



# Association of Transportation Law Professionals

94<sup>th</sup> Annual Meeting - Toronto, Canada

June 25 - 27, 2023

## Program Overview

### Surface Transportation Board: A Fireside Chat

**Michelle A. Schulz**, Vice Chairman – Surface Transportation Board

*Mod.:* **Raymond A. Atkins**, Partner - Sidley Austin (Washington, D.C.)

### Canadian Transportation Agency: Update from the Chair

**Mme. France Pégeot**, Chair – Canadian Transportation Agency

*Mod.:* **Ian S. MacKay**, Transportation Lawyer (Ottawa, ON)

### Modal Updates – Association Highlights Blog Editors

Contributing editors of the Association Highlights newsletter provide updates on the latest legal and regulatory developments in each of the modes in transportation, and in their respective areas of practice.

*Mod.:* **Justin J. Marks**, Senior Attorney – Clark Hill (Washington, D.C.)

#### *Anti-Trust*

**Roy Goldberg**, Partner – Stinson (Washington, D.C.)

#### *Aviation*

**Evan Kwart**, Partner - Condon Forsyth (New York, NY)

#### *HazMat*

**Robin Rotman**, Counsel – Van Ness Feldman (Washington, D.C.)

#### *Labor*

**Robert Fried**, Partner – Practus (San Francisco, CA)

#### *Maritime*

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

#### *Motor Regulatory*

**Jameson Rice**, Partner - Holland & Knight (Jacksonville, FL)

#### *Rail*

**Linda S. Stein**, Partner - Steptoe (Washington, D.C.)

### Environmental, Social & Governance (ESG) Initiatives and the Drive for Sustainable Transport and Logistics Solutions

1. *What is ESG, and what are some of the incentives and challenges associated with high-profile initiatives in the transportation industry?*

This panel will examine, among other things, how ESG standards being imposed on the transportation sector by the investment community and by customers. We will discuss Canadian Pacific's experimental hydrogen-powered locomotive, which had its maiden revenue run in November 2022, using hydrogen produced with solar power at CP's headquarters in Calgary, and the efforts of major European retailers to push their carriers to adopt green technologies as a mandatory condition precedent. We will also cover the related regulatory and legislative gaps as governments struggle to keep abreast of these rapidly developing technologies.

**Dr. Elkafi Hassini**, Associate Dean - DeGroote School of Business, and Chair, Smart Freight Centre, McMaster University

**Dr. Rudiger P. Tscherning**, Associate Professor - Faculty of Law, The University of Calgary

*Mod.:* **Louis Amato-Gauci**, Partner - Miller Thomson (Toronto)

2. *Greenwashing: What do transport & logistics companies need to know?*

The practice of making misleading environmental claims has been identified as a high enforcement priority for the US Federal Trade Commission, Canada's Competition Bureau, the UK Competition and Markets Authority, the European Commission, and securities commissions around the world. What guidance do these agencies provide transport service providers? What is at stake in the event of non-compliance?

**Antonio Di Domenico**, Partner - Fasken Martineau DuMoulin (Toronto)

**Selina Lee-Andersen**, Partner - Miller Thomson (Vancouver)

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



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## Biometrics in the Railway Industry

A survey of current biometric privacy laws and a discussion of cybersecurity concerns, and the liability exposure, for railways and other transportation service providers that collect biometric data from vendors, service partners, and customers.

**Jennifer Quinn-Barabanov**, Partner, Steptoe (Washington, D.C.)

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

## New Rail Technologies

A survey of emerging technologies like autonomous track inspections, and corresponding rulemakings.

**Kathryn Gaaney**, Dep. Gen. Counsel, Reg. Affairs – CN (Washington, D.C.)

## Friend-shoring to Mexico

We've all heard about it, and it seems to be gathering steam. What does it entail, what are the risks, challenges and opportunities? What do transportation lawyers need to know to be ready for higher volumes of trade and cargo moving between Mexico and the rest of North America?

**Ben Enriquez**, Head of Mexico Logistics & Customs - Uber Freight

**Carlos Sesma, Jr.**, Partner - Sesma, Sesma & McNeese (Mexico City)

**Jonathan R. Todd**, Partner - Benesch (Cleveland, OH)

## The Aftermath of a Derailment: Investigation, Litigation, and Regulation

Transporting cargo and people by train is substantially safer than trucks, but derailments involving hazardous materials or people can have substantial consequences. This panel will discuss the mechanics of a government investigations of a derailment from the NTSB and TSB, the role of other government agencies in an investigation and regulation of railroad safety, and the litigation consequences.

**Michael Kirk**, Partner - Miller Thomson (Edmonton, AB)

**Corey J. Wright**, Partner - Wilson Elser (Milwaukee, WI)

*Mod.:* **Jameson Rice**, Partner - Holland & Knight (Jacksonville, FL / Washington, DC)

## Hot Legal Topics in Motor Transportation: A Joint Discussion with the American Trucking Associations and the Canadian Trucking Alliance

Join representatives of the ATA and CTA for a discussion on the recent legal developments, proposed legislative changes, and regulatory gaps facing their memberships that are keeping them up at night! The panel will also focus on the cross-border legal issues that the ATA and CTA have jointly engaged in over the years as well as policymaking discussions with their respective governments.

