



VIP PROFILES: Department of Transportation

Secretary Elaine L. Chao and Deputy Secretary Jeffrey A. Rosen

As an ongoing service to our readers, from time to time TransLaw compiles a review of key background facets of major officials in the transportation community. We are most pleased to present the two DOT officials at the very pinnacle of the department and can summarize that their credentials are at the very highest levels reviewed by TransLaw over its past history of nearly 30 years of profiles.

ELAINE L. CHAO
SECRETARY OF TRANSPORTATION

Personal

Born March 26, 1953, in Taipei, Taiwan; came to America at the age of 8, speaking no English, traveling by cargo ship on a 37-day journey; received U.S. citizenship at age 19; married to Senate Majority Leader Mitch McConnell (R-Ky.), three stepdaughters.

Education and Professional Credentials

Chao received her B.A. in Economics from Mount Holyoke College in 1975, an M.B.A. from Harvard Business School in 1979, and, in recognition of her extensive record of accomplishments and public service, she is the recipient of 36 honorary doctorate degrees.

Her executive career in government began at the DOT. Chao was

deputy maritime administrator of the Maritime Administration from 1986 to 1988 and deputy secretary of transportation from 1989 to 1991. She served as the secretary of labor from 2001 to 2009. She has served as chair of the Federal Maritime Commission (1988-1989) and was a White House Fellow specializing in transportation and trade in the Office of Policy development from 1983 to 1984.

Chao has had other extensive leadership experience in the public and non-profit sectors including president and CEO of United Way of America (1992-1996), director of the Peace Corps (1991-1992), vice president of syndications at Bank of America and transportation banker at Citicorp (1979-1983). She has held Distinguished Fellow positions at the Heritage Foundation and the Hudson Institute. She has written and presented extensively on a wide range of public interest topics and has held positions on the boards of numerous corporation/organizations.



Challenges

While safety is her number one priority, Chao prioritizes her top challenges. One is getting the most benefit from the department's expenditures, including strengthening its planning and acquisition practices, and preparing for the future by considering new technologies in its infrastructure. Second,

with the nation's need to improve critical infrastructure, Chao places importance on finding ways to expedite the process of making repairs and building new construction and decreasing the regulatory burdens when appropriate. Third, with so many needs everywhere in the country, a big challenge is striving for equity between urban and rural areas among different modes of transportation and other competing but equally deserving stakeholders.

JEFFREY A. ROSEN
DEPUTY SECRETARY OF TRANSPORTATION

Personal

Born April 2, 1958, in Boston, Mass., married to



PROFILES continued on page 5

Also In This Issue...

CHAIR'S CORNER.....	P. 3
BOARD OF DIRECTORS SLATE FOR 2017-2018.....	P. 3
FORUM: TRANSPORTATION SECURITY IN THE ERA OF 'DRONES'.....	P. 4
SAVE THE DATE: SEPTEMBER 20.....	P. 6

Who's Who

UNITED STATES DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY OF TRANSPORTATION

Elaine L. Chao

Secretary of Transportation

Maria Lefevre

*Executive Director, Office of the Under
Secretary for Policy*

Lana Hurdle

*Deputy Assistant Secretary for Budget and
Programs*

Audrey Farley

*Executive Director, Office of Research and
Technology*

OFFICE OF THE GENERAL COUNSEL

Judith S. Kaleta

Deputy General Counsel

FEDERAL AVIATION ADMINISTRATION

Michael Huerta

Administrator

Pat A. McNall

Deputy Chief Counsel

FEDERAL HIGHWAY ADMINISTRATION

Walter Waidelich, Jr.

