLP  
1675 Broadway  
Suite 2300  
Denver, CO 80202  
Phone: 303.825.7000  
pkirsch@kaplankirsch.com

Peter Kirsch's practice emphasizes land use and environmental law with a focus on transportation infrastructure and other public-sector projects. Peter represents clients ranging from municipalities and local governments to corporations and public interest groups in negotiations and litigation over land use entitlements, the environmental impacts of infrastructure projects, and compliance with federal transportation law and regulations. He litigates cases before administrative agencies, numerous state and federal trial and appellate courts, and the U.S. Supreme Court.

For more than 25 years, Peter has been involved in the development of most of the new commercial airports in the United States as well as dozens of airport expansions, redevelopment projects, and development of airport collateral lands. He advises airports on financial matters, regulatory compliance, leasing, development, land use issues, environmental impacts, and relations with their host communities. Outside the airport context, he advises clients on compliance with federal environmental laws, with a particular focus on the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, and other federal statutes that affect projects on federal lands or requiring federal approvals.

**Joseph F. Messina**

Divisional Deputy Chief Solicitor  
City of Philadelphia Law Department  
Philadelphia International Airport  
Executive Offices  
Terminals D – E, 3<sup>rd</sup> Floor  
Philadelphia, PA 19153  
Phone: 215.937.1855  
Joseph.messina@phl.org

Joseph F. Messina is a Divisional Deputy City Solicitor in the Regulatory Affairs Unit, Transportation Division of the City of Philadelphia Law Department.

Mr. Messina holds a Bachelor of Science from St. Joseph's University, a Masters in Business Administration from Temple University, a Juris Doctor from Duquesne University School of Law and a Masters of Law in Taxation from Temple University Law School.

Mr. Messina is admitted to practice in the Commonwealth of Pennsylvania, the United States Tax Court, the Federal District Court for the Eastern District of Pennsylvania, the United States Claim Court, the United States Court of Appeals for the Third Circuit and the Supreme Court of the United States.

Prior to his service with the City Solicitors office, Mr. Messina was in private practice in Philadelphia. He has taught at Rutgers University in the Business School and at Rutgers University Law School-Camden.

At the City Solicitor's office, Mr. Messina's primary client is the Philadelphia Airport System which includes Philadelphia International Airport and Northeast Philadelphia Airport. He and his staff of seven attorneys advise the Division of Aviation on all transactional matters relating to aviation, all interaction with the Federal Aviation Administration and interaction with the airlines servicing Philadelphia International Airport.

In 2015, Mr. Messina received The Joseph I. Mulligan, Jr. Distinguished Public Service Award from the International Municipal Lawyers Association.

Mr. Messina is a member of the Steering Group of the Legal Committee of Airport Counsel International and previously served as Chair of the Committee for 2012.



# Workshop Faculty

---

**Scott E. Mitchell**  
Acting Branch Manager – Airport  
Law  
Office of the Chief Counsel  
Federal Aviation Administration  
800 Independence Avenue SW  
Washington, DC 20591  
Phone: 202.267.9676  
Scott.E.Mitchell@faa.gov

Scott Mitchell is a Senior Attorney and Acting Branch Manager for the FAA's Airport Law Branch. Mr. Mitchell's practice focuses on all aspects of airport law. Prior to FAA, Mr. Mitchell was Of Counsel at the law firm of Gunster Yoakley and Morgan Lewis where he defended clients on a broad array of matters involving US federal and state environmental law for over 10 years. Mr. Mitchell is a graduate of the Georgetown University Law Center and the University of Florida where he majored in chemical engineering.

