



Regulating the Future Age



Where legal practitioners, academics, and industry leaders in all modes of transportation gather from across North America to explore new developments, exchange ideas, and network.

ATLP 95th Annual Meeting
Halcyon Hotel, Cherry Creek
Denver, Colorado
June 23-25, 2024





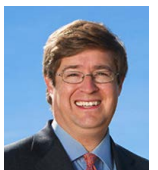

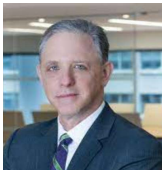

Association of Transportation Law Professionals 95th Annual Meeting – Denver, CO June 23 - 25, 2024 4

EDUCATIONAL PROGRAM

Halcyon Hotel In Cherry Creek, Arbor Room (2nd Level)
245 Columbine Street
Denver, Colorado 80206

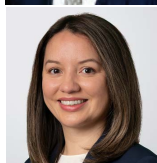
Agenda items and scheduling are subject to change

Sunday, June 23, 2024

9:00 AM - 11:00 AM	Optional activity
12:00 PM - 12:10 PM	Opening Remarks General Business Section I – <i>Arbor</i>
12:10 PM - 1:30 PM	Annual Update on the Impact of Recent ¢ Current Litigation and Regulatory Agendas on Competition & Antitrust Issues in the Aviation, Rail, Trucking and Shipping Industries
   	<p>Bill Stallings, Mayer Brown, Antitrust Partner Nicci Warr, Stinson, Antitrust Partner Jeetlander Dulani, Stinson, Antitrust Partner John Putnum, Senior Advisor at the Colorado Department of Transportation</p>
	<p>Mod.: Roy Goldberg, Partner, Stinson (Washington, D.C.)</p>
1:30 PM - 1:55 PM	Modal Update - Rail & Motor Carrier Litigation
	<p>Andrew Steif, Shareholder, Gunster (West Palm Beach & Jacksonville, FL)</p>

1:55 PM - 2:40 PM

Motor Carrier Update/Motor Broker Negligence Panel



This is intended to be a part of a larger motor carrier update in the Association Highlights Panel. There is a Circuit Split related to motor broker negligence. The U.S. Court of Appeals for the Eleventh and Seventh Circuits recently held that the Federal Aviation Administration Authorization Act (FAAA) preempts personal injury or cargo damage claims against brokers, reaching the opposite conclusion of the U.S. Court of Appeals for the Ninth Circuit. Complainant in the 7th Circuit case has now filed a Petition for Certiorari with the Supreme Court, which was denied by the Supreme Court on Jan. 8, 2024.

Topics Covered: Brief overview of the Circuit Split and relevant cases, FAAA preemption, current legal landscape.

Jameson B. Rice, Partner Holland & Knight
(Washington, D.C. and Jacksonville, FL)

Kristine O. Little, Associate, Holland & Knight
(Washington, D.C.)

2:40 PM - 2:55 PM

Break

2:55 PM - 3:55 PM

AI Developments in Transportation: Policy and Practices



The use of ChatGPT and other Artificial Intelligence (AI) technologies have become prevalent across industries, including transportation. This panel will explore how AI has appeared within various modes of transportation; the legal and policy implications that may arise with the use of AI, such as privacy concerns; and the government's use of AI for regulatory purposes. Panelists will also provide practice tips and lessons learned regarding the use of AI within the transportation sector.

David J. Oberly, Counsel, Baker Donelson
(Washington, D.C.)

Mod.: **Onika K. Williams**, of Counsel, Steptoe
(Washington, D.C.)

3:55 PM - 4:15 PM

Modal Update - Hazmat



Michael F. McBride, Partner, Van
Ness Feldman LLP (Washington DC)

4:15 PM - 5:15 PM

Hot Topics in Short Line Rail

There are 600 small business short line railroads operating nearly 47,500 miles of track in 48 states. Short lines are the first and last mile of much of the rail traffic in the United States and an important part of the supply chain. Due to the nature of the short line business, counsel for short lines have a unique perspective on legal issues facing railroads. In this panel, short line counsel will discuss recent hot topics facing short lines and their experiences advocating for short line railroads in matters such as preemption, emissions regulation and other “hot” and timely topics.



