

63rd Annual Workshop on

Transportation Law

JULY 7–10, 2024
Kansas City, MO

Convened by
Transportation Research Board

Sponsored by
Legal Resources Section

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WELCOME FROM CHAIR OF THE LEGAL RESOURCES SECTION, CRAIG GUSTAFSON

WELCOME TO KANSAS CITY!


Craig Gustafson

Welcome to the 63rd Annual Workshop on Transportation Law!

We are excited to be in Kansas City, Missouri this summer! Given KC's proximity to the geographic center of the country, the Swifties might say we're on our Heart of America eras tour. Being at the confluence of the Missouri and Kansas Rivers and in a state that has the 7th highest number of state highway miles and the 10th largest rail network, our host city truly is one of the key transportation hubs of the Midwest. In the last decade, Kansas City has undergone extensive redevelopment, including its transportation infrastructure– new bus rapid transit and streetcar lines now quickly and efficiently connect people from all parts of the city to key destinations. I hope during our workshop, you take some time to get out and see this exciting and vibrant city, whether it's dining out in the BBQ Capital of the World, visiting one of the 200+ fountains, or taking a selfie with the world's largest shuttlecock at the Nelson-Atkins Museum of Art, Kansas City certainly won't disappoint.

For first time attendees, I encourage you to introduce yourself to me and the committee chairs and let us know what you are hoping to get out of your TRB membership and your time at the workshop. For those of you returning, I hope that you enjoy reconnecting with friends and colleagues and that you have an opportunity to expand your professional network by meeting new attendees.

Since we met last summer in Richmond, Virginia, we had a successful TRB Annual Meeting in D.C. in January, and are welcoming a new committee chair this year, Katie Kraft, a partner at the Thompson Coburn law firm in Washington, D.C. Katie has agreed to chair the Committee on Transit and Intermodal Transportation Law. Welcome to Katie and thanks to all our committee chairs for donating your time and energy to making this workshop a success. Also, a big thank you to our dedicated TRB staff members, Bob Shea, Jo Johnson, and Ashley Vaughan.

As usual, we have an action-packed agenda for this year's workshop, which kicks off with a panel comprised of senior legal officers from the USDOT, including representatives of the FHWA, FTA, FRA, and USDOT. We are grateful they will be joining us and look forward to hearing about agency initiatives and hot topics. We will also be digging into topical discussions on climate resilience, civil rights post- *Students for Fair Admission v. Harvard*, and the future of urban air mobility. We end the week with an ethics session on the use of AI in the legal profession with our regular ethics presenters Fred Wagner and Bruce Smith.

In addition to the formal sessions of the workshop, the seven standing committees of the Legal Resources Section will be meeting. I encourage all attendees to take the opportunity to attend one or more of these meetings to connect with other members, share best practices, learn about future volunteer opportunities, and offer suggestions for the 2025 TRB Annual Meeting and the 2025 Transportation Law Workshop, which will be held in Washington D.C.

TRB's mission, in part, is to provide leadership in transportation improvements and innovation– the TRB legal workshop gives us an invaluable opportunity to connect with fellow practitioners, discuss challenges and opportunities, and take a break from the daily responsibilities of our individual roles. Whether you are a first-time attendee or have attended many times, we are honored that you have chosen to spend your time at the TRB transportation law workshop

Sincerely,
Craig Gustafson, Chair, TRB Legal Resources Section
Minnesota Department of Transportation

PLANNING COMMITTEE

This conference would not have been possible without the combined efforts of many individuals and organizations.

LEGAL RESOURCES COMMITTEE CHAIRS

Craig Gustafson, Legal Resources Section (AJL00) Section Chair
Jeff Graham, Committee on General Law (AJL10)
Katie Kraft, Committee on Transit & Intermodal Transportation Law (AJL20)
April Greenhouse, Committee on Contract Law (AJL30)
Ellen Partridge, Committee on Emerging Technology Law (AJL40)
Edward (Ted) Boling and Julie Wilson-McNenney, Committee on Environmental Issues in Transportation Law (AJL50)
Christopher Kramer, Committee on Eminent Domain & Land Use (AJL60)
Terri Parker, Committee on Tort Liability & Risk Management (AJL70)

STAFF LIST

Ann Brach, Director, Technical Activities
Robert J. Shea, Senior Program Officer and Counsel for Legal Research Projects
Joanice L. Johnson, Operations Coordinator
Bruce Millar, Deputy Director, TRB Meetings Department
Kate Debelack, Meeting Assistant

COMMITTEE MEETINGS

Monday, July 8, 2024
12:15 PM–1:45 PM

General Law (AJL10)

Contract Law Committee (AJL30)

Environmental Issues in Transportation Law Committee (AJL50)

Eminent Domain and Land Use Committee (AJL60)

Tuesday, July 9, 2024
11:45 AM–1:15 PM

Transit and Intermodal Transportation Law Committee (AJL20)

Emerging Technology Law Committee (AJL40)

Tort Liability and Risk Management Committee (AJL70)