**Gail Orendorff**  
Office of Chief Counsel  
Federal Aviation Administration  
800 Independence Avenue, SW  
Room 923N  
Washington, DC 20591  
Phone: 202.267.4769  
gail.orendorff@faa.gov

Gail Orendorff is an attorney for the Federal Aviation Administration's Office of Chief Counsel, practicing in the Airports and Environmental Law Division since 2003. Ms. Orendorff's work with the agency focuses on environmental law compliance for all agency actions, including work for the agency's Office of Airports, Air Traffic Organization, Office of Environment and Energy, and Office of Commercial Space Transportation. Ms. Orendorff has significant experience and expertise in compliance with the primary environmental laws governing agency decision making, including the National Environmental Policy Act, Endangered Species Act, Clean Air Act, Clean Water Act, National Historic Preservation Act, Section 4(f) of the Department of Transportation Act, and the many implementing regulations associated with these and other laws. Ms. Orendorff also has experience counseling the agency on issues such as aviation noise, climate change, floodplains, wetlands, statutory interpretation, and the intersection of airport and environmental laws.

Ms. Orendorff's portfolio of work at the FAA includes legal counseling and litigation support for agency actions including airport development and safety projects, commercial space launches, air traffic procedure changes, and operations specifications, among others. Ms. Orendorff also addresses FAA's environmental compliance for emerging policy initiatives and provides legal guidance regarding the promulgation of rulemaking in airport and environmental law matters. Ms. Orendorff provided legal advice for the recent revisions to Order 1050.1, Environmental Impacts: Policies and Procedures, and is lead agency counsel for the upcoming revision to FAA Order 5050.4, National Environmental Policy Act Implementing Instructions for Airport Actions.

Prior to joining the FAA, Ms. Orendorff worked for the Department of Justice's Environmental and Natural Resources Division, litigating on behalf a wide variety of federal agencies and defending their compliance with applicable environmental laws. Her experience there included federal transportation projects such as highway and airport projects, challenges to federal land management decisions, energy projects, and other federal actions.

# Workshop Faculty

---

**W. Eric Pilsk**

Partner  
Kaplan Kirsch & Rockwell LLP  
1001 Connecticut Ave., N.W.  
Suite 800  
Washington, DC 20036  
Phone: 202.955.5600  
epilsk@kaplankirsch.com

For more than 20 years, Eric Pilsk has represented clients in disputes involving public entities, with a particular emphasis on litigating airport, transit, and land use issues. Eric handles cases involving federal aviation laws and regulations, federal preemption, the ICC Termination Act, the National Trails System Act, NEPA, the APA, Native American trust claims, and a wide range of issues regarding land use and constitutional law at the state and federal levels. He has acted as lead trial counsel in trials in state and federal courts and administrative agencies, including contested evidentiary hearings before the FAA in FAR Part 16 proceedings.

Eric's appellate experience includes drafting numerous briefs to state and federal Courts of Appeals and the U.S. Supreme Court, as well as arguing cases in federal Courts of Appeals. In addition to litigation, Eric counsels clients on a range of regulatory and pre-litigation issues, including FAA AIP grant compliance matters, airport expansion projects, and rail corridor access issues.

**John E. Putnam**

Managing Partner  
Kaplan Kirsch & Rockwell LLP  
1675 Broadway  
Suite 2300  
Denver, CO 80202  
Phone: 303.825.7000  
jputnam@kaplankirsch.com

John Putnam counsels and litigates on behalf of public and private entities on the development and operation of infrastructure. John has extensive experience providing clients with strategic advice on airport, electricity, surface transportation, water, and other infrastructure projects throughout the country. He counsels clients regarding a wide range of environmental, energy, and transportation issues, including public utilities laws, the National Environmental Policy Act, air quality, climate change, noise, transportation regulations, and natural resources.

**Daniel S. Reimer**

Assistant General Counsel  
Department of Law  
Airport Office Building  
8500 Peña Boulevard  
Denver, CO 80249  
Phone: 303.342.2565  
dan.reimer@flydenver.com

Since April 2014, Mr. Reimer has served as the Assistant General Counsel at Denver International Airport. Prior to that move, Dan was a partner at Kaplan Kirsch & Rockwell LLP. For the last seventeen years, he has focused exclusively on airport legal issues, representing airports across the country in complex litigation, transactions and capital projects. Mr. Reimer has served as the chair of the AAAE Basics of Airport Law Workshop and Legal Update, editor of the *Airport Law Desk Reference* and KKR's Airport Law Alerts, author of multiple reports for the TRB Airport Cooperative Research Program, and frequent speaker on airport legal issues at industry conferences.

