Transportation

Lane Powell has a long-standing international reputation for excellence in the field of transportation. Our highly trained and skilled attorneys handle complex transactional and litigation matters for aviation, rail, motor carriers and marine clients. Our Transportation Team is experienced in representing clients in all U.S. federal and state courts and in administrative proceedings before governmental and regulatory agencies. The Team members have a thorough knowledge of transportation laws and regulations and are well-versed in the interplay of state, federal and local laws and regulations as well as client obligations pursuant to international conventions and treaties.

Our Transportation Team members frequently lecture on current transportation issues, actively participate in key industry and professional transportation organizations, and publish scholarly articles in prestigious publications. Several of our attorneys have been recognized by their peers for outstanding achievements in the transportation field. Our transportation attorneys also possess an in-depth knowledge of mass transit issues, the unique field of motor sports, space law, drone counseling, satellite litigation, products liability, emerging technologies and automotive fleet transport.

The Transportation Team is augmented by the resources of our full-service law firm. The firm’s resources enable Lane Powell transportation attorneys to provide advice on federal and state tax, real estate, antitrust advice, corporate advice, mergers and acquisitions, D&O liability, investigations by the Department of Justice, labor and employment advice, environmental advice and litigation, bankruptcy, financial institutions and insurance coverage advice. Lane Powell is a leader in the transportation field with the ability to provide clear and cost-effective advice for its clients in the transportation industry.

Aviation

Lane Powell is one of the world’s leading law firms focusing on aircraft transactions for both commercial airlines and business clients around the globe. Among our clients are:

• Several U.S. and foreign airlines;
• A number of Fortune 100, Fortune 500 and smaller companies who either own or are contemplating corporate aircraft;
• More than 200 individuals who own business-class planes as a lifestyle matter;
• Key domestic and foreign leasing companies involved with commercial aircraft transactions;
• A select group of banks offering leasing and related financial products for the airline industry; and
• Engineering and manufacturing suppliers to Boeing or Airbus or both.

Our aviation law attorneys are skilled at counseling clients in the early stages of contemplating an aircraft purchase, through the aircraft-identification stage — including evaluating the worldwide inventory of pre-owned aircraft — executing the purchase and then accepting delivery of the purchased plane.
We have experience negotiating purchase agreements with manufacturers and lenders to achieve advantageous terms for the firm’s clients. We also can negotiate maintenance service agreements with management companies to keep planes in good working order and even to supply the crews, when necessary.

Commercial Aviation Law

At least half of Lane Powell’s commercial aviation activity is international, with our attorneys frequently serving as lead counsel for a principal party to the transaction, either on the purchase or the financing of an aircraft. We also regularly act as local counsel for U.S. and Washington state law.

We often advise foreign airlines and their financiers on all aspects of U.S. federal tax and aviation law, as well as the implication of U.S. bankruptcy and insolvency laws, and state commercial and tax law. We further assist in:

- Obtaining required Department of Transportation economic authority and Part 121, 129 or 135 operating authority from the FAA;
- Advising individual and corporate aircraft owners and operators in regard to the operating structure for commercial charter — or for private, not-for-hire transportation — to comply with FAA regulations while meeting their business objectives; and
- Counseling in the aircraft parts, maintenance and modification areas with contract, FAA compliance — including obtaining Supplemental Type Certificates — and financial issues.

Our attorneys have served as principal counsel in transactions involving aircraft ranging from small general-aviation aircraft up to the Boeing 747-800 and the Boeing 787 VIP aircraft. We also have advised aircraft operators and owners on issues involving domestic and international airlines operating rules and regulations, as well as on local airport and community noise restrictions.

Aviation and Aerospace Litigation

Our skilled litigation attorneys have decades of experience representing aviation businesses in lawsuits and regulatory matters. We work with domestic and international manufacturers, airport authorities, airlines, suppliers, repairers and operators in all phases of tort and contract litigation, ranging from multi-district air disaster and class action cases, to contract and insurance disputes over sales, repairs, leases, concessions, procurement and parts, to defense of regulatory enforcement actions, to bodily injury lawsuits. Our Aviation Team combines its substantial knowledge of the workings of the aviation and aerospace industry with top-notch litigation and trial skills to achieve the best possible outcomes, and provide the best possible advice to our clients.

