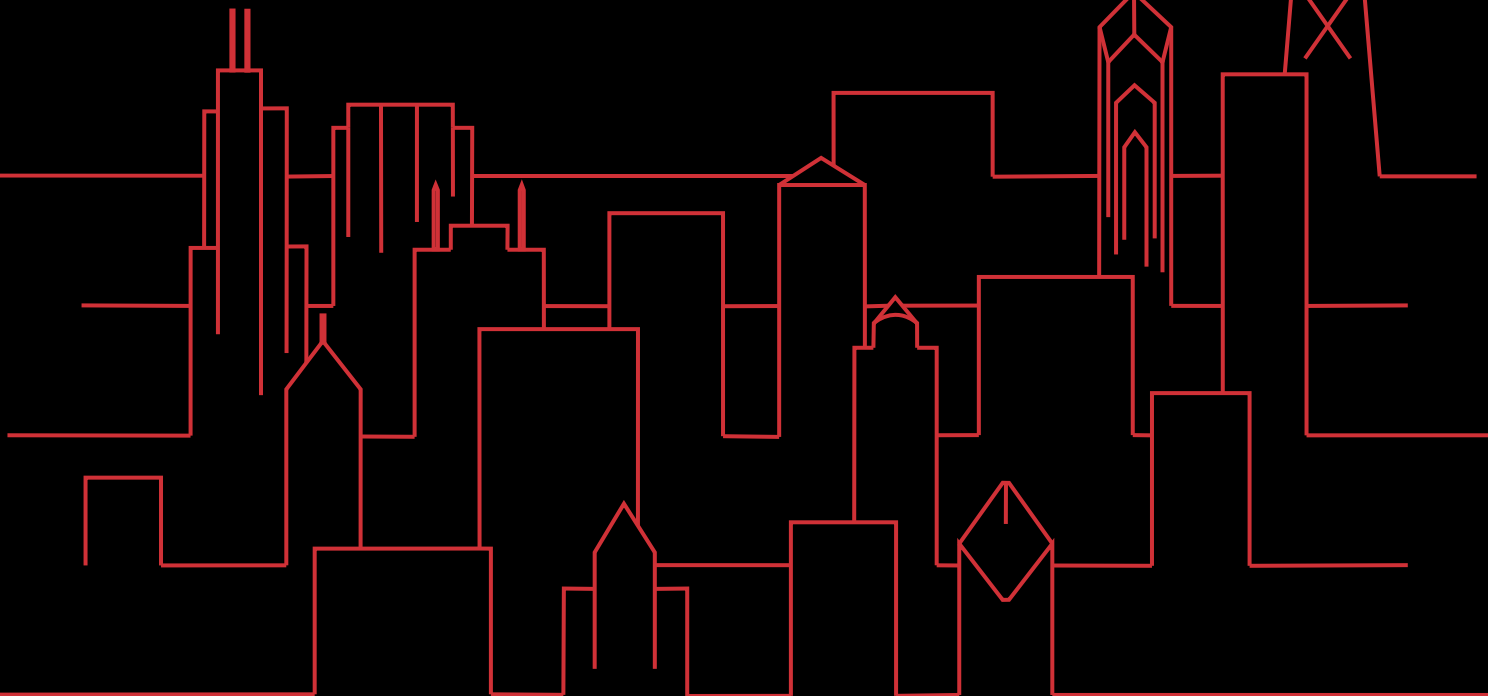
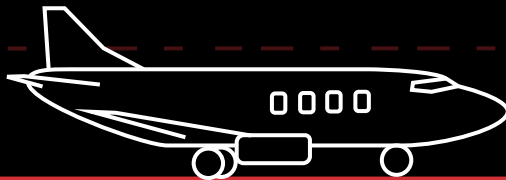
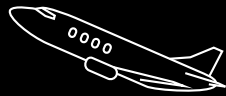




KAPLAN KIRSCH ROCKWELL

Workshop

GUIDE



AMERICAN ASSOCIATION  OF AIRPORT EXECUTIVES

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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. 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. 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.) Please see the conference website at www.airportlawconference.com for a list of states who have approved the course for CLE credit. If you have questions or need additional documents to assist with your state filing, contact Jenn Fox with Kaplan Kirsch & Rockwell at the conference or by e-mail at jfox@kaplankirsch.com.
- **TRB Resources.** On pages 23 and 24 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 and Alerts.** 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. *Airport Law Alerts* are distributed when there is breaking news within the airport industry. If you have not already subscribed, you can sign up at www.kaplankirsch.com/subscribe.
- **Questions?** During the conference, if you have questions, feel free to contact Melissa Sabatine with AAAE, Jenn Fox with Kaplan Kirsch & Rockwell, 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.



