

AIRPORT LAW

WORKSHOP GUIDE 2022



 KAPLAN KIRSCH ROCKWELL

AMERICAN ASSOCIATION  OF AIRPORT EXECUTIVES

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Lawyers Association

CONTENTS

GENERAL INFORMATION 3

AGENDA AT A GLANCE 5

WORKSHOP AGENDA 7

SPEAKERS & MODERATORS 16

WORKSHOP STAFF 29

VIEW LAST MINUTE AGENDA
CHANGES, DOWNLOAD
PRESENTATIONS & MORE:



NOTES

GENERAL INFORMATION

COVID-19 REQUIREMENTS: AAAE DUTY OF CARE

During these challenging times, AAAE is committed to continuing to provide a safe and healthy environment for all event participants and staff. While AAAE cannot guarantee that attendees will not become infected with COVID-19, AAAE has adopted preventative measures to reduce the potential spread of the COVID-19 virus at our events in accordance with guidance provided by the U.S. Centers for Disease Control (CDC) and event venues. In addition, AAAE will comply with all applicable requirements imposed by federal, state, or local health authorities for the locality in which any event is taking place. However, the responsibility for a safe and healthy event environment is shared among the event organizers, event venues, and event attendees. Towards this end, all attendees are expected to comply with all applicable requirements imposed by federal, state, or local health authorities for the locality in which an event is taking place, and in addition to our code of conduct, they are expected to adhere to and abide by the safety precautions AAAE implements to protect against the spread of COVID-19 such as mask wearing, vaccination, testing, social distancing where applicable, personal hygiene and hand sanitization, self-monitoring and self-reporting.

Specifically, you should not attend an event if you are experiencing symptoms associated with COVID-19, unless you are fully vaccinated as defined by the CDC and have tested negative for COVID. If you believe that you may have been exposed to a confirmed or suspected case of COVID-19 within five (5) days of an event and are not fully vaccinated, you should also not attend an event. If you believe that you may have been exposed to a confirmed or suspected case of COVID-19 within five (5) days of an event and are fully vaccinated, you may attend the event but are asked to wear a facial covering at the event.

Once on site at an event, AAAE requires all attendees to regularly and thoroughly wash or sanitize their hands throughout the day and observe social distancing guidelines where applicable. AAAE also encourages attendees who are not vaccinated or who are at an increased risk of severe illness from COVID-19 to wear facial coverings in meeting and event spaces. After attending an event, attendees should self-monitor for signs and symptoms of COVID-19 and are asked to contact AAAE at aaaemeetings@aaae.org if they experience symptoms and are not fully vaccinated or test positive for the virus within ten (10) days of participation in the event. Any private health or personal data that may be received in connection with such measures and precautions will be treated with the utmost care to protect its confidentiality and will only be disclosed as necessary to ensure the safety and health of attendees.

**All AAAE policies, including those contained herein, are subject to change. Should changes be made, a notification will be sent to all registered attendees.

WORKSHOP MATERIALS

All presentations and the latest information regarding the workshop are available for viewing or download at www.airportlawworkshop.com. Wi-Fi is available during the workshop for access to presentations and other materials.

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.

WI-FI.

1. Select Network: Renaissance_Conference
2. Password: AAAE2022

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 applied to Washington, California, Colorado, Florida, Texas, and Virginia, and those applications are **pending approval**. CLE forms for all approved states will be available with the workshop materials at www.airportlawworkshop.com. In the past, we have not heard of any problem with

obtaining CLE credits for this workshop. 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 support for 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 Paulette Ingwersen with Kaplan Kirsch & Rockwell by e-mail at pingwersen@kaplankirsch.com.

TRB RESOURCES

Chapter 32 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 these publications are available for download at www.trb.org. QR codes to these materials are printed in Chapter 32, and hyperlinks are available at www.airportlawworkshop.com under the "TRB Publications" link.

AIRPORT LAW ALERTS AND 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 workshop, 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?

If you have questions during the workshop, please contact Justin Barkowski or any of the workshop staff listed at the end of this Guide.

AGENDA AT A GLANCE

B Basics







A Advanced

SUNDAY | OCTOBER 2








10:15 AM	WELCOME	B A	
10:30 – 11:30 AM	FUNDAMENTALS # 1 – AN INTRODUCTION TO AIRPORT LAW	B	
11:30 – 1:15 PM	LUNCH AND KEYNOTE SPEAKER	B A	
1:15 – 2:15 PM Simultaneous Sessions	FUNDAMENTALS # 2 – REGULATION OF AIRPORT FINANCES	B	
	ADVANCED TOPICS IN AIRPORT FINANCE (DEBT FINANCING, BOND FINANCING AND OTHER FINANCIAL TOOLS)	A DISCUSSION	
2:15 – 2:30 PM	BREAK		
2:30 – 3:30 PM	FUNDAMENTALS # 3 – KEY GRANT ASSURANCES AND THE FAA REGULATORY COMPLIANCE PROGRAM	B	
3:30 – 3:45 PM	BREAK		
3:45 – 4:45 PM Simultaneous Sessions	FUNDAMENTALS # 4 – AIRPORT PROPRIETOR RELATIONS WITH AIRPORT USERS – MINIMUM STANDARDS, LEASING POLICIES, RULES & REGULATIONS	B	
	MANAGING COMPETITION AMONG AERO AND NON-AERO TENANTS	A	
5:00 pm+	WELCOME RECEPTION		

MONDAY | OCTOBER 3

8:30 – 9:30 AM	ALPs, MASTER PLANNING, AND ENVIRONMENTAL REVIEW	B	
9:30 – 9:45 AM	BREAK		
9:45 – 10:45 AM Simultaneous Sessions	AIP AND INFRASTRUCTURE FUNDING AND OTHER GRANT PROGRAMS	A DISCUSSION	
	ADVANCED AIR MOBILITY (AAM) AND AIRPORT ELECTRIFICATION CHALLENGES AND OPPORTUNITIES	A	
10:45 – 11:00 AM	BREAK		
11:00 AM – 12:00 PM Simultaneous Sessions	BASICS OF NEGOTIATION OF AIRLINE USE AND LEASE AGREEMENTS (AULAs)	B	
	ADVANCED AULA ISSUES	A	

