

ACI-NA SPRING LEGAL ISSUES CONFERENCE

MAY 13-15, 2009

Grand Hyatt
San Francisco, CA



AGENDA

As of May 4, 2009

All events will take place at the Grand Hyatt San Francisco at Union Square unless otherwise noted.

Tuesday, May 12th

Registration Hours: Noon to 5:00 pm [Ballroom Foyer, Ballroom Level]

Legal Steering Group Meeting: 1:00 to 6:00 pm [Sausalito Room, 2nd Floor]

Wednesday, May 13th

Registration Hours: 8:00 am - 5:30pm [Ballroom Foyer]

Continental Breakfast will be available in the Ballroom Foyer from 8:00 until 9:00 am

LEGAL SEMINAR

THEME: KEEPING YOUR AIRPORT AFLOAT IN TROUBLED TIMES

[All seminar sessions will be held in the Ballroom West, Ballroom Level]

Session I: Airport Economics—Focus on Revenue Sources and Uses

9:00-9:05 am **Welcome:** Eduardo Cotillas, Chair, Legal Affairs Committee (Chicago)

9:05 - 9:35

Overview of Aviation Economic Climate

Aviation Industry Overview
Susan Kurland (Jeffries First Albany)

Air Traffic Perspective, with special observations on implications for selected airports
Cindy Nichol (San Francisco Airport Authority)

What is the economic state of the aviation industry?

The state of the airports

Changes in airline traffic, demand for air travel, and the industry impact

9:40- 10:15	Sources of Airport Revenue --Sales and Leases of Airport Land Jeffrey Letwin (Pittsburgh) --Mineral Rights (Jeffrey Letwin) --Creative Sources Harvey Levin (Moline) -- New Concessions Helen Raabe (Denver) <ul style="list-style-type: none"> • new business services • technology services 	Committee Liaison: Jeffrey Letwin (Pittsburgh) <i>What traditional sources of airport revenues are legally recognized? Are there untried alternative revenue sources? What new revenue sources are on the horizon? Are there legal issues associated with the recognition of new revenue sources?</i>
10:15-10:30	MID-MORNING BREAK	
10:30-11:00	--Increasing Non-Airline Revenue <ul style="list-style-type: none"> • Tracy Thompson (Jacobs Consultancy) • Denise Barkdull (Ice Miller LLP) 1. Land development on the margins of the Airport <ol style="list-style-type: none"> a. examples: golf courses, hotels, pet boarding, dry cleaning, alternative energy, gas stations, etc. b. federal requirements and restrictions c. community and local law issues d. lease issues to watch for 2. Existing Facilities - legal issues regarding changes in use	Committee Liaison: Helen Raabe (Denver) <i>Increasing Non-Airline Revenue: from gas stations to golf courses to doggie daycare – what legal issues do you encounter when your client wants to develop new uses for airport land, or change existing uses, in order to increase non-airline revenue?</i>
11:00 – 12:00	Uses of Airport Revenue <ol style="list-style-type: none"> 1. Overview of Revenue Diversion Scott Lewis (Anderson & Kreiger) 2. Payments to Sponsors for Services Rendered to Airport 3. Destination Marketing/Airport Promotion 4. Charitable Contributions/ Community Payments David Bannard (Foley & Lardner) 5. Taxes on Airport Businesses and Payments in lieu of taxes (PILOT) 6. Mass Transit Projects 7. MWAA: Metro to Dulles and Dulles Toll Road Projects Phil Sunderland (MWAA) 	Committee Liaison: Dave Mackey (Boston) <i>Which projects can airport revenues be lawfully applied to--- from mass transit projects to trade missions to convention bureaus to payments in lieu of taxes, what legal tips should I be aware of and what legal traps should I avoid?</i>
12:00 – 1:00	<i>Joint Legal and Human Resources Conference Lunch</i>	<i>Farallon Room (Ballroom Level)</i>

