

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 aviation industry controversies such as –

How to resolve the problems of airport congestion and delay, which are expected to increase with the growth in passenger demand and the introduction of very light jets

Whether international aviation should be deregulated and how – particularly with reference to recently concluded US-EU agreement

What is the appropriate U.S. government response to the widely perceived reduction in the quality of commercial air service?

What areas of State regulation and litigation based on State-law claims fall outside the broad scope of Federal preemption?

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

Should criminal charges flow from airline accidents resulting from negligence of airline personnel or government regulators?

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

The casebook is *Aviation Law -- Cases and Materials*, published April 2006 by Carolina Academic Press, and co-authored by Mr. Walden. 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 from 1983-1993.

AVIATION LAW 151 – FALL 2007 SYLLABUS

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Sources of Aviation Law (Chapter One) (three weeks)(August 27, Sept. 10 and 17)

- 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)(Sept. 24 and Oct. 1)

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

Airmen (Chapters Two and Three)(two weeks)(Oct. 9, 15)

- Federal Aviation Act preemption
- FAA regulation & enforcement
- NTSB appellate jurisdiction & appellate review in U.S. court of appeals
- Railway Labor Act
- Civil rights laws applicable to airline personnel

Passengers (Chapter Four) & Airlines (Chapters Four and Six) (three weeks)(Oct. 22, 29, Nov. 5)

- Antitrust laws; DOJ and DOT authority of mergers and acquisitions
- Anticompetitive conduct and consumer protection
- Airline Deregulation Act preemption
- Civil rights laws applicable to airline passengers (Air Carrier Access Act)
- Domestic accident investigation and litigation
- International “accidents” (Warsaw Convention, as supplemented, and Montreal Convention)

Cargo (Chapter Five)(one week)(Nov. 12)

- Domestic and international disputes
- Hazardous materials regulation and enforcement

Airports law (Chapter Six) (three weeks)(Nov. 16, 26, Dec. 3)

- 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)