



KAPLAN KIRSCH ROCKWELL

Workshop Guide



AMERICAN ASSOCIATION  OF AIRPORT EXECUTIVES

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Useful Conference Information

- **Conference Materials.** All presentations and the latest information regarding the conference are available at www.airportlawconference.com. Wi-Fi 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. At the time of printing, we have applied for credit authorization from California and Colorado and **are pending approval**. We have applied for 17.25 hours of credits, plus 1 legal ethics credit through the State Bar of California and the State of Colorado. We will apply for authorization for Virginia after the conference. CLE forms for those states will be made available with the conference materials on the website 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.
- **TRB Resources.** On pages 20 and 21 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. The electronic version of this Workshop Guide contains hyperlinks to these materials.
- **Airport Law Digests.** 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 Digest* 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, you can sign up at www.kaplankirsch.com/subscribe.
- **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.



32nd Annual Basics of Airport Law Workshop and 2016 Legal Update

Hyatt on Fisherman's Wharf • San Francisco, CA • November 13-15, 2016

WORKSHOP AGENDA

Sunday, November 13

1:00 p.m. – 5:00 p.m. REGISTRATION

3:00 p.m. – 5:00 p.m. **SESSION 1 – AN INTRODUCTION TO AIRPORT LAW 101**

Peter J. Kirsch, *Kaplan Kirsch & Rockwell LLP*
John E. Putnam, *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.

5:00 p.m. – 5:45 p.m. **SESSION 2 – RESEARCH TOOLS: THE AIRPORT COOPERATIVE RESEARCH PROGRAM AND OTHER UNIQUE RESOURCES FOR AIRPORT LAWYERS**

Gail R. Staba, *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.

6:00 p.m. – 7:30 p.m. **OPENING RECEPTION**

Monday, November 14

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

8:30 a.m. – 8:45 a.m. **WELCOME**

Melissa Sabatine, *Senior Vice President – Regulatory Affairs, AAAE*

Part I – Federal regulation of airports

8:45 a.m. – 9:45 a.m. **SESSION 3 – UPDATE ON TSA REGULATIONS AND POLICIES AFFECTING AIRPORTS**

Francine Kerner, *Chief Counsel, Transportation Security Administration*

The annual presentation from the TSA's Chief Counsel on TSA legal issues is one of the highlights of the conference. The first and only TSA Chief Counsel 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.

9:45 a.m. – 10:00 a.m. MORNING REFRESHMENT AND NETWORKING BREAK

10:00 a.m. – 11:15 a.m. **CONCURRENT SESSIONS**

SESSION 4 – AIRPORT FINANCE 101: SOURCES AND USES OF AIRPORT FUNDS

Catherine M. van Heuven, *Kaplan Kirsch & Rockwell LLP* (moderator)

Rich Golaszewski, *GRA, Inc.*

Frank J. San Martin, *Manager, Airports Financial Assistance Division, FAA*

Understanding the permissible sources and uses of funds for airports is one of the foundations of airport law. 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.

SESSION 5 – COMPLEX AND CREATIVE FINANCIAL TRANSACTIONS

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

Nora Richardson, *LeighFisher Associates*

Airport users and carriers constantly demand that airports keep their rates and charges low, and local officials increasingly are recognizing that airports can be enormous economic engines – even beyond traditional airport functions. As a result, airports are becoming more creative in real estate development and in seeking alternative and innovative ways to raise revenue. All of these new and creative endeavors raise complex legal issues concerning the use of airport revenue and the limits on what can be accomplished by an airport sponsor. This session will provide the financial background for session 9 on non-aeronautical development.

11:15 a.m. – 12:15 p.m. **SESSION 6 – NAVIGATING COMPLIANCE WITH GRANT ASSURANCES**

W. Eric Pilsk, *Kaplan Kirsch & Rockwell LLP* (moderator)
Randy Fiertz, *Manager, Northwest Mountain Region, Airports Division, FAA*
Robin K. Hunt, *Deputy Division Manager, Airports Division, Western Pacific Region, 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 provides practical guidance — directly from lawyers and FAA regulators who deal with these issues every day — 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.

