

 KAPLAN KIRSCH
ROCKWELL

2018 Workshop Guide



AMERICAN ASSOCIATION
OF AIRPORT EXECUTIVES



International Municipal
Lawyers Association

Advancing Excellence In the practice of Local Government Law

General 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.

WI-FI.

1. Select Network: **Meetings at The Watergate**
2. Open web browser for Splash Page
3. Select: **Meeting Room and Conference Access**
4. Username: **Watergate1**
Password: **Hotel2018**
5. Accept Terms and Conditions

NAME BADGES. Name badges must be worn at all times. Your name badge is your ticket to all sessions and meals. Please visit the registration table if your badge is misplaced.

CLE ACCREDITATION. It is the responsibility of each participant to file the appropriate paperwork with your state bar for continuing legal education credit for this course. We have secured CLE accreditation from Colorado, Florida, Texas, and Washington. We will apply for accreditation to Virginia after the conference. CLE forms for all approved states will be available with the conference materials at 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, please contact Jenn Fox with Kaplan Kirsch & Rockwell at the conference or by e-mail at jfox@kaplankirsch.com.

TRB RESOURCES. Chapter 31 in *The Airport Law Desk Reference* provides 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 at the TRB website www.trb.org. QR codes to these materials are printed in Chapter 31, and hyperlinks are available at www.airportlawconference.com under the "TRB Publications" link.

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 publishes. Each digest 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.

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.

QUESTIONS? During the conference, if you have questions, please contact Melissa Sabatine, any AAE staff member, or any of the Kaplan Kirsch & Rockwell attorneys.

Agenda

Sunday, October 28

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*

John E. Putnam | *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 introduces 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

Marci A. Greenberger | *Transportation Research Board*

Nicholas M. Clabbers | *Kaplan Kirsch & Rockwell*

This session introduces 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 uncommon 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 discusses 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 29

8:00 a.m. – 8:45 a.m.

REGISTRATION AND CONTINENTAL BREAKFAST

8:30 a.m. – 8:45 a.m.

WELCOME

Melissa Sabatine | *American Association of Airport Executives*

8:45 a.m. – 9:45 a.m.

SESSION 3 – SPONSOR OBLIGATIONS PART 1: AVOIDING COMPLIANCE ISSUES IN EVERYDAY OPERATIONS

W. Eric Pilsk | *Kaplan Kirsch & Rockwell*
Daniel S. Reimer | *Denver International Airport*
Kevin C. Willis | *Federal Aviation Administration*

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 arise. The session also reviews recent FAA compliance decisions and provides 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: GRANT ASSURANCES AFFECTING AIRPORT DEVELOPMENT

Steven L. Osit | *Kaplan Kirsch & Rockwell*
Catherine M. van Heuven | *Kaplan Kirsch & Rockwell*

Developing new airport projects or property can raise complex grant assurance issues, and it is important that airport lawyers 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 focuses on issues relating 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

Monday, October 29

11:00 a.m. – 12:00 noon

CONCURRENT SESSIONS

SESSION 5 – NEGOTIATION OF AIRLINE USE AND LEASE AGREEMENTS

Joseph F. Messina | *Philadelphia International Airport*
Eric T. Smith | *Kaplan Kirsch & Rockwell*

The structure and length of airline leases and agreements with other aeronautical users have changed significantly over 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 examines the legal parameters under which airport negotiations occur and the strategies that airlines and others have used in such negotiations.

SESSION 6 – UNDERSTANDING GENERAL AVIATION LEASES AND TENANT AGREEMENTS

W. Eric Pilsk | *Kaplan Kirsch & Rockwell*
Catherine M. van Heuven | *Kaplan Kirsch & Rockwell*

Leases and other agreements with tenants are the primary legal documents general aviation airports use to govern their relationships with FBOs, hangar tenants and owners, and other airport users. Therefore, lease and other agreements are critical from financial, business, and compliance perspectives, often requiring delicate balancing of competing interests. This session discusses best practices for negotiation with the full range of airport tenants, including the role of minimum standards and airport rules and regulations, given evolving compliance requirements and the changing economic structure of the FBO industry and general aviation overall.

12:15 p.m. – 1:30 p.m.

