



**SUNDAY: June 23, 2024**  
**12:00-12:10 PM Business Meeting**

**12:10-1:30**

**Annual Update on the Impact of Recent and Current Litigation and Regulatory Agendas on Competition and Antitrust Issues in the Aviation, Rail, Trucking and Shipping Industries**

**Moderator:** Roy Goldberg, Partner, Stinson

**Panelists:**

Bill Stallings, Mayer Brown Antitrust Partner

Nicci Warr, Stinson Antitrust Partner

Jeetander Dulani, Stinson Antitrust Partner

John Putnam, formerly the DOT General Counsel

**1:30-1:55**

**Modal Update**

**Rail & Motor Carrier Litigation Update**

**Presenter:** Andrew Steif, Shareholder, Gunster

**1:55-2:40**

**Motor Carrier Update/Motor Broker Negligence Panel**

**Panelists:** Kristine Little, Associate, Holland & Knight and Jameson Rice, Partner, Holland & Knight

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 Cert with the Supreme Court, which was denied by the Supreme Court on Jan. 8, 2024.

## ATLP 95TH ANNUAL MEETING AGENDA

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

**2:40-2:55 Break**

**2:55-3:55**

### **AI Developments in Transportation: Policy and Practices**

**Moderator:** Onika Williams, of Counsel, Steptoe

**Panelists:**

David J. Oberly, Counsel, Baker Donelson

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.

**3:55-4:15**

### **Modal Update**

### **Hazmat Update**

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

**4:15-5:15**

### **Hot Topics in Short Line Rail**

**Moderators:** Ashley Peacock, Director of Strategic Projects & Associate General Counsel, Conrail

**Presenters:**

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

William A. Mullins, Managing Partner, Mullins Law Group, PLLC

Kristin Bevil, In-House Counsel, Gulf & Atlantic Railways, LLC

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.

**ATLP Welcome Reception and Dine Arounds.**

## ATLP 95TH ANNUAL MEETING AGENDA

### **MONDAY: June 24, 2024** **8:30-8:45 AM Business Meeting**

**8:45-9:05**

#### **Modal Update**

#### **Passenger Rail Modal Update**

**Presenters:** Ayelet Hirschhorn, Partner, Kaplan Kirsch Rockwell and Charles A. Spitulnik, Partner, Kaplan Kirsch Rockwell

**9:05 AM - 10:05 AM**

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

**Moderator:** Tyler White, Senior General Attorney, BNSF Railway Company and Allison Davis, Counsel, Sidley

**Presenter:** Andy Karsian, General Manager, Front Range Passenger Rail and Stephen H. Kaplan, Partner; Member, Management Committee, Kaplan Kirsch Rockwell

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. [speaker name] will provide an overview of the project, including the legal and operational challenges associated with standing up a new state-sponsored intercity passenger service.

**10:05-10:20 BREAK**

**10:20-11:35**

#### **Emerging Issues in Non-Energy Pipelines Panel**

**Moderator:** Timothy J. Strafford, Partner, Steptoe

#### **Panelists:**

*Melissa Beaumont, Senior Professional Staff Member, House Transportation and Infrastructure Committee*

*Robert Pillow, Senior Counsel, Tallgrass Energy*

*Michael Diamond, Partner, Van Ness Feldman*

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 (CO<sub>2</sub>) 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

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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.

**11:35-12:00**

### **Aviation Update**

**Presenter:** Evan Kwarta, Partner, Hinshaw & Culbertson LLP

## **12:00-1:45 Lunch Keynote**

**Speaker:** Phillip A. Washington, former CEO of the Los Angeles County Metropolitan Transportation Authority and the Denver Regional Transportation District

**1:45-2:45**

### **Exploring Administrative Declaratory Orders**

**Moderator:** Onika Williams, of Counsel, Steptoe

**Panelists:**

*Tim Strafford, Partner, Steptoe LLP*

*Ted Hunt, Partner, Dentons*

*Matt Warren, Partner, Sidley Austin LLP*

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.

**2:45-3:00 BREAK**

**3:00-3:20**

### **Modal Update**

### **Labor Update**

**Presenter:** Robert Fried, Partner, Practus

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**3:20-3:45**

### **Modal Update**

#### **Freight Rail Update**

**Presenter:** Sally Mordi, Associate, and Tara Woods, Associate, Steptoe

The freight rail update will explore notable licensing proceedings and disputes before the Surface Transportation Board (Board) over the last year. The update will also provide an overview of recent final rules that will affect freight rail transportation, including the Board's final rule on reciprocal switching, and the Federal Railroad Administration's final rule establishing minimum safety requirements for train crew size.

**3:45-4:15**

### **Special Guest Speaker**

Allison Ishihara Fultz, Chief Counsel, Federal Railroad Administration (invited)

**4:15-5:15**

### **Perspectives from the Surface Transportation Board**

**Moderators:** Tyler White and Justin Marks

**Special Guests:** Members Karen Hedlund, Patrick Fuchs, and Michelle Schultz

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 Karen Hedlund, Patrick Fuchs, and Michelle Schultz.

