



## 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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- 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

#### White House announces plan to substantially expand introduction of sustainable aviation fuel

15 September 2021  
Key details.

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#### US DOT issues groundbreaking proposals for regulation of automated driving systems, seeks input

11 December 2020  
The rulemaking initiates an important new chapter in autonomous vehicle development and commercialization in the US.

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#### 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

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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### **Improving Public Private Partnerships - Lessons From Australia**

29 May 2020

Public Private Partnerships (PPPs) enjoy a good reputation in Australia for delivering projects on time and within budget. But there have been some high-profile failures, and they remain controversial. This report identifies many steps that governments and industry can take to improve the outcomes of PPP projects.

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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

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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### **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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