SESSION 7 AND LUNCH: CONGRESSIONAL UPDATE AND RELATED TOPICS

Joel D. Bacon | *American Association of Airport Executives*

This lunch session features senior lobbyist Joel Bacon, who provides an update on activity on Capitol Hill, including annual appropriations and other legislative activity of particular interest to airports and airport lawyers. This session also explores an insider perspective on how national politics will affect prospects for airport-related litigation after the 2018 mid-term elections.

Monday, October 29

1:45 p.m. – 2:45 p.m.

CONCURRENT SESSIONS

SESSION 8 – BASICS OF AIRPORT FINANCE

David Y. Bannard | *Kaplan Kirsch & Rockwell*
Michael L. Wheat | *Frasca & Associates*

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 9 – NEW DEVELOPMENTS AND POLICIES AFFECTING AIRPORT FINANCE

Bonnie A. Ossege | *Ricondo & Associates, Inc.*
Eric T. Smith | *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 10 – PREPARING FOR NEW AIRPORT PROJECTS: MASTER PLANNING, DEVELOPMENT, AND ENVIRONMENTAL REVIEW

Gail C. Orendorff | *Federal Aviation Administration*
Catherine M. van Heuven | *Kaplan Kirsch & Rockwell*

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.

3:45 p.m. – 4:00 p.m.

AFTERNOON REFRESHMENT AND NETWORKING BREAK

4:00 p.m. – 5:00 p.m.

SESSION 11 – THE LAW OF AIRPORT NOISE

Mary Ellen Eagan | *Harris Miller Miller & Hanson*
John E. Putnam | *Kaplan Kirsch & Rockwell*

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 analyzes how those relationships affect an airport sponsor's obligations and legal authority to address noise issues.

8:00 a.m. – 8:30 a.m.

REGISTRATION AND CONTINENTAL BREAKFAST

8:30 a.m. – 9:30 a.m.

SESSION 12 – PUBLIC-PRIVATE PARTNERSHIPS AND AIRPORT CONCESSIONS

Brent E. Butzin | *Kaplan Kirsch & Rockwell*

Peter J. Kirsch | *Kaplan Kirsch & Rockwell*

Public-private partnerships (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 (to 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 both aeronautical and non-aeronautical projects, as well as the law that affects whether and how airport sponsors engage the private sector in airport development and operations. The session discusses recent changes in laws designed to facilitate airport P3 projects.

9:30 a.m. – 9:45 a.m.

MORNING REFRESHMENT AND NETWORKING BREAK

9:45 a.m. – 10:30 a.m.

CONCURRENT SESSIONS

SESSION 13 – SAFETY, SECURITY, AND TORT LIABILITY

Nicholas M. Clabbers | *Kaplan Kirsch & Rockwell*

Steven L. Osit | *Kaplan Kirsch & Rockwell*

Operating a safe and secure airport is one of an airports sponsor's most important obligations. Airport lawyers must understand the source of these obligations to ensure grant assurance and regulatory compliance, as well as to protect their clients from liability for airfield and other types of accidents. This session explores airport lawyers' roles in ensuring the safety of their airports and how they can prepare for the advent of the FAA's Safety Management Systems rule – a long-delayed, but likely inevitable regulatory scheme that will significantly impact the scope of sponsors' safety obligations and potential liability. On the security front, airports have recently encountered confusion and complications in negotiations with Customs and Border Protection over space and screening for new international service. This session explores an airport sponsor's role, rights, and responsibilities with respect to TSA, CBP, and associated security issues.

SESSION 14 – GROUND TRANSPORTATION REGULATION

David Y. Bannard | *Kaplan Kirsch & Rockwell*

James T. Jarvis | *Ricondo & Associates, Inc.*

Ground access to and egress from airports, particularly urban large and medium hub airports, has become a significant choke point. However, federal law designed to protect airports from diverting airport revenues substantially limits airports' abilities to help fund needed ground access projects. The rise of transportation network companies (TNCs) like Uber and Lyft has also had a significant impact and has disrupted expectations and important sources of non-aeronautical revenues. Alternatives to traditional rental car models are springing up, challenging the existing status quo. Providers of these disruptive technologies are seeking to circumvent the ability of airports to regulate and impose fees on them. This session examines the growing body of regulatory and statutory law that influences ground access at U.S. airports, as well as the federal limitations and requirements pertaining to funding ground access improvement projects. Lastly, we will look ahead and help practitioners begin to identify additional legal and operational issues that may arise in the context of ground transportation at airports, including the potential impact of both land-based and aerial autonomous vehicles.