Sarah Yurasko, General Counsel, American Short Line & Regional Railroad Association

William A. Mullins, Managing Partner, Mullins Law Group, PLLC (Washington, D.C.)



Mod.: **Kristin Bevil**, In-House Counsel, Pinsky Railroad Company

5:15 PM - 6:30 PM

ATLP Welcome Reception

6:45 PM

Dinner in Groups- Nearby Restaurant

Monday, June 24, 2024

Breakfast

8:30 AM - 8:45 AM

General Business Section II – Arbor

8:45 AM - 9:05 AM

Modal Update - Passenger Rail



Ayelet Hirschhorn, Partner, Kaplan Kirsch (New York, New York)

Charles A. Spitulnik, Partner, Kaplan Kirsch (Washington, DC)

9:05 AM - 10:05 AM

New Intercity Passenger Service in Colorado: *The Front Range Passenger Rail District*

Initially offering service from Fort Collins through Denver and south to Pueblo, the Front Range Passenger Rail (FRPR) intercity train service has the long-term vision of connecting Colorado to New Mexico and Wyoming. The FRPR District is an independent government agency with the mission to plan, design, finance, construct, operate, and maintain a new passenger rail system along the Front Range. Andy Karsian will provide an overview of the project, including the legal and operational challenges associated with standing up a new state-sponsored intercity passenger service.



Andy Karsian, General Manager, Front Range Passenger Rail



Stephen H. Kaplan, Partner; Member, Management Committee, Kaplan Kirsch (Denver, CO)

10:05 AM - 10:20 AM

BREAK

10:20 AM - 11:35 AM

Emerging Issues in Non-Energy Pipelines Panel

This panel will discuss the emerging regulatory landscape around hydrogen and carbon pipelines. Both hydrogen and carbon pipelines are important components of a green transition away from the reliance on fossil fuels for energy. Hydrogen is an emerging option to replace some fossil fuels through fuel cell technology, acts as an essential component of biofuels, and was the focus of its own section in the 2021 Infrastructure Investment & Jobs Act. Carbon sequestration, the storage of carbon dioxide (CO₂) after it is captured from industrial facilities or removed directly from the atmosphere, is touted as a weapon against climate change. The Biden administration recently announced that it would spend up to \$1.2 billion on carbon capture and storage projects, signaling a commitment to this technology as a means to achieve net zero emissions. Despite the environmental goals of these technologies, environmental and safety concerns have raised issues regarding the construction and operation of these pipelines, highlighting existing regulatory gaps. While the regulation of the safety of these pipelines fall within the ambit of the Pipeline and Hazardous Materials Safety Administration of the Department of Transportation, it is also possible that the pipelines can and should be regulated by the Federal Energy Regulatory under the Natural Gas Act or the Interstate Commerce Act or by the Surface Transportation Board under provisions of the Interstate Commerce Commission Termination Act. This panel will explore the legal issues associated with these pipelines and the benefits and costs of potential regulation.



Robert Pillow, Senior Counsel, Tallgrass Energy
Michael Diamond, Partner, Van Ness Feldman
 (Washington DC)



Mod.: **Timothy J. Strafford**, Partner,
 Steptoe (Washington DC)

11:35 AM - 12:00 PM

Modal Update - Aviation



Evan Kwarta, Partner, Hinshaw & Culbertson LLP
 (New York, NY)

12:00 PM - 1:45 PM

Keynote Speaker Luncheon – *Marble/Linear*



Phillip A. Washington, former CEO of the Los Angeles County Metropolitan Transportation Authority and current CEO of Denver International Airport.

Sponsored by-



KAPLAN KIRSCH

1:45 PM - 2:45 PM

Exploring Administrative Declaratory Orders



This panel will explore the recent use of administrative declaratory orders by certain transportation-related agencies. Panelists will explore a range of topics, including the fundamentals of declaratory orders, judicial review and related legal considerations, and agencies' procedures in declaratory order proceedings.