33rd Annual Basics of Airport Law Workshop and 2017 Legal Update

Sofitel Magnificent Mile • Chicago, IL • October 15–17, 2017

WORKSHOP AGENDA

Sunday, October 15

1:00 p.m. – 5:00 p.m. **REGISTRATION**

3:00 p.m. – 4:45 p.m. **SESSION 1 – AIRPORT LAW 101**

Peter J. Kirsch | *Kaplan Kirsch & Rockwell*

Catherine M. van Heuven | *Kaplan Kirsch & Rockwell*

This session provides 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 explores the manner in which the federal government (primarily—but not exclusively—the FAA) regulates airports and the activities of airport proprietors. The session discusses those areas where federal regulation is pervasive, where legal authority is shared, and where there is only limited federal regulatory oversight. It provides an introduction to common terms and legal relationships among the various stakeholders and provides background for new attendees at the conference and people who may be experienced lawyers but new to the field of airport law.

4:45 p.m. – 5:45 p.m. **SESSION 2 – RESEARCH TOOLS IN AIRPORT LAW (ETHICS CREDIT SOUGHT)**

Marci Greenberger, Senior Program Officer | *Airport Cooperative Research Program*

Nicholas M. Clabbers | *Kaplan Kirsch & Rockwell*

This session provides an introduction to research tools and the non-traditional sources for airport law. It offers guidance on finding FAA policies, guidance, regulations, directives, and other critical legal sources that are not common in other fields of law. It also provides a roadmap to take advantage of the Transportation Research Board's Airport Cooperative Research Program 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 provides an update on the latest reports and discuss forthcoming research topics. This is a highly interactive session where lawyers learn best practices for legal research and how to distinguish among different sources and their relative significance and importance in different legal contexts.

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

Monday, October 16

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 and International Affairs | *American Association of Airport Executives*
Ginger S. Evans, Commissioner | *Chicago Department of Aviation*

8:45 a.m. – 9:45 a.m. **SESSION 3 – SPONSOR OBLIGATIONS PART 1: NAVIGATING COMPLIANCE ISSUES**

Lorraine M. Herson-Jones, Manager, Airport Compliance Division | *FAA*
Susan Mowery-Schalk, Director, Airports Division, Great Lakes Region | *FAA*
W. Eric Pilsk | *Kaplan Kirsch & Rockwell*, Moderator

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. The session addresses the grant assurance obligations that most commonly trigger compliance issues – exclusive rights, unjust discrimination, maintaining sponsor’s rights and powers, and preserving good title. 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 also reviews recent FAA compliance decisions and provide guidance on the latest FAA policies on the most common compliance problems.

9:45 a.m. – 10:45 a.m. **SESSION 4 – SPONSOR OBLIGATIONS PART 2: TRANSACTIONAL ISSUES**

John E. Putnam | *Kaplan Kirsch & Rockwell*

Routine day-to-day airport operations can raise complex grant assurance issues, and it is important that airport lawyer understand the scope and depth of federal oversight over these issues. This session discusses federal obligations relating to use of airport revenue, use of airport land, obligations to maintain consistency with local plans, establishment of rates and charges, and maintenance of the airport layout plan. The session also discusses issues related to land use decisions such as requirements to ensure land use compatibility, the purchase and disposal of property (or interests in property), and how to structure business transactions to ensure compliance with grant assurance obligations.

10:45 a.m. – 11:00 a.m. **MORNING REFRESHMENT AND NETWORKING BREAK**

11:00 a.m. – 12:00 p.m. **SESSION 5 – MASTER PLANNING, DEVELOPMENT, AND ENVIRONMENTAL REVIEW**

Michael S. Fineman, Attorney of Airports & Environmental Law Division | *FAA*
Amy B. Hanson, Environmental Protection Specialist, Great Lakes Region | *FAA*
Catherine M. van Heuven | *Kaplan Kirsch & Rockwell*, Moderator

Airport master planning and development is legally complex because of the web of federal, state, and local land use requirements imposed on airport sponsors. This session walks participants through the master planning and development process from initial concept to completion of a project, including not just the planning process, but also the federal environmental review process and the procedures for securing (or preserving eligibility for) federal funding for capital projects. Presenters include an experienced FAA lawyer and an FAA environmental specialist who have navigated the complex process successfully on small and large projects throughout the nation.

