

Allison I. Fultz

Allison Fultz focuses her practice on transactional and regulatory matters relating to transportation and infrastructure projects. She represents public transportation bodies, state and municipal governments, and private entities before numerous federal agencies, state, and federal courts in connection with the acquisition and abandonment of railroad rights-of-way, rails-to-trails proposals, fixed-guideway transit project development, airport development, environmental reporting, the use and regulation of unmanned aerial vehicles, and agency rulemaking. Allison's expertise includes negotiations with freight railroads for the acquisition and shared use of rail corridors and the drafting and negotiation of contracts for railroad operations and maintenance services.

Allison has extensive experience with federal procurement programs managed or funded by the Federal Transit Administration, Federal Railroad Administration, Federal Highway Administration, and Federal Aviation Administration, including compliance with Buy America and Buy American requirements. She regularly counsels clients on compliance with other federal requirements, including the Americans with Disabilities Act. Allison advises clients on coordinated land use and multi-modal transportation planning and development, rails-to-trails projects, historic preservation issues, and construction-related matters, including drafting and negotiating contracts for architectural and engineering consulting services, project management, construction, demolition and materials management, and large-scale redevelopment.

She also is a licensed architect and has practiced in both the United States and Canada. Allison has directed feasibility studies, master plans, and building projects for institutional, government, and educational clients from the project programming stage through construction.

Representative Experience

Atlanta BeltLine, Inc., Georgia

Negotiation, drafting, and extensive federal regulatory counsel in connection with acquisition and development of rail corridors for public trail and modern streetcar passenger transit uses

Atlanta Streetcar, Georgia

Extensive strategic, regulatory, and transactional counsel and negotiation to initiate new streetcar services

Capital Corridor Joint Powers Authority, California

Counsel to the agency in litigation challenging FRA rulemaking and guidance concerning scope of regulatory obligations assumed by public financial sponsors of intercity passenger rail



Partner

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Areas of Practice

Construction
Freight Issues
Hazardous Materials and Safety
Historic Resources
Land Use and Zoning
Multi-Modal Transportation Facilities
Public Procurement
Rail Facilities
Rail and Transit Litigation
Railbanking
Transit and Commuter Rail
Transit-Oriented Development
Unmanned Aircraft Systems / Drones

Education and Clerkships

J.D., *magna cum laude*, *Order of the Coif*, American University Washington College of Law, 2004; Editor in Chief - American University's *Journal of Gender, Social Policy and the Law*, 2002–2003
M. Arch., Princeton University, 1986
A.B., *summa cum laude*, Architecture, Princeton University, 1984

Bar and Court Admissions

District of Columbia
Maryland
United States Court of Appeals for the District of Columbia



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service; counsel to the agency in connection with regulatory and environmental review of proposed petroleum refining depot and expanded shipment of crude oil by rail on lines shared with the passenger system

City of Chicago, Illinois

Legal, regulatory, and strategic advice to the City in STB proceeding requiring a Class I railroad to comply with environmental and operating obligations; counsel to the City in analyzing and commenting on rulemaking and related legislative and regulatory efforts governing the shipment of crude oil by rail

City of Denver, Colorado

Legal counsel, transactional, regulatory, and strategic advice in connection with railroad reconfiguration necessary for major redevelopment project

DC Streetcar, Washington, DC

Advised DC project team on strategy and coordination for completion of commissioning and service start-up of first segment of new streetcar service

Indiana Department of Transportation

Legal counsel, transactional and regulatory advice in support of a reconfiguration of the service delivery structure for Hoosier State intercity passenger rail service, including negotiation and drafting of agreements with Amtrak and other service provider, and extensive coordination with the Federal Railroad Administration

Maryland Department of Transportation

Counsel regarding regulatory status and options for use of state-owned freight rail properties potentially involving short line freight service or trail development, including extensive interaction with federal regulatory agencies, and administrative and federal appellate litigation

Washington Metrorail Safety Commission

Outside general counsel to newly-established safety oversight body responsible for monitoring and enforcing federal safety standards on the Washington Metro system, including advice on agency formation, governance, procurement, and regulatory compliance

New Jersey Transit

Counsel and drafting of regulatory documents for acquisition and continued shared use of freight rail lines; strategic counsel and drafting of pleadings in administrative litigation before Surface Transportation Board

Pitkin County, Colorado

Legal analysis and strategic advice in connection with the regulation of unmanned aircraft systems to protect citizens' privacy

Circuit

United States District Court for the Eastern District of Michigan
United States District Court for the Northern District of Illinois



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Regional Transportation District (FasTracks Commuter Rail), Denver, Colorado

Negotiated and drafted purchase and sale agreements, operating agreements, easement agreements, and related regulatory documents for the acquisition of significant rail corridors from two major freight railroads; provided regulatory counsel relating to STB review of transactions

