



## Transportation

DLA Piper's Transportation Law practice has extensive experience advising and representing clients in all aspects of law relating to the transportation industry.

We advise both foreign and domestic clients regarding transportation law, including purchases, sales, leasing or financing of aircraft or transport equipment, border security compliance requirements, and tax, customs and export controls issues as they relate to the aviation and transport sectors.

We have advised extensively on mergers and acquisitions in the transport sector and have a proven track record of successfully obtaining pre-merger clearances under Canada's competition, foreign investment and transportation legislation.

Our experienced transportation law lawyers are supported by the firm's extensive skills in areas of competition law, insolvency, litigation, technology and Internet transactions, and employment and labour law, as well as transportation infrastructure development.

Among our clients are air carriers, leasing companies, financiers, underwriters, international air and ocean freight forwarders and highway carriers, as well as warehouse and logistics services providers. We also advise manufacturers, producers, resource sector stakeholders, and exporters and importers of goods moving globally, whether by air, ocean vessel, rail, truck or inter-modally.

The Transportation Law team provides advice and representation to clients in the following areas:

### Aviation

For more information about our aviation expertise, please visit our [Aviation Law](#) page.

### Rail

DLA Piper has one of the top railway law teams in Canada. We are frequently recognized by preeminent guides (including *Chambers Canada*, the *Legal 500 Canada*, *Best Lawyers* and *The Canadian Legal Expert Directory*) as leaders in the rail sector.

Our rail team is on the cutting edge of the remedies enacted by Parliament to assist shippers and curb market power abuse by federally-regulated railways. DLA Piper lawyers have served as counsel in the majority of final offer arbitrations and level of service arbitrations conducted since those remedies were enacted. We regularly act for shippers in matters before the Canadian Transportation Agency (the "Agency"), such as level of service complaints and challenges to railway tariffs. Our rail team has been counsel on significant precedent-setting cases before the Agency, the Federal Court, the Federal Court of Appeal, and the Supreme Court of Canada.

Some of our rail team's experience includes:

- Successfully litigating a case in the Supreme Court of Canada which established that shippers could challenge the reasonableness of a railway company's fuel surcharge notwithstanding the existence of a confidential contract;
- Obtaining an Agency finding that a railway company had breached its service obligations by failing to supply a sufficient number of

#### RELATED SERVICES

- [Aviation](#)

hopper cars to our client, and successfully defending that decision at the Federal Court of Appeal;

- Establishing before the Agency and the Federal Court of Appeal that shippers are entitled to move traffic at prescribed, cost-based rates to the Coultts, AB / Sweetgrass, MT international interchange;
- Obtaining an arbitration order requiring a railway company to provide our client with significantly more rail cars, and successfully defending that order at the Federal Court of Appeal;
- Securing compensation for our client following a successful Agency proceeding in which the Agency held that a railway company had breached its service obligations by failing to repair a rail bridge damaged by fire. We successfully defended this decision at the Federal Court of Appeal, in a case which established that railway companies may not unilaterally alter their service obligations by tariff;
- Successfully litigating a pair of cases before the Agency and the Federal Court of Appeal which confirmed that railway companies' level of service obligations are statutory and not contractual;
- Representing a major industry group at the Agency's first investigation of systemic rail service issues, and successfully defending the Agency's finding of level of service breach at the Federal Court of Appeal; and
- Assisting numerous shippers to obtain materially lower freight rates and enhanced service conditions through the final offer arbitration and level of service arbitration processes.

Our rail team also assists other parties who find themselves adverse in interest to the Class I railways from time to time, and who face many of the same issues as shippers, such as short-line railway companies, ports, terminals, commuter rail authorities, and all levels of government.

## Surface

We provide legal advice in all aspects of the ground transportation industry and act for numerous international and Canadian trucking companies. We advise and represent several national and international vehicle credit and leasing organizations and automotive dealers. With respect to public transportation and infrastructure initiatives, we advise public transportation authorities and have acted for large infrastructure companies and financing companies on several bridge and highway public-private partnerships.

Specifically, we have:

- Acted as counsel to the Canadian Finance and Leasing Association and several of its members;
- Advised the Greater Vancouver Transportation Authority on the Gateway infrastructure program, various commuter services, and real estate requirements;
- Advised a worldwide global logistics ground transportation provider based in Asia; and
- Acted as Canadian counsel to the U.S.-based International Warehouse and Logistics Association.

## Maritime

Our commercial and litigation marine law practice includes the following services:

- Advice to insured and insurers regarding marine insurance policy coverage issues including, ship collisions both at sea and with respect to shore-based facilities;
- All types of maritime commercial contracts, including shipbuilding, charter party, insurance and freight forwarding contracts;
- Maritime bankruptcies and insolvencies;
- Tax advice as it affects the shipping and marine industries; and
- Advising passenger cruise shipping lines with respect to tax and customs compliance in connection to operations in Canadian waters.

## INSIGHTS

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## Publications

## Trade dress protects your automobile's design

11 July 2022

### INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

Trade dress may be used to protect the unique, non-functional aspects of a car.

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## NEWS

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### DLA Piper Canada increases rankings in 2023 *Chambers Canada* guide

30 September 2022

DLA Piper (Canada) LLP and its lawyers have been recognized across 16 practice areas in the 2023 edition of *Chambers Canada*.

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### DLA Piper (Canada) LLP welcomes Partner Josh Jantzi

19 May 2022

DLA Piper (Canada) LLP is pleased to announce that Josh Jantzi has joined the firm as a Partner in the Litigation, Arbitration and Investigations Group. Josh has a highly regarded litigation, arbitration and administrative law practice with a focus on environmental, energy regulatory, natural resource, Indigenous, transportation, municipal, and constitutional matters.

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### DLA Piper Canada lawyers recognized in 2022 *Canadian Legal Lexpert Directory*

March 4, 2022

DLA Piper (Canada) LLP is pleased to announce our lawyers have been ranked as leading practitioners in the 2022 edition of the *Canadian Legal Lexpert Directory*.

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### DLA Piper Canada recommended by *Legal 500 Canada 2022*

12 November 2021

DLA Piper (Canada) LLP and its lawyers have been recommended in the latest edition of the *Legal 500 Canada*.

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### DLA Piper Canada recommended in 2022 edition of *Chambers Canada*

10 September 2021

DLA Piper (Canada) LLP and its lawyers have been recognized across 15 practice areas in the 2022 edition of *Chambers Canada*.

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### DLA Piper Canada advising emerging growth companies across multiple sectors in continued business expansion

3 August 2021

DLA Piper Canada's Startups, Emerging Companies and Technology group has advised a number of up-and-coming companies on transactions intended to assist with their continued growth.

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### **DLA Piper Canada has strong showing in 2021 *Canadian Legal Lexpert Directory***

22 April 2021

DLA Piper (Canada) LLP has increased their rankings in the Canadian Legal Lexpert Directory for the third consecutive year.

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### **DLA Piper (Canada) LLP recognized in the 2021 edition of the *Legal 500 Canada***

13 November 2020

DLA Piper (Canada) LLP and its lawyers have been recognized as industry leaders across multiple practice areas in the latest edition of the *Legal 500 Canada*.

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## **In Canada**

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- *Chambers Global* (Transportation), 2014-2018
- *Chambers Canada* (Transportation: Rail & Road), 2016-2020