12:15 p.m. – 1:30 p.m.

LUNCH AND PRESENTATION: OUT OF THE FRYING PAN, INTO THE FIRE – OBSERVATIONS FROM INSIDE AIRPORTS AND THE FAA

Eduardo A. Angeles, Senior Assistant City Attorney, Airport Division | *Los Angeles World Airports* (formerly Associate Administrator for Airports, FAA)

1:45 p.m. – 2:45 p.m.

CONCURRENT SESSIONS

SESSION 6 – AIRPORT FINANCE – OPERATIONAL ISSUES

Scott E. Mitchell, Branch Chief of Airports Law Branch, Office of the Chief Counsel | *FAA*

Eric T. Smith | *Kaplan Kirsch & Rockwell*

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. This session is intended to be an introduction to airport finance, federal regulation of airport finances, and the legal requirements for documenting the sources and uses of airport funds.

SESSION 7 – AIRPORT FINANCE – EMERGING ISSUES

Bonnie D. Ossege, Vice President | *Ricondo & Associates*

Peter J. Kirsch | *Kaplan Kirsch & Rockwell*

This session explores the emerging legal issues that airport sponsors are facing in seeking innovative and creative sources of funding. As airports seek more diversified revenue sources in an effort to keep rates and charges reasonable for aeronautical users, it becomes more complex to navigate the financial and legal requirements for how, when, and from whom the sponsor can generate revenue. The focus of this session is on aeronautical revenue and other aeronautical-related services and functions. This session assumes that the participants are already familiar with the basics of airport finance, federal regulation of airport revenue and expenditures, and the traditional models for airport rates and charges.

2:45 p.m. – 3:45 p.m.

SESSION 8 – THE LAW OF AIRPORT NOISE

Mort P. Ames, Senior Counsel, Aviation, Environmental, Regulatory and Contracts Division | *City of Chicago Department of Law*

Patrick J. Wells, Environmental Law Field Branch Manager, Office of the Chief Counsel | *FAA*

W. Eric Pilsch | *Kaplan Kirsch & Rockwell*, Moderator

The traditional problems of airport noise gradually became less dominant from the late 1990s until the last several years as a result of a quieter fleet, successful noise mitigation efforts by airports nationwide, and the reduction in air traffic during the recession. Recently, however, there has been a significant increase in attention to airport noise issues. While much of that has been attributable to the FAA's implementation of NextGen air traffic management tools, new pressure for nearby development has resulted in encroachment of incompatible land uses near airports. This session explores the basic legal relationships among aircraft users, airports, and the federal government in the regulation and mitigation of noise and explores in depth how those relationships affect an airport sponsor's obligations and legal authority to address noise issues.

3:45 p.m. – 4:00 p.m.

AFTERNOON REFRESHMENT AND NETWORKING BREAK

4:00 p.m. – 5:00 p.m.

CONCURRENT SESSIONS

SESSION 9 – OVERVIEW ON CIVIL RIGHTS, DBE, AND RELATED REQUIREMENTS

Nancy Cibic, DBE/ACDBE Program Compliance Specialist/COR | *FAA*
Elisha Luyeho, Management Analyst | *FAA, Office of Civil Rights*
Catherine M. van Heuven | *Kaplan Kirsch & Rockwell*

FAA civil rights and DBE requirements apply not only to federally funded projects, but to a wide range of airport commercial endeavors. This session provides an opportunity to hear from FAA civil rights officials on current compliance requirements and practical approaches to addressing those requirements in airport contracting and operations. Participants will learn about federal requirements and which activities of airport sponsors are subject to federal civil rights and other contracting requirements.

SESSION 10 – CONTRACTING, LABOR, AND PROCUREMENT

Eric T. Smith | *Kaplan Kirsch & Rockwell*

The operator of a passenger terminal today is like the proprietor of a large business and faces a wide range of legal issues that are implicated by concessions, leases, and users' needs. Among the most complex and airport-specific are contracting, labor, and procurement requirements – which are affected by a web of local, state, and federal law. This session explores a number of the most important new issues that airport proprietors are confronting today in contracting, labor, and procurement with a particular focus on how airport requirements may be different from those applicable in other local government contexts. Particular attention will be on third-party contracts that are subject to federal requirements.

