

Association of Transportation Law Professionals

New Orleans, LA ❖ 2016



87TH ANNUAL MEETING

June 19-21, 2016 at the Ritz Carlton Hotel

87th Annual Meeting—Ritz Carlton, New Orleans



The Ritz-Carlton, New Orleans is located on the edge of the French Quarter and steps from downtown and area attractions, making it an ideal destination for the ATLP Annual Meeting 2016. This hotel allows guests to experience America's most uniquely European city along with the unmatched personal service of The Ritz-Carlton. It possesses an allure that is all its own.

Hotel Reservations

ATLP group booking rate: \$229+

Deluxe King rooms and Double/Doubles available

Call: 800-826-8987

Or visit: www.ritzcarlton.com/neworleans

See Hotel, Cancellation and Transportation information on page 15

87th Annual Meeting—CLE Program

Preliminary Program—subject to change

Saturday, June 18, 2016

Arrival of Guests

- 1:00 pm - The National WWII Museum Tour
3:30 pm—6:30 pm ATLP Board of Directors Meeting
5:00 pm—7:00 pm Young Professionals Happy Hour, *Davenport Lounge at the Ritz Carlton*

7:00 pm – 9:00 pm ATLP Board of Directors Dinner (off-site)

Sunday, June 19, 2016

Arrival of Guests

- 10:00 am – 5:00 pm Registration & Information
10:30 am – 12:30 pm **Brunch at Brennans (off-site)***
1:00 pm – 1:05 pm **Welcome to the 87th Annual Meeting**
*ATLP President Kenneth G. Charron,
Genesee & Wyoming, Inc., Jacksonville, FL*

1:10 pm—2:30 pm **Modal Updates:** Contributing Editors of the *Association Highlights* newsletter, provide updates representing each of the modes in transportation: *Antitrust, Aviation, Commuter Rail, FERC, Labor, Maritime, Motor, and Railroads*
Moderator: David H. Coburn Esq., *Steptoe & Johnson LLP, Washington, DC*
Presenters:
John Maggio, *Condon & Forsyth LLP, New York, NY (Aviation)*
Steven Osit, *Kaplan Kirsch & Rockwell LLP, Washington, DC (Commuter Rail)*
Robin Rotman, *Van Ness Feldman LLP, Washington, DC (HazMat)*
Robert Fried, *Atkinson Andelson Loya Ruud & Romo, Pleasanton, CA (Labor)*
Travis Kennedy, *Lane Powell PC, Seattle, WA (Maritime)*
Steven W. Block, *Foster Pepper PLLC, Seattle, WA (Motor)*
Jameson Rice, *Holland & Knight LLP, Washington, DC (Motor Regulatory)*

2:35 pm—3:00 pm **Status Report on Pending Appeals:** *As part of a broader administrative litigation round-up, a status report on (1) the AAR v. DOT and (2) the DC circuit petitions for review of the PHMSA tank car rule.*

Presenter: Kathryn J. Gainey, Steptoe & Johnson LLP, Washington, DC

3:00 pm – 3:15 pm Break

87th Annual Meeting—CLE Program

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3:15 pm– 4:15 pm *Let's hit the road with a panel discussion of this year's significant developments in motor carrier law and regulation. These include the controversial Unified Carrier Registration system and CSA system; cargo liability, including claims against freight brokers; and intermediaries' increasing liability exposure for motor carrier accidents.*

Moderator: Steven W. Block, *Foster Pepper PLLC, Seattle, WA*

Presenters: Henry Seaton, *Law Office of Seaton & Husk, Vienna, VA*

E. Melissa Dixon, *Dixon Insurance & ITL, Fargo, ND*

Randy P. Guillot, *Triple G Express, Inc., Jefferson, LA*

4:20—5:20 pm **Ethics Presentation**

Presenter: Jack C. Benjamin Jr., *Perrier Lacoste LLC, New Orleans, LA*

6:00 pm—7:00 pm **Welcome Reception:**

Sponsored by

Slover & Loftus LLP

Evening Activity Options:*

Monday, June 20, 2016

8:00 am – 9:00 am Continental Breakfast

Sponsored by:



8:30 am – 5:00 pm Registration & Information

8:50 am – 9:00 am **General Business Session I**

9:00 am—10:00 am: **Preemption** —*This panel will provide a general overview of key concepts with regard to federal preemption of state laws, including (1) Supremacy Clause roots, (2) principles of federalism and the police power, and (3) express, field & conflict preemption; then there will be more detailed presentations on the recent developments and important cases with respect to four critical federal transportation laws: the ICC Termination Act, the Federal Railroad Safety Act, the Hazardous Materials Transportation Act and [federal law re water carrier preemption].*

87th Annual Meeting—CLE Program

Preliminary Program—subject to change

Moderator/Presenter: Rebecca K. Wood, *Sidley Austin LLP, Washington DC*

Presenters:

