



## Transport

Through our worldwide offices, we advise clients in the transportation sector on multijurisdictional transactions across many legal disciplines. Our dedicated transport teams provide legal services to support clients in industries including aviation, highways, bus, rail, ports and shipping, as well as international trade issues.

DLA Piper's global transport team has acted on many projects internationally, across a wide range, on behalf of funders, consortia, authorities, vehicle suppliers and operators. As a result, we understand issues specific to the sector and have seen ways that the issues and risks relating to each transport industry can be successfully addressed to satisfy authority and funder concerns. Our broad experience means that we can view issues from the perspective of all interested parties, allowing negotiation of effective solutions.

### CAPABILITES

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Our lawyers can apply lessons and business models that are sensitive to the risk profile and available investment returns in any location across any industry:

#### Aviation

DLA Piper has extensive experience in the aviation and airport sector and has advised clients in relation to numerous complex transactions globally in this sector. We provide support in all areas where the law touches aviation, with particular reference to regulation, liability and risk, commercial disputes and air finance.

Our lawyers are recognised as being highly skilled and accomplished in these areas of law. Our lawyers' wide range of experience covers both greenfield development and rehabilitation of existing facilities, acquisition and sale, operational and aviation aspects, airport concessions and airport financings, including all aspects of project financing and financing of operational requirements. We have advised governments and local authorities, sponsors and lenders in a number of transactions in the UK and internationally.

#### Bus

We regularly advise transport authorities (including passenger transport executives) on matters relating to the delivery of bus services. In the UK, we have particularly strong experience of advising on scheme delivery under the Transport Act 2000, including advising authorities regarding the legal and strategic implications of implementation of quality contracts. We have direct experience of advising authorities both practically and legally on the implementation of: quality partnership schemes; voluntary partnership arrangements; qualifying agreements between operators; and ticketing schemes.

### KEY CONTACTS

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### RELATED SERVICES

- Public Private Partnerships and PFI

## Heavy rail

What really sets us apart in the heavy rail sphere is the range of our experience – we act for rail operators bidding for franchises, existing franchisees, passenger transport authorities, freight operators, rolling stock leasing companies and promoters of infrastructure projects.

## Highways

Working with both authorities, sponsors and funders of highway infrastructure projects we have worked on road, bridge and tunnel concessions. We have experience across the full range of payment mechanisms – real toll or shadow toll, payments based on availability of the enhanced and existing infrastructure, safety enhancement and performance based regimes.

## Light rail

Affordability and creating innovative funding solutions are at the heart of delivering a successful light rail project. With a team that has worked on many such schemes, at all stages, from feasibility to design, construction, financing, vehicle procurement, operations and maintenance, we offer support on issues such as funding and procurement strategy, the requirement for statutory powers, the acquisition of land, and the appropriate allocation of risk.

## Marine

Our marine team has been providing a pragmatic, cost effective, speedy and responsive service to its clients for over 100 years. Our team has been appointed to the legal panels of a number of marine insurers, P&I clubs, port authorities across Europe and the Far East and a UK government agency. Our international coverage means we can also draw on a worldwide team of experts who have first-hand understanding of specific marine markets. This means that we can provide detailed, high quality local advice whilst avoiding the duplication of effort (and cost) that often happens when instructing outside lawyers.

## Ports

We understand the risks associated with having fixed assets in a global market and offer legal advice delivered within a strong commercial framework wherever your business operates. We advise port operators – including the world's largest ports company – specialist port and dredging contractors, shipping companies and insurers. Through our international offices we provide local knowledge about the rapidly changing worldwide market, requirements to comply with increasingly stringent environmental controls, and the requirements of competition law in various markets.

## EXPERIENCE

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- Agility Trains Limited (a consortium comprising Hitachi Rail Europe Ltd and John Laing Investments Limited) on the award-winning Intercity Express Programme (IEP). IEP is both the biggest privately financed rolling stock deal in history, anywhere in the world, and one of the largest, most ambitious and complex PPP projects to date. Agility, advised by HSBC and DLA Piper, helped create a structure that enabled approximately £2.5 billion of senior debt to be provided with a long term tenor approaching 30 years by four groups of lenders.
- Nottingham City Council in the UK in connection with the design, construction, finance and commissioning of Phase Two of the Nottingham Express Transit system which includes two new lines to create an integrated network and any future extensions, together with the operation and maintenance of the entire extended network including NET Line One over a period of approximately 23 years. Unusually, this complex £570m PFI project also involved a corporate acquisition by a local authority of the incumbent concessionaire. DLA Piper was commended for its role in this project in the FT's 'Most Innovative Firms in Finance Law' awards 2012.
- Sheffield City Council in the UK in respect of their £2 billion highways maintenance and street lighting PFI project, which deals with the rehabilitation and ongoing maintenance of over 2,000 km of carriageways and footways, 350 bridges and other structures. Financial close was reached in Summer 2012 with Amey, its private sector contractor, for a 25 year contract.
- The Administrative Agent and the senior bank lenders to the Pocahontas Parkway tollway project in Virginia, in connection with the 'take back the keys' by the lenders, restructuring of debt and equity, and tax structuring for a mix of cross-border, public and private side lenders, including TIFIA.

