



VIP Profile: Transportation Security Lawyer of the Year Jane Petkofsky



Jane Petkofsky, Transportation Security Lawyer of the Year

Following the 9/11 terrorist attacks, Jane Petkofsky immediately knew where her career had to go next. With the draw of a compelling and urgent mission, Jane chose to help standup the Transportation Security Administration by accepting a position with the agency’s Office of Chief Counsel. Previously, Jane served as Counsel to the Supreme Court of the United States, and has held a number of impressive and interesting positions highlighted below. Notwithstanding her demanding legal jobs, Jane has

found time for her greatest passion and hobby—the performing arts. She is truly a star in both worlds.

Jane Petkofsky, this year’s recipient of the John T. Stuart Federal Bar Association’s Transportation Security Lawyer of the Year Award, has practiced law for more than 35 years. She began her legal career in the Office of the Corporation Counsel for the District of Columbia, now the Office of the Attorney General. At the Corporation Counsel’s Office, Jane served in many capacities including Chief of the Regulatory Affairs Section. Later, she worked as Senior Staff Attorney with the District of Columbia Court of Appeals, where she played a key role in modernizing and improving the efficiency of the court’s case management system. In the late 1900s, Jane became Staff Counsel and then Counsel to the Supreme Court of the United States. She currently serves as the assistant chief counsel for Legislation and Authorities at TSA and is primarily responsible for statutory analyses as well as drafting and review of legislative proposals.

As the agency was faced with interpreting laws that created a new paradigm for transportation security, Jane authored many of the seminal opinions that defined the scope of TSA’s authorities. Jane’s efforts included work on legal opinions that permitted passenger pre-clearance protocols to remain in effect at Canadian and U.S. airports, ensured the effective deployment of explosives detection systems for passenger screening, and defined the parameters for screening air cargo on passenger aircraft. As a result of her work, the Implementing Recommendations of the 9/11 Act of 2007 included a provision creating civil penalty authority in non-aviation modes of transportation to mirror authorities in the aviation sector.

Most recently, Jane led a TSA team effort to pursue legislation granting the administrator discretionary authority to waive checked baggage screening requirements for connecting flights in the United States. This effort culminated in the enactment of the “No-Hassle Flying Act of 2012” on December 20, 2012.

What brought you to TSA?

I was coincidentally completing my term as counsel to the U.S. Supreme Court when the previously unimaginable events of 9/11 occurred. As with so many others, these attacks on our homeland led me to rethink where and how I wanted to continue my career. As the agency was standing up its Office of Chief Counsel, joining the team seemed like the perfect way to continue my commitment to public service and to participate in the challenge of starting on the ground floor of an organization with an important security mission.

VIP PROFILE continued on page 6

Also In This Issue...

CHAIR’S CORNER.....	P. 3
LETTER FROM THE EDITOR.....	P. 3
VIP PROFILE: TRANSPORTATION LAWYER OF THE YEAR STEPHEN WOOD.....	P. 4
NORTHEAST CORRIDOR PASSENGER RAIL: HOW TO KEEP A GOOD THING GOING.....	P. 5
THOUGHTS ON 2013 FROM OUTGOING SECTION CHAIR.....	P. 7
SECTION HAPPENINGS: CHIEF COUNSELS’ RECEPTION.....	P. 9

Who's Who in the DOT and TSA

IMMEDIATE OFFICE OF THE SECRETARY OF TRANSPORTATION

Anthony Foxx
Secretary of Transportation

Joan DeBoer
Chief of Staff

Marlise Streitmatter
Deputy Chief of Staff

OFFICE OF THE DEPUTY SECRETARY

John Porcari
Deputy Secretary

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY

Polly Trottenberg
*Assistant Secretary for Transportation
Policy*

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

Susan Kurland
*Assistant Secretary for Aviation and
International Affairs*

OFFICE OF THE GENERAL COUNSEL

Kathryn B. Thomson
General Counsel

Judith S. Kaleta
Deputy General Counsel

James Cole Jr.
Deputy General Counsel

FEDERAL AVIATION ADMINISTRATION

Michael Huerta
Administrator

Marc L. Warren (acting)
Chief Counsel

FEDERAL HIGHWAY ADMINISTRATION

Victor Mendez
Administrator

Fred Wagner
Chief Counsel

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Anne S. Ferro
Administrator

Scott Darling
Chief Counsel

FEDERAL RAILROAD ADMINISTRATION

Joseph C. Szabo
Administrator

Melissa Porter
Chief Counsel

FEDERAL TRANSIT ADMINISTRATION

Peter M. Rogoff
Administrator

Dorval R. Carter Jr.
Chief Counsel

MARITIME ADMINISTRATION

David Matsuda
Administrator

Franklin R. Parker
Chief Counsel

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

David L. Strickland
Administrator

Kevin Vincent
Chief Counsel

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Cynthia L. Quarterman
Administrator

Vanessa Allen Sutherland
Chief Counsel

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

Gregory Winfree
Acting Administrator

Ellen Partridge
Chief Counsel

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Collister (Terry) Johnson Jr.
Administrator

