

Charles A. Spitulnik

Chuck Spitulnik has spent his entire legal career representing both public and private sector clients on issues relating, in one way or another, to the rail industry. For the past 25 years, his practice has focused on representation of state and local governments in addressing issues related to the rail companies that serve their communities or to the issues that arise when those communities develop and implement plans for operation of rail transit systems, whether commuter rail, light rail, or heavy rail systems.

Chuck regularly advises clients on issues related to negotiation of agreements with both freight railroads and Amtrak for acquisition or use of their lines; developing arrangements (including the procurement documents when required) with those railroads and with third-party operators for the operation of the rail transit systems in that right-of-way; compliance with the complex web of federal legislation and regulation of the rail industry as well as with state laws and other requirements; and understanding and addressing the unique features of the rail and transit-related labor laws and the protections available to workers in the industry.

Chuck also advises private industries regarding their relationships with rail carriers and has assisted companies in the formation of their own proprietary industry or switching carriers to enable them to have better control over their own transportation needs. Before shifting his focus to representation of the public sector, Chuck gained extensive experience representing freight carriers in the planning and submission of transactions that require governmental approval.

Additionally, Chuck has expertise in the acquisition, leasing, and financing of rail equipment and other issues related to rail equipment ownership, including the regulation of rail equipment pools. He practices regularly before the Surface Transportation Board and interacts frequently with regulators from the Federal Railroad Administration and Federal Transit Administration, assisting clients in ensuring compliance with—and, when appropriate, seeking waivers from—those agencies' rules.

Representative Experience

Southern California Regional Rail Authority, California

Represent SCRRRA and its predecessor agency in the negotiation of agreements with three freight railroads for acquisition of their lines; assist agency staff and represent in negotiations first with “turnkey” operator for system that provided all aspects of the operation, maintenance, and dispatching of the system, and then in splitting out the contracts for those services to individual agreements for each major activity (train operations, equipment



Partner

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Areas of Practice

Environmental Impact Reviews
Freight Issues
Hazardous Materials and Safety
Labor and Employment
Legislative Drafting and Lobbying
Multi-Modal Transportation Facilities
Public Procurement
Public-Private Partnerships
Rail Facilities
Rail and Transit Litigation
Railbanking
Transit and Commuter Rail

Education and Clerkships

J.D., University of Virginia, 1979
M.S.W., Syracuse University, 1975
B.A., with high honors, Oberlin College, 1973

Bar Admissions

District of Columbia
Virginia
Maryland
New York
United States Supreme Court
United States Courts of Appeals for the First, Second, Third, Fourth, Sixth, Seventh, and Ninth Circuits
Many Federal District Courts



maintenance, right-of-way maintenance, signal and communication system maintenance, dispatching); advise SCRRRA in actions required to bring dispatch function “in-house” and work with Railroad Retirement Board to secure ruling that preserves SCRRRA’s overall status as a non-railroad employer except for dispatchers; represent agency before Surface Transportation Board, Federal Railroad Administration, and Railroad Retirement Board and in judicial proceedings related to those matters as issues arise.

South Florida Regional Transportation Authority, Florida

Represent SFRTA in negotiations with Florida DOT and with CSX Transportation, Inc. related to transfer of responsibility for train dispatching and for maintenance of right-of-way and signal systems on South Florida Rail Corridor used in operation of SFRTA’s Tri-Rail commuter service; represent SFRTA in negotiations with FDOT and All Aboard Florida related to creation and operation of Tri-Rail Coast Link commuter service on corridor to be used by AAF for operation of its high speed intercity rail service; advising SFRTA on issues arising under Railroad Retirement laws and federal labor protection arrangements applicable to rail and transit system employees.