10:45 a.m. – 11:45 a.m.

SESSION 15 – A DISCUSSION OF THE FEDERAL ROLE IN NON-AERONAUTICAL DEVELOPMENT

Elliott Black | *Federal Aviation Administration*
Peter J. Kirsch | *Kaplan Kirsch & Rockwell*

Many airports are increasingly becoming real estate developers and investors, using airport real estate to generate revenue and increase local economic activity. Airport lawyers need to understand the strategies that airports use to attract non-aeronautical development and the evolving regulatory requirements for such projects. This session focuses on the role of airports as proponents of non-aeronautical development, whether it is purely for collateral development designed for revenue generation or for airport-oriented projects that enhance and complement aeronautical functions. The session explores the unique legal framework for airports when they engage in commercial transactions that are unrelated to the airport's aeronautical functions. This topic is especially timely given changes in the FAA Reauthorization Act of 2018, which modifies FAA's role in oversight of non-aeronautical development.

12:00 noon – 1:15 p.m.

SESSION 16 AND LUNCH: WHY AIRPORT LAWYERS MATTER: OUR ROLE IN CRITICAL POLICY ISSUES (PART ONE)

John E. Putnam, Moderator | *Kaplan Kirsch & Rockwell*
ALL CONFERENCE FACULTY

This session will introduce the discussion of the myriad issues facing airport lawyers today. This discussion will begin during this lunch session and continue in Session 19, as a wrap-up to the entire conference. This is intended to be an interactive session permitting conference attendees to raise questions and engage in discussion with the faculty.

1:30 p.m. – 2:15 p.m.

SESSION 17 – LATEST DEVELOPMENTS IN TSA REGULATIONS AND POLICIES

Francine Kerner | *Transportation Security Administration*

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 provides a frank, off-the-record discussion of legal problems facing airport security.

2:15 p.m. – 2:45 p.m.

AFTERNOON REFRESHMENT AND NETWORKING BREAK

2:45 p.m. – 3:45 p.m.

SESSION 18 – PUBLIC FINANCING OF AIRPORT INFRASTRUCTURE

David Y. Bannard | *Kaplan Kirsch & Rockwell*
Brian J. Gallucci | *PFM Financial Advisors LLC*

Debt financing to fund airport capital programs is a complex area of law, requiring familiarity with federal airport, tax and securities law, state and local municipal finance law, and the business and revenues of the airport for which the debt will be issued. This session provides an overview of these complex issues including the security and structuring of tax exempt and taxable bonds for airport projects, general airport revenue bonds (GARBs), special facilities revenue bonds, PFC-backed bonds, variable rate debt, and fixed-rate bonds. We also dig into the SEC's oversight of new issue and continuing disclosure, as well as the federal tax law requirements applicable to both governmental purpose and airport facility private activity bonds and other mysteries of the municipal bond world.

Tuesday, October 30

3:45 p.m. – 5:00 p.m.

SESSION 19 – WHY AIRPORT LAWYERS MATTER: OUR ROLE IN CRITICAL POLICY ISSUES (PART TWO)

John E. Putnam, Moderator | *Kaplan Kirsch & Rockwell*
ALL CONFERENCE FACULTY

The final session of the conference welcomes all faculty members to the podium to discuss what we do and why we like to do it. Airport lawyers play a vital role in ensuring that policy leaders are provided with thoughtful and forward-thinking legal analysis to prepare them and the airports they serve for the inevitable changes and disruptive technologies they will be confronting in the near future. Increasingly, airport lawyers are also drawn into the debate on innovative (and disruptive) legal issues, including airports' evolving role as the forum for addressing social issues and the target of disruptive technology; legalization of marijuana; and the legal implications of new technology such as ride-sharing, car-sharing, drones, and multi-modal connections. Changes in law as a result of the FAA Reauthorization Act of 2018 also challenge airport lawyers and their ability to provide helpful counsel in the face of changing federal requirements. 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



Joel D. Bacon

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

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

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

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

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



David Y. Bannard

Attorney, Kaplan Kirsch & Rockwell LLP
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David Bannard is a partner with Kaplan Kirsch & Rockwell, resident in Boston. Dave's practice is focused on representing airports in a wide variety of matters, including financings, negotiating use and lease agreements, regulatory and rate-setting issues, leasing, work-outs, public-private partnerships, and concessions agreements. He also serves as bond counsel, disclosure counsel, and underwriter's counsel for airport revenue bond financings. Dave has over 25 years of experience with airport law, in both private and public sector practice.