The Transportation Research Board is one of seven major programs of the National Academies of Sciences, Engineering, and Medicine. The mission of the Transportation Research Board is to increase the benefits that transportation contributes to society by providing leadership in transportation innovation and progress through research and information exchange, conducted within a setting that is objective, interdisciplinary, and multimodal. The Board's varied committees, task forces, and panels annually engage about 7,000 engineers, scientists, and other transportation researchers and practitioners from the public and private sectors and academia, all of whom contribute their expertise in the public interest. The program is supported by state transportation departments, federal agencies including the component administrations of the U.S. Department of Transportation, and other organizations and individuals interested in the development of transportation.
www.TRB.org

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J. AYANNA BUTLER

CHIEF COUNSEL, FEDERAL HIGHWAY ADMINISTRATION (FHWA)


J. Ayanna Butler

J. Ayanna Butler was appointed by President Biden to serve the Federal Highway Administration as Chief Counsel in May 2024. In this role, she supports the Administration's 60 attorneys and Department leadership to effectuate the strategic goals and mission of the United States Department of Transportation (USDOT).

Ms. Butler also served as Legislative Assistant and Counsel to United States Senator Blumenthal (CT), where she managed the transportation, infrastructure, international trade, and labor portfolios. She managed the Trade Remedy Assistance Office at the United States International Trade Commission (ITC). In that capacity, she advised parties on both the Title VII Antidumping/Countervailing Duty and Section 337 intellectual property regulations and trained them on the Harmonized Tariff Schedule. She also produced several Investigation Reports for the ITC, which were publicized and used to advise that agency's Commissioners on the global market for specific goods. In private practice, Ms. Butler has provided regulatory and commercial contracting advice to insurance clients in the automobile and property sectors. Immediately prior to joining USDOT, she served as Associate General Counsel for the DC Department of Behavioral Health where she supported the agency in litigation, employment, administrative, programming and transactional matters.

Ms. Butler served as a law clerk for the Honorable Vanessa L. Bryant, United States District Court, District of Connecticut. Ms. Butler has a BA from Swarthmore College, an MSW from the University of Pennsylvania, and a JD from the University of Connecticut School of Law.

ALLISON ISHIHARA FULTZ

CHIEF COUNSEL, FEDERAL RAILROAD ADMINISTRATION (FRA)


Allison Ishihara Fultz

Allison Ishihara Fultz is Chief Counsel of the Federal Railroad Administration (FRA). She is the principal legal advisor to the agency and leads FRA's staff of legal professionals. Chief Counsel Fultz joined FRA from private practice, where she focused her work on transactional and regulatory matters related to transportation infrastructure projects. She represented public transportation providers, a transit safety oversight agency, State departments of transportation and regional transportation bodies, local governments, and private entities nationwide before numerous federal agencies and state and federal courts. She counseled clients extensively on the acquisition and abandonment of railroad rights-of-way, shared use of rail corridors by freight and passenger operators, rails-to-trails proposals, regulation and contracting for inter-city passenger rail service, infrastructure project development, historic preservation, environmental reporting, agency rulemaking, project procurement, and drafting and negotiation of contracts for railroad construction, operations, and maintenance services. Ms. Fultz has also authored studies and served as a committee member for the Transportation Research Board.

Prior to entering the practice of law, Ms. Fultz was a registered architect and designed and directed construction projects and feasibility studies for projects in the United States and Canada. She served on the Montgomery County, Maryland, Board of Appeals, including as its Chairman, for eight years, depending on petitions for relief under the County's zoning ordinance on numerous land use and administrative matters.

Ms. Fultz received her JD from the American University Washington College of Law, and her AB and Master of Architecture degrees from Princeton University.

PLENARY SPEAKERS

DANA NIFOSI

ACTING CHIEF COUNSEL, FEDERAL TRANSIT ADMINISTRATION (FTA)


Dana Nifosi

Dana Nifosi is the Deputy Chief Counsel of the Federal Transit Administration (FTA), where she assists the Chief Counsel in advising FTA leadership on all legal matters that come before the agency, including authorization and appropriations, grants management, procurement, environmental law, Buy America, safety, emergency relief, project finance, and litigation. Ms. Nifosi also is FTA's ethics officer.

Prior to joining FTA, Ms. Nifosi was a partner with Venable LLP in Washington, DC, where she was a member of the firm's Environmental and State and Local Government Practice Groups. She was involved in counseling and litigation on behalf of state and local governments and private entities in a wide variety of matters involving infrastructure development, environmental law, land use, and telecommunications, including compliance with the National Environmental Policy Act and related environmental statutes, development of airport, highway, transit, energy, and telecommunications facilities, project finance, and public-private partnerships.

Ms. Nifosi received a Bachelor of Arts in International Relations and History from Tufts University, and her law degree from the George Washington University School of Law.

BRIAN STANSBURY

DEPUTY GENERAL COUNSEL, OFFICE OF GENERAL COUNSEL (OCG)


Brian Stansbury

Brian Stansbury is the Deputy General Counsel of the U.S. Department of Transportation. Brian began his service in the Biden Administration as the Chief Counsel of the Federal Motor Carrier Safety Administration. Previously, Brian was a partner at King & Spalding LLP and a member of the firm's Environmental, Health, and Safety practice. Prior to King & Spalding, Brian was a partner at Kirkland & Ellis LLP.