Acting Deputy Administrator

Vacant

Acting Chief Counsel

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Daphne Y. Jefferson

Deputy Administrator

Charles Fromm

Deputy Chief Counsel

FEDERAL RAILROAD ADMINISTRATION

Patrick Warren

Executive Director

Brett A. Jostland

Acting Chief Counsel

FEDERAL TRANSIT ADMINISTRATION

Matt Welbes

Executive Director

Dana Nifosi

Acting Chief Counsel

MARITIME ADMINISTRATION

Joel Szabat

Executive Director

Rand Pixa

Acting Chief Counsel

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Jack Danielson

Executive Director

Vacant

Chief Counsel

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

Howard ("Mac") McMillan

Executive Director

Vasiliki Tsaganos

Acting Chief Counsel

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Craig H. Middlebrook

Deputy Administrator

Carrie Mann Lavigne

Chief Counsel

OFFICE OF INSPECTOR GENERAL

Calvin Scovel III

Inspector General

Omer Poirier

Chief Counsel

SURFACE TRANSPORTATION BOARD

Ann D. Begeman

Acting Chairman

Daniel R. Elliott III

Vice Chairman

Deb Miller

Member

Craig Keats

General Counsel

TRANSPORTATION SECURITY ADMINISTRATION

Huban Gowadia

Acting Administrator

Francine J. Kerner

Chief Counsel

FEDERAL MARITIME COMMISSION

Michael Khouri

Acting Chairman

Rebecca Dye

Mario Cordero

William Doyle

Daniel Maffei

Commissioners

Tyler Wood

General Counsel

Transportation and Transportation Security Law Section Leadership

CHAIR

Kathryn Gainey

CN

CHAIR-ELECT

Lisa A. Harig

Stinson Leonard Street LLP

DEPUTY CHAIR

John C. Wood

Federal Aviation

Administration

SECRETARY

David Y. Bannard

Foley & Lardner LLP

TREASURER

Steven Osit

Kaplan Kirsch & Rockwell LLP

NEWSLETTER EDITOR

Samuel Negatu

U.S. House of Representatives

IMMEDIATE PAST CHAIR

Alice Koethe

U.S. Department of

Transportation

TransLaw is published by the Federal Bar Association Transportation and Transportation Security Law Section, ISSN No. 1069-157X.

© 2017 The Federal Bar Association.

All rights reserved. The opinions expressed herein are solely those of the authors unless otherwise specified.

Consulting Editor, FBA: Cathy Barrie

Chair's Corner

Kathryn Gaaney, Chair of the Transportation and Transportation Security Law Section

It has been a privilege to serve as chair of the Transportation and Transportation Security Law Section in 2016-2017.

Recap of recent events

The Section has continued its strong programming in the second and third quarters of 2017. In May, the section hosted a panel discussion on recent legislative developments at the U.S. Department of Transportation. In July, the section hosted the second annual Speed Networking event sponsored by Foley & Lardner LLP in the firm's Washington, D.C., office. Section members networked with other practitioners in the fields of transportation and transportation security and also mentored interns and law students. More than 20 mentors participated and offered their valuable perspectives to interns and students. Their career paths included experience in the public and private sectors.

Save the Date

The section will host a "Brown Bag Lunch" panel discussion on recent developments in cybersecurity Tuesday, Sept. 20, at noon, at the U.S. Department of Transportation. Please RSVP for the program to Josh Albertson at jalbertson@fedbar.org.

Call for Lawyer of the Year Award Nominations

In October, the section will host the

annual General Counsel's Reception where the section will recognize the Transportation Lawyer of the Year and Transportation Security Lawyers of the Year. Please submit nominations for the Transportation Lawyer and Transportation Security Lawyer of the year to Josh Albertson at jalbertson@fedbar.org.

Congratulations TTSL!

On Sept. 16, the section will receive a Section/Division Recognition Award at the FBA Awards Luncheon during the 2017 Annual Meeting and Convention in Atlanta. More information is available on the FBA's website under Education>Calendar-CLE-events.

Section Board of Director Elections

The slate for the section's 2017-2018 Board of Directors is listed at the bottom of the page. Lisa Harig will be the new section chair. The slate includes nominees for the following board positions: chair-elect, deputy chair, secretary, treasurer, newsletter editor, membership chair, and social media chair.

Amended Bylaws

The section's Board of Directors has amended the section bylaws to approve the addition of two new positions: mem-



bership chair and social media chair.

Get Involved

Your membership dues support our valuable programming. Keep your membership current and make the most of it. Being active in the section will enable you to raise your

profile and meet transportation and transportation security law practitioners, including those practicing in different transportation modes. You could participate as a panelist in an event or you could submit a piece for the section's TransLaw newsletter. You could also volunteer for a leadership role as a section committee chair.

Stay connected with the section on social media. Please add fedbarttsl@gmail.com to your contacts so you will receive our announcements about upcoming meetings and events. We have started a LinkedIn Group under the name "Transportation and Transportation Security Law Section." The FBA is the group owner.