Tuesday, October 17

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

8:30 a.m. – 9:30 a.m. **SESSION 11 – NON-AERONAUTICAL DEVELOPMENT**

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

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. This session focuses on the role of airports as proponents of non-aeronautical development, whether that be for purely collateral development designed for revenue generation or for airport-oriented projects that enhance and complement aeronautical functions. The session will explore the unique legal framework for airports when they engage in commercial transactions that are unrelated or only tangentially related to the airport's aeronautical functions.

9:30 a.m. – 10:30 a.m. **SESSION 12 – PRIVATE-PUBLIC PARTNERSHIPS**

Adam M. Giuliano | *Kaplan Kirsch & Rockwell*
Peter J. Kirsch | *Kaplan Kirsch & Rockwell*

Public-private partnerships (also known as P3s) are common at airports worldwide but, until recent years, were virtually unheard of in the United States. For a number of legal, policy, and economic reasons (that will be discussed in this session), P3s are becoming increasingly popular as an alternative project delivery tool for a range of airport projects from terminals and car rental facilities to general aviation functions. This session presents the legal framework within which airport sponsors should examine P3s and places this particular project delivery tool into the context of other more traditional contracting methods. The session examines not only aeronautical projects but also non-aeronautical projects and the law that affects whether and how airport sponsors engage the private sector in airport development and operations.

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

10:45 a.m. – 11:45 a.m. **SESSION 13 – SAFETY, SECURITY, AND TORT LIABILITY**

Nicholas M. Clabbers | *Kaplan Kirsch & Rockwell*
Steven L. Osit | *Kaplan Kirsch & Rockwell*

The release of the FAA's long-delayed Safety Management System (SMS) rules has again been delayed, but more airport sponsors are recognizing that SMS is coming and that it will fundamentally change the role of the airport sponsor in policing safety. The legal landscape and sponsor liability will be changed by SMS and this session discusses how airport lawyers can prepare for the advent of this new regulatory scheme and what actions lawyers should take now to address the changes in liability that SMS will cause. Other new burdens face airports including initiatives by TSA to put a greater burden for airport security on airports. Like the SMS initiatives, the TSA proposals will inevitably require sponsors to play a greater role in security. This session explores these new obligations and the liability implications for airport sponsors.

12:00 p.m. – 1:15 p.m.

SESSION 14 AND LUNCH PRESENTATION: FIRST AMENDMENT ISSUES

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

Airports increasingly are finding themselves in the cross hairs of social and political debates – whether it be over immigration issues, labor relations, or the impacts of development. The law on permissible First Amendment activities on airport property is constantly evolving, and airport sponsors have developed sophisticated tools for maintaining the appropriate Constitutional balance. Denver International Airport has been at the forefront of these efforts and Mr. Reimer will discuss their efforts and the lessons that can be applied to airports nationwide from their experience.

1:30 p.m. – 2:30 p.m.

SESSION 15 – LATEST DEVELOPMENTS IN TSA REGULATIONS AND POLICIES

Francine Kerner, Chief Counsel | *TSA*

This conference's annual presentation from the TSA's Chief Counsel on TSA legal issues is always one of the highlights. 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.

2:30 p.m. – 3:30 p.m.

CONCURRENT SESSIONS

SESSION 16 – COMMERCIAL AIRPORT AGREEMENTS

Joseph F. Messina, Deputy Director of Regulatory Affairs | *Philadelphia International Airport*

Eric T. Smith | *Kaplan Kirsch & Rockwell*

Peter J. Kirsch | *Kaplan Kirsch & Rockwell*, Moderator

The structure and length of airline leases and agreements with other aeronautical users have both changed significantly in the last few years. This session explores the current trends in negotiation of use and lease agreements with airlines and other service providers at commercial airports and discusses strategies that airports can use in these negotiations. The session will examine the legal parameters under which airport negotiations occur and the strategies that airlines and others have used in such negotiations.

SESSION 17 – GENERAL AVIATION AIRPORT AGREEMENTS

W. Eric Pilsk | *Kaplan Kirsch & Rockwell*

Corinne Nystrom, A.A.E., Airport Director | *Falcon Field Airport*

General aviation airports face entirely different constraints from their commercial airport colleagues when negotiating agreements for FBOs and other service providers. This session discusses the role of minimum standards and rules/regulations at general aviation airports and the best practices for negotiation with service providers. The session addresses the increasingly competitive environment wrought by consolidation in the FBO industry and what that means for lease and other negotiations.

