



ANN WARNER LLC

aviation | highways | rail | water

Federal Agency Interface

Introduction

Ann Warner, managing partner of Ann Warner LLC, has successfully helped public and private sector clients navigate the Federal agency process and protocols resulting in Federal approvals of surface transportation and airport projects, and land development initiatives.

Warner's sound knowledge of Federal transportation and infrastructure programs makes her a respected source of information and trusted advisor on helping clients obtain Federal regulatory approvals and funding.

Beginning with the landmark *ISTEA: Intermodal Surface Transportation Efficiency Act of 1991 (P.L. 102-240)*, Warner has advocated policies promoting efficient and cost-effective project delivery mechanisms, and innovative financing options before the U.S. Department of Transportation (US DOT) and its operating administrations – notably the Federal Transit Administration (FTA), the Federal Highway Administration (FHWA), and the Federal Aviation Administration (FAA). She also has notable experience interfacing with the Surface Transportation Board (STB).

Overview of Services

After the U.S. Congress passes legislation authorizing Federal agencies to carry out certain programs/services or to obligate appropriated funds, it's up to the myriad of agencies to create the fine print allowing the agencies to implement the law and eventually obligate the appropriated funds.

With 30 years of experience, Warner's knowledge of infrastructure laws, regulations, funding cycles, and trends allows Ann Warner LLC to provide her clients valuable insights and strategies as Federal agencies work to implement the law, adhere to Congressional intent, and obligate the monies.

Ann Warner LLC offers both strategic regulatory affairs and tactical guidance on highway, transit, aviation, freight, rail and water infrastructure policies, programs and projects on behalf of her clients: international corporations (U.S. and foreign owned); international and national trade associations; and state/regional municipal entities. Specific services include:

- Identifying and recommending strategies on how to take advantage of new markets or enhanced markets resulting from new authorizations, policies or programs;
- Ensuring that the views of affected external stakeholders are heard as Federal agencies promulgate rules to implement new policies or laws;
- Helping organizations obtain necessary regulatory approvals;





- Guiding clients through the FTA New Starts Program, FHWA grant processes and innovative project delivery programs/innovative financing options; and,
- Monitoring agency actions and policy analysis and potential impacts to affected stakeholders.

Educating the Surface Transportation Board

As Executive Director of the Freight Rail Customer Alliance (FRCA), Warner is focused on helping to implement the STB Reauthorization Act of 2015 and proceedings that have been pending for years. This includes aligning efforts with other freight rail shipper interests when responding to active dockets – knowing when FRCA should jointly file and when the organization should file independently or even pass on the opportunity. Such dockets include: FD 36004, Canadian Pacific Railway Limited – Petition for Expedited Declaratory Order; EP 722, Railroad Revenue Adequacy; No. EP 711, Petition for Rulemaking to Adopt Revised Competitive Switching Rules; EP 704 (Sub-No. 1), Notice of Proposed Rulemaking, Review of Commodity, Boxcar, and TOFC/COFC Exemptions; and, EP 733, Advanced Notice of Proposed Rulemaking on Expedited Rate Cases. After Congress passed legislation expanding the size and mission of the STB, Warner regularly engaged with STB staff to determine appropriate funding levels and advocated for increased funding before the House and Senate Appropriations Committees.



Identifying Market Opportunities in Existing or New Policies and Programs

Warner is a recognized expert in identifying alternative funding solutions and enhanced project delivery mechanisms for infrastructure projects.

Example: Corridors of the Future Program

For public sector customers of a corporate client, Warner identified possible market opportunities following the US DOT creation of the Corridors of the Future program in 2006 – a congestion mitigation initiative to accelerate the development of multi-state transportation corridors to help reduce congestion.

Example: Special Funding Opportunities

The American Recovery and Reinvestment Act of 2009 (P.L. 111–5), provided Federal funds to stimulate the ailing economy. Warner advised her corporate client of the Federal funding opportunities in the transportation, infrastructures and energy sectors for their public sector customers. In addition to helping identify the eligibility criteria, Warner offered suggestions on how to help guide them through the application and review processes.

Ensuring External Voices Are Heard During the Regulatory Process

Warner has expert knowledge of the regulatory process and when and how to intervene whether that be:

- 1) facilitating meetings with program technicians or appointed officials;
- 2) assisting clients in preparing and submitting comments during a formal rulemaking; or
- 3) participating in public hearings or forums.

