

# Shant Boyajian

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Shant Boyajian helps public agencies employ a wide range of innovative methods to deliver the nation's largest, most complex infrastructure projects. He offers deep experience in the policy issues behind infrastructure strategy, having previously served as Senior Counsel to the U.S. Senate Committee on Environment and Public Works. In this position, he served as lead author and negotiator for the Fixing America's Surface Transportation (FAST) Act – the largest infrastructure bill in U.S. history – which provided long-term funding certainty for the nation's surface transportation system.

Shant's government experience also includes serving as Counsel to the Subcommittee on Highways and Transit for the House Committee on Transportation and Infrastructure. While there, he helped negotiate and draft the language for federal-aid highway programs within the Moving Ahead for Progress in the 21st Century (MAP-21) Act – which provided more than \$105 billion in funding for surface transportation programs in fiscal years 2013 and 2014.

He also previously served as Counsel to the Panel on 21st Century Freight Transportation, which proposed many of the policy reforms ultimately enacted in the FAST Act. Earlier in his career, he served as a law clerk to the General Counsel's Office at the U.S. Department of Energy, and as Legislative Aid to the Vice Chairman of the Loudoun County Board of Supervisors in Loudoun County, Virginia.

## EXPERIENCE

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**Los Angeles County Metropolitan Transportation Authority – Sepulveda Pass Rail Transit Project.** Key member of the legal team engaged to implement Metro's first application of the Pre-Development Agreement delivery method for the approximately \$6 billion to \$10 billion Sepulveda Pass Transit Project to connect the San Fernando Valley with Los Angeles' Westside, integrating into the East-West SFV LRT, the Orange Line, the Purple Line and the Expo Line. Shant's services include drafting the pre-development agreement and assisting with the procurement.

**Michigan Department of Transportation – I-75 Modernization Project (Segment 3) P3.** Member of the legal team advising on an availability payment P3 concession for the widening and reconstruction of a portion of Interstate 75 in the Detroit area. The \$600mm capital cost project is the first major upgrade done on the highway since its construction in the 1960s. The project adds a lane in each direction and includes construction of a major underground stormwater tunnel. As part of the team, Shant is assisting MDOT with the structuring of the procurement, the drafting and negotiation of procurement and contract documents and the development of the evaluation and selection process.

**Indiana Finance Authority/Indiana Department of Transportation – I-69 Section 6 Contract 5 Project.** Key member of the legal team advising on a \$750 million overhaul of a portion the I-69. It includes full reconstruction and conversion of a portion of SR-37, reconstructing and widening part of I-465, converting at-grade crossings,

reconstructing and constructing local access roads, reconfiguring existing interchanges, and a new system interchange. An RFQ and RFP were issued in July 2019 and March 2020 respectively. Shant's services include drafting procurement documents and assisting with the procurement.

**Indiana Department of Transportation – Sherman Minton Corridor Project.** Key member of the legal team advising on a \$100 million project that involves rehabilitating the I-64 Sherman Minton Bridge, as well as the associated Indiana and Kentucky approach bridges. The long-term repairs, along with normal preventive maintenance, will add up to 30 years of service life to the bridge. An RFQ and RFP were issued in December 2019 and June 2020 respectively. Shant's services include drafting procurement documents and assisting with evaluations.

**Maryland Transit Administration and Maryland Department of Transportation – Purple Line Light Rail.** Member of the legal team advising MTA/MDOT on Maryland's first transit P3 project – an approximately \$2 billion (capital cost) light rail system that will significantly facilitate mobility between the Maryland suburbs and Washington, D.C. The Purple Line Light Rail System will run 16.2 miles between Bethesda and New Carrollton with 21 new stations along the route, with much of the alignment street-running. The project, Maryland's largest P3, will provide a direct link to the Metrorail Red, Green and Orange lines and connect to the MARC train, Amtrak and local bus services. In July 2014, MTA issued the final RFP for an availability payment concession to shortlisted teams. Proposals were received in late 2015 and, in March 2016, the agencies selected a consortium led by Fluor and Meridiam. The project reached commercial close in April 2016 and financial close in June 2016. Construction commenced in September 2017 and it is anticipated to open in segments starting in 2022. The Purple Line's financing plan included an \$874 million TIFIA loan, \$313 million in PABs, \$138 million in private equity and approximately \$900 million in anticipated federal New Starts funding. Shant is assisting with contract implementation and administration for the project.