12:00 – 1:30 PM	LUNCH THE LIGHTER SIDE OF AIRPORT LAW	 	
1:30 – 2:30 PM Simultaneous Sessions	ACDBE AND TITLE VI COMPLIANCE AND BEYOND	 DISCUSSION	
	FIRST AMENDMENT, ADVERTISING, MEDIA RIGHTS, AND PUBLIC COMMUNICATIONS		
2:30 – 2:45 PM	BREAK		
2:45 – 3:45 PM	CURRENT ADMINISTRATION PRIORITIES, LATEST DEVELOPMENTS ON CAPITOL HILL AND AT FAA HQ (INCLUDING DEI INITIATIVES, ENVIRONMENTAL JUSTICE, FAA REAUTHORIZATION, UNLEADED FUEL, CLIMATE INITIATIVES)	 DISCUSSION	
3:45 – 4:00 PM	BREAK		
4:00 – 5:00 PM	LATEST TSA REGULATORY DEVELOPMENTS		
5:30PM ?	YOUNG LAWYERS RECEPTION (TIME AND LOCATION TO BE ANNOUNCED)		

TUESDAY | OCTOBER 4

8:30 – 9:30 AM	NON-AERONAUTICAL DEVELOPMENT INCLUDING APPLICATION OF SECTION 163 AND PRIVATE INVESTMENT		
9:30 – 9:45 AM	BREAK		
9:45 – 10:45 AM Simultaneous Sessions	ENVIRONMENTAL OBLIGATIONS, PFAS AND ENVIRONMENTAL LIABILITY	 	
	SAFETY MANAGEMENT AND SECURITY	 	
10:45 – 11:00 AM	BREAK		
11:00 – 12:00 PM	ETHICS AND LAWYERS' DIVERSITY, EQUITY, AND INCLUSIVITY OBLIGATIONS	 	

WORKSHOP AGENDA

SUNDAY, OCTOBER 2

10:15 AM

WELCOME



Madison Ballroom

Justin Barkowski | American Association of Airport Executives
Steven L. Osit | Kaplan Kirsch & Rockwell

10:30 - 11:30 AM

FUNDAMENTALS # 1 - AN INTRODUCTION TO AIRPORT LAW



Madison Ballroom

Catherine M. van Heuven | Kaplan Kirsch & Rockwell
Sarah E. Wilbanks | Kaplan Kirsch & Rockwell

This session provides an introduction both to the workshop and to airport law generally. Presenters will provide an engaging and not-too-serious introduction on how airport law is different from aviation law, the law governing other transportation modes, or more general municipal law. This session explores the way the federal government (especially the FAA) regulates airports and the activities of airport proprietors, primarily through federal grant agreements. Attendees can expect a discussion of the authority of the federal government and local governments with an emphasis on understanding 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 workshop and attendees experienced in airport management but new to the field of airport law. This session is essential for attendees new to the field.

11:30 - 1:15 PM

LUNCH AND KEYNOTE SPEAKER



Madison Ballroom

Bookda Gheisar | Port of Seattle

Ms. Gheisar, the Senior Director of the Office of Equity, Diversity and Inclusion for the Port of Seattle, will discuss the importance of DEI in the airport environment. She is deeply passionate about creating systemic, transformational change, and has a proven track record of grounding her work within communities that are most impacted by racial and economic inequities. This presentation will offer strategic advice for airport professionals (with a focus, of course, on lawyers) in ensuring that their work is sensitive to communities of color.

1:15 – 2:15 PM

FUNDAMENTALS # 2 – REGULATION OF AIRPORT FINANCES

B | Madison Ballroom

Peter J. Kirsch | Kaplan Kirsch & Rockwell
Dan Benzon | Landrum & Brown

Local government lawyers are often surprised to learn of the fundamentally different structure for airport finances than for other government departments of functions. Understanding the permissible sources and uses of funds for airports is one of the foundations of airport law. This session offers an introduction to the unique federal legal requirements and contractual obligations which constrain how airports generate revenue and how airport sponsors can use airport funds. The focus will be on the legal principles and sources of law rather than on financial tools for airport financial decision-making. As a basic session, it provides the foundation for later sessions on the financial and business relationships among airport sponsors and their tenants, users and customers and federal regulators.

ADVANCED TOPICS IN AIRPORT FINANCE (DEBT FINANCING, BOND FINANCING AND OTHER FINANCIAL TOOLS)

A | Courtyard Ballroom

David Y. Bannard | Kaplan Kirsch & Rockwell
Adam M. Giuliano | Kaplan Kirsch & Rockwell

This session takes a deep dive into the available sources of capital funding for airport capital projects and the various legal issues that arise from accessing these funding sources. This session assumes a familiarity with the law applicable to airport finances and, with that background, provides an overview of these complex issues. Most large capital programs rely on the use of multiple sources of funds, and these must be coordinated to ensure that airport sponsors are able to maximize funding for eligible project elements. We also discuss trade-offs of using bond or other debt financing and privatizing elements of the capital program, including risk-shifting and -sharing and how these sources are affected by the use of AIP grants, PFCs and other available sources of funding. This is an interactive session where questions and insights from attendees are welcome.

2:15 - 2:30 PM

BREAK

2:30 – 3:30 PM

FUNDAMENTALS # 3 – KEY GRANT ASSURANCES AND THE FAA REGULATORY COMPLIANCE PROGRAM

B | Madison Ballroom

W. Eric Pilsk | Kaplan Kirsch & Rockwell
Adam E. Gerchick | Kaplan Kirsch & Rockwell

The AIP grant program's 39 Sponsor Assurances touch on virtually every aspect of airport governance, finance, and operations and are the primary means for FAA regulation of airports. Understanding the grant assurances is a critical tool

for every airport lawyer. This session focuses on some of the most important grant assurances, including those that prohibit economic discrimination and exclusive rights, and those that regulate rights and powers, revenue use, self-sustainability, operations, and airport development. We also discuss how the FAA enforces the grant assurances through voluntary compliance, the informal Part 13 process, and the formal Part 16 process.

