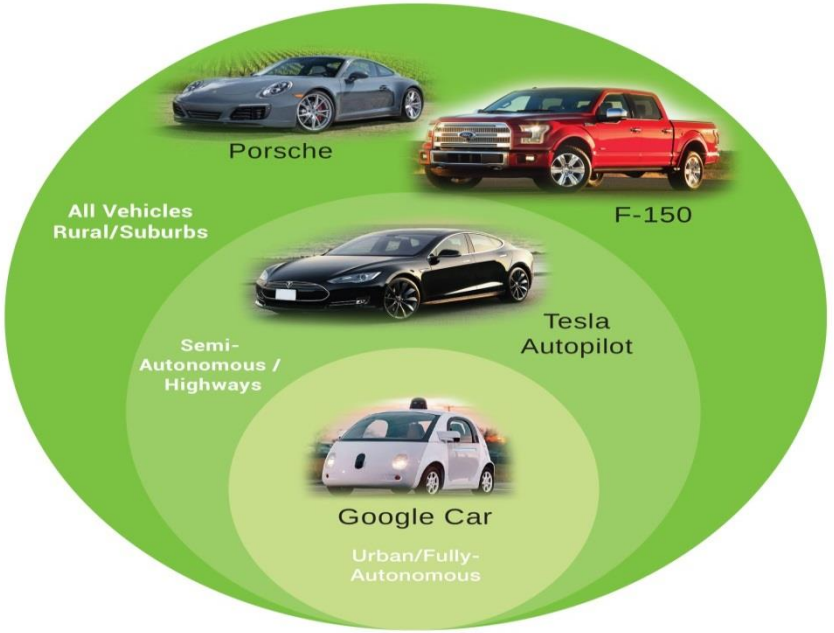
NextGen Transportation Grants and Pilot Programs: Ridesharing and the Gateway to Automation

April 23, 2017

IMLA Mid-Year Seminar



PRESENTED BY

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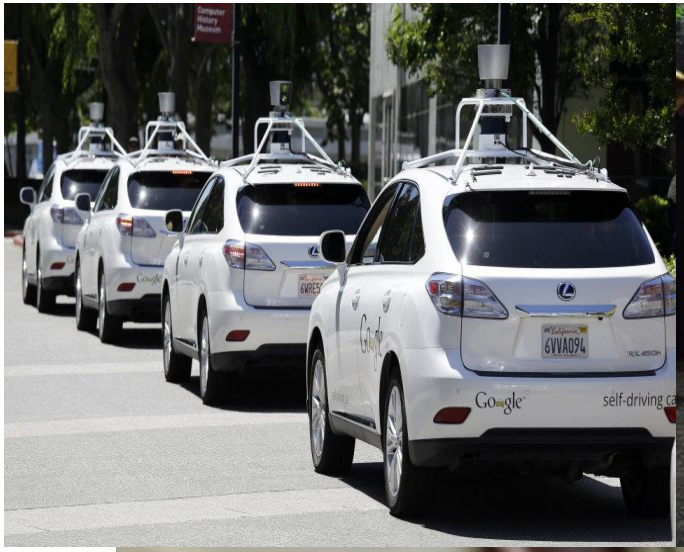
Innovation vs. Safety