While in the private sector, Brian specialized in complex environmental, toxic tort, and commercial litigation and crisis management. He also provided regulatory compliance counseling and represented companies in civil and criminal enforcement matters involving the EPA, the California Air Resources Board, the DOJ, and their international counterparts. Brian represented an array of clients, including those in the energy, automotive, chemical, and food industries. He has handled matters involving criminal and civil violations of the Clean Air Act, the US Foreign Corrupt Practices Act, customs laws all over the world, and allegations of obstruction of justice and wire fraud. Brian also advised clients researching and pursuing opportunities in the Republic of Cuba.

Brian had a robust pro bono practice, primarily representing people of limited means in immigration matters. Brian represented asylum seekers, reunited families separated at the U.S. border, and helped over 600 Dreamers maintain their ability to remain and work in the U.S. under DACA. Brian was counsel to the Community Justice Action Fund, which focuses on policy reform and building resources for communities of color working at the nexus of gun violence prevention and criminal justice reform. Brian also served as personal counsel to the widow of Ken Saro-Wiwa.

Brian was a member of the board and treasurer of Voto Latino and the Voto Latino Foundation. Brian also served on the board of trustees of the School for Ethics and Global Leadership in Washington, DC.

Brian is from Houston, Texas. He attended the University of Texas and obtained his law degree from the University of Virginia School of Law.

Sunday, July 7		
Time	**Session / Event**	**Location**
4:00 PM–7:00 PM	Registration	Basie Ballroom Foyer
6:30 PM–8:00 PM	Welcome Reception	Basie Ballroom Foyer
Monday, July 8		
Time	**Session / Event**	**Location**
7:30 AM–5:00 PM	Registration	Basie Ballroom Foyer
7:30 AM–8:00 AM	Continental Breakfast	Basie Ballroom Foyer
8:00 AM–8:15 AM	Welcome	Basie Ballroom AB
Plenary Session 8:15 AM–10:00 AM	Session 1: Legal Updates and Perspectives from USDOT Senior Legal Officers	Basie Ballroom AB
10:00 AM–10:30 AM	Break	Basie Ballroom Foyer
Elimination of Bias 10:30 AM–Noon	Session 2: Civil Rights, Diversity, and DBE in the *Era of Students for Fair Admissions v. Harvard*	Basie Ballroom AB
12:15 PM–1:45 PM	Lunch/Committee Meetings	———
Concurrent Sessions 2:00 PM–3:30 PM	Session 3: Risk Allocation in Contracts	Basie Ballroom AB
	Session 4: Stupid Expert Tricks: The Care and Feeding of Expert Witnesses in Eminent Domain Proceedings	Basie Ballroom C
3:30 PM–4:00 PM	Break	Basie Ballroom Foyer
Concurrent Sessions 4:00 PM–5:30 PM	Session 5: Eco-Logical Wildlife Crossings: Implementing an Ecosystem Approach to Developing Infrastructure Projects	Basie Ballroom C
	Session 6: Beyond the Road: Maritime and Freight Rail Autonomous Systems	Basie Ballroom AB

SCHEDULE AT-A-GLANCE

Tuesday, July 9		
Time	**Session / Event**	**Location**
7:30 AM–5:00 PM	Registration	Basie Ballroom Foyer
7:30 AM–8:00 AM	Continental Breakfast	Basie Ballroom Foyer
Concurrent Sessions 8:00 AM–9:30 AM	Session 7: Artificial Intelligence in Real Transportation—Going from Gimmick to Game Changer	Basie Ballroom AB
	Session 8: Risk Management and Climate Resilience	Basie Ballroom C
9:30 AM–10:00 AM	Break	Basie Ballroom Foyer
Concurrent Sessions 10:00 AM–11:30 AM	Session 9: Eminent Domain for Newbies: A Newcomer's Guide	Basie Ballroom AB
	Session 10: The Future of the Transit Bus Industry	Basie Ballroom C
11:45 AM–1:15 PM	Lunch/Committee Meetings	———
Concurrent Sessions 1:30 PM–3:00 PM	Session 11: False Claims Act	Basie Ballroom AB
	Session 12: Airplanes and Flying Cars and Drones, Oh My!	Basie Ballroom C
3:00 PM–3:30 PM	Break	Basie Ballroom Foyer
Concurrent Sessions 3:30 PM–5:00 PM	Session 13: Privacy Concerns? We See You	Basie Ballroom AB
	Session 14: Legal Implications of the Use of Engineering Judgment in Transportation Operations	Basie Ballroom C



Wednesday, July 10		
Time	**Session / Event**	**Location**
7:30 AM	Registration	Basie Ballroom Foyer
7:30 AM–8:00 AM	Continental Breakfast	Basie Ballroom Foyer
Concurrent Sessions 8:00 AM–9:30 AM	Session 15: CEQ on NEPA and Related Regulations	Basie Ballroom AB
	Session 16: Transit and Shared Mobility as a "Public Data" Service: Legal Considerations for the Collection, Protection, and Integration of Mobility Data in an Ever-Evolving Technical World	Basie Ballroom C
9:30 AM–10:00 AM	Break	Basie Ballroom Foyer
Ethics Session 10:00 AM–Noon	Session 17: Ethical Considerations Involving the Use of Artificial Intelligence in Legal Practice	Basie Ballroom AB
Noon–12:15 PM	Closing Remarks & Adjournment	Basie Ballroom AB
1:00 PM–2:30 PM	Section Council Meeting (*By Invitation Only)*	Andy Kirk A/B

PDH FORM

For the Professional Development Hours Credit Statement for Registrant Records, please scan the QR code, or go to https://qrco.de/bf97kL.