Drones, Satellites and Space Law

Our Aviation Team has experience in regulatory requirements for the operation of private and commercial drones. In addition, our attorneys have significant experience in satellite litigation as well as space law.
Robots, Autonomous Personal Delivery Devices, Delivery Drones and Self-Driving Modes of Transportation

Rapidly evolving technology in the transportation industry grows more complex all the time. Our Transportation Team regularly counsels companies with robots, autonomous or remotely controlled delivery devices, drones and self-driving modes of transportation. Our Team provides clients with regulatory compliance advice, business support, as well as patent and trademark support for new equipment and technological advances. Our Team members stay abreast of new pending and proposed legislation and municipal ordinances that impact the latest technological developments in modes used to transport cargo and passengers. Our Transportation Team is adept at providing advice to our entrepreneurial clients with cutting edge technological equipment. Team members work closely with clients to protect their technological innovations through patent protection and registration of trademarks.

Aircraft Transactions

Our Aviation Team represents U.S. and international clients in the full range of aviation transactions. We handle purchases, sales and financings — primarily planning, structuring and execution — for businesses, high net worth individuals and families, airlines and financial institutions around the world.

Our team assists business and general aviation clients (purchasers, sellers and financiers) with purchases, sales, loans and other financing transactions, operating leases, financing leases, synthetic leases, joint ownership and fractional ownership programs, like-kind exchanges, owner-trust arrangements, cross-border transactions (including import and export of aircraft to and from the U.S. and most foreign nations), management relationships and charter arrangements. Our transactional work also includes aircraft completion and custom interior services, maintenance matters and the full range of operational issues.

Our attorneys regularly act as Washington legal counsel for airlines and commercial aircraft lenders and lessors in aircraft acquisitions from The Boeing Company, as well as representing commercial aviation clients in disputes with Boeing and other manufacturers.

Our Aviation Team includes several professionals who handle aviation transactions as their main practice area, supported by many more who combine aviation matters with other areas of experience. Every aviation transaction is at its core a business deal — and we are all experienced business attorneys who bring great “business” skills to bear on aviation-specific transactions.

Over the past 40 years, our Aviation Team has dealt with all major (and most non-major) makes of general and commercial aircraft ranging from the full Boeing product line (including Boeing Business Jets or head-of-state versions of Boeing aircraft) on down to single-engine private aircraft (with particular emphasis on “float” aircraft) — and nearly everything in between. We have handled transactions touching every continent besides Antarctica.

Our team keeps itself on the forefront of aviation developments — including tax, Federal Aviation Administration, Department of Transportation and other matters such as unmanned aerial vehicles. We actively participate in aviation trade organizations such as the National Business Aviation Association, National Aircraft Finance Association, National
Aircraft Resale Association, Pacific Northwest Business Aviation Association and Aircraft Owners and Pilots Association. Our attorneys also serve on the Boards of Directors of trade groups, volunteer as officers and general counsel to these organizations, and regularly speak at national aviation-related educational events.

Maritime

The significant international shipping traffic and large port facilities located in the Pacific Northwest and Alaska constitute the backbone of one of the largest maritime industry hubs in the world. For almost a century, Lane Powell has offered one of the largest, most prominent and dynamic maritime practices on the West Coast. We provide legal services and advice to international and U.S. clients, including owners and charterers of blue water commercial shipping interests, tug and barge interests, the fishing industry, maritime service providers, recreational vessel interests, port and marina facilities, marine underwriters and lending institutions.

Our maritime attorneys have skills and knowledge to provide services to clients with both transactional and litigation needs. We routinely review and prepare maritime contracts to resolve contractual disputes and purchase assets. Our maritime attorneys include many highly-skilled litigators who are resourceful in seeking the most cost-efficient resolution of a lawsuit. Members of the Maritime Team have experience in both federal and state courts, including appellate courts, and administrative hearings before government and regulatory agencies. In addition, team members have the experience to provide rapid assistance in the event of a large marine loss or casualty, or when a maritime attachment or vessel arrest is necessary.

We represent some of the world’s most sophisticated and prestigious businesses, including clients in the following categories:

- Large commercial and mega-yacht shipbuilding facilities;
- Major oil and gas corporate entities and service providers operating in Alaska;
- Underwriters at Lloyd’s London, London Market Companies and certain P&I Clubs;
- National and international lending institutions to obtain security interests and enforce maritime liens;
- Large port, marina and berthing facilities;
- Marine industry service providers;
- International ocean carriers and ocean transportation intermediaries;
- Operators of salvage and deep water recovery vessels;
- International conservation organization operating fleet of ocean going vessels;
- Fishing vessels in defense of personal injuries;
- Owner and operators of special ocean going barges for transportation of bulk cargo; and
- Large cargo interests.