Craig Keats, *General Counsel, Surface Transportation Board, Washington, DC (invited)*

Alice Loughran, *Steptoe & Johnson LLP, Washington, DC*

Melissa Maxman, *Cozen O'Connor LLP, Washington, DC*

Hanna Chouest, *Sidley Austin LLP, Washington, DC*

10:00 am – 10:15 am Break

Sponsored by:



10:15 am – 11:15 am **Global Climate Change and Aviation** – *The issue of global climate change is becoming more relevant in every aspect of the economy. Airlines face a variety of regulations around the globe as the aviation industry seeks to reduce carbon dioxide emissions. This panel will provide an overview of the worldwide regulations affecting the industry and what future regulations we can expect.*

Moderator: John Maggio, *Condon & Forsyth LLP, Nw York, NY*

Presenters:

Marshall Turner, *Condon & Forsyth LLP, New York, NY*

Peter McLauchlan, *Gardere Wynne Sewell LLP, Houston, TX*

11:20 am – 12:20 pm **Transportation Resiliency Following Katrina:**

Moderator: Stephen Osit, *Kaplan Kirsch & Rockwell, LLP, Washington, DC*

Presenters:

Louis Armstrong International Airport representative (invited)

Gulf Coast Passenger Rail representative (invited)

87th Annual Meeting—CLE Program

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12:30 pm – 2:00 pm **Awards Luncheon with Keynote Address by**
Jeff Herbert, Chief Resilience Officer, City of New Orleans, LA
Sponsored by:



2:00 pm – 3:00 pm **Antitrust Developments in Transportation** – *Across mode update of latest trends and antitrust cases in the transportation field.*

Moderator: Raymond A. Atkins, *Sidley Austin LLP, Washington, DC*

Presenters:

David L. Meyer, *Morrison & Foerster LLP, Washington, DC*

Richard Pianka, VP & Acting General Counsel, *ATA, Litigation Group, Arlington, VA*

William (Bill) Stallings, *Mayer Brown LLP, Washington, DC*

3:05 pm – 3:15 pm **Break**
Sponsored By:



3:15 pm – 4:15 pm **Private Passenger Rail – the Next Frontier (again)?**

The private sector principally left the passenger rail business following the Rail Passenger Service Act of 1970 and the creation of Amtrak. But across the United States, proposed private passenger railroads are being implemented in Florida, between California and Nevada, in Texas, the Mid-Atlantic, the Northeast and New England. Representatives from several of these private passenger rail companies, in various stages of development, and using differing business models, will discuss the regulatory, legal and commercial landscape, the challenges faced, and the opportunities ahead for the reemergence of private passenger rail in the United States.

Moderator: Jameson Rice, *Holland & Knight LLP, Washington, DC*

Presenters:

Myles Tobin, General Counsel, *All Aboard Florida, Coral Gables, FL*

Robert Ledoux, Sr. Vice President, General Counsel & Corporate Secretary of *Florida East Coast Railway, Jacksonville, FL*

J. Christopher Brady, Vice President, Federal Affairs, *Texas Central Partners, Dallas, TX*

Robert W. Kiernan, Senior Director, *The Northeast MagLev, Baltimore, MD*

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4:30 pm —6:00pm ***New Orleans-Style Reception***

Sponsored by:



Tuesday, June 21, 2016

7:30 am—9:00 am **Continental Breakfast**

8:00 am—8:10 am **General Business Session II**

8:10 am – 9:10am **PTC Mandate v. Common Carrier Obligation:**

In late 2015, shippers simultaneously filed a declaratory order proceeding in U.S. District Court for the District of Columbia and petitioned the STB to determine whether railroads had a common-carrier obligation to handle traffic for which Congress required PTC installation if they could not meet the end-of-year deadline for installing PTC. Before the STB and court could resolve the issue, Congress mooted it by extending the PTC deadline. Using the existing record, panelists will debate whether the PTC mandate trumps the common-carrier obligation.

This panel is sponsored by:



Judges: Charles (Chip) Nottingham, Charles D. Nottingham PLLC, Washington, DC
Craig Keats, General Counsel, Surface Transportation Board, Washington, DC
Michael F. McBride, Van Ness Feldman LLP, Washington, DC

Shipper panel: Bradford J. Kelley, Slover & Loftus, Washington, DC

Railroad panel: Hanna Chouest, Sidley Austin LLP, Washington, DC

9:15 am – 10:15 am **International Trade – Traffic Flows: What's Up?, ¿Que pasa?, Comment ça va? Cross border traffic between the U.S. and its first and third biggest trading partners implicates a wide variety of legal issues transportation practitioners in our northern and southern states encounter regularly. Some of those issues implicate foreign law and aspects of customs trade regulation. This panel will offer the perspectives of Canadian and Mexican transportation attorneys, and of a U.S. customs attorney, on transit into and out of the country.**