# Workshop Faculty

---

**Nora Richardson**

Director  
Leigh | Fisher  
4514 Cole Avenue  
Suite 740  
Dallas, TX 75205  
Phone: 214.389.4043  
Nora.richardson@leighfisher.com

Nora Richardson is a Director in the business and finance practice at LeighFisher. Nora joined LeighFisher in 2001 and has since contributed to numerous airport clients, airport and aviation industry organizations, and public policy.

Through her work on PFC programs, applications for AIP grants under Letters of Intent (LOIs), and establishing rates by ordinance, Ms. Richardson has extensive knowledge of the federal laws and policies that pertain to airport funding and rate setting. Ms. Richardson leads LeighFisher's PFC related assignments. She has experience in evaluating airport financial data, preparing requests for federal funding, benchmarking cost and staffing indicators, and forecasting financial results.

She has extensive knowledge of airport/airline use agreement development and negotiations and rate-setting methodologies. Ms. Richardson has recently assisted airport operators in use agreement negotiations at multiple small-, medium-, and large-hub airports through the development of financial forecasts, comparative analysis of airline agreements at other airports, presentations to air carriers, and drafting the agreement

Her airport consulting work includes a wide range of projects including bond issuances, federal funding applications, and rental car and parking development. Nora has assisted many airport sponsors, including the City of Philadelphia, Maryland Aviation Administration, City of Manchester's Department of Aviation, Los Angeles World Airports, Oklahoma City Airports Trust, Rhode Island Airport Corporation, Tulsa Airport Authority, Norfolk Airport Authority, and City of Boise.

Nora contributes to industry trade associations including Airports Council International-North America (ACI-NA) and the American Association of Airport Executives (AAAE). At ACI-NA and AAAE meetings she has organized conferences and regularly presents on topics such as airline agreements, airport capital funding sources, rental cars and parking, PFC funding, and FAA Letters of Intent (LOI) applications. Nora also serves on ACI-NA's Finance Steering Committee.

Before joining LeighFisher, Nora worked for a major investment bank and Sun Microsystems. Nora holds a B.S. in Industrial Engineering from Stanford University.

## Workshop Faculty

---

**Frank J. San Martin**  
Manager  
Airports Financial Assistance  
Division  
Federal Aviation Administration  
800 Independence Avenue SW  
Room 921G  
Washington, DC 20591  
Phone: 202.267.3831  
frank.sanmartin@faa.gov

Frank J. San Martin, a member of the Senior Executive Service (SES), was appointed Manager of the FAA Airports Financial Assistance Division in the Office of Airports in May 2008. That Division is responsible for the \$3.3 billion Airport Improvement Program (AIP), and the \$2.8 billion Passenger Facility Charge (PFC) program. Previously Frank served as Manager of the Airports Law Branch in the FAA Office of the Chief Counsel. There he oversaw legal review and litigation involving Airport Improvement Program (AIP) grants and assurances, Passenger Facility Charges (PFC), Disadvantaged Business Enterprises (DBE), contractor suspensions and debarments, and other legal issues arising from Federal airport development funding. He has been with the FAA for over 23 years. Frank received a Bachelor of Arts degree in History and Spanish from the College of the Holy Cross and a Juris Doctor degree from Boston College Law School.

**Brett Smith**  
Chairman and CEO  
Propeller Airports LLC  
885 Third Avenue  
20<sup>th</sup> Floor  
New York, NY 10022  
Phone: 202.209.3038  
brett@propellerairports.com

Brett Smith founded Propeller Airports to bring private sector business practices to airports throughout the United States based on the successful model employed internationally. Propeller's approach is to enter into Public Private Partnerships (P3s) with local governments that lead to economic development and new revenue opportunities for its partners and shareholder value for its investors. The Company is currently developing two airports, one in Metro Atlanta and the other in Metro Seattle and is evaluating other opportunities in major markets.

