



Network: Airports
Password: airports22

Agenda Updated April 25, 2022



Rethinking the Basics in the Current Environment as We Plan for the Future

May 4–7, 2022
Loews Ventana Canyon
Tucson, Arizona

Agenda

WEDNESDAY, MAY 4, 2022

- 10:00 AM – 4:00 PM **Registration** (Kiva Patio)
- 8:00 AM – 12:30 PM **Legal Steering Group Meeting** (Kiva B)- *Steering Group Members only*
- 1:00 PM – 2:30 PM **Opening Remarks and Introductions** (Kiva A for all conference sessions)
Elaine Rodriguez, ACI-NA Legal Affairs Committee Chair and General Counsel, Dallas Fort Worth International Airport
Danette Bewley, President & CEO, Tucson Airport Authority
- 1:30 PM – 2:30 PM **Keynote Address: John Putnam, Acting General Counsel, U.S. Department of Transportation; Marc Nichols, Chief Counsel, Federal Aviation Administration**

Hear from the U.S. DOT’s and FAA’s top lawyers on a number of topics, including the Administration’s vision for transportation infrastructure projects; environmental and environmental justice goals; and diversity, equity and inclusion objectives.

Introduction by Dan Reimer, DSR LLC

- 2:30 PM – 3:00 PM **Legislative and Regulatory Update**
- A briefing on recent federal legislative and regulatory developments.
- Annie Russo, Chief Political and Congressional Strategy Officer, ACI-NA*
- Pablo Nüesch, General Counsel, ACI-NA*
- 3:00 PM – 3:30 PM **Networking Break**
- 3:30 PM – 5:00 PM **TSA Update**
- A presentation by and discussion with Transportation Security Administration senior legal staff about current and prospective security issues of concern to airport lawyers.
- Mary Kate Whalen, Principal Deputy Chief Counsel, Transportation Security Administration*
- Susan Prosnitz, Deputy Chief Counsel for Regulations and Security Standards, Transportation Security Administration*
- Moderated by Elaine Rodriguez, General Counsel, Dallas Fort Worth International Airport*
- 5:30 PM – 7:00 PM **Welcome Reception** (Bill's Grill) Sponsored by the Tucson Airport Authority

THURSDAY, MAY 5, 2022

- 8:00 AM – 11:00 AM **Registration** (Kiva Patio)
- 8:00 AM – 9:00 AM **Networking Breakfast** (Kiva Patio)
- 9:00 AM – 10:30 AM **Litigation Update**
- A discussion of current and recent cases of importance to airports including: *Complainant v. Huntsville Int'l Airport* (discrimination claim); *Spokane Airport Board v. EAA* (unlawful detainer); *Lowman v. FAA* (challenge to FONSI); *City of Los Angeles v. Dickson* (amended flight procedures/attorneys' fees); *Star Marianas Air v. Commonwealth Ports Auth.* (rates and charges); *Delux Public Charter v. Orange Co.* (airport access); *Horry Co. v. City of Myrtle Beach* (Part 16 filed by airport sponsor/FAA mediation); *Palm Beach Co. v. FAA* (jet ban at GA airport); *A4A v. City and County of San Francisco* (Market Participation Doctrine).
- Closed Session:** no one representing interests adverse to airports on topics being discussed may attend during that discussion.
- Moderated by Joe Messina, Senior Advisor to the Executive Team, Philadelphia International Airport; and Cameron Boyd, General Counsel, Metropolitan Airports Commission*
- 10:30 AM – 11:00 AM **Networking Break**
- 11:00 AM – 12:30 PM **Managing Potential Legal Liability Arising Out of the Use of Per- and Polyfluoroalkyl Substances**
- U.S. commercial service airports are required to use aqueous film forming foam (AFFF) as a firefighting agent. AFFF also is used by private airport tenants and the military. For more than 50 years, AFFF has contained PFAS. As Congress, EPA, and states develop complex regulatory requirements and stringent clean-up standards for PFAS impacted sites, airports are faced with the likelihood of significant costs for site investigation and remediation, and for the handling and disposal of PFAS-impacted soils and materials. Airports also face potential liability to neighboring properties and other parties. The panel will explore the complex legal and regulatory issues resulting from the use of AFFF.

Mort Ames Senior Counsel, Aviation, Environmental, Regulatory & Contracts Division, City of Chicago Department of Law

Jami Blocker, Assistant Municipal Counselor, Oklahoma City Airport Trust

Christopher Schmaltz, Vice President & General Counsel, Tucson Airport Authority

Mina Makarios, Anderson & Kreiger LLP

Moderated by Jeff Longsworth, Barnes & Thornburg LLP

12:30 PM – 5:00 PM

Networking Time

FRIDAY, MAY 6, 2022

7:00 AM – 3:00 PM

Registration (Kiva Patio)

7:00 AM – 8:00 AM

Networking Breakfast (Kiva Patio)

8:00 AM – 9:30 AM

Traditional and Alternative Methods of Project Delivery

The most recent ACI-NA Airport Infrastructure Needs Study indicates that U.S. commercial service airports have a combined need to implement \$115 billion in airside and landside capital improvement projects over the next five years. The panel will explore different methods of project delivery and what airport lawyers need to know about each, including lessons learned from recent and ongoing projects.