South Florida Regional Transportation Authority (Tri-Rail)

Regulatory analysis, drafting, and counsel in connection with rail transactions, operations, and environmental review of client and third party projects

Southern California Regional Rail Authority (Metrolink)

Strategic analysis and drafting of operating agreements; regulatory counsel and drafting in connection with abandonment of rail lines being acquired by client

Private Sector Representation

- Special regulatory counsel to purchaser of Class II railroad in connection with STB authorization of transaction
- Advice to private hotel developer and owner in connection with enforcement action to address excessive noise from nearby rail yard

Professional and Civic Activities / Awards

- *Super Lawyers*[®] "Rising Star" for Transportation Law; Administrative Law; Land Use/Zoning Law (2014)
- Committee Member, Transit and Intermodal Transportation Law, Transportation Research Board
- Chairman, Trustees Council, Washington Waldorf School (2010–2017)
- Montgomery County, Maryland (Board of Appeals 2001–2009; Chairman 2004–2009)
- Maryland Bar Association
- District of Columbia Bar Association

Publications

Flying Ahead of the Pack: Drones in the Agriculture Industry
April 2018

Flying Ahead of the Pack: Drones in the Agriculture Industry
September 2017

Eyes Up! Legal Issues Relating to Drones in the Equine Industry
May 2017

Commuter Rail Updates (Bi-Monthly Column)
2007–2017



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Come Fly With(out) Me: Unmanned Aircraft Systems in Public Transportation
07.29.16

The FAA's New Small UAS Rule: What Airport Sponsors and Local Governments Need to Know
06.23.16

NCRRP Legal Research Digest 3: Issues That Emerge When Public Entities Acquire a Real Property Interest in Rail Lines
February 2016

Unmanned Aircraft Systems: The Airport and Local Government Perspective – The Interplay of Local and Federal Regulation
June 2015

Rail-served Industrial and Commercial Properties: Tips for Property Owners
May 2013

Positive Train Control – Final Rule and Implementation Plans
May/June 2010

Contributor to an Access Board publication for architects and building owners outlining the application of the Americans with Disabilities Act Guidelines for Buildings and Facilities to historic properties
2003

News

New Transit Safety Oversight Program for WMATA Begins
03.19.19

Washington Metrorail Safety Commission Moves Toward FTA Certification
The Washington Post
09.12.18

Developer, City Have Big Plans for Former Gates Rubber Factory on South Broadway in Denver
Denver7
06.07.18

National Western Center Framework Agreement Headed for Final Approval
08.31.17

Firm Attorneys Assist in Purchase Agreement for Familiar Site
Law Week Colorado and *The Denver Post*
Fall 2014

Allison Fultz Selected as Rising Star by Super Lawyers
04.26.14



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Presentations

American Public Transportation Association Legal Affairs Seminar
2009–2012; 2014; 2016–2017; 2019

Positive Train Control – The Commuter Operator's View
03.15.19

Positive Train Control Implementation Update
02.25.19

Transportation Research Board Annual Legal Workshop
2012–2017

Eyes Up! Legal Issues – Drones in the Equine Industry
05.03.17

FAST Act Rail Provisions
07.18.16

Unmanned Aircraft Systems – Who's Doing What?
11.09.15

Positive Train Control Update –
Extension of Implementation Deadline
11.05.15

Drones in Your Community: The Local Government Angle
10.05.15

FTA State Safety Oversight; FRA Rail System Safety Plans; FTA
Public Transportation Safety Program
April 2015–September 2015

Historic Preservation Act of 1966, Section 106: Obtaining
Permits for Projects
07.08.15

Oil and Ethanol Shipments by Rail in Your Community
05.13.15

Freight Railroads in Your Community
March 2015

Drones
02.11.15

Drones in Your Community: The Local Government Angle
12.12.14

Town Hall Forum – Airports' Role after UAS Integration into the
NAS
11.19.14



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What We Talk About When We Talk About 'Drones'
10.21.14

FAA's Buy American Program
10.20.14

Transit Finance
09.10.14

FTA MAP-21 Panel and CEO Roundtable Discussions
02.24.14

MAP-21 Webinar Series
October–December 2013

MAP-21 – Transit System Safety and Asset Management
10.01.13

Blending Regional, Intercity and Freight Rail with Municipal
Transit
10.10.12

Rail-volution
2011–2012

Legal Issues Influencing High-Speed Rail Development in the
USA
07.12.12

Easements – Under, Over, Across and Along the Right-of-Way
05.18.12

Shared Rail Corridors – Technical Issues
06.28.11

Shared Corridors – Technical Issues
02.21.11

Commuter Rail Update
06.29.10

Rail Safety Improvement Act of 2008
02.10.09