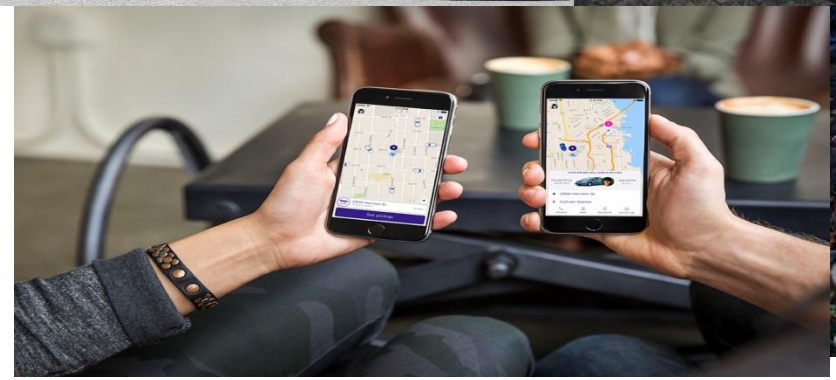


Driverless Car Mishap #13

Perfect Innovation Storm



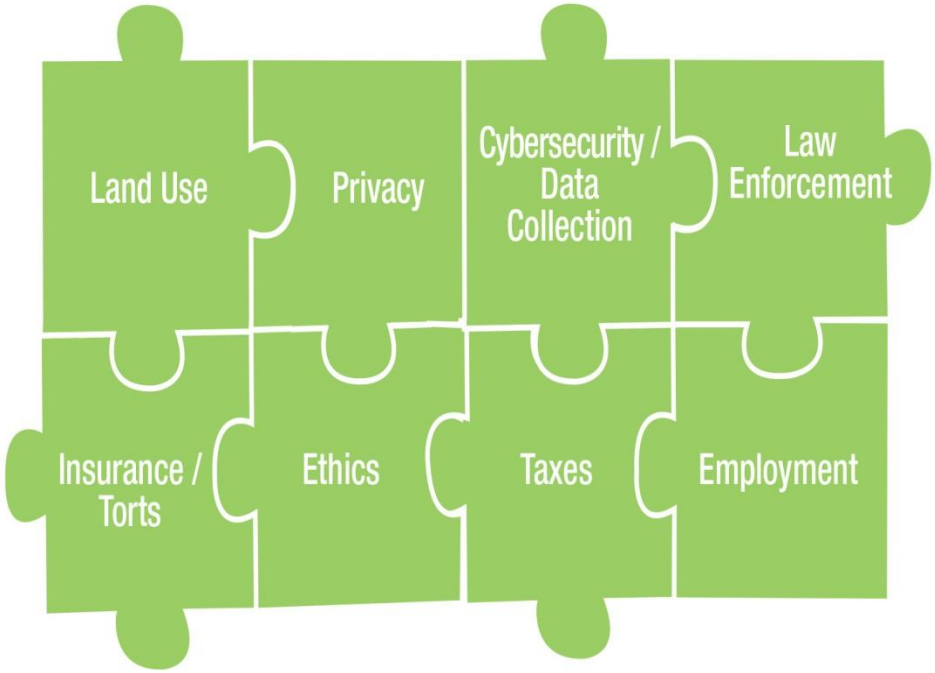






Foreseeable Legal Issues

- **Fit Existing Regulations?**
- Land Use / Zoning
- Design Safety / Operational
- Wireless/Broadband
- Insurance / Tort
- **Privacy / Cybersecurity**
- Ethics
- Muni Financial impacts
  - **Employment / Labor**



Local Governments – Opportunities!

- Smart Transportation Partnerships / Pilot Projects
  - Do not forget **public contracting requirements**
  - Transparency
  - **More data, more problems**
- Be aware of where any grant funding is coming from and requirements
- **Coordination with regional and local agencies**



On-Demand Mobility Pilot Projects

- Shared Mobility FAQs:
  - Equity: access to smartphones
  - Disability Access: equivalency
  - ADA: likely applies whether using local or federal funding when primary purpose is public transportation
  - Drug and Alcohol Testing: potential application of “taxicab exception”
- https://www.transit.dot.gov/regulations-and-guidance/shared-mobility-frequently-asked-questions

FTA Funding

Can it be used?

- "It depends"
- 49 U.S.C. Section 5302 – What is eligible?
  - shared-ride surface transportation
  - providing technology to support use of shared mobility
- "Exclusive" vs. "Shared-Ride"
  - General nature of the service must include shared rides
    - More flexibility if job access or reverse commute
  - Ride-splitting likely okay
- Don't forget about non-transit uses!

Contract Clauses to Consider

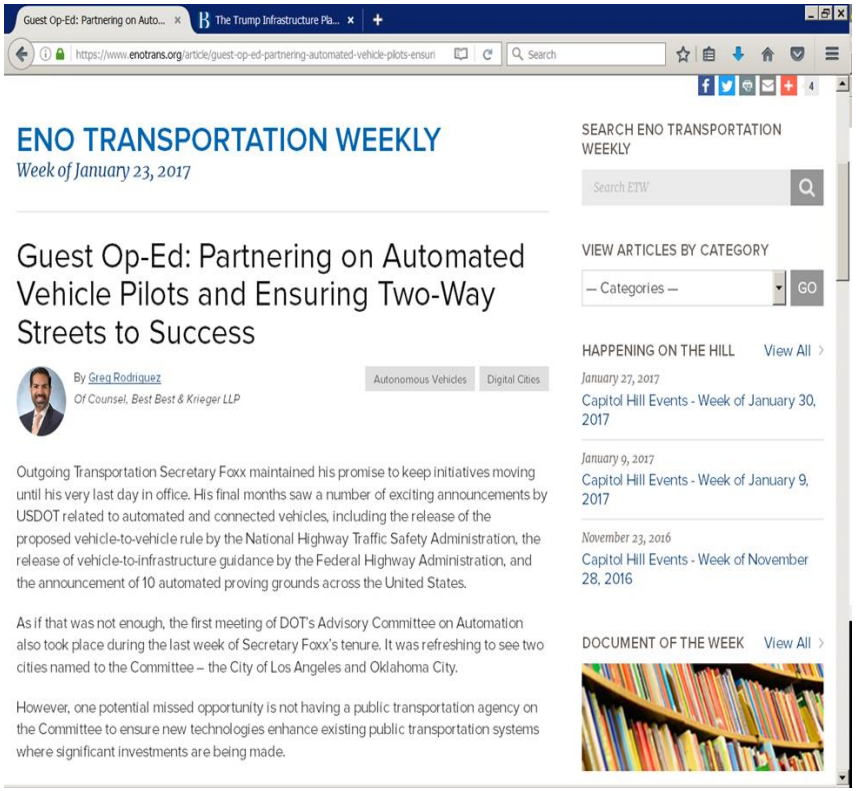
- Assist with grant reporting
- **No PII to agency and all data anonymized**
- Focus on safe pick-ups and drop-offs
- **Maintain accurate geofencing**
- Data storage and use
- **“Surge” pricing**
- **Potential Sale or Merger**