OFFICE OF INSPECTOR GENERAL

Calvin L. Scovel III
Inspector General

Omer Poirier
Chief Counsel

TRANSPORTATION SECURITY ADMINISTRATION

John Pistole
Administrator

Francine J. Kerner
Chief Counsel

TRANSPORTATION AND TRANSPORTATION SECURITY LAW SECTION LEADERSHIP

CHAIR

David Rifkind
Stinson Leonard Street

CHAIR-ELECT

Thomas Lehrich
Federal Maritime Commission

DEPUTY CHAIR

Alice Koethe
U.S. Department of
Transportation

SECRETARY

Scott M. Mirelson
U.S. Department of
Transportation

TREASURER

Lisa A. Harig
McBreen & Kopko

TRANSLAW EDITOR

Kathryn J. Gainey
Stephoe & Johnson

IMMEDIATE PAST CHAIR

Monica R. Hargrove
Metropolitan Washington
Airports Authority

TransLaw is published by the Federal Bar Association Transportation and Transportation Security Law Section, ISSN No. 1069-157X. © 2013 The Federal Bar Association. All rights reserved. The opinions expressed herein are solely those of the authors unless otherwise specified. Managing Editor: Rebecca Do

Chair's Corner

David F. Rifkind, Chair

As this is my first "Chair's Corner," I will start with a brief introduction. My name is David Rifkind and, (assuming you are reading this after January 1, 2014, the effective date of the merger) I am a partner in the Washington, D.C. office of Stinson Leonard Street, where I primarily focus on serving the transportation industry. I am honored to be your new chair.

When I was four, my family left our home in Scotland and set sail for America on the Queen Elizabeth II. We arrived a week later in New York to the grand sight of the Statue of Liberty. Over the years, we returned frequently to visit Scotland, but on jumbo jets that made the Trans-Atlantic trip in under seven hours. From those experiences, I gained an appreciation of the importance of the transportation industry and the impact it has on our lives. Although I did not enter law school with the goal of becoming a transportation attorney, when the opportunity presented, I grabbed it. I have enjoyed serving the industry ever since. It is a vibrant and innovative industry constantly facing new and interesting legal issues.

Along the way, I have found this section to be an invaluable resource. Through the award-winning newsletter and the outstanding programming, I have stayed current with the key legal issues facing transportation and transportation security. Additionally, I have gotten to know key practitioners and policymakers, many of whom I now consider friends, and to whom I have frequently turned for professional guidance. I hope that each of you will have similarly rewarding experiences and take advantage of all this Section has to offer.

This is a great time for the section. As you will read in my predecessor, Monica Hargrove's column, we are com-

ing off a strong year indeed. My hat's off to Monica and the rest of the board for their hard work and dedication, and for setting the bar high. The good news is that we have an involved and dynamic board to move us forward and, our planning for the coming year is in full swing. We expect to kick off our lunch programs with the rescheduled program on Human Trafficking, followed by a legislative update, a transportation security forum at the Transportation Security Administration, and lunch panels on federal agency enforcement, aviation and the environment, aviation mergers, and administrative law judges, among others.

Kathy Gainey takes over the *Translaw* editor's pen from Lisa Harig, who did an outstanding job. Please reach out to Kathy if you would like to author an article for *Translaw*. We are also on the lookout for contributors for the section's column in the FBA's monthly magazine, *The Federal Lawyer*.

We are always looking for ways to serve better our members located outside Washington, D.C. including through local programming. If you are interested in hosting an event please let me or any member of the board know. Likewise, please let us know if you have ideas for programming that you would like to attend, organize or participate in.

I wish everyone healthy, happy and prosperous New Year. I look forward to working for you and with you.

Best wishes,
David F. Rifkind

Letter From the Editor

Lisa A. Harig

I'm pleased to present the Fall 2013 issue of *TransLaw*. This is my last issue as editor and it's been a pleasure working with the authors and the T&TSL board to bring you new insights into issues of interest to transportation and transportation security lawyers. Kathryn Gainey will be taking the editorial reins in 2014 and I know *TransLaw* will be in capable hands.

In this issue, we profile two distinguished attorneys: Transportation Lawyer of the Year Stephen Wood, and Transportation Security Lawyer of the Year Jane Petkofsky. Sophy Chen provides an overview of the Northeast Corridor Commission. Our first transportation law book

review—we hope one of many to come—is presented by Tom Lehigh, who reviews *Space Law* by Francis Lyall and Paul B. Larsen. We also have a summary of the 2013 Chief Counsels' Reception. Finally, outgoing T&TSL Chair Monica Hargrove reviews section activities and achievements from the past year. Thank you to all of our excellent authors and contributors.

Please contact Sherwin Valerio at svalerio@fedbar.org with ideas for future issues of *TransLaw* or to submit an article. ❖

VIP Profile: Transportation Lawyer of the Year Stephen Wood



Stephen Wood,
Transportation Lawyer of
the Year

Personal: Born July 26, 1944; grew up in Coral Gables, Florida; lives with wife, Julie Abraham, in Washington, D.C.

Education: Williams College, BA (political science), 1966; Columbia Law School, JD, 1969.

Career history: Attorney-Advisor, Federal Highway Administration, 1969-1970; National Highway Safety Bureau, 1970; National Highway Traffic Safety Administration, 1970-1973. Assistant Chief Counsel for

Legislation, NHTSA; 1975-1976. Senior Attorney, Rulemaking Division, NHTSA, 1976-1977. Assistant Chief Counsel for Rulemaking and Harmonization, NHTSA, 1977-present.

Favorite sports: Years ago: participant sports like football, softball, volleyball, tennis, and sailboat racing; now: spectator sports like professional soccer and college sports, especially football and basketball.

Challenges/Goals: Among the challenges I see are the following two matters. First, vehicle technology has changed dramatically since the NHTSA's vehicle safety authorizing statute was enacted in the mid 1960s. Vehicle systems that warn drivers about the risk of imminent crashes based on location, speed and other data wirelessly broadcast by nearby vehicles and technologies for automating vehicle operation have the potential to improve on-road safety dramatically. The array of motor vehicle equipment is no longer limited to items that physically interact with a motor vehicle. It has expanded to include such things as lidar and other means of sensing the driving environment, software applications, and fobs and other devices that can remotely affect vehicle systems. One day, vehicle behavior might become as important as driver behavior is today. It might also become at least as important to program the state rules-of-the-road into the decisionmaking algorithms of motor vehicles as it is for drivers to learn and follow them.

