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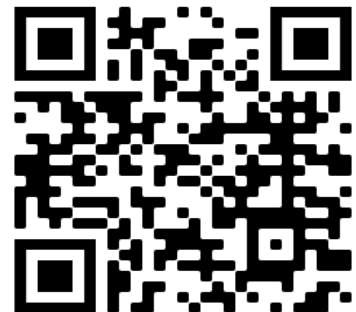
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**WE WILL BE POLLING THE AUDIENCE IN PRESENTATIONS THROUGHOUT THE WORKSHOP.**

Join at [slido.com](https://slido.com) #airportlaw2023



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# GENERAL INFORMATION

Kaplan Kirsch & Rockwell LLP, in cooperation with the American Association of Airport Executives (AAAE) and the International Municipal Lawyers Association (IMLA), is pleased to welcome you to the 39th Annual Airport Law Workshop.

The Workshop has long been regarded as the premier conference for both new and experienced lawyers (and those who need to understand airport law) to learn from experts the fundamental legal principles that underlie virtually all elements of airport operations and development. This workshop is the only conference that combines a thorough review of the basics of airport law with an update on recent legal developments. Conducted in an interactive classroom format, the instructors are government attorneys from DOT, FAA, and TSA, as well as seasoned practitioners with decades of experience and in-depth understanding of the federal laws, regulations, and policies that govern public-use airports.

The Workshop is taught in plain English and is not limited to lawyers. While more than half of the attendees are lawyers, participants always include those involved in airport administration, operations, planning, finance, property, environmental management, or security. Senior airport managers and commissioners or board members attend as well. Attendees often have commented that the networking opportunities are one of the most valuable elements of the conference, and this year's conference incorporates more opportunities for participants to learn from each other.

One of the most valuable benefits of the workshop is that all attendees receive the Airport Law Desk Reference, a comprehensive, user-friendly resource book that is annually updated for this conference. Past attendees have reported that this book is kept as a well-used reference tool.

All presentations and the latest information regarding the workshop are available for viewing or download at [www.airportlawworkshop.com](http://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: Hyatt-Meeting
2. Password: AAAE2023

## **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](http://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 Shelby Kaiser with Kaplan Kirsch & Rockwell by e-mail at [skaiser@kaplankirsch.com](mailto:skaiser@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

these publications are available for download at [www.trb.org](http://www.trb.org). QR codes to these materials are printed in Chapter 31, and hyperlinks are available at [www.airportlawworkshop.com](http://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](http://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



Basics








Advanced

## SUNDAY | OCTOBER 15















	1:15 PM	Welcome		
Session 1	1:30 – 2:30 PM	Fundamentals #1 – An introduction and history of airport law	B	Peter J. Kirsch Slone P. Isselhard
Session 2	2:45 – 3:45 PM	Fundamentals #2 – Understanding federal regulation of airports – the key Grant Assurances	B	Catherine M. van Heuven Sarah E. Wilbanks
Session 3	4:00 – 5:00 PM	Fundamentals #3 – Use (and misuse) of airport funds	B	Nicholas M. Clabbers Sarah E. Wilbanks
	5:30 PM	Opening Reception		

## MONDAY | OCTOBER 16

	8:15 AM	Welcome		
Session 4	8:30 – 9:30 AM	Fundamentals #4 – Regulatory compliance and enforcement – self-regulation and dealing with FAA/TSA	B	Steven L. Osit, Moderator Scott E. Mitchell, FAA Nikki Harding, TSA
Session 5	9:45 – 10:45 AM	Airport planning, development, and environmental reviews	B A	Catherine M. van Heuven Jean Wolfers-Lawrence FAA
Session 6	11:00 – 12:00 PM Simultaneous sessions	Tort liability and preparing for safety management systems	B A	Nicholas M. Clabbers Birkely Rhodes, FAA
Session 7		Ground transportation challenges – ride sharing, car sharing, taxis, and consolidated rental car facilities	B A	David Y. Bannard Ian Whitlock, Reno-Tahoe Int'l Airport Brian Gallucci, PFM
Session 8	12:00 – 1:30 PM LUNCH	Lunch panel discussion	B	Mohsin Syed, DOT Secretary's Office Kathryn Thompson, Deputy Admin., FAA (invited) John E. Putnam, Former General Counsel, U.S. Department of Transportation, Moderator
Session 9	1:30 – 2:30 PM	Airport finance for lawyers – sources of airport funds, setting airport rates and charges and imposing PFCs	B	Eric T. Smith Kristina Woodward, Ricondo
Session 10	Simultaneous Sessions	Financing airport capital projects, debt financing and securing FAA grants	A	David Y. Bannard

				David Neyer, Frasca & Associates
Session 11	2:45 – 3:45 PM Simultaneous Sessions	Environmental and PFAS liability		Sara V. Mogharabi Mort Ames, City of Chicago
Session 12		Noise regulation, evaluation, mitigation and liability	 	W. Eric Pilsk Katherine B. Preston, HMMH
Session 13	4:00 – 5:00 PM	Legislative and regulatory updates from Washington	 	Peter J. Kirsch Justin Barkowski, AAAE Rob Hawks, FAA
	5:30 -	Newer Airport Lawyers' Reception		Adam Gerchick, Host

## TUESDAY | OCTOBER 17

Session 14	8:30 – 9:30 AM	Anticipating frequently litigated issues	 	W. Eric Pilsk Adam E. Gerchick
Session 15	9:45 – 10:45 AM Simultaneous Sessions	Negotiating airline use and lease agreements		Eric T. Smith Steven L. Osit
Session 16		Supreme Court review – 2022 Term	 	Erich Eiselt, IMLA
Session 17	11:00 – 12:00 PM	Real estate development – non-aeronautical projects and private investment		Peter J. Kirsch Stephanie Pope
Session 18	12:00 – 1:30 LUNCH	Lighter side of airport law	 	Nicholas M. Clabbers
Session 19	1:30 – 2:30 PM	Update from TSA General Counsel	 	Francine Kerner, TSA Chief Counsel
Session 20	2:45 – 3:45 PM	Ethics for public agency lawyers	 	Slone P. Isselhard Tiffany N. Evans
Session 21	4:00 – 5:00 PM	Negotiating and resolving disputes with airport concessions and disadvantaged business enterprises (ACDBE)	 	David Y. Bannard Thiané Carter, Raleigh-Durham Airport Authority