Propeller Airports is a subsidiary of Propeller Investments, an aerospace and transportation private equity firm, where Brett is a Principal. Prior to Propeller, from 1999 to 2006, he co-founded and served as Chairman & CEO of ei3 Corporation, an industrial software firm where he was responsible for all corporate finance, strategic direction, licensing and partnership activities.

From 1996 to 1998, he was Director of Business Development at Presstek, Inc. where he was part of the restructuring team for their equipment Subsidiary. Prior to that he held positions in areas of business development and analysis with Asia Times newspaper and Susquehanna Investment Group.

Brett has served on the Board of Directors for ICAD, a publicly traded company (NASDAQ: ICAD) and on the boards of various organizations including The United Ways Children with Learning Disabilities Foundation. Currently Brett is Chairman of VCT, an aerospace engineering firm, a member of the NY Committee at Human Rights Watch and serves as a Trustee for the Dublin School. He is a licensed private pilot and holds a B.A. in Political Science from Emory University.

## Workshop Faculty

---

**Eric T. Smith**

Partner  
Kaplan Kirsch & Rockwell LLP  
1001 Connecticut Ave., N.W.  
Suite 800  
Washington, DC 20036  
Phone: 202.955.5600  
esmith@kaplankirsch.com

Eric Smith concentrates his practice in the aviation, airport, and aviation-based labor, airport concessions, and bankruptcy arenas. He represents airport owners and operators of all sizes across the United States, providing legal and practical counsel on a full spectrum of issues that range from drafting large-scale operating agreements, to acquiring federal assistance for obtaining and maintaining air carrier service, to securing federal grants for physical improvements to the airport. Eric is also experienced in labor and employment matters and assists airports in navigating the myriad of issues involving on-airport employment matters, including labor peace agreements, prevailing wage ordinances, and how those issues may impact concessions programs, such as ACDBE programs.

As an experienced litigator, Eric is also well-equipped to handle airport-based litigation, whether it is suits brought by airlines, tenants, or property owners. His practice covers regulatory and litigation matters proceedings before the U.S. Department of Transportation, Federal Aviation Administration, and in cases filed in both the state and federal courts.

Additionally, Eric has extensive experience structuring and negotiating complex business arrangements, both in the distressed and non-distressed business contexts. He has particular expertise in representing airport operators and aircraft owners and lessees in airline bankruptcies. In recent years, Eric has been deeply involved in all post-9/11 airline bankruptcy cases.

**Catherine (“Katie”) M. van Heuven**

Partner  
Kaplan Kirsch & Rockwell LLP  
1675 Broadway  
Suite 2300  
Denver, CO 80202  
Phone: 303.825.7000  
cvanheuven@kaplankirsch.com

Katie van Heuven is an expert on a broad range of environmental and land use issues who specializes in airport and transportation projects. She frequently advises clients on projects involving federal environmental reviews under the National Environmental Policy Act and related local land use regulations.

Katie has extensive experience advising airport sponsors on matters involving compliance with Federal Aviation Administration (FAA) rules and regulations applicable to planning and environmental review for major airport projects. She provides strategic counsel to numerous airport sponsors on matters related to compliance with federal grant assurances, drafting minimum standards and rules and regulations, and securing FAA approvals related to land acquisition and development. Katie has litigated airport cases in multiple federal courts of appeal.

In addition, Katie has broad experience with projects concerning CERCLA, the Brownfields law, and state voluntary cleanup provisions. She represents and advises clients before various federal agencies and courts, including rulemaking comments and litigation matters, and lobbies members of Congress and senior officials at various federal agencies on behalf of clients with regard to land use and natural resources issues.

Katie also has broad public policy experience. She previously served as the senior legislative assistant on environment, energy, and natural resource issues for former U.S. Senator Paul Simon; as a policy analyst for the U.S. Senate Judiciary Committee Constitution Subcommittee; and as a special assistant in the U.S. Department of Justice Office of Legislative Affairs.