3:30 – 3:45 PM

BREAK

3:45 – 4:45 PM

FUNDAMENTALS # 4 - AIRPORT PROPRIETOR RELATIONS WITH AIRPORT USERS - MINIMUM STANDARDS, LEASING POLICIES, RULES & REGULATIONS



Madison Ballroom

Nicholas M. Clabbers | Kaplan Kirsch & Rockwell
Michael Hodges | Airport Business Solutions

Establishing, reviewing, and regularly updating a thoughtful governance structure is critical in ensuring that an airport sponsor remains in compliance with its federal obligations, particularly in interactions and negotiations with tenants and other users. This session discusses the rationale behind, and strategies for developing, various airport rules, policies, and standards and other principal governance and regulatory documents. The speakers explain an airport sponsor's legal obligations as well as best practices to ensure a smooth process for adopting or amending its policies and standards.

MANAGING COMPETITION AMONG AERO AND NON-AERO TENANTS



Courtyard Ballroom

Eric T. Smith | Kaplan Kirsch & Rockwell
Steven L. Osit | Kaplan Kirsch & Rockwell
Misti Ernsberger | Port of Seattle

The airport sponsor is in a unique position with respect to both its airline and non-airline users to address competition that may arise among users. Addressing these issues requires striking an appropriate balance between legal/regulatory obligations and the sponsor's interest in maintaining a robust and competitive aeronautical services. This session explores the legal/regulatory contours within which this sponsor must operate and discuss practical, real-world examples of how competition issues play out in the day-to-day operation of an airport.

5:00 PM+

WELCOME RECEPTION SPONSORED BY AAAE

MONDAY, OCTOBER 3

8:30 – 9:30 AM

ALPs, MASTER PLANNING, AND ENVIRONMENTAL REVIEW

B | Madison Ballroom

Catherine M. van Heuven | Kaplan Kirsch & Rockwell
Patricia Deem, Esq. | FAA Office of the Chief Counsel
Dave Full | RS&H

Airport master planning and development is legally complex because of the web of federal, state, and local land use requirements imposed on airport sponsors. Presenters include an FAA attorney and an experienced professional consultant who frequently have had to navigate these issues.

The preparation and understanding of airport layout plans is critical for any airport lawyer since this document plays a pivotal regulatory role. Master planning and capital development at airports is different from other government facilities and especially different from private sector capital planning. This session walks participants through understanding the ALP, the master planning and development process from initial concept to completion of a project and the environmental approval process which affects the timing (and scope) of almost all airport capital projects.

9:30 – 9:45 AM

BREAK

9:45 – 10:45 AM

AIP AND INFRASTRUCTURE FUNDING AND OTHER GRANT PROGRAMS

A | Madison Ballroom

Peter J. Kirsch | Kaplan Kirsch & Rockwell
Robin K. Hunt | Manager BIL Implementation Team, FAA
Kristina Woodward | Ricondo & Associates

This is a discussion session on funding opportunities for airport projects. Historically, the FAA's Airport Improvement Program (AIP) was the principal federal funding program available for airport development projects. Now, sponsors have a much broader array of options, including loans under several federal programs including the Transportation Infrastructure Finance and Innovation Act (TIFIA), and new grant funding available under the Bipartisan Infrastructure Law (BIL) for projects that historically have not been AIP-eligible. Panelists discuss the nuances of various funding options, how each program integrates with AIP, and how to navigate the differing requirements for funding.

ADVANCED AIR MOBILITY (AAM) AND AIRPORT ELECTRIFICATION CHALLENGES AND OPPORTUNITIES

A | Courtyard Ballroom

Steven L. Osit | Kaplan Kirsch & Rockwell
Sarah M. Keane | Kaplan Kirsch & Rockwell

Airports are beginning to prepare for the introduction of new, predominantly electric vertical takeoff and landing (eVTOL) aircraft by undertaking vertiport planning and development projects, as well as constructing microgrids or considering other means of enhancing the airport's ability to accommodate the power demands of its users. The increasingly rapid adoption of electric motor vehicles by airport patrons and rental car agencies is also placing unique demands on airport infrastructure. This session explores the legal challenges associated with developing the infrastructure to support the next generation of electric vehicles – both in the air and on the ground – and examines the types of legal agreements and their associated pitfalls between airports, developers, utilities, and end-users, to facilitate and implement these projects. The session examines the evolving regulatory landscape as it pertains to Advanced Air Mobility and vertiport siting, while touching on new federal developments that may provide incentives and opportunities for airports to accelerate electrification efforts.

10:45 – 11:00 AM

BREAK

11:00 – 12:00 PM

BASICS OF NEGOTIATION OF AIRLINE USE AND LEASE AGREEMENTS (AULAs)

B | Madison Ballroom

David Y. Bannard | Kaplan Kirsch & Rockwell
Sarah E. Wilbanks | Kaplan Kirsch & Rockwell

Although some airports establish rates and charges by ordinance or resolution, the majority of U.S. airport sponsors enter into a uniform airline use and lease agreement (AULA) with the signatory airlines operating at the airport. Negotiating AULAs with airlines is one of the most important and difficult tasks for airport senior staff, including counsel. The structure and terms of AULAs are continually evolving and this session explores the basics of negotiating these critically important agreements. We begin, as all such negotiations should, with consideration of the strategic issues for the sponsor, followed by an overview of the basic elements of an AULA and the issues that they raise. These important agreements establish the methodology for recovering the rates and charges from airlines for use of airport facilities as well as the terms of use of such facilities. We examine the law applicable to these complex agreements as well as best practices from recent negotiations and discuss the key legal issues that airport sponsors must address in these negotiations.

ADVANCED AULA ISSUES

A | Courtyard Ballroom

Eric T. Smith | Kaplan Kirsch & Rockwell
Randall Fiertz | Alaska Airlines
Sheri Ernico | Jacobs

This session goes beyond the bedrock building blocks of an airport-airline agreement and/or rate resolution and tackles some of the major legal and practical challenges that face an airport sponsor when it sets out to devise a framework for airlines to operate at its airport. What an appropriate non-signatory premium may be in a given situation, what is a reasonable minimum to be a signatory, what rights to grant airlines in hold-rooms/gates, whether to require security deposits/letters of credit, and what may be a reasonable means of

charging for joint use systems (such as baggage handling systems) are among the topics we address during this real-world based session.

12:00 – 1:30 PM

LUNCH

THE LIGHTER SIDE OF AIRPORT LAW

B **A** | Madison Ballroom

Nicholas M. Clabbers | Kaplan Kirsch & Rockwell

This lunch session will put a more amusing spin on the issues airport lawyers face in their daily practice. Just in case you didn't think that lawyers could have a sense of humor, stay tuned for an enjoyable lunch!