3:45 p.m. – 5:00 p.m.

SESSION 18 – HOT TOPICS AND 2018 FORECAST OF FORTHCOMING LEGAL ISSUES

John E. Putnam | *Kaplan Kirsch & Rockwell*, Moderator
Conference Faculty

The final session of the conference welcomes all faculty members to the podium to discuss a forecast for the coming year – new and regulatory policy initiatives, the status and predictions for reauthorization of the FAA, pending litigation, and other forums in which new airport law may arise. This interactive session provides a capstone to the conference and an opportunity for participants to hear the faculty's differing perspectives on hot legal topics facing airport lawyers.

Workshop Faculty

Mort P. Ames

*Senior Counsel of Aviation, Environmental, Regulatory, and Contracts Division,
City of Chicago Department of Law*
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Mort Ames is a Senior Counsel in the Aviation, Environmental, Regulatory & Contracts Division of the City of Chicago Department of Law, where he has worked since 1996. His responsibilities include aviation noise litigation, airport-related environmental compliance, and enforcement of municipal environmental ordinances and regulations relating to air and water pollution and solid waste.



Eduardo A. Angeles

*Senior Assistant City Attorney, Office of the Los Angeles City Attorney – Airport
Division (LAWA)*
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Eduardo (“Eddie”) Angeles currently serves as a Senior Assistant City Attorney for the Los Angeles City Attorney’s Office assigned to the Los Angeles World Airports (“LAWA”) Legal Division providing In-House legal services to LAWA which is responsible for the oversight and governance of LAX and Van Nuys Airports in Los Angeles County. Mr. Angeles is a member of the Landside Modernization Access Program (“LAMP”) legal team responsible for one of the largest public private partnership (“P3”) infrastructural project in the United States.

Prior to his current position, Mr. Angeles served as a Presidential Appointee as the Federal Aviation Administration’s Associate Administrator for Airports. He oversaw a \$3.5 billion annual Federal airport grants program and passenger facility charge collections totaling \$2 billion. He also managed programs for national airport planning and development, including safety standards, design and engineering, certification, environmental processing, and financing.

Previously, Mr. Angeles served as Senior Assistant City Attorney for the Los Angeles City Attorney’s Office among other duties that included as General Counsel to LAWA where he oversaw legal matters for four airports at the time in Southern California: LAX, Ontario, Van Nuys, and Palmdale. Before moving to Los Angeles, he served in the San Francisco City Attorney’s Office assigned to the San Francisco International Airport’s Legal Division.

Mr. Angeles earned his undergraduate degree from 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. Mr. Angeles was also an elected school board member on the Jefferson Union High School, Governing Board of Trustees and previously a Governor Brown appointee to the California Board of Vocational Nursing and Psychiatric Technicians.

Mr. Angeles is married to Evelyne and they have two adult sons: Dannie, who is a graduate of the College of William & Mary and University of Virginia Medical School; and Andrew, who received his Undergraduate and Master’s degrees from the Harris School of Public Policy at the University of Chicago and now pursuing his law degree at the University of California, Hastings College of the Law.

Workshop Faculty



Nancy Cibic

DBE/ACDBE Program Compliance Specialist/COR, FAA
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Nancy Cibic is the Great Lakes Region DBE/ACDBE Program Specialist and the FAA National lead for the FAA Civil Rights Connect System. She has 39 years with FAA and held positions in Engineering, Air Traffic, and currently the Office of Civil Rights. She also worked at AT&T for 5 years on FAA and FCC regulatory requirements. She has a BS in Economics and Business Administration. Her hobbies are gardening and landscaping.



Nicholas M. Clabbers

Associate, Kaplan Kirsch & Rockwell LLP
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Nick Clabbers' practice encompasses a wide range of airport, transit, and environmental law issues. Mr. Clabbers is heavily involved in the Firm's administrative and litigation practices. He has represented numerous airport sponsors in proceedings before the Federal Aviation Administration and courts on matters of grant compliance, environmental reviews, and airport development. He also has experience drafting and negotiating agreements on behalf of airport sponsors and other public entity clients. Mr. Clabbers frequently counsels public and private entities on compliance with local, state, and federal environmental law. Previously, he served in two different legal positions at the United States Environmental Protection Agency, where he worked on a number of different matters concerning the Clean Air Act and renewable fuel standards.