63rd Annual Workshop on Transportation Law

ATTENDANCE RECORD FORM

The attendance record form is **NOT** an official certificate of attendance and **SHOULD NOT** be submitted to the sponsor or the MCLE state board as one. Please use this form to document your time in each workshop session and then submit to Jo Johnson for your Official Certificate of Attendance at jojohnson@nas.edu.

**** * * Reminder: Introductory remarks, keynote addresses, business meetings, breaks, receptions, etc. are not to be included in the computation of credit. * * ****

SESSIONS					
DAY	**TIME**	**TITLE**	**SESSION HOURS BASED ON 60 MINUTES**	**SESSIONS HOURS BASED ON 50 MINUTES**	**HOURS**
MONDAY July 8	8:15 AM – 10:00 AM	**SESSION 1: PLENARY SESSION**	1.75	2.10	
	10:30 AM – 12:00 PM	**SESSION 2**	1.50	1.80	
	2:00 PM – 3:30 PM	**SESSION 3 OR 4**	1.50	1.80	
	4:00 PM - 5:30 PM	**SESSION 5 OR 6**	1.50	1.80	
TUESDAY July 9	8:00 AM - 9:30 AM	**SESSION 7 OR 8**	1.50	1.80	
	10:00 AM – 11:30 AM	**SESSION 9 OR 10**	1.50	1.80	
	1:30 PM – 3:00 PM	**SESSION 11 OR 12**	1.50	1.80	
	3:30 PM – 5:00 PM	**SESSION 13 OR 14**	1.50	1.80	
WEDNESDAY July 10	8:00 AM - 9:30 AM	**SESSION 15 OR 16**	1.50	1.80	
	10:00 AM – 12:00 PM	**SESSION 17 (ETHICS)**	2.00	2.40	
TOTAL CREDITS					0

For the online form, scan the QR code or go to: https://qrco.de/bf97uV.

WORKSHOP PROGRAM

To view the conference program online, scan the QR code or go to: https://qrco.de/bf97yw.

SUNDAY, JULY 7, 2024

4:00 PM–7:00 PM
Registration
Basie Ballroom Foyer

6:30 PM–8:00 PM
Welcome Reception
Basie Ballroom Foyer

MONDAY, JULY 8, 2024

7:00 AM–5:00 PM
Registration
Basie Ballroom Foyer

8:00 AM–8:30 AM
Continental Breakfast
Basie Ballroom Foyer

8:00 AM–8:15 AM
Welcome
Basie Ballroom AB

- Craig Gustafson, Minnesota Department of Transportation (MnDOT), Chair, Legal Resources Section
- Eric Schroeter, Missouri Department of Transportation (MoDOT)
- Robert Shea, Transportation Research Board (TRB), Senior Program Officer

8:15 AM–10:00 AM

OPENING PLENARY SESSION

SESSION 1: Legal Updates and Perspectives from USDOT Senior Legal Officers

Basie Ballroom AB

Moderator: Craig Gustafson, Minnesota Department of Transportation (MnDOT)

In this kick-off session, you will hear from and interact with a panel of senior legal officers with USDOT including the FHWA, FTA and FRA. You will learn about current policy initiatives at USDOT, hot legal topics, key regulatory actions and other important developments shaping our transportation system.

Panel

- Allison Ishihara Fultz, Chief Counsel, Federal Railroad Administration (FRA)
- J. Ayanna Butler, Chief Counsel, Federal Highway Administration (FHWA)
- Dana Nifosi, Acting Chief Counsel, Federal Transit Administration (FTA)
- Brian Stansbury, Deputy General Counsel, Office of General Counsel (OGC)

10:00 AM–10:30 AM

Break

Basie Ballroom Foyer

ELIMINATION OF BIAS SESSION
10:30 AM–Noon

SESSION 2: Civil Rights, Diversity, and DBE in the Era of Students for Fair Admissions v. Harvard: What's Next?

Basie Ballroom AB

Moderator: Fred Wagner, Venable LLP

Sponsored by: Legal Resources Section (AJL00)

This session will review the rapidly evolving legal landscape impacting all aspects of civil rights programs in the transportation sector following the Supreme Court's landmark ruling in Students for Fair Emissions v. Harvard. Our panel of experts, who address these issues from both inside the USDOT and in the private sector, will review the Court's ruling in the context of a long-history of legal challenges to race-based programs. They will also provide a briefing on USDOT's recently updated Disadvantaged Business Enterprise (DBE) regulations and litigation over the DBE program. The panel will explore how transportation counsel can successfully navigate an agency's obligations to comply with contracting requirements, hiring and employment rules, and anti-discrimination laws in this complex and sensitive field.

