

Peter J. Kirsch

Peter Kirsch's practice focuses on regulation and development of transportation infrastructure and other public sector projects. Peter represents clients ranging from local governments to the private sector and public interest groups in negotiations and litigation over land use entitlements, the environmental impacts of infrastructure projects, and compliance with federal transportation law and regulations. He litigates cases before administrative agencies, numerous state and federal trial and appellate courts, and the U.S. Supreme Court. He represents airport sponsors and local governments before Congress and federal administrative agencies.

For 30 years, Peter has been involved in the development of airport infrastructure – including many of the new commercial airports in the United States as well as dozens of airport expansions, redevelopment projects, and development of land for non-aeronautical projects. He advises airports on financial matters, regulatory compliance, leasing, land use issues, environmental impacts, and relations with their host communities. He has litigated all of these issues in federal and state trial and appellate courts and in Part 16 proceedings before the FAA.

Increasingly, Peter provides counsel to airports on creative and precedent-setting revenue-generating projects in the development of land and in concession arrangements. Public-private partnerships have become a focus on his practice in recent years, and he has represented both airports and private sector investors in airport management and development projects.

For a wide range of infrastructure projects, Peter advises clients on compliance with federal environmental laws, with a particular focus on the National Environmental Policy Act and on the regulatory strings that come attached to federal funding of transportation infrastructure or use of federal lands.

Representative Experience

Paine Field, Everett (Seattle area), Washington
Represented both the airport sponsor and the private sector operator in a first-of-its-kind public-private partnership to accommodate commercial airline service for the first time to a large industrial airport in suburban Seattle; work for the sponsor included federal environmental review, negotiations with the private terminal developer, and work on relations with nearby communities; representation of the private sector developer at the same airport included negotiations with air carriers and financial partners in development of the terminal and crafting of terminal use regulations. This project was awarded the 2019



Partner

Denver Office
303.825.7000 C 303.898.1665
Washington, DC Office
202.596.1112
pkirsch@kaplankirsch.com

Areas of Practice

Airports
Community Representation
Endangered Species
Environment, Public Lands, and
Conservation
Government and Public Policy
Historic Resources
Litigation
P3 and Project Delivery
Rail, Transit, Highways, and
Infrastructure
Real Estate, Land Use, and
Zoning
Section 4(f) and Section 6(f)

Education and Clerkships

J.D., University of Chicago,
1984
Law Clerk, Judge Alfred T.
Goodwin, 9th Circuit Court of
Appeals, 1984–1985
B.A., with highest honors,
Oberlin College, 1979

Bar and Court Admissions

Colorado
District of Columbia
Maryland
Washington
Many Federal District Courts,
Courts of Appeals
United States Supreme Court



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Innovation Project of the Year by the National Council for Public-Private Partnerships.

Dallas Love Field Airport, Texas

Assisted the sponsor in creation and defense of complex gate allocation methodology at an airport whose terminal capacity is capped by federal law; including drafting allocation procedures and assisting with defense of state and federal litigation among carriers, the FAA, and the sponsor over that allocation approach

Chicago O'Hare International Airport, Illinois

Represented the airport sponsor in preparation of environmental documentation for reconstruction and renovation of entire terminal and gate complex and in related negotiations; representation on complex federal regulatory matters concerning airport operations and development and negotiations for construction of a nonstop transit link from the airport to the Chicago Loop; successfully represented the sponsor in the dismissal of inverse condemnation litigation over noise impacts from operations at a new runway

Southern Nevada Supplemental Commercial Airport, Las Vegas, Nevada

Providing counsel for effort to plan for a second commercial service airport for Las Vegas and southern Nevada; counseling on preparation of environmental documentation, planning, and federal regulatory efforts involving coordination among several federal agencies; providing continuing advice on federal regulatory compliance and airspace protection for both the proposed new airport and for McCarran International Airport (LAS); also providing counsel on federal regulatory compliance for LAS

