



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

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

- 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

Publications

Episode 10: Can we decarbonise international shipping by 2050?

22 April 2022

THE CLIMATE TRANSITION PODCAST

In this episode, Natasha Luther-Jones speaks to Ragnar Wisløff, senior vice president of clean energy at Höegh LNG, a leading player in the use of liquefied natural gas in the maritime sector, about the role of shipping in the energy transition.

DLA Piper · [Can we decarbonise international shipping by 2050?](#)

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

15 September 2021

Key details.

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.

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.

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.

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.

In New Zealand

TRANSPORT

DLA Piper New Zealand offers complete legal representation to transport operators or for those organisations with transport interests in air, maritime, public transport, roading, and logistics and transport of goods (including cross border trade issues, import and export).

We have a leading transport insurance practice acting for major insurers both here in New Zealand and overseas. DLA Piper New Zealand has conducted significant maritime cases including those of international interest. We are actively involved in the Maritime Law Association of Australia and New Zealand and have expertise in the sale and purchase and charter of New Zealand and overseas registered vessels.

DLA Piper New Zealand has specific in-depth experience in public transport, large scale roading projects, and major infrastructure development and deployment. Our government team has unique insight into statutory and regulatory processes for projects associated with transport.

DLA Piper New Zealand's expert resource management (RMA) team also has expertise in obtaining required consents and designations

for in transport projects.

We are well placed to assist organisations structuring significant transport projects. We were the law firm that advised the New Zealand Treasury on models for public private partnerships (PPPs) and have advised participants involved in one of the first New Zealand Government PPPs.

DLA Piper New Zealand is expert at legal advice around procurement and contracting in large scale projects.

MARITIME LAW

DLA Piper New Zealand has leading expertise in all aspects of maritime law, and is actively involved in the Maritime Law Association of Australia and New Zealand.

DLA Piper New Zealand has expertise in ship and boat building and contracts, trade, ports, admiralty practice, groundings and salvage (including the Rena), cargo issues, vessel charter and ownership, ship arrest and maritime incidents. It has advised a wide variety of clients in the maritime and marine sector over decades.

The firm has in New Zealand an internationally recognised proponent of transport and marine insurance, who has acted for major insurers both in New Zealand and overseas on marine issues. He has conducted definitive maritime cases in New Zealand courts, including those of international interest.

Internationally, DLA Piper has expertise in every major maritime jurisdiction in maritime law. It is able to organise maritime law teams to respond to any maritime issue worldwide. It is also able to provide advice in non-contentious situations for global maritime operators, in any area of the world.

EXPERIENCE

Cathay Pacific Airways Limited

DLA Piper New Zealand acted for Cathay Pacific Airways Limited in proceedings by the New Zealand Commerce Commission alleging cartel conduct overseas. These cross-border proceedings were complex and wide-ranging, with 24 causes of action alleged relating to 12 different jurisdictions, revolving around cargo revenues in excess of NZ\$200 million. The firm continues to act in the anti-trust and competition sphere representing Cathay Pacific globally on air cargo and passenger matters.

Kuehne + Nagel International

DLA Piper New Zealand acted for the parent of Kuehne + Nagel (K+N) in proceedings by the New Zealand Commerce Commission alleging cartel behaviour in freight forwarding markets. Working closely with lawyers in Switzerland, United States, Europe and Asia, and K+N management, DLA Piper New Zealand represented K+N in High Court and Court of Appeal protesting jurisdiction, striking out the majority of the pled causes of action. The firm also managed a large-scale multi-jurisdictional discovery process for K+N, negotiating a settlement under which K+N agreed to pay a penalty on the basis of an admission of one allegation while the Commerce Commission discontinued its other allegations.

Greater Wellington Regional Council - Peka Peka to North Otaki Rooding Proposal

This New Zealand Transport Agency state highway proposal involved two notices of requirement and 49 resource consents for the construction and operation of the Peka Peka to North Otaki Expressway proposal. It was declared a matter of national significance and is part of the Wellington Northern Corridor, identified by the Government as a Road of National Significance. DLA Piper New Zealand acted on behalf of Wellington Regional Council, a submitter conditionally in support of the proposal.

International Australian Airline

DLA Piper New Zealand advised the on a range of contractual matters in New Zealand, such as the terms and conditions for a rewards scheme, package holiday agreement and the liability of independent contractors in New Zealand.

Wellington International Airport

DLA Piper New Zealand advised on a range of procurement and infrastructure projects including tendering requirements, engaging and negotiating contracts with consultants and contractors, construction contracts and advising on the Airport redevelopment project. The client also instructed DLA Piper New Zealand for its litigation in respect of its new terminal building, its Airport Retail Park and its Runway End Safety Area projects pursuant to its designation and through strata titles to extend the runway over Wellington Council's road.

Greater Wellington Regional Council

Greater Wellington Regional Rail Package Asset Transfer: DLA Piper New Zealand advised throughout this transaction which involved

the transfer of rolling stock, Station Buildings and some depot buildings from KiwiRail Limited, a State Owned Enterprise, to Greater Wellington Rail Limited, a Council Controlled Organisation of the Greater Wellington Regional Council. Several rail platforms on the Wairarapa line needed work to be an appropriate height and length for new trains being purchased by the Council. The firm also advised Council on its contractual and funding arrangements with ONTRACK.

Tasman Pioneer Litigation

DLA Piper New Zealand was successful in the Tasman Pioneer litigation on behalf of the carrier, with the Supreme Court overturning both the High Court and Court of Appeal decisions. The case is of international interest. It also involved the first limitation decree (based on tonnage of the vessel) in New Zealand.

A Korea Shipping Issue

DLA Piper New Zealand obtained the first order for mutual recognition in the admiralty context, of a foreign insolvency proceeding, and handled an associated ship arrest.

Northport Limited

DLA Piper New Zealand has been an adviser to this port in relation to changes to existing resource consents for the Port.

Marina

DLA Piper New Zealand represented a marina client in relation to a proposed 130 berth marina at Sandspit. This involved a six day Environment Court hearing.

Ariadne Australia Limited

DLA Piper New Zealand advised on the Marina Management Agreement.