New York City Economic Development Corporation, New York

Represent NYCEDC and the City of New York in preservation of Highline corridor on Manhattan’s west side as premier urban amenity under Rails-to-Trails Act; represent NYCEDC and the City in proceedings involving acquisition of Consolidated Rail Corporation assets by CSXT and Norfolk Southern, and secure preservation of competitive rail service on the east-of-Hudson rail corridor; represent NYCEDC in proceedings at STB related to reactivation of freight rail service on Staten Island, including construction of new intermodal waste transfer facility and reactivation of used rail yard; represent City’s interest in preserving cross harbor rail float service to City-owned facilities on Brooklyn waterfront.

Atlanta BeltLine, Inc., Atlanta, Georgia

Advise and assist the BeltLine in negotiations with railroads for acquisition of corridor segments for creation of trail/transit/park; represent the BeltLine in regulatory proceedings and in negotiations with federal and state agencies related to the corridor acquisitions.

Regional Transportation District, Denver, Colorado

Participate in team of Kaplan Kirsch & Rockwell attorneys assisting RTD in negotiation of agreements with freight railroads for acquisition of corridors for operation of extended FasTracks system; represent RTD in negotiation with Amtrak for long term lease by Amtrak of portions of renovated Denver Union Station building, track, and facilities.

Professional and Civic Activities / Awards



KAPLAN KIRSCH ROCKWELL

- Oberlin College Alumni Association (President, 2013–2015)
- Martindale-Hubbell AV Preeminent Top Rated Lawyer, Labor & Employment Law (2013–2014)
- The Musical Theater Center (now Adventure Theater MTC), Rockville, MD (Member Board of Directors, 1999–2006; President, 2002–2005)
- Washington Waldorf School, Bethesda, MD (Adjunct Faculty, 1996–Present; Board of Directors, 1998–2004; Chairman, 1999–2003)
- Association of Transportation Law Professionals (Editor, Highlights Commuter Rail Column; Program Chair, Annual Meeting 2013)

Publications

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

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

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

Use of Freight Rail Lines for Commuter Operations: Public Interest, Private Property
Summer 1999

Peaceful Coexistence Between Local Governments and Freight Rail Lines: An Impossible Dream
January/February 1999

News

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

National Western Center Framework Agreement Headed for Final Approval
08.31.17

Analysis of Urban Design and Economic Development Impacts of New York's High Line and Atlanta's BeltLine Projects
Saporta Report
06.18.12

Kaplan Kirsch & Rockwell Assists Port Everglades in Negotiating Public-Private Agreement for Intermodal Container Transfer Facility



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01.31.12

Broward County, FL, Approves Agreement for Intermodal Freight Facility at Firm Client Port Everglades' Site
08.23.11

Kaplan Kirsch & Rockwell Obtains Dismissal of Suite Challenging Inward-Facing Locomotive Cameras
06.01.11

Firm Scores Victory in Federal District Court for Video Monitoring of Passenger Locomotive Cabs
06.30.10

FRA Announces Grants for Positive Train Control
03.29.10

Presentations

Chuck Spitulnik Participates in Webinar About Railroad Regulations
03.12.18

Local Regulation of Railroads: Guidance for Municipal Attorneys on Navigating the Complexities of Federal Preemption
03.08.17

Local Regulation of Railroads: Guidance for Municipal Attorneys on Navigating the Complexities of Federal Preemption
03.01.16

Inward Facing Cameras in Commuter Rail Locomotives
07.20.15

Rail Transportation Law: A Comprehensive Guide to Regulatory Compliance, Interchange Agreements, Track Leases and More
12.29.14

Standards, Who Needs Standards?
06.16.14

Standards: They're Good for You, and They Don't Hurt
06.04.13

Riding the Rails: Casey Jones, You'd Better Watch Your Speed
07.20.12

Shared Rail Corridors – Technical Issues
06.28.11

Who's Track Are We On, Anyway?
06.29.09

Rail Safety Improvement Act of 2008 – Washington, DC



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03.09.09

Commuter Rail Update

07.01.08

ADA Rulemaking Update - Disabling Commuter Railroads

February 2008

Rail Law 101: A Primer

February 2008