

# Transport Infrastructure: Airports, Bridges, Ports, Rail, Roads

## Overview

In a developing and expanding economy an efficient network is vital, but this requires investment in infrastructure and management. With publicly-funded programs facing scrutiny, your sector needs to find alternative procurement models, while ensuring existing asset bases. Interest is increasing in private finance initiatives that attract investment from pension funds, sovereign wealth funds and infrastructure groups and funds. This kind of initiative looks likely for many countries with secondary implications for infrastructure users in the future.

As you navigate these issues you need legal support from a firm that understands your needs and the rapid changes taking place in your sector. Benefit from the unique expertise of Dentons' team in advising government, sponsors and lenders on all kinds of infrastructure developments, including: energy and water projects, roads, harbors and railways.

At Dentons, we drive projects both in developed countries and in emerging markets. Our global reach means that Dentons' lawyers seamlessly adapt to the various systems of law involved.

Make Dentons your partner. With us you get a clear insight into policy development and a deep understanding of private finance initiatives and potential implications. You receive advice across everything from project planning to privatization and from the supply chain to congestion management. Wherever your business takes you, our lawyers are driven to provide you with advice that makes a difference.

## Representative Experience

- **PricewaterhouseCoopers Associates Africa Limited:** Advising (in conjunction with PricewaterhouseCoopers) the government of Rwanda on the procurement of a US\$650 million international airport concession. The new international airport, with a planned capacity of three million passengers a year, will be located in the Bugesera District, 25 kilometers southeast of the capital, Kigali. The aim is for the airport to become a key hub in East Africa. It is a flagship project for the fast-developing Rwandan economy, which has decided to procure this project through a public-private partnership structure.
- **Birmingham City Council:** Advising the mandated lead arrangers (MLA) of the Birmingham Highways Maintenance Private Finance Initiative Project. Birmingham City Council wanted to transfer the risk of upgrading, operating and maintaining its highway network. Amey Ventures Ltd. was appointed by the council to deliver this £2.8 billion project. Having previously advised the UK Highways Agency on 12 privately financed design/build/finance/operate road projects, including the M25 London orbital motorway, as well as private sector consortia and lenders on roads projects around the world, we were appointed to advise the MLAs on the project. We successfully advised them on a range of complex commercial, legal and financial structuring issues. The project was given the European PPP Deal of the Year 2010 award by Project Finance International, with our team being nominated for Infrastructure Journal's Transport category award. The project is now delivering an improved highway network in Birmingham and the certainty of a long-term maintenance program.
- **Dragados:** Acting as counsel on the design-build joint venture for the Fraser Transportation Group (led by Dragados) regarding the South Fraser Perimeter Road (Gateway Program) highway project, which achieved financial close in July 2010.
- **Eko Rail Company Limited:** Supporting its successful bid to operate the new rail system. This project involves substantial track and station fit-out works, operation and maintenance, rolling stock supply and project financing sourced from a range of international banks, equity investors, local banks, development finance institutions and

export credit agencies (ECAs). This project shows the strength of the firm's rail practice in Africa and other emerging markets, and synergies with its well-respected Project Finance practice.

- **Gmina Miasta Sopotu:** Advising, in cooperation with the law firm KSP, the popular seaside resort town of Sopot, near Gdansk, on the preparation and implementation of a city center revitalization project involving a public-private partnership. The €50 million project includes the revitalization of the railway station, owned by PKP (the Polish railway company), and the approx. 17,000m<sup>2</sup> of neighboring city center areas, as well as the construction of commercial facilities (hotel, shopping center, office buildings, parking lots, etc.). This was the first PPP revitalization program in Poland, and it was awarded “Best PPP Project” in the 2009 Good PPP Practices Competition (Konkurs Dobre Praktyki PPP), which the city of Sopot won in the category of municipal infrastructure.
- **Hellenic Republic:** Advising as international legal counsel (in conjunction with financial advisors) in relation to the restructuring of four public-private partnership road projects, which were entered into in 2006–2008, as well as the awarding of a concession contract for a fifth road project (already built). In the case of the former, these are toll roads heavily reliant on traffic revenue to underpin the projects. With the financial crisis affecting Greece, however, traffic volumes fell by up to 40 percent. This undermined the financial viability of the projects, resulting in project lenders suspending funding. The restarting of construction is seen as an important tool in Greece's economic recovery, and the Firm has worked closely in agreeing to revisions to the concession arrangements, thereby encouraging the lenders to recommence lending under vastly different circumstances than in 2006–2008. However, considerable care has been needed to ensure the revised commercial terms have not fallen afoul of EU procurement and state aid rules.
- **Infrastructure Québec and the Ministère des Transports du Québec:** Advising on the design and construction of the main infrastructure of the Turcot Project in Montréal, a C\$3 billion project.
- **Nevsky Meridien Consortium:** Advising a consortium led by Bouygues Travaux Publics and Strabag AG on a tender for the construction/concession contract for the 46km Western High Speed Diameter Ring Road in St. Petersburg, Russia, the largest PPP project of its kind ever undertaken, with a projected construction cost of over €3 billion. This was the first PPP under the Russian concession law and, as such, set the tone for all PPPs in Russia, and it was also a first in terms of engineering complexity and the size of the undertaking on a PPP basis. This became a landmark deal in Russia, but also a landmark for transport PPP markets globally.
- **Québec Ministry of Transportation:** Advising in connection with the extension of Highway 30 under a public-private partnership structure.