

David Y. Bannard

Dave Bannard has more than 25 years of experience in representing airports on a wide variety of matters, including regulatory compliance, airport financings, use and lease agreements and rate-setting ordinances, defense of Part 16 actions, and the negotiation of concessions agreements. He regularly counsels airports on compliance with federal grant assurances and development of air service incentive programs, and he is currently advising several airports on negotiation of new use and lease agreements. Dave has represented airport owners in novel public-private partnerships, including negotiating the agreements relating to a start-up of a privately developed passenger terminal, the private development of a terminal for ultra-low cost carriers, and the privatization of a small county-owned airport. He is an experienced bond attorney, having served as bond counsel to airports and other issuers, counsel to borrowers and underwriters and disclosure counsel, as well as issuer's counsel, in many transactions. Dave is also a frequent speaker at airport and aviation conferences on a wide variety of airport-related topics.

Dave was previously a partner with a large international firm and served as the leader of that firm's airport practice. He also served as the Deputy Chief Legal Counsel for the Massachusetts Port Authority, where he oversaw all transactional legal matters, including debt issuance and financial disclosure; intergovernmental negotiations; and terminal negotiations, permitting, financing, development, construction, and leasing. Dave was also the legal liaison to the "Big Dig" project.

Representative Experience

- Represented Kansas City International Airport in negotiation of a new use and lease agreement serving as security for new terminal development
- Working with Pittsburgh International Airport to negotiate a new airline operating agreement after completion of 30-year agreement
- Developed new fuel system lease agreement with an airline fuel consortium for Austin—Bergstrom International Airport
- Serving as co-bond counsel for Massachusetts Port Authority, including recent issuances of revenue bonds, subordinated obligations, commercial paper, and special facility revenue bonds for fuel system improvements
- Serving as disclosure counsel for Salt Lake City International Airport
- Serving as counsel to several large hub airports on compliance with U.S. DOT ACDBE requirements and development of a corrective action plan



Partner

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Areas of Practice

Airport Concessions
Airports
Aviation Bankruptcy
Financial Matters
Funding and Operating Airports through P3s
Grant Assurance and Compliance and Part 16
Multi-Modal Transportation Facilities
P3 and Project Delivery
Planning and Development
Public Financing Structures for Infrastructure
Real Estate, Land Use, and Zoning
Rules and Regulations and Minimum Standards
Safety and Security
Use and Lease Agreements

Education

J.D., *cum laude*, Boston College Law School, 1988
M.M., Northwestern University, 1982
B.Mus.Ed., with distinction, Indiana University School of Music, 1978

Bar and Court Admissions

Massachusetts
Fourth Circuit Court of Appeals

Resources



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- Assisting airport in negotiating airport/airline agreement where airline consortium will operate and maintain multiple services and facilities at the airport Serving as outside counsel to large, medium, and small hub airports in negotiation of new use and lease agreements
- Served as underwriter's counsel for recent financing for Milwaukee's General Mitchell International Airport
- Assisting several airports in negotiation of new agreements with TNCs
- Served as counsel to Propeller Airports in drafting and negotiating agreements necessary to open and operate a new, privately developed terminal facility, including fueling and under wing services; in-terminal concessions; rental car agreements; parking management; janitorial services; and TNC, taxi, and other ground transportation services providers
- Served as counsel to large hub airport considering privatizing its ground transportation operations
- Counseled airport authority on potential annexation of land, including large cargo airport, by host city - Assisted Nashville International Airport in negotiation of new master concession agreement
- Providing counsel to Dallas/Ft. Worth Airport Board on federal regulatory issues, including air service incentive program
- Advising airport on non-aeronautical development by private developer; assisting with drafting option agreement and ground leases
- Developed and continuing to advise small hub airport and sponsor city on successful air service incentive programs
- Advising major concessionaire on compliance with ACDBE requirements

Matters prior to joining Kaplan Kirsch & Rockwell include:

- Served as Massport's bond counsel for initial issuance of CFC-backed bonds to finance new consolidated rental car facility; negotiated new rental car company leases with all nine rental car companies operating at Logan International Airport
- Served as underwriter's counsel for financings for Orlando, Milwaukee, and Burlington (VT) airports
- Submitted comments on amendments to SEC Rule 15c2-12 on behalf of airport trade organization; participated in drafting comments submitted by National Association of Bond Lawyers
- Counseled Massport on the preparation of, and approval by, FAA of an applications to impose and use \$392 million of passenger facility charges
- Negotiated new hotel management agreements with major

P3 Airport Projects: An Introduction for Airport Lawyers (Second Edition)