In all transactions, we provide careful advice, tailored to our client’s needs with the goal toward resolution of all matters in a cost-effective manner.
Maritime disputes and transactions are often governed by international treaties and conventions as well as federal, state and local laws. Our maritime attorneys have an international reputation for their exceptional specialized knowledge of the most current controlling laws in each case and providing the highest quality of legal advice. Many members of our Maritime Team have completed special training or have advanced degrees in maritime law. Our maritime litigators include attorneys with a solid background of trial practice, such as former prosecutors and members of the American College of Trial Attorneys. Many members of the maritime team are Proctor Members of the Maritime Law Association of the United States and maritime committees of the American Bar Association. Members of the Maritime Team are active leaders in the Association of Transportation Law Professionals.

Attorneys on our Maritime Team are frequent lecturers both nationally and internationally on complex maritime legal issues. They also often publish scholarly articles in prestigious national and international publications including the Journal of Transportation Law, Logistics and Policy, Shipping and Transport Lawyers International, The Journal of Shipping Law published by Lloyd’s of London Press, Tulane Maritime Law Journal, Tulane Law Review, American Bar Association Publication, Seattle Business magazine and LexisNexis Washington Torts and Personal Injury. Several members of the Maritime Team serve as advisors to prominent maritime law journals.

Our maritime attorneys routinely handle a diverse array of maritime issues, including the following:

- Collisions and allisions;
- Cargo loss and damage and intermodal transport;
- Defense of claims for personal injury and death by Jones Act seamen and passengers;
- Ship repairer liability;
- Oil and hazardous substance spills;
- Wreck removal and marine contract and voluntary salvage and the law of finds;
- Preferred ship mortgages, enforcement of maritime liens and arrest proceedings;
- Charter party disputes and negotiation;
- Marine insurance coverage analysis;
- Maritime products liability;
- Financial transactions and sale of vessels and equipment;
- Catastrophic marine casualties, including fires and sinking; and
- Limitation of Liability proceedings.

We have the proven advantage of bringing the full range of the firm’s experience to our maritime practice, including business acquisitions, international transactions, liens, insurance regulations, consumer protection, liaison with governmental and administrative agencies, corporate formation, tax, real estate, land use, labor and employment problems, antitrust, finance, and potential white collar criminal defense and regulatory compliance issues. Our Maritime Team possesses the breadth of knowledge to successfully handle unique and routine maritime transactions to a successful conclusion for our clients.
Motor Sports

Our Transportation Team possesses unique experience in the motor sports industry. We are extremely fortunate to have a team member with an extraordinary background in professional racing and as a test driver for numerous manufacturers. The team has unparalleled connections in the market for race cars and other high-value classic automobiles. Our attorneys have the ability to provide specific advice and contract services to discerning clients for the purchase and sale of special vehicles.

In addition, we routinely provide legal advice and prepare contracts for automobile racing and other industry-related events. We also draft sponsorship agreements, driver agreements and disclaimers, and contracts with designers, regulatory agencies and/or sanctioning bodies, and vendors of automobile parts and suppliers. Our special skills and breadth of knowledge in the motor sports industry is unsurpassed in the Pacific Northwest.

Railroad and Mass Transportation

Railroads in the Pacific Northwest face challenges confronting the entire transportation industry. Freight and passenger volumes remain flat as fuel prices climb dramatically. Railroads make strenuous efforts to improve workforce productivity, but must also be able to handle surges in capacity. Federal and state regulations governing railroad operations as well as municipal concerns continue to grow in number and complexity. Moreover, a volatile national economy remains the railroads’ most formidable wildcard.

Likewise, another wheel of the transportation industry — mass transit, also with a strong Northwest presence — faces pressures related to rising fuel, land and equipment costs. While railroads are considered a backbone of the nation’s transportation infrastructure, mass transit regularly meets with more public and governmental scrutiny that can potentially inflate approval, construction and regulatory costs.

Region’s Most Experienced Attorneys in Railroad, Transit Law

We represent some of the world’s most prominent freight and passenger railroads, including Amtrak, Union Pacific Railroad Company, BNSF Railway Company and the Alaska Railroad Company. Our range of clients in the industry includes railroads and Northwest shortlines, intermodal operators, marine operators and builders, commuter rail and regional transit entities.

Our railroad and mass transit law attorneys form the largest and most experienced industry-focused team in the Northwest. As the firm with the longest history of representing railroads in the region, Lane Powell’s level of service has evolved with the industry to offer the most capable and comprehensive legal guidance in everything from condemnation proceedings to labor issues and complex litigation.