Example: FHWA Design Build Regulation

As required in *SAFETEA-LU: The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59)*, FHWA began developing a rule clarifying that design-build contracts may be awarded prior to final National Environmental Policy Act (NEPA) approval in 2006.



On behalf of a U.S. multi-national corporate client, Warner not only wrote and managed her client's submitted comments, but she helped organize industry association comments on the *Advanced Notice of Proposed Rulemaking (FHWA Docket No. FHWA-2006-22477 RIN 2125-AF12)*. FHWA issued the Final Rule in 2007.

Helping Organizations Obtain Necessary Regulatory Approvals

Transportation and infrastructure projects must compete and be selected for a myriad of engineering, design, environmental and construction approvals. Whether it's helping a public sector client obtain Federal funding for a transit project or receive permission to relocate an airport, Warner has a proven record of helping her private sector clients and, in turn, their public sector customers navigate the regulatory maze.

Example: Development of Cascade Station

After a corporate client completed design-build services extending light rail service to Portland International Airport, the next challenge was to develop mixed-use property adjacent to the airport known as Cascade Station. Warner provided strategic advice to her corporate client (and in turn to various public customers and private sector stakeholders) in working with U.S. Members of Congress and their staffs, FHWA and FAA in obtaining required agency, environmental and safety approvals in order to bring Cascade Station to a financial close allowing the multi-use area to be developed.

As a result of Warner's assistance, both the FHWA and FAA approved a Finding of No Significant Environment Impact for a proposed airport access road as an element of building Cascade Station. Regarding certain safety implications, Warner also provided strategic counsel on obtaining FAA approval on the use of a runway (flight patterns both on and off airport property) and its proximity to Cascade Station.

Example: Relocation of Panama City-Bay County International Airport

The Panama City-Bay County International Airport and Industrial District was seeking FAA approval to relocate its airport under an innovative Public-Private Partnership structure.

Warner provided strategic advice to her U.S. multinational corporate client, the client's public sector customer, the private land developer, and community stakeholders on how best to work with FAA's regional office and Washington DC headquarters in obtaining a favorable Record of Decision (ROD) and priority consideration for discretionary appropriated Airport Improvement Program/ Letter of Intent funding.

This effort included outreach to various key players in the process including the Florida Governor's office, Florida's U.S. Congressional Delegation, FAA's Airports Office and FAA's Environmental Division, private participants and local community stakeholders.

The Senate Appropriations Committee-passed *FY 2007 US DOT/Treasury/Housing and Urban Development Appropriations* (H.R. 5576, S. Rpt. 109-293) included a section encouraging the FAA to give priority consideration to the application by the Panama City-Bay County International Airport Authority and Industrial District to construct a new airport.

In 2006, the FAA issued its Record of Decision identifying, selecting, and approving Phase I of the relocation and building of the new airport.

Example: Atlanta Northwest Corridor Development Project

The Georgia Department of Transportation (GDOT) and the Georgia Regional Transportation Authority (GRTA) were public sector clients to one of Warner's U.S. multinational corporate clients and joint venture partners. GDOT/GRTA were seeking Federal approvals and eventual funding support of a proposed bus rapid transit and vehicle toll lanes project on Interstate 75.



Warner advised the project team when responding to requests for information and commitment requests from FTA's Atlanta regional office and headquarters staff. She helped position the client to move forward with the draft environmental impact statement, project scope and financing alternatives.

Additionally, Warner advised the project team when seeking approval of right-of-way approvals for the toll lane from FHWA and provided insights on how to use new toll revenues on the existing Interstate Highway System.



Issue Monitoring and Policy Analysis

Warner has a knowledge base nearly three decades deep on transportation and infrastructure policies and regulations. Using her countless sources of information in the US DOT, FTA, FHWA and FAA, Warner keeps her fingers on the pulse of her clients' issues and provides timely, accurate and succinct information and insights. For another corporate client, Warner identified the "value added" when helping her clients successfully meet their challenges and while serving the needs unique to their communities and stakeholders.

For a U.S. subsidiary of a multi-national corporation, Warner developed and regularly updated a key issues document identifying Federal regulatory issues for the needs of corporate, current operations, and marketing/business development efforts. She also developed and maintained a government relations website to keep company employees updated in real-time on executive office and regulatory actions.

For another corporate client, Warner identified specific existing and proposed regulations directly affecting the corporation's current operations and business development needs. She continuously monitored planned and proposed regulations and regularly interacted with career civil servants and appointees to identify possible business opportunities and potential threats.