- Transport for NSW (TfNSW) on the Regional Rail DBFM Project for the procurement of replacement rolling stock to replace the entire New South Wales regional diesel rail fleet (comprising the Endeavour, XPLOER and XPT fleets). The AUD2.8 billion project will deliver huge benefits for public transport customers across the States of NSW, Victoria and Queensland, with the replacement of intercity trains which are up to 36 years old. New trains will offer improved comfort, reliability and connectivity, and will incorporate modern and innovative benefits, significantly improving customer experience and satisfaction, and increasing patronage.
- AGC as international legal advisers for the Bangkok Integrated Ticketing System Project in Thailand, which involves the development and implementation of a common ticketing system, central clearing house, and the creation and modification of front-end systems to support the phased rollout of a smart card for the Bangkok Mass Transit system. It is currently anticipated that the ticketing system will cover use of existing highway infrastructure, rail, bus and ferry networks and may be rolled out to non-transport operators as the Project matures. With an existing metropolitan population of over 14 million, and an anticipated patronage of some 10 million passengers per day, this Project represents a significant investment in public transport infrastructure for Thailand by the Thai Government, supported by international funding.
- London Luton Airport Limited (a public airport company owned by Luton Borough Council) in relation to all aspects of the development and concession arrangements at Luton Airport, including advising on the master plan process and competition and procurement issues. Our advice covered the impact of the development options on the current concession framework and the structuring and development options with the concessionaire.
- The European Investment Bank and the European Bank for Reconstruction and Development in relation to the financing of new infrastructure development in Chisinau Airport in Moldova. As well as advising on the financing of the development and the related supporting documents, we also advised on all aspects of the direct agreement arrangements.
- The preferred bidder, the Vinci-led consortium, following its successful bid for the Euro 2 billion Oosterweel PPP tunnel and bridge project (Antwerp). This consists of a tunnel under the river Schelde and a bridge over part of the harbour of Antwerp. The work included analysing both the risk allocation of the DBFM contract and the complex split public/private sector funding proposal.
- A DLA Piper cross-border team, led from London and including teams in Budapest and Frankfurt acted for the lead arrangers as common counsel on the project financing of the acquisition of Budapest Airport. The Hungarian Government launched the high profile tender in 2005 for the sale of a majority stake in Budapest Airport following a very tight schedule. The non-recourse project financing for this project, €1.52 billion, was the biggest to have closed in Hungary.
- The Lend Lease and Bouygues joint venture as preferred bidder for the Design & Construction of the NorthConnex motorway tunnel PPP project in Sydney, Australia. The Project involves the construction and operation of a \$2.65 billion nine kilometre tolled link from the southern end of the M1 Pacific Motorway at Wahroonga to the Hills M2 Motorway at its existing Pennant Hills Road interchange. The construction elements include for two new dual lane carriageways; an interchange at the northern and southern end of the motorway; a motorway control centre including operation and maintenance facilities; a toll collection system; ventilation system and all other associated property works, utility service works and local area works. The aim is to reduce traffic congestion and the number of heavy vehicles on Pennant Hills Road, resulting in improved safety, local air quality and noise amenity along the corridor.

## INSIGHTS

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### Publications

#### Three ESG steps to keep your project bankable in 2021

17 September 2020

Version four of the Equator principles will take effect on 1 October 2020, and it introduces three new requirements to the international environmental and social baseline for project finance.

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#### The 2019 rail franchising litigation - procurement: Legal privilege and a duty to give sufficient reasons

4 August 2020

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Mr Justice Stuart-Smith handed down judgment in the 2019 Rail Franchising Litigation, one of the largest and most complex procurement and commercial judicial review claims litigated to date in the UK. In this, our second article, we examine the Court's findings as they relate to legal privilege and the duty to give sufficient reasons.

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### **Artemis Accords: New law for the moon and outer space?**

17 July 2020

NASA has recently released the Artemis Accords, aiming to establish principles to govern civil exploration and use of outer space. DLA Piper's aerospace team explains what the Artemis Accords are, how they will be used and how they articulate with existing space law to possibly form a new law for outer space and the moon.

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### **Contract analysis in a crisis: flowcharts**

7 April 2020

Flowcharts providing considerations for analyzing commercial contracts in the context of the COVID-19 pandemic through a logical process flow that can serve as a practical checklist.

