



# 94th Annual Meeting

Toronto, Canada

June 25-27, 2023



## Association of Transportation Law Professionals 94th Annual Meeting – Toronto, Canada June 25 – 27, 2023

### EDUCATIONAL PROGRAM

Hosted at Miller Thomson LLP  
Scotia Plaza, 40 King Street West, Suite 5800  
Toronto, Ontario M5H 3S1

Agenda items and scheduling are subject to change

**Sunday, June 25, 2023**

9:00 AM - 11:00 AM	<b>Optional offsite activity</b>
12:00 PM - 12:10 PM	<b>Opening Remarks and Box Lunch Distribution</b> <i>General Business Section I – Miller Thomson</i>
12:10PM - 2:10PM	<b>Modal Updates I</b>
	<p>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.</p> <p><i>Mod.:</i> <b>Justin J. Marks</b>, Senior Attorney Clark Hill (Washington, D.C.)</p> <p><b>Rail-Freight</b>                    <b>Tara Woods</b>, Associate Step toe (Washington, D.C.)</p> <p><b>Anti-Trust</b>                    <b>Roy Goldberg</b>, Partner Stinson (Washington, D.C.)</p> <p><b>Rail - Passenger</b>            <b>Charles A. Spitulnik</b>, Partner Kaplan Kirsch Rockwell (Washington, D.C.)</p> <p><b>Maritime</b>                    <b>Katie Matison</b>, Shareholder Lane Powell (Seattle, WA)</p> <p><b>HazMat</b>                    <b>Robin Rotman</b>, Counsel Van Ness Feldman (D.C.)</p> <p><b>Motor - Regulatory</b>        <b>Jameson B. Rice</b>, Partner Holland &amp; Knight (Washington, D.C. and Jacksonville, FL)</p>
2:10 PM - 2:20 PM	<b>Break</b>



**MILLER THOMSON**  
AVOCATS | LAWYERS

2:20 PM - 3:00 PM

### Biometric Roadblocks in the Transport Industry



A discussion of Illinois' Biometric Information Privacy Act ("BIPA"), the future of biometric regulation, and the liability exposure and compliance challenges for railways and other transportation service providers that collect biometric data from vendors, service partners, and customers.



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

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

3:00 PM - 4:00 PM

### Hot Legal Topics in Motor Transportation

Join representatives of the American Trucking Associations and the Canadian Trucking Alliance 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 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 (Washington, D.C. and Jacksonville, FL)

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

4:00 PM - 5:00 PM

### Revisiting the Ocean Shipping Reform Act

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** Transport. Lawyer (Ottawa, ON)



**Mark Newcomb**, Vice Pres. & General Counsel  
Zim American Integrated Shipping (Norfolk, VA)

**Josh Stein**, Mbr., Cozen & O'Connor (Wash. D.C.)



*Mod.:* **Sarah Sweet**, Senior Associate  
Borden Ladner Gervais (Toronto, ON)

6:00 PM - 7:00 PM

**Opening reception – Omni King Edward Hotel: Sovereign Ballroom**

7:00 PM - 9:30 PM

**Dinner in groups – Nearby restaurants**

Monday, June 26, 2023

7:00 AM - 8:30 AM

**Breakfast – Omni King Edward Hotel, Belgravia**

8:30 AM - 8:45 AM

**General Business Section II – Miller Thomson**

8:45 AM - 9:45 AM

**M&A in Transportation World:**

*How Do They Get It 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. Biggers**, Partner  
Sidley Austin (Dallas, TX)

**Jean-Marie Fontaine**, Partner  
Borden Ladner Gervais (Montréal, QC)



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

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

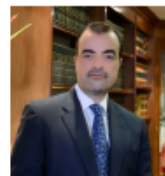
9:45 AM - 10:00 AM

**Break**

10:00 AM - 11:00 AM

**Friend Shoring to México**

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 - Mexico Logistics & Customs  
Uber Freight

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



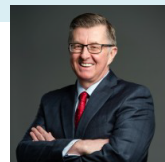
**Jonathan R. Todd**, Partner  
Benesch (Cleveland, OH)

