

## **AVIATION LAW 151 – ADJUNCT PROFESSOR GREGORY S. WALDEN**

Law 151 is a survey of aviation law, covering domestic and international law. Students will receive an introduction into all major aspects of aviation law, with special emphasis placed on government regulation of airlines, airports, and airline personnel. Students will gain a basic understanding of the structure and forms of Federal and international aviation law and regulation, and will examine current airline industry controversies such as –

What is the appropriate U.S. government response to the economic downturn in the U.S. airline industry? What effect do DOT's laws and policies have on the success of low cost airlines vis-à-vis the network or legacy carriers?

Whether international aviation should be deregulated and how – particularly with reference to the ongoing US-EU negotiations

How to resolve the problems of airport congestion and delay, which have begun to resurface with the upturn in the aviation sector and the increased use of regional jets

How far a local government may go to mitigate environmental impacts of aircraft noise or to address other local interests

The changed and still evolving system of aviation security regulation

The course will expose students to administrative law, constitutional law, international law, Federal jurisdiction, antitrust law, and environmental law.

Our casebook is *Aviation Law -- Cases and Materials*, published this April by Carolina Academic Press. Mr. Walden is an author of this casebook. Other materials will be available over the West Education Network. Grades will be based on a written exam at the end of the term. Class participation may earn a student a half-grade improvement.

Mr. Walden practices aviation law with the firm of Patton Boggs LLP. He served as Chief Counsel of the Federal Aviation Administration, 1988-90, and held senior positions in the U.S. Justice Department, the White House, and Interstate Commerce Commission.

# AVIATION LAW 151 – FALL 2005 SYLLABUS

## ADJUNCT PROFESSOR GREGORY S. WALDEN

### *Sources of Aviation Law (Chapter One) (three weeks)*

- Overview of United States government structure (FAA, DOT, NTSB, TSA)
- DOT statutory authorities; certification of air carriers
- International regulation (Chicago Convention; the Freedoms; bilaterals; ICAO; what “Open Skies” is and what it is not; cabotage, foreign ownership, right of establishment)

### *Aircraft (Chapter Two) (two weeks)*

- Scope of FAA’s authority over aviation safety; Federal Aviation Act preemption
- FAA aircraft registration, certification, and regulation

### *Airmen (Chapter Three)(two weeks)*

- Labor and civil rights laws
- Federal Aviation Act preemption
- FAA regulation & enforcement
- NTSB appellate jurisdiction & appellate review in U.S. court of appeals

### *Passengers (Chapter Four) (two weeks)*

- Domestic accident investigation and litigation
- Airline Deregulation Act preemption
- Antitrust laws
- International “accidents” (Warsaw Convention, as supplemented, and Montreal Convention)
- Consumer protection (advertising; overbooking)
- Air Carrier Access Act

### *Cargo (Chapter Five)(one week)*

- Domestic and international disputes
- Hazardous materials regulation and enforcement

### *Airlines (materials to be posted on TWEN) (one week)*

- Unfair methods of competition; barriers to entry; slots; predatory conduct
- DOT & DOJ authority over mergers and acquisitions; code-sharing and marketing alliances
- Railway Labor Act and bankruptcy

### *Airports law (three weeks)*

- Relationship between Federal and local governments; the proprietor’s exception
- Airport expansion; funding of construction & improvements; noise abatement authority
- FAA safety regulation of airports and regulation of hazards to air navigation
- Statutory and contractual grant assurances (exclusive rights, nondiscrimination, etc.)
- Federal environmental review (NEPA) and judicial review of final orders
- Airport rates and charges (private rights of action; dormant Commerce Clause; Anti-Head Tax Act; DOT policy; Passenger Facility Charges) and judicial review of final orders
- FAA and DOT administrative processes to challenge fees and access restrictions
- TSA regulation of air carriers and airports (and international convention against terrorism)