# DETAILED WORKSHOP AGENDA

## SUNDAY, OCTOBER 15

1:15 PM

### WELCOME

1:30 – 2:30 PM

### FUNDAMENTALS # 1 – AN INTRODUCTION AND HISTORY OF AIRPORT LAW

**B** Gallery Ballroom

Peter J. Kirsch | Kaplan Kirsch & Rockwell  
Slone P. Isselhard | Kaplan Kirsch & Rockwell

This session provides an introduction both to the workshop and to airport law generally. We 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 evolution of airport regulation over the last 100 years – as a way to understand both how and why the federal government regulates airports and the activities of airport proprietors. Attendees can expect a discussion of the authority of the federal government and local governments with an emphasis on understanding the history of that regulation, 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 those needing a refresher or new to the field of airport law.

2:45 – 3:45 PM

### FUNDAMENTALS # 2 – UNDERSTANDING FEDERAL REGULATION OF AIRPORTS – THE KEY GRANT ASSURANCES

**B** Gallery Ballroom

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

Unlike some federal regulatory programs, FAA regulation is achieved primarily through contract. Each airport sponsor signs an annual grant agreement to receive Airport Improvement Program (AIP) grants. The grant agreements contain 39 AIP Sponsor Assurances which regulate 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.

4:00 – 5:00 PM

## FUNDAMENTALS # 3 – USE (AND MISUSE) OF AIRPORTS FUNDS

**B** | Gallery Ballroom

Nicholas M. Clabbers | Kaplan Kirsch & Rockwell  
Sarah E. Wilbanks | Kaplan Kirsch & Rockwell

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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 uses of airport funds is one of the foundations of airport law. This session offers an introduction to the unique federal legal requirements and contractual obligations which define how airports can use funds generated by activities at their airport. 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. It also provides the background for a subsequent session on how airports can lawfully generate revenue.

5:30 PM

## OPENING RECEPTION

Salon Foyer

## MONDAY, OCTOBER 16

8:15 AM

## WELCOME

Gallery Ballroom

Justin Barkowski | AAE

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8:30 – 9:30 AM

## FUNDAMENTALS # 4 – REGULATORY COMPLIANCE AND ENFORCEMENT- SELF REGULATION AND DEALING WITH FAA/TSA

**B** | Gallery Ballroom

Steven L. Osit | Kaplan Kirsch & Rockwell  
Scott E. Mitchell | FAA  
Nikki Harding | TSA

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Ensuring compliance with airport sponsors' many federal obligations, and helping their organizations successfully navigate enforcement actions and investigations, is one of an airport attorney's most important roles. This final fundamentals session explores the FAA and TSA compliance and enforcement programs and the various formal and informal mechanisms these agencies use to monitor and ensure compliance with both grant assurances and other federal obligations imposed on airport sponsors. Senior enforcement and compliance lawyers from both agencies will provide insight into airport sponsor's legal requirements, and share strategies to avoid and resolve compliance challenges.



9:45 – 10:45 AM

## AIRPORT PLANNING, DEVELOPMENT, AND ENVIRONMENTAL REVIEWS

B

A

Gallery Ballroom

Catherine M. van Heuven | Kaplan Kirsch & Rockwell

Jean Wolfers-Lawrence | FAA

Airport master planning and development is legally complex because of the web of federal, state, and local land use requirements imposed on airport sponsors. Master planning and capital development at airports is different from other government facilities and especially different from private sector capital planning.

The airport layout plan (ALP) forms the foundation for all planning and development at an airport, so it is critical for any airport lawyer to be familiar with how to read and understand this document. 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.

In recent years, the regulatory requirements for aeronautical-related development have diverged from those applicable to development of land that does not affect core aviation functions. We will discuss the new requirements and how to navigate the so-called Section 163 process for determining the level of FAA oversight.

Finally, we will discuss how environmental review acts as an umbrella over all development activities and will provide an overview of the federal environmental requirements for airport projects.

11:00 -12:00 PM

## TORT LIABILITY AND PREPARING FOR SAFETY MANAGEMENT SYSTEMS

B

A

Salon

Nicholas M. Clabbers | Kaplan Kirsch & Rockwell

Birkely Rhodes | FAA

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. In addition, while tort liability is often a matter of state law, there are generally applicable principles of airport sponsor tort liability that we will discuss and provide context for understanding how to address liability concerns.

The newest change to Part 139 and a sponsor's safety obligations is Safety Management Systems (SMS). Now that the SMS regulations are effective, airport sponsors who are immediately affected (and even those whose SMS obligations are deferred) are facing complex legal questions as they work to implement the requirements. We will discuss SMS implementation and the lawyer's role in the process.

## GROUND TRANSPORTATION CHALLENGES – RIDE SHARING, CAR SHARING, TAXIS, AND CONSOLIDATED RENTAL CAR FACILITIES

**B A** Gallery Ballroom

David Y. Bannard | Kaplan Kirsch & Rockwell  
Ian Whitlock | Reno Tahoe Airport Authority  
Brian Gallucci | PFM

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This panel will examine the legal issues that arise from ground transportation activities at an airport, with a special focus on the issues presented by development of consolidated rental car facilities (known as “ConRACs”) at airports. Getting passengers, freight and staff to and from an airport involves a complex mix of issues and resources, including public transit, private automobiles, rental car companies, taxis, limousines, transportation network companies such as Uber and Lyft, shuttles operated by local parking lot operators, hotels, off-airport rental car companies and others, and long-distance buses. Many airports are developing a centralized ground transportation center to house these activities and most airports seek to regulate them and generate revenue from these services. But unlike the laws applicable to aeronautical service providers, there is not a web of federal laws that apply to an airport’s regulation of these services other than a now-dated series of commerce clause cases. As a result, many states regulate these industries in a variety of manners and the means chosen are by no means uniform. We will discuss recent trends in state regulation of different kinds of ground transportation, various approaches to the development and financing of ConRACs being taken, the legal justification for regulating and charging ground transportation providers using airports, and traps for the unwary.