1:30 – 2:30 PM

ACDBE AND TITLE VI COMPLIANCE AND BEYOND

B | Madison Ballroom

David Y. Bannard | Kaplan Kirsch & Rockwell, Moderator
Dawn Hunter | Port of Seattle
Ebony Wimbush | Airport Minority Advisory Council
Eric T. Smith | Kaplan Kirsch & Rockwell

This interactive panel discussion starts with an outline of the applicable legal requirements applicable to Airport Concessions Disadvantaged Business Enterprises (ACDBEs) and other non-discrimination requirements and best practices for airports to comply with them. But this panel goes beyond mere compliance to consider how airports can be a catalyst for diversity, equity and inclusion for all stakeholders in the airport's wider community through programs designed to encourage not only compliance but equity. We also examine the recently issued Notice of Proposed Rulemaking on Parts 23 and 26 and how those proposed changes may impact airports and their tenants. We explore lessons learned from the effects of the COVID-19 pandemic on ACDBEs and concessions programs at U.S. airports.

FIRST AMENDMENT, ADVERTISING, MEDIA RIGHTS, AND PUBLIC COMMUNICATIONS

A | Courtyard Ballroom

Steven L. Osit | Kaplan Kirsch & Rockwell
Tiffany N. Evans | Kaplan Kirsch & Rockwell

Airports occasionally find themselves in the cross hairs of social and political debates – whether it be over immigration issues, labor relations, or the impacts of development. This session explores the evolving law on permissible First Amendment activities on airport property, as well as the sophisticated tools airport sponsors have developed to strike the appropriate Constitutional balance. This session examines how airport sponsors can protect their own intellectual property, and discuss burgeoning legal issues concerning the collection, storage, and use of data that airport sponsors obtain from their customers, concessionaires, and other contractors.

2:30 – 2:45 PM

BREAK

2:45 – 3:45 PM

CURRENT ADMINISTRATION PRIORITIES, LATEST DEVELOPMENTS ON CAPITOL HILL AND AT FAA HQ (INCLUDING DEI INITIATIVES, ENVIRONMENTAL JUSTICE, FAA REAUTHORIZATION, UNLEADED FUEL, CLIMATE INITIATIVES)



Madison Ballroom

Peter J. Kirsch | Kaplan Kirsch & Rockwell, Moderator
Catherine M. Lang | Lang Strategic Consulting
Shannetta Griffin | FAA Associate Administrator for Airports
Joseph Manges | FAA Office of the Chief Counsel, Airports Law Branch
Justin Barkowski | American Association of Airport Executives

One of the most popular sessions at the annual Airport Law Workshop has been the regular briefing on what is happening in Washington – in Congress, at FAA headquarters and at other federal agencies. This year is an especially important time to understand the playing field in Washington as we approach debate over a new FAA Reauthorization Act and the political winds have shifted in favor of infrastructure development. The panel will discuss the latest policy initiatives from the Administration and the FAA with a particular focus on new environmental and climate-related policies, increased attention on diversity, equity and inclusion, and the availability of nontraditional federal funding for airport projects.

3:45 – 4:00 PM

BREAK

4:00 – 5:00 PM

LATEST TSA REGULATORY DEVELOPMENTS



Madison Ballroom

Francine Kerner | Transportation Security Administration

This workshop's annual presentation from the TSA's Chief Counsel on legal issues in airport security is always a workshop highlight. 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 and offers participants an unusual opportunity for a direct dialogue with the most influential lawyer on security issues in the federal government.

8:30 – 9:30 AM

NON-AERONAUTICAL DEVELOPMENT INCLUDING APPLICATION OF SECTION 163 AND PRIVATE INVESTMENT

A | **Madison Ballroom**

Peter J. Kirsch | Kaplan Kirsch & Rockwell
Catherine M. van Heuven | Kaplan Kirsch & Rockwell

Airport sponsors increasingly are looking to their non-aeronautical property to increase revenue and diversify their revenue stream. Development of such property carries its own challenges, especially for airport staff who might not be familiar with real estate development in the private sector and with negotiating complex development transactions. This session explores best practices in negotiation of development deals with a particular focus on changes in federal law that reduce the level of regulatory oversight and supervision imposed by the FAA. The FAA issued guidance in 2020 to implement Section 163 of the FAA Reauthorization Act of 2018, which eliminated FAA approval for many projects that do not affect the core aeronautical functions at an airport. This session will explain that guidance and revised guidance issued in 2022 and the implications for new real estate development.

9:30 – 9:45 AM

BREAK

9:45 – 10:45 AM

ENVIRONMENTAL OBLIGATIONS, PFAS AND ENVIRONMENTAL LIABILITY

B **A** | **Madison Ballroom**

Sara V. Mogharabi | Kaplan Kirsch & Rockwell
Thomas A. Bloomfield | Kaplan Kirsch & Rockwell

Airport operators face a myriad of complex and constantly evolving environmental compliance obligations. This session provides an overview of the environmental impacts of airport operations as well as strategies for managing those impacts, ranging from local issues like air, water quality and environmental contamination to those of broader concern, such as climate change. The panel discusses options and strategies for cost recovery and unique challenges for emerging contaminants, which are turning up at airports across the country. The program also includes a deep dive into recent developments and predictions for PFAS, which has become a critical issue for airport operators.

SAFETY MANAGEMENT AND SECURITY

B **A** | **Courtyard Ballroom**

Nicholas M. Clabbers | Kaplan Kirsch & Rockwell
Slone P. Isselhard | Kaplan Kirsch & Rockwell

Operating a safe and secure airport is one of an airport sponsor's most important obligations. Airport lawyers must understand the source of these obligations to

ensure regulatory compliance, as well as to protect their clients from liability for airfield and other accidents or security incidents. This session discusses a sponsor's general safety obligations under 14 CFR Part 139 and federal grant assurances, as well as, practical tips for attorneys tasked with responding to potential violations of those obligations or other safety and security incidents.