As the roles played by advanced technologies grow, so too will the need to address concerns about issues such as accuracy, timeliness, interoperability, cyber security, privacy and public acceptance. Still another challenge is posed by the potential ability of vehicle manufacturers to push performance changing software updates to vehicles in use, creating an almost continuous manufacturer-vehicle relationship, instead of one that largely ends at the time of initial manufacture and delivery.

We have already published a law review article initially examining how NHTSA's view of its regulatory authority is necessarily evolving in response to these emerging technologies. To address these technologies, NHTSA could take actions such as requiring the recording of data to monitor the performance of these technologies; regulating their ability to sense and mitigate/avoid potential crashes; regulating the human-machine interface to ensure smooth transfer of control between driver and vehicle; using simulation to supplement on-track vehicle tests in evaluating the performance of these technologies in multiple scenarios; and regulating the performance of safety related mobile applications. Many other authority and implementation issues remain to be addressed.

The second goal is to find new opportunities to promote greater use of regulatory practices that improve the quality, effectiveness, and efficiency of national and international regulation. Past efforts on the national level include our aiding USTR in implementing the 1998 U.S.-EU Transatlantic Economic Partnership through serving as drafter for USTR of the 2002 U.S.-EU Guidelines for Regulatory Cooperation and Transparency and the 2005 document entitled United States Government Rulemaking: Transparency, Participation, Analysis, and Accountability and on the international level drafting the 1998 UNECE Global Agreement on Global Technical Regulations for Wheeled Vehicles, Equipment and Parts so as to require that basic elements of sound regulatory practice be followed in developing and adopting such regulations. In the coming year, we anticipate updating and revising the 2005 document for use by USTR and others. ❖

Northeast Corridor Passenger Rail: How To Keep a Good Thing Going

Sophy Chen

The Northeast Corridor is the busiest railroad in North America. Many *TransLaw* readers were probably counted among the record 11.4 million passengers Amtrak carried between Washington-New York-Boston in FY2012. In addition to Amtrak's intercity service, eight commuter rail agencies—the Massachusetts Bay Transportation Authority (MBTA), Shore Line East (SLE), Metro North Railroad (MNR), Long Island Rail Road (LIRR), New Jersey Transit (NJT), Southeastern Pennsylvania Transportation Authority (SEPTA), MARC, and Virginia Railway Express (VRE)—operate services on parts of the Northeast Corridor. So, some *TransLaw* readers are probably also included among the more than 700,000 commuter passengers who travel on the Northeast Corridor on their way to and from work every day.

Both Amtrak and the commuter rail agencies are experiencing record demand for rail service on the Northeast Corridor. Freight demand on the Northeast Corridor is also expected to continue to grow. But its infrastructure is operating at or near maximum capacity and is in need of repair or replacement. The Northeast Corridor includes hundreds of bridges and tunnels that are over a century old. Parts of the electric traction power supply system and some signal systems were installed in the 1930s or earlier.

Amtrak owns most of the rail infrastructure on Northeast Corridor—363 miles of the 457-mile corridor. The New Haven Line, the 56 miles between New Rochelle, New York and New Haven, Connecticut, is owned by the New York Metropolitan Transportation Authority and the Connecticut Department of Transportation and is controlled and dispatched by MNR. The Commonwealth of Massachusetts owns the 38 miles between the Massachusetts/Rhode Island border and Boston.

When Amtrak's Northeast Corridor assets were conveyed to it, after Conrail was consolidated in 1976, most of them were already not in good repair after decades of neglect by private operators. (USDOT defines a "state-of-good-repair" to mean a condition in which the existing physical assets, both individually and in a system, are functioning within their useful lives and sustained through regular maintenance and replacement programs.) Since then, Amtrak has not received sufficient funding to achieve and maintain a state-of-good-repair.

But beginning in 2004, federal funding for state-of-good-repair has been on an uptick. In addition, investments from Northeast States and railroads have grown. But still, Amtrak has estimated that the backlog of Amtrak-owned Northeast Corridor assets requiring investment to reach a state-of-good-repair requires nearly \$800 million annually over 15 years, while the New Haven Line also requires several billion dollars to rehabilitate or replace bridges and

upgrade catenary and signal systems to achieve a state-of-good-repair.

And so, in 2008's Passenger Rail Investment and Improvement Act (PRIIA), Congress—once again—sought to resolve the now decades-old problem of finding enough funding to meet the needs of the aging infrastructure in the Northeast Corridor. This time, it directed the Secretary of Transportation to establish the Northeast Corridor Infrastructure and Operations Advisory Commission (Northeast Corridor Commission) and charged the Commission with, among other things, developing a standardized formula for allocating costs, revenues, and compensation among the Northeast Corridor's intercity and commuter rail passenger services. This is not a complete solution to the chronic underfunding problem that the Northeast Corridor faces, but it is a step in the right direction.

The commission is composed of 18 members. Each of the Northeast Corridor States (Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland) and the District of Columbia is represented by a member. The other nine members come from Amtrak and USDOT, including the Federal Railroad Administration. The commission also includes non-voting representatives from four freight railroads (Conrail, CSX Transportation, Norfolk Southern Corporation, and Providence and Worcester Railroad Company), States with connecting corridors (Maine, New Hampshire, Vermont, Virginia, and North Carolina), and commuter rail agencies (New York Metropolitan Transportation Authority and Southeastern Pennsylvania Transportation Authority). The commission's work is aided by a small staff, led by an executive director, and several committees made up of personnel supplied by commission members and non-voting representatives.

