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2022 Legal Affairs Seminar



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*****Please note, per the city of Boston regulations, proof of vaccination is required to access the meeting space in the Boston Marriott Long Wharf, where the Seminar will be held. Please visit the Health and Safety page on this site for more information.*****

About this Seminar

The Legal Affairs Seminar provides up-to-date information on regulatory/legislative developments, industry-related litigation, and other legal issues

2022 Legal Affairs Seminar - Program

**This page is an overview of the conference schedule
and subject to change.**

Go to:

Sunday, April 3 Monday, April 4 Tuesday, April 5

Sunday, April 3

Registration

10 a.m. - 5 p.m.

Welcome

1 - 2 p.m.

Greetings

- **Karen Landers**, General Counsel, San Diego
Metropolitan Transit System (MTS), San Diego, CA

Legislative Update

2 - 2:45 p.m.

Break

2:45 - 3 p.m.

ADA Accessibility Issues

3 - 4 p.m.

The panel will discuss ongoing ADA Accessibility issues facing public transit agencies – from legacy rail stations, to everyday bus stops, websites, and other issues. The solutions are rarely easy. This session will provide an update on the New York Metropolitan Transit Authority (MTA) Middletown Road Station’s efforts to comply with DOT ADA Regulations and the associated FTA enforcement action; discuss bus stop accessibility on local streets and sidewalks; and provide a brief overview of emerging ADA issues (e.g. providing curb to curb complementary paratransit service on “Complete Streets”, developing route maps for blind or limited vision individuals).

Panelists

- **John Day**, Program Manager for Policy & Technical Assistance, Office of Civil Rights, Federal Transit Administration, Washington, DC
- **Samantha Leslie**, Deputy General Counsel, San Diego Metropolitan Transit System (MTS), San Diego, CA

P3s: The Opportunities and Implications of Working with Private Partners and the US DOT to Deliver Transit Capital Projects

4 - 5 p.m.

As more transit agencies consider using P3s, there are opportunities and obligations for their legal advisors to understand. The P3 model is no longer for mega projects; it can be used to deliver transit station facilities, rail and bus corridors, and other capital improvements of varying sizes. This panel will explore the increased opportunities for grant funding under the IIJA and favorable financing from the Build America Bureau. The panel also will discuss the tradeoffs of using Federal funding and property with a Federal interest in a P3 project. The panel will cover typical phasing of P3 projects, both large and small, and the practical issues that legal counsel must be prepared to address as well as helpful lessons learned. The panel will include three case studies from Florida, Maryland and California that illustrate both the opportunities and implications when a transit agency brings together Federal funds and private partners to deliver a transit project.

Moderator

- **Jenifer M. Ross-Amato**, Director, Alternative Delivery, WSP USA, Denver, CO

Panelists

- **Jenny Barket**, Principal Consultant, WSP USA, Washington, DC
- **Evelynn Tran**, General Counsel, Santa Clara Valley Transportation Authority, San Jose, CA
- **Julie Sweeney**, Principal Counsel, Maryland Transit Administration, Baltimore, MD
- **Yukiko Kojima**, Partner, Nossaman LLP, Los Angeles, CA

Legal Affairs Committee Meeting

5 - 5:30 p.m.

Chair, Karen Landers

Welcome Reception

6 - 7:30 p.m.

Monday, April 4

Registration

8 a.m. - 3 p.m.

FTA Chief Counsel Update

8:30 - 9 a.m.

Equity Issues

9 - 10 a.m.

Break

10 - 10:15 a.m.

Procurements Role in Managing Cybersecurity Risk In Transit

10:15 - 11:15 a.m.

This panel will explore the procurement departments role in identifying and reducing cybersecurity risk to a transit agency.

Moderator

- **William R. Moseley**, Principal, Jackson Lewis, Jacksonville, FL

Panelists

- **Jonathan J. Hunt**, Senior Director of Corporate Law, Metropolitan Atlanta Rapid Transit Authority, Atlanta, GA

- **Dr. Cleveland Ferguson, III**, Senior Vice President/Chief Administrative Officer, Jacksonville Transportation Authority, Jacksonville, FL
- **Brad J. Cummings**, Vice President, Procurement, Dallas Area Rapid Transit, Dallas, TX
- **Mary T. Costigan**, Of Counsel, Jackson Lewis, Berkeley Heights, NJ

Utility Relocations

11:15 a.m. - 12:15 p.m.

Break/Pick Up Lunch

12:15 - 12:45 p.m.

Roundtable Discussion

12:45 - 1:30 p.m.

This is an informal session for public transit agency attorneys to share information and strategies for handling legal issues facing their agencies. Come with questions, ideas, and news about the legal challenges your agencies have asked you to solve.

(**Please note** that the round-table discussion is intended as a forum for transit agency attorneys and their outside counsel to exchange information and seek advice in a non-attribution, confidential setting. To maintain this opportunity for transit agency counsel, attendees representing the FTA, vendors, unions and advocacy organizations will be asked to leave the room during this session.)

101 Session: Grants

1:30 - 2:15 p.m.

Zero Emission Vehicles

2:15 - 3:15 p.m.

Break

3:15 - 3:30 p.m.

Rail (Session)

3:30 - 4:45 p.m.

Tuesday, April 5

Registration

8 a.m. - 12 p.m.

Current Issues in Insurance and Indemnification

8:30 - 9:30 a.m.

With ever-increasing litigation threats, mitigating a client's risk has never been more important. Our panel will explore insurance strategies to optimize coverage, protecting agencies against cyber risks, and balancing protection and costs when requiring insurance and indemnification from agency contractors.

Moderator

- **James P. LaRusch**, Chief Operating Officer and Corporate Counsel, Raul V. Bravo + Associates, Inc., Reston, VA

Panelists

- **Scott Baker**, Senior Consulting Manager, AECOM, Arlington, VA

- **Matt Darrough**, Partner, Thompson Coburn LLP, St. Louis, MO
- **Shane Moylan, RPLU, AINS**, Assistant Vice President, Cyber Solutions, AON Risk Services, Philadelphia, PA

101 Session; Section 13(c)

9:30 - 10:15 a.m.

The Section 13(c) 101 panel will provide some basics on this labor protection requirement in the Federal Transit Act, as well as a discussion of the Department of Labor grant certification process, dealing with 13(c) claims, and hot topics. In addition, an update will be provided on the Department's reconsideration decision concerning the California pension reform legislation (PEPRA) and the ongoing 13(c) litigation.

Panelists

- **Jane Sutter-Starke**, Partner, Thompson Coburn LLP, Washington, DC
- **Kathleen E. Kraft**, Partner, Thompson Coburn LLP, Washington, DC

Break

10:15 - 10:30 a.m.

Ethics Beanpot

10:30 a.m. - 12 p.m.

The Ethics Session features 2 current ethics topics pulled straight from the Professional Responsibility Simmering Beanpot:

- An update on developments since our last meeting
“Can They Really Get Away with That? Ethical Limitations of Advocacy Under the Model Rules of Professional Conduct: Bringing Claims, Making Arguments, Lawyers’ Representations to Third Parties and Sanctions.”
- The Legal Ethics of Remote Working and Working Virtually

Please note that attendees may also confidentially submit ethics questions to Bruce at bsmith@appersoncrump.com and Fred at frwagner@venable.com.

Presenters

- **Fred Wagner**, Partner, Venable, LLP, Washington, DC
- **Bruce M. Smith**, Member, Apperson Crump PLC, Memphis, TN