Before joining Kaplan Kirsch, Dave led the airport services practice at a large, national law firm and prior to that, he served as Deputy Chief Legal Counsel to the Massachusetts Port Authority. Dave oversaw Massport's transactional legal work, participated in the issuance of nearly \$2 billion of revenue bonds and was charged with legal oversight of Massport's financial matters, as well as over most significant airport development projects, including development of Terminal A, the consolidated fuel system, and the Logan Airport Hilton Hotel. He was also Massport's legal liaison to the Central Artery/Tunnel ("Big Dig") project.

Before entering the practice of law, Dave was a free-lance musician for nearly 10 years. During his musical career, his positions included acting as the principal trumpet of the National Orchestra of Ecuador, as well as serving as a member of the orchestra of the Opera Company of Boston, Pro Arte Chamber Orchestra, the Spoleto Festival Orchestra, and the Chicago Symphony's training orchestra – the Civic Symphony of Chicago.

Dave is a past chair of the ACI-NA Associates Board and a former member of the ACI-NA Board and the Legal Steering Committee. He is the immediate past chair of the ACRP's legal committee and the Chair of the Federal Bar Association's Transportation and Transportation Security Law Section. He holds his law degree, *cum laude*, from Boston College Law School where he was an editor of the *Boston College Law Review*. He also holds a Masters in Music from Northwestern University and a Bachelor of Music Education, with distinction, from the Indiana University School of Music.

Workshop Faculty



Elliott Black

Director, Office of Airport Planning and Programming, FAA

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Elliott Black has been active in the aviation industry for more than 28 years – with nearly half of that time in the FAA. He was appointed Director of the FAA's Office of Airport Planning and Programming in April 2014, after serving as Deputy Director for more than four years.

The Office of Airport Planning and Programming oversees the FAA's programs related to airport and system planning, environmental processing and financial assistance programs, including both the Airport Improvement Program and the Passenger Facility Charge program.

Prior to his appointment to FAA Headquarters in 2010, Mr. Black worked for more than five years in the FAA's Great Lakes Region as Manager of the Planning and Programming Branch.

He has formal training in architecture, planning and policy, and has held positions at Boston Logan and Chicago O'Hare, as well as experience as a consultant in airport planning, environmental processing, financial planning and capital program implementation, in such diverse locations as Boston, Chicago, Los Angeles, San Diego, Anchorage, and Toronto.

He has played key roles in airport planning, complex capital and O&M budget planning, financial feasibility studies, airline negotiations, airport operational matters, community relations, airport bond financing, and procurement for large-scale professional services and construction contracts.



Brent E. Butzin

Attorney, Kaplan Kirsch & Rockwell LLP

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Brent Butzin's practice focuses on the structuring, financing, and delivery of complex projects involving multiple parties through the use of public-private partnerships (P3) and other alternative contracting methods. He primarily advises public agencies in connection with the negotiation, financing, construction, and operation of a variety of infrastructure and service delivery projects. His current work includes a broad array of surface transportation, airport, joint development, value capture, and asset monetization projects utilizing both revenue risk and availability payment/performance-based funding structures.

Previously, Brent served as general counsel to the High Performance Transportation Enterprise (HPTE), a government-owned business and division of the Colorado Department of Transportation (CDOT) and the office responsible for pursuing public-private partnerships and other innovative means of project finance and delivery in Colorado. He has also advised private developers on the organization and structuring of taxing districts, improvement districts, and other special purpose entities to support public infrastructure development.

From 2008 to 2010, Brent worked as a City Management Advisor for the U.S. State Department based in Iraq, where he served as a senior advisor to mayors and district councils on the reconstruction of critical infrastructure and the development of local governance capacity. Brent is also a licensed Professional Engineer.

Workshop Faculty



Nicholas M. Clabbers

Attorney, Kaplan Kirsch & Rockwell LLP

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Nick Clabbers' practice encompasses a wide range of airport, transit, and environmental law issues. Nick 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. Nick frequently counsels public and private entities on compliance with local, state, and federal environmental law. Previously, Nick 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.