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

Eduardo A. Angeles, *Associate Administrator for Airports, FAA*

Associate Administrator Angeles will provide his perspective on FAA policy initiatives and changes that can be expected in coming months as a result of the Presidential election.

PART II – Understanding airports as a business

1:30 p.m. – 2:45 p.m. **CONCURRENT SESSIONS**

SESSION 7 – TOOLS FOR NEGOTIATIONS WITH AIRLINES AND OTHER AERONAUTICAL USERS

Eric T. Smith, *Kaplan Kirsch & Rockwell LLP*
Sheri L. Ernico, *LeighFisher Associates*

The structure and length of airline leases and leases with other aeronautical users have both changed significantly in the last few years. This session will explore the current trends in negotiation of use-and-lease agreements with airlines and in aeronautical leases for FBOs and other service providers, and will explore strategies that airports can use in these negotiations.

SESSION 8 – CONTRACTING AND PROCUREMENT REQUIREMENTS FOR AIRPORT PROJECTS

Catherine M. van Heuven, *Kaplan Kirsch & Rockwell LLP*
Michael Fineman, *Airports and Environmental Attorney, FAA*

Many airport-funded projects are subject to complicated (and sometimes contradictory) federal, state and local procurement requirements. This session will focus primarily on federal requirements that apply to AIP-funded or PFC-funded projects and will also address best practices for contracting and procurement.

2:45 p.m. – 3:00 p.m. **AFTERNOON REFRESHMENT AND NETWORKING BREAK**

3:00 p.m. – 4:15 p.m.

SESSION 9 – STRATEGIES FOR NON-AERONAUTICAL DEVELOPMENT

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

Daniel S. Reimer, *Assistant General Counsel, Denver International Airport*

Airports are increasingly becoming real estate developers and investors, using airport real estate to generate revenue and local economic activity. Airport lawyers need to understand the strategies that airports have used to attract non-aeronautical development and the regulatory requirements for such projects.

4:15 p.m. – 5:30 p.m.

CONCURRENT SESSIONS

SESSION 10 – OPERATING A PASSENGER TERMINAL: LABOR, GENDER DISCRIMINATION, CONCESSIONS, AND OTHER EMERGING ISSUES

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

Sheryl L. Bregman, *General Counsel, San Francisco International Airport*

The operator of a passenger terminal today is like the proprietor of a large business – having to address a wide range of legal issues that are implicated by concessions, leases and users' needs. Whether it be gender discrimination issues, equal treatment of tenants (and potential tenants), or ADA problems, airport lawyers need to be familiar with the range of issues that are arising today in the operation and regulation of passenger terminals. This session will explore a number of the most important new issues that airport proprietors are confronting today.

SESSION 11 – CIVIL RIGHTS, DISADVANTAGED BUSINESS ENTERPRISES, AND RELATED FAA REQUIREMENTS

Catherine M. van Heuven, *Kaplan Kirsch & Rockwell LLP* (Moderator)

Michael Freilich, *Director, National External Operations Program, FAA Office of Civil Rights*

Jonathan Klein, *Team Lead, Disability Compliance Program, FAA Office of Civil Rights*

FAA civil rights and DBE requirements apply not only to AIP-funded projects but to a wide range of airport commercial endeavors. This session will provide a unique opportunity to hear from senior FAA civil rights officials on current compliance requirements and practical approaches to addressing those requirements.