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

11:00 AM - 11:45 AM

**Canadian Transportation Agency:**

*Update from the Chair*



**France Pégeot**, Chair and CEO  
Canadian Transportation Agency

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

11:45 AM - 12:45 PM

**Buffet lunch at Miller Thomson**

Sponsored by

**Steptoe**  
STEPTOE & JOHNSON LLP



12:45 PM - 1:45 PM

## 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 an NTSB or TSB investigation of a derailment, 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 B. Rice**, Partner

Holland & Knight (Washington, D.C. and Jacksonville, FL)

1:45 PM - 3:45 PM

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

1:45 PM - 2:45 PM

### *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 are 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

DeGroot School of Business

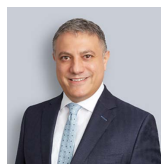
Chair, Smart Freight Centre, McMaster University

**Dr. Rudiger P. Tscherning**, Associate Professor

Faculty of Law, The University of Calgary

*Mod.:* **Louis Amato-Gauci**

Miller Thomson (Toronto, ON)



2:45 PM - 3:00 PM

Break



**MILLER THOMSON**  
AVOCATS | LAWYERS

3:00 PM - 4:00 PM



## 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, ON) **Selina**

**Lee-Andersen**, Partner

Miller Thomson (Vancouver, B.C.)

*Mod.:* **Sean D. Jackson**, Shareholder

Lane Powell (Seattle, WA)

4:00 PM - 5:00 PM

## Ethical Considerations & Professional Responsibility for Transportation Attorneys



**Justice Sean Harrington** served more than 15 years on the Federal Court of Canada and the Court Martial Appeal Court, and is now a consultant with Borden Ladner Gervais.

Ethics & Civility During Litigation and in Court: This conversation between Sean Harrington, Retired Justice of the Federal Court of Canada, and Robin Squires, Partner at BLG, will cover the topics of conduct & civility pre-litigation and when in court; current ethical issues for lawyers and judges; dealing with issues that can arise when working with experts & witnesses; and the important relationship between the bar and the court in protecting the principles of justice.

*Mod.:* **Robin Squires**, Partner

Borden Ladner Gervais (Toronto, ON)

*Cocktails – Omni King Edward Hotel: Lobby Lounge*



6:00 PM - 7:00 PM

**SPONSORED BY:**



7:00 PM - 10:45 PM

**Gala dinner** – with live music and the passing of the gavel in the Sovereign Ballroom.

Tuesday, June 27, 2023

7:00 AM - 8:30 AM

**Breakfast – Omni King Edward Hotel, Belgravia**

8:30 AM - 9:10 AM

**Modal Updates II**



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.)



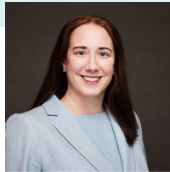
Labor **Robert Fried**, Partner  
Practus  
(San Francisco, CA)

Aviation **Evan Kwarta**, Partner  
Condon Forsyth (New York, NY)

9:10 AM - 9:55 AM

**Surface Transportation Board:**

*An Update from the Board*

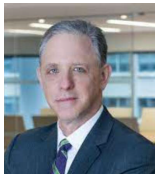


**Michelle A. Schultz**, Member, Surface  
Transportation Board

*Mod.:* **Kathryn Gainey**, Deputy General Counsel,  
Regulatory Affairs, CN

9:55 AM - 10:25 AM

**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  
Borden Ladner Gervais (Toronto, ON)

10:25 AM - 10:55 AM

**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  
Borden Ladner Gervais (Toronto, ON)  
*Mod.:* **Evan Kwarta**, Partner  
Condon Forsyth (New York, NY)

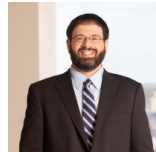
10:55 AM - 11:40 AM

**U.S. & Canada Cross Border Litigation:**  
*Major Issues and 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.



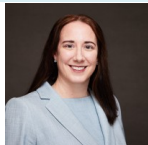
**Dirk Beckwith**, Partner  
Foster Swift (Southfield, MI)  
**Darryl A. Cruz**, Partner  
McCarthy Tétrault (Toronto, ON)  
*Mod.:* **Andrew J. Steif**, Shareholder  
Gunster (Jacksonville, FL)



11:40 AM - 12:30 PM

**New Rail Technology**

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



**Kathryn Gaaney**, Deputy General Counsel,  
Regulatory Affairs, CN  
**Brian Lipson**, Partner, McCarthy Tétrault  
**Travis Owsley**, Senior Gen. Attorney BNSF



12:30 PM - 6:00 PM

**Optional lunch & offsite activity**





## Association of Transportation Law Professionals 94th Annual Meeting – Toronto, Canada June 25 – 27, 2023

### OPTIONAL SOCIAL ACTIVITIES

- These are pay-as-you-go activities, which are not included in the Conference Registration fees.
- Please RSVP so that we can confirm numbers with the various venues.
- Agenda items and scheduling are subject to change.