Panel

- Colette Holt, Colette Holt & Associates
- Martha Kenley and James Esselman, Federal Highway Administration (FHWA)
- Angela Berry Roberson, United States Department of Transportation

12:15 PM–1:45 PM

Lunch/Committee Meetings

General Law (AJL10)
Andy Kirk A/B
- Jeff Graham, Texas Department of Transportation (TxDOT)

Contract Law Committee (AJL30)
Bennie Moten A/B
- April Greenhouse Weaver, Metropolitan Transit Authority of Harris County

Environmental Issues in Transportation Law Committee (AJL50)
Julia Lee A/B
- Edward (Ted) Boling, Perkins Coie, LLP, and Julie Wilson-McNerney, Schwabe

Eminent Domain and Land Use Committee (AJL60)
Mary Lou Williams A/B
- Christopher Kramer, Nossaman LLP

2:00 PM–3:30 PM

CONCURRENT SESSIONS

SESSION 3: Risk Allocation in Contracts

Basie Ballroom AB

Moderator: Christine Ryan, Nossaman LLP

Sponsored by: Contract Law Committee (AJL30)

This panel will present trends in risk allocation for contracts for various types of project delivery models, as well as best practices for risk allocation for mega-projects delivered through alternative delivery models.

Panel

- Ghada Gad, Granite Construction
- John Carlson, Sundt Construction
- Ryan Gaulke, Minnesota Department of Transportation (MnDOT)
- Kenneth Beehler, WSP

SESSION 4: Stupid Expert Tricks: The Care and Feeding of Expert Witnesses in Eminent Domain Proceedings

Basie Ballroom C

Moderator: Sejin C. Brooks, Nossaman LLP

Sponsored by: Eminent Domain and Land Use (AJL60)

A lighthearted conversation about some of the tragic things panelists have witnessed in condemnation, particularly by experts giving sworn testimony in front of juries. The panel consists of two experienced litigators and two experienced witnesses who will take part in a fireside chat swapping war stories of cases they've personally witnessed where a lack of preparation of witnesses led to

an impeachment of the case or cases where ego or competence issues have undermined credibility. Litigators will share the lessons they've learned regarding proper vetting of witnesses and witnesses will share the lessons they've learned to make themselves more effective.

Panel

- Eric Schroeter, Missouri Department of Transportation (MoDOT)
- Stuart Samberg, RKK Consulting
- Thomas E. Hammond II, Hinkle Law

3:30 PM–4:00 PM

Break

Basie Ballroom Foyer

4:00 PM–5:30 PM

CONCURRENT SESSIONS

SESSION 5: Eco-Logical Wildlife Crossings: Implementing an Ecosystem Approach to Developing Infrastructure Projects

Basie Ballroom C

Moderator: To Be Determined

Sponsored by: Environmental Issues in Transportation Law (AJL50)

The role of the transportation sector including state DOT's is significant but not widely known. The panel will address legal issues and practical tools used to combat the scourge of human trafficking, related federal and state legislation, the results of a national survey of transportation employees and trafficking survivors and the training, educational materials and ideas resulting from the work of a multi-state DOT task force.

Panel

- Caleb Kner, Missouri Department of Transportation (MoDOT)

SESSION 6: Beyond the Road: Maritime and Freight Rail Autonomous Systems

Basie Ballroom AB

Moderator: Alan M. Steinberg, California Department of Transportation (CALTRANS)

Sponsored by: Emerging Technology Law (AJL40)

Autonomous systems and robots have captured public attention in recent years. Much of that attention to date has focused on autonomous cars and trucks. But advances in software engineering, sensors, robotics, and machine intelligence in general are also occurring in other transportation modes such as maritime systems and freight rail, which raise unique legal and regulatory issues. This session will introduce these emerging technologies and discuss the legal and policy constraints

facing them, including safety regulation, jurisdictional uncertainty, and liability and insurance considerations. And to also lay out open issues and challenges related to data, its ownership and use.

Panel

- Kanna Rajan, RAND & University of Porto, Portugal
- Sean T. Pribyl, Holland & Knight LLP
- Marc Scribner, Reason Foundation

TUESDAY, JULY 9, 2024

7:30 AM–5:00 PM

Registration

Basie Ballroom Foyer

7:30 AM–8:00 AM

Continental Breakfast

Basie Ballroom Foyer

8:00 AM–9:30 PM

CONCURRENT SESSIONS

SESSION 7: Artificial Intelligence in Real Transportation: Going from Gimmick to Game Changer

Basie Ballroom AB

Moderator: Jeffrey Graham, Texas Department of Transportation (TxDOT)

Sponsored by: General Law Committee (AJL10)

Artificial Intelligence is rapidly evolving from an interesting computer parlor trick to a multi-billion-dollar investment for companies and public sector players alike. In the transportation sector, many are becoming more attentive to the role of AI and machine learning in autonomous vehicles. What is often less discussed are myriad other current and future uses for AI–whether on vehicle, in infrastructure, or at the back end–for customer experience and marketing, workforce management, engineering, transportation planning, operations, maintenance, and optimization. We'll hear from speakers representing Departments of Transportation, private companies, and outside counsel on current AI implementations, challenges, and legal considerations for using AI in transportation, and how AI may transform the ways we move in the future.