Tim Strafford, Partner, Steptoe LLP (Washington DC) **Ted Hunt**

Ted Hunt, Partner, Dentons (Washington DC) **Matt**

Matt Warren, Partner, Sidley Austin LLP
 (Washington DC)

Mod.: **Onika K. Williams**, of Counsel, Steptoe
 (Washington DC)

2:45 PM - 3:00 PM

BREAK: Sponsored By



3:00 PM - 3:20 PM

Modal Update - Labor



Robert Fried, Partner Practus (San Francisco, CA)

3:20 PM - 3:45 PM

Modal Update - Freight Rail



Sally Mordi, Associate, Steptoe (Washington, D.C.)

3:45 PM - 4:15 PM

Special Guest Speaker



Allison Ishihara Fultz, Chief Counsel,
Federal Railroad Administration

4:15 PM - 5:15 PM

Perspectives from the Surface Transportation Board



The Surface Transportation Board (STB) is an independent federal agency that is charged with the economic regulation of various modes of surface transportation, primarily freight rail. The Board has had a busy docket over the last year considering issues related to rail rates, service and adjudicating disputes between railroads and users of the national freight network. Joining ATLP to discuss their work regulating the rail industry are Board members **Patrick Fuchs**, **Karen Hedlund**, and **Michelle Schultz**.

Mod.: **Justin Marks**, Senior Attorney, Clark Hill
(Washington DC)

5:45 PM - 7:00 PM

ATLP Rocky Mountain Reception SPONSORED BY:



GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

7:00 PM

Dine-A-Rounds- Nearby Restaurants

Tuesday, June 25, 2024

8:00 AM - 9:00 AM

Chevron and the Future of Agency Deference



A discussion of the *Relentless and Loper* cases at the U.S. Supreme Court and how a decision overruling or limiting *Chevron* might impact agency action.

Tobias Loss-Eaton, Partner, Sidley Austin LLP
(Washington DC)

Roger Nober, Director of the George Washington University Regulatory Studies Center Professor of Practice at the Trachtenberg School of Public Policy

Mod.: **Allison C. Davis**, Counsel, Sidley Austin LLP
(Washington DC)

9:00 AM - 10:00 AM

Modal Update - Maritime Update



Katie Matison, Shareholder, Lane Powell
(Seattle, WA)

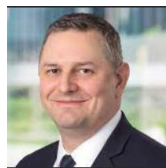
Navigating Troubled Waters: Developments in Maritime Law & Vessel Arrests

This panel will be riveting for maritime and non-maritime attorneys alike! Recent developments in maritime law, vessel arrests and economic impacts, the Titanic, the Key Bridge collapse, and other big events.



Thomas Schoenbaum, Professor of Law at University of Washington (Virtual)

Bob Toney, Chairman and Founder, National Maritime Service



Mod.: **Katie Matison**, Shareholder, Lane Powell
(Seattle, WA)

Mod.: **Sean Jackson**, Shareholder, Lane Powell
(Seattle, WA)

10:00 AM - 11:00 AM

Autonomous Vehicles

The rapidly evolving landscape of autonomous vehicles presents a myriad of legal and regulatory challenges. This panel discussion aims to explore the intersection of innovation and law, examining how current laws accommodate these autonomous vehicles. The panel will focus on both surface and ocean.



Tyler Svitak, Executive Director, Colorado Smart Cities Alliance



Allison N. Skopec, Associate, Holland & Knight LLP (New York, NY)



Mod.: **Kristine O. Little**, Associate, Holland & Knight (Washington DC)

11:00 AM - 11:15 AM

BREAK

11:15 AM - 12:15 PM

Ethics

Ethics in the Era of Instant & Simulated Communication

The team will address the conundrum of identifying who the client is (in the context of organizational clients), related disclosure issues, and client misconduct. The presenters will tie in a digital age issue such as Chat GPT.