Workshop Faculty



Ginger S. Evans

Commissioner, Chicago Department of Aviation (CDA)

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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. Ms. 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 17th 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.

Ms. 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, DC. 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, Ms. 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.



Michael S. Fineman

Attorney of Airports & Environmental Law Division, FAA

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Michael Fineman 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. He also works with the FAA Office of Airports on matters involving compliance with sponsor grant assurances. Prior to joining the FAA in 2012, Mr. Fineman was legal counsel to Hartsfield-Jackson Atlanta International Airport. Before that, he spent three years in the Office of the Attorney General for the Republic of Palau representing the newly-sovereign Pacific Island Nation's Ministry of Transportation and the Palau National Aviation Administration. Mr. Fineman is a graduate of the George Mason University School of Law and the University of Montana.

Workshop Faculty



Adam M. Giuliano

Partner, Kaplan Kirsch & Rockwell LLP

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Adam Giuliano's practice focuses on transactional matters related to transportation and infrastructure. He has experience advising public agencies, investors, project sponsors, contractors, and lenders in connection with the procurement, project financing, concessioning, privatization, and construction, operations, and maintenance of a variety of infrastructure, transportation, and energy facilities. His past projects have involved highways, roads and bridges, parking, transit, commuter rail and high-speed rail, airports, ports, water and wastewater, schools, telecommunications, energy and power generation, renewables, and natural resources. He has also represented clients on matters related to the governance, sale, and acquisition of project companies and infrastructure investment vehicles.

Mr. Giuliano has particular expertise advising on the use of public-private partnerships (P3 / PPP) and related alternative project delivery methods, including design-build contracting.

Prior to pursuing a legal career, he worked at a nonprofit foundation concentrating on economic and community development in Newark, New Jersey. This included work on land use, school redevelopment, and workforce issues as well as a downtown arena project.



Marci A. Greenberger

Senior Program Officer, Airport Cooperative Research Program

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 are not currently being researched. Ms. Greenberger 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.

Workshop Faculty



Amy B. Hanson

Environmental Protection Specialist, Great Lakes Region, FAA
amy.hanson@faa.gov

Amy Hanson has been an Environmental Protection Specialist at the Federal Aviation Administration's Chicago Airports District Office since 2003. She managed the FAA's Third Party Consultant for the 2005 O'Hare Modernization Environmental Impact Statement and the 2015 Written Re-Evaluation of the document. Ms. Hanson is responsible for FAA NEPA reviews for Illinois and also serves as the Part 150 specialist for the Great Lakes Region. She is the Program Manager for the Proposed South Suburban Airport and for O'Hare and Midway residential sound insulation programs.

Before the FAA, Ms. Hanson was an aviation environmental consultant for Landrum & Brown, and prior to that was a general environmental consultant for commercial and residential real estate. She received her Bachelor of Science in Environmental Science from Carroll University.



Lorraine M. Herson-Jones

Manager of Airport Compliance Division, FAA
lorraine.herson-jones@faa.gov

Lorraine Herson-Jones is the Manager of the Compliance Division at FAA Office of Compliance and Management Analysis. Her office oversees compliance with statutory, regulatory and policy requirements of Federal grant assurances and surplus property obligations. The Compliance Division provides economic and financial oversight of airport rates and charges and adjudicates airport user formal complaints filed against airport sponsors. Previously, Ms. Herson-Jones was the Assistant Manager at Phoenix Airports District Office. Her responsibilities included oversight of grant programming, grant performance, environmental compliance and airport compliance issues for federally-obligated airports in Arizona and Nevada.

Ms. Herson-Jones came to the Airports Division from FAA Regional Counsel's office, where she provided advice on environmental, compliance, and aviation law to the Western-Pacific Region for 10 years. Before joining the FAA, she was an Assistant Attorney General for the State of Maryland, representing the Department of the Environment on air quality and water quality matters. She graduated from University of Baltimore School of Law and Virginia Tech with a Bachelor's Degree in Forestry and Wildlife.

Workshop Faculty



Francine Kerner

Chief Counsel, TSA

francine.kerner@tsa.dhs.gov

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, Ms. 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, Ms. 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.

Workshop Faculty



Peter J. Kirsch

Partner, Kaplan Kirsch & Rockwell LLP

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Peter Kirsch's practice focuses on transportation, infrastructure, and other public sector projects. Mr. Kirsch 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. He represents many airport sponsors before Congress and federal administrative agencies.