Arif Ghouse, Airport Director, Paine Field

Michelle Corsi, Deputy Prosecuting Attorney, Snohomish County

Brian Ostler, General Counsel, Los Angeles World Airports

Yovannie Rodriguez, Chief Administrative Officer, Greater Orlando Aviation Authority

Brian Werst, Witherspoon Brajcich McPhee, PLLC; General Counsel, Spokane Airports

Moderated by Elaine Rodriguez, General Counsel, Dallas Fort Worth International Airport

9:30 AM – 10:15 PM

Project Bonding and Insurance

Airport projects require performance bonds, and developers and contractors must be insured. Sometimes, these requirements meant to protect the airport can present a challenge to the very contractors (DBEs and other small businesses) the airport is trying to attract. Learn from the experts on what to expect and how to properly protect your client while providing the necessary flexibility for effective project delivery.

Meghan Moore, Flaster Greenberg PC

Amy Gonzalez, General Counsel, San Diego International Airport

Moderated by Cameron Boyd, General Counsel, Metropolitan Airports Commission

10:15 AM – 10:30 AM

Networking Break

10:30 AM – 12:00 PM

Project Funding Issues

In addition to traditional project funding sources such as AIP and PFCs, during the pandemic Congress enacted three relief programs for airports under CARES, CRRSA and ARPA. Most recently, the Infrastructure Investment and Jobs Act of 2021 authorized \$20 billion in new funding for airport infrastructure projects and made available TIFIA financing for some of those projects. The panel will review the basics of the various federal funding sources available to airports.

John Bauer, Manager, Denver Airports District Office, Federal Aviation Administration

Jay DeWitt, Acting Assistant Aviation Director, Phoenix Sky Harbor International Airport
Carolina Potts, Assistant Chief Counsel, City of Phoenix Law Department
Ted Kaplan, Chief Business and Innovation Officer, City of Charlotte Aviation Department
Moderated by Dan Reimer, DSR LLC

12:00 PM – 1:30 PM

Networking Lunch (Kiva Patio)

1:30 PM – 2:40 PM

Federal Required Contract and Solicitation Language

An interactive discussion of issues commonly confronted by airport lawyers when applying and implementing federally-mandated clauses in airport contracts and procurement documents.

Gene Roth, Director National External Operations and Policy Program, Civil Rights Office, Federal Aviation Administration

David Cushing, Manager, Airports Financial Assistance Division, Federal Aviation Administration

Jonathan Klein, National Team Lead Airport Disability and Airport Nondiscrimination Program Compliance Teams, Civil Rights Office, Federal Aviation Administration

Elizabeth Newman, Senior Attorney, Office of the Chief Counsel, Airport Law Branch, Federal Aviation Administration

Moderated by Jami Blocker, Assistant Municipal Counselor, Oklahoma City Airport Trust, and Andrew Hanson, Staff Attorney, Metropolitan Airports Commission

2:40 PM – 3:00 PM

Networking Break

3:00 PM – 4:30 PM

Disruptive Technologies at Airports

The advent and implementation of new technologies are impacting traditional airport operations and businesses, as well as providing new opportunities. The panel will highlight the legal issues raised by these new technologies, including lessons learned as airports work to accommodate resulting new business models.

Janet Schafer, Director of Real Estate & Leasing, Houston Airport System

Cameron Boyd, General Counsel, Metropolitan Airports Commission

Christina Marshal, Anderson & Kreiger, LLP

Steve Osit, Kaplan Kirsch & Rockwell LLP

Moderated by William Wright, General Counsel and Governance Officer, Edmonton Regional Airports Authority

4:30 PM – 5:30 PM

Roundtable Discussion

Interactive audience discussion focused on current issues of interest to airport lawyers.

Moderated by Cynji Lee, Assistant County Attorney, Miami Dade County

5:30 PM – 7:00 PM

Networking Reception (Ventana Heights Terrace) Sponsored by Anderson & Kreiger LLP

SATURDAY, MAY 7, 2022

- 7:30 AM – 8:30 AM **Networking Breakfast** (Kiva Patio)
- 8:30 AM – 9:30 AM **Diversity, Equity and Inclusion Principles and Environmental, Social and Governance Factors**
- A discussion of legal issues arising out of the broad implementation of DEI principles, as well as integration of ESG criteria in the airport’s decision-making.
- Leila Lahbabi, Lead Counsel, City of Charlotte Aviation Department*
- Yovannie Rodriguez, Chief Administrative Officer, Greater Orlando Aviation Authority*
- Melinda Pagliarello, Managing Director, Environmental Affairs, ACI-NA*
- Moderated by Erin Locklear, General Counsel, Raleigh-Durham Airport Authority*
- 9:30 AM – 10:00 AM **Networking Break**
- 10:00 AM – 12:00 PM **Adverse interests in the organizational setting—Ethical management of the client and its constituents.**
- A facilitated discussion of ethics issues that airport lawyers may need to address, with interactive Q&As. Themes will include protections against assisting in crime or fraud, a lawyer’s personal interests, discrimination and harassment, and attorney disqualification.
- Ann Morgan, Fennemore Craig PC; General Counsel, Reno-Tahoe Airport Authority; President, State Bar of Nevada*
- Carolina Potts, Assistant Chief Counsel, City of Phoenix Law Department*
- Cameron Boyd, General Counsel, Metropolitan Airports Commission*
- Moderated by Peter Pierotti, Associate Director, City of Albuquerque Aviation Department*
- 12:00 PM **To-Go Box Lunches**

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