

CLIENT ALERT

Key Takeaways From Crowell's 2022 Transportation & Logistics Industry Workshop

March 31, 2022

Crowell & Moring held its Transportation & Logistics workshop on Thursday, March 10, 2022 in Dana Point, California. The conference featured key developments and trends in the transportation sector and legal strategies to support supply chain resiliency in the midst of industry uncertainty, evolving regulatory regimes, and unprecedented workforce challenges. Conference participants included transportation leaders and decision-makers across retail, food & beverage, hospitality, telecommunications, healthcare, rail, automotive, aviation, surface, maritime, mobility, shipping, logistics, and beyond. Topics included:

- The EVolution: Issues and Opportunities for EV Users, Fleet Operators, and Manufacturers as the Transition Accelerates
- Positioning Your Transportation Disputes In A Supply-Constrained Era: Emerging Strategies In Force Majeure And Allocation
- Airports of the Future: Legal Considerations for Sustainable and Safe Mobility of People and Goods

Crowell's Transportation leaders share key takeaways from the conference:

- Critical features and focus points of airports of the future are increased sustainability, aviation mobility, new technologies that enhance safety, security, and the passenger experience, a move to revenue streams that are less dependent on passengers, such as landside attractions and cargo business, and an emphasis on diversity, equity and inclusion in all aspects of airport development, use and operations. All have legal implications and present opportunities and challenges for industry.
- Changes in how people and goods move to, from and around airports will require changes to the infrastructure. Changes in urban air mobility like the use of EVTOLs and drones will require places to land and unload and reload these aircraft. Likewise, public transportation or alternative shared transportation options like intercity bus mobility require dedicated space for offloading and loading and, if not at the terminal itself, then for getting passengers to and from the terminal.
- US airports will have a transformative influx of funding from the Infrastructure Investment and Jobs Act, which includes approximately \$25 billion over a five-year period. This funding can be invested in runways, taxiways, safety and sustainability projects as well as terminal airport to transit connections and roadway projects. This once-in-a-generation funding can provide an opportunity to build safer and more sustainable airports that can not only meet the needs of the traveler, but also reimagine travel of the future. Savvy companies are analyzing their ability to access this funding. And not only airports, but supplemental supporting industries such as airlines, concessionaires, and car rental companies. Some conference attendees indicated not being aware of this federal grant opportunity.
- Similarly, we went beyond the headlines about the new infrastructure law to explain how the law's policies and funding streams support the transportation sector's transition toward low and zero emission vehicles. Clients heard particulars about who is eligible to receive funding and what the federal funds can be used for -- from build-out of charging infrastructure to the development of a domestic supply chain for batteries and alternative fuel sources.

- Force majeure and related contract defense doctrines loom large in the transportation landscape. From the pandemic to supply chain crunches to recent global events, companies are reviewing their force majeure clauses to understand and assert their rights, to ensure adequate coverage, and to consider modifying contract language to improve their legal positions and how scarce resources are allocated.

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