



Transportation Law: Airlines & Railroads

We offer the insight, experience, and savvy to turn the particularities of airline and railroad statutory and regulatory schemes into strategic victories and business gains.

Seyfarth has a strong grasp of the issues affecting the transportation industry; this prowess resonates in the airline and railroad sectors through our labor, employment, and benefits services. Our work with air and rail carriers and their service providers has given us insight into the complex nature of the operational environment and laws and regulations these businesses face. We have a team of counselors, negotiators, and litigators intimately familiar with this landscape. This includes a deep bench of attorneys familiar with the contours of the Railway Labor Act, industry-related preemption defenses, airline and railroad-specific employment laws and application of general employment laws to the industry, and industry-specific employee benefits practices and trends.

Our team offers experience on airline and railroad-specific labor and employment law and benefits matters, including:

- Litigation challenging the application of state and local employment laws to airlines and railroads, including industry-specific preemption defenses under the RLA, ADA, FAA, TSA, etc.
- Labor arbitration, including discipline, contract interpretation, and interest arbitration
- AIR21 whistleblower claims
- Collective bargaining under Section 6 of the RLA and under the NLRA
- Carrier status, class or craft determinations, and representation issues before the NMB and NLRB
- Representation elections under the RLA and NLRA
- Litigation over alleged major disputes, minor disputes, and interference or coercion claims under RLA Section 2, Third and Fourth
- Airline and railroad-specific advice and counseling across all 50 states and their municipalities, including federal relief bill-specific advice and counseling related to CARES Act and Payroll Support Programs and pandemic-related advice and counseling
- Intermittent strikes and CHAOS-related tactics
- Carrier merger, sales, and acquisitions
- Carrier bankruptcy proceedings
- Litigation involving routine and complex employment discrimination, USERRA, wage-hour, and benefits claims, including retiree benefits claims
- Airline and railroad-specific transactional benefits matters

Key Contacts



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Representative Experience

- Advised on state and local employment laws and pending legislation as applied to the industry.
- Advised on pre- and post-merger labor negotiations with unions covering technicians, passenger and fleet service employees, and stores employees.
- Obtained Seventh Circuit opinion upholding removal jurisdiction under the RLA and, on RLA complete preemption grounds, obtained the first complete dismissal of any Biometric Information Privacy Act nationwide class action, reversing a lower district court ruling to the contrary.
- Won summary judgment against flight evaluators claiming a mainline air carrier discriminated against them based on a key seniority provision of the pilots' collective bargaining agreement.
- Won a Private Attorney General Act (PAGA) representative action brought under the California Labor Code on behalf of all hourly employees in the State of California against a mainline air carrier.
- Represented a Class I railroad in a portfolio of single-plaintiff employment litigation, handling claims and defenses ranging from Title VII to FMLA discrimination and interference to minor disputes.
- Advised an airline catering and hospitality company on bringing their operations and payroll policies into compliance through a nationwide wage and hour audit.
- Acted as primary labor counsel during the acquisition of a global air cargo carrier, including leading the labor and employment due diligence for the ultimate sale.
- Successfully represented a large carrier in a multi-day labor arbitration in which the union challenged the airline's right to automate and assign to supervisors certain mission-critical manpower and other resource allocation functions in airport ramp operations.
- Successfully defended a large carrier in a multi-day arbitration hearing in which the union challenged, as a violation of the contractual upgrade rights of deadheading pilots, the airline's implementation of automatic unlimited space-available upgrades for frequent fliers.
- Advised mainline carrier regarding myriad of issues relating to its merger with another carrier, including a wide range of complex labor law issues involving a combined workforce of about 90,000 employees and more than a dozen crafts or classes.
- Participated in defensive CHAOS-related injunction matters and advised on intermittent striking activity for carriers and airline service providers.
- Achieved walk-away dismissal of a case filed in California state court by a flight attendant making class allegations of failure to pay minimum wage for time worked before and after flights.
- Successfully defended sky cap class allegations that mainline air carrier violated The Massachusetts Tip Statute by retaining the service fee charged for curbside check-in.
- Successfully defended numerous other discrimination and retaliation lawsuits, including multiple AIR21 lawsuits and many cases raising federal preemption issues.
- Represented multiple carriers in single-plaintiff and class ERISA litigation, including claims for pension and health and welfare benefits and beneficiary disputes.
- Prevailed in defending a large carrier against allegations of discrimination under OSHA's whistleblower protection provision and secured a final order approving dismissal of the complaint from the ARB.
- Negotiated a favorable settlement with OSHA for an airline client following the issuance of multiple serious, repeat and willful citations of standards related to lead, asbestos, housekeeping, lockout/tagout, following a monthslong inspection, resulting in a substantial decrease in penalties and the withdrawal of willful citations.
- Represented a railroad in obtaining summary judgment against an employee alleging discrimination on the basis of race and sex, and also in obtaining dismissal of claims filed under the Federal Rail Safety Act for failing to timely exhaust administrative remedies through OSHA.
- Serve as primary employee benefits counsel to one of the nation's largest air carriers, involved in all aspects of its benefit plans administration and compliance, including through the carrier's successful bankruptcy proceedings and merger with another large carrier.
- Successfully handled several pilot and flight attendant discharge, discipline, and contract interpretation matters to favorable settlements on a remote, Zoom hearing basis.