

LEGAL AFFAIRS SPRING CONFERENCE

May 1 - 4, 2019 // Lake Tahoe, NV

THANK YOU TO OUR HOST AIRPORT



**Reno-Tahoe
International
Airport**

Hotel Information:

[Hyatt Regency Lake Tahoe Resort Spa and Casino](#)

Incline Village, NV 89451

755-832-1234

Wednesday, May 1

- 9:00am – 5:00pm **Registration**
- 9:30am – 12:45pm **Steering Group Meeting** – Lakeside Ballroom C - Steering Group Members Only
- 1:00pm – 5:00pm **General Session** -- Lakeside Ballroom A-B
- 1:00pm – 1:15pm **Welcome and Introductions**
Legal Committee Chair: Debra Braga, Chief Legal Officer, Jacksonville Aviation Authority
Host Airport: Marily Mora, President/CEO, Reno-Tahoe Airport Authority; Ann Morgan, Fennemore Craig (General Counsel, Reno-Tahoe Airport Authority)
- 1:15pm – 2:00pm **Customs & Border Protection (CBP) issues**
Moderator: Cynji Lee, Assistant County Attorney, Miami-Dade County Attorney's Office, Miami-Dade Aviation Department.
Speaker: Matt Cornelius, ACI-NA Executive Vice President.

How airport attorneys can effectively address CBP issues, including: MOUs that CBP wants airports to sign relating to facilities, including commitment to pay future unspecified costs; 529 provisions regarding paying overtime for customs agents; how do airports respond to technical failures such as CBP's system breakdowns? Can airports avoid denial of international service?

2:00pm – 3:15pm

TSA Update

Moderator: Peter Pierotti, Legal Committee Vice Chair, Assistant City Attorney, Aviation, Albuquerque International Sunport
Speakers: Francine Kerner, TSA Chief Counsel; Susan Prosnitz, Deputy Chief Counsel for Regulations and Security Standards; Nikki Harding, Assistant Chief Counsel for Civil Enforcement

How is TSA working to address industry concerns about the Outcome Based Compliance Program? Airport Security Programs (ASPs): Are they operational or legal documents? To what extent should airport lawyers be involved in developing, maintaining, and interpreting the ASP? TSA civil penalties. What to expect as you proceed through the informal hearing, formal hearing, and appeal processes; Implementation of REAL ID requirements for access to the security checkpoint as of October 1, 2020. How will TSA implement provisions in the TSA Modernization Act for a report on privacy issues associated with biometric technology and revision of Transportation Security Officer training for screening passengers with disabilities? What is the status of the requirement to issue an NPRM relating to disqualifying criminal offenses? And other issues of concern to airports.

3:15pm – 3:30pm

PM Networking Break

3:30pm – 4:30pm

Legislative Update – Reauthorization Legislation

Moderator: Erin Locklear, General Counsel, Raleigh-Durham Airport Authority
Speakers: Peter Kirsch, Kaplan, Kirsch & Rockwell
Pablo Nuesch, Spiegel & McDiarmid

Issues include:

- a. Section 163 (Eliminating, with specific exceptions, FAA's role in approval of development on non-federally funded airport land) and PFC Reforms;
- b. What sections are self-executing and which require regulatory change? What should airports do in the interim if you need to rely on a statutory change?
- c. Noise provisions, what do they mean for past/upcoming metroplexes?
- d. Privatization program revisions.

4:30pm – 5:30pm

Legal Issues Related to Airport Efforts to Enhance the Passenger Experience/ Integrating Technology and Legal Teams

Moderator: Steve Michoulas, McMillan (Outside Counsel to Vancouver Airport Authority)
Speakers: Azhar Hussain, Legal Counsel, Dallas-Ft. Worth; Evan Wilson, Senior Attorney, Minneapolis-St. Paul Metropolitan Airports Commission

What is the lawyer's role relating to innovations that enable airports to keep up with passenger growth and enhance the passenger experience, including social media/technology innovations? Distributed Antenna Systems (DATs), data protection, non-disclosure requirements. The focus will be on day-to-day integration of the legal and technology teams on issues such as biometrics, art/technology installations, and noise monitoring technology.

