

Legal Affairs Committee Workshop

November 7, 2021

Airports Council International - North America (ACI)

FRIDAY, NOVEMBER 5, 2021

3:00 PM – 5:00 PM Legal Steering Group Meeting

Closed Session: Legal Steering Group members only.

SATURDAY, NOVEMBER 6, 2021

7:30 AM – 6:30 PM Registration

7:30 AM – 8:30 AM Networking Breakfast

8:30 AM – 8:40 AM Legal Committee Welcome & Opening Remarks

Speakers: Elaine Rodriguez, General Counsel, Dallas Fort Worth International Airport; Committee Vice Chair Ann Morgan, Director, Fennemore Craig PC; General Counsel, Reno-Tahoe Airport Authority, Host Airport

8:40 AM – 10:00 AM 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, which may include: PFAS; Center for Biological Diversity v. EPA (NPDES Multi-Sector General Permit); City of Los Angeles v. Dickson (amended flight procedures at LAX); Spirit Airlines v. DOT (slot management at congested airport); Arapahoe County Public Airport Authority v. FAA (Denver Metroplex review); Delux Public Charter v. Orange County (use of terminal building by Part 380 public charter operator); Horry County v. City of Myrtle Beach (Part 16 filed by airport sponsor to enforce Surplus Property Act conveyance); Palm Beach County v. FAA (jet ban at general aviation airport); Spirit Airlines v. DOT (slot management at congested airport); Massachusetts Port Authority v. Turo (unauthorized car rental operations); Turo v. City of Los Angeles (unauthorized car rental operations); and A4A v. City and County of San Francisco (Healthy Airports Ordinance).

Moderator: Joseph Messina, Senior Advisor to the Executive Team, Philadelphia International Airport

10:00 AM – 10:30 AM Networking Break

10:30 AM – 12:00 PM Roundtable Discussion

A discussion of current issues of interest to airport lawyers. Topics may include: persons experiencing homelessness on airport property; facial recognition and other uses of biometrics; sustainable alternative jet fuels; fuel supply and pipeline infrastructure; supersonics; climate change resilience; Safety Management Systems; [additional topics TBD]

Moderator: Cameron Boyd, General Counsel, Metropolitan Airports Commission

Speakers: John McLaughlin, Senior Counsel, Port of Seattle, **Daniel Markind**, Shareholder, Flaster Greenberg PC, Tim Filer, Principal, Foster Garvey PC, David Bannard, Partner, Kaplan Kirsch & Rockwell LLP

12:00 PM – 1:15 PM Networking Lunch

1:15 PM – 2:45 PM Airport Use Agreements and Airline Consortia

The panel will discuss the effects of the pandemic on AUAs, AULAs, and consortia agreements at large,

Continued

medium and small hubs, including issues arising from changed airline service, adjustments to rate formulas, terminal space reallocation, etc.

Moderator: Mina Makarious, Partner, Anderson & Kreiger LLP

Speakers: Christopher Schmaltz, Vice President & General Counsel, Tucson Airport Authority, Michele Allen-Heart, General Counsel and Deputy Director of Aviation-Legal Affairs, New Orleans Aviation Board
Rafael Hernandez, Of Counsel, Morrison & Foerster LLP, Eric Smith, Partner, Kaplan Kirsch Rockwell LLP

2:45 PM – 3:15 PM AM Networking Break

3:15 PM – 4:30 PM Cybersecurity

Increasingly brazen cyberattacks pose a serious risk to airports and the aviation community. The panel will discuss practical considerations to protect the airport's technology infrastructure from cyberattacks, contractual provisions that airports attorneys should consider in IT and other contracts, and ways to insure against such cyber risk, including mitigation and recovery strategies for losses resulting from social engineering cyberattacks, ransomware attacks, and data breaches.

Moderator: Janet Schafer, Director, Real Estate & Leasing, Houston Airport System

Speakers: Martin Mueller, Chief Information Officer, Reno-Tahoe Airport Authority, Elaine Rodriguez, General Counsel, Dallas Fort Worth International Airport, **Arthur Armstrong**, Shareholder, Flaster Greenberg PC

SUNDAY, NOVEMBER 7, 2021

7:30 AM – 6:30 PM Registration

8:00 AM – 9:00 AM Networking Breakfast

9:00 AM – 10:00 PM TSA Update

A discussion with Transportation Security Administration senior legal staff about current and prospective security issues of concern to airport lawyers.

Moderator: Peter Pierotti, Committee Immediate Past Chair; General Counsel, City of Albuquerque Aviation Department

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

10:00 AM – 10:30 AM AM Networking Break

10:30 AM – 12:00 PM DOT and FAA Update

A discussion with Federal Aviation Administration leaders about current compliance issues and regulatory developments of interest to airport lawyers.

Moderator: Ann Morgan, Director, Fennemore Craig PC; General Counsel, Reno-Tahoe Airport Authority

Speakers: John Benison, Assistant Administrator, Office of Civil Rights, FAA [invited], Winsome Lenfert, Deputy Associate Administrator for Airports, FAA [invited], John Putnam, Acting General Counsel, U.S. DOT [invited]

12:00 PM – 1:15 PM Networking Lunch

1:00 PM – 2:30 PM Airport Concessions and Other Emerging Business Models

The panel will explore the changing business relationships between airport operators, concessionaires, and other providers of goods and services to the public. The discussion will cover legal issues arising out of financial relief provided to airport businesses during the pandemic, emerging trends and business models, new revenue sources that are not passenger driven, and new financial arrangements.

Moderator: Yovannie Rodriguez, Chief Administrative Officer, Greater Orlando Aviation Authority

Continued

Speakers: Erin Locklear, General Counsel, Raleigh-Durham Airport Authority, Leila Lahbabi, Lead Counsel, City of Charlotte Aviation Department, Amy Gonzalez, General Counsel, San Diego International Airport Carolina Potts, Assistant Chief Counsel, City of Phoenix Law Department, David Bannard, Partner, Kaplan Kirsch Rockwell LLP

2:30 PM – 3:00 PM PM Networking Break

3:00 PM – 4:30 PM Airport Land Use Issues

The FAA Reauthorization Act of 2018 included a provision (Section 163) limiting FAA's jurisdiction over the acquisition, use, and disposal of airport land, and over the development of airport facilities. The panel will explore challenges that airports are experiencing with FAA's implementation of Section 163, including project delays, and will provide good practices for airport attorneys.

Moderator: Brian Werst, Partner, Witherspoon Brajcich McPhee, PLLC; General Counsel, Spokane International Airport

Speakers: Peter Pierotti, General Counsel, City of Albuquerque Aviation Department, Catherine van Heuven, Partner, Kaplan Kirsch Rockwell LLP, Dan Reimer, Managing Director, DSR LLC

5:00 PM – 6:00 PM Exhibition Hall Grand Opening

ATTORNEYS MENTIONED

Daniel Markind