Panel

- Abrar Azamuddin, Amazon Web Services (AWS)
- Thomas Dover, Nossaman LLP
- Benjamin McCullock, Texas Department of Transportation (TxDOT)

SESSION 8: Risk Management and Climate Resilience

Basie Ballroom C

Moderator: Terri Parker, Missouri Department of Transportation (MoDOT)

Sponsored by: Tort Liability and Risk Management Committee (AJL70)

This program will feature Heidi Skinner, county counselor for San Diego County, Mike Fleming, professional engineer with the Washington Department of Transportation and Joshua Root, counsel for Minnesota Department of Transportation. The panel will share their expertise and experience in handling risk management and legal issues relating to planning for climate resilience. The program will focus on strategies for reduction of tort liability and risk to the public agency and the traveling public, spotlighting case studies and legal issues relating to the defense of dangerous condition claims.

Panel

- Heidi Skinner, County of San Diego
- Michael Fleming, Washington State Department of Transportation (WSDOT)
- Joshua Root, Minnesota Department of Transportation (MnDOT)

9:30 AM–10:00 AM

Break

Basie Ballroom Foyer

10:00 AM–11:30 AM

CONCURRENT SESSIONS

SESSION 9: Eminent Domain for Newbies: A Newcomer's Guide

Basie Ballroom AB

Moderator: Lisa M. Mitchell, Office of the Attorney General, Texas

Sponsored by: Eminent Domain and Land Use (AJL60)

A mixed panel of very experienced and less experienced litigators present their thoughts on important differences between Eminent Domain cases and other areas of legal practice and thoughts on the things they wish they had known walking into their first eminent domain case. The audience is invited to join the conversation by posing questions and scenarios for the panelists to comment upon.

Panel

- Danette Galbraith, Missouri Department of Transportation (MoDOT)
- Eldon J. Shields – Gates, Biles, Shields and Ryan, P.A.
- Bradley Stout – Adams-Jones
- Nicholas D. McDowell, Assistant Attorney General of Texas

SESSION 10: The Future of the Transit Bus Industry

Basie Ballroom C

Moderator: James LaRusch, Raul V. Bravo + Associates, Inc

Sponsored by: Transit and Intermodal Transportation Law (AJL20)

The world of transit buses is in transition. Diesel and even natural gas propulsion are giving way to battery electric and hydrogen power. Payment terms are transitioning from cash-on-acceptance to progress and possibly advance payments to control prices and guard against further deterioration in the US bus industry. Even materials and manufacturing practices are evolving to optimize the energy efficiency of our fleets.

Panel

- Dorval Carter, Chicago Transit Authority
- Stephanie Laubenstein, New Flyer
- Dana Nifosi, Federal Transit Administration (FTA)

11:45 PM–1:15 PM

Lunch/Committee Meetings

Transit and Intermodal Transportation Law Committee (AJL20)
Andy Kirk A/B
- Katie Kraft, Thompson Coburn LLP

Emerging Technology Law Committee (AJL40)
Bennie Moten A/B
- Ellen Partridge, Shared-Use Mobility Center

Tort Liability and Risk Management Committee (AJL70)
Julia Lee A/B
- Terri Parker, Missouri Department of Transportation (MoDOT)

1:30 PM–3:00 PM

CONCURRENT SESSIONS

SESSION 11: False Claims Act

Basie Ballroom AB

Moderator: Maria Asmar, Secretariat Advisors

Sponsored by: Contract Law Committee (AJL30)

This panel will provide different perspectives on False Claims Act investigations and claims during the development and implementation of transportation projects, and will explore the following questions: How do these cases arise? What is required to establish the elements of a False Claims Act claim? What does that mean from an investigatory standpoint? How do these claims differ from other types of claims on transportation projects? What are the best practices for avoiding false claims from public and private viewpoints?

Panel

- Jill Jaffe, Nossaman LLP
- James Cownie, Minnesota Department of Transportation (MnDOT)
- Jeff Duval, HKA Global

SESSION 12: Airplanes and Flying Cars and Drones, Oh My!

Basie Ballroom C

Moderator: Jeffery Metcalf, Minnesota Department of Transportation (MnDOT)

Sponsored by: General Law Committee (AJL10)

Change is in the air, as aviation law is undergoing profound transformation, spurred by the proliferation of drones, a potential future with flying car transportation, and evolving regulations impacting traditional aircraft.

The significant rise in drone usage has prompted regulatory bodies to navigate complex airspace management issues and balance safety concerns with technological innovation. Further, the ideas of urban air mobility brings forth additional legal challenges, demanding comprehensive frameworks for certification, operation, and liability. Issues about environmental sustainability, airspace congestion, and privacy rights are even reshaping the legal framework governing conventional aviation. As air travel and airspace use evolve, it's important for legal professionals to anticipate and adapt to the evolving regulatory landscape, and ensure safety, efficiency, and equity in the skies of tomorrow.