Tuesday, November 15

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

8:30 a.m. – 9:30 a.m. **SESSION 12 – DISRUPTIVE BUSINESS MODELS: UBER, SCHEDULED CHARTER OPERATORS AND SPACECRAFT**

Steven L. Osit, *Kaplan Kirsch & Rockwell LLP*

Jo Ellen McBride, *Assistant Chief Counsel, City of Phoenix Law Department*

It seems that every day, a new business model emerges that disrupts the traditional way of operating an airport. Transportation network companies (e.g., Uber, Lyft) were the first, but airports are seeing more disruptive technologies and businesses emerging every day – from new smartphone apps, to new business models for passenger service that are requiring airport sponsors to adapt and develop new regulatory tools.

Part III – Operating an airport in a political world

9:30 a.m. – 10:30 a.m. **SESSION 13 – AIRSPACE MANAGEMENT: THE NEW FRONTIER OF AIRPORT NOISE**

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

W. Eric Pilsk, *Kaplan Kirsch & Rockwell LLP*

With the phase-out of stages 1 and 2 aircraft, the traditional problems of airport noise gradually became less dominant from the late 1990s until the last several years. The reduction in air traffic as a result of the mid 2000s recession further mitigated airport noise concerns. The last two years, however, has seen a dramatic uptick in concern about noise – much of it attributable to the FAA's implementation of NextGen air traffic management tools. While airspace management lies within the FAA's exclusive jurisdiction, airport sponsors increasingly are being asked to assist in design, evaluation and publicizing new routes and have to adapt to the noise impacts that these routes can create.

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

10:45 a.m. – 11:45 a.m. **SESSION 14 – AIRPORT PROPRIETORS' NEW SAFETY AND SECURITY OBLIGATIONS**

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

The FAA's long-delayed Safety Management System rules are due to be released later this year. SMS will change fundamentally the role of the airport sponsor in policing safety. At the same time, TSA has been seeking opportunities to put a greater burden for airport security on airports. While many of these efforts have failed because of push-back by airports, airport sponsors will inevitably play a greater role in security, with or without new TSA initiatives.

12:00 p.m. – 1:15 p.m. **SESSION 15 AND LUNCH PRESENTATION – SUPREME COURT REVIEW: 2016 SUMMARY AND 2017 FORECAST**

Chuck Thompson, *General Counsel and Executive Director, International Municipal Lawyers Association*

Chuck Thompson provides an amusing and thought-provoking examination of last session's Supreme Court decisions as they affect the operations of local governments and the legal issues which government lawyers must confront.

1:30 p.m. – 2:30 p.m.

SESSION 16 – ETHICS: REPRESENTING A CLIENT IN A FISHBOWL

W. Eric Pilsk, *Kaplan Kirsch & Rockwell LLP*
Steven L. Osit, *Kaplan Kirsch & Rockwell LLP*

Lawyers for public agencies always face competing pressures from elected officials and professional managers and walk a tightrope in fulfilling their ethical obligations. When disputes – or just policy disagreements – arise between airports and their sponsoring government agencies, these challenges multiply. This interactive session will explore ways in which lawyers can fulfill their professional obligations without inadvertently creating ethical problems.

2:30 p.m. – 2:45 p.m.

AFTERNOON REFRESHMENT AND NETWORKING BREAK

2:45 p.m. – 3:45 p.m.

SESSION 17 – FRIENDS OR FOES: COMMUNITY RELATIONS, COMPATIBILITY PLANNING, AND POLITICS FOR LAWYERS

Catherine M. van Heuven, *Kaplan Kirsch & Rockwell LLP*
Peter J. Kirsch, *Kaplan Kirsch & Rockwell LLP*
John E. Putnam, *Kaplan Kirsch & Rockwell LLP*

The relationship between airports and their neighbors can be complex and politically charged. Issues such as noise, airspace, development restrictions, traffic, and compatible zoning raise difficult intergovernmental coordination problems. Lawyers are frequently called upon to assist in developing, implementing and negotiating arrangements.

3:45 p.m. – 4:45 p.m.

SESSION 18 – CAN DRONES AND AIRPORTS COEXIST?

