



## 2018 LEGAL COMMITTEE WORKSHOP AGENDA

September 29-30, 2018 • Music City Center • Nashville, TN

*Room: 208*

**Wifi Network: ACINA**  
**Password: airports18**

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### Saturday, September 29, 2018

7:30am – 6:30pm      **Registration**

7:30am – 8:30am      **Continental Breakfast**

8:30am – 8:45am      **Legal Committee Welcome & Opening Remarks**

Speakers:  
Ann Morgan, Committee Chair, Fennemore Craig, (Outside General Counsel, Reno-Tahoe Airport Authority)

8:45am – 10:00am

**Airport Law Roundtable** (*Closed Session. No one representing interests adverse to airports on topics being discussed may attend during that discussion*)

Discussion of current issues of interest to airport lawyers. Topics include: How far can an airport go to encourage the use of biofuel?; Continuing issues with FAA contract clauses; Experience with citizens forming groups to file continuous small claims re noise thereby creating a de facto class action without filing a class action; Commercial Space ports; Impacts to airports of SEC adoption of amendment to rule 15c2-12 to expand the scope of continuing disclosure requirements; Third Party development of hangars and FBO objections; Labor peace agreements; Potential conflicts between building a new terminal and an existing airline operating agreement; how to handle requests from charities to install “drop your change here for charity” at TSA checkpoints; potential impacts on airports of the change in scope of “covered transactions” related to statutory provisions on foreign ownership of US infrastructure; potential impacts on Horizon Air Incident at Sea-Tac for airport operations and security.

Moderator: Ann Morgan, Legal Committee Chair, Fennemore Craig (Outside General Counsel, Reno-Tahoe Airport Authority)

Speakers:

10:00am – 10:15am

**Morning Break**

10:15am – 11:15am

**Alternative Car Rental Operations at Airports** – Internet-based car rental companies advertise extensive commercial operations at airports, yet often operate in the shadows. Now they say they are willing to enter into agreements with airports to operate legally, but expect airports to treat them differently than other commercial transactions where a customer procures someone else’s care for a specific period of time. What regulatory, enforcement, operational, and other legal issues must airports know about?

Moderator: Raymond Ilgunas, General Counsel, Los Angeles World Airports-Legal Department

Speakers: William Wright, General Counsel, Edmonton International Airport,  
Marcos Marchena, Shareholder, Marchena & Graham (Outside General Counsel to Greater Orlando Aviation Authority)  
Tim Daze, Deputy General Counsel, Los Angeles World Airports-Legal Department

11:15am – 12:00 pm

**TSA Update - Airport Security Issues** – A discussion of current and prospective security issues of concern to airport lawyers.

Moderator: Ann Morgan, Committee Chair, Fennemore Craig, (Outside General Counsel, Reno-Tahoe Airport Authority)

Speakers: Francine Kerner, Chief Counsel, Transportation Security Administration  
Susan Prosnitz, Deputy Chief Counsel for Regulations and Security Standards, TSA

12:00pm – 1:30pm

**Lunch**

1:30pm – 2:45pm

**Cybersecurity Airport Concerns and Countermeasures** Threats of Cyberattacks are pervasive and increasing, particularly for critical infrastructure like airports. Cybersecurity is not just an IT issue-- it is a legal issue requiring airport lawyers to warn top management of the risks so that proper attention is paid to it. What legal considerations are involved in preventing such attacks, as well as dealing with the aftermath of attacks that do occur?

Moderator: Michael Stephens, General Counsel and Vice President for Information Technology, Hillsborough County Aviation Authority

2:45pm – 3:00pm

**Afternoon Break**

3:00pm – 4:15pm

**Negotiating Airline Lease and Use Agreements or Imposing Fees by Ordinance: What Do Airport Lawyers Need to Know? *JOINT Legal and Finance Committees Session.***

With the pending expiration of existing airline lease and use agreements, airport attorneys may face the prospect of participating in the development of airport policy and negotiating positions, as well as drafting agreements without prior experience in doing so. Understanding the fundamentals of airline-airport deals is critical for airport lawyers to provide good service to their clients. This session also includes a brief overview of the latest issues being raised by airlines in current negotiations, including access to gates, rates & charges (formula for common use areas/facilities, e.g., baggage systems, per turn fees & length of agreement)

Moderator: Thomas P. Abbott, Assistant County Attorney, Miami-Dade County Attorney's Office, Miami-Dade Aviation Department

Speakers: Eric Smith, Partner, Kaplan Kirsch & Rockwell  
TJ Roskelley, Partner, Anderson & Kreiger  
Pablo Nuesch, Partner, Spiegel & McDiarmid  
Sheri Ernico, Director, LeighFisher

4:15pm – 5:15pm

**Litigation Update** (*Closed Session. No one representing interests adverse to airports on topics being discussed may attend during that discussion*) A discussion of current cases of importance to airports.

Moderator: Joseph Messina, Acting Chief Administrative Officer, Philadelphia International Airport  
Speakers:

## Sunday, September 30, 2018

7:30am – 7:00pm

**Registration**

8:00am – 9:00am

**Continental Breakfast**

9:00am – 10:15am

**How Can Airport Lawyers Keep Up With/Anticipate Innovative Technologies that have implications for airport regulations and operations?** Airports and their lawyers have had new technologies and methods of delivering services thrust upon them and have had to review, apply, and sometimes change their existing regulations in order to address them, often while under intense public and political pressure. With ever more technological innovations (e.g., autonomous vehicles, both on the ground and in the air) on the horizon, how can airport lawyers be proactive, rather than reactive, in helping their clients prepare for technological change?