**Richard Pianka**, General Counsel & Exec. Vice President, ATA

**Lak Shoan**, Director – Policy & Industry Awareness Programs, CTA

*Mod.:* **Jameson B. Rice**, Partner - Holland & Knight (Jacksonville, FL)

*Mod.:* **Jaclyne Reive**, Partner - Miller Thomson (Toronto, ON)

## U.S. & Canada Cross-Border Litigation: Major Issues & Cargo Claims

The United States and Canada share the world's longest border and an extremely robust trade relationship. Billions of dollars in cargo crosses the border in each direction in any given week. Given the volume of shipments and cargo moved between the countries, cargo loss and damage claims are inevitable. It is critical for U.S. and Canadian carriers, shippers, practitioners, and other interested parties that are involved in such shipments to be aware of the legal issues that arise when cargo is lost or damaged during transportation between the U.S. and Canada. As detailed in this proposed panel, there are complex analyses that may arise regarding the forum and applicable law for such disputes.

**Dirk Beckwith**, Partner – Foster Swift (Southfield, MI)

**Darryl Cruz** – McCarthy Tétrault (Toronto, ON)

*Mod.:* **Andrew J. Steif**, Shareholder - Gunster (Jacksonville, FL)



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## Revisiting the Ocean Shipping Reform Act of 2022

The Ocean Shipping Reform Act of 2022 targets many ocean shipping challenges, including certain practices of ocean carriers that caused concern to shippers. On this panel, counsel for shippers and carriers will engage in a discussion of the impacts of OSRA 2022, and emerging antitrust or competition law considerations.

**Karyn A. Booth**, Partner – Thompson Hine (Washington, D.C.)

**Ian S. MacKay**, Transportation Lawyer (Ottawa, ON)

**Mark Newcomb**, VP & General Counsel - Zim (Norfolk, VA)

*Mod.:* **Sarah Sweet**, Senior Associate - BLG (Toronto, ON)

## eVTOLs: The Shifting Landscape

The panel will discuss the shifting landscape for certification of eVTOL (electric vertical takeoff and landing) aircraft, why certification requirements and processes have changed recently, and how new requirements will affect those processes. The panel will discuss these changes and future effects not only within the United States, but also in the EU, Canada, and other countries. The panel also will discuss the cross-border driving forces for these changes through perspectives from different industry-sector players from different areas of the globe. Included in the panel's discussion will be an explanation of what eVTOL aircraft are, their current importance, and their future.

**Katherine Ayre**, Partner - BLG (Toronto, ON)

*Mod.:* **Evan Kwart**, Partner - Condon Forsyth (New York, NY)

## Unauthorized Balloons over the U.S. and Canada: What's the Story?

What does international law say about the issue of sovereignty in the upper limits of airspace? Is the 1944 Chicago Convention on International Civil Aviation a suitable framework for addressing the incursion of a high-altitude balloon operating some 60,000 feet above the ground? Where does its jurisdiction end and Space Law take over?

**Roy Goldberg**, Partner – Stinson (Washington, D.C.)

*Mod.:* **Sarah Sweet**, Senior Associate - BLG (Toronto, ON)

## M&A in the Transportation World: How Do They Get Done?

Consolidation in the transportation world has been viewed as a positive and a negative over the last several decades. This panel will examine how these transactions in the various modes are reviewed in the U.S. and in Canada, and how these processes differ. The panel will explore how these different types of review have affected their respective industries.

**Bart J. Biggars**, Partner - Sidley Austin (Dallas, TX)

**Jean-Marie Fontaine**, Partner - BLG (Montréal, QC)

**Adam S. Goodman**, Partner - Dentons (Toronto, ON)

*Mod.:* **Daniel R. Elliott**, Principal - GKG Law (Washington DC)

## Ethical Considerations for Transportation Attorneys

**Justice Sean Harrington** served more than 15 years on the Federal Court of Canada and the Court Martial Appeal Court. He is now a consultant with Borden Ladner Gervais. He has served as president of the Canadian Maritime Law Association, chair of the Association of Average Adjusters of Canada, vice-president of the Association of Maritime Arbitrators of Canada and treasurer of the Bar of Montréal.

He has been retained as an expert in Canadian Maritime Law in the United States, United Kingdom, Denmark and South Africa.

He has lectured at universities in Canada, as well as in the United Kingdom, Australia, Slovenia and at the IMO Maritime Law Institute in Malta.

He is a titular member of the Comité Maritime International and was a member of their committee that drafted the York-Antwerp Rules-1994.

*Mod.:* **Robin Squires**, Partner – Borden Ladner Gervais (Toronto ON)