Eric T. Smith, *Kaplan Kirsch & Rockwell LLP*
Michelle W. Hammel, *Counsel, Delaware River and Bay Authority*

Every day there is news about drones and the bold new world that drone proponents anticipate. While much of this discussion has focused on drones themselves, there has been remarkably little public discussion about the relationship between drones and airports. This session will examine the advent of drones from the perspective of an airport operator – how to accommodate, regulate and adjust to their presence in the airport environment.

Workshop Faculty

Eduardo A. Angeles

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Eduardo A. Angeles serves as the Federal Aviation Administration's Associate Administrator for Airports. He oversees a \$3.5 billion annual Federal airport grants program and passenger facility charge collections totaling \$2 billion. He also manages programs for national airport planning and development, including safety standards, design and engineering, certification, environmental processing, and financing.

Previously, Eduardo served as Senior Assistant City Attorney for the Los Angeles City Attorney's Office including as General Counsel to Los Angeles World Airports where he oversaw legal matters for four major airports in southern California: Los Angeles International, Ontario International, Van Nuys, and Palmdale. Before moving to Los Angeles, he served in the San Francisco City Attorney's Office assigned for 8 years to the San Francisco International Airport's Legal Division.

Eduardo earned his undergraduate degree from the University of California at Santa Barbara and his law degree from the University of California, Hastings College of the Law. He was an Adjunct Faculty Member at Loyola Law School in Los Angeles and served on the State Bar of California's Committee of Bar Examiners. Eduardo was also an elected school board member on the Jefferson Union High School's Governing Board of Trustees and previously a Governor Brown appointee to the California Board of Vocational Nursing and Psychiatric Technicians.

Eduardo is married to Evelyne, and they have two adult sons: Dannie, who is a fourth year medical student at the University of Virginia, and Andrew, who is a student at the University of California, Hastings College.

Sheryl L. Bregman

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Sheryl L. Bregman has served as Airport General Counsel to the San Francisco International Airport since 2011, where she manages the Airport Legal Division for the San Francisco City Attorney. The division provides a full range of in-house legal services to the San Francisco Airport Commission (leases and permits, environmental/land use regulations, construction, public protection (security, police, fire), contracts, labor, municipal finance, litigation, and general government).

Ms. Bregman joined the Office of the San Francisco City Attorney in 1995 as a Deputy City Attorney. Ms. Bregman advised San Francisco public agencies on public work design and construction projects and transactions, drafted legislation, prosecuted administrative enforcement actions, and litigated government contract cases. Prior to joining the Office of the City Attorney, Ms. Bregman was in private practice.

Ms. Bregman holds a Juris Doctor from Benjamin N. Cardozo School of Law and a Bachelor of Arts, *magna cum laude* with honors, from Brandeis University.

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Sheri Ernico has over 30 years of experience in financial and economic consulting and management for airports, including strategic financial planning, capital program development, financial feasibility studies, rates and charges analyses, airline lease negotiations, passenger facility charge (PFC) programs, benefit/cost analyses, letter of intent grant applications, rental car financing and customer facility charges (CFCs), privatization assessments and analyses, governance reviews, organization and management studies, air cargo financing evaluations, fuel system business planning, aviation market analyses, and forecasts of aviation demand.

Sheri spent two years as the Finance Director for San Francisco International Airport where she directed the capital and operating budgets, bond issues, airline rate-setting, PFC applications, risk management, AIP grant strategies, traffic and concession reporting, airline coordination on capital projects and rates and charges, investment policy, and financial strategies.

She was the principal investigator of the National Academies Airport Cooperative Research Program (ACRP) Report 66: *Guidebook for Considering and Evaluating Airport Privatization*. Sheri also managed over two dozen engagements regarding airline rates and lease negotiations, and managed bond feasibility studies in support of the issuance of over \$6 billion in airport revenue bonds, including bonds sold to finance improvements at the airports serving Boston, Burbank, Charleston (South Carolina), Cleveland, Denver, El Paso, Fresno, New York (John F. Kennedy), Orange County (John Wayne), Orlando, Pittsburgh, Raleigh-Durham, Richmond, Sacramento, and Tucson.