Palm Beach County Department of Airports, Florida

Representing the sponsor of four southern Florida airports on a wide range of federal regulatory and litigation matters for more than 20 years, including multiple lawsuits over noise impacts between residents of Town of Palm Beach and the owner of Mar-A-Lago; FAA Part 16 proceedings regarding compliance with federal grant assurance obligations at the general aviation airport; assistance with preparing noise and land use compatibility plans; negotiations with users of the general aviation airport; and counseling on general matters of federal environmental compliance

Friedman Memorial Airport, Hailey (Sun Valley), Idaho

Represented the proprietor of one of Idaho's largest commercial airports in the planning, environmental review, and development of a replacement airport and in federal compliance, noise, and environmental problems at the existing airport

Hollywood Burbank Airport, California

Represented City in decades-long effort (including more than a dozen lawsuits) to secure noise relief and to control growth at this southern California airport; represented client in successful

Resources

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

P3 Airport Projects: An Introduction for Airport Lawyers

FAA Proposals for Safety Management Systems Discussion Paper

Guide to Airport Noise Rules and Use Restrictions



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negotiation of development agreements to resolve 40-year old dispute over control and authority of future development of airport, the result of which will be the development of a new passenger terminal for the first time in more than 80 years

Westchester County Airport, White Plains, New York

Successfully negotiated a terminal use agreement to provide for controlled growth of passenger service in a politically contentious environment; secured federal approvals for unique arrangement by which proprietor retained control over all terminal facilities and scope of commercial operations

Houston Hobby Airport, Texas

Assisted proprietor in negotiations of a new use-and-lease agreement by which dominant carrier funded, designed, and built new terminal for initiation of international service

Cincinnati-Blue Ash Airport, Ohio

Successfully navigated federal and local approvals for the closure of an outdated and underused general aviation airport and the conversion of the airfield into a new regional park; defended litigation challenging those approvals

Professional and Civic Activities / Awards

- Board of Trustees, The Denver Foundation (2020–Present)
- Airport Consultants Council (Board of Directors 2018–Present; Members Foundation 2019–Present)
- Colorado Board, Trust for Public Land (2012–Present; Vice Chair 2016–Present)
- Board of Directors, Conservation Colorado and Conservation Colorado Education Fund (2004–2006, 2010–2019; Chair 2012–2016) (including service with predecessor, Colorado Conservation Voters)
- Board of Trustees, Denver Botanic Gardens (2012–2017)
- Denver Cultural Council (2014–2016)
- *Super Lawyers*[®], Aviation and Aerospace Law; Environmental Law; Land Use/Zoning Law (2012–2018)
- Board of Trustees, Museum of Contemporary Art - Denver (2005–2012)
- Board of Trustees, Volunteers for Outdoor Colorado (2004–2010; Chair 2006–2008)
- Board of Trustees, Oberlin College (2000–2007; Executive Committee 2003–2006)
- Chair, Bromwell School CDM [Governance] Committee (2002–2004)
- Board of Trustees, River Network (1993–2002; Chair 1999–2001)
- Chair, Transportation Section, International Municipal Lawyers Association (1996–1997)



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Publications

Airport Law Desk Reference (annual editions)
2005–Present

Airport Law Alert: Airport Law in the Time of COVID-19
05.06.20

ACRP Insight Event - Public-Private Partnerships: What Are the
Lessons Learned?
February 2020

ACRP Legal Research Digest 36: Legal Issues Related to
Implementation and Operation of SMS for Airports
November 2018

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

Evaluating Airport P3 Projects: An Introduction for Airport
Lawyers
May 2017

FAA Publishes SNPRM Related to SMS
07.27.16

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

Aviation Fuel Tax Obligations for Local Governments
10.01.15

ITC Phase Down Creates Near-Term Solar Opportunities for
Airport Owners
12.10.14

ACRP Report 85: Developing and Maintaining Support for Your
Airport Capacity Project
07.11.13

Ready, Set, Go: Legal Considerations in Implementing a Safety
Management System
April/May 2011