Charles A. Spitulnik, Partner, Kaplan Kirsch (Washington, DC)

M. Riley Scott, Associate, Kaplan Kirsch (Denver, CO)



Mod.: **Andrew J. Steif**, Shareholder, Gunster (West Palm Beach & Jacksonville, FL)



ATLP Appreciates its Annual Meeting Sponsors



KAPLAN KIRSCH



GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS



**MILLER
THOMSON**

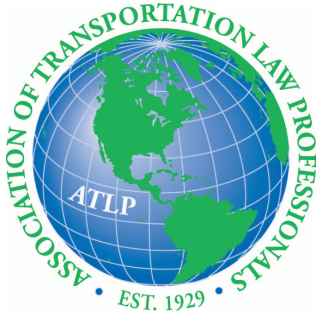


DIXON INSURANCE
INTERSTATE TRUCK LICENSING
www.dixoninsurance.com
701.281.8200
Insurance & Risk Management Solutions



**Van Ness
Feldman** LLP

Thank you!!



ATLP 95th Annual Meeting Program Committee

Thank you to all the committee member who volunteered their time and expertise to hone the 2024 Annual Meeting Program.



Justin Marks, ATLP President 2023-2024
Clark Hill



Ayelet Hirschhorn, Program Co-Chair
Partner, Kaplan Kirsch Rockwell



Andrew Steif, Program Co-Chair
Shareholder, Gunster

Committee Members

Kristin Bevil, Gulf & Atlantic Railways

Roy Goldberg, Stinson LLP

Kristine Little, Holland & Knight

Onika Williams, Steptoe

Timothy Strafford, Steptoe

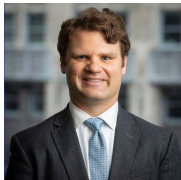
Allison Davis, Sidley Austin LLP

Ashley Peacock, Conrail

Tyler White, BNSF

Sarah Yurasko, ASLRRA

Sean Jackson, Lane Powell



Congratulations to Incoming 2024-2025 ATLP President

Bradon J. Smith, Fletcher & Sippel LLC
Chicago, Illinois

ATLP Appreciates its Generous Annual Sponsors

Gold Sponsors



Clark Hill

LANE POWELL



SLOVER & LOFTUS LLP
INTEGRITY | EXPERIENCE | LEADERSHIP

Silver Sponsors

**FLETCHER &
SIPPEL LLC**



**THOMPSON
HINE**

Attendee		Firm / Organization	E-mail Address
Louis	Amato-Gauci	Miller Thomson LLP	lamatogauci@millerthomson.com
Cynthia	Bergmann	Brightline	cynthia.bergmann@gobrightline.com
Kristin	Bevil	Pinsly Railroad Company	kristin.bevil@pinsly.com
Matthew	Cahill	Sidley Austin LLP	matthew.cahill@sidley.com
Melinda	Canter	ATLP	melinda@atlp.org
Ken	Charron	Retired	Kgcharron.fl@netzero.net
Allison	Davis	Sidley Austin LLP	allison.davis@sidley.com
Michael	Diamond	Van Ness Feldman LLP	mmd@vnf.com
Melissa	Dixon	Dixon Insurance	melissad@dixoninsurance.com
Jeetander	Dulani	Stinson LLP	jeetander.dulani@stinson.com
Robert	Fried	Practus LLP	Robert.Fried@practus.com
Patrick	Fuchs	STB	stephanie.borges@stb.gov
Allison	Fultz	FRA	rachell.horton@dot.gov
Grant	Glovin	Kaplan Kirsch & Rockwell LLP	gglovin@kaplankirsch.com
Roy	Goldberg	Stinson LLP	roy.goldberg@stinson.com
Karen	Hedlund	STB	stephanie.borges@stb.gov
David	Hirsh	Dentons US LLP	david.hirsh@dentons.com
Ayelet	Hirschhorn	Kaplan Kirsch & Rockwell LLP	AHirschhorn@kaplankirsch.com
Eric M	Hocky	Clark Hill PLC	ehocky@clarkhill.com