12:00 – 1:30 PM LUNCH

### LUNCH PANEL DISCUSSION

**B** Gallery Ballroom

John Putnam | Former General Counsel, U.S Department of Transportation, Moderator  
Kathryn Thompson | Deputy Administrator, FAA  
Mohsin Syed | DOT Secretary’s Office

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In a moderated discussion of federal transportation policy making, we will hear from experts who have been involved in policy making at the senior-most level of the Department of Transportation. Moderated by a former DOT General Counsel, the discussion will provide insight into how aviation policy is made and what issues are currently occupying the attention of senior administration officials.

1:30 – 2:30 PM

### AIRPORT FINANCE FOR LAWYERS – SOURCES OF AIRPORT FUNDS, SETTING AIRPORT RATES AND CHARGES AND IMPOSING PFCS

**B** Salon

Eric T. Smith | Kaplan Kirsch & Rockwell  
Kristina Woodward | Ricondo

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As a complement to the fundamentals session on use of airport revenue, this session takes a deep dive into the available sources of funds for airport operating and capital expenditures and the different legal issues that arise from accessing

each discrete funding source. We will discuss the legal, practical and financial implications of decisions to use specific funding sources, the options that are available to airport sponsors, and the regulatory requirements that accompany the choice of funding.

We will discuss at length the strategy for imposing rates and charges on airport users and the legal issues that users are likely to raise when objecting to rates and charges.

## FINANCING AIRPORT CAPITAL PROJECTS, DEBT FINANCING AND SECURING FAA GRANTS

### **A** Gallery Ballroom

David Y. Bannard | Kaplan Kirsch & Rockwell  
David Neyer | Frasca & Associates

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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. This advanced session will be a detailed examination of the available sources of capital funding for airport capital projects and the legal issues that arise from using each of 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. We will 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.

2:45 – 3:45 PM

## ENVIRONMENTAL AND PFAS LIABILITY

### **A** Salon

Sara V. Mogharabi | Kaplan Kirsch & Rockwell  
Mort Ames | City of Chicago

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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.

A particular focus on this session will be on PFAS, the status of efforts to phase out this chemical components of fire-fighting foam, and legal implications of its use and phaseout. We will discuss options and strategies for cost recovery and unique challenges litigation over PFAS liability.

## NOISE REGULATION, EVALUATION, MITIGATION AND LIABILITY



Gallery Ballroom

W. Eric Pilsk | Kaplan Kirsch & Rockwell  
Katherine Preston | HMMH

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In the last several years, the issue of airport noise has shifted from the airport and its operations, to problems of en route noise as the greatest source of annoyance. This session will explore recent administrative developments, including the recently published neighborhood noise study results, and case law that affect how airports address noise and build community support in an often-contentious environment. We will also discuss the tools that airport sponsors can use to plan for potential noise impacts, what resources are available to mitigate noise impacts and how to comply with legal requirements concerning noise evaluation and mitigation.

While airport sponsors are only rarely held liable for airport noise impacts, litigation is much more common. We will discuss how to anticipate potential noise litigation and how to reduce potential liability in the event of litigation. We will use case studies to explain how airports have worked with (or confronted) the FAA and the legal tools that they have used to protect the airport sponsor's legal and political interests.

4:00 – 5:00 PM

## LEGISLATIVE AND REGULATORY UPDATES FROM WASHINGTON



Gallery Ballroom

Peter J. Kirsch | Kaplan Kirsch & Rockwell  
Justin Barkowski | AAE  
Rob Hawks | FAA

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One of the most popular sessions at this Workshop every year has been the briefing on what is happening in Washington – in Congress, at FAA headquarters and at other federal agencies. With an unusual amount of legislative and regulatory activity in the last year, this session will provide an overview of those changes and what statutory, regulatory and policy changes to anticipate in the coming year. The panel includes industry and FAA experts who have followed Congress and administration policy making intently for the last year. We will discuss the FAA Reauthorization Act, the political focus on funding for infrastructure development, the latest policy initiatives on environmental and climate-related issues, and other hot topics.

5:30 – 7:30 PM

## NEWER AIRPORT LAWYERS' RECEPTION

## TUESDAY, OCTOBER 17

8:30 – 9:30 AM

### ANTICIPATING FREQUENTLY LITIGATED ISSUES

B

A

Gallery Ballroom

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

Airport law has its own unique legal enforcement and litigation system that is grounded in FAA administrative procedures for enforcing compliance with grant assurances and in the DOT's unique procedure for resolving disputes between airport sponsors and airlines over rates and charges. This session will provide an introduction to the administrative adjudicative processes and will provide an update on recent case law from both administrative decisions and court rulings affecting grant compliance, revenue use, and other key issues in airport law. Most importantly, we will discuss issues that are most frequently the subject of both administrative and court litigation and strategies that airport lawyers can use to reduce the chance of litigation and to prepare for litigation when it is unavoidable.

9:45 – 10:45 AM

### NEGOTIATING AIRLINE USE AND LEASE AGREEMENTS

A

Gallery Ballroom

Eric T. Smith | Kaplan Kirsch & Rockwell  
Steven L. Osit | Kaplan Kirsch & Rockwell

Although some airports establish rates and charges by ordinance or resolution, the majority of U.S. airport sponsors enter into an airline use and lease agreement (AULA) with airlines operating at the airport. Negotiating AULAs with airlines is one of the most important and complex tasks for airport lawyers, who play a pivotal role in both negotiations and drafting AULAs. The structure and terms of AULAs are continually evolving and this session explores the basics of negotiating these critically important agreements. We will begin with discussion of the strategic issues for the sponsor, followed by an overview of the basic elements of an AULA. We will examine the law applicable to these agreements as well as best practices from recent negotiations and discuss the key legal issues that airport sponsors must address in these negotiations.

