

Infrastructure and Public-Private Partnerships

Comprehensive legal counsel to get your infrastructure project completed

Capabilities at a glance

- **A multi-disciplinary team** that brings together Quarles lawyers with the corporate, real estate, environmental, legislative, transportation, energy, tax, and state and local government experience necessary to successfully complete complex projects.
- **Significant experience with public-private partnership (P3) arrangements** for the delivery of major infrastructure improvements.
- **The highest level of infrastructure-related insights**, not only about the legal, legislative and regulatory framework that applies to any given transaction, but also about related political developments that can affect a transaction.
- **Direct experience with state and local government decision-making, operations, customs and practices**—knowledge which informs our strategic advice.
- **Support for a range of infrastructure projects**, including roads, bridges, rail, ports, electric generation and gas infrastructure.

Comprehensive legal support for your infrastructure project

We are proud to provide our clients with truly comprehensive legal services, responding with agility and assertiveness to the obstacles they face at all stages of project development and operation. We have significant experience working with our clients on P3s and recognize from our prior representations that P3s require a multi-disciplinary approach—calling upon our corporate support one day and our tax services the next. We have helped steward major P3 projects from conception to completion, many of which have been the first of their kind in their jurisdictions—with all the legal skill, strategy and creativity that such representation requires.

Attorneys who understand your industry and appreciate the government's perspective

We have excellent working relationships with governmental decision-makers on infrastructure projects, particularly those with state transportation departments, tolling authorities and related agencies. Because our team includes lawyers who served in government roles earlier in their careers, we understand the unique issues facing government entities and the sensitivities of intergovernmental relations. We also have considerable experience with the stakeholders who weigh in on, and sometimes oppose, infrastructure projects,

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including environmental not-for-profits and local coalitions.

Experience

- **Drafting and negotiating various project agreements**, including engineering, procurement and construction (EPC) contracts, design-build contracts, public-private agreements, operation and maintenance agreements, leases and easements.
- **Securing federal, state and local permits and approvals**, including permits from the U.S. Coast Guard and U.S. Army Corps of Engineers, roadway jurisdictional transfers from state and local transportation agencies, overpass authorizations from the Illinois Commerce Commission and property tax exemption certificates from the Illinois Department of Revenue and county boards of review.
- **Advising clients on federal and state laws that impact infrastructure and P3 deals**, including the federal Infrastructure Investment and Jobs Act, the Illinois Public-Private Partnerships for Transportation Act, the Illinois Public-Private Agreements for the Illiana Expressway Act, the Illinois Toll Bridge Act and Illinois municipal “home rule.”
- **Identifying and analyzing the legal issues that are critical to P3 and other infrastructure transactions** regarding financing, third-party investment, government incentives, procurement, government transparency and confidentiality, taxation and environmental matters, including the application of the National Environmental Policy Act (NEPA).

Successes

- We served as lead counsel to a real estate investment trust in a P3 to develop, finance, construct, operate and maintain a toll bridge project in southwest suburban Chicago. As part of that project, we drafted and negotiated project agreements, including a four-way memorandum of understanding, a tolling agreement and a bridge and ground lease; settled litigation with a railroad company; drafted and negotiated enabling state legislation; secured federal, state and local permits and approvals; and advised on transportation, real estate, corporate, tax and environmental matters, and on a multitude of other areas of law.
- Represented an infrastructure investment and operating company on the reconstruction of an interstate bridge.
- Represented Tesla Inc. on electric vehicle (EV) infrastructure matters, including in state regulatory proceedings concerning the EV charging infrastructure plans, programs and rates for Illinois’ two largest electric utilities.
- Represented Brookfield Infrastructure Group in its acquisition, financing and refinancing of a district cooling system that serves downtown Chicago.
- Represented a Fortune 500 technology company on electric and gas infrastructure disputes and other matters associated with the development of a 200-plus megawatt data center in Illinois.