Mary Ellen Eagan

President and CEO, Harris Miller Miller & Hanson

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Mary Ellen Eagan's career has been focused on the environmental impacts of aviation, particularly noise. She brings more than 30 years of innovative technical analyses, effective stakeholder communications, and leadership in research and policy-making to her work.

Ms. Eagan has led research projects through the National Academy of Sciences on the effects of noise on children, and is currently supporting the FAA's noise annoyance study, which is likely to have significant policy implications in the U.S. Her international expertise includes serving as an appointed member of the Airports Council International (ACI) World Environment Standing Committee and on the International Civil Aviation Organization (ICAO) Committee on Aviation Environmental Protection (CAEP) Working Group 2.

Ms. Eagan holds leadership positions in several organizations: she is past chair of TRB's Aviation Group and its Committee on the Environmental Impacts of Aviation; she is current Board Chair of the Airport Consultants Council; she co-chairs the ACI-NA Environmental Committee's Noise Working Group, and is a member of ACI's NextGen Working Group and the World Environment Standing Committee.

Ms. Eagan became HMMH's President in 2004, and Chairman and CEO in 2013. She holds a B.S. in Engineering from Cornell University and an MBA from Simmons College.

Workshop Faculty



Brian J. Gallucci

Managing Director, PFM Financial Advisors LLC

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Brian Gallucci joined PFM in 2005 and is a leader of PFM's Airport Group. Brian has extensive experience providing technical analysis and strategic financial advice for municipal airports and seaports, as well as other municipal issuers. He assists airports with long-term financial planning, the structuring of debt and other financing solutions, transaction execution and advisory services related to debt management and the financing of capital programs. He has advised clients on the use of a variety of debt structures, including publicly offered and privately placed bonds; fixed-rate, variable-rate and synthetic debt; interim financing vehicles; and other creative structures and mechanisms. He helps clients develop an overall credit strategy and approach and prepares material for presentation to the rating agencies and investors.

In his career, Brian has worked with entities of all sizes and characteristics across the nation. He has helped clients plan, structure and issue debt to fund prominent aviation and maritime projects including airport and seaport terminal development, runway and airfield projects, rental car facilities, fuel systems, multimodal transportation facilities and other unique capital projects.



Marci A. Greenberger

Senior Program Officer, Airport Cooperative Research Program

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

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



James T. Jarvis

Senior Vice President, Ricondo & Associates, Inc.

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Mr. Jarvis is a Senior Vice President with Ricondo & Associates, Inc. (Ricondo). Ricondo is an international aviation planning consultancy dedicated to airport facility planning, airport business advisory and financial services, airport operations research, and environmental impact assessments of airport operations. He has more than 25 years of professional airport surface transportation planning experience.

Mr. Jarvis has a Masters of Regional Planning with a concentration in transportation. Prior to joining Ricondo he served as the Manager of Transportation Planning at the Massachusetts Port Authority (Massport), owner and operator of Boston's Logan International Airport where he lead a team of professionals researching and modeling intermodal mode choice decisions factors. His work was instrumental in the development of the Authority's intermodal transportation policies resulting in implementation of a new transit link to Logan Airport (MBTA Silver Line).

Since joining Ricondo in 2000, he has managed airport access projects at many of the world's busiest airports including Atlanta Hartsfield-Jackson, Abu Dhabi International, Baltimore Washington International, Chicago O'Hare, Dallas Fort Worth, Denver International, Houston Intercontinental, Los Angeles World, Miami International, Phoenix Sky Harbor, and Washington Dulles International.

Mr. Jarvis has presented at industry conferences including the Transportation Research Board, the American Public Transportation Association, Airport Revenue News, the Clean Airports Summit, the Las Vegas World Aviation Forum, Airport Cities (Hong Kong and Frankfurt), Airports Council International (ACI), ACI Business of Airports, and the American Association of Airport Executives (AAAE). He has lectured at the Harvard University Graduate School of Design, The Real Estate Program at Georgetown University, The University of North Carolina Department of City and Regional Planning, and Virginia Tech's School of Urban Affairs and Planning.

Mr. Jarvis currently serves on the ACI-North America Associates Board of Directors, the ACI-International World Business Partners Advisory Board, and the Ricondo & Associates, Inc. Board of Directors.

Workshop Faculty



Francine Kerner

Chief Counsel, TSA

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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.