Sheri holds a B.A. in political science/urban studies from the University of Pittsburgh and a Master of City and Regional Planning from Harvard University.

Randall S. Fiertz

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Randy is the Division Manager of the FAA's Northwest Mountain Region Airports Division in Seattle. He was previously Director of Compliance and Management Analysis for FAA's Airport Division from 2008 - 2016.

Other previous Federal transportation positions include FAA representative for South Asia in New Delhi, India (2006-2008); Director of Revenue, Transportation Security Administration (2001-2006); and Acting Director, FAA Office of Cost and Performance Management (1998-2001).

Randy's private sector experience includes eight years with the financial consulting firm Coopers & Lybrand in Zurich, Switzerland and Washington, DC. At Coopers & Lybrand, he was a manager in the firm's financial advisory services practice for which he advised corporate and government entities on a wide range of corporate finance activities. He was also an international banker for five years with American Express Bank with clients throughout Europe, the Middle East, and the Asia-Pacific regions. In addition, he completed several consulting assignments for the World Bank.

Workshop Faculty

Michael Fineman

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Michael serves as an attorney in the Office of the Chief Counsel, Airports and Environmental Division, where he advises the FAA Office of Airports, Air Traffic Organization, and Office of Commercial Space on the application of the National Environmental Policy Act (NEPA) and other environmental laws. Michael also works with the FAA Southern Region Office of Airports on matters involving compliance with sponsor grant assurances. Michael is the national legal team lead for implementation of the National Parks Air Tour Management Act, chief legal advisor to the FAA Southern Region Office of Civil Rights on Disadvantaged Business Enterprise Program issues, and Regional Tribal Consultation Officer.

Prior to joining the FAA in 2012, Michael served as a Senior Assistant City Attorney for the City of Atlanta where he managed transactional and litigation matters for Hartsfield-Jackson Atlanta International Airport. Prior to that, Michael spent three years as an Assistant Attorney General for the Republic of Palau representing the newly-sovereign Pacific Island nation's Ministry of Transportation and the Palau National Aviation Administration. Michael is a graduate of the George Mason University School of Law and the University of Montana.

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Michael Freilich is the Director for the National External Operations Program for the Federal Aviation Administration (FAA) Office of Civil Rights. He is directly responsible to the Assistant Administrator for Civil Rights for managing all facets of the Disadvantaged Business Enterprise (DBE), Americans with Disabilities Act (ADA), and Title VI programs for airports nationwide. This includes coordinating and monitoring the DBE, ADA, and Title VI programs, as well as overseeing the delivery of technical assistance to external customers and field program managers for airports receiving federal grants. He serves as the recognized expert and consultant on airport civil rights compliance, and assures full implementation of core civil rights principles.

Workshop Faculty

Richard Golaszewski
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Richard Golaszewski is an Executive Vice President of GRA, Incorporated, and has over thirty-five years of experience in applying economic, financial and statistical analysis to the air transportation industry for both private and public sector clients. He has completed a number of airline, air traffic management and airport-related projects and has advised clients on new technology in aviation and its impact on the system. Rich also speaks frequently on the financing of aviation infrastructure, and has provided expert testimony on airport matters, airline mergers, and aviation safety.

Rich received a B.S. in Accounting (magna cum laude) from LaSalle College and an M.P.A. in Public Sector Management and Finance from the Wharton Graduate School, University of Pennsylvania. He was a military officer and helicopter pilot from 1967 to 1972.

