Preemption, Privacy and People: Legal and Policy Foundations for “Smart”er Transportation

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Urbanism Next 2019
With Data Comes Great Responsibility
EDUCATION AND TRUST
BENEFITS VS. RISKS

- Efficient use of resources
- Prioritizing infrastructure investments and capital projects
- Insights into rider preferences
- Safety

- Misuse of information
- Data breaches
- Compliance considerations and costs / Contracting
- Privacy and customer trust
SHOW ME THE DATA?

HELP ME....
HELP YOU!!
INFORMED CONSENT TO INFORMED RISK?

Important updates

Twitter is updating its Terms of Service and Privacy Policy to provide you with even more transparency into the data Twitter collects about you, how it’s used, and the controls you have over your personal data. These updates will take effect on May 25, 2018. Learn more

Apple Music & Privacy

Apple Music is designed to protect your information and