

# Public Transit

## OVERVIEW

Eckert Seamans' Public Transit Practice attorneys comprise a broad-based and highly specialized practice in the area of public transportation law. Firm attorneys understand that transit authorities and operators require comprehensive legal solutions because their needs are as comprehensive and diverse as any entities within the transportation sector.

With this in mind, Eckert Seamans' Public Transit Practice is nationwide in scope, representing clients that have ranged from city and county governments, to public transit agencies, transit consulting firms and transit suppliers.

Firm attorneys are highly trained and well-versed in meeting the needs of public transit clients. They have represented clients on government affairs and procurements; state and federal regulatory compliance; public financing; construction contract preparation, negotiations and claims; litigation; labor and work force issues; real estate matters; eminent domain; supply contracts; and pension plan management.

The firm has represented clients before:

- The Federal Transit Administration (FTA);
- The U.S. Department of Transportation;
- The U. S. Department of Labor;
- Various other departments and agencies;
- Arbitration boards; and
- State and federal courts.

Eckert Seamans takes a cross-disciplinary approach to serving its transportation industry clients. This has allowed the firm to handle a broad range of regulatory, litigation and governmental affairs matters that cut across all modes of transportation with particular experience in public transit issues.

## GOVERNMENT PROCUREMENT

Some of the most common challenges facing public transit operators are centered on the public procurement process, which involves requests for proposals, instructions to bidders, design-build documents, bid protest procedures, debarment procedures and general specifications. The firm has substantial experience in helping clients in each of these areas, along with providing sound legal counsel in the pre-award and change-order process.

Public transit clients have also relied upon Eckert Seamans attorneys for representation in bid protests and litigation that arises out of procurement disputes. The firm has extensive experience in working with procurement guidelines as issued by the FTA and other federal and state regulatory bodies.

## STATE & FEDERAL REGULATORY REQUIREMENTS

Compliance with state and federal regulations, particularly those imposed by the FTA, is often one of the highest priorities of public transit clients. Eckert Seamans lawyers have experience representing clients in the area of Buy America regulations, disadvantaged business enterprise regulations, environmental impact issues and other compliance matters.

Public transit clients, concerned with the ever-changing regulatory landscape, need a law firm that stays on top of the latest federal and state developments and can provide sound legal counsel and strategy. The firm has helped clients navigate the evolving regulatory environment with Inspector General audits and investigations, Americans with Disabilities Act (ADA) requirements, drug testing, and charter bus regulations.

## PUBLIC FINANCE

In the today's operating environment, rising operating costs are matched only by those centered on new construction and major maintenance and overhaul projects. Public financing is often required to provide

the capital required to meet these needs. Eckert Seamans attorneys have helped clients obtain the funding required to achieve their objectives through the identification of federal and state funding sources, the analysis of project expenditures and revenue schedules, the development of recommendations for action to secure funding and the preparation and negotiation of all necessary documents. At times, these action plans have included help in the development of the legislation required to make certain forms of financing possible.

The firm has also helped some clients secure alternative means to finance major projects, or at other times, helped clients complete leverage leasing transactions where federally funded equipment is secured through leasing arrangements. Another source of potential funding, where the firm has been instrumental for some clients, has been in the execution of joint development and air rights projects on transit property.

## CONSTRUCTION CONTRACT PREPARATION AND CLAIMS

Eckert Seamans has represented public transit clients on a broad range of construction contract matters. These include the preparation and negotiation of documents for engineering, construction, and construction management contracts, and the interpretation of contract documents during construction. As disputes have arisen, the firm has helped its clients with dispute resolution, be it arbitration or litigation of construction claims.

## PROPERTY ACQUISITION

Related to matters that involve new construction, the firm has helped clients assemble the parcels needed for major expansion projects. Eckert Seamans has represented clients in the negotiation of terms, preparation of deeds, licenses and right of ways. They have helped clients on issues involving easements, and cooperation agreements with other public entities. Firm attorneys have also represented clients in the preparation of documents involved in eminent domain cases, and in the defense of any claims filed in relation to eminent domain activity.

## ENVIRONMENTAL

In some cases, firm attorneys with a unique understanding of the needs of public transit clients and environmental law have helped with acquiring necessary environmental permits and rights, environmental due diligence, defending environmental enforcement claims, and providing counsel on the environmental impact of land use. Eckert Seamans has a complete understanding of the National Environmental Policy Act process, and firm attorneys have experience at the local level as well. They have provided support to clients on addressing environmental due diligence with governmental authorities, at times helping clients determine whether environmental impact statements are or are not required for some projects.

## LABOR & EMPLOYMENT

Eckert Seamans taps its labor and employment attorneys for public transit clients with a primary emphasis on handling discrimination and employment claims and litigating those claims before federal and state courts, workers' compensation boards and unemployment boards. Firm attorneys have experience with employment-related dispute resolution, such as representing the client in cases where claims are filed over interpretation of collective bargaining agreements. In addition, firm attorneys have represented clients in NLRB proceedings and related appellate work, collective bargaining, labor arbitrations, union avoidance training, and guidance through union organizing campaigns.

## PENSION AND EMPLOYEE BENEFITS PLANS

Eckert Seamans has developed pension plan advisory capabilities specifically for public entities such as public transit authorities. Firm attorneys are involved in the preparation, implementation and administration of employee benefit plans for public transit clients. This includes a review of existing pension plans, the preparation of amendments to those plans, addressing claims, and negotiating investment agreements. Eckert Seamans' experienced attorneys provide tax guidance and counsel on how the pension plan should be administered.