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<p>Session II:</p> <p>1:00 - 1:40</p>	<p>Airport Economics— Focus on Revenue Sources and Uses (Continued)</p> <p>Uses of Funds for Environmental Mitigation Obligations</p> <p>Jennifer Trock (Pillsbury Winthrop Shaw Pittman)</p> <p>Kirk Shaffer (Crowell & Moring)</p>	<p>Committee Liaison—Bret Lobner (San Diego)</p> <p><i>Use of airport funds to mitigate environmental obligations-----Paying for land-banked wetlands owned by the airport and examining legal liability for on-airport vs. off- airport environmental issues</i></p>
<p>1:40-1:50</p>	<p>Welcome from San Francisco Airport Director, John Martin</p>	
<p>Session III:</p>	<p>Airport Incentive Programs</p>	
<p>1:50-2:50</p>	<p>--FAA Guidances --Domestic and International Programs</p> <p>Brian Busey (Morrison & Foerster) Tom Devine (Kaplan Kirsch & Rockwell)</p> <p>--Airport Survey Findings Monica Kemp (ACI- NA)</p>	<p>Committee Liaisons: Jeffrey Letwin (Pittsburgh) and Louisa Goldstein (Baltimore)</p> <p><i>Legal developments with respect to airport incentive programs: what do the recent guidances provide on domestic and international incentive programs? What are the newest models for airport incentive programs? What legal issues should we be aware of?</i></p>
<p>2:50-3:00</p>	<p>AFTERNOON BREAK</p>	

Session IV:	Access to Financial Markets	
3:00-4:00	<p>Lessons in handling finance issues for Airport Lawyers</p> <p>Lisa Quateman, Quateman LLP Jéan Wilson, Greenberg, Taurig Eric Smith, Schnader Harrison Segal & Lewis</p>	<p>Committee Liaison— Jennifer Tetrick (Atlanta)</p> <p><i>What should I care about as an airport lawyer processing financing arrangements, including bond issues?</i> <i>--Due Diligence Preparation: What types of questions are asked by underwriters? By others? What legal preparation is appropriate?</i> <i>--Disclosure Issues?</i> <i>--What can I learn from the Lehman litigation?</i></p>
4:00 - 4:15	AFTERNOON BREAK	
Session V: 4:15-5:00	<p>Lessons from Recent Government Audits</p> <p>Charles 'Skip' Erhard, FAA Airport Compliance Division</p> <p>Kirk Shaffer, Crowell & Moring</p>	<p>Committee Liaisons: Kelly Martin (Los Angeles), Tim Karaskiewicz (Milwaukee)</p> <p><i>How can I best prepare my airport for its upcoming audit? What lessons can I learn from recent government audits?</i></p>
5:00	ADJOURN	

Welcome Reception following adjournment in Bayview/Union Square, 36th Floor


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ATTORNEYS AT LAW

Aviation Practice

Thursday, May 14

Registration Hours: 7:30 am- 4:30 pm [Ballroom Foyer, Ballroom Level]
Continental Breakfast will be available in the Ballroom Foyer from 8:00 until 9:00 am

LEGAL AFFAIRS COMMITTEE MEETING [All seminar sessions will be held in the Ballroom West, Ballroom Level]		
Session VI : REGULATORY UPDATE		
9:00-10:15	Francine Kerner, Chief Counsel, Transportation Security Administration Rebecca B. MacPherson, Assistant Chief Counsel for Regulations, Federal Aviation Administration	Dave Mackey, Vice Chair, Legal Affairs Steering Group---Committee Liaison
10:15-10:30	MID-MORNING BREAK	
10:30-11:45	Donna Kooperstein, Chief, Transportation, Energy and Agriculture Section, Antitrust Division, U. S. Department of Justice Kathy Silbaugh, Assistant General Counsel, National Transportation Safety Board	
11:45-12:15	Questions & Answers	
12:15-1:15	<i>Joint Legal and Human Resources Conference Lunch</i> <i>[Delores Room, Ballroom Level]</i> <i>Thank you to our Sponsor.</i>	
		