#### Saturday, June 24, 2023

11:00 AM

#### Dim-Sum Brunch & Power Plant Art Gallery



© Destination Toronto



www.waterfronttoronto.ca



© Destination Toronto

Join your ATLP friends for a Dim-Sum brunch at, [Pearl Harbourfront](#), located in **Queen's Quay Terminal**, with a panoramic view of Toronto's waterfront. Following brunch, we will visit the [Power Plant Contemporary Art Gallery](#) (free admission), and a leisurely stroll back to the hotel along Queen's Quay. We will stop for Beaver Tails along the way, for those brave enough to give them a try!

More venues worth visiting before or after brunch: about a five-minute walk from the restaurant.

- the [Toronto Music Garden](#) (with its design inspired by Bach's First Suite for Unaccompanied Cello)
- [Wavedecks](#)
- the urban beach at [HTO Park](#).

7:30 PM

#### YPC Dinner and Jazz at the Reservoir Lounge



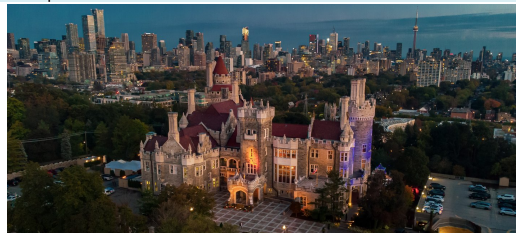
<https://www.reservoirlounge.com/>

Join with other young professionals at [the Reservoir Lounge](#) for networking, socializing and a lot of fun! In keeping with tradition, the ATLP Board of Directors will drop in to meet and greet the group.



KAPLAN KIRSCH  
ROCKWELL

Sponsored By:



## Sunday, June 25, 2023

10:00 AM



© Destination Toronto

### Brunch and Walking Tour

Nothing is better than Sunday Brunch with friends at [Cluny Bistro and Boulangerie](#). After brunch, conference registrants will make their way over to Scotia Plaza for the start of the 94<sup>th</sup> Annual Meeting, but spouses and guests are welcome to join a walking tour of the [Distillery Historic District](#). Segway rides are also available for hire. Please wear flat, comfortable shoes: the old cobble stones streets in this area can be a bit tricky to navigate in heels.

## Monday, June 26, 2023

9:00 AM



© Destination Toronto

### Cycling Tour of Toronto Island

Spouses and guests - Cycling tour of [Toronto Island](#). the total projected cost of the return ferry trip to Ward's Island, plus the bike and safety gear rental, will be approx. \$60 CAD. We plan to stop for a light lunch at [The Island Cafe](#).

## Tuesday, June 27, 2023

1:00 PM



© Destination Toronto

<https://www.trha.ca/trha/>

### Lunch at Steam Whistle Biergarten

Join your fellow ATLP members and friends for lunch at the [Steam Whistle Biergarten](#), located in the historic railway roundhouse at [Roundhouse Park](#). This park was created in 1997 and is home to the original locomotive turntable, a curated collection of rail equipment, and much more.



© Destination Toronto

*Thank you, Louis Amato-Gauci,  
for your year of leadership to ATLP*

Thank you- 94<sup>th</sup> Annual Sponsors



MILLER THOMSON  
AVOCATS | LAWYERS

FLETCHER &  
SIPPEL LLC 

**Steptoe**  
STEPTOE & JOHNSON LLP



ATLP Appreciates its Generous Sponsors  
Annual Gold Sponsors



**Clark Hill**



SLOVER & LOFTUS LLP  
INTEGRITY | EXPERIENCE | LEADERSHIP

LANE POWELL

Annual Silver Sponsors



**THOMPSON  
HINE**



MILLER THOMSON  
AVOCATS | LAWYERS

FLETCHER &  
SIPPEL LLC 

**Van Ness  
Feldman** LLP