Tougher Issues

- Indemnification and Insurance
- **Liability for Independent Contractor Drivers**
- **Public Records Requests**
- Drug and Alcohol Testing
- **Fingerprinting and Background Checks**
- ADA
- Equity and Non-Discrimination

Two-Way Street Pilot Projects

- **Collaboration!!!**
- Transparency
  - Innovative RFP's and Contracts
- Information sharing
  - Privacy / Informed Consent?
  - Proprietary Issues
- Public Outreach / Education



Public Contracting

- Transparency
- Scope of Work and Goals
- Partnership
- Evaluation Criteria
- Public Records and Data Ownership
- Deliverables



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Privacy

- Agency Policy?
- Contractor Requirements?
- Informed Consent?
- Investigations / Subpoenas?
- Data Sharing?



Data Retention

- Retention Policies
- Trust
  - Predictability
  - Manageability
  - Disassociability
- Risk Factors
  - Costs
  - Reputation
  - Programs Goals
  - Future Funding



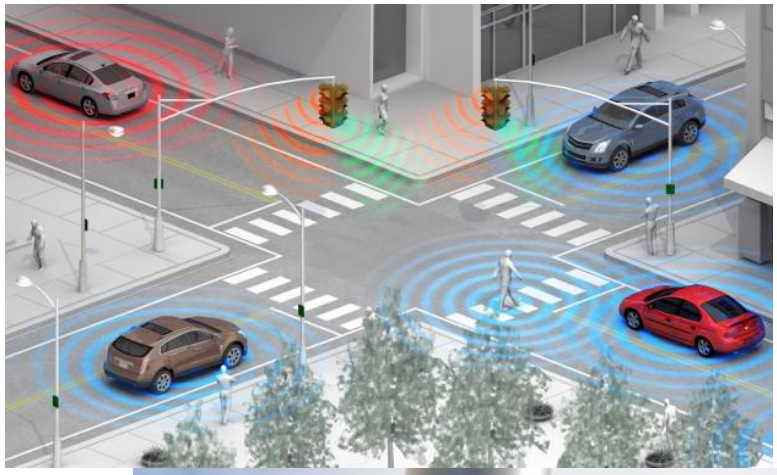
Cybersecurity

- No Perfect Security
  - If you don't have it, you can't lose it
- Ongoing Risk Assessments
- Data Breach Response Plan – Updates!!!
- Cyber Insurance
- Know the Law / Track Regulations



Connectivity

- What is going to be needed?
  - Sensors?
  - Antennas?
  - V2X?
- Local control of ROW
- What is technology of the future?