## Workshop Faculty

---

**Kevin C. Willis**

Manager, Office of Airport  
Compliance Division, ACO-100  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Room 600  
Washington, DC 20591  
Phone: 202.267.3085  
kevin.willis@faa.gov

Kevin is the Manager of FAA's Airport Compliance Division. He works with airport sponsors to ensure they comply with their Federal obligations to operate the airport in a safe and efficient manner. Kevin has thirty-six years of airport related experience in both the public and private sector. He joined the Federal Aviation Administration in 1996.

He is a former accredited airport executive with the American Association of Airport Executives. He holds a bachelor's degree in political science from Union College, New York, a Master's degree in public administration from Rutgers and a Master of Science degree in real estate from Johns Hopkins University.



## Legal Research Digests published to date

- [LRD No. 1](#)      Compilation of Airport Law Resources (February 2008)
- [LRD No. 2](#)      Theory and Law of Airport Revenue Diversion (June 2008)
- [LRD No. 3](#)      Survey of Laws and Regulations of Airport Commercial Ground Transportation (July 2008)
- [LRD No. 4](#)      Compilation of Digest-Parts 13 and 16 Determinations and Related Documents (November 2008) (Superseded by [LRD 21](#))
- [LRD No. 5](#)      Responsibility for Implementation and Enforcement of Airport Land-Use Zoning Restrictions (April 2009)
- [LRD No. 6](#)      The Impact of Airline Bankruptcies on Airports (June 2009)
- [LRD No. 7](#)      Airport Governance and Ownership (August 2009)
- [LRD No. 8](#)      The Right to Self-Fuel (December 2009)
- [LRD No. 9](#)      Case Studies on Community Challenges to Airport Development (July 2010)
- [LRD No.10](#)     Analysis of Federal Laws, Regulations and Case Law Regarding Airport Proprietary Rights (August 2010)
- [LRD No. 11](#)     Survey of Minimum Standards: Commercial Aeronautical Activities at Airports (February 2011)
- [LRD No. 12](#)     Fair Disclosure of Airport Impacts in Real Estate Transfers (November 2011)
- [LRD No. 13](#)     An Index and Digest of Decisions: Compilation of Airport Law Resources (March 2012)
- [LRD No. 14](#)     Achieving Airport-Compatible Land Uses and Minimizing Hazardous Obstructions in Navigable Airspace (April 2012)
- [LRD No. 15](#)     Compilation of State Airport Authorizing Legislation (August 2012)
- [LRD No. 16](#)     Procurement of Airport Development and Planning Contracts (September 2012)
- [LRD No. 17](#)     State and Federal Regulations That May Affect Initiatives to Reduce Airports' GHG Emissions (November 2012)
- [LRD No. 18](#)     Buy America Requirements for Federally Funded Airports (February 2013)
- [LRD No. 19](#)     Legal Issues Related to Developing Safety Management Systems and Safety Risk Management at U.S. Airports (January 2013)
- [LRD No. 20](#)     Airport Responsibility for Wildlife Management (July 2013)