Moderator: Susana Carbajal, Assistant Director, Austin-Bergstrom International Airport

Speakers: Joseph Huber, Director Contract & Procurement Administration, Cincinnati/Northern Kentucky International Airport  
Dave Bannard, Partner, Kaplan Kirsch & Rockwell  
Elaine Rodriguez, General Counsel, Dallas-Ft. Worth International Airport

10:15am – 10:30am

**Morning Break**

10:30am – 11:30am

**Ground Access: Rules of the Road (and Rail)** Airports are often under pressure to fund road/rail projects that handle non-airport, as well as airport traffic. This panel will help clear up confusion on what airports may or may not build with airport revenues/PFCs and maintain with airport revenues. Discussions include land acquisition, percentage contributions, segment funding, public versus private rail, revenue diversion, valuation, length of lease term, easements, etc.

Moderator: Marcos Marchena, Shareholder, Marchena & Graham (Outside General Counsel to Greater Orlando Aviation Authority)

Speakers: Leila Lahbabi, Senior Assistant City Attorney/Airport Attorney, Charlotte Douglas International Airport  
Daniel Reimer, Assistant General Counsel, Denver International Airport  
Joseph Messina, Deputy Director of Aviation for Regulatory Affairs, Philadelphia International Airport  
Diane Pezanoski, Deputy Corporation Counsel, City of Chicago Department of Law  
Christopher Wilson, Partner, Marchena & Graham

11:00am – 12:00pm

**Legal Issues in Addressing Proposals by 3<sup>rd</sup> Party Developers.** Recently, there has been an increase in unsolicited offers from developers for on-airport projects, with attendant political pressure, as well as interest on the part of airport managers. Such proposals implicate a number of grant obligations. Developing non-aeronautical areas requires careful attention to the airport's core purpose, while airside development means using land and perhaps infrastructure reserved for aeronautical use, and is subject to stricter FAA rules. Leasing land to third-party developers raises a number of compliance questions that need to be addressed in the development agreement.

Moderator: Jeffrey Letwin, Partner, Saul Ewing (Outside General Counsel, Allegheny County Airport Authority – Pittsburgh International Airport)

Speakers: Mina Makarious, Partner, Anderson & Kreiger  
Pablo Nuesch, Partner, Spiegel & McDiarmid.  
Rafael Hernandez, Of Counsel, Morrison & Foerster

12:00pm – 1:00pm

**Lunch**

- 1:00pm – 2:00pm      **Emerging Contaminants/PFAS. *JOINT Legal and Environmental Committees Session.***  
 For decades, airport fire suppression operations relied on aqueous film-forming foams that contained a class of chemical compounds, known as PFAS. Recently, PFAS have come under intense scrutiny from environmental regulators, municipalities, and the public because PFAS has been detected in public drinking water supplies across the U.S. Airports are now a focus of environmental investigators and plaintiffs' counsel, given their use of AFFF for firefighting and fire training. The targeting of airports is likely to increase. To protect themselves from potential risks and costs, airports will need to develop legal, environmental, and public relations strategies.
- Moderator: John Putnam, Managing Partner, Kaplan, Kirsch & Rockwell  
 Speakers: Melinda Pagliarello, Senior Director, Environmental Affairs, ACI-NA  
 Dean Mericas, Senior Aviation Consultant, Mead & Hunt  
 Jeffrey Longsworth, Barnes & Thornburg  
 Colin Van Dyke, Partner, Anderson & Kreiger  
 Mort Ames, City of Chicago Law Department
- 2:00pm – 2:45pm      **Noise *JOINT Legal and Environmental Committees Session.*** Perspective on the Phoenix, Georgetown, and Southern California decisions, as well as a new takings lawsuit (Bensenville vs. O'Hare). The current noise pressures are different from those that airport sponsors have had to deal with in the past.
- Moderator: Jo Ellen McBride, Assistant Chief Counsel, City of Phoenix Law Department, Phoenix Sky Harbor International Airport  
 Speakers: John Putnam, Managing Partner, Kaplan, Kirsch & Rockwell  
 Mort Ames, City of Chicago Law Department  
 Mary Ellen Eagan, President & CEO, HMMH
- 2:45pm – 3:00pm      **Afternoon Break**
- 3:00pm – 4:00pm      **Regulatory and Practical Considerations in NEPA processing.** A refresher on basic NEPA concepts as well as current developments, such as the Administration's proposal to streamline NEPA processing. What do airports and their lawyers need to know?
- Moderator: TJ Roskelley, Partner, Anderson & Kreiger  
 Speakers: John Putnam, Managing Partner, Kaplan, Kirsch & Rockwell  
 David Full, Vice President, Aviation Environmental Service Group, RS&H  
 Daniel Reimer, Assistant General Counsel, Denver International Airport

4:00pm – 5:00pm

**Data Mining at/by Airports** – Your airport commercial management staff wants to collect all sorts of data on passengers and other potential customers (e.g., who is parking where and when, demographics on consumers of certain concessions, etc.) to help provide an enhanced terminal experience and generate revenue, but what are the legal implications of doing so? Topics include requirements under public records acts and privacy laws.

**Moderator:** Leila Lahbabi, Senior Assistant City Attorney/Airport Attorney, Charlotte Douglas International Airport

**Speakers:** Michael Stephens, Executive Vice President of IT and General Counsel, Hillsborough County Aviation Authority

David Murray, Assistant County Attorney, Miami-Dade County Attorney's Office, Miami-Dade Aviation Department

Elizabeth Smithers, Assistant City Attorney/Airport Attorney, Charlotte Douglas International Airport

Susana Carbajal, Assistant Director, Austin-Bergstrom International Airport

5:00pm – 7:00pm

**Exhibition Hall Grand Opening**

***Mark Your Calendars!***  
***Spring 2019 Legal Conference***  
***May 2-5, 2019 Lake Tahoe, NV***  
***<https://tinyurl.com/y793qypc>***