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### **Cost-cutting considerations in the time of COVID-19 (Part 3 – employment issues outside the US)**

7 April 2020

A deeper dive into various cost-saving measures and their viability for employers outside the US.

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### **COVID-19 and the "essential business" designation: Practical guidance for businesses that fall in the gray area between "essential" and "non-essential"**

6 April 2020

Certain frequently asked questions as well as practical guidance.

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### **Transportation provisions of the CARES Act, the federal COVID-19 relief and economic stimulus law**

3 April 2020

The Act targets substantial assistance to certain transportation businesses and their employees.

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### **Beyond social distancing: What employers need to know to keep their workplaces safe and manage privacy obligations in the face of COVID-19**

2 April 2020

Guidance from OSHA, EEO and CDC to help employers seeking to protect the health, safety and privacy of their on-site employees.

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### **Coronavirus: Cybersecurity considerations for your newly remote workforce (United States)**

31 March 2020

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Cyber risk management involves balancing the productivity of a workforce with ensuring confidentiality, integrity and availability of the company's own systems and data, as well as that of their supply chain.

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### **Coronavirus: DHS Response to COVID-19 - What US Employers Need to Know**

29 March 2020

Key questions and answers related to the new DHS guidance.

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### **Coronavirus: Cyber hygiene practices**

25 March 2020

While the world is responding to the coronavirus disease 2019 (COVID-19), and individuals are increasingly focused on personal hygiene and social distancing, augmenting cyber hygiene efforts at home and at work are increasing in importance too.

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### **Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures (Part 2 – Employment issues outside the US)**

25 March 2020

A general overview of key employment issues to consider outside of the US in light of COVID-19.

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### **Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures in the US - Part 1**

25 March 2020

Key employment-related issues for US-based employers in relation to cost-saving measures due to COVID-19.

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### **Coronavirus: Several state and local governments issue “shelter in place” orders (United States)**

23 March 2020

Between March 17 and 22, state and local governments have promulgated at least a dozen “Stay-at-Home” / “Shelter-at-Home”-type Orders. This alert provides details on a number of state and local government orders.

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### **Aviation News: Portugal reviews slots framework**

5 March 2020

The Portuguese Government has completed the process of reviewing the framework for the provision of *slots* at national airports.

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### **Flexing PPPs**

10 February 2020

This paper considers how governments can manage this vulnerability when contracting under a PPP contract. It also considers whether alternative contractual models might provide government with better value for money over the longer term.

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## Infra

8 October 2019

Using technology to improve infrastructure development and procurement. By dimitri papaefstratiou, partner, dla piper and vicky kefalas, head of investments, developments and projects at consolidated contractors company (ccc), the middle eastern construction conglomerate.

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## EU Policy & Regulatory Alert - EU Publishes Artificial Intelligence Ethics Guidelines

12 APR 2019

On 8 April 2019, the EU's High-Level Expert Group ("AI HLEG") on Artificial Intelligence ("AI") published the much-anticipated "Ethics Guidelines for Trustworthy AI", setting out a horizontal framework for the development and deployment of ethical and robust AI systems across the EU

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## NEWS

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### DLA Piper advises Prime Capital and Enlight Renewable Energy on large investment in Sweden

13 October 2020

DLA Piper has advised Prime Capital AG, the independent asset manager and financial services provider, and Enlight Renewable Energy (Enlight), the Tel-Aviv-listed independent power producer, on their co-investment in the ready-to-build Björnberget wind park project in central Sweden. This is Prime Capital's first investment from its newly launched.

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### DLA Piper advises Lithuania's Ignitis Group on acquisition of minority stake in Moray West wind farm

28 September 2020

DLA Piper has advised Ignitis Group on its acquisition of a minority stake in the Moray West wind farm development project on the east coast of Great Britain.

The acquisition represents a strategic partnership between Ocean Winds and Ignitis Group for the development of offshore wind farm projects.

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### DLA Piper advises Iberdrola on AUD893 million takeover

25 August 2020

Global law firm DLA Piper has advised Spanish utility giant Iberdrola on its AUD893 million takeover of Infigen Energy (ASX:IFN).

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### DLA Piper advises Hitachi Rail Limited on acquisition of railway technology firm Perpetuum

19 August 2020

DLA Piper is advising Hitachi Rail Limited in connection with the acquisition of Perpetuum, a technology firm that is pioneering digital technology to optimise railway operations, offering improved efficiency, safety and quality of service.

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## **DLA Piper advises Pricecheck Toiletries on Warehouse Expansion Deal**

20 June 2020

DLA Piper has advised international wholesaler and distributor of fast-moving consumer goods, Pricecheck Toiletries Limited, on the expansion of their warehouse operation capacity.