**Denver International Airport – Jeppesen Terminal Redevelopment Project ("Great Hall Project").** Member of the legal team that advised the City and County of Denver on the Great Hall Project, which involved a complex, multi-faceted upgrade of Denver International Airport's signature Jeppesen Terminal and the development and management of a new concessions program within the terminal. The \$1.8 billion P3 project combines an availability payment structure with shared revenue risk on the concessions program. The project reached financial close in December 2017. Shant's services include helping to draft the development agreement drafting ancillary agreements, and supporting the activities leading to Financial Close.

**Louisiana Department of Transportation and Development – Loyola Dr./Interstate 10 (I-10) Interchange to New Airport Terminal (LANOIA) Design-Build Project.** Key member of the legal team advising on the LA DOTD's project to design and construct a new Interstate interchange to provide access to the north terminal at Louis Armstrong New Orleans International Airport. Shant assisted with the facilitation of a procurement strategy session to help the transportation agency develop its procurement process, contract documents and risk profile, and will participate in pre-proposal dialogues including one-on-one meetings and Alternative Technical Concept reviews; conduct the evaluation and selection process; and draft, conform, and execute the contract documents. The Nossaman team has also drafted an NOI, RFQ, and draft and final RFPs. The capital cost of the project is approximately \$125 million.

**Louisiana Department of Transportation and Development – I-220/I-20 Interchange IMP & BAFB Access Design-Build Project.** Key member of the legal team advising on a design-build project to construct and interchange and access to Barksdale Air Force Base, an Air Force Global Strike Command base located in Bossier Parish, LA. Shant assisted in the facilitation of a procurement strategy session to help the transportation agency develop its procurement process, contract documents and risk profile, and participated in pre-proposal dialogues including one-on-one meetings and Alternative Technical Concept reviews; helped conduct the evaluation and selection process; and helped draft the contract documents. The Nossaman team has also drafted an NOI, RFQ, and draft and final RFPs. The capital cost of the project is approximately \$95 million.

**Louisiana Department of Transportation and Development – Belle Chasse Bridge & Tunnel Replacement.** Key member of the legal team advising on the LA DOTD's first P3 project procured under new P3 authority. The project will replace the aging Judge Perez Bridge and Belle Chasse Tunnel in Plaquemines Parish with a toll facility. Shant helped facilitate a procurement strategy session to help the transportation agency develop its procurement process, contract documents and risk profile; helped draft the NOI, RFQ, and RFP; participated in competitive dialogue with proposers; conducted the evaluation and short-list and evaluation and selection processes; and assisted during the concurrent commercial and financial closing. The project closed in December 2019, and will be a revenue risk project with a capital cost of \$169 million.

**Massachusetts Bay Transportation Authority – Commuter Rail North Side ATC Design Build Project.** Member of the legal team advising on an approximately \$280 million design and installation of an automatic train control overlay of commuter rail lines that are currently undergoing installation of Positive Train Control. Shant is assisting the agency in developing its RFQ, RFP, and evaluation processes, along with advising the agency regarding other policy-related issues, for a design build procurement for design and installation of ATC on the agency's North Side Commuter Rail Lines.

**Massachusetts Bay Transportation Authority – Green Line Extension Project.** Member of the legal team advising on \$2-3 billion 5-mile extensions of the Green Line light rail service from a relocated Lechmere Station in East Cambridge to Union Square in Somerville and College Avenue in Medford. The transportation agency has retained the Firm to examine the deployed construction manager/general contractor (CM/GC) delivery method, consider alternatives and make recommendations on the optimal delivery method going forward. The agency terminated several of its existing contracts in December 2015 and conducted a redefinition process of the project. A procurement for a design-build contract for the completion of the project was conducted, on which Shant's services included assisting in drafting the procurement documents, including the Instructions to Proposers and the Design Build Contract. Shant's services also included drafting manuals and related materials to guide the agency's evaluation of statements of qualification and proposals. Shant supervised and supported the agency's selection committee and technical advisors during the proposal evaluation and selection process. The procurement included the use of an affordability limit, as well as the identification of six prioritized additive options for scope that could potentially be included back in the design-build scope. In November 2017, the agency awarded a design-build contract to GLX Constructors that was approximately \$237 million below the affordability limit, and included all six additive options in the design-build contract scope.

**Massachusetts Department of Transportation – Alternative Project Delivery Program.** Member of the legal team advising on the creation of a programmatic approach for the screening and delivery of complex infrastructure projects in the Commonwealth of Massachusetts. Shant is assisting with all aspects of the program's creation and implementation, including analyzing procurement laws, advising on relevant policy decisions, preparing project screening materials, and drafting program guidance documents.

