



# Transportation

## Transportation Policy and Regulation

The dynamic nature of the transportation industry requires transportation organizations to continually rethink, respond, and even retool operations. This is particularly true with current initiatives to address climate concerns and enactment of major legislation affecting transportation policy, regulatory schemes, infrastructure development, and funding opportunities. To remain successful, governments (state, local and tribal), companies, and stakeholder and industry organizations need timely intelligence and resources from legal and government relations experts experienced in transportation law and policy development and implementation.

Lippes Mathias Transportation Policy and Regulation Practice is well positioned to assist clients with a team of experienced regulatory attorneys, lobbyists, and litigators, capable of comprehensively addressing various cross-cutting issues in the transportation sector to deliver innovative, timely, business-minded solutions. Our team routinely assists private- and public-sector clients and tribal governments and transportation agencies on a broad range of transportation-related issues, including environmental, infrastructure development, labor and commercial issues, grants and other funding opportunities, and compliance matters involving safety, environmental, and security regulations.

Our work covers a wide range of transportation modes and areas, including roadways, transit, rail, motor carriers, pipelines, and aviation, and the transportation of hazardous materials. We routinely engage with U.S. Department of Transportation (DOT) officials, including those with the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Motor Carrier Safety Administration (FMCSA), Federal Railroad Administration (FRA), Federal Aviation Administration (FAA), National Highway Traffic Administration (NHTSA) and the Pipeline and Hazardous Materials Administration (PHMSA),

The team includes former staff from the U.S. House of Representatives' Committee on Transportation and Infrastructure, the DOT, and the National Transportation Safety Board (NTSB); the Commissioner of a New York Transportation Authority that operates transit systems (bus and rail) and two airports, and attorneys with over 20 years of experience advising State and local highway and transit agencies, airport operators, and Indian Tribes on a wide range of transportation matters.

### TEAM LEADER



**IAN A. SHAVITZ**  
Partner | Team Leader -  
Environment & Energy

Our various practice areas include:

### **Transportation Policy and Advocacy**

We advocate at all levels of government, including before Congress and federal and state executive branch agencies, to monitor, review, and engage in the development of legislation and policy in support of our clients' interests.

- We build and maintain strong bipartisan relationships with relevant committees and leadership in the U.S. House of Representatives and U.S. Senate, and other government officials to successfully navigate political changes.
- We use our expertise and experience to understand the political landscape and underlying legal framework to successfully advocate for clients' interests in the legislative and regulatory arenas.
- We have participated in the crafting and passage of transportation reauthorization legislation, and in securing funding for projects and provisions related to transportation issues through the annual appropriations process.
- We have a wealth of experience in creating advocacy strategies, drafting legislative text, preparing legislative and regulatory briefing materials, and preparing testimony and witnesses for Congressional hearings.
- We advise clients on engagement with the NTSB, in terms of active investigations and in support of safety research.

### **Transportation Regulatory Engagement and Compliance**

We assist clients with various transportation-related regulatory and guidance matters, involving surface transportation, motor carriers, pipelines, aviation and hazardous materials, where we routinely engage with the DOT and its agencies (FHWA, FTA, FAA, FMCSA, FRA, NHTSA, and PHMSA), as well as other federal agencies, including the U.S. Environmental Protection Agency (EPA), Transportation Security Administration (TSA) and the Office of Management and Budget (OMB), along with state, and local officials involved in transportation matters. Our team includes former DOT officials and regulatory lawyers well versed in the regulatory process.

- We have represented clients during the development of both regulations and policy by arranging meetings with officials, preparing comment submissions and through hearing participation.
- We have assisted clients with regulatory compliance and in seeking regulatory permits, reconsiderations, waivers and exemptions, as appropriate.
- We have also represented clients in regulatory enforcement actions.

### **Transportation Project Development, Permitting and Environmental Reviews**

We advise on all aspects of transportation project permitting from inception to completion at the state and federal levels. We understand the broad range of laws and regulations applicable to these major transportation projects, including, among others, the National Environmental Policy Act (NEPA), the Clean Water Act (CWA), the Endangered Species Act (ESA), Section 106 of the National Historic Preservation Act, and Section 4(f) of the Department of Transportation Act, and regularly advise on environmental review and permitting, planning, procurement, project design and construction requirements.

- We have assisted in the development of highway, toll road, bridge crossing, airport, transit, rail and intermodal projects totaling in the billions of dollars.
- We have assisted clients in securing critical permits and approvals necessary for transportation projects, and in identifying and navigating political and public relations hurdles involved with controversial projects.
- We routinely work with DOT, and its modal agencies, along with EPA, U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), and State Historic Preservation Offices (SHPO).

## Representative Matters

- Advised on the environmental review, planning and development of major highways, toll roads, and bridges in Maryland, West Virginia, North Carolina, and California.
- Represented state and local transit authorities in the planning and environmental review of transit stations, transportation campus improvements, and subway and rail extension projects.
- Advise developers in securing FAA Determinations of No Hazard to Air Navigation for renewable energy projects.
- Assisted developer in securing approvals from FAA to build a solar project on airport land.
- Assisted developer in securing a right-of-way for a transmission line over FAA land.
- Successfully negotiated settlement with FAA to allow flight school to retain its certification and secured multiple exemptions from FAA flight training regulatory requirements to ensure safety of students.
- Represented transit agency in state enforcement action alleging environmental violations.
- Assisted in successfully negotiating and settling major litigation challenging the development of a toll road.
- Defended state transportation agencies in challenges alleging violations of environmental laws, including NEPA, CWA, ESA, Section 4(f) and Section 106 of the National Historic Preservation Act.