



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.

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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: Joseph Hainline, PHMSA Veteran, Partner, Van Ness Feldman LLP

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.

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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

9:05-10:05

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 (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

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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

8:00-9:00

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:

Christopher Senn, Associate, Holland & Knight LLP

Jay Decker, Transportation and Innovation Manager for the City and County of Denver and Board Member of the Colorado Smart Cities Alliance

The rapidly evolving landscape of autonomous vehicles presents a myriad of legal, regulatory, and insurance challenges, especially within the unique context of Colorado. This panel discussion aims to explore the intersection of innovation and law, focusing on how Colorado is navigating the frontier of autonomous vehicle technology. It would be interesting to have panelists delve into Colorado's (and other states) legislative framework, examining how current laws accommodate these autonomous vehicles and what legal reforms may be necessary to ensure public safety and privacy. The panel could also explore the ethical considerations of autonomous vehicle deployment, including how these technologies can impact traffic congestion, reduce accidents, and potentially reshape urban landscapes. It would be interesting to bring both private practitioners and government officials (e.g., CDOT) to talk about this.

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

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Moderator: Andrew Steif, Shareholder, Gunster

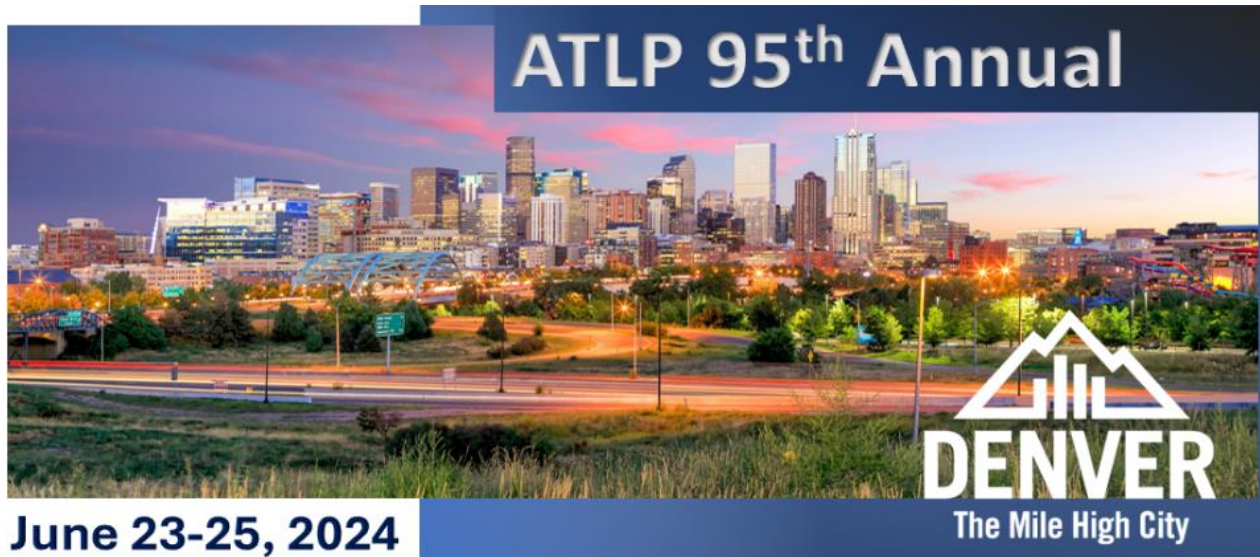
Presenters:

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.

ADJOURN at 12:15 PM MDT



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A photograph of a dining room with round tables and chairs, decorated with string lights. The room is well-lit and has a warm atmosphere.

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Thank you!!

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