10:45 - 11:00 AM

BREAK

11:00 - 12:00 PM

ETHICS AND LAWYERS' DIVERSITY, EQUITY, AND INCLUSIVITY OBLIGATIONS [ETHICS CREDIT AVAILABLE]

B

A

Madison Ballroom

Samantha R. Caravello | Kaplan Kirsch & Rockwell
W. Eric Pilsk | Kaplan Kirsch & Rockwell

Events over the past several years have sparked a heightened concern over diversity, equity, and inclusion, and equity (DEI) issues. The Biden administration, including the FAA, has made DEI values a fundamental guiding principle of policy decisions. DEI values have also become an area of focus in the legal profession, particularly since the ABA adopted Model Rule 8.4(g) in 2016. This panel examines the ethical obligations of a lawyer regarding DEI issues, including harassment and discrimination, under Model Rule 8.4(g) and other Rules of Professional Conduct even where Model Rule 8.4(g) has not been adopted.

SPEAKERS & MODERATORS



DAVID Y. BANNARD

Partner | Kaplan Kirsch & Rockwell
dbannard@kaplankirsch.com

Dave Bannard has nearly 30 years of experience in representing airports on a wide variety of matters, including regulatory compliance, airport financings, use and lease agreements and rate-setting ordinances, airline and other tenant bankruptcies, defense of Part 16 actions, and the negotiation of concessions agreements. He regularly counsels airports on compliance with federal grant assurances and development of air service incentive programs, and he is currently advising several airports on negotiation of new use and lease agreements. Dave has represented airport owners in novel public-private partnerships, including negotiating the agreements relating to a start-up of a privately developed passenger terminal, the private development of a terminal for ultra-low-cost carriers, and the privatization of a small county-owned airport. He is an experienced bond attorney, having served as bond counsel to airports and other issuers, counsel to borrowers and underwriters and disclosure counsel, as well as issuer's counsel, in many transactions. Dave is also a frequent speaker at airport and aviation conferences on a wide variety of airport-related topics.



JUSTIN BARKOWSKI

Vice President, Regulatory Affairs | AAAE
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Justin Barkowski is Vice President, Regulatory Affairs for the American Association of Airport Executives. In his role, Justin represents and advocates for AAAE's members before the U.S. Department of Transportation, Federal Aviation Administration, Environmental Protection Agency, and other agencies overseeing the U.S. aviation industry.



DAN BENZON

Executive Vice President | Landrum & Brown
Dan.benzon@landrumbrown.com

Dan Benzon has worked with airports on strategy, agreement structures, and rates & charges for over two decades. Dan's focus has been guiding airport leadership in the effective use of its business tools through industry best practices, developing favorable agreement structures, and leveraging effective negotiating positions on leases, concessions, developments, and non-airline revenue opportunities. Dan is a licensed attorney in Texas and has consulted with over 100 U.S. commercial airports.

Dan has been engaged in the aviation industry as an executive vice president at Landrum & Brown (a global airport planning and consulting firm) leading its business and finance practice group as well as serving on L&B's board of directors, executive management team, and global operations committee. Prior to L&B, Dan founded Trillion Aviation (an air service, business strategy, and financial services aviation consultancy), which was acquired by L&B, and previously served in corporate real estate-airport affairs for both Continental Airlines (United) and America West Airlines (American).

Dan co-authored ACRP Report 19A: Resource Guide to Airport Performance Indicators and has spoken on topics such as emerging ground handling models, airport-airline lease agreement negotiations, airport non-airline revenue development, and airport cost savings best practices at conferences, including AAAE Great Lakes, AAAE South

Central, AAAE Ground Handling Initiatives Workshop, AAAE Annual Conference and Exposition, and ACI Small Airports Conference.



THOMAS A. BLOOMFIELD

Partner | Kaplan Kirsch & Rockwell

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Tom Bloomfield advises public and private clients on complex environmental disputes involving administrative law, public policy, and litigation. He routinely negotiates and drafts consent decrees, environmental cleanup documents, and other environmental settlements. For nearly 30 years, he has successfully represented his clients on major Superfund and other contamination cases, liability risk transfers, energy issues, and air quality matters (including ozone, regional haze, hazardous air pollutants, and methane). He is also deeply involved in state and federal policy matters concerning climate change, including advising clients on legislation and rulemakings.



SAMANTHA R. CARAVELLO

Associate | Kaplan Kirsch & Rockwell

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Samantha Caravello focuses on a wide range of environmental, energy, and airport law issues. She is heavily involved in the firm's litigation, administrative, and regulatory practices. Samantha advises clients on matters involving compliance with local, state, and federal environmental law, with a focus on air quality. Her experience includes representing clients in state and federal court and before state administrative bodies, including the Colorado Air Quality Control Commission.



NICHOLAS M. CLABBERS

Associate | Kaplan Kirsch & Rockwell

nclabbers@kaplankirsch.com

Nick Clabbers focuses his practice on the representation of public and private entities on a wide range of airport matters. Nick regularly counsels airport sponsors on matters concerning compliance with federal regulations and grant obligations, including issues of airport revenue use, real estate and land use, unjust economic discrimination, and exclusive rights. 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. Nick assists airports with the development and implementation of airport governance documents, and has significant experience drafting and negotiating use and lease agreements and airport development agreements. Nick is also heavily involved in industry education and counseling of airports on the issues surrounding the use of aircraft firefighting foam containing per- and polyfluoroalkyl substances (PFAS), and frequently speaks and writes on other topics of importance to airports. Previously, Nick served in two different legal positions at the United States Environmental Protection Agency, where he worked on several different matters concerning the Clean Air Act and renewable fuel standards, and worked for more than two years as a wilderness therapy instructor.



PATRICIA DEEM, ESQ.

Acting Manager, Environmental Law Policy Branch | FAA

Patricia.deem@faa.gov

Patricia Deem is a Senior Attorney in the Airports and Environmental Law Division of the Office of Chief Counsel at the Federal Aviation Administration. Ms. Deem has twenty-five years of experience working on many aspects of environmental and administrative law. She currently provides legal advice on airport matters and on

environmental, historic, and tribal issues for all FAA lines of business. Ms. Deem has worked closely with the U.S. Department of Justice representing the FAA in federal court litigation in the seven state Northwest Mountain region of the FAA.



SHERI L. ERNICO

Director | Jacobs

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Sheri Ernico has over 35 years of consulting experience in airport financial and economic analysis, including strategic financial planning, capital program development, financial feasibility studies, rates and charges analyses, airline lease negotiations, PFC programs, benefit/cost analyses, letter of intent grant applications, rental car financing and CFCs, rental car negotiations, privatization assessments and analyses, governance reviews, fuel system business planning, market analyses and forecasts of aviation demand. She also served as the Finance Director for San Francisco International Airport. Sheri currently serves on the ACI World Economic Standing Committee and recently served on the ACI-NA Finance Committee Steering Group.