Discussion Paper: FAA Proposals for Safety Management
Systems
March 2011

Guide to Airport Noise Rules and Use Restrictions (and
supplements)
June 2004



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The Airport Noise Act: Safe Harbor or Procedural Hurdle?
Spring 2002

Sharing the Wealth from Airport Expansions
April 1998

Understanding Historic Preservation Issues
1997

Using Formal Agreements to Provide Certainty in Airport-
Community Relations
October 1995

Defining the Scope of Alternatives in an EIS after Citizens
Against Burlington
December 1991

Environmental Protection Through Federal Preemption of State
Water Laws
October 1990

News

Peter Kirsch Interviewed by Business Airport
International Magazine
06.24.20

Firm Attorneys Lead Counsel for Edwards Dam Removal on
Kennebec River in Maine.
06.22.20

Illinois Appeals Court Affirms Dismissal Of Takings Claims
Against O'Hare International Airport
06.11.20

Firm Attorneys Selected for 2020 Colorado Super Lawyers and
Rising Stars List
03.13.20

Firm Client Receives 2020 Speas Airport Award
02.21.20

GPS for Air Travel Came With Big Downsides: Noise, Then
Lawsuits
The New York Times
11.18.19

D.C. Circuit Affirms Decision on Airport Revenue
04.23.19

Settlement Agreement Reached on McClellan-Palomar Airport
Development
04.01.19

Firm Project Receives 2019 Innovation Project Award



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03.25.19

How Removing One Maine Dam 20 Years Ago Changed Everything
The Revelator
02.19.19

Chicago Court Dismisses Takings Claims Against O'Hare International Airport
12.21.18

Kaplan Kirsch & Rockwell Represents Environmental Defense Fund in Suit Over Access to U.S. Department of Transportation Records
12.20.18

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

Peter Kirsch Named to the 2018 ACC Board of Directors Airport Consultants Council
06.28.18

Peter Kirsch Quoted in New York Times on Non-aeronautical Development
The New York Times
05.14.18

National News Coverage of Privately Funded Terminal in Suburban Seattle
04.24.18

Federal Court Upholds Louisville Tree Trimming Project
01.23.18

Washington Post Article Summarizes Impacts of Flight Paths Across U.S.
The Washington Post
10.23.17

Kaplan Kirsch & Rockwell Hosts 33rd Annual Airport Law Workshop
10.17.17

Firm Attorneys Help Southern California Logistics Airport Authority Prevail in Part 16 Proceeding
08.31.17

Firm Client Breaks Ground for Second Seattle-area Commercial Passenger Terminal



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06.08.17

New York Times Chronicles History of President's Lawsuits
Against Client Palm Beach County
The New York Times
05.06.17

Kaplan Kirsch & Rockwell Announces Publication of Airport P3
Paper
May 2017

UPDATED – Settlement Reached in Santa Monica Airport
Disputes
02.03.17

Kaplan Kirsch & Rockwell Hosts 32nd Annual Airport Law
Workshop
11.15.16

President Elect Dismisses Noise Lawsuit against Airport
11.15.16

Burbank Voters Approve First New Terminal in 86 Years
11.11.16

Chicago Begins Construction of Final New Runway
08.16.16

D.C. Circuit Declines to Review DOT Decision on Dallas
Love Field
08.09.16

Latest News on FAA Reauthorization
07.14.16

Burbank Airport and City of Burbank Announce Terms of Deal for
New Terminal
06.23.16

Court Upholds FAA Approval for Commercial Service at Paine
Field
03.07.16

Advances in Airport Technology Mean Sleepless Nights for
Some
The Washington Post
03.04.16

Air and Space Lawyer Features Article About Terminal
Replacement at Bob Hope Airport
29 Air and Space Lawyer 4
Winter 2016