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Moderator: Steven W. Block, *Foster Pepper PLLC, Seattle, WA*

Presenters:

Heather Devine, *Issacs & Company, Toronto, ON*

Carlos Sesma Jr., *Sesma, Sesma & McNeese, S.C., Napoles, Mexico*

Michael V. Cerny, *Cerny Associates, P.C., Pawling, NY*

10:15 am – 10:30 pm *Break*

10:30 am – 11:30 am **Ocean Common Carrier Alliances and Mergers and Their Operational and Commercial Impact:** *The panel will compare and contrast the legal treatment of cooperative working agreements among ocean common carriers (commonly referred to as “alliances”) to the legal treatment of mergers and acquisitions involving such entities. Panel members will discuss the treatment of carrier alliances by the U.S. Federal Maritime Commission and the authorities in other major jurisdictions, and offer views on the impact, if any, that alliances and mergers have on the amount of vessel capacity deployed and on the commercial marketplace.*

Moderator: Wayne Rohde, *Cozen O’Connor, Washington, DC*

Presenters:

Eric R. Swett, *Vice President & General Counsel, Americas, APL Limited, Phoenix, AZ*

Tyler J. Wood, *General Counsel, Federal Maritime Commission, Washington, DC*

Bruce Carlton, *President, NITL, Arlington, VA*

11:35 am – 12:50 pm **Transportation Officials Panel:** *a gathering of top transportation federal and state officials discussing trends and hot topics in the industry.*

Moderator: Peter A. Pfohl, *Slover & Loftus LLP, Washington, DC*

Presenters:

Lucille L. Marvin, *Director, Office of Public Assistance, Surface Transportation Board, Washington, DC*

Paul Hemmersbaugh, *Chief Counsel, National Highway Traffic Safety Administration, Washington, DC*

The Honorable Rebecca F. Dye, *Commissioner, Federal Maritime Commission, Washington, DC*

Reggie Govan, *Chief Counsel, Federal Aviation Administration, Washington, DC*

1:00 pm

Adjournment of the 87th Annual Meeting

Thank you all for your support of the ATLP

SPONSORS

Keynote and Awards Luncheon



Sunday Welcome Reception



Tuesday NOLA-Style Reception



Breakfast & Break Sponsor



Panel Sponsor



General Sponsors



New Orleans Activities & Information

There is so much to do in New Orleans! We hope you'll plan your stay to include some of the following:

- * *Louisiana Cajun-Zydeco Festival*
- * *Music, music, music!*
- * *Dining & Entertainment*
- * *Plantations and Garden District Tours*
- * *The National World War II Museum*
- * *Architecture and History*
- * *& Plenty More!*

Visit: www.neworleanscvb.com

Did you know New Orleans has a language all its own?

*Look for “**words to know before your go**” in our weekly email reminders*



Musicians on Bourbon Street



Jackson Square

Additional Tours that are highly recommended (on your own):

- ◆ *Garden District & Mansions Tour*
- ◆ *Hurricane Katrina Tour*
- ◆ *Cemetery & Voodoo Tour*

Visit: <http://www.graylineneworleans.com>

New Orleans Activities & Information

DINING OUT IN *NOLA!*

*So many options....so little time!
Please contact ATLP HQ if you would like to be paired with other ATLP meeting attendees for dinner on Sunday or Monday evening. We will arrange for group reservations at 3 area restaurants. See the list below to review some of the many options available in the French Quarter.*



Galatoire's - 209 Bourbon 525-2021
Bayona - 430 Dauphine 525-4455
GW Fins – 808 Bienville 581-3467
Le Meritage - 1001 Toulouse 522-8800
K-Paul's - 416 Rue Chartres 524-7394
Sylvain - 625 Chartres 265-8123
R'evolution - 777 Bienville 553-2277
Irene's Cuisine - 539 Saint Philip 529-8811
Meauxbar Bistro - 942 North Rampart 569-9979
Stella! - 1032 Chartres St. 587-0091
Antoine's - 713 Saint Louis 581-4422
Mr. B's Bistro - 201 Royal 523-2078
Dickie Brennan's Steakhouse -716 Iberville 522- 2467

www.galatoires.com
www.bayona.com
www.gwfins.com
www.lemeritagerestaurant.com
www.kpauls.com
www.sylvainnola.com
www.revolutionnola.com

www.meauxbar.com
www.restaurantstella.com
www.antoines.com
www.mrbsbistro.com
www.dickiebrennanssteakhouse.com



OAK ALLEY PLANTATION

Come enjoy her beauty and dream of her rich past. "The Grande Dame of the Great River Road" offers tours of the historic grounds and "Big House," slavery at Oak Alley exhibit, Civil War commanding officer's tent, blacksmith demonstrations, sugarcane theater exhibit, restaurant, cottages, cafe and ice cream parlor. Visit:

<http://www.oakalleyplantation.com/>

New Orleans Activities & Information



Courtesy of New Orleans Conventions & Visitors Bureau:

<http://www.neworleanscvb.com/meeting-planners/marketing-resources/fq-walking-map/>

Please visit this page for information regarding the 3-hour self-guided walking tour with descriptions of attractions along the way.