Workshop Faculty



Peter J. Kirsch

Attorney, Kaplan Kirsch & Rockwell LLP

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Peter Kirsch's practice focuses on regulation and development of infrastructure and other public sector projects. Peter represents clients ranging from local governments to the private sector 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 airport sponsors and local governments before Congress and federal administrative agencies.

For nearly 30 years, Peter has been involved in the development of airport infrastructure – including many 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, Peter provides counsel to airports on creative and precedent-setting revenue-generating projects in the development of land and in concession arrangements. Public-private partnerships have become a focus on his practice in recent years, and he has represented both airports and private sector investors in airport management and development projects.

For a wide range of infrastructure projects, Peter advises clients on compliance with federal environmental laws, with a particular focus on the National Environmental Policy Act and on the regulatory strings that come attached to federal funding of transportation infrastructure or use of federal lands.

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; local, state and federal government affairs; enterprise risk management; 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. He also served as Acting Chief Administrative Officer of the airport from January–July 2018

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

Workshop Faculty

Gail C. Orendorff

Senior Attorney, Office of Chief Counsel, Federal Aviation Administration

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

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

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

Workshop Faculty



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, 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.



Bonnie A. Ossege

Vice President, Ricondo & Associates, Inc.

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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. Eric handles cases involving federal aviation laws and regulations, federal preemption, the ICC Termination Act, the National Trails System Act, NEPA, the APA, Native American trust claims, and a wide range of issues regarding land use and constitutional law at the state and federal levels. He has acted as lead trial counsel in trials in state and federal courts and administrative agencies, including contested evidentiary hearings before the FAA in FAR Part 16 proceedings.

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



John E. Putnam

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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.



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. Eric is also experienced in labor and employment matters and assists airports in navigating the myriad of issues involving on-airport employment matters, including labor peace agreements, prevailing wage ordinances, and how those issues may impact concessions programs, such as ACDBE programs.

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

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



Catherine ("Katie") 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.

Katie 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. Katie has litigated airport cases in multiple federal courts of appeal.

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

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

Workshop Faculty



Michael L. Wheat

Managing Director, Frasca & Associates, LLC
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Mr. Wheat joined Frasca as a Managing Director in 2009. He possesses a wealth of airport financing experience, having worked as senior managing underwriter or financial advisor for more than 30 years on many of the largest airport capital development programs in the country. His banking experience also includes stints at Citigroup and Merrill Lynch & Co., where he headed the airport finance group. His aggregate airport financing experience as a banker and financial advisor exceeds \$30 billion. At his prior firms, he served for more than 20 years as lead banker or financial advisor on revenue bond and commercial paper transactions for many of the large and medium hub U.S. airports. He has been involved in a range of transactions of all types, including those secured by general airport revenues, PFCs and CFCs, fixed and variable rate financings, special facility transactions, and transactions involving the use of swaps.

Mr. Wheat is a graduate of Harvard University (A.B. with honors) and the University of Pennsylvania School of Law (J.D.). A resident of suburban Washington, D.C., he was an appointee to the D.C. Housing Finance Agency until January 2013, having served as chairman for the last four years of his time on the Board. He has been involved as a speaker and panelist at various conferences on airport finance sponsored by both the ACI-NA and the AAAE.



Kevin C. Willis

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Kevin Christopher Willis is the Federal Aviation Administration's Director for the Office of Airport Compliance and Management Analysis (ACO). Mr. Willis leads ACO's efforts to ensure airport sponsor compliance with Federal grant assurances and surplus property obligations. ACO provides economic and financial oversight of airport rates and charges and adjudicates airport user formal complaints filed against airport sponsors.

