

TRANSPORTATION SECTOR

The transportation sector includes industries that transport passengers, cargo and waste over air, rail, water, roads and pipelines. The Department of Homeland Security and the Department of Transportation have classified the transportation systems sector into seven key subsectors:

- Aviation;
- Highway and Motor Carriers;
- Maritime Transportation Systems;
- Mass Transit and Passenger Rail;
- Pipeline Systems;
- Freight Rail; and
- Postal and Shipping.

According to the United States Department of Transportation Bureau of Transportation Statistics, in 2011 the U.S. transportation sector was comprised of 76 air carriers, 567 railroads, 742,762 motor carriers, 584 marine vessel operators and 2,434 pipeline operators. In 2013, over \$481 billion of the U.S. Gross Domestic Product (GDP) was attributed to for-hire transportation services and in 2014 the transportation-related labor force included over 13 million workers. As the industry continues to grow and expand it faces significant challenges, including enhanced competition, increased regulatory oversight both nationally and globally and the need to effectively implement advanced technology and modernization plans.

Environmental Laws and Regulations Impacting the Transportation Sector

Companies in the transportation sector must ensure that people, products and waste are moved in accordance with applicable regulations, including the Clean Air Act and the Hazardous Materials Regulations (HMR) issued by the U.S. Department of Transportation (DOT). The transportation sector

must also comply with complex rules governing the international transportation of dangerous goods such as the Technical Instructions of the International Civil Aviation Organization (ICAO) and the International Maritime Dangerous Goods (IMDG) Code issued by the International Maritime Organization (IMO).

The Pipeline and Hazardous Materials Safety Administration (PHMSA) within the DOT regulates “reverse logistics” of retail products that qualify as hazardous materials. The Clean Air Act regulates mobile sources, including automobiles and trucks. Clean Air Act regulations require that federally funded transportation projects and private development projects needing federal approvals meet emission reductions mandates under State Implementation Plans. Sometimes these regulations are used to threaten or to stop or delay the construction of roads and other transportation projects.

Guiding the Transportation Sector through a Complex Regulatory Landscape

Bick Law is a world-class environmental law firm focused on meeting the needs of businesses throughout the transportation sector. We combine our comprehensive knowledge of environmental laws and regulations with an in-depth understanding of the industry to develop cost-effective and workable solutions for our clients. Our firm regularly advises transportation carriers, operators and other companies on the full range of environmental challenges impacting the industry, including compliance with mobile source plans and HMR regulations.

Our California environmental regulatory lawyers are experienced in representing distribution companies facing enforcement actions for transporting hazardous materials as goods. We have also advised and defended these companies when hazardous materials or their packaging becomes damaged and must be managed as waste. Additionally, our lawyers assist clients seeking to invest in Public-Private Partnerships (P3s) as a means to fill the gap in public sector transportation financing improvements.

Whether we are working with a client to implement an environmental compliance program or negotiating a complex commercial transaction, our focus is to help companies in the transportation sector prepare in advance so that they can perform their activities without the threat of costly litigation and disruptive enforcement actions.