Session VII: Current Airport Legal Issues		
1:15-2:15	Air Carrier Access Act/ADA Litigation/ Evacuation Plans Kathleen Blank Riether (Senior Attorney, US DOT, Office of the General Counsel, Aviation Enforcement and Proceedings) Emily Neuberger (Detroit) Kelly Martin (Los Angeles) Joseph Messina (Philadelphia)	Committee Liaison—Robert Watson (Nashville) <i>What are the evolving legal issues for airports regarding air carrier access for disabled persons? What should I understand about my airport evacuation plans' ability to meet ADA requirements?</i>

2:15-2:45	Environmental Update Nick Yost (Sonnenshein Nath & Rosenthal) Jennifer Trock (Pillsbury Winthrop Shaw Pittman) James Briggs, Jr. (ACI-NA)	Committee Liaison—Nancy Kesteloot (Phoenix) <i>Is there a new environmental agenda for airports under the new Administration? What are the evolving legal trends? What steps should we be taking during the transition period?</i>
2:45-3:00	AFTERNOON BREAK	
3:00-3:30	Airport Privatization --The Chicago Experience, Eduardo Cotillas (Chicago) --The Stewart Experience, Carlene McIntyr (PANYNJ) --A Finance Perspective, Jim Smith (Merrill Lynch, a division of Bank of America)	Committee Liaison—Tim Karaskiewicz (Milwaukee) <i>Airport privatization is underway at a number of domestic airports. What are the key legal and finance issues if an airport wants to move in that direction? What role does the airport lawyer play in helping to make it happen?</i>
3:30-4:10	Reliever Airport Issues David Bennett (Bennett Aviation Consulting, Inc.) Gigi Rechel (Tampa) Tom Anderson (Minneapolis)	Committee Liaison—Kelly Martin (Los Angeles) <i>What to Do About Your Reliever Airport that is Losing Money</i> -- <i>Selling or Closing an Airport</i> <ul style="list-style-type: none"> • <i>What are the legal issues?</i>
4:10-4:40	Government Affairs Update E. Julian Potter (Federal Regional Governmental Affairs Manager, San Francisco International Airport)	<i>What airport lawyers need to know about recent Congressional developments that may affect your airport</i>
4:40-5:00	FAA Safety Management Systems David Bannard (Foley & Lardner)	<i>What airport lawyers need to know about the FAA's proposed Safety Management Systems</i>
5:00	ADJOURN	

Friday, May 15

Registration Hours: 7:30 am- 10:30 am [Ballroom Foyer, Ballroom Level]
Continental Breakfast will be available in the Ballroom Foyer from 7:30 until 8:30 am

LEGAL AFFAIRS COMMITTEE MEETING (Continued) [All seminar sessions will be held in the Ballroom West, Ballroom Level]		
Session VIII : Ethics		
8:30-10:00	Jon Givner (Deputy City Attorney, San Francisco) Andrew Shen (Deputy City Attorney, San Francisco)	Committee Liaison: Robert Maerz (San Francisco) <i>Ethical Concerns Faced by Airport Counsel</i>
10:00-10:15	MID-MORNING BREAK	
Session IX: Litigation Update (Airport Members Only)		
10:15-11:40	LAX III, Barnstable, Amended Rates and Charges Litigation DBE Litigation Port of Seattle (Part 16), Slot Lease Litigation, Santa Monica Tinicum Township Avellaneda (Noise/EIS) NWA v. Indianapolis Clark County v. FAA	Moderator—Eduardo Cotillas, Chair, Legal Affairs Committee (Chicago) Scott Lewis (Anderson & Kreiger) Mara Rosales (Renne Sloan Holtman Sakai, LLP) Arthur Berg (Kaplan Kirsch & Rockwell) Joseph Messina (Philadelphia) Dave Mackey (Boston) Pablo Nuesch (Spiegel & McDiarmid) Peter Kirsch (Kaplan Kirsch & Rockwell)
11:40-12:00	Roundtable Discussion	Moderator—Eduardo Cotillas (Chicago)
12:00	CLOSE	

Thanks to our sponsor, Pillsbury Winthrop Shaw Pittman, LLP for the CD of conference handouts.



The Legal Steering Group Meeting with the ATA Industry Litigation Committee will take place in the Potrero Room (Theatre Level) from 1:00 until 4:00 p.m.