Panel

- Sergio Roman, Texas Department of Transportation (TxDOT)
- Joshua Root, Minnesota Department of Transportation (MnDOT)

3:00 PM–3:30 PM

Break

Basie Ballroom Foyer

3:30 PM–5:00 PM

CONCURRENT SESSIONS

SESSION 13: Privacy Concerns? We See You

Basie Ballroom AB

Moderator: Melody Drummond Hansen, BakerHostetler

Sponsored by: Emerging Technology Law (AJL40)

Privacy is a hot topic in transportation--from connected and automated vehicles collecting and transmitting potentially sensitive data to the proliferation of cameras on vehicles and in transportation infrastructure. This panel will cover a range of privacy topics including data collection and processing, promises and pitfalls of infrastructure cameras, technologies such as speed detectors and plate readers, and legal and policy consideration with data sharing for private or public purposes, including Fourth Amendment concerns. The panel will represent diverse perspectives from the public sector, industry, and research to provide a holistic overview of current concerns and the path ahead.

Panel

- Melody Drummond Hansen, BakerHostetler
- Adonne Washington, Future of Privacy Forum
- Scott Sergent, Missouri Department of Transportation

SESSION 14: Legal Implications of the Use of Engineering Judgment in Transportation Operations

Basie Ballroom C

Moderator: Terri Parker, Missouri Department of Transportation (MoDOT)

Sponsored by: Tort Liability and Risk Management Committee (AJL70)

A group of transportation professionals will use case studies from their legal and engineering practices to form the basis of their discussions on the use of engineering judgement to guide human factors, design, operational and engineering applications. Counsel for Caltrans and San Diego County will discuss their experiences in defending dangerous conditions of property claims and the importance of application of engineering judgement to the defense of those claims. Panel members will discuss the flexibility provided for in the MUTCD and other generally accepted transportation publications to provide context for agency decisions to use the education and experience of their professional staff.

Panel

- Heidi Skinner, County of San Diego
- Alan Steinberg, California Department of Transportation (CalTrans)
- John Campbell, Exponent Exponent Engineering and Scientific Consulting
- Gene Hawkins, Kittelson & Associates

WEDNESDAY, JULY 10, 2024

7:30 AM–10:00 AM

Registration

Basie Ballroom Foyer

7:30 AM–8:00 AM

Continental Breakfast

Basie Ballroom Foyer

8:00 AM–9:30 AM

CONCURRENT SESSIONS

SESSION 15: CEQ on NEPA and Related Regulations

Basie Ballroom AB

Participants: Edward (Ted) Boling, Perkins Cole, LLP
Jomar Maldonado, Council on Environmental Quality
Zachary Blair, Office of the Secretary (OST)

Sponsored by: Environmental Issues in Transportation Law Committee (AJL50)

The Council on Environmental Quality (CEQ) finalized its Phase Two revisions to its National Environmental Policy Act (NEPA) implementing regulations on April 30, 2024, following an effort initiated in 2021 to "revise, update, and modernize" the

regulations. The Final Rule's reforms are substantial; for the first time, climate change and environmental justice principles are codified for NEPA purposes, including a definition of "environmental justice." CEQ has also adopted a novel approach to new agency categorical exclusions and addressed how agencies might approach projects with substantial beneficial effects. This session will discuss the changes to the CEQ NEPA regulations, their issues for an update of DOT NEPA procedures, and this implications for implementation of other authorities such as Title VI of the Civil Rights Act.

SESSION 16: Transit and Shared Mobility as a "Public Data" Service: Legal Considerations for the Collection, Protection, and Integration of Mobility Data in an Ever-Evolving Technical World

Basie Ballroom C

Moderator: Alvaro Villagran, Shared Use Mobility Center

Sponsored by: Transit and Intermodal Transportation Law (AJL20)

Data-oriented technologies have transformed the way transit and shared mobility services operate and interact with the public. The fast pace and broad scale at which mobility data-based technologies have evolve created a myriad of responses from the industry and the operators, leaving some open questions about the frameworks to regulate mobility data's collection, personal data protection, and multimodal data integration. This session will discuss legal considerations in how mobility data has been evolving and what challenges are impacting how transit and shared mobility operators adopt data technologies to their work.

Panel

- Alexis Echols, Washington Metropolitan Area Transit Authority (WMATA)
- Gene Gamez, Dallas Area Rapid Transit
- Ariel Wolf, Venable LLP

9:30 AM–10:00 AM

Break

Basie Ballroom Foyer

ETHICS SESSION
10:00 AM–Noon

SESSION 17: Ethical Considerations Involving the Use of Artificial Intelligence in Legal Practice

Basie Ballroom AB

Participants: Fred Wagner, Venable LLP
Bruce Smith, Apperson Crump PLC

Sponsored by: Legal Resources Section (AJL00)

The use of Artificial Intelligence (AI) in a wide variety of industry sectors has raised troubling moral and ethical issues. The legal industry is no different. As AI

inevitably infiltrates the everyday practice of law, the existing rules of professional conduct must quickly adapt to the ethical challenges presented. This session will discuss the likely uses of AI in legal practice and how foundational ethics standards involving confidentiality, competence, diligence, supervision of legal staff, the unauthorized practice of law and others will be applied to this rapidly evolving technology.