The new cost-allocation scheme, which will replace the web of disparate and, in some cases, outdated bilateral agreements between Northeast Corridor infrastructure owners and operators, will ensure that each service takes proportional financial responsibility for its use of the Northeast Corridor. PRIIA directs Amtrak and the Northeast Corridor commuter rail agencies to implement the new cost-allocation scheme on a voluntary basis, according to a timetable they will develop, but provided a backstop in the event voluntary implementation fails to take place prior to October 16, 2014. If Amtrak and the commuter rail agencies fail to implement the standardized cost-allocation scheme according to their self-determined timetable, PRIIA directs the Northeast Corridor Commission to petition the

NORTHEAST continued on page 6

VIP PROFILE continued from page 1
What was it like in the early days of the agency?

It was exhilarating. There was a real sense of urgency, borne of a combination of a clear sense of mission and the fact that both the Office of Chief Counsel and the entire agency were being built from scratch. With the creation of TSA came an entirely new body of law imposing new responsibilities, and we worked long hours to parse these statutory authorities to assure that TSA could meet intense operational deadlines established by Congress. I often marveled in those early days at the contrast between the rhythm of my life at the Supreme Court, a venerable old institution with well-established, mature processes, and at TSA, a brand-new organization, with responsibilities, procedures and organizational lines of authority developing by the hour. It was going from caring for a beloved grandparent to caring for a newborn infant—both wonderful experiences, but different as night and day.

What do you like about the practice of law?

Unlike many of my colleagues, I didn't grow up wanting to be a lawyer, and didn't pursue the law with a clear vision of what I wanted to accomplish. But I've always enjoyed puzzling through problems, and I think that is what I have enjoyed most about the study of law and what I have brought to my own practice. My career has been quite non-linear, although I have had the good fortune to find ways to satisfy my love of noodling through varied assignments. In the Office of Chief Counsel not only do I get to practice the art of noodling, but I get to do so with a cadre of brilliant attorneys, who possess expertise and knowledge in a vast range of areas in which I have very little experience. The result is that we can do some amazing problem-

solving together. The collaborative nature of the work is something I value immensely. Also, in each position I have held throughout my career I have been privileged to work for people I can truly look up to and respect. That has certainly been the case at TSA. In short, Chief Counsel Francine Kerner is the real deal. To use an expression I have heard her use with reference to others, she has a "big brain." But more than that, she has an unwavering commitment to TSA's mission and instills that same commitment in all of us. For all my love of noodling, I have learned from Francine that the practice of law is not an academic exercise. It requires passion, dedication, judgment and collaborative effort, and above all, an unwavering "eye on the prize."

What do you do outside of the office?

At this point in my life law is my "day job." In the evenings and on weekends, I pursue my lifelong passion of theater. My husband and I are company members of the Keegan Theater and have performed with the company in D.C. and Ireland. I also perform at other professional theater companies throughout the metro area. My favorite recent role was Fraulein Schneider in the provocative Kander and Ebb musical *Cabaret*. In the last several years I've also taken television, video, and film roles—I was recently featured in a small indie film, *The Henchman's War*. It was a great project that received very positive critical notice, including three stars from the *Washington Post*. If you look really closely you may also catch a glimpse of me in a couple of episodes in upcoming season of *House of Cards*. ❖

NORTHEAST continued from page 5

Surface Transportation Board to determine the appropriate compensation and enforce its determination on the parties.

In addition to developing a standardized cost-allocation scheme, PRIIA directed the commission to tackle a number of broader goals as well. Ultimately, these goals seek to enhance intercity, commuter, and rail services on the Northeast Corridor, improve safety and reliability, reduce travel times, address airport and highway congestion, achieve environmental goals such as reducing transportation energy consumption and improving air quality, and increase regional economic development. The commission is required to report to Congress annually with recommendations to achieve these goals.

Recognizing the importance of Northeast Corridor rail service to so many travelers, commuters, and shippers as well as to the broader business community in the region, Congress established the Northeast Corridor Commission to promote mutual cooperation among the Corridor's many stakeholders. The commission's members have been and

continue to work collaboratively to develop and bring about a unified plan for ensuring that the Northeast Corridor continues to meet the needs of the national and regional economy.

You can learn more about the commission and keep up with its progress at its website—www.nec-commission.com. ❖

Sophy Chen has practiced transportation regulatory law in Washington, D.C., for over fifteen years. Since September 2012, she has served as general counsel to the Northeast Corridor Commission. You can reach her at sophy.chen@14cfr-law.com.

Thoughts on 2013 from Outgoing Section Chair

Monica Hargrove

Transportation and Transportation Security Law Section Members:

2013 has been a very busy year for the Transportation and Transportation Security Law Section!

It's hard to believe that a new year of programming is right around the corner. But it's a great opportunity to look back at what we shared together this year, and to say thanks to the leadership of the section's board members and the great speakers who participated in this year's programs!

We started in January with a luncheon program held in the U.S. Department of Transportation's Conference facility in Washington, D.C. That program featured the work of the Transportation Research Board and the Airport Cooperative Research Program, including two of their research program coordinators, Marci Greenberger, and and two recent authors. David Bannard, a partner at Foley & Lardner, discussed a research paper published regarding airport safety management systems and Ron Frazier of Countermeasures Assessment & Security Experts LLC discussed his research paper.