Kaplan Kirsch & Rockwell Hosts 31st Annual Airport Law
Workshop



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11.01.15

Burbank Airport and Community Tentatively Reach Historic Deal

Los Angeles Daily Times

10.26.15

New International Terminal Opens at Houston Hobby Airport

The Houston Business Journal

10.15.15

Snohomish County Granted Summary Judgment

10.15.15

Court Affirms East Hampton Town's Right to Regulate Airport

Noise

06.26.15

The Wall Street Journal Features Firm's Representation of Town
of East Hampton

The Wall Street Journal

04.22.15

Snohomish County Approves an Unusual Public-Private
Partnership at Paine Field Airport

USA Today

03.02.15

FAA Dismisses Part 16 Complaint Against the City of Cincinnati

09.12.14

FAA Postpones Contract Tower Closures

04.03.13

State Court Upholds Change in Telluride Curfew

03.20.13

Attorneys Kaplan, Kirsch, Rockwell, and Potter Recognized as
Super Lawyers for 2013

Super Lawyers

03.05.13

FAA Extends Deadline for Comments on SMS Rulemaking

03.07.11

Court Rejects FBO Challenge at Westchester County Airport

11.02.10

FAA Dismisses Complaint Against City of Venice

09.01.10

Peter Kirsch Quoted in Airport Revenue News

Airport Revenue News

May 2010

FAA Issues Final Order in Westchester County Airport Litigation



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09.18.09

FAA Issues Final Order in Santa Monica Airport Litigation
07.08.09

FAA Hearing Officer Issues Initial Decision in Santa Monica
Airport Litigation
05.14.09

Burbank-Glendale-Pasadena Airport Authority Submits
Application to FAA for Full Nighttime Curfew at Bob Hope Airport
02.02.09

FAA Dismisses Part 16 Complaint Filed Against the County of
Westchester, New York
06.12.08

U.S. Court of Appeals Rules FAA Erred Regarding Proposed
Wind Turbines Near Planned Airport
04.18.08

Judge Recommends New Noise Variance Subject to Conditions
for Bob Hope Airport
01.22.08

FAA and BLM Announce Preparation of Environmental Impact
Statement for Las Vegas Airport Construction
08.29.06

Nevada Supreme Court Issues Decision in McCarran
International Airport v. Sisolak
07.13.06

D.C. Circuit Upholds the Naples Authority Ban on Stage 2
Aircraft
06.03.05

Kaplan Kirsch & Rockwell Completes Development Talks for Bob
Hope Airport
Law Week Colorado
02.21.05

Kaplan Kirsch & Rockwell Client, the City of Burbank, Agrees to
Peace Treaty
02.01.05

Presentations

Frequent speaker at Florida Airports Council annual conference
and environmental/noise specialty conferences

Frequent speaker at Airports Council International-North America
conferences and Legal Affairs Committee meetings

Frequent speaker at American Association of Airport Executives



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annual and regional conferences

Confronting COVID-19

04.02.20

The Future of Airport Development Companies

01.22.20

Peter Kirsch Presents on Implementation of FAA Reauthorization Act of 2018

01.13.20

Annual AAAP Basics of Airport Law Workshop and Legal Update 2005–Present

Airport Sponsors as Real Estate Developers: Non-aeronautical Development

10.15.19

Environmental Approvals for Airport Projects

10.14.19

A History of Airports in the U.S.A.

10.13.19

Beginning Passenger Service from Scratch

09.14.19

Legal Risk Management for Airports: Best Practices

09.12.19

Strategies for Addressing Reversionary Rights

09.09.19

The Landscape of P3s

07.10.19

Peter Kirsch Presents on Non-Aeronautical Revenue Airport Projects

02.14.19

Peter Kirsch Speaks on Transportation Innovation

02.07.19

Using P3s to Deliver Multi-Modal Airport Transit Solutions

01.14.19

Public-Private Partnerships

10.30.18

Airport Law 101

10.28.18

Peter Kirsch Moderates Panel on Small, Medium Hub Airports



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07.23.18

Evolution of Private Public Partnerships (P3s) at Airports
05.07.18

Peter Kirsch Presents on FAA Reauthorization, 2018 Prognosis
for Aviation Industry
02.02.18