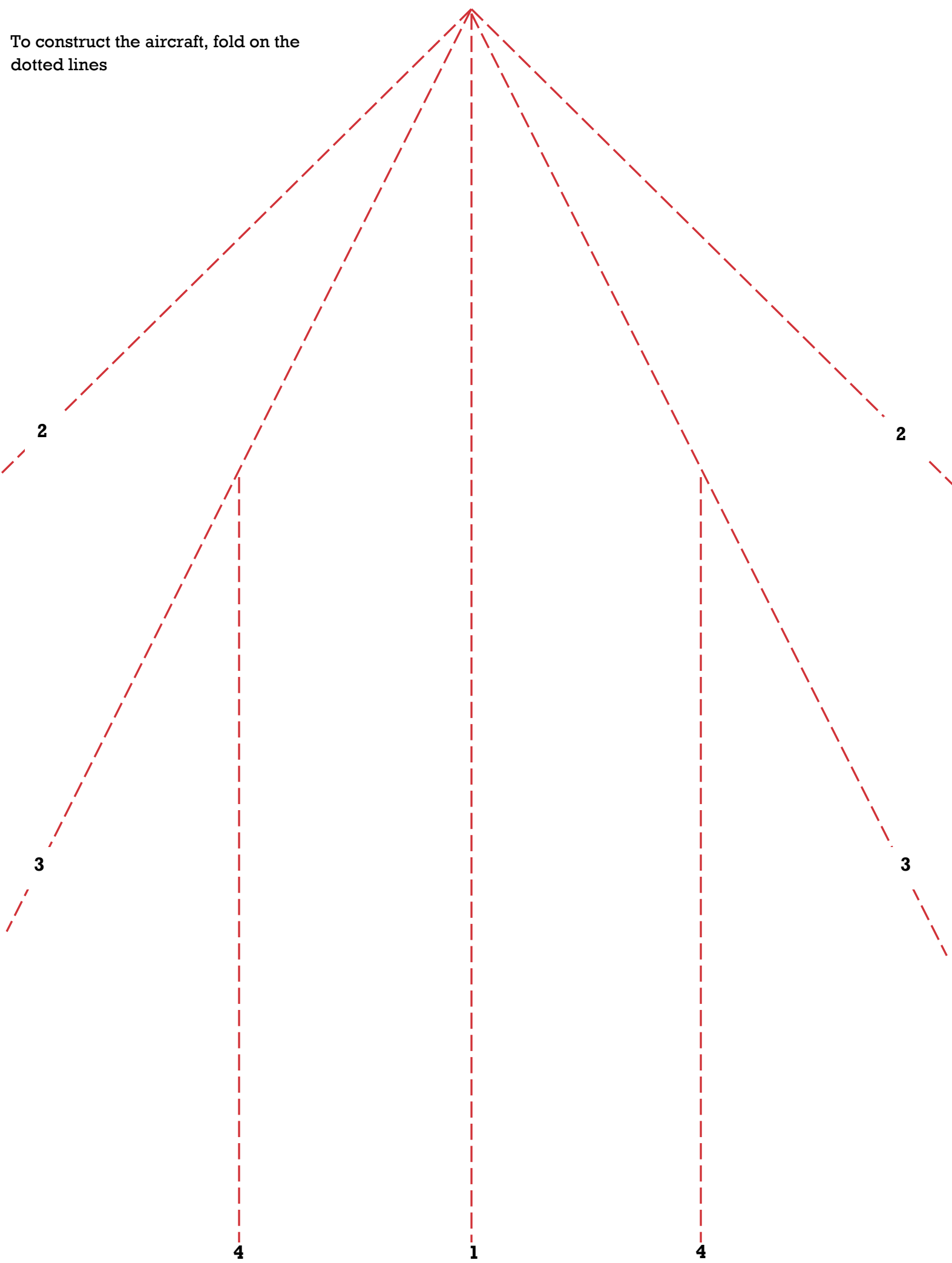


## **Legal Research Digests published to date**

- [LRD No. 21](#)    Compilation of DOT and FAA Airport Legal Determinations and Opinion Letters Through December 2012 (supersedes LRD 4)
- [LRD No. 22](#)    The Role of the Airport Sponsor in Airport Planning and Environmental Reviews of Proposed Development Projects Under the National Environmental Policy Act (NEPA) and State Mini-NEPA Laws
- [LRD No. 23](#)    A Guide for Compliance with Grant Agreement Obligations to Provide Reasonable Access to an AIP-Funded Public Use General Aviation Airport
- [LRD No. 24](#)    Sovereign Immunity for Public Airport Operations
- [LRD No. 25](#)    Analysis of Federal Laws, Regulations, Case Law, and Survey of Existing Airport NPDES Permits Regarding Tenant-Operator Responsibilities under NPDES and Stormwater Management BMPS under Owner/Airport's Operating Permits
- [LRD No. 26](#)    Regulations Affecting the Exercise of First Amendment Activities at Airports

## NOTES

To construct the aircraft, fold on the dotted lines







KAPLAN KIRSCH ROCKWELL

projects that keep life moving™

**31<sup>ST</sup>** ANNUAL AAAE BASICS OF AIRPORT LAW WORKSHOP  
AND 2015 LEGAL UPDATE | NOVEMBER 1-3, 2015