I wish Lisa Harig and the section all the best for continuing success in the next fiscal year. Stay tuned for more exciting and informative programming in 2017-2018! ❖

TTSL Board of Directors Slate

Chair: Lisa Harig

Treasurer: Samuel Negatu

Chair-Elect: David Y. Bannard

Newsletter Editor: Rick Beaumont

Deputy Chair: John C. Wood

Membership Chair: Sarah Nural

Secretary: Steven Osit

Social Media Chair: Shakira Mack

Annual Forum: Transportation Security in the Era of ‘Drones’

On April 3, the Transportation and Transportation Security Law Section held its annual forum on transportation security law, hosted by the Transportation Security Administration in Arlington, Va. “Transportation Security in the Era of ‘Drones,’” focused on the evolution of Unmanned Aircraft Systems (UAS) technology as well as emerging UAS legal and regulatory issues in the United States.

The afternoon began with welcoming remarks from Francine Kerner, chief counsel for TSA, followed by a keynote address delivered by Tina Gabbrielli, director of counterintelligence for the Department of Homeland Security (DHS). Gabbrielli discussed the potential threat to transportation security in the emerging era of UAS.

Following the keynote, Nicole Marcson, deputy associate general counsel for Technology Programs in DHS’s Office of General Counsel (OGC), moderated a panel on the evolution of UAS technology. The panel included leading UAS experts from the private and public sector, including Joshua Turner, partner and UAS practice co-chair at Wiley Rein; Eric Ebenstein, head of North American Public Policy for the drone manufacturer DJI; Norm Robinson, deputy assistant director of the Flight Operations Division for TSA’s Federal Air Marshal Service; and Parimal Kopardekar, principal investigator for UAS Traffic Management for the National Aeronautics and Space Administration (NASA).

The panel began with an overview of UAS technology and how it currently operates in the United States. Among other topics, the panel focused on how UAS is defined as “aircraft” by the Federal Aviation Administration and regulated as such.

The panelists turned next to UAS integration into the national airspace and discussed how industry stakeholders envision expanding UAS capabilities in the future. Representatives from NASA and the private sector explained the merits and potential challenges involved in creating and using a UAS traffic management system. The industry representatives offered their perspective on potential safety and security concerns that arise with the increased use of UAS, and suggested technologies that manufacturers could incorporate into UAS to help pilots and hobbyists comply with government regulations and airspace



restrictions. The panel contemplated how standards-setting organizations could aid in the creation of safety and security criteria and finished with a discussion of the evolving role of the insurance industry in the UAS space.

The second panel explored the UAS legal and regulatory framework. Kiran Raj, former deputy general counsel for DHS OGC, moderated the panel, which featured Brendan Groves, counsel in the Office of Legal Policy for the Department of Justice; Jennifer Ambrose, attorney and team lead for UAS Regulatory Policy and Outreach for the Office of Chief Counsel of the FAA; Lisa Ellman, partner and UAS Practice co-chair for Hogan

Lovells; Matt Scassero, director of the UAS Test Site for the University of Maryland; and Sean Cusson, director of Public Safety and Security for Airports Council International – North America. The government representatives began with a synopsis of the laws and regulations that currently apply to UAS, including the FAA Modernization and Reform Act of 2012 and Small UAS Rule. The panel discussed how Title 18 of the U.S. Code, including the Wiretap Act, Computer Fraud and Abuse Act, and Pen/Trap Statute, could potentially implicate counter UAS efforts.

The panel then considered whether state regulations governing UAS are likely to be preempted by federal laws and regulations. Representatives from the private sector discussed legal hurdles that industry currently faces while testing and operating UAS and explained how additional laws, regulations, and guidance could promote, as opposed to hinder, growth in the UAS sector. Attorneys from the private sector noted that industry supports additional regulations and guidance from the government,

particularly to further define types of UAS and distinguish UAS from other aircraft. The panel concluded with representatives from the private sector suggesting considerations for government lawyers crafting new laws and guidance. Kathy Gainey, Regulatory Affairs Counsel for CN, closed the program with remarks on behalf of the FBA Transportation and Transportation Security Law Section.

Approximately 150 attorneys from private practice, federal agencies, and industry associations, attended the program. The forum provided an excellent operational and legal framework for practitioners dealing with issues involving UAS usage. ❖

PROFILES *continued from page 1*

Kathleen Nichols Rosen; three children, Anne, 26; Sally, 24; and James, 23; resides in McLean, Va. Loves ice hockey (player, coach and fan) as well as baseball, football, soccer; biker and tennis player.