For nearly 30 years, Mr. Kirsch has been involved in the development of airport infrastructure – including most of the new commercial airports in the United States as well as dozens of airport expansions, redevelopment projects, and development of airport lands for non-aeronautical projects. He advises airports on financial matters, regulatory compliance, leasing, development, land use issues, environmental impacts, and relations with their host communities. He has litigated all of these issues in federal and state courts, courts of appeals, and in Part 16 proceedings before the FAA. Increasingly, Mr. Kirsch provides counsel to airports on creative and precedent-setting revenue-generating projects in the development of land and in concession arrangements.

For highways, dams, and other infrastructure projects, 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.



Elisha Luyeho

Management Analyst, FAA, Office of Civil Rights

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Elisha Luyeho is a Management Analyst working principally with the Airport Disability Compliance Program. He is responsible for overseeing compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act at airports within the FAA Southern and Southwest Regions, covering 13 states. His responsibilities include providing accessibility technical assistance and training, investigating complaints of discrimination based on disability. In addition, he leads the nationwide airport disability compliance review program.

Mr. Luyeho has a Master of Science degree in Aviation and Transportation. He has been involved in the aviation industry for about 10 years, including working with the FAA Air Traffic Organization Runway Safety Program Office. Mr. Luyeho previously served as Acting Team Lead for the Airport Disability Compliance Program and as an Equal Employment Opportunity (EEO) Specialist in the FAA EEO program, providing guidance to managers and employees on Title-VII matters related to employment.

Workshop Faculty



Joseph F. Messina

Deputy Director of Regulatory Affairs, Philadelphia International Airport
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Joseph F. Messina was appointed Deputy Director of Aviation for Regulatory Affairs of Philadelphia International Airport in June of 2016. He is responsible for federal and state regulatory issues and compliance, enterprise risk management, air cargo development, air service development, relations with neighboring jurisdictions and strategic initiatives.

Prior to his current role, Mr. Messina served as General Counsel to Philadelphia International for 18 years.

Mr. Messina holds a Bachelor of Science in Accounting from St. Joseph's University, a Master in Business Administration from Temple University, a Juris Doctor from Duquesne University School of Law and a Master of Laws in Taxation from Temple University School of Law. He is a member of the Legal Steering Group of Airport Counsel International-North American and served as a past Chair of that group. He is a Certified Member of the American Association of Airport Executives.

In 2015, he received the Joseph I. Mulligan, Jr. Distinguished Public Service Award from the International Municipal Lawyers Association. He co-authored an article "Emerging trends in airport-airline use and lease agreements in the USA" which was published in the Journal of Airport Management, Summer 2016 edition.



Scott E. Mitchell

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Scott Mitchell is the Manager of 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 federal and state environmental laws. Mr. Mitchell is a *cum laude* graduate of the University of Florida where he majored in engineering. Following college Mr. Mitchell worked as a chemical engineer for the E. I. du Pont de Nemours & Co., Inc. Mr. Mitchell earned his J.D. *cum laude* from the Georgetown University Law Center where he was an Associate Editor of *The Georgetown Law Journal*.

Workshop Faculty



Susan Mowery-Schalk

Director, Airports Division, Great Lakes Region, FAA

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Sue Mowery-Schalk as Director leads the FAA's Great Lakes Airports Division team to support the planning and safe development of the 640 airports that are part of the national plan of integrated airport system located in the 8 Great Lakes states. During FY 2016, the Great Lakes Airports District Offices issued over \$574 million in Airport Improvement Program grants.

Ms. Mowery-Schalk joined the FAA in 2010 with diverse professional experience in the airport industry having spent 27 years in the private sector, specializing in airport planning and environmental documentation, after beginning her career as the Assistant Airport Director of a commercial service airport.

Ms. Mowery-Schalk has a Masters of Public Administration from Indiana University and a BS (*magna cum laude*) in Aviation Administration from Indiana State University. She became licensed as a commercial pilot with an instrument-rating in 1980. In addition, she became an Accredited Airport Executive in 1986, was certified as an American Institute of Certified Planners in 1990.

Ms. Mowery-Schalk served as Chair of the Airport Consultants Council in 2001-2002. Sue also received the following aviation awards:

- 2011 Secretary of Transportation's Partnering for Excellence Award
- 2007 Indiana Aviation Person of the Year, Aviation Association of Indiana
- 1999 President's Award, Airport Consultants Council
- 1986 Indiana Aviation Special Recognition Award, Aviation Association of Indiana



Corinne C. Nystrom, A.A.E.