Theodore	Hunt	Dentons US LLP	theodore.hunt@dentons.com
Sean	Jackson	Lane Powell PC	JacksonS@LanePowell.com
Cort	Jensen	Montana Department of Agriculture	cojensen@mt.gov
Stephen	Kaplan	Kaplan Kirsch & Rockwell LLP	skaplan@kaplankirsch.com
Andy	Karsian	Front Range Passenger Rail	
Evan	Kwarta	Hinshaw & Culbertson LLP	ekwarta@hinshawlaw.com
Stephen	Laudone	Sidley Austin LLP	slaudone@sidley.com
Robert B.	Ledoux	Florida East Coast Railway, LLC	robert.ledoux@FECRWY.com
Morgan	Lindsay	Sidley Austin LLP	morgan.lindsay@sidley.com
Kristine	Little	Holland and Knight LLP	kristine.little@hklaw.com
Thomas J. (T.J.)	Litwiler	Fletcher & Sippel LLC	tlitwiler@fletcher-sippel.com
Tobias	Loss-Eaton	Sidley Austin LLP	TLOSSEATON@SIDLEY.COM
Justin	Marks	Clark Hill PLC	jmarks@clarkhill.com
Katie	Matson	Lane Powell PC	matisonk@lanepowell.com
Michael	McBride	Van Ness Feldman LLP	mfm@vnf.com
Sally	Mordi	Steptoe	smordi@steptoe.com
William A.	Mullins	Mullins Law Group PLLC	wmullins@mullinslawgroup.net
Roger	Nober	George Washington University	roger.nober@gwu.edu
David	Oberly	Baker Donelson	doberly@bakerdonelson.com
Caitlin	Pendergast	VHB (Vanasse Hangen Brustlin)	cpendergast@vhb.com
Peter	Pfohl	Slover & Loftus	pap@sloverandloftus.com
Robert	Pillow	Tallgrass Energy	rpillow@tallgrassenergy.com
John	Putnum	Colorado Department of Transportation	john.putnam@dot.state.co.us
Jameson	Rice	Holland and Knight LLP	Jameson.Rice@Hklaw.com
David	Rifkind	Stinson LLP	david.rifkind@stinson.com
Kelsey	Robinson	Stinson LLP	kelsey.robinson@stinson.com
Bryan	Rose	Stinson LLP	bryan.rose@stinson.com
Michelle	Schultz	STB	shelia.perry@stb.gov
M. Riley	Scott	Kaplan Kirsch & Rockwell LLP	rscott@kaplankirsch.com
Allison	Skopec	Holland and Knight LLP	Allison.Skopec@hklaw.com

Bradon	Smith	Fletcher & Sippel LLC	jmarks@clarkhill.com
Charles A	Spitulnik	Kaplan Kirsch & Rockwell LLP	cspitulnik@kaplankirsch.com
William	Stallings	Mayer Brown LLP	wstallings@mayerbrown.com
Andrew	Steif	Gunster Yoakley & Stewart	asteif@gunster.com
Timothy	Strafford	Steptoe	tstrafford@steptoe.com
Alan	Summerville	VHB (Vanasse Hangen Brustlin)	asummerville@vhb.com
Greg	Summy	Woods Rogers Vandeventer Black PLC	greg.summy@woodsrogers.com
Bob	Toney	National Maritime Service	grtoney@natliq.com
Jason	Tutrone	Thompson Hine LLP	jason.tutrone@thompsonhine.com
Tim	Wackerbarth	Lane Powell PC	wackerbartht@lanepowell.com
Nicci	Warr	Stinson LLP	nicci.warr@stinson.com
Matt	Warren	Sidley Austin LLP	mjwarren@sidley.com
Phillip	Washington	Denver International Airport	
Tyler	White	BNSF	tyler.white2@BNSF.com
Onika	Williams	Steptoe	owilliams@steptoe.com
Sarah	Yurasko	American Short Line & Regional RR Assoc.	SYurasko@aslrta.org