Noon–12:15 PM

Closing Remarks & Adjournment

Basie Ballroom AB

Craig Gustafson, Minnesota Department of Transportation (MnDOT), Chair, Legal Resources Section

Robert Shea, Transportation Research Board (TRB), Senior Program Officer

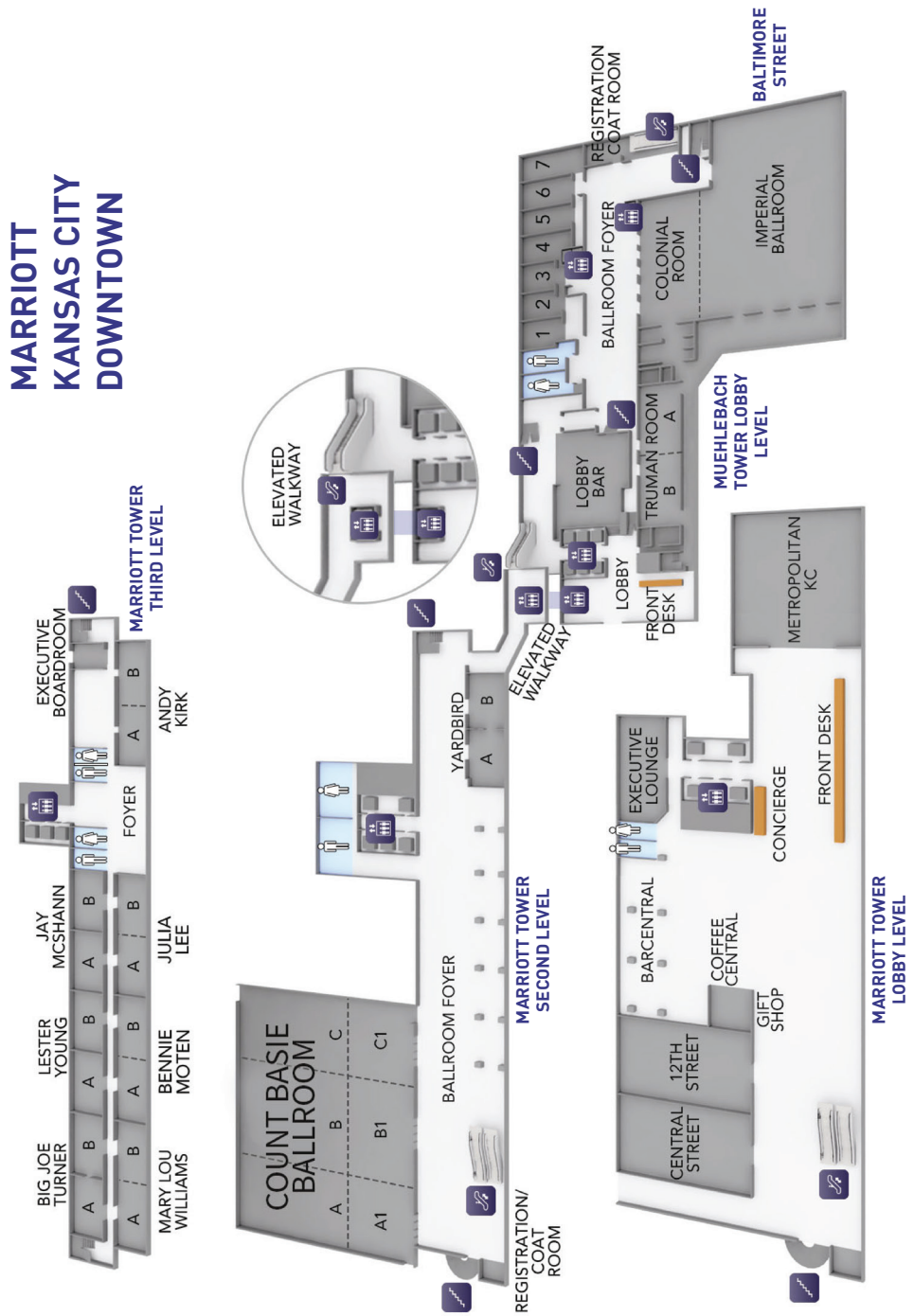
12:45 PM–2:30 PM

Section Council Meeting (By Invitation Only)

Andy Kirk A/B



FLOOR PLAN


MARRIOTT
KANSAS CITY
DOWNTOWN
MARRIOTT TOWER
THIRD LEVEL
EXECUTIVE
BOARDROOM
BIG JOE
TURNER
LESTER
YOUNG
JAY
MCSHANN
FOYER
ANDY
KIRK
MARY LOU
WILLIAMS
BENNIE
MOTEN
JULIA
LEE
ELEVATED
WALKWAY
COUNT BASIE
BALLROOM
A
B
C
A1
B1
C1
BALLROOM FOYER
YARDBIRD
MARRIOTT TOWER
SECOND LEVEL
REGISTRATION/
COAT
ROOM
ELEVATED
WALKWAY
LOBBY
BAR
LOBBY
FRONT
DESK
TRUMAN ROOM
A
B
BALLROOM FOYER
REGISTRATION
COAT ROOM
COLONIAL
ROOM
IMPERIAL
BALLROOM
BALTIMORE
STREET
MUEHLEBACH
TOWER LOBBY
LEVEL
1
2
3
4
5
6
7
METROPOLITAN
KC
EXECUTIVE
LOUNGE
CONCIERGE
FRONT DESK
BARCENTRAL
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