Sheri holds a B.A. in Political Science/Urban Studies, *summa cum laude*, from University of Pittsburgh, and a Master of City and Regional Planning, Harvard University, under a National Science Foundation Fellowship.



MISTI ERNSBERGER

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Misti Ernsberger, C.M., is Senior Port Counsel at the Port of Seattle which operates the Seattle Tacoma International Airport. In her current role she deals with a broad range of airport related matters including concessions, aviation security, police, operations, and rental cars. Misti previously worked as Assistant General Counsel at the Port of Portland (PDX), General Counsel at a west coast real estate development and property management company, and was in private practice.

Misti has advised on multiple airport legal issues. Some of her experience includes the enactment of customer facility charges, the implementation of transportation network companies at PDX, and the drafting and successful ratification of state administrative rules allowing early morning alcohol sales within the airport. Misti also served as counsel on a three-year public planning effort that resulted in rezoning the Portland International Airport to an Airport Zone from a conditional use. Throughout her career, Misti has drafted and negotiated numerous leases, concession agreements, purchase and sale agreements, rental car agreements, and various other transactional documents.

Misti has spoken at previous AAAE conferences on topics including rental cars, ground transportation, and off-airport parking lot operations. Misti graduated from the University of Oregon School of Law in 2000 where she served as Editor-in-Chief of the Oregon Review of International Law. She continues to be a proud Duck to this day.



TIFFANY N. EVANS

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Tiffany Evans practices in Kaplan Kirsch & Rockwell's airports practice, working with airport operators, public entities, and private sector companies on all aspects of operations, from concessions and contracts to procurement, audits, and agreements with federal agencies, including the Federal Aviation Administration (FAA) and the Transportation Security Administration (TSA).

Before joining Kaplan Kirsch & Rockwell, Tiffany was a Senior Assistant City Attorney with the Houston Airport System, bringing the client's perspective to her practice. In that role, Tiffany provided legal counsel to the director of the Houston Airport System, the mayor's office, city council members, and senior staff on legislation, procurement, contracts, intellectual property, and IT agreements. She was also responsible for drafting and negotiating multimillion dollar agreements between the Houston Airport System and private, local and state government entities.



RANDALL FIERTZ

Director, Airport Affairs | Alaska Airlines
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Randy Fiertz has over 19 total years of service at the Federal Aviation Administration, 10 as the Director of Compliance and Management Analysis and 3 was as the Airports Director for FAA's Northwest Mountain Region. He was also the Director of Revenue for the Transportation Security Administration. Mr. Fiertz is currently the Director of Airport Affairs at Alaska Airlines and his responsibilities the management of the airline-airport relationship, including the airline's major hub at Seattle-Tacoma International Airport. Mr. Fiertz is uniquely qualified to provide input and insight on airport-airline matters, including matters involving the interplay between contractual agreements with airlines, the related airport law and grant assurances, and the often-complex relationship that exists between airports and airlines.



DAVE FULL

Environmental Planning Service Group Leader | RS&H
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Dave Full serves as RS&H's Environmental Planning Service Group Leader for aviation-related projects. He is responsible for the completion of environmental review and analyses and has prepared numerous CATEXes, EAs, EISs, and Part 150 Studies for airports throughout the United States. Dave has worked in every region of the FAA and has provided NEPA documentation for a variety of airside projects (runway and taxiway extensions, realignments, and reconstructions; apron expansions and reconstructions; service roads; security fences; navigation aids; etc.) and landside projects (new and expanded terminals and concourses, ARFFs, hangars, cargo buildings, parking garages, access roads, fuel storage facilities, etc.) at airports in 37 states. These projects have been at airports of all sizes – from large hub airports to small general aviation facilities.



ADAM E. GERCHICK

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Adam Gerchick concentrates his practice on representing airports in litigation, regulatory, and transactional matters. He has handled both federal and state-level cases and has experience with regulatory matters involving the Federal Aviation Administration, the Federal Acquisition Regulations, the Department of Defense, and Housing and Urban Development grant programs.



BOOKDA GHEISAR

Senior Director, Office of Equity, Diversity, and Inclusion | Port of Seattle

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For more than 30 years, Bookda Gheisar has fought for racial equity and social justice. She is deeply passionate about creating systemic, transformational change, and has a proven track record of grounding her work within communities that are most impacted by racial and economic inequities. Bookda believes that we all have a responsibility to actively repair the harm done to historically oppressed communities, and to do so, we must work collectively to improve opportunities and outcomes for all, while simultaneously addressing the unique needs of different communities.

Before coming to the Port of Seattle, Bookda served as a Policy Advisor for King County’s Office of Equity and Social Justice. She has also served as the Executive Director of multiple philanthropic organizations, each committed to diversity, equity, and inclusion.

As Senior Director of the Office of Equity, Diversity, and Inclusion, Bookda provides leadership and strategic direction for the Port’s Equity, Diversity, and Inclusion efforts, both internal and external. She leads a team of racial equity experts to build capacity in departments across the Port and address institutional racism by creating equitable policies, practices, and procedures. Bookda is leading the Port’s efforts to create a culture of inclusivity and belonging, to ensure the fair and intentional distribution of resources and opportunities, and to expand economic development and quality of life for all.



ADAM M. GIULIANO

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Adam Giuliano’s practice focuses on the procurement, construction, operations, maintenance, funding, and financing of infrastructure projects and related transactions.

Adam’s experience spans: surface transportation (e.g. roads, transit and rail, bridges and tunnels); airports; ports; water and wastewater; schools; social infrastructure / government facilities; transit-oriented development; telecom; energy and power generation; renewables; and natural resources.

Adam regularly advises clients on alternative project delivery methods such as public-private partnerships (P3 / PPP) and design-build. In addition, Adam leads the firm’s Major Project, P3, and Alternative Delivery practice.

Prior to joining the Firm, Adam was a New York-based Counsel at a global law firm based in London. Prior to his legal career, Adam worked at a nonprofit focused on economic and community development in Newark, New Jersey.



SHANNETTA R. GRIFFIN

Associate Administrator for Airports | FAA

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Shannetta R. Griffin, P.E., was appointed Associate Administrator of Airports for the Federal Aviation Administration on June 7, 2021, by U.S. President Joseph R. Biden, Jr. and U.S. Secretary of Transportation Pete Buttigieg.

