

# MOVING THE WORLD

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## TRANSPORTATION LAW

During one of my recent mountain bike rides, I was listening to the U2 song “Every Breaking Wave”—off their *Songs of Innocence* album—in which Bono sings, “Every sailor knows that the sea is a friend made enemy.”

The FBA Transportation and Transportation Security Law Section helps the world move. We are a group of dedicated transport professionals educating the community, mentoring young lawyers and students, and helping clients and stakeholders navigate the many modes of transport. In this issue of *The Federal Lawyer*, our member-authored articles cover the hottest topics in transportation. Whether you’re moving by plane or transporting containers by rail, truck, or ship, a delicate balance of safety, security, commerce, and civil rights is at play. It is no easy task to satisfy all interests as the waves of this debate generate both opportunities and hazards.

Our early sailors and aviators knew this well, and these concerns continue into the 21st century. Let’s take the law on unmanned aircraft systems: Whether about the use of airspace or privacy concerns, this is a fresh, emerging issue. Two of the articles in this issue discuss the newly issued proposed rules by the FAA on drones and the pioneering presidential guidance issued the same day, as well as the privacy issues associated with drones.

We are fortunate to have topical diversity among our other submissions in this issue. Seasoned airport practitioner Dave Barnard from Foley and Lardner’s Boston office provides a comprehensive discussion

and analysis of airports and the FAA reauthorization. Our section places great importance on mentorship within the profession, and Tulane Law student Rick Beaumont—who worked for the Federal Maritime Commission during his summers in law school—is a prime example of a promising transport lawyer involved in our section. He knows ships; Rick worked as a commercial fisherman in Alaska to help pay for school. He writes about the China shipping trade and provides an innovative analysis of the avenues to foreign investment in the Chinese shipping industry.

We also have a comparison article on the TSA civil enforcement program, as well as a freight rail article on recent regulatory and legislative developments in transporting crude oil. This issue also covers the great unknowns in regulating air ambulances and a survey of the Interstate Commerce Act and the Interstate Commerce Commission.

No transportation-themed issue would be complete without acknowledgement of—and appreciation for—the judicial arm of our profession. Jason Schlosberg, a Federal Rail Administration lawyer and former judicial clerk with the Department of Transportation Office of Administrative Law Judges, contributes a judicial profile of Hon. J.E. Sullivan, administrative law judge for the department.

As U2 so aptly sings: “Every breaking wave on the shore tells the next one there’ll be one more.” Whether it is intermodalism, unmanned aerial systems, or commercial space, we are riding the wave. I hope you enjoy this edition. Thank you for reading. ☺

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*Thomas Lehrich is chair of the Federal Bar Association’s Transportation and Transportation Security Law Section. He is the deputy inspector general and counsel for the Architect of the Capitol. Lehrich spent 10 years at the U.S. Department of Transportation serving as the chief counsel to the DOT inspector general and held senior legal posts with the Transportation Security Administration and the Federal Maritime Commission.*