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- hotel operator on behalf of O'Hare International Airport
- Served Greater Orlando Aviation Authority as co-bond counsel and developed a new subordinate lien indenture
- Assisted Jacksonville Airport Authority in the negotiation of a new use and lease agreement; assisted in resolving a dispute with a fixed-base operator culminating in a new lease
- Represented the Dallas/Ft. Worth Airport Board in restructuring rates and charges for air carriers operating at the airport that required sophisticated legal advice concerning compliance with federal regulatory requirements applicable to rates and charges that, in turn, required an in-depth understanding of the structure of the cost centers and revenue sources at the airport
- Served as legal liaison from Massport to the Central Artery/Tunnel (“Big Dig”) project, including structuring acquisition of roadway assets and overseeing transfer
- Assisted Baton Rouge Metropolitan Airport in the negotiation and adoption of an ordinance providing for the terms and conditions, including rates and charges, under which airlines may operate at the airport
- Represented a consortium of airports with respect to the Chapter 11 bankruptcy filing by American Airlines and its affiliates
- Successfully led restructuring of lease with Delta that left \$500 million of special facilities revenue bonds outstanding during Delta bankruptcy; included negotiations with Delta, bond insurer, and trustee
- Negotiated new fuel system lease with Northwest Airlines during bankruptcy filing
- Assisted Baton Rouge Metropolitan Airport in the negotiation and adoption of an ordinance providing for the terms and conditions, including rates and charges, under which airlines may operate at the airport
- Served as legal liaison from Massport to the Central Artery/Tunnel (“Big Dig”) project, including structuring acquisition of roadway assets and overseeing transfer
- Negotiated lease as Massport’s counsel with JetBlue at Logan International Airport allowing JetBlue to grow from four gates to all of Terminal

Professional and Civic Activities / Awards

- Federal Bar Association (Member 2008–Present; Chair of Transportation and Transportation Security Law 2018–2019)
- Legal Committee Chair, Transportation Research Board, Airport Cooperative Research Program (ACRP) (2015–2018)
- Airports Council International – North America (Member,



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Legal Steering Committee 2016–2017; Board Chair, World Business Partners/Associates 2014–2015; Board Member, World Business Partners 2012–2016)

- American Bar Association (2007–Present)
- National Association of Bond Lawyers (1990–Present)
- Volunteer Lawyers Project Pro Bono Award (1989)
- Past Board Vice President, Habitat for Humanity North Central Massachusetts, Inc.

Publications

Airport Law Desk Reference (annual editions)
2018

Evaluating P3 Airport Projects: An Introduction for Airport Lawyers (Second Edition)
July 2018

Will Ground Access Woes and Federal Revenue Restrictions Choke U.S. Airports?
July 2016

Going it alone: Establishing rates and charges by ordinance. A brief guide
Summer 2016

ACRP Report 151: Developing a Business Case for Renewable Energy at Airports
March 2016

ACRP Report 141: Renewable Energy as an Airport Revenue Source
August 2015

A Brief Flight Through Federal Airport Law
July 2015

The SEC's Municipal Advisor Rule will prompt new practice for market participants
2014

We Are Your Airports Business Peers Working for You
June 2014

SEC actions compel new focus on disclosure
November 2013

ACRP Legal Research Digest 19: Legal Issues Related to Developing Safety Management Systems and Safety Risk Management at U.S. Airports
January 2013

Safety Management Systems: Minimizing Airports' Exposure



KAPLAN KIRSCH ROCKWELL

2010

Large Capital Project: How to Save Money and Prevent Litigation
June/July 2010

News

Is Legal Marijuana Still Legal at the Airport?
CNN
09.07.19

Airports Partner Dave Bannard Interviewed on Flying with
Marijuana, State vs. Federal Policies
Weedmaps
06.11.19

Conflicting Federal and State Laws on Marijuana Creates
Difficult Issues for Airports
Forbes
05.04.19

Firm Project Receives 2019 Innovation Project Award
03.25.19

Paine Field To Commence Commercial Airline Service With New
Terminal
11.20.18

Kaplan Kirsch & Rockwell Hosts 34th Annual Airport Law
Workshop
10.28.18

Kaplan Kirsch & Rockwell Welcomes New Partner Dave
Bannard
04.02.18

Presentations

Ground Transportation, TNCs, and Other New Technology
10.14.19

Emerging Trends in Use and Lease Agreements
10.14.19

Debt and Bond Financing of Airport Projects
10.14.19

Ground Transportation Regulation
10.30.18

Public Financing of Airport Infrastructure
10.30.18

Basics of Airport Finance



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10.29.18