## **ATLP Reception and Dine Arounds**

**TUESDAY: June 25, 2024**

**8:00 AM - 9:00 AM**

### **Chevron and the Future of Agency Deference**

**Moderator:** Allison C. Davis, Counsel, Sidley Austin LLP

**Panelists:** Tobias Loss-Eaton, Partner, Sidley Austin LLP

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

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.

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**9:00-10:00**

**Modal Update**

**Maritime Update**

**Presenter:** Katie Matison, Shareholders, Lane Powell

**Navigating Troubled Waters: Developments in Maritime Law and Vessel Arrests**

**Moderators:** Sean Jackson and Katie Matison, Shareholders, Lane Powell

**Panelists:**

Professor Thomas Schoenbaum, Professor of Law at University of Washington (Virtual)  
Bob Toney, Chairman and Founder, National Maritime Service

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.

**10:00-11:00**

**Autonomous Vehicles**

**Moderator:** Kristine Little, Associate, Holland & Knight

**Panelists:**

Jay Decker, Transportation and Innovation Manager for the City and County of Denver and Board Member of the Colorado Smart Cities Alliance  
Tyler Svitak, Executive Director, Colorado Smart Cities Alliance  
Allison Skopec, Associate, Holland & Knight LLP

The rapidly evolving landscape of autonomous vehicles presents a myriad of legal, regulatory. This panel discussion aims to explore the intersection of innovation and law, examining how current laws accommodate these autonomous vehicles and what legal reforms may be necessary to ensure public safety and privacy.

**Topics Covered:** regulatory compliance, states legislative framework, ethical considerations.

**11:00-11:15 BREAK**

**11:15-12:15**

**Ethics: Representing Clients in a Fishbowl: Ethics in the Era of Instant & Simulated Communication**

**Moderator:** Andrew Steif, Shareholder, Gunster

**Presenters:**

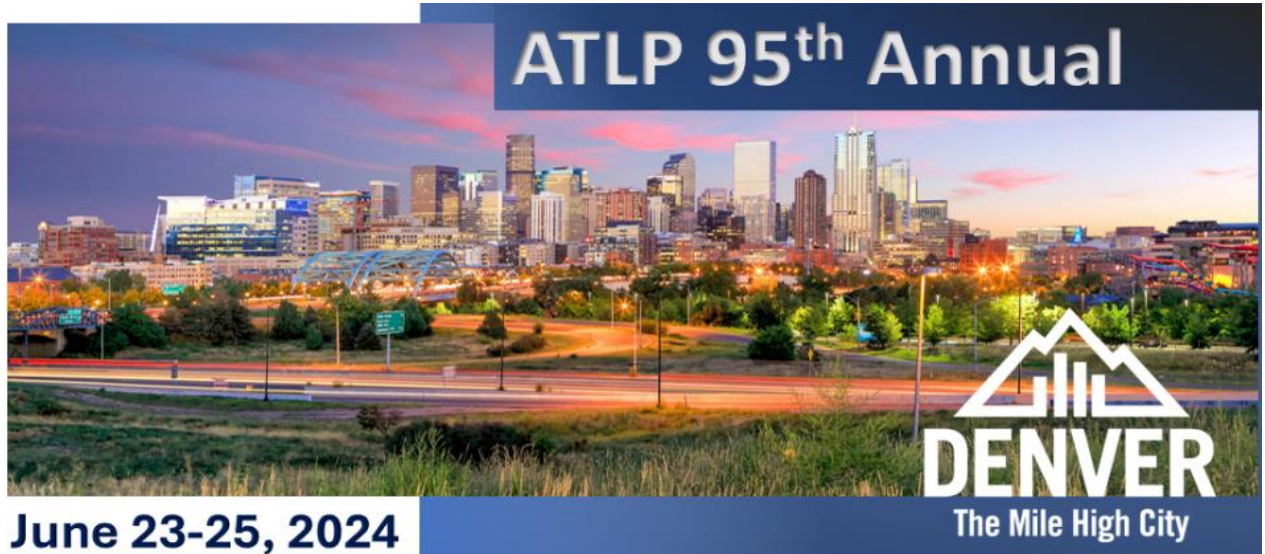
Peter J. Kirsch, Partner, Kaplan Kirsch Rockwell  
M. Riley Scott, Associate, Kaplan Kirsch Rockwell

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.



# ATLP 95TH ANNUAL MEETING AGENDA

ADJOURN at 12:15 PM MDT



Cherry  
Creek

Denver,  
Colorado





The graphic features a background image of a restaurant interior with tables and chairs. Overlaid on this is a list of sponsorship opportunities and their costs. At the bottom of the graphic, there is a curved banner with the text 'ATLP Appreciates its Annual Meeting Sponsors' and logos for Kaplan Kirsch Rockwell and Gunster. A 'Thank you!!' message is written in a cursive font at the very bottom.

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*Thank you!!*

Stay after and join your friends and colleagues for lunch in beautiful Cherry Creek!!