We also serve a leading role in the region’s most innovative mass transit projects. For example, our attorneys were instrumental in achieving a six-mile light rail line from downtown Portland to the Portland International Airport, fully integrated into the metropolitan public transportation system. Financed primarily through the transfer of trackside property development rights to the private developer who constructed the line, the project was developed without new taxes or federal funds.
We are also the go-to law firm for complex transactions and cases for Sound Transit, the mass transit service for Central Puget Sound.

**Extensive Record of Successful Representation**

Our attorneys have successfully defended each of the firm’s railroad clients in Federal Employers Liability Act (FELA) litigation, Federal Rail Safety Act (FRSA) litigation and general litigation matters. With extensive trial experience in state and federal courts throughout the Northwest as well as in administrative hearings before governmental and regulatory agencies, we have successfully handled:

- Administrative proceedings;
- Asbestos-related claims;
- Commercial, personal injury and wrongful death litigation;
- Condemnations;
- Construction law claims, including freight claims, vendor disputes and contract claims;
- Employment law proceedings;
- Environmental claims and regulatory matters;
- Freight damage claims;
- FRSA Whistleblower claims; and
- Grade crossing and pedestrian incidents.

With extensive and proven knowledge of transportation law and regulatory requirements, we work with clients to identify and implement solutions without the necessity of court action. In fact, we are involved in a major initiative with a railroad client to help the company more efficiently handle litigation on a national scale.

In cases where litigation is in the client’s best interest, however, we provide a skilled and aggressive litigation team that has earned the respect of the transportation industry.

**Committed to Remaining Current on Industry Issues**

Our attorneys actively participate in key industry associations to remain knowledgeable of current and emerging issues facing the railroad and mass transit industry. These groups include:

- National Association of Railroad Trial Counsel at regional and national levels;
- Association of Transportation Law Practitioners; and
- Transportation Law and Logistics Section of the American Bar Association.

We remain poised to handle the full spectrum of railroad and mass transit legal challenges, from passenger injury and freight damage claims, to employment and environmental law matters, administrative and regulatory proceedings.
Motor Carrier (Truck) Regulation and Compliance

Our Transportation Team has decades of experience representing motor carriers in litigation, regulatory and compliance issues, and transactional matters. The West Coast motor carrier industry connects and services all cargo needs for each of the many port facilities, rail terminals for various rail carriers and international airports. Each year, motor carriers transport sizable volumes of domestic and international cargo shipments, including containerized cargo, between connecting ports, airports and rail terminals, as well as inland destinations. Our team possesses the skill and experience concerning interconnecting carrier agreements, intermodal transport, carriers’ duties concerning drivers and all applicable federal, state and local laws as well as regulations governing the motor carrier industry. Our team provides advice to motor carriers and also cargo interests in the motor carrier industry throughout the West Coast.

The representative experience of our Transportation Team includes:

• Developing driver walk-around safety inspection checklist in compliance with the Department of Transportation (DOT) regulation;
• Providing advice to carriers concerning their duty to comply with DOT regulations, including a carrier’s obligation to investigate its drivers, administer driving tests and require drivers to observe mandatory regulations;
• Defending a large North American transportation logistics company in litigation arising from driver collisions;
• Representing leading global providers of vehicle rental services in litigation regarding vehicle collisions, and Personal Injury Protection and Uninsured Motorist claims;
• Defending a global shipping company in vehicle collision and ERISA-related litigation;
• Defending carriers for Carmack Amendment claims for cargo damage;
• Defending motor carriers for cargo damage arising out of intermodal transport with ocean carriers and rail carriers; and
• Providing advice concerning the sale and purchase of assets and equipment.

Our Transportation attorneys possess the experience to skillfully handle any and all motor carrier issues in a cost-effective manner for clients.

Transportation Networks and Emerging Technology

Technological advances in our increasingly interconnected world continue to shape transportation modes and networks. Today, passengers can know to the second when their bus will arrive, summon a private driver to their doorstep through a transportation network company, and instantly rent a car or bicycle on the street by using their mobile device. Given the sharp increase in emerging technological advances, even greater change is predicted in the transportation industry. Alternative energy vehicles, and the increasing focus on transportation efficiency and innovation at all levels of government will bring legal changes and challenges that will touch every sector of our economy.