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## **DLA Piper advises Banco Santander on innovative funding of subsidy-free solar projects in the UK**

2 June 2020

DLA Piper has acted as legal advisor to Banco Santander on the financing of a portfolio of subsidy-free solar projects which includes initially two projects for a total capacity of 115 MW.

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## **DLA Piper advises CSEIP on acquisition of majority stake in 500-MW Nordic wind portfolio**

21 May 2020

DLA Piper has advised Credit Suisse Energy Infrastructure Partners on the acquisition of an 80% stake in Finnish utility Fortum Oyj's c.a. 500MW Nordic onshore wind portfolio. DLA Piper also advised CSEIP and Fortum on the senior project finance loan provided by Skandinaviska Enskilda Banken and National Australia Bank as part of the transaction.

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## **DLA Piper announces partnership promotions for 2020**

30 April 2020

DLA Piper is proud to announce that 67 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2020 in the United States and May 1, 2020 for EMEA and Asia Pacific. The promotions have been made across many of the firm's practice areas in 35 different offices throughout 13 countries.

Across the firm's practices globally, Corporate saw the largest intake of new partners with 19 promotions, followed by Litigation and Regulatory with 15. Intellectual Property and Technology and Finance and Projects had ten and eight promotions respectively, while there were six in Real Estate. Tax and Employment both had four, and there was one in Restructuring.

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## **DLA Piper advises Greencoat UK Wind on acquisition of subsidy-free wind farm in Scotland**

28 April 2020

DLA Piper has advised long-standing client Greencoat UK Wind on the acquisition of the South Kyle wind farm in Scotland from developer Vattenfall, for GBP320 million once the farm begins operating in Q1 2023.

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## **DLA Piper advises on the disposal of Cyprus' largest wind farm to Ancala Partners**

20 March 2020

DLA Piper has advised Platina Energy Partners and local partner Mr Kleantith (Akis) Ellinas on the disposal of the largest wind farm in Cyprus to Ancala Partners, an independent infrastructure investment manager.

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## **DLA Piper lawyers named Acritas Stars**

10 March 2020

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Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **DLA Piper advises Ireland's NTR on PPA as part of financing of Swedish wind project**

7 February 2020

DLA Piper has advised Irish renewable energy investment firm NTR on the acquisition, financing and Corporate Power Purchase Agreement (CPPA) with NORD/LB of 94MW wind projects in Sweden and Finland. NTR acquired these portfolio projects, called VindIn, in 2019, a transaction in which DLA Piper also advised on.

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### **Pressure on corporate responsibility driving deal flow in renewable energy sector**

18 December 2019

Increased pressure on corporate companies to have better 'green' credentials and the end of Government incentives has seen the number of subsidy-free renewable energy projects increase by more than 1,000 per cent since 2013, according to research from global law firm DLA Piper, using data from inspiratia.

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### **DLA Piper named Firm Of The Year for Projects, Energy & Natural Resources by Legal 500 UK Awards 2020**

11 December 2019

DLA Piper has been named as 'Firm of The Year' for Projects, Energy & Natural Resources by the Legal 500 UK Awards 2020.

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### **DLA Piper cross-border team supports Hitachi on its recent GBP400m rolling stock project for The East Midlands**

22 August 2019

DLA Piper has advised Hitachi Rail Limited on the GBP400 million contract to build a new fleet of intercity trains for Abellio as part of the East Midlands Railway franchise.

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### **DLA Piper recognised at Partnerships Awards for its role on the Bridge Power Project in Ghana**

10 MAY 2019

DLA Piper has been acknowledged for its role advising on the vendor financing for Stage 1 of the 400MW CCGT Bridge Power Project (the Bridge Project) in Ghana at the 2019 Partnerships Awards, held on 9 May 2019 in London.

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### **DLA Piper advises the UK government on Heathrow expansion**

3 MAY 2019

DLA Piper has successfully advised the Department for Transport (DfT) on the Heathrow expansion project for the new third runway.

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### **DLA Piper boosts project finance offering with partner hire in London**



3 APR 2019

DLA Piper today announces that project finance lawyer Nacim Bounouara has joined the firm as a partner in its Finance and Projects practice, based in London.

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### **DLA Piper announces partnership promotions for 2019**

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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### **DLA Piper expands new Dublin office with four-partner hire**

9 JAN 2019

DLA Piper today announces the appointment of four new partners from highly-regarded Irish firms to its newly opened Dublin office into four key practice areas of Finance and Projects (F&P), Corporate, Intellectual Property and Technology (IPT) and Employment. These hires follow the appointment of Corporate partner David Carthy as Ireland Country Managing Partner in May 2018.

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