### SUPREME COURT REVIEW – 2022 TERM

B

A

Salon

Erich Eiselt | IMLA

The International Municipal Lawyers Association, the preeminent national organization for local government lawyers, monitors closely the Supreme Court docket for cases of interest and potential importance for local governments. This session will provide a short brief on all of the critical cases from the last Supreme Court term that have particular relevance for local government lawyers and will provide insight into issues that may arise in the coming term.

11:00 -12:00 PM

## REAL ESTATE DEVELOPMENT – NON- AERONAUTICAL PROJECTS AND PRIVATE INVESTMENT



Gallery Ballroom

Peter J. Kirsch | Kaplan Kirsch & Rockwell  
Stephanie Pope | Kaplan Kirsch & Rockwell

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Private investment in airports is nothing new. But increasingly, airport sponsors are looking for private investment in, and financing of, both aeronautical and non-aeronautical facilities that were traditionally funded with airport bonds and municipal financing tools. While privatization of airports continues to be an extraordinarily rare phenomenon in the United States, the private sector is aggressively seeking investments in specific airport facilities from car rental centers to terminal concourses and from hotels to cargo complexes. This session will explore the legal issues that airport sponsors must confront when considering two different types of private investment: investment in airport infrastructure and investment in non-aeronautical projects that are intended primarily to generate revenue for the sponsor. We will discuss specific examples of various different models of private investment and their benefits and costs and legal pitfalls and tools that airport sponsors have used to attract interest in airport development projects.

12:00 – 1:30 PM LUNCH

## LIGHTER SIDE OF AIRPORT LAW



Gallery Ballroom

Nicholas M. Clabbers | Kaplan Kirsch & Rockwell

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This lunch session will ask you to apply your knowledge of airport law to common everyday problems. 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

## UPDATE FROM TSA GENERAL COUNSEL



Gallery Ballroom

Francine Kerner | TSA

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This Workshop's annual presentation from the TSA's Chief Counsel on legal issues in airport security is always a 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 airport counsel. This session provides an 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.

2:45 - 3:45 PM

## ETHICS FOR PUBLIC AGENCY LAWYERS



Gallery Ballroom

Slone P. Isselhard | Kaplan Kirsch & Rockwell  
Tiffany N. Evans | Kaplan Kirsch & Rockwell

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Lawyers for public agencies always face competing pressures from elected officials and professional managers and face unique challenges in fulfilling their ethical obligations. Whether because of state open records and open meeting laws or because of political imperatives, much of a lawyer's job as an airport lawyer is conducted under the glare of public scrutiny. Lawyers who are accustomed to the confidentiality of attorney-client communications often are alarmed by the degree to which the attorney-client relationship in the airport business is a matter of public record. This interactive session explores ways in which lawyers can fulfill their professional obligations without inadvertently creating ethical problems and how lawyers can fulfill public disclosure obligations while maintaining confidentiality in their advice to their public agency clients.

4:00 - 5:00 PM

## NEGOTIATING AND RESOLVING DISPUTES WITH AIRPORT CONCESSIONS AND DISADVANTAGED BUSINESS ENTERPRISES (ACDBE)



Gallery Ballroom

David Y. Bannard | Kaplan Kirsch & Rockwell  
Thiané Carter | Raleigh – Durham Airport Authority

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This session will start with a brief 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. From that background, we will discuss the kinds of disputes that airport sponsors face and how they 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 will use case studies to examine tools for anticipating and resolving disputes with concessionaires over ACDBE and other civil rights compliance issues.





## SPEAKERS & MODERATORS



### **MORT P. AMES**

**Senior Counsel of Aviation | City of Chicago - Department of Law**  
mort.ames@cityofchicago.org

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



### **DAVID Y. BANNARD**

**Partner | Kaplan Kirsch & Rockwell**  
dbannard@kaplankirsch.com

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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 | American Association of Airport Executives**  
justin.barkowski@aaae.org

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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.



### **THIANE CARTER**

**Director, Small Business Programs | Raleigh- Durham Airport Authority**  
Thiane.Carter@rdu.com

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Thiané D. Carter has served as the administrator of small business programs for the Raleigh-Durham International Airport Authority (RDU) since 2011. She is responsible for the administration and implementation of the RDU's Minority and Women-Owned Small Business (MWSB) and Federal Disadvantaged and Airport Concessions

Disadvantaged Business Enterprise (DBE/ACDBE) Programs. As the Director of Small Business Programs, she has been responsible for ensuring that small, minority and women-owned businesses have an opportunity to participate in and compete for business opportunities with the Authority. She is a graduate of both the University of North Carolina at Wilmington and the University of North Carolina at Charlotte, earning a Bachelor of Science in Finance and a Masters of Public Administration respectively. Prior to joining the Authority, she spent more than a decade as a consultant to U.S. Department of Transportation recipients (i.e. airports, transit systems and state transportation departments) on DBE/ACDBE Program development and administration.



**NICHOLAS M. CLABBERS**  
Associate | Kaplan Kirsch & Rockwell  
nclabbers@kaplankirsch.com

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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.



**ERICH EISELT**  
Deputy General Counsel/Director of Legal Advocacy | IMLA  
eeiselt@imla.org

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Erich Eiselt is IMLA's Deputy General Counsel and Director of Legal Advocacy. He reviews appellate cases for potential IMLA amicus support and collaborates with authors in developing arguments and information of value to the court. He has authored and contributed to the writing of numerous IMLA amicus briefs at appellate courts nationwide, including several briefs currently before the United States Supreme Court. Erich also heads IMLA's Affirmative Litigation group, providing a focal point for local governments who are redressing illegal and/or harmful influences in their communities, including opioids, e-cigarettes, PFAS, pharma antitrust, consumer fraud, and many more. He has presented on Supreme Court and Affirmative Litigation issues at venues around the country.

