



Association of Transportation Law Professionals  
**2024 Transportation Forum XXI**  
Washington, D.C. – STB Hearing Room  
December 5, 2024

**Opening Remarks - 9:25-9:30 AM**

**Meet the STB Directors - 9:30-10:30 AM**

The Board's Members are supported by seven offices that manage the agency, provide legal advice and represent the agency in court, draft decisions, undertake environmental review, perform economic analysis, oversee passenger rail, and serve as the public's point of contact with the Members. This panel will introduce the heads of those offices, and they will provide an overview of how their offices function and any new developments in their respective fields.

*Moderator:* Bradon Smith, Fletcher Sippel

*Panelists:*

- Janie Sheng, Office of Public Assistance, Government Affairs, and Compliance
- Mai Dinh, Office of Proceedings
- Kristin Monaco, Office of Economics
- Anika Cooper, Office of the General Counsel
- Rachel Campbell, Office of Managing Director
- Danielle Gosselin, Office of Environmental Analysis
- Neil Moyer, Office of Passenger Rail

***Break 10:30-10:40 AM***

**Agency Practice After *Loper Bright* - 10:40-11:40 AM**

In June, the Supreme Court issued a decision in *Loper Bright Enterprises v. Raimondo*, which overruled its decades-old *Chevron* doctrine of deferring to reasonable agency interpretations of ambiguous authorizing statutes. Courts now will exercise their own independent judgment when determining whether an agency has acted within its statutory authority, deferring to agencies only to the extent Congress has delegated discretion to them. Since Congress has delegated discretion to transportation regulatory agencies in varying degrees, *Loper Bright* has implications for transportation attorneys and stakeholders advocating before these

agencies in rulemakings and adjudications. This panel will discuss how *Loper Bright* may impact practice before transportation regulatory agencies.

*Moderator:* Jason Tutrone, Thompson Hine

*Panelists:*

- Roger Nober, Director, Regulatory Studies Center, George Washington University
- Theodore Hunt, Dentons

### **Legislative Updates - 11:40-12:00 PM**

House staff will provide updates on recent transportation legislation and legislative priorities.

*Moderator:* Jason Tutrone, Thompson Hine

*Speaker:* Drew Feeley, Staff Director, Subcommittee on Railroads, Pipelines, and Hazardous Materials, House Committee on Transportation & Infrastructure

### ***Lunch by Individual Arrangement- 12:00-1:15 PM***

### **Economic Outlook for the Transportation Sector- 1:15-2:15 PM**

This panel will review recent economic and financial performance for sectors of the transportation industry as well as present investor perceptions and expectations for future performance.

*Moderator:* Robert Rosenberg, Slover & Loftus

*Panelists:*

- Brian Ossenbeck, J.P. Morgan
- Byron Porter, Hum

### **Meet the Surface Transportation Board- 2:15-3:15 PM**

This year, the Board issued its final rule on reciprocal switching, closing out a series of final rules on rates and service. Shortly thereafter, a new chairman took over, and the Board shifted its sights to rail growth. When President-elect Trump takes office, Board leadership will likely change again. Despite these transitions, the Board continues to face a docket with multiple proceedings awaiting Board action. Additionally, the Eighth Circuit recently vacated the Board's Final Offer Rate Review, sending the Board back to the drawing board to address rate review. During this

panel, the Board's Members will talk about the challenges facing the Board, its direction, and answer questions from the audience.

*Moderator:* Bradon Smith, Fletcher Sippel

*Panelists:*

- Member Karen Hedlund
- Member Patrick Fuchs
- Member Michelle Schultz

### ***Break 3:15-3:30 PM***

#### **Current Issues in Trucking Regulation and Litigation- 3:30-4:00 PM**

Rich Pianka from American Trucking Associations will identify and discuss current regulatory and litigation matters affecting the trucking industry.

*Moderator:* Jason Tutrone, Thompson Hine

*Speaker:* Richard Pianka, General Counsel, American Trucking Associations

#### **Recent NEPA Developments and the Potential Impact on the STB- 4:00-4:30 PM**

*Description:* In November 2024, the D.C. Circuit in *Marin Audubon Society v. FAA* found that the National Environmental Policy Act (NEPA) regulations governing how all federal agencies conduct NEPA reviews are invalid. NEPA requires federal agencies to prepare detailed statements assessing the environmental impacts of all major Federal actions significantly affecting the quality of the human environment. Transportation regulators, including the STB and DOT modal agencies, are no strangers to NEPA, since many of their actions involve infrastructure. This panel will discuss the potential impact of this development on the STB.

*Panelists:*

- Justin Marks, Clark Hill
- Jay Johnson, Venable

*Plan to celebrate with your ATLP colleagues at the Holiday Reception  
immediately following the Forum at*

***Maker's Union at the Wharf  
676 Maine Ave SW, Washington, DC 20024***



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