Griffin has close to 40 years of experience as a professional engineer and small business advocate within the private and public sectors of the transportation industry with an emphasis on aviation. She is a leader with expertise in operational performance, project engineering and client relationship management.

She leads a team of more than 600 employees around the country and manages an annual budget of \$3.35 billion, which includes an operating budget of about \$112 million. She is responsible for the Airport Improvement Program grants, which total around \$8 billion annually, as well as two major research programs. She is also responsible for administering national airport safety and standards, planning, engineering, environmental processing, financial assistance and compliance programs for more than 3,300 public-use airports nationwide.

Griffin has received numerous professional accolades and awards by transportation and civic organizations to include Woman in Aviation Excellence – Legacy Award by the Airport Minority Advisory Council, Women Who Move the Nation by the Conference of Minority Transportation Officials, Distinguished Alumni by the University of Toledo College of Civil Engineering, Corporate Professional of the Year by the National Forum for Black Public Administrators, Achievement in Business and Industry Award by the Indianapolis Center for Leadership Development and Strathmore Who's Who.

A graduate of the University of Toledo, Griffin was the first African-American woman to graduate from the College of Civil Engineering. She is also a proud member of Alpha Kappa Alpha Sorority, Inc.

She is proud to serve not only as the first African American, but as the first African-American woman to hold the position of Associate Administrator of Airports. Griffin continues to be a trailblazer and model of diversity, equity and inclusion at its best.



MICHAEL HODGES

President and CEO | Airport Business Solutions & ABS Aviation

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Michael Hodges is the President/CEO and founder of Airport Business Solutions (ABS), a company recognized as an industry leader in providing valuation, consulting and management advisory services related to aviation real estate, businesses, and property management. Michael has been in the aviation industry for over 33 years and has worked for aviation businesses and airports of all sizes. In addition, Michael is the President/CEO and founder of ABS Aviation, a company providing contract management of general aviation airports and FBOs for municipalities. This unique “hands-on” experience offers the ability to better understand and appreciate the challenges of today’s aviation management and business environment from multiple perspectives.



ROBIN K. HUNT

Manager BIL Implementation Team | FAA

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Robin Hunt is currently the Manager of the Bipartisan Infrastructure Law Implementation Team, for the FAA Office of Airports. She is responsible for implementing the \$15 billion Airport Infrastructure Grants and the \$5 billion Airport Terminal Programs.

From 2014-2021, Robin served as the Deputy Director for the Western Pacific Region Airports Division. She was responsible for the planning, direction, implementation and evaluation of Airports programs in the Western Pacific Region (Arizona, California, Hawaii, Nevada and the Pacific).

Robin joined the FAA in May 2008 as the Manager of the San Francisco Airports District Office. As the Manager of the FAA San Francisco Airports District Office, Robin was responsible for implementing Airport Improvement Program and Passenger Facility Charge Programs at airports in Northern California and Nevada.

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

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



DAWN HUNTER

Acting Aviation Chief Operating Officer | Port of Seattle

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Since joining the Port of Seattle in 2017, Dawn Hunter has played a crucial role in the redevelopment of dining and retail at Seattle-Tacoma International Airport (SEA).

Dawn's leadership has built the largest number of minority and women-owned businesses (WMBE) operating at SEA in the history of the airport and is a noted collaborator with dining and retail tenants to build a successful and inclusive program at one of the nation's largest airports.

Dawn was named the 2022 Airport Concessions Person of the Year by Airports Council International-North America (ACI-NA) due to her success. She recently shared her vision and keys to the airport's success with Airport Business and how airports can enhance their retail and concessions programs.

Prior to coming to the Port, Dawn worked for the City of Los Angeles, Los Angeles World Airports (LAWA) as the Senior Concessions Manager and as the Security Manager in LAWA's credential center. As the Senior Concessions Manager at LAWA, she identified new concessions opportunities within operating terminals, worked with other departments to set goals and develop initiatives for increasing small, local and minority business participation, and provided input and direction on concessions master plans with key stakeholders. Dawn holds her Master's degree in Public Administration from National University and a Bachelor's degree in Criminology from Sonoma State University.



SLONE P. ISSELHARD

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Slone Isselhard focuses her practice on airport regulatory, transactional, and litigation matters. Prior to joining Kaplan Kirsch & Rockwell, she devoted her practice to representation of the City of Chicago as sponsor of Chicago O'Hare and Midway International Airports as an attorney in the Aviation, Environmental, Regulatory and Contracts Division of the City of Chicago Department of Law. In addition to AIP contracting and other transactional work, Slone has experience with a broad range of airport legal matters relating to every aspect of airports from operations to use and lease agreements to safety and security.



SARAH M. KEANE
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Sarah Keane dedicates her practice to all aspects of the clean energy transition, in transactional, regulatory and litigation contexts. Sarah advises a wide range of project developers, investors, and sponsors regarding asset development, purchase, and sale, with a particular focus on renewable energy, energy storage, electric vehicles and clean mobility, microgrids, campus energy systems, and transmission projects. She drafts and negotiates purchase and sale agreements, power purchase agreements, interconnection agreements, and other project-related contracts. As a leading advocate before public utilities commissions and other agencies, Sarah also represents energy project owners, environmental organizations, local government interests, and other parties in a variety of energy regulatory and climate change policy proceedings.



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

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

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

Before joining TSA, 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, she served as an Assistant District Attorney in the Kings County District Attorney's Office in Brooklyn, N.Y.

In 2021, she was awarded her second Presidential Meritorious Rank Award for significant and lasting contributions to TSA and the Federal Government. She received her first Presidential Meritorious Rank Award in 2001 for her outstanding contributions as a federal attorney. In 2013, she was named the recipient of the Beatrice Rosenberg Award for Excellence in Government Service and also received the Burton Award for legal achievement in public service. She is a graduate of New York University School of Law and Queens College in New York City.



PETER J. KIRSCH

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Peter Kirsch's practice focuses on regulation and development of transportation 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 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 land for non-aeronautical projects. He advises airports on financial matters, regulatory compliance, leasing, land use issues, environmental impacts, and relations with their host communities. He has litigated all of these issues in federal and state trial and appellate courts 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.