Erich began his practice as a litigator with a New York City law firm and subsequently served as General Counsel of a New York-based international information group. He is a graduate of the University of Virginia School of Law, where he served on the Editorial Board of the Virginia Journal of International Law and is admitted to practice in New York and before the Sixth Circuit and the United States Supreme Court.



## **TIFFANY N. EVANS**

**Associate | Kaplan Kirsch & Rockwell**  
tevans@kaplankirsch.com

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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.



## **BRIAN J. GALLUCCI**

**Managing Director | PFM Financial Advisors LLC**  
galluccib@pfm.com

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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 developing comprehensive credit strategies for rating agency and investor outreach.

Brian's clients include large, international gateways, such as the San Francisco International Airport and Las Vegas McCarran International Airport, and consolidated port entities such as the Massachusetts Port Authority (Boston-Logan International Airport) and Port of Portland, OR (Portland International Airport). Brian also works with a diverse group of large, medium, small, and non-hub airports exploring financing options for critical capital improvements programs.

In his career, Brian 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. 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.



## **ADAM E. GERCHICK**

**Associate | Kaplan Kirsch & Rockwell**  
agerchick@kaplankirsch.com

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Adam Gerchick represents airport operators in litigation, regulatory, and transactional matters. He has handled both federal and state-level cases and frequently litigates administrative proceedings before the Federal Aviation Administration. He has also served as counsel with respect to several airport bond offerings and has represented airport sponsors in bankruptcy proceedings. Adam regularly advises airport sponsors on federal regulatory compliance and grant obligations and has prepared airport policy documents, including rules and regulations and minimum standards, for both Part 139 and general-aviation airports.



## **NIKKI HARDING**

**Deputy Assistant Administrator | TSA**

[Nikki.Harding@tsa.dhs.gov](mailto:Nikki.Harding@tsa.dhs.gov)

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Nikki R. Harding is the Acting Deputy Assistant Administrator for Security Operations – Compliance. In this capacity, Ms. Harding works to oversee that domestic and international transportation entities carry out a broad range of statutory, regulatory, and program security requirements, including advising national aviation programs and local inspectors to ensure that regulated entities and their authorized representatives are compliant in performing their security requirements, and guiding TSA’s outcome focused compliance enforcement policy.

Previously, Ms. Harding was the Assistant Chief Counsel for Civil Enforcement and Compliance from September 2017 to August 2023, where she oversaw a group of headquarters-based attorneys who focused on the administrative process for entities and individuals who violate TSA security regulations. She was lead counsel on numerous complex and high profile cases where she negotiated multi-million-dollar corrective action settlement agreements in furtherance of TSA’s mission. Additionally, Ms. Harding provided advice and assistance on civil enforcement administrative actions for attorneys and inspectors assigned to TSA field offices nationwide. In 2019, Ms. Harding was named the Transportation Security Lawyer of the Year by the Federal Bar Association.

Ms. Harding joined TSA as an Attorney-Advisor at Newark Liberty International Airport in December 2015 and subsequently worked as the Assistant Chief Counsel for Security Threat Assessment Operations.

Prior to TSA, she worked at the Office of the District Attorney, Bronx County, New York for eighteen years. Her last assignment was Supervising Assistant DA assigned to the Narcotics Bureau, where she participated in the supervision of over 40 attorneys, led the Office’s response to resentencing motions pursuant to the Drug Law Reform Acts of 2004, 2005 and 2009, and served as faculty with the Litigation Training Unit in numerous CLE qualified trial training programs. Before her position as a supervisor, she worked in Bronx County as a trial assistant in the Narcotics Bureau, the Grand Jury Evaluations Bureau and the Criminal Court Bureau, where she successfully prosecuted homicides and other violent felonies, felony narcotics and various misdemeanor cases.

Ms. Harding received her J.D. from George Washington University in 1997 and her B.A. from the University of Vermont in 1994. She is admitted to practice in the State of New York.



## **ROB HAWKS**

**Deputy Director, Airports Planning & Programming | FAA**

[Rob.Hawks@faa.gov](mailto:Rob.Hawks@faa.gov)

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Rob Hawks became the Deputy Director for the FAA’s Office of Airports Planning and Programming in October 2019. He provides executive leadership to planning, developing, and ensuring financial assistance for a safe and efficient national airport system. His office is responsible for the National Plan of Integrated Airport Systems as well as airport master and capital improvement planning. His office provides national guidance on environmental requirements, sustainability, and community involvement related to airport development. Each year, his office awards over \$3 billion in Airport Improvement Program grants and oversees over \$3 billion in Passenger Facility Charge collections to help meet the nation’s airport infrastructure needs.

In 2020 and 2021, he led the development and implementation of three rounds of COVID-19 supplemental appropriations, which has awarded \$20 billion to over 3,000 airports. He was instrumental in the development and implementation of the Infrastructure Investment and Jobs Act, which has provided an additional \$20 billion in

airport capital improvement funding. Most recently, he served a year-long detail to the Senate Commerce Committee to assist with development of the FAA's reauthorization bill.

Prior to joining the Office of Airports, he served in various attorney positions in the FAA's Office of the Chief Counsel. He began in 2008 as a staff attorney in the Regulations Division and served most recently as the Manager of the Operations Law Branch. He began his federal career as a law clerk to the Honorable Michael Mihm in the U.S. District Court for the Central District of Illinois. He is a graduate of Marquette University Law School and Marquette University.



**SLONE P. ISSELHARD**  
Associate | Kaplan Kirsch & Rockwell  
sisselhard@kaplankirsch.com

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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.