Federal Perspective



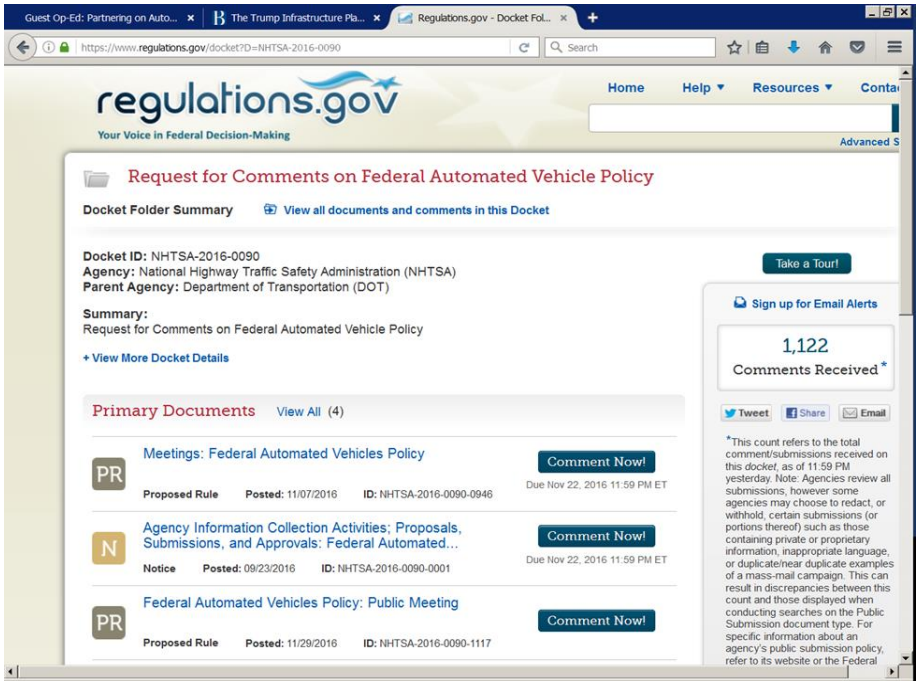
U.S. Department of Transportation

NHTSA

- Released Sept. 2016
- Only guidance – "important early step"
- Potential benefits: "safety, mobility, and sustainability"
- 4 Sections, including Model State Policy
- Update within 1 year???

Comments Filed

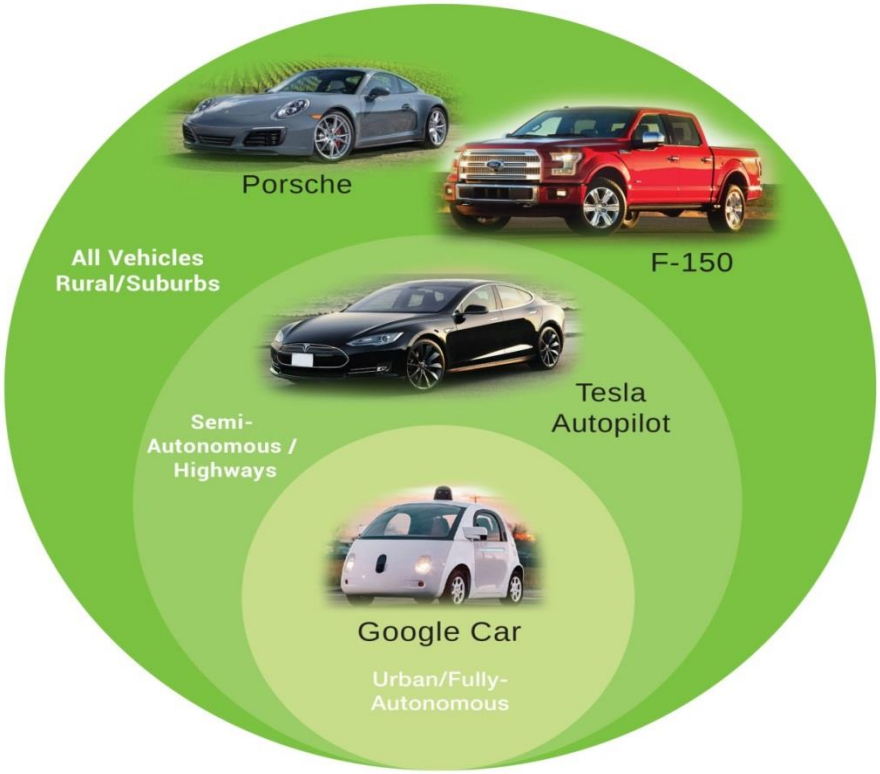
- Over 1,100 comments
- Our comments focused on local govt interests:
  - Not one size fits all approach / regional
  - Engage local governments and control over ROW
  - Looming infrastructure $$$$ gap



National Updates

- What is Federal Government doing?
  - Executive / DOT on hold…
  - Congress becoming interested – good thing?
- What are States doing?
  - AZ Executive Order
  - CA Proposed Regulations
  - Other Legislation
    - Protecting existing manufacturers
    - Pre-emption
- What are Cities doing?

Imagine This?





Not This!!!







The Road Ahead

- Federal $$$?
- Potential Gateway to AV's?
- Collaborative Procurements?
  - DOT Smart City Challenge
  - Technology Circular?
- Smart Cities and Innovation!
- Connections and Enhanced Mobility???



More Information



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