**Government Relations.** Represents some of the nation's largest, most sophisticated transportation agencies before the U.S. Congress, the White House, and Executive Branch agencies on issues relating to federal infrastructure, transportation, and technology policy.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Speaker, "Procurement and Contract Issues for CM/GC, CM@Risk, Job Order Contracts and Other Alternative Delivery Methods," 2021 Transportation Research Board Annual Meeting, 01.25.2021 - 01.29.2021

Speaker, "DC Roundtable," American Road & Transportation Builders Association 2020 Public-Private Partnerships in Transportation Conference, 07.17.2020

Moderator, "Public-Private Partnerships – Success Stories," Coalition for America's Gateways and Trade Corridors Annual Meeting, Washington, DC, 05.14.2019

Moderator, "Identifying and Developing a P3 Project," National Council for Public-Private Partnerships' 2018 P3Bootcamp, Washington, DC, 12.12.2018

Speaker, "Private Financing for Port Infrastructure," American Association of Port Authorities Port Real Estate Issues Workshop, Seattle, WA, 09.18.2018

Moderator, "Plenary Session: The Trump Administration and P3 Policy," 30th Annual ARTBA Public-Private Partnerships in Transportation Conference, Washington, DC, 07.19.2018

Panelist, "What's Ahead for U.S. Infrastructure Development?," The National Council for Public-Private Partnerships' April P3Insights Breakfast, Washington, DC, 04.23.2018

Speaker, "How the Latest Developments Out of Washington Impact You," Public-Private Partnership Conference & Expo, Dallas, TX, 02.27.2018

Moderator, "Is There a Future for Federal P3s?," National Council for Public-Private Partnerships' P3Connect Conference, Miami Beach, FL, 01.24.2018

Moderator, "Federal P3 Incentives Tailored to Infrastructure Classes," P3 Federal Conference, Washington, D.C., 11.29.2017

Speaker, "Infrastructure Development and Impact on the Supply Chain," Association of Transportation Law Professionals Transportation Forum XIV, Washington, D.C., 10.16.2017

Speaker, "The Trump Administration's Infrastructure Plan," IANA Intermodal EXPO 2017, Long Beach, CA, 09.19.2017

Moderator, "Public Private Partnerships: How Can We Unlock Potential?," Coalition for America's Gateways and Trade Corridors Annual Meeting, Washington, D.C., 05.16.2017

Speaker, "2017: What to Expect from the First P in Public-Private Partnerships," Public-Private Partnership Conference & Expo, Dallas, TX, 02.27.2017

Speaker, "Protecting Drivers and Their Data: To Regulate or Not to Regulate? That is the Question," 12th Annual Texas Transportation Forum, Austin, TX, 02.07.2017

Speaker, "P3s and the FAST Act: How Agencies Can Maximize New Infrastructure Delivery Tools," Pacific NorthWest Economic Region 26th Annual Summit, Calgary, Alberta, 07.18.2016

Speaker, "Overview of Federal Legislation, FAST Act and P3s," George Mason University Center for Transportation Public-Private Partnership Policy's 3rd Annual P3 Forum, Arlington, VA, 04.26.2016

## **PUBLICATIONS**

Author, "Improving the Nation's Freight Transportation System," *U.S. House Committee on Transportation and Infrastructure*, 10.01.2013

Author, "Learning From History: What the Public Health Response to Syphilis Teaches Us about HIV/AIDS," *The Journal of Contemporary Health Law & Policy*, 01.01.2010

## **HONORS & RECOGNITIONS**

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Included in Best Lawyers: Ones to Watch for Construction Law and Project Finance Law, 2021

Member, Law360 Practice Group of the Year, Transportation, 2016-2020

Member, Law360 Practice Group of the Year, Project Finance, 2018

## **COMMUNITY & PROFESSIONAL**

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Transportation Research Board, Member of Committee on Contract Law

Coalition for America's Gateways and Trade Corridors, Board Member and co-chair of Reauthorization Working Group

American Road & Transportation Builders Association, Reauthorization Task Force

The Fund for American Studies, Public Policy Fellow (2013) and Alumni Council Board Member (2014-present)

## **PRACTICES**

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Infrastructure

Government Relations & Regulation

Legislation & Policy

Procurement & Contracting

Project Financing

Regulatory & Compliance Matters

## INDUSTRIES

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Government & Public Sector  
Transportation

## EDUCATION

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The Catholic University of America, Columbus School of Law, J.D., 2010, *cum laude*  
Patrick Henry College, B.A., 2007

## ADMISSIONS

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District of Columbia  
Virginia