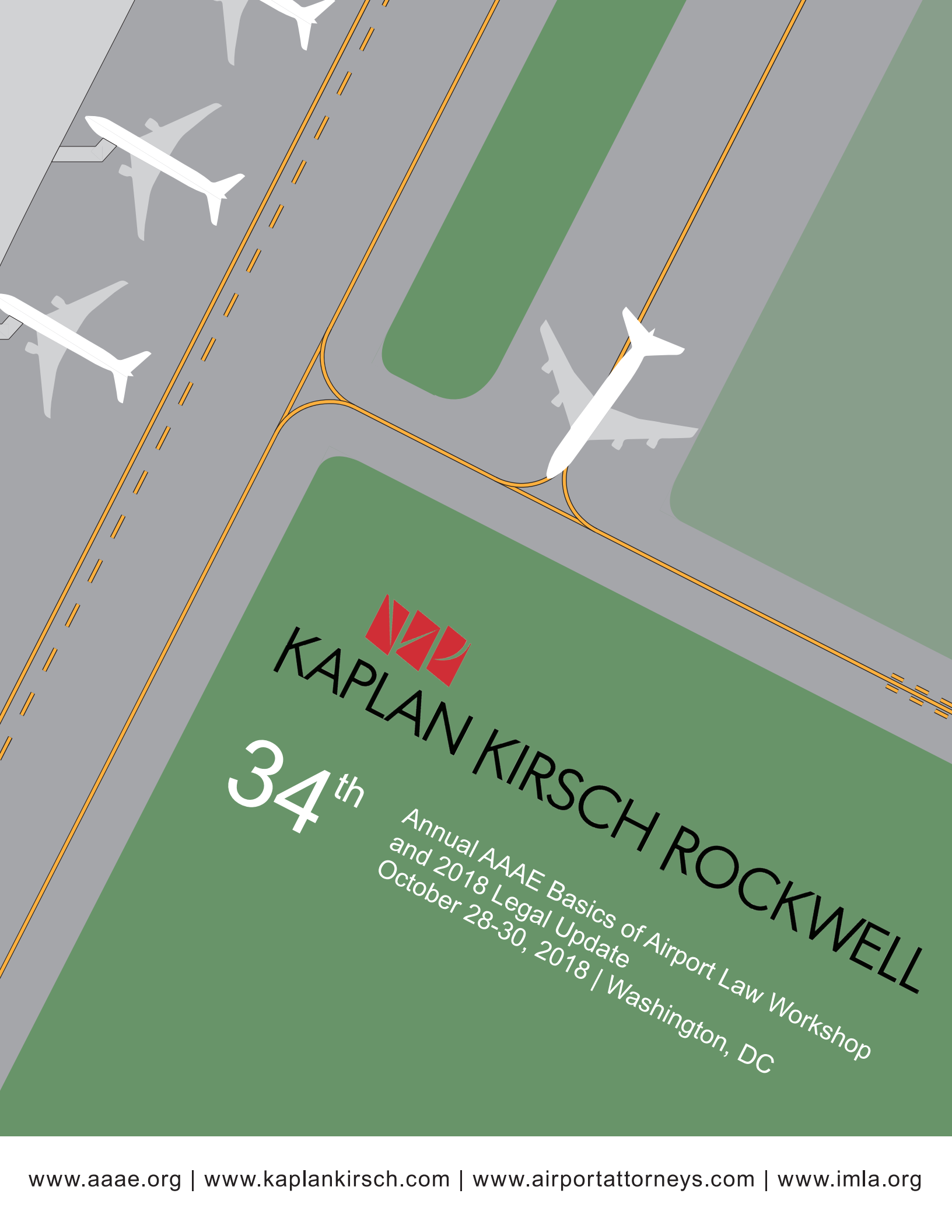
In July 2010, Mr. Willis was formerly Manager of FAA's Airport Compliance Division. In that role, in addition to his other duties, he supervised the FAA's Airport Privatization Pilot Program. Mr. Willis has managed every privatization initiative under the Pilot Program from the first application at Stewart International Airport in New York in 1997 to Luis Munoz Marin International Airport in San Juan, Puerto Rico.

Prior to federal service, Mr. Willis held a number of airport professional and executive positions in state and local government, and the private sector. His airport management experience spans seventeen years working at a number of airports in Boston, Detroit, Toledo, Ohio, Atlantic City, and Connecticut.

Mr. Willis holds a Bachelor degree in Political Science from Union College, Schenectady, New York, and a Master's degree in Public Administration from Rutgers, State University of New Jersey and a Master of Science in Real Estate from Johns Hopkins University. He is a graduate of the Federal Executive Institute and USDA Graduate School's Executive Potential Program.

Mr. Willis is a member of a number of professional organizations: the National Coalition of Black Federal Aviation Employees; Federal Aviation Managers Association; a former Accredited Airport Executive with the American Association of Airport Executives, Rutgers Alumni Club of Washington, DC, and the City of Manassas Community Emergency Response Team.

NOTES



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