LEGAL RISK MANAGEMENT FOR AIRPORTS: BEST PRACTICES

Wyoming Airport Operators Association
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"The first thing we do, let's kill all the lawyers."

Henry VI, Pt 2
Better option

Lawyers
Staying out of legal trouble
Two approaches

WHAT YOU SHOULDN’T DO:
- Deal with problems as they arise

WHAT YOU SHOULD DO:
- Anticipate legal issues
Proactive first steps

- Embrace airports’ legal uniqueness
- Airports not like other local governments
- Educate local elected officials
- Educate stakeholders
Six principles for analysis of risk

- Ownership
- Legal Authority
- Federal Preemption
- Sources/Uses of $$
- Which FAA
- Grant Assurances
1. It matters who owns the airport
2. Know the source of your legal authority

- Federal
- Local
- Proprietary
3. Understand pervasive federal preemption
FAA regulation

Federal Preemption

- Finance
- Facilities
- Aircraft Operators
- Airport Businesses
- Land Use Regulation
- Sponsor Liability
4. Keep track of sources and uses of funds
5. Which FAA is relevant?

- Air Traffic (ATO)
- Airports
- Safety
- Space
6. Know the grant assurances

KEEP CALM AND READ GRANT ASSURANCES
Are you in legal compliance?
Conduct a legal audit
Legal audit

LEGAL AUDIT

- Governance Documents
- Leases and Contracts
- Regulatory Programs
- Property Use and ALP
Legal audit questions
Legal audit questions

1. Are there lurking/hidden legal issues?
2. Who could/would raise vulnerability?
3. Are we protected (insurance, Indemnification, etc.)?
4. Are we in accord with best practices?
5. What is cost/reward of self reporting?
Legal risk assessment
Now you know where you are going
Discussion

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