Education and Professional Credentials

Rosen received his B.A. in Economics (with Highest Distinction) from Northwestern University in 1979, and his J.D. from Harvard Law School (Magna Cum Laude) in 1982. He served for nearly 30 years as an attorney with the law firm of Kirkland & Ellis in Washington, D.C., handling a wide variety of legal problems for major corporations and organizations, principally involving complex business litigation in the areas of antitrust, securities, contracts, RICO, business torts, government enforcement actions and product liability, including class actions. He became a partner in 1988 and served as co-head of the office and member of its executive management committee.

Rosen's many years at Kirkland (1982-2017) were spaced with a six-year break for public service. He was DOT General Counsel from 2003 to 2006, with oversight of more than 400 transportation attorneys and its operating administrations. He served on DOT's Credit Council with four major loan programs and also as the DOT representative on Amtrak's Board. From 2006 to 2009, Rosen was general counsel and senior policy advisor for the White House Office of Management and Budget, making him the administration's lead lawyer for regulatory and fiscal issues, as well as for executive orders.

As an adjunct professor of law at Georgetown University Law School from 1996 to 2003, Rosen taught a course in professional responsibility and legal ethics. He served as a member of Administrative Conference of the United States from 2013 to 2017.

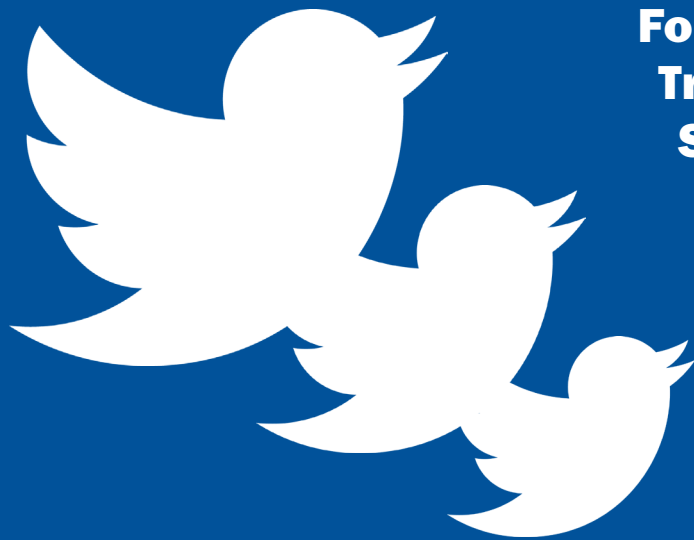
Rosen has written and presented on numerous topics of public interest. He is a member of numerous professional and civic organizations, rang-

ing from Phi Beta Kappa to the local hockey club. He has received various professional recognitions from D.C. Super Lawyer status to 15 years of Martindale-Hubbell top ratings.

Challenges

As the DOT enters its 50th year, the agency is facing policy and fiscal challenges related to all of its major responsibilities involving safety and safety regulation, infrastructure programs and funding, and operation of the air traffic control system (and some other operational activities). Rosen feels that it is an essential responsibility of DOT leaders to be good stewards of the public's resources.

He feels well prepared for those challenges with not only his prior OMB experience and its strong focus on fiscal and management oversight but also his DOT service with a strong role in ensuring adherence to legal requirements and fiscal integrity matters, and finally his many years at the law firm as a member of its Finance Committee and other past management roles. ❖



**Follow the Transportation and
Transportation Security Law
Section of the Federal Bar
Association on Twitter!**

@FBA_Trans



Federal Bar Association

Transportation and Transportation
Security Law Section

Presents
a Brown Bag Lunchtime Program on

Cybersecurity In Transportation

Tuesday, Sept. 20
Noon – 1 p.m.

U.S. Department of Transportation
1200 New Jersey Ave., SE, Rooms 8, 9, 10
Washington, D.C. 20590

Join the Transportation and Transportation Law Section for a conversation on the intersection of cybersecurity and transportation law in the United States.

Sean C. Griffin
Member, Dykema

Lee Allen

*Cyber Security Lead - Surface Division, Office
of Security Policy and Industry Engagement,
Transportation Security Administration*

John E. Anderson, Member,
Dickinson Wright PLLC
Moderator

Thomas Farmer

*Assistant Vice President - Security
Association of American Railroads*

Participate in person or by conference call.

To **RSVP** for this event, please email your *name and organization* to Josh Albertson at jalbertson@fedbar.org