Airport Sponsors' Role in NextGen Planning
01.27.18

Peter Kirsch Participates on Airport P3 Investment Panel
01.25.18

Peter Kirsch Presents on NextGen Implementation
11.16.17

Legal and Regulatory Framework for Rates and Charges: A Brief
Introduction
11.08.17

Non-Aeronautical Development
10.17.17

Public-Private Partnerships
10.17.17

Commercial Airport Agreements
10.17.17

Airport Finance – Emerging Issues
10.16.17

Airport Law 101
10.15.17

FAA Non-Aeronautical Hangar Use Policy
08.21.17

Why Use a P3?
07.25.17

Opportunities and Risks in Pursuing Non-Aeronautical Revenue
Projects at Airports
06.08.17

P3 Opportunities: A Focus on Mid/Small Hubs
05.05.17

Drones: The Challenges Continue
04.03.17

Airport Proprietors' New Safety and Security Obligations



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11.15.16

Friends or Foes: Community Relations, Compatibility Planning,
and Politics for Lawyers

11.15.16

Strategies for Non-aeronautical Development

11.14.16

An Introduction to Airport Law 101

11.13.16

Legal and Regulatory Framework for Rates and Charges

11.03.16

Air Service Incentive Programs

11.03.16

Peter Kirsch Presents on Noise Issue Panels

10.17.16

Can Drones and Airports Coexist?

09.13.16

Brown Bag Lunch CLE - Giving Effective Legal Presentations to
Clients and Lay Audiences

09.12.16

RNAV/Metroplex Planning and Community Outreach Update

08.22.16

Land Use Obstacles and How to Overcome Them

08.22.16

SMS: What Airports Need to Know Now

08.18.16

Recent Developments: FAA Guidance Directives

06.29.16

Can You Hear Me Now: Ensuring Your Voice Is Heard on
NextGen and Metroplex Issues

05.18.16

Latest Developments – Rates and Charges

05.07.16

Drones: Present and Future Challenges for Airports

04.11.16

Airport Litigation Update

02.26.16

Regulatory and Legislative Update; and Next Gen – Coming



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Soon to a Community Near You
01.30.16

Airport Proprietors' Liability and Safety Obligations
11.03.15

Everything You Want Need to Know About Privatization
11.03.15

Airport Law 101: An Introduction to Airport Law
11.01.15

Addressing Noise and Disturbance at East Hampton Airport
(HTO)
10.08.15

Airport Safety Management Systems: Challenges in the USA
09.10.15

Privatization and Reverse Privatization in the USA
09.19.14

National CLE (Real Estate and Environmental Law)
2000–2002, 2008, 2011–2014

What Can We Learn From Airport Law in the USA?
04.03.12

Safety Management Systems: Legal Issues
03.21.11

Legal Issues In Sustainable Energy Initiatives
02.24.11

FAA Proposals for Safety Management Systems – Discussion
Paper
02.01.11

Understanding Airports' Responsibilities Under the Proposed
SMS Requirements
01.11.11

A Brief Review of Developments in Federal Environmental Law,
Policy & Regulation 2010
01.07.11

Frequent speaker at, and program committee member for,
Annual University of California Airport Noise and Air Quality
Symposium
1990–2011

Legal Implications of Proposed SMS Requirements
11.22.10



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Ethical, Business and Issue Considerations in Accepting New Clients
08.18.10

The Role of the Sponsor in Preparation of EISs for Airport Projects
07.21.09

Protecting Airports from Height Obstruction: Should We Be Scared?
04.29.07

American Association of Airport Executives: Airport Planning Conference
2003–2007

American Association of Airport Executives: Resort Airports Conference
2003–2005, 2007

Hot Topics in Land Use at GA Airports
09.19.06

The Naples Stage 2 Ban
03.05.06

NEPA Law and Strategy
06.06.05

Streamlining the NEPA Process
04.05.05

Recent Developments in Federal Airport Law
10.18.04

Administrative and Judicial Jurisdiction for Challenging Airport Actions
11.08.01