**FRANCINE KERNER**  
Chief Counsel | Transportation Security Administration  
Francine.Kerner@tsa.dhs.gov

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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**

**Partner | Kaplan Kirsch & Rockwell**

[pkirsch@kaplankirsch.com](mailto:pkirsch@kaplankirsch.com)

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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.



## **JEAN WOLFERS-LAWRENCE**

**Airports Environmental Branch Manager | FAA**

[jean.wolfers-lawrence@faa.gov](mailto:jean.wolfers-lawrence@faa.gov)

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Jean manages the Environmental Branch within FAA's Office of Airports, Airport Planning and Programming Division. The Environmental Branch is responsible for reviewing environmental policy and providing advice and assistance to FAA's Environmental Specialists on interpreting and implementing the National Environmental Policy Act (NEPA) and special purpose laws. Other key responsibilities include providing training to FAA ARP staff on environmental initiatives, regulations, policies and guidance, providing input and advice on technical matters, contributing to many Environmental Impact Statements and Environmental Assessments, managing the Airport Noise Compatibility Program, managing the various energy efficiency, sustainability, and resiliency programs, and implementing current Federal initiatives.



**SCOTT E. MITCHELL**  
**Assistant Chief Counsel | FAA**  
Scott.E.Mitchell@faa.gov

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Scott Mitchell is the Assistant Chief Counsel for Airports and Environmental Law. Mr. Mitchell provides executive direction and oversight for all aspects of legal services that support the Federal Aviation Administration's (FAA) activities related to airports, civil rights and the environment, including relationships with state and local governments. He also provides legal advice concerning policies and procedures for airport finance, planning, compliance and engineering and legal guidance on rulemaking that concerns airports, civil rights and environmental matters. Mr. Mitchell works with the U.S. Department of Justice to represent the FAA in federal court litigation with regard to all matters within his portfolio.

Mr. Mitchell has a wide breadth of senior leadership experience in the areas of environmental, airports, and civil rights. Mr. Mitchell served as an environmental attorney in the private sector, a Superfund enforcement lawyer at the Department of Interior, and the Airports Law Branch Manager in the FAA's Office of the Chief Counsel. During his career, Mr. Mitchell has represented all the major stakeholders in his area of expertise, including representing a major aviation department, an airline, and the government.

Mr. Mitchell holds a J.D. from the Georgetown University Law Center and a Bachelor of Science in Chemical Engineering from the University of Florida, both cum laude. He is a recipient of the Secretary's Distinguished Service Award for his work during the COVID-19 health emergency.

Mr. Mitchell has served on an array of forums and committees, including the American Bar Association (ABA) Forum on Air & Space Law, the Federal Bar Association - Transportation Law Section, the ABA Section of Environment, Energy, and Resources (SEER) Congressional Relations Task Force and Special Committee on Homeland Security, and the Department of the Interior's GLOBE employee organization.



**SARA V. MOGHARABI**  
**Associate | Kaplan Kirsch & Rockwell**  
smogharabi@kaplankirsch.com

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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.



## **DAVID NEYER**

**Vice President | Frasca & Associates**

[dneyer@frascallc.com](mailto:dneyer@frascallc.com)

Prior to joining Frasca & Associates, LLC in October of 2022, Mr. Neyer spent 14 years as an airport consultant with LeighFisher/Jacobs where his clients included Albany International Airport, Austin-Bergstrom International Airport, Bill and Hillary Clinton National Airport, Boise International Airport, Manchester-Boston Regional Airport, Greater Rochester International Airport, Miami International Airport, Phoenix Sky Harbor International Airport, Santa Barbara Airport, T. F. Green International Airport, and Wichita Dwight D. Eisenhower National Airport, among others. With extensive knowledge in capital program financial planning, airline negotiations, and airline rates and charges, Mr. Neyer developed feasibility models and forecasts for the Albany International Airport, Austin-Bergstrom International Airport, Miami International Airport, Phoenix Sky Harbor International Airport, and Wichita Dwight D. Eisenhower National Airport; rates and charges models for the Greater Rochester International Airport, Santa Barbara Airport, and Wichita Dwight D. Eisenhower National Airport; and master planning models for the Bill and Hillary Clinton National Airport and T. F. Green International Airport.

At Frasca, Mr. Neyer continues to support airports through airline negotiations, financial planning, and rates and charges including airline negotiations at Austin-Bergstrom International Airport, Greater Rochester International Airport, and Tulsa International Airport; rates and charges at Albany International Airport and Boise International Airport; financial modeling and capital planning at Wichita Dwight D. Eisenhower National Airport; and financial modeling for Phoenix Sky Harbor International Airport. Prior to joining LeighFisher, Mr. Neyer was a licensed trader with The Vanguard Group where he traded equities, worked in problem resolution, and developed dashboards for the Vanguard Brokerage Services division. Mr. Neyer has a bachelor's degree in finance from Ohio University. He is an MSRB Municipal Advisor Series 50 Representative.



## **STEVEN L. OSIT**

**Partner | Kaplan Kirsch & Rockwell**

[sosit@kaplankirsch.com](mailto:sosit@kaplankirsch.com)

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**

**Partner | Kaplan Kirsch & Rockwell**

[epilsk@kaplankirsch.com](mailto:epilsk@kaplankirsch.com)

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



trials in state and federal courts and administrative agencies, including contested evidentiary hearings before the FAA in FAR Part 16 proceedings.

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



## **STEPHANIE POPE**

**Associate | Kaplan Kirsch & Rockwell**  
spope@kaplankirsch.com

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Before joining Kaplan Kirsch & Rockwell, Stephanie was an Associate Assistant City Attorney with Airport Legal Section within the Denver City Attorney's Office where she provided legal counsel on various complex airport issues concerning construction, hotel, sustainability, First Amendment, and environmental issues at the world's third largest airport. She drafted professional services, construction, design/engineering, and sustainability agreements and permits as well as MOUs to improve interagency coordination and collaboration. She also helped to draft the Energy Performance Contract for Denver International Airport, the largest contract of its kind in Colorado.

