

# Shant Boyajian

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Shant Boyajian advises public agencies on a wide range of innovative methods to procure and deliver the nation's largest, most complex infrastructure projects. Clients have found tremendous value in his deep experience in public private partnership (P3) delivery methods, including revenue risk and availability payment models, pre-development agreements, and other forms of alternative delivery, such as construction manager/general contractor and design-build.

He is also one of the nation's leading experts in the policy issues behind infrastructure strategy, having previously served as Senior Counsel to the U.S. Senate Committee on Environment and Public Works, where he led the development of the Fixing America's Surface Transportation (FAST) Act, which provided more than \$300 billion in funding for surface transportation programs. Prior to his position in the Senate, Shant served as Counsel to the Subcommittee on Highways and Transit for the House Committee on Transportation and Infrastructure, where he helped negotiate and draft the Moving Ahead for Progress in the 21st Century (MAP-21) Act – the surface transportation authorization bill for fiscal years 2013 and 2014.

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 Aide 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 (LA Metro) – Sepulveda Pass Rail Transit Project.** Key member of the legal team engaged to implement Metro's first application of the Pre-Development Agreement (PDA) 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. This is a first-of-its-kind project in two key respects—(1) LA Metro will be contracting with two developers under separate PDAs running in parallel tracks with different technology solutions, and (2) this is the first transit PDA in the nation. Shant's services include drafting the pre-development agreement, assisting with the procurement and advising on key issues related to commercial close.

**Los Angeles County Metropolitan Transportation Authority – Link Union Station Project.** Key member of the legal team advising on the agency's first CM/GC project to convert LA's Union Station from a "stub-end" to a "run-through" station. The project will increase operational capacity to meet the demands of the regional rail system, and provide full multimodal connectivity between light rail, subway, commuter and intercity rail with local, regional and intercity bus services and shuttle services. The project will proceed in two phases. Phase A will include modifications to platform 4 at Union Station and construction of a viaduct across the 101 freeway to ultimately accommodate 10 run through lines; Phase B will include raising the entire track yard at Union Station to enable 10 run through tracks across the 101

freeway. Shant's services include leading development of the CM/GC contract and advising on the procurement.

**Louisiana Department of Transportation and Development – I-10 Calcasieu River Bridge Public-Private Partnership Project.** Key member of the legal team advising on the LA DOTD's second P3 project. The project includes design and construction of a new six-lane bridge on Interstate 10 over the Calcasieu River, development of a new toll system, modification and relocation of existing roadways and demolition and removal of the existing bridge. This design-build-finance-operate-maintain project has an estimated capital cost of between \$550 and \$700 million. Shant's services include leading development of the Comprehensive Agreement and assisting with the procurement.

**Indiana Department of Transportation – I-65/I-70 North Split Project.** Member of the legal team advising on a \$316 million project to improve the safety and operations of the I-65/I-70 North Split interchange in Indianapolis. The Project includes new or replacement of 42 bridges, rehabilitation of six bridges, replacement of 27.6 lane miles of pavement and a non-tolled highway. An RFQ and contract were issued in April 2019 and June 2020 respectively. Shant is advising on ongoing administration of the Project.

**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, and the agreement with the Design-Build Contractor was executed in November 2020. Shant's services include leading the drafting of the procurement documents and the agreement, assisting with the procurement and advising on ongoing administration of the Project.

**Indiana Finance Authority/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 was issued in December 2019, an RFP in June 2020, and the DB contract was awarded in March 2021. Shant's services include assisting with evaluations and advising on ongoing administration of the Project.

**Maryland Transit Administration and Maryland Department of Transportation – Purple Line Light Rail.** Member of the legal team advising on Maryland's first transit P3 project, an approximately \$2 billion light rail system to facilitate mobility between the Maryland suburbs and Washington, D.C. The project reached commercial close in April 2016 and financial close in June 2016. 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 federal New Starts funding. We also advise on the implementation of its settlement agreement with the concessionaire and the reprocurement of a design-build contractor to complete the project. Three shortlisted teams were announced in March 2021. 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 \$1.8 billion P3, which included a multi-faceted upgrade of Denver International Airport's Jeppesen Terminal and the development and management of a new concessions program within the terminal. The project combined an availability structure with shared revenue risk on the concessions program. Shant's services included 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 Fiber Optic Resiliency Design Build Project.** Key member of the legal team advising on the project to design, supply, install and test a new fiber optic resiliency systems on the MBTA's commuter rail lines, which will support MBTA's Positive Train Control program and Automatic Train Control program. Shant is assisting with the procurement.

**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 assisted 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 that advised on 5-mile extension of the Green Line light rail. The agency retained us to examine the deployed construction manager/general contractor delivery method, consider alternatives and make recommendations on the optimal delivery method going forward. Following the termination of existing contracts, we guided them on the procurement for a design-build contract to complete the project, which included the use of an affordability limit and identified six prioritized scope additives. Shant's services included assisting in drafting the procurement documents, including the Instructions to Proposers and the Design Build Contract. He 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.

**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 assisted 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 federal funding, financing and policy issues relating to infrastructure, transportation and technology. Shant's services include advising on federal funding and financing mechanisms to support project goals, creating comprehensive legislative and policy strategies, coordinating complex advocacy campaigns, drafting legislative language and advocacy materials, developing coalitions and leading engagement efforts with policymakers.

## INSIGHTS

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### SPEAKING ENGAGEMENTS

Speaker, "The Emerging Growth of Progressive Design-Build Delivery and What it Means for P3 Projects," 2021 Public-Private Partnership Government Conference, Arlington, VA, 12.07.2021

Moderator, "Federal Infrastructure Legislation: Opportunities from the Owner's Perspective," 2021 Public-Private Partnership Government Conference, Arlington, VA, 12.07.2021

Speaker, "Infrastructure Investments," Regulatory Fundamentals Group 2021 Fall Conference, New York, NY, 10.27.2021

Moderator, "Procurement and Contract Issues for CM/GC, CM@RISK, Job Order Contracts and Other Alternative Project Delivery Methods," Transportation Research Board's 60th Annual Workshop on Transportation Law, 09.13.2021 – 09.15.2021

Speaker, "How Federal Transportation Policy Developments Impact You," WTS-LA Lunch & Learn, 06.16.2021

Speaker, "Procurement and Contract Issues for CM/GC, CM@Risk, Job Order Contracts and Other Alternative Delivery Methods," 2021 Transportation Research Board Annual Meeting, 01.07.2021 - 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

Speaker, "Why Pension Systems May Find New Opportunities in P3 Infrastructure Investments," *Public Pensions & Investments Briefings*, 09.02.2021

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, 2021-2022

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 and Board Member, Public Private Partnership Division

The Fund for American Studies, Public Policy Fellow (2013); 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