5:30pm – 7:00pm

Welcome Reception - Lakeside Ballroom C
Hosted by the Reno-Tahoe Airport Authority

Thursday, May 2

7:30am – 12:00pm **Registration**

7:30am – 8:25am **Networking Breakfast - Lakeside Ballroom C**

8:30am – 12:00pm **General Session - Lakeside Ballroom A-B**

8:30am – 9:45am **Practicalities of Working in an Airport Legal Office**

Moderator: Steve Osit, Kaplan Kirsch & Rockwell

Speakers: Louisa Goldstein, Counsel and Assistant Attorney General Maryland Aviation Administration; Cameron Boyd, General Counsel, Metropolitan Airports Commission; Christina Marshall, Anderson & Kreiger

This session explores the fundamental--but far from straightforward---task of finding and interpreting airport law. What are the primary sources of airport law, what traditional and non-traditional research tools are available to find them, and which federal agency offices are responsible for interpreting and enforcing federal requirements? What state, local, and airport governance issues must an airport lawyer be aware of? Through discussion and a tutorial on using specific tools, the session will provide both new and seasoned airport lawyers with insight and guidance on effective practices for fulfilling their everyday responsibilities.

9:45am – 10:45am **Civil Rights/DBE/Diversity/Disabilities Act Issues**

Moderator: Debra Braga, Legal Committee Chair, Chief Legal Officer, Jacksonville Aviation Authority

Speakers: Yovannie Rodriguez, Marchena and Graham; Leila Lahbabi, Lead Counsel, Charlotte Douglas International Airport; Carolina Potts, Assistant City Attorney, Phoenix Sky Harbor International Airport.

ACDBE and DBE issues: basic background and a discussion of some of the more challenging aspects, including prompt payment and use of local programs; ADA issues in general. and related to airport websites, including accessibility for the legally blind; Title VI issues and compliance.

10:45am– 11:00am **AM Networking Break**

11:00am– 12:00pm **Litigation Update (Closed session. No one representing interests adverse to airports on topics being discussed may attend during that discussion)**

Moderator: Joseph Messina, Deputy Director of Aviation for Regulatory Affairs, Philadelphia International Airport

Discussion of current and recent litigation of significance to airports, including A4A v. FAA (Portland Stormwater Fee) and Dog Attack cases; Riser (Chicago OMP Inverse Condemnation Suit), LAWA Labor Peace case; GSP Emotional Support Animal case; Update on Calgary demonstration case; Turo cases; Palm Beach Part 16 -- prohibition of jet operations at reliever airport; Jackson, Wyoming proprietary exclusive case.

Friday, May 3

8:00am – 4:00pm **Registration**

8:00am – 9:00am **Networking Breakfast - Lakeside Ballroom C**

9:00am – 5:00pm **General Session - Lakeside Ballroom A-B**

9:00am – 9:45am **A Brief Bankruptcy Refresher**

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

Speakers: Joseph Messina, Deputy Director of Aviation for Regulatory Affairs, Philadelphia International Airport; Dave Bannard, Kaplan Kirsch & Rockwell,

An introduction for newer airport attorneys and a refresher for experienced airport attorneys. How to protect your airport client before the bankruptcy occurs. There currently are several small air carrier bankruptcies, and they embody the typical problems such as failure to pay PFCs, accrued bad debt far in excess of security deposit, etc.

9:45am – 10:45am **FAA Update**

Moderator: Debra Braga, Legal Committee Chair: Chief Legal Officer, Jacksonville Aviation Authority

Speaker: D. Kirk Shaffer, Associate Administrator for Airports (Invited)

A discussion of FAA issues of interest to airport attorneys, including: Implementation of FAA Reauthorization Act, airport assistance to federal workers during Government shutdowns; revenue diversion: FAA initiatives, do airport carbon offset efforts conflict with revenue use rules (e.g. carbon offset kiosks, with revenue going to mitigation projects off-airport)? Self-sustaining requirements: when may (and should or should not) the airport grant leases at no or below-market rent?; how does/should FAA handle combined AIP/non-AIP projects, in terms of contracting requirements so as to avoid disrupting the airport bidding process? FAA's AIP required contractual provisions in *all* contracts, not just AIP-funded.

10:45am– 11:00am **AM Networking Break**

11:00am –12:00pm **Construction Contracting Structures/Integrated Project Delivery**

Moderator: Sheryl Bregman, Airport General Counsel, Office of the San Francisco City Attorney, San Francisco International Airport

Speakers: Geoffrey W. Neumayr, SE, Chief Development Officer, San Francisco International Airport; Marcos Marchena, Marchena and Graham (Outside General Counsel to Greater Orlando Aviation Authority); Katharine Whisler, Assistant Corporation Counsel Supervisor, City of Chicago.