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Michelle Hammel serves as counsel and chief ethics officer for the Delaware River and Bay Authority (DRBA), providing legal and business advice in support of a broad range of issues, including UAS operations. The DRBA operates five general aviation airports, a ferry system and the Delaware Memorial Bridge Twin Spans – vital transportation links in the northeast corridor and centers of economic development in the states of Delaware and New Jersey. Its annual operating budget is \$80M.

Immediately preceding her tenure at DRBA, Michelle served as the interim CEO for a small start-up company and was instrumental in taking the company through a transition as it was acquired by a larger private company. She also spent ten years in New Jersey state government as a policy advisor to several Cabinet Secretaries with responsibilities that included implementing a new federally funded program with a \$5M annual budget, overseeing a staff of 35, lobbying and administrative rulemaking. Michelle began her career as a civil litigation associate at a small South Jersey law firm and handled various matters from inception through trial.

Michelle earned both her Juris Doctor and Bachelor of Arts in Political Science from Villanova University. She is licensed to practice law in Delaware, New Jersey and Pennsylvania.

Workshop Faculty

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Robin is currently the Deputy Director for the Western Pacific Region Airports Division. She is responsible for the planning, direction, implementation and evaluation of Airports programs and projects in the Western Pacific Region.

Robin joined the FAA in May 2008 as the Manager of the San Francisco Airports District Office. As the Manager of the FAA San Francisco Airports District Office, Robin was responsible for airports in Northern California and Nevada.

Prior to joining the Federal Aviation Administration, Robin spent over 19 years with the Department of Transportation Office of Inspector General (DOT-OIG). At the DOT-OIG, Robin served in various Senior Executive Service (SES) and regional management positions, including Deputy Assistant Inspector General for Aviation and Special Program Audits.

Robin received her Bachelor of Science in Accounting from the University of Kansas and is a Certified Fraud Examiner.

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Francine Kerner

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Francine Kerner was named Chief Counsel in January 2002. In this capacity, she advises senior TSA 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, she 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, New York.

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 named as the recipient of the Beatrice Rosenberg Award for Excellence in Government Service by the District of Columbia Bar. She is a graduate of Queens College in New York City and New York University School of Law.

Peter J. Kirsch, Esq.

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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.

Workshop Faculty

Jonathan Klein

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Jonathan Klein is the National Team Lead for the Airport Disability Compliance Program at the Federal Aviation Administration (FAA) Office of Civil Rights. He is responsible for a team that manages all aspects of Americans with Disabilities Act and Sec. 504 of the Rehabilitation Act enforcement for airports nationwide. The team conducts compliance reviews, issues letters of finding for complaint investigations, and provides technical assistance through airport consultations and a webinar training program.



Jo Ellen McBride

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Jo Ellen McBride is Assistant Chief Counsel for the City of Phoenix. Jo Ellen is the Transportation Section Chief and provides legal advice and counsel to the Aviation Department. Phoenix owns and operates Sky Harbor International Airport, top 10 commercial airport, and two general aviation airports.

Jo Ellen has been in-house counsel for the past 24 years with the City of Phoenix advising client departments on various municipal and state law issues, contracts, open meeting laws, public records, local and federal procurement requirements, Aviation law, Airport Improvement Program grant requirements, land acquisition and relocation, disadvantaged business enterprise and small business participation, and regulatory compliance.



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Steven Osit primarily represents public entities with respect to the development and operation of airports and rail transit systems. He has served multiple posts within the U.S. Department of Transportation, including the representation of the Federal Aviation Administration in investigations before the National Transportation Safety Board and in litigation, and advising the Office of the Secretary on legal matters pertaining to the economic regulation of airports and air carriers. As a former Honors Attorney with the Department, Steven also gained experience with the Federal Transit Administration and the Federal Railroad Administration.

During law school, Steven worked as a law clerk in the Office of Aviation and Admiralty Litigation in the U.S. Department of Justice. Prior to law school, he was the Director of Information Technology at a prominent college in New York City. Steven is a certificated private pilot.