Stephanie served as a founding member and airport legal team representative on the City Attorney's Office EDI Team, demonstrating a commitment to promoting equity, diversity, and inclusion in the legal field. Stephanie continues her engagement in EDI initiatives.

During law school, Stephanie was a law clerk at Kaplan Kirsch & Rockwell, where she conducted legal research for municipal clients related to environmental regulations, land development, transportation, airport law, and other local government issues. She also provided legal support for projects involving NEPA, tort law, issue preclusion, and First Amendment issues. She also was a law clerk for the Boulder County Attorney's office, where she assisted the County in municipal issues including open records, mineral rights, land use, zoning litigation, and oil and gas regulation.



## **KATHERINE PRESTON**

**Director, Aviation Environmental and Sustainability | HMMH**  
preston.katherine@gmail.com

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Katherine Preston serves as Group Leader for HMMH's Aviation Environment and Sustainability Practice. Katherine has been with the firm since 2017, and has worked in the aviation industry for more than 18 years. She has extensive experience in environmental management, sustainability, stakeholder engagement and government affairs, and has worked with airports across the U.S. and internationally. Katherine has worked with airport clients to develop sustainability plans, carbon inventories and reduction plans, conduct environmental reviews, renewable energy feasibility studies and federal research projects. In addition, she is an active member of several industry trade associations and participates on ICAO's CAEP working groups as part of ACI World. Katherine also serves as a member of the TRB Environmental Impacts of Aviation Standing Committee.

From 2011 – 2017, Katherine served as the Senior Director, Environmental Affairs at ACI-NA, where she managed the association's federal regulatory affairs and advocacy on a range of sustainability and environmental policy issues including air quality, NEPA, water quality, waste management, noise and climate change. She served as the committee secretary for the Environmental Affairs Committee and eight technical working groups, comprised of hundreds of members from both the public and private

sector, and oversaw the implementation of the Airport Carbon Accreditation program in the North American region. She participated on federal advisory committees and represented U.S. and Canadian airports with ACI World.

Katherine holds an M.S. in Environmental Sciences and Policy from Johns Hopkins University, and a B.A. in Political Science from the University of Florida. She is also an ENV SP Certified Sustainability Professional for the Institute of Sustainable Infrastructure's Envision Rating System. She lives in Northern Virginia with her family.



## **JOHN PUTNAM**

**Former General Counsel | U.S. Department of Transportation**

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John E. Putnam is currently Senior Advisor for the Colorado Department of Transportation. Until July 2023, he was the General Counsel of the U.S. Department of Transportation. He joined the Biden Administration as the Department's Deputy General Counsel on January 20, 2021, and was sworn in as General Counsel in May 2022. In this role, he worked closely with the Department's senior leadership, the nine Operating Administrations (including the Federal Aviation Administration), and nearly 500 attorneys to manage legal and policy matters concerning all transportation modes. Among other matters, John was responsible for overseeing legal and other aspects of Bipartisan Infrastructure Law implementation and the Department's regulatory agenda.

Immediately prior to joining the Department, John was the Director of Environmental Programs for the Colorado Department of Public Health and Environment (CDPHE). He was responsible for overseeing the air, water, waste, and environmental health and sustainability divisions, as well as coordinating with the Air Quality Control Commission, Solid and Hazardous Waste Commission, and Water Quality Control Commission.

Prior to joining CDPHE, John worked for 25 years as a transportation and environmental attorney in Denver and Washington, DC. He represented State departments of transportation, local governments, transportation agencies, and private entities in Colorado and nationwide on a range of transportation, energy, environmental issues under the Federal transportation laws, the Clean Air Act, the National Environmental Policy Act, and the Clean Water Act. John represented a number of airports nationwide on a variety of development, airspace, regulatory and environmental issues.



## **BIRKLEY RHODES**

**Division Manager, Airport Safety and Operations Division | FAA**

[birkely.m.rhodes@faa.gov](mailto:birkely.m.rhodes@faa.gov)

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Birke Rhodes is the Division Manager for Airport Safety and Operations with the Federal Aviation Administration at National Headquarters in Washington DC. Birke currently is responsible for airport safety and policy within the United States. Mr. Rhodes also is responsible for safety oversight and safety policy for the Part 139 Airport Certification Program which includes 517 commercial service airports. His Division has responsibility in key areas of: Aircraft Rescue and Firefighting, Airport Emergency Planning, Wildlife Hazard Management, Airport Personnel Training, Safety During Construction, Winter Operations, Fueling Safety and Airport Safety Management Systems.

Birke began his aviation career in 1991 working for the Chicago Department of Aviation as an Airport Operations Supervisor at Chicago O'Hare International Airport. He was responsible for all aspects of airside safety, airport operations and Part 139 compliance. After working closely with FAA's Regional Airport Certification Team, Birke found his passion in airport safety and regulatory oversight as an Airport

Certification Safety Inspector for the FAA in the Great Lakes Regional Office in Chicago. While in the Great Lakes Region, Birke was promoted to Lead Airport Certification Safety Inspector and then to Safety and Standards Branch Manager overseeing the regional airport safety, airport standards and engineering program for eight states.

Birke is a graduate from Southern Illinois University where he studied Aviation Management and Aviation Flight and he is an Instrument Rated Private Pilot.



## **ERIC T. SMITH**

**Partner | Kaplan Kirsch & Rockwell**

[esmith@kaplankirsch.com](mailto:esmith@kaplankirsch.com)

Eric Smith concentrates his practice in the aviation, airport, and aviation-based labor, airport concessions, and bankruptcy arenas. He represents airport owners and operators of all sizes across the 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.