The structure of a construction contract should be carefully considered as part of any project planning process. This session will provide a brief primer on basic contract structures and present Integrated Project Delivery as a conceptual approach. It will include real-life examples and a practical discussion of AIP/non-AIP funded projects and FAA contract requirements under AC 150/5370-10H.

- 12:00pm – 1:00pm **Networking Lunch - Lakeside Ballroom C**
- 1:00pm – 2:00pm **Current Developments in Privacy and Cybersecurity –**
Moderator: Mark Gardner, Deputy General Counsel, Pease Development Authority
Speakers April Doss, Saul Ewing; Marty Mueller, Chief Information Officer, Reno-Tahoe Airport Authority.
- Legal issues and concerns involved in protecting airports from a continuing onslaught of cyberattacks and dealing with the impacts of an attack, including Ransomware, Whaling (phishing attacks targeting high-ranking officials), and Resources for improving Cyber Security Readiness (NIST Cyber Security Framework & DOE Cyber Security Maturity Model).
- 2:00pm – 3:00pm **Communication, Conflict and Confidentiality: #MeToo Meets Legal Ethics – Part I**
- Facilitated discussion of ethics issues that airport lawyers may need to address (with interactive Q&As)
- Presenters: Peter Pierotti, Committee Vice Chair, Assistant City Attorney, Aviation, Albuquerque International Sunport; Dave Mackey, Anderson & Kreiger; Sheryl Bregman, Airport General Counsel, Office of the San Francisco City Attorney, San Francisco International Airport.*
- 3:00pm – 3:15pm **PM Networking Break**
- 3:15pm – 4:15pm **Communication, Conflict and Confidentiality: #MeToo Meets Legal Ethics – Part II**
- Facilitated discussion of ethics issues that airport lawyers may need to address (with interactive Q&As)
- Presenters: Peter Pierotti, Committee Vice Chair, Assistant City Attorney, Aviation, Albuquerque International Sunport; Dave Mackey, Anderson & Kreiger; Sheryl Bregman, Airport General Counsel, Office of the San Francisco City Attorney, San Francisco International Airport.*
- 4:15pm – 5:15pm **Airport Law Roundtable (CLOSED SESSION. No one representing interests adverse to airports on topics being discussed may attend during that discussion)**
- Moderator: Susana Carbajal, Assistant Director, Austin-Bergstrom International Airport*
- The legacy carriers' fight against the ULCCs; Airport operators' role in airspace issues post-Phoenix; PFAS Fire Retardant Foam Contamination: what are airports doing/being compelled to do – in terms of investigation or remediation? Problems associated with homeless people "camping out" in terminals: viable airport rules in light of *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir 2018); Follow-up on issues from TSA and FAA sessions; AOPA fuel/ramp space issues; How did the federal shutdown affect airports?; Memoranda of Agreement with FAA for navigation/runway instruments: who is responsible for what? How far can an airport push?; Environmental/Sustainability provisions that communities want airports to include in their agreements.

Saturday, May 4

7:30am – 10:00am **Registration**

7:30am – 8:30am **Networking Breakfast - Lakeside Ballroom C**

9:00am – 12:00pm **General Session - Lakeside Ballroom A-B**

9:00am – 10:15am **Status of drone tests and policies:**

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

Speakers: Dean Schultz Reno-Tahoe Airport Authority; Christy Kinard, General Counsel, Memphis International Airport; Jordan Cicoria, VP, Operations, AERIUM Analytics; Mina Makarious, Anderson & Kreiger.

How can airports benefit from the use of drones? Discussion of drone pilot programs involving airports. Do airports need the ability to take counter-drone measures? What are the legal implications? Will the Newark/Teterboro and Gatwick experiences change the political dynamic? What role, if any, do States play in addressing drones?

10:15am–10:30am **AM Networking Break**

10:30am– 11:45am **General Aviation Airport Issues:**

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

Speakers: Peter Kirsch, Partner, Kaplan, Kirsch & Rockwell; Pablo Nuesch, Spiegel & McDiarmid; Janet Shafer, Airline Affairs & Real Estate Director, Houston Airport System; Ian Whitlock, Deputy General Counsel, Port of Portland.

How to deal with incumbent tenants during lease renewal when there is known demand for hangar space; FBO/charter/fees issues; app based airlines; other issues of concern to airports.

11:45am – Noon **Closing Remarks**