



## transportation

### overview

*"If I were managing a transportation concern, McMillan would be my first choice."*

Chambers Canada

### firm profile

McMillan is a modern and ambitious business law firm serving public, private and not-for-profit clients across key industries in Canada, the United States and internationally. With recognized expertise and acknowledged leadership in major business sectors, we provide solutions-oriented legal advice through our offices in Vancouver, Calgary, Toronto, Ottawa, Montréal and Hong Kong. Our firm values – respect, teamwork, commitment, client service and professional excellence – are at the heart of McMillan's commitment to serve our clients, our local communities and the legal profession. For more information, please visit our website at [www.mcmillan.ca](http://www.mcmillan.ca).

### contacts

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Millions of tonnes of freight are transported throughout Canada every year, often traveling thousands of miles in the process, via multiple intermediaries. Canada's abundant natural resources are exported throughout the world, while manufactured and other goods are shipped across the country.

Canada's expansive geography and export-led economy depend on efficient transportation networks. The quality and pricing of services related to this network, including shipping, loading and unloading facilities for freight, are vital for Canada's prosperity at home and its competitiveness on the international market.

Investments in developing transportation infrastructure and the supply of services are expected to increase dramatically for the foreseeable future. Some of those expenditures will be used to expand or create networks in under-developed parts of the world, including in Canada, while some will be allocated to expand or refurbish existing rail and road networks, and hubs such as airports, marine terminals and transloading facilities.

McMillan's Transportation Industry Group is a recognized leader in delivering expert legal services to the transportation industry, including rate and service negotiations and proceedings, advisory work in operations and logistics, commercial undertakings, regulatory matters, engineering and safety compliance and government relations efforts. We advise on supply and procurement relationships, and assist in commercial transactions such as the acquisition, financing and disposition of transportation businesses and equipment, private infrastructure investment and development, public-private partnerships, joint ventures and strategic alliances.

Successful infrastructure development is increasingly dependent on experience gained from working on prior projects. Our clients include some of the world's leading shippers, lessors, financiers, freight carriers, ports and terminals, governments, trade associations, and facility operators. We work with companies operating in the rail, trucking, marine and air modes of transportation.

### representative transactions



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- Fortress Investment Group (NYSE:FIG) in connection with the purchase of the assets of bankrupt Montreal, Maine & Atlantic railway, following derailment at Lac-Mégantic, Québec (July 6, 2013)
- Acted for Teck on its handling agreement with Westshore Terminals to extend coal shipments through Westshore to March 2021
- Acted for Teck, March 2011, on its handling agreement with Westshore Terminals to extend coal shipments through Westshore to March 31, 2016
- Mining Association of Canada, before the Standing Committee on Transport, Infrastructure and Communities in connection with Bill C-52 (Service Level Agreements) (2013)
- Teck Resources Limited, before the Canadian Transportation Agency in connection with the Consultation on Amendments to the Uniform Classification of Accounts (2013) and its Cost of Capital Review (2010)
- Teck Resources Limited before the Federal Rail Freight Service Review, Transport Canada (2008-2013)
- Teck Resources Limited, the Western Grain Elevator Association and the Canadian Canola Growers Association before the Canadian Transportation Agency in connection with its Consultation on Capital Structure and Cost of Capital Methodology (2016)
- Teck Resources Limited, four year terminal services agreement with Westshore Terminals Limited (2010)
- Teck Resources Limited, ten year rail freight agreement with Canadian Pacific Railway Company (2010)
- Teck Coal Limited v. Canadian Pacific Railway Company, final offer arbitration (June 2009)
- Teck Coal Limited v. Canadian Pacific Railway Company, final offer arbitration (May 2009)
- Elk Valley Coal Corporation (before the Competition Policy Review Panel, 2008)
- Acting for marine shipping companies
- Acted for The St. Lawrence Seaway Management Corporation in the commercialization of the management and operations of the Seaway
- Acted for Transport Canada in connection with the commercialization of the Port of Oshawa
- Acting for a major Canadian shipowner on a new shipbuilding contract in China
- Acting in connection with the establishment, governance, regulation and operation of Canada port authorities, including



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Transport Canada's review of the Canada Marine Act and other marine policy matters

- Acting for Association of Canadian Port Authorities on corporate and marine policy matters
- Acting for major Canadian consignor in connection with transportation of dangerous goods legislation and policy
- Acting for major European yacht manufacturer on construction and importation of large yachts
- Acted for lender syndicate regarding the synthetic lease of three Airbus A310 aircraft to a Canadian charter operator (2000; 2001)
- Acted for various Canadian corporations in connection with their purchase of US-registered corporate jets and the ownership structure of such aircraft (2000-2002)
- Acted for lender syndicate regarding the structured financing of aircraft manufacturing equipment (2002) Canadian counsel to regional aircraft manufacturers in connection with various financings, operating leases, work-outs and repossessions
- Counsel to PricewaterhouseCoopers Inc., the trustee in bankruptcy of Canada 3000 Airlines Limited and Royal Aviation Inc., in connection with the bankruptcy of those airlines (2001-2002)
- Acted for finance provider in connection with the synthetic lease of a corporate jet to a Canadian company (2002) Canadian counsel for purchaser of an Airbus A320 on lease to Air Canada (2002) Acted for finance provider in connection with the structured financing of aircraft flight simulators (2003)
- Advised lender syndicate, various aircraft lessors and certain unsecured creditors in connection with the restructuring of Air Canada (2003)
- Acted for finance provider in connection with the leveraged lease re-financing of passenger ferries and surface transportation equipment (1999-2003)