Airport Director, Falcon Field Airport

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Corinne has been employed in the airport management profession for over 31 years. She is the Airport Director at Falcon Field Airport in Mesa, Arizona, which is home to over 700 based aircraft and over 95 businesses. Ms. Nystrom previously served as the Airport Manager in Grand Junction, Colorado. Currently, she is the Vice Co-Chair of the AAAE General Aviation Airports Committee and also serves on the SWAAAE Board of Directors. She previously served as the president of both the Arizona Airports Association and the Colorado Airport Operators Association, as well as serving on various community-related boards. In 2002, Ms. Nystrom was appointed by the Governor of Colorado to serve as the airports representative on the Colorado Aeronautical Board and served in this capacity until accepting her current position in Arizona. She is an accredited airport executive (A.A.E.) and earned a bachelor of science degree in business management from the University of Colorado with emphases in human resources and transportation management.

Workshop Faculty



Steven L. Osit

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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, Mr. Osit also gained experience with the Federal Transit Administration and the Federal Railroad Administration.

During law school, Mr. Osit 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. Mr. Osit is a certificated private pilot.



Bonnie D. Ossege

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Ms. Ossege joined Ricondo & Associates, Inc. in 1996, and is a Vice President in the firm's business and financial consulting practice. She has a Bachelor's degree in Accounting from the University of Delaware and an MBA from Concordia University in Montreal.

Throughout her career, Ms. Ossege has assisted airport sponsors with the planning and implementation of their capital development programs including the development of financial feasibility analyses, the negotiation of and development of airline-airport use and lease agreements, development of airline rates and charges, and revenue bond feasibility studies. She has assisted with the development and submittal of PFC Applications and Amendments for all size airports including the development of PFC strategy. For many assignments, she has developed or managed the development of computerized airline rates and charges models, which were designed for implementation and use by airports for the ongoing review of their airline rates and charges. She has assisted airport sponsors with developed aviation activity forecasts, and evaluated rental car customer facility charge funding strategies.

Workshop Faculty



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. Mr. Pilsk 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.

Mr. Pilsk'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, he 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

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John Putnam counsels and litigates on behalf of public and private entities on the development and operation of infrastructure. Mr. Putnam 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 (NEPA), air quality, climate change, noise, transportation regulations, and natural resources.



Daniel S. Reimer

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Dan Reimer is the Assistant General Counsel at Denver International Airport. Mr. Reimer provides advice and counsel on DEN's compliance with federal law, regulation and policy, and supervises the airport law department. Mr. Reimer came to the Denver City Attorney's Office in 2014, after sixteen years in private practice representing airports across the country. For nine years, Mr. Reimer chaired and served on the faculty of the Basics of Airport Law Workshop and Legal Update. He has authored several publications and articles on airport law and lectured extensively on the subject.

Workshop Faculty



Eric T. Smith

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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. Mr. Smith 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, Mr. Smith 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, Mr. Smith 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, Mr. Smith has been deeply involved in all post-9/11 airline bankruptcy cases.

Patrick J. Wells

Environmental Law Field Branch Manager, Office of the Chief Counsel, FAA

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Patrick Wells has been an attorney with the Federal Aviation Administration since 2003. Mr. Wells is the Environmental Law Field Branch Manager and works with a team of attorneys located in FAA Regional Offices. He is part of the Airports & Environmental Law Division that provides legal advice on all airport matters and on environmental matters for all lines of business, including relationships with state and local governments. The Division addresses questions concerning environmental policies and procedures. It also addresses questions concerning policies and procedures for airport planning and programs, such as the Airport Improvement Program, Passenger Facility Charge Program, the Airport Compliance Program, airport noise compatibility planning and programs, and the national program for review of airport noise and access restrictions. Other programs supported include the Commercial Space Transportation Environmental Program, the Disadvantaged Business Enterprise Program, and the Airport Privatization Pilot Program. Mr. Wells graduated from the American University, Washington College of Law.

Workshop Faculty



Catherine (“Katie”) van Heuven

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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.

Ms. van Heuven has extensive experience advising airport sponsors on matters involving compliance with Federal Aviation Administration 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. Ms. van Heuven has litigated airport cases in multiple federal courts of appeal.

In addition, Ms. van Heuven 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.

Ms. van Heuven 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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