CATHERINE M. LANG

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Catherine Lang held a number of senior executive positions at the Federal Aviation Administration (FAA) including 6 years as the Director of Europe, Africa & Middle East Region – Office of International Affairs, 10 years as the Deputy Associate Administrator for Airports, and as the Director (4 years) and Deputy Director (3 years) of FAA's Office of Airport Planning and Programming. In her final position at FAA, she served as the Senior Advisor to the Administrator/Deputy Administrator on Workforce matters. Prior to joining the FAA, she was the Assistant Commissioner for the Chicago Department of Aviation. Kate also served on the Airport Cooperative Research Program's Oversight Committee, and she served as the FAA Liaison for the Aero Club of Washington Board of Governors.



JOSEPH E. MANGES

Division Counsel | FAA Office of Airports

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Joseph Manges is the Division Counsel for the FAA Office of Airports. Mr. Manges advises senior ARP management on all legal issues, including new laws, existing laws and regulations, compliance issues, and litigation. He is the Chief Counsel's legal representative in high-level planning and strategic development meetings in the Office of Airports. Before being appointed Division Counsel, Mr. Manges was a senior attorney with the Airport Law Branch of the Office of Chief Counsel, where he

specialized in airport law and civil rights.

Mr. Manges has over 30 years of legal experience in aviation, environmental, employment, and civil rights law. He graduated from Amherst College and received his law degree from the University of Colorado, focusing on environmental law. Before joining the FAA, Mr. Manges was a partner with a law firm in Santa Fe, NM. He is an active pilot based at HEF, Manassas Regional Airport, and enjoys flying throughout the country.



SARA V. MOGHARABI
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Sara Mogharabi has extensive environmental regulatory and litigation experience, with a focus on matters relating to project development, contamination and hazardous wastes, and product stewardship.

Sara has represented clients in the mining, waste, recycling, and energy sectors. She has advised clients on regulatory compliance matters under a broad array of federal environment statutes, including the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Compensation, and Liability Act; the Clean Water Act; the Clean Air Act; the Endangered Species Act; the Safe Drinking Water Act; and the National Environmental Policy Act. Sara also has expertise in compliance counseling under specific state statutes, such as California's Proposition 65 and state-level product stewardship laws. As part of her regulatory practice, she has represented clients before federal and state agencies.



STEVEN L. OSIT
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Steve Osit represents public entities throughout the United States with respect to the development and operation of airports and rail transit systems. Having previously served multiple posts within the U.S. Department of Transportation, Steve counsels clients on a wide range of federal regulatory matters and the negotiation of complex airport transactions. He frequently represents clients in administrative and judicial litigation arising from regulatory compliance, contract disputes, accident investigations, and the review of federal agency actions and rulemakings. Steve recently served as the Chair of the Federal Bar Association's Transportation Section, and as the Associate Member of the ACI-NA Legal Affairs Committee's Steering Group.



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.



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 U.S., 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.

As an experienced litigator, Eric is 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 most airline bankruptcy cases.



CATHERINE M. VAN HEUVEN

Partner | Kaplan Kirsch & Rockwell
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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 (NEPA) 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 regarding 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.



SARAH E. WILBANKS

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Sarah Wilbanks concentrates her practice on representing airport clients, which involves advising public and private entities on a wide range of issues that touch on the firm's regulatory, transactional, and litigation practices. She has particular experience negotiating and litigating contract disputes, negotiating airline agreements, advising on federal, state and local regulatory compliance, and conducting internal investigations. She has also been involved in litigation concerning airport operations. Prior to joining Kaplan Kirsch & Rockwell, Sarah was in-house counsel for the City of Chicago, where she advised the Chicago Department of Aviation, the proprietor of Chicago O'Hare International Airport and Midway International Airport, on a variety of matters.



EBONI WIMBUSH

President and CEO | Airport Minority Advisory Council

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Eboni Wimbush is the President and CEO of the Airport Minority Advisory Council (AMAC). In this role, Eboni continues AMAC's nearly 40-year rich history and legacy of advancing equitable opportunities and maximum participation for minorities and women throughout the aviation and aerospace industries. She provides strategic leadership, oversees the national office, collaborates with committee chairs, as well as, strengthens relationships with AMAC's industry partners, advocacy organizations, local, state and federal governments, among other key stakeholders.

Most recently she served as the Deputy Director of the Baltimore City Mayor's Office of Children & Family Success. She was responsible for advancing all of the work across the agency including building and implementing the strategies and systems to operationalize the City's \$100 million eviction prevention program in response to the global pandemic as well as leading the agency's contracting, human resources, grant compliance and equity strategy.

Previously, Eboni served as Chief of Staff at Baltimore City Department of Transportation, where she was responsible for the Office of Communications, the Office of Legislative Affairs and External Affairs. Additionally, she served as a key advisor to the Director in overseeing the day-to-day management, operations and performance activities of the agency's 1,250 employees and \$250 million budget.

Prior to joining Baltimore City and over a span of two decades, Eboni had a distinguished private sector career with Fortune 500 companies including FedEx Corporation, Johnson Controls and Siemens where she held leadership roles gaining a depth and breadth of knowledge and experience in developing and building energy infrastructure projects and delivering outcomes.

Eboni holds a Bachelor of Science in Business Administration with a concentration in Management from Embry Riddle Aeronautical University. She resides in Alexandria, Virginia and is an active member of Alfred Street Baptist Church where she serves as the President of the College Ministry. Eboni is a proud parent of one son.



KRISTINA WOODWARD

Vice President | Ricondo & Associates

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Kristina Woodward focuses on providing strategic and technical support for funding major airport infrastructure and capital projects. Kristina's vast expertise includes financial feasibility, benefit-cost, capacity, and rental car customer facility charge analyses, having participated in financial feasibility analyses in support of over \$15

billion of revenue bond financing throughout her career. A blend of expertise in both airport operations and capital planning offers Kristina the keen ability to justify project funding support for various airport stakeholders. She has been involved with some of the largest grants, bond issuances, and passenger facility charge (PFC) applications in the United States, including FAA grants and US Department of Transportation loans. Kristina also works closely with FAA staff at the regional and national levels to collaboratively review the application process for Airport Improvement Program grants and PFC approvals. Kristina is a member of the Airports Council International World Economics Committee and the Airports Council International-North America Finance Committee Steering Group, and she is the past president of Women in Transportation Seminars, Greater Chicago Chapter.

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