## **MOHSIN SYED**

**Chief of Staff | Department of Transportation**

[mohsin.syed@dot.gov](mailto:mohsin.syed@dot.gov)

Mohsin Syed serves as the Secretary's Chief of Staff. Syed previously served as the Assistant Secretary for Governmental Affairs at the Department, having been confirmed by the U.S. Senate by voice-vote. He previously served as the Principal Deputy Assistant Secretary for Governmental affairs. Prior to his positions within the Department, Syed served for over six years as a staffer on Capitol Hill, including as the Majority Chief Counsel for the House Committee on Transportation and Infrastructure, Minority Staff Director for the Subcommittee on Aviation Operations, Safety, and Security within the Senate Committee on Commerce, Science, and Transportation, and Legislative Counsel for Senator Bill Nelson. Prior to his work on Capitol Hill, Syed worked as a career Attorney-Advisor within the Department's Office of the General Counsel, as an attorney in private practice, and as an intelligence officer with the Defense Intelligence Agency.



**KATHRYN THOMSON**  
Deputy Administrator | FAA  
kathryn.thomson@dot.gov

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Kathryn “Katie” Thomson was appointed as the Deputy Administrator in June 2023. She brings a 30+ year history of global aviation and transportation law and leadership experience to the Agency. Previously, she served as the FAA Chief of Staff (CoS) where she was a key advisor to the Administrator and provided leadership, guidance, oversight and coordination of activities related to aviation policy and resource management program. She oversaw and partnered with agency leadership on some of the agency’s most complex and controversial matters.

Katie was the Director, Bipartisan Infrastructure Law Implementation at the U.S. Department of Transportation (DOT) immediately prior to joining FAA. In this capacity, Katie worked with internal and external stakeholders to successfully implement approximately \$660 billion in new and expanded programs across all modes of transportation over five years. This was Katie’s second stint at DOT. She rejoined DOT from Amazon, where she was Vice President & Associate General Counsel, Worldwide Transportation and Sustainability.

Before joining Amazon, Katie played a pivotal role in shaping national and international transportation law and policy as General Counsel of DOT (2013-2016) and as Chief Counsel of the Federal Aviation Administration (2012-2014) during the Obama Administration. She also served as Counselor to the U.S. Secretary of Transportation (2009-2012) and was DOT’s first Senior Sustainability Officer. During her tenure as Counselor, Katie led the DOT team that worked with the White House and the U.S. Environmental Protection Agency to develop and implement historic joint fuel economy/greenhouse gas emission standards for cars and trucks.

Prior to federal government service, Katie was a partner in the environmental group at Sidley Austin in Washington, D.C., where she supported clients in all industrial sectors. Immediately prior to joining Amazon, Katie chaired the transportation practice group at Morrison Foerster, advising clients on emerging technologies in the transportation sector.

Katie received her Bachelor of Arts degree from the University of Illinois (Champaign-Urbana) and her Juris Doctor from the University of Pennsylvania.



**CATHERINE M. VAN HEUVEN**  
Partner | Kaplan Kirsch & Rockwell  
cvanheuve@kaplankirsch.com

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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**

**Associate | Kaplan Kirsch & Rockwell**

swilbanks@kaplankirsch.com

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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.



### **IAN WHITLOCK**

**Chief Legal Officer | Reno-Tahoe Airport Authority**

ikwhitlock1@gmail.com

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Ian Whitlock is the Chief Legal Officer for the Reno-Tahoe Airport Authority (RTAA). Ian came to his current position after a long career in environmental and natural resources law. After practicing with law firms in Denver and Portland, Ian worked as an Assistant Attorney General in Oregon's Department of Justice. He then joined the Port of Portland's in-house legal team to focus on environmental compliance, later assuming a broader portfolio that included airport regulatory affairs. At the Port he served as both Deputy and Acting General Counsel. As the RTAA's general counsel Ian is responsible for all legal matters arising from operations at the Authority's two airports and various commercial properties. Ian is a member of the ACI-NA Legal Affairs steering committee.



### **KRISTINA WOODWARD**

**Senior Vice President | Ricondo & Associates**

kwoodward@ricondo.com

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Kristina Woodward provides advisory services for airport operators and manages large teams delivering multi-disciplinary airport consulting services for Ricondo. Ms. Woodward has more than 20 years of airport consulting experience and works with senior airport management staff to understand the needs of the airport and to find solutions. She evaluates and provides strategic guidance on capital projects, often with a focus on the relationship between capital program needs, financial implications, and funding options. A blend of expertise in both airport operations and capital planning offers Kristina the ability to justify project funding support for various airport stakeholders.

Ms. Woodward has been involved with large, complex bond issuances, grant applications, Passenger Facility Charge (PFC) applications, and Federal loans. She

has participated in the preparation of financial feasibility reports for more than \$20 billion in revenue bonds and assisted with due diligence for public-private partnership transactions. She has supported US Federal funding applications, including several FAA Airport Improvement Program Letter of Intent (LOI) applications and associated benefit-cost analyses. In 2013, Ms. Woodward assisted in the application for a US Department of Transportation Infrastructure Finance and Innovation Act (TIFIA) loan and continues to support ongoing reporting and analysis.

Ms. Woodward previously served as a member on the Airport Council International (ACI) World Economic Standing Committee and the ACI-North America Finance Committee Steering Group. In 2022, at the request of the FAA, she provided training to the FAA's airports organization on issues facing US airports.

# WORKSHOP STAFF



**JUSTIN BARKOWSKI**

Vice President, Regulatory Affairs | American Association of Airport Executives

[justin.barkowski@aaae.org](mailto:justin.barkowski@aaae.org)

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**SAMANTHA WITTIE**

Director, Meetings | American Association of Airport Executives

[samantha.wittie@aaae.org](mailto:samantha.wittie@aaae.org)

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**SHELBY KAISER**

Marketing Director | Kaplan Kirsch & Rockwell

[skaiser@kaplankirsch.com](mailto:skaiser@kaplankirsch.com)

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**TIANA SCHAFER**

Marketing Assistant | Kaplan Kirsch & Rockwell

[tschafer@kaplankirsch.com](mailto:tschafer@kaplankirsch.com)

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