Designated by Congress as the official WWII museum of the United States—which tells the story of the American experience in *the war that changed the world*—why it was fought, how it was won, and what it means today - so that all generations will understand the price of freedom and be inspired by what they learn. The Museum is open daily 9:00 am – 5:00 pm

Visit: <http://www.nationalww2museum.org/>

87th Annual Meeting—SPEAKER REGISTRATION FORM

Please register the following for the 86th ATLP Annual Meeting. This information will be used for your Name Badge & Roll Call:

Name _____ Email Address _____
 Organization/Firm _____
 Address _____
 City State Zip _____ Phone _____

Registration of:	After 5/20	Daily	Total
ATLP Member	\$950	\$500	\$ _____
Government & Academic	\$750	\$300	\$ _____
Non-Member*	\$1150*	\$550*	\$ _____
<small>* Includes 1-year membership in the ATLP</small>			

Your Spouse/Guest is welcome to join us for any of the A La Carte activities below and must be paid for when you register. If attending such ATLP activities, please provide your Spouse/Guest's name for their name badge & roll call:

Spouse/Guest Name: _____

A la Carte Options & Activities:

Saturday: World War II Museum _____ :# attending @ \$ 40 per person \$ _____
 Sunday Morning Brunch @ Brennan's _____ :# attending @ \$ 55 per person \$ _____
 Sunday Welcome Reception* _____ :# attending @ \$ 65 per person \$ _____
 Monday Oak Alley Plantation Tour _____ :# attending @ \$ 62 per person \$ _____
 Awards & Keynote Luncheon (Monday)* _____ :# attending @ \$ 75 per person \$ _____
 NOLA Reception (Monday evening)* _____ :# attending @ \$ 65 per person \$ _____

◆ These items are included in your registration if you are attending the full program (non-daily).

I would like to request CLE credits for the following State Bar(s): _____

Sponsorship: Please contact ATLP Headquarters if you have any questions or need to request an invoice for your sponsorship:

Annual Meeting Program 1/2 Page (\$250) _____ Full Page (\$400) _____ \$ _____
 Event General Sponsor (\$500) _____ \$ _____
 Panel Sponsor (\$750) Which Panel: _____ \$ _____

TOTAL REGISTRATION PAYMENT ENCLOSED: \$ _____

Payment Information:

Check (*preferred method*, please make payable to ATLP) # _____ Visa _____ MasterCard _____ Amex _____

Card Number: _____ Expiration Date _____ CCV#: _____

Name as it appears on the card: _____

Signature: _____

Hotel Reservations are made separately. Please see page 2 for reservation details

Cancellation Policy: Advance commitments by the Association will allow us only to make refunds available for cancellations received in writing prior to June 5, 2016 less a \$100 administrative fee. No refunds for cancellations after June 5, 2016 See full cancellation policy on the back cover.

THIS FORM SERVES AS YOUR INVOICE:

Please Mail or fax to ATLP Headquarters: P.O. Box 5407, Annapolis, MD 21403 Phone: 410.268.1311 Fax: 410.268.1322 Email: info@atlp.org
 Contributors or gifts to ATLP are not deductible as charitable contributions for federal income tax purposes; however, dues, publications, advertising, and registration fees are generally deductible as ordinary and necessary business expenses. Check with your accountant.

ATLP Federal Tax ID# 27-0990436

CANCELLATION POLICY

Registration and Cancellation Policy: Notification must be received by ATLP headquarters if you have registered for the meeting and subsequently find you will be unable to attend. If registration cancellation is necessary, we will refund registration fees in accordance with the following schedule:

Cancellation received by:

Two weeks prior to first day of meeting 100% minus \$100 processing fee

One week prior to first day of meeting 50% of registration fee

Less than one week prior to meeting No refund

"No Shows" will be charged the full registration fee.

HOTEL RESERVATION INFORMATION

Hotel Reservations

ATLP group booking rate: \$229+ f
Deluxe King rooms and Double/Doubles available

Call: 800-826-8987

Or visit: www.ritzcarlton.com/neworleans

The hotel is located at 921 Canal Street, New Orleans, LA 70112
Phone: 504-524-1331

There is no shuttle from the airport. Taxi flat rate is \$36 each way.

SEE YOU IN THE BIG EASY!



P.O. Box 5407
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www.atlp.org