



# Jonathon H. Foglia

Member

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## Practice Areas

- Aviation Regulatory
- Government & Regulatory
- Transportation & Trade

## Industry Sectors

- Aviation

## Education

- Northeastern University, J.D., 2005
- American University, B.A., *cum laude*, 1997

## Bar Admissions

- District of Columbia

## Affiliations

- American Bar Association, Forum on Air & Space Law
- American Bar Foundation, Fellow

## Awards & Honors

- Chambers USA - Aviation: Regulatory, 2016-present
- Who's Who Legal - Aviation: Regulatory, 2017-present
- Who's Who Legal - Unmanned Aircraft Systems, 2023
- Expert Guides - Aviation, 2017-present
- *The Legal 500 United States* "Leading Lawyer" for Transport: Aviation and Air Travel 2023, 2024
- Lexology Index, Thought Leaders Transport-Aviation Regulatory, 2025

Jonathon advises U.S. and foreign airlines, public charter operators, aviation industry trade associations, and travel intermediaries (e.g., online travel agencies, travel management companies, and tour operators) on matters arising under the U.S. Department of Transportation's (DOT) economic regulations, including licensing and registration, consumer protection requirements, and investigations and enforcement actions. He also counsels aviation clients on U.S. carrier continuing fitness and citizenship requirements, competition matters, joint ventures and airline alliances, traffic rights under bilateral air service agreements, multilateral treaties concerning liabilities in international air carriage, and competitive route and slot-award proceedings. Jonathon is co-chair of the Aviation Industry Team.

As part of his regulatory practice, Jonathon counsels passenger and all-cargo airlines and other aircraft operators (including both crewed aircraft and uncrewed, *i.e.*, drone, operators), aviation manufacturers, fixed-based operators, and shippers under the Federal Aviation Regulations, Civil Aviation Security Regulations, and Hazardous Materials Regulations. He also regularly represents such entities before government agencies, including adversarial proceedings and civil penalty actions before the Federal Aviation Administration (FAA), Transportation Security Administration (TSA), and U.S. Customs and Border Protection (CBP).

Before entering private practice, Jonathon was a presidential management fellow in the Office of the Secretary and Office of the General Counsel at the DOT. From 1998 through 2001, Jonathon worked in the planning department of a major U.S. network airline. He has extensive knowledge of both the legal and business sides of the commercial aviation industry.

Jonathon has consistently been ranked as a leading aviation and regulatory attorney in peer-review publications, including *Chambers USA*, *Who's Who Legal*, and *Expert Guides*. He serves on the adjunct faculty at Georgetown University Law Center, where he teaches Aviation Law, and currently is the editor-in-chief for the American Bar Association's *Air & Space Lawyer*.

Jonathon earned his bachelor's degree, *cum laude*, from American University and his law degree from Northeastern University School of Law. He is fluent in Spanish.

## Experience

### *Department of Transportation*

- Represented Alaska Airlines in its \$1.9 billion acquisition of Hawaiian Airlines. This representation included preparing the airlines' joint applications to the U.S. Department of Transportation (DOT) for approval of the transfer of Hawaiian Airlines' various DOT licenses and authorizations, as well as negotiating an unprecedented DOT-required agreement involving specific air service, competition, and consumer protection-related provisions.
- Obtained approvals for the transfer and re-issuance of U.S. air carrier certificate authorities and foreign air carrier permits in connection with mergers, acquisitions, and related transactions.

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- Represented major U.S. airlines in DOT initial certification proceedings as well as continuing fitness reviews triggered by substantial changes in carrier ownership, management, and operations.
- Secured foreign air carrier initial U.S. traffic rights in support of service launches.
- Advised investors in U.S. airlines (including private equity funds) on shareholding and ownership structures under DOT air carrier citizenship laws.
- Obtained international route authorities and slots at capacity-constrained airports in support of U.S. air carrier services, including through competitive allocation/carrier selection proceedings.
- Secured DOT approvals for international codesharing, long-term wet leasing and other inter-carrier arrangements.
- Counseled U.S. and foreign air carriers on internal audits, training, and compliance programs in connection with DOT disability accommodation and aviation consumer protection requirements.
- Represented U.S. and foreign air carriers and ticket agents in investigations and enforcement proceedings involving alleged violations of DOT economic regulations.
- Defended U.S. and foreign air carriers in third-party complaint proceedings before the DOT.
- Counseled travel intermediaries on compliance with DOT fare advertising and related consumer protection rules.

#### ***Federal Aviation Administration***

- Secured FAA exemptions and other approvals for uncrewed aircraft system (UAS) operators.
- Obtained FAA operations specifications and related authorizations for foreign air carriers initiating first-time U.S. services as well as aircraft interchange and wet leasing arrangements.
- Represented U.S. air carriers and other aircraft operators in investigations and enforcement proceedings involving alleged violations of the Federal Aviation Regulations, including but not limited to operating rules under Parts 91, 121, 125 and 135, and drug and alcohol testing requirements applicable to safety-sensitive functions.
- Counseled private aviation operators, including corporate flight departments, on operating arrangements under applicable FAA requirements.
- Defended shippers and air operators in FAA enforcement proceedings arising from alleged violations of the Hazardous Materials Regulations applicable to the offering, acceptance, and transportation of dangerous goods.

#### ***U.S. Customs and Border Protection***

- Defended foreign air carriers in CBP administrative enforcement proceedings involving fines, penalties, and liquidated damages for alleged breaches of bond obligations and violations of the Air Commerce Regulations and Immigration Regulations.
- Secured CBP landing rights and airline inspection facility approval for all-cargo operations at U.S. airports.

#### ***Transportation Security Administration***

- Defended aircraft operators in TSA investigations and enforcement proceedings involving alleged non-compliance with Civil Aviation Security Regulations, air operator security programs, and security

directives.

- Counseled U.S. and foreign airlines on internal audits, training, and compliance programs in connection with TSA-imposed aviation security requirements.

***Commercial and Other Matters***

- Acted for U.S. and foreign airlines in negotiating terms of joint venture and other alliance and cooperative arrangements, including capacity purchase, codesharing, frequent flyer program reciprocity, interline, and ground handling arrangements.
- Negotiated terms for ad hoc and long-term aircraft charter arrangements, including wet leasing and ACMI arrangements.
- Represented airlines in negotiations with airport authorities on terminal lease and use agreement terms.
- Advised travel intermediaries on state licensing and industry accreditation matters in connection with changes of control, joint ventures, and spin-off transactions.