Our Transportation Team has the skill and experience to assist clients in navigating this new world, whether they are established traditional transportation companies, cutting-edge transportation network companies, emerging industries or transportation customers. Our attorneys are knowledgeable about the most current transportation regulations and statutes, and routinely provide advice to corporations, transportation network companies and individuals regarding the challenges of emerging technology impacting transportation.
Transportation Toxic Torts

Lane Powell regularly represents transportation clients in defending toxic tort and environmental claims. The firm serves as national, regional and local counsel aggressively defending our clients in high stakes litigation in state and federal courts, including appearances in multi-district litigation, as well as administrative proceedings. Our trial lawyers have vast experience in toxic tort claims for personal injury, wrongful death, premises liability, property damage, and environmental claims asserted by state, local and federal agencies. The team is well versed in the science and medicine of asbestos, benzene, talc, chemical spills and other prominent exposures. Our Transportation attorneys leverage decades of experience to secure the best resolutions to these complex claims.

Relevant experience includes:

• Defending rail and marine carriers against personal injury and regulatory claims for toxic tort spills;
• Defending ship builders and shipping companies against benzene and asbestos claims;
• Defending manufacturers of transportation component parts for personal injury claims for toxic exposure;
• Providing regulatory advice to transportation carriers of hazardous cargo; and
• Defending Vessel Owners and Terminal Operator Facilities against oil pollution and environmental claims.

Experience

Recaro North America, Inc. v. Speedware Motorsports
Successfully defended respondent in World Intellectual Property Organization (WIPO) domain name dispute.

Beacon Plumbing v. Billy Schumacher Racing LLC
Represented premiere hydroplane racing team to negotiate hydroplane sponsorship contract for Seafair and other national and international competitions.

Estate Of Maia Haykin And Richard Haykin, Apps. V. City Of Bellingham, Et Al., Res.
Case No. 10-2-00168-5 | Whatcom County Superior Court | Bellingham, Washington
Defended National RR Passenger Corp. against a wrongful death lawsuit filed by the estate of an individual killed by an Amtrak train while crossing railroad tracks in Bellingham, Washington.

House v. Amtrak and BNSF Railway Company
Case No. 11-CV-2110-TSZ | U.S. District Court, Western District of Washington
Defended National RR Passenger Corp. against a lawsuit filed brought by a driver severely injured in a train accident in Marysville, Washington.

McVay v. BNSF Railway Company
Case No. 2014 FRS-00068
Defended BNSF against a whistleblower/retaliation claim under the Federal Rail Safety Act.
ODOT v. Alderwoods (Oregon), Inc. Appeal
Represented Alderwoods (Oregon), Inc. in a claim for compensation after the Oregon DOT sought to condemn all direct highway access at one of the client’s Oregon funeral home locations.

Panter et al v. BNSF et al
Case No. 3:2011cv05691 | U.S. District Court, Western District of Washington | Tacoma, Washington
Defended National RR Passenger Corp. in litigation brought by family members of a woman who died in a vehicular grade crossing accident involving a BNSF train and an Amtrak train in Bucoda, Washington.

Powers v. Union Pacific Railroad Company
Case No. 2010-FRS-030
Defended Union Pacific against whistleblower and retaliation claims under the FRSA.

Voluntary Dismissal for International Airline
U.S. District Court, Central District of California
Represented international airline in race discrimination case in Central District of California; successfully obtained a dismissal of primary claims and plaintiff subsequently dismissed remaining claims with prejudice.

U.S. District Court, Western District of Washington
Prosecuted defective vessel construction.

In re FV PACESETTER
U.S. District Court, Western District of Washington
Limitation action/loss of all hands wrongful death claims.

Ralston v. San Juan Excursions
U.S. District Court, Western District of Washington
Defended vessel in 33 USC § 905(b) suit (quadriplegic).

In re MARJORIE MORNINGSTAR
Represented owners’ interest in total loss mega-yacht fire.

Alaska Maritime Documentation, Inc. Marine Mortgages and Vessel Documentation
Served as counsel to Alaska Maritime Documentation, Inc. with respect to preferred marine mortgages and vessel documentation.

Espinoza v. Evergreen Helicopters, Inc.
Case No. A147028
Defended Evergreen Helicopters against eight wrongful death cases arising out of a helicopter crash in Peru.
Ferrante v. Castle*
Spokane County Superior Court
Jury trial of an admitted liability transportation law matter. The plaintiff claimed that a low speed impact caused him to suffer from debilitating vertigo and other personal injuries.

Messenger v. Maden*
Spokane County District Court
Jury trial of an admitted liability transportation law matter. The plaintiff claimed she was severely injured as a result of the collision and sought excessive damages at trial. The jury returned a verdict awarding far less than the amount requested by the plaintiff prior to the commencement of trial.

First Interstate Bank Aircraft Lending
Advise First Interstate Bank (formerly Bank of the Cascades, by way of merger) on maintaining its aircraft lending portfolio.

* Denotes experience at a previous firm

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