W. Eric Pilsk

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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.

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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.

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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 Digests, author of multiple reports for the TRB Airport Cooperative Research Program, and frequent speaker on airport legal issues at industry conferences.

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Nora Richardson has 14 years of professional experience in financial, economic, and organizational analysis. She specializes in the negotiation of airline agreements and coordinating funding with the Federal Aviation Administration through the Passenger Facility Charge (PFC) and Letter of Intent (LOI) programs. She has managed numerous benefit cost analyses, requests for federal funding, PFC applications, financial forecasts, feasibility studies, economic impact studies, and agreements with airlines.

For the City of Philadelphia, Nora was involved in developing a new airline agreement to support the Philadelphia International Airport capital program. Her work included developing financial forecasts, performing comparative analyses of airline agreements at other airports, making presentations to air carriers, and drafting the agreement. In support of the ongoing master plan efforts, Nora prepared a financial plan for selected alternatives and helped coordinate project timing with funding availability. She has also helped prepare competition plans, feasibility reports, and presentations to rating agencies.

For the Maryland Aviation Administration, Tulsa Airport Authority, and City of Kansas City, Nora was involved in renegotiating airline agreements for achieving airport staff goals and objectives. Nora assists the Maryland Aviation Administration, City of Manchester, Norfolk Airport Authority, City of Boise, Oklahoma City Department of Airports, Tulsa Airport Authority, and Los Angeles World Airports with their PFC programs, applications, and amendments to previous applications. As part of the application process, she managed the preparation of airline and public consultation materials, presented to air carriers, and coordinated with the Federal Aviation Administration.

Workshop Faculty

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Frank J. San Martin, a member of the FAA Executive Service, 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 25 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. He is a member of the Massachusetts Bar, Florida Bar, and District of Columbia Bar.

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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.

Workshop Faculty

Gail R. Staba, AICP

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Ms. Staba brings over 20 years of experience improving airport sustainability by sharing effective practices and building partnerships. Her expertise in transportation and environmental management for ports and airports supports clients through complex decision making and results in successful development projects. At present, she serves as the Airport Cooperative Research Program Synthesis Studies manager. In this position, she facilitates experts and coordinates consultants to perform applied research to solve practical airport problems. Her prior experience includes airport, shipping port, and real estate master plan and environmental consulting nationally. Additionally, she has managed successful teams at Oakland Airport, San Francisco Airport, Port of Oakland, and Vandenberg Air Force Base Spaceport.

Her professional management and facilitation activities have resulted in over 200 successful industrial and commercial transportation developments, and she has published guidance to airports ranging from airport sustainability practices and regional smart growth plans to engineering feasibility for alternative energy projects. Ms. Staba holds a BS in Environmental Planning and Policy from UC Davis and an MS in Transportation Engineering from UC Berkeley. Gail is located in San Francisco and Washington DC.

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Charles W. Thompson, Jr. is the Executive Director and General Counsel of the International Municipal Lawyers Association. Prior to being appointed to this position Mr. Thompson served as County Attorney for Montgomery County, Maryland from 1995 to 2006. For the previous 17 years, Mr. Thompson served as County Attorney for Carroll County, Maryland. Mr. Thompson received a bachelor's degree in history from Virginia Military Institute and earned his Juris Doctor from the University of Baltimore School of Law. In addition to serving as President of the Carroll County Bar Association, Mr. Thompson served as Chairman of the Board of the State and Local Government Law Section of the Maryland State Bar Association, and as Chairman and a member of the Committee on Ethics. Mr. Thompson also served on the Board of Directors and as President of the County Civil Attorneys group in the Maryland Association of Counties. Mr. Thompson is currently serving as an adjunct professor at the George Washington University teaching State and Local Government Law. Mr. Thompson is admitted to practice in the U.S. District Court for Maryland, the Fourth Circuit Court of Appeals, and the U.S. Supreme Court.

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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.

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