In February, the section held its annual Transportation Security Law Forum in the Transportation Security Administration's Town Hall in Arlington, Va. TSA Chief Counsel Francine Kerner greeted the group, followed by a presentation on recent TSA initiatives from Administrator John S. Pistole. A very informative discussion of key issues on the legislative forefront was then presented by an excellent panel introduced by John Wasowicz, TSA Legislative Counsel and moderated by TSA's assistant administrator-legislative affairs, Sarah Dietch. The panel featured several House and Senate Transportation Security sub-committee and committee staff members: Richard Swayze, senate commerce; Justin Wein, associate staff for Homeland Security, Rep. David Price; and Amanda Parikh, house subcommittee staff director, Committee on Homeland Security. Following the legislative session, TSA hosted a tour of its Transportation Security Systems Integration Facility at Reagan Washington National Airport, and we ended the event with a networking reception hosted by Leonard Street and Deinard, at TGI Friday's in Terminal B of the airport.

In April, the section presented a luncheon program with an interview by Kathryn Gainey of Raymond Atkins, then-general counsel of the Surface Transportation Board. This well-attended program was hosted in a new venue for our section, a conference facility at the Washington, D.C. law offices of Steptoe & Johnson.

Our May program, again held in one of DOT's conference rooms, highlighted the work of another one of the federal transportation agency's general counsel, David Tochen, of the National Transportation Safety Board. David spoke to a standing-room only crowd about the work of the general counsel's office at the NTSB.

In June, the section hosted its first-ever Maritime/Ports luncheon program featuring a panel that discussed the impact of the opening of the Panama Canal on the various transportation modes. Again, DOT's Conference facility was the site for this informative program, which featured speakers from DOT, the Florida East Coast Railway, and the Baltimore Port Authority. Our July program highlighted the challenges of implementing large-scale rail infrastructure projects across multiple states with a particular focus on Federal grants to states. It featured panelists from differing stakeholders, including: Stephen J. Gardner, vice president, NEC Infrastructure and Investment Development, AMTRAK; Charles A. Spitulnik, Kaplan Kirsch & Rockwell LLP; Sophy Chen, member, 14 CFR Law PLLC; and Karen Hedlund, deputy administrator, Federal Railroad Administration, U.S. Department of Transportation. At the beginning of that program, held on the 50th anniversary of the March on Washington, we also paused to reflect on the memory of A. Philip Randolph, who organized the first transportation union for African-American pullman porters, and who was instrumental in organizing the March on Washington in 1963.

In August, the section hosted a networking event which attracted a large number of summer law interns who were serving at various transportation agencies, as well as a number of young lawyers interested in learning more about the work of our section. It was a great way to meet others interested in practicing in the various transportation legal arenas offered in the Washington metropolitan area!

Our September luncheon program was cancelled due to the tragic Army-Navy shooting event. The section is still planning to present that program on human trafficking as it relates to the various transportation modes as soon as a date can be identified. Finally, our annual Federal Transportation Counsels' Reception and Awards Program was held in November in the Rayburn House Office Building on Capitol Hill. The event was attended by representative members of all the transportation modes.

It was my pleasure to serve as chair of the Transportation & Transportation Security Law Section over the past year. Our section indeed had a very busy and productive year! We are grateful to the board, speakers, and especially to the editor of *TransLaw* for an exciting and stimulating year! We are pleased to pass the torch of this legendary section on to its new chair, David Rifkind. Congratulations and best wishes for another great year in the history of the section, David! ♦

Monica R. Hargrove served as the Chair of the Transportation and Transportation Security Law Section in 2013. She is Deputy General Counsel at the Metropolitan Washington Airports Authority and can be reached at monica.hargrove@mwa.com.

Transportation Law Book Review

Thomas K. Lehrich

Space Law, by Francis Lyall and Paul B. Larsen (Ashgate, February 2013)

I am a huge fan of Paul Larsen. As a young Department of Transportation lawyer, I first met him in Montreal over a decade ago at an ABA Air and Space Law Forum at McGill University. He was talking about space when most practitioners at the conference—including me—were focused on commercial aviation and airplanes. Maybe it was listening to him speak followed by a brief but memorable conversation with him in an old stone building on McGill's campus that motivated my interest in space law. Years later, my colleague Dave Damast and I co-authored an article on FAA's jurisdiction over commercial space (See *On the Eve of Launch: FAA Jurisdiction Over Commercial Human Spaceflight*, A.B.A. Transp. Committee Q., Winter 2010, at 5.). When our editor asked me to help kick off the book review series, I immediately knew that I wanted to profile the latest edition of this instructive treatise.

Francis Lyall and Paul Larsen are quite a team. Lyall, emeritus professor of Public Law at the University of Aberdeen, Scotland, and Larsen, adjunct professor at Georgetown University and a former DOT lawyer, have been involved with space since long before their days at the Institute of Air and Space Law at McGill. In *Space Law*, they take on the burgeoning area of space law, an area of international law that has developed so richly in the last three decades, and describe it in topic after topic with such precision and ease. This is not just a book or even, as the cover says, a treatise. The hefty 610-page volume begs to be treated as a reference book and will likely become the foundation for the future of space law.

The early chapters address the underpinnings of space law. They include references to the organizations and agencies involved in the formation of space jurisprudence and a summary of space law sources and their development within international law. The authors discuss the significance of many United Nations General Assembly Resolutions and some specialized agencies including International Telecommunication Union. In fact, it is hard not to notice that the space treaties are discussed in almost every chapter. Who knew that the foundation and development of space law was modeled on the 1959 Antarctica Treaty? And I had not focused on the background of the Articles of the 1967 Outer Space Treaty before reading this book and found that super interesting.

Commercial space activities span three chapters, perfect for those engaged in thinking about or researching commercial space. Everyone likes the moon as it is the only celestial body we as earthlings have. The chapter that covers the moon examines the U.N. Moon Agreement, which

entered into full force in 1984 after being ratified by the required five countries. This agreement, and its relation to the OST, is also analyzed.

I did not read *Space Law* cover to cover; treatises are rarely read this way. They work best as guides to finding what the reader needs. For instance, my favorite chapter was on astronauts. While the author covers all things astronaut from a legal perspective, I found most interesting the discussion of what constitutes an astronaut. Thinking about it in the context of commercial space, defining an astronaut as someone other than a space explorer enlarged my thinking on the topic. As an added bonus this chapter includes a section on space debris.

Overall, *Space Law* is extensive in content, including topics both ordinary and extraordinary. I was able to browse the subject of registration and liability areas and then smoothly go to other sections on celestial bodies. There is even material on extraterrestrial intelligence.

You may not have the immediate opportunity to meet the authors as I did Paul some years ago, but I assure you that this book will likely inspire interest in you and generations of space lawyers. ❖

Thomas Lehrich is with the Federal Maritime Commission, an independent agency charged with regulating oceanborne transportation in the foreign commerce of the United States. Prior to joining the FMC, Tom was the Assistant Chief Counsel for Legislation and Authorities, Office of the Chief Counsel, Transportation Security Administration and while with DOT he was Chief Counsel with the Office of Inspector General, Department of Transportation.

The views expressed in this article do not necessarily represent the views of the Federal Maritime Commission or the U.S. Government.

Section Happenings: Chief Counsels' Reception

Alice Koethe

On Thursday, Nov. 21, 2013, the Transportation and Transportation Security Law Section of the FBA held its annual Chief Counsels' Reception in the Hearing Room of the House Transportation and Infrastructure Committee. At the event, attended by legal luminaries from government and private practice, the section honored the 2013 John T. Stewart Jr. Transportation Lawyer of the Year and 2013 John T. Stewart Jr. Transportation Security Lawyer of the Year.

The section awarded Stephen Wood, the National Highway Traffic Safety Administration's assistant chief counsel for Rulemaking and International Harmonization, with the Transportation Lawyer of the Year Award. Wood was nominated by NHTSA Chief Counsel O. Kevin Vincent for his distinguished record of high achievement, including his work in crash avoidance features for automobiles and his leadership of the NHTSA rulemaking attorneys. Under Mr. Wood's leadership, NHTSA has worked to develop regulations to improve rear visibility, add sound to make electric vehicles safer for blind pedestrians, improve motor coach structural integrity in rollovers, and require seat belts on motor coaches.

U.S. Department of Transportation Acting General Counsel Kathryn B. Thompson presented the award to Wood. Acting General Counsel Thompson praised Wood for his hard work, skill in the practice of law, and detailed

technical and practical knowledge. She particularly mentioned that Wood has been an invaluable asset to her during her tenure at the department. Wood's wife, Julie Abraham, attended the ceremony, as did many DOT and NHTSA colleagues, including several attorneys with the Rulemaking and International Harmonization Division.

As the Transportation Security Lawyer of the Year Award, the section honored Jane Petkofsky of the U.S. Department of Homeland Security, Transportation Security Administration. Petkofsky serves as TSA's assistant chief counsel for legislation and authorities. TSA Chief Counsel Francine Kerner nominated Petkofsky for her many achievements as the primary architect of TSA's legislative agenda, and most recently for her successful work on the No-Hassle Flying Act of 2012. Chief Counsel Kerner praised Petkofsky's achievement in facilitating this significant change in law, which should enable the TSA administrator to better serve the aviation industry and the traveling public for years to come. The No-Hassle Flying Act of 2012 was the first formal TSA legislative proposal to be enacted into law—an extraordinary achievement helped by Petkofsky's contributions. Attending the ceremony in honor of Petkofsky were many colleagues from DHS and TSA, as well as her husband, Kevin Adams, and her mother, Ruth Petkofsky. ❖



Stephen Wood and Katie Thomson.



David Rifkind and Monica Hargrove.



Jane Petkofsky and Francine Kerner.



Reception attendees.

Section Happenings (cont.): T&TSL Wins Awards at 2013 FBA Meeting and Convention

Lisa A. Harig

The Transportation & Transportation Security Law Section was presented with two prestigious awards at the Federal Bar Association's Annual Meeting and Convention held in San Juan, Puerto Rico in September 2013. The awards luncheon was attended by outgoing Section Chair Monica Hargrove and TransLaw Editor Lisa Harig. Hargrove

accepted the 2013 Section Chair Award, which recognized her "outstanding leadership, initiative and effective contribution guiding" the T&TSL section. In addition, Harig accepted TransLaw's Meritorious Newsletter Award. This is the second consecutive year that TransLaw has received this award.

connect



through the Federal Bar Association

The Federal Bar Association offers an unmatched array of opportunities and services to enhance your connections to the judiciary, the legal profession, and your peers within the legal community. Our mission is to strengthen the federal legal system and administration of justice by serving the interests and the needs of the federal practitioner, both public and private, the federal judiciary, and the public they serve.

Advocacy

The opportunity to make a change and improve the federal legal system through grassroots work in over 80 FBA chapters and a strong national advocacy.

Networking

Connect with a network of federal practitioners extending across all 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands.

Leadership

Governance positions within the association help shape the FBA's future and make an impact on the growth of the federal legal community.

Learning

Explore best practices and new ideas at the many Continuing Legal Education programs offered throughout the year—at both the national and chapter levels.

expand your connections, expand your career

THREE WAYS TO APPLY TODAY: ① Join online at www.fedbar.org; ② Fax application to (571) 481-9090; or ③ Mail application to FBA, 1220 North Fillmore St., Suite 444, Arlington, VA 22201. For more information, contact the FBA membership department at (571) 481-9100 or membership@fedbar.org.

FEDERAL BAR ASSOCIATION APPLICATION FOR MEMBERSHIP (CONTINUES ON REVERSE)

Applicant Information

First Name _____ M.I. _____ Last Name _____ Suffix (e.g., Jr.) _____ Title (e.g., Attorney At Law, Partner, Assistant U.S. Attorney) _____

Male Female Have you been an FBA member in the past? yes no Which do you prefer as your primary address? business home

Firm/Company/Agency		Number of Attorneys	
Address		Suite/Floor	
City	State	Zip	Country
()	()		
Phone	Fax	E-mail	

Address			Apt. #
City	State	Zip	Country
()	()		
Phone	Fax		
//			
Date of Birth	E-mail		

Bar Admission and Law School Information (required)

U.S.	Court of Record: _____
	State/District: _____ Original Admission: / /

Tribal	Court of Record: _____
	State: _____ Original Admission: / /

Foreign	Court/Tribunal of Record: _____
	Country: _____ Original Admission: / /

Students	Accredited Law School: _____
	State/District: _____ Expected Graduation: / /

Practice Information

PRACTICE TYPE

- Private Sector: Private Practice Corporate/In-House
 Public Sector: Government Association Counsel
 Nonprofit University/College
 Military Judiciary

PRIMARY PRACTICE AREAS

- | | |
|--|--|
| <input type="radio"/> Administrative | <input type="radio"/> Health |
| <input type="radio"/> Admiralty/Maritime | <input type="radio"/> Immigration |
| <input type="radio"/> ADR/Arbitration | <input type="radio"/> Indian |
| <input type="radio"/> Banking | <input type="radio"/> Intellectual Property |
| <input type="radio"/> Bankruptcy | <input type="radio"/> International |
| <input type="radio"/> Civil Rights | <input type="radio"/> Labor/Employment |
| <input type="radio"/> Communications | <input type="radio"/> Military |
| <input type="radio"/> Criminal | <input type="radio"/> Securities |
| <input type="radio"/> Environment/Energy | <input type="radio"/> Social Security |
| <input type="radio"/> Federal Litigation | <input type="radio"/> State/Local Government |
| <input type="radio"/> Financial Institutions | <input type="radio"/> Taxation |
| <input type="radio"/> General Counsel | <input type="radio"/> Transportation |
| <input type="radio"/> Government Contracts | <input type="radio"/> Veterans |

Membership Levels

SUSTAINING MEMBERSHIP

Members of the association distinguish themselves when becoming sustaining members of the FBA. Sixty dollars of the sustaining dues are used to support educational programs and publications of the FBA. Sustaining members receive a 5% discount on the registration fees for all national meetings and national CLE events.

	<u>Private Sector</u>	<u>Public Sector</u>
Member Admitted to Practice 0-5 Years	○ \$155	○ \$135
Member Admitted to Practice 6-10 Years	○ \$215	○ \$190
Member Admitted to Practice 11+ Years	○ \$255	○ \$220
Retired (Fully Retired from the Practice of Law).....	○ \$155	○ \$155

ACTIVE MEMBERSHIP

Open to any person admitted to the practice of law before a federal court or a court of record in any of the several states, commonwealths, territories, or possessions of the United States or in the District of Columbia.

	<u>Private Sector</u>	<u>Public Sector</u>
Member Admitted to Practice 0-5 Years	○ \$95	○ \$75
Member Admitted to Practice 6-10 Years	○ \$155	○ \$130
Member Admitted to Practice 11+ Years	○ \$195	○ \$160
Retired (Fully Retired from the Practice of Law).....	○ \$95	○ \$95

ASSOCIATE MEMBERSHIP

Foreign Associate Admitted to practice law outside the U.S. ○ \$195
Law Student Associate Currently enrolled in an accredited law school ○ \$30

Dues Total: \$ _____

Practice Area Sections

<input type="checkbox"/> Alternative Dispute Resolution .. \$15	<input type="checkbox"/> Indian Law \$15
<input type="checkbox"/> Antitrust and Trade Regulation.. \$15	<input type="checkbox"/> Intellectual Property Law..... \$10
<input type="checkbox"/> Banking Law..... \$20	<input type="checkbox"/> International Law..... \$10
<input type="checkbox"/> Bankruptcy Law..... \$10	<input type="checkbox"/> Labor and Employment Law..... \$15
<input type="checkbox"/> Civil Rights Law \$10	<input type="checkbox"/> Securities Law Section \$0
<input type="checkbox"/> Criminal Law..... \$10	<input type="checkbox"/> Social Security..... \$10
<input type="checkbox"/> Environment, Energy, and Natural Resources..... \$15	<input type="checkbox"/> State and Local Government Relations..... \$15
<input type="checkbox"/> Federal Litigation..... \$10	<input type="checkbox"/> Taxation..... \$15
<input type="checkbox"/> Government Contracts..... \$20	<input type="checkbox"/> Transportation and Transportation Security Law..... \$20
<input type="checkbox"/> Health Law..... \$10	<input type="checkbox"/> Veterans Law..... \$20
<input type="checkbox"/> Immigration Law..... \$10	

Career Divisions

- Corporate & Association Counsel
(in-house counsel and/or corporate law practice) \$20
- Federal Career Service (past/present employee of federal government).....N/C
- Judiciary (past/present member or staff of a judiciary)N/C
- Senior Lawyers* (age 55 or over)..... \$10
- Younger Lawyers* (age 36 or younger or admitted less than 3 years)N/C

*For eligibility, date of birth must be provided.

Sections and Divisions Total: \$ _____

Chapter Affiliation

Your FBA membership entitles you to a chapter membership. Local chapter dues are indicated next to the chapter name (if applicable). If no chapter is selected, you will be assigned a chapter based on geographic location. *No chapter currently located in this state or location.

<p>Alabama ○ Birmingham ○ Mobile ○ Montgomery ○ North Alabama</p> <p>Alaska ○ Alaska</p> <p>Arizona ○ Phoenix ○ William D. Browning/ Tucson-\$10</p> <p>Arkansas* ○ At Large</p> <p>California ○ Central Coast ○ Inland Empire ○ Los Angeles ○ Northern District of California ○ Orange County ○ Sacramento ○ San Diego ○ San Joaquin Valley</p> <p>Colorado ○ Colorado</p> <p>Connecticut ○ District of Connecticut</p> <p>Delaware ○ Delaware</p> <p>District of Columbia ○ Capitol Hill ○ D.C. ○ Pentagon</p> <p>Florida ○ Broward County ○ Jacksonville ○ North Central Florida-\$25 ○ Orlando ○ Palm Beach County ○ South Florida ○ Southwest Florida ○ Tallahassee ○ Tampa Bay</p>	<p>Georgia ○ Atlanta-\$10</p> <p>Hawaii ○ Hawaii</p> <p>Idaho ○ Idaho</p> <p>Illinois ○ Chicago</p> <p>Indiana ○ Indianapolis</p> <p>Iowa ○ Iowa-\$10</p> <p>Kansas ○ Kansas</p> <p>Kentucky ○ Kentucky</p> <p>Louisiana ○ Baton Rouge ○ Lafayette/ Acadiana ○ New Orleans ○ North Louisiana</p> <p>Maine* ○ At Large</p> <p>Maryland ○ Maryland</p> <p>Massachusetts ○ Massachusetts-\$10</p> <p>Michigan ○ Eastern District of Michigan ○ Western District of Michigan</p> <p>Minnesota ○ Minnesota</p> <p>Mississippi ○ Mississippi</p> <p>Missouri* ○ At Large</p> <p>Montana ○ Montana</p> <p>Nebraska* ○ At Large</p> <p>Nevada ○ Nevada</p> <p>New Hampshire* ○ At Large</p>	<p>New Jersey ○ New Jersey</p> <p>New Mexico ○ New Mexico</p> <p>New York ○ Eastern District of New York ○ Southern District of New York ○ Western District of New York</p> <p>North Carolina ○ Eastern District of North Carolina ○ Middle District of North Carolina ○ Western District of North Carolina</p> <p>North Dakota* ○ At Large</p> <p>Ohio ○ John W. Peck/ Cincinnati/ Northern Kentucky ○ Columbus ○ Dayton ○ Northern District of Ohio-\$10</p> <p>Oklahoma ○ Oklahoma City ○ Northern/ Eastern Oklahoma</p> <p>Oregon ○ Oregon</p> <p>Pennsylvania ○ Eastern District of Pennsylvania ○ Middle District of Pennsylvania ○ Western District of Pennsylvania</p>	<p>Puerto Rico ○ Hon. Raymond L. Acosta/ Puerto Rico-\$10</p> <p>Rhode Island ○ Rhode Island</p> <p>South Carolina ○ South Carolina</p> <p>South Dakota* ○ At Large</p> <p>Tennessee ○ Chattanooga ○ Memphis ○ Mid-South ○ Nashville ○ Northeast Tennessee</p> <p>Texas ○ Austin ○ Dallas-\$10 ○ Del Rio-\$25 ○ El Paso ○ Fort Worth ○ San Antonio ○ Southern District of Texas-\$25 ○ Waco</p> <p>Utah ○ Utah</p> <p>Vermont* ○ At Large</p> <p>Virgin Islands ○ Virgin Islands</p> <p>Virginia ○ Northern Virginia ○ Richmond ○ Roanoke ○ Tidewater</p> <p>Washington* ○ At Large</p> <p>West Virginia* ○ At Large</p> <p>Wisconsin* ○ At Large</p> <p>Wyoming ○ Wyoming</p>
--	---	---	--

Chapter Total: \$ _____

Payment Information and Authorization Statement

TOTAL DUES TO BE CHARGED

(membership, section/division, and chapter dues): \$ _____

Check enclosed, payable to Federal Bar Association
Credit: American Express MasterCard Visa

Name on card (please print)

Card No.

Exp. Date

Signature

Date

By signing this application, I hereby apply for membership in the Federal Bar Association and agree to conform to its Constitution and Bylaws and to the rules and regulations prescribed by its Board of Directors. I declare that the information contained herein is true and complete. I understand that any false statements made on this application will lead to rejection of my application and/or the immediate termination of my membership. I also understand that by providing my fax number and e-mail address, I hereby consent to receive faxes and e-mail messages sent by or on behalf of the Federal Bar Association, the Foundation of the Federal Bar Association, and the Federal Bar Building Corporation.

Signature of Applicant

Date

(Signature must be included for membership to be activated)

*Contributions and dues to the FBA may be deductible by members under provisions of the IRS Code, such as an ordinary and necessary business expense, except 4.5% which is used for congressional lobbying and is not deductible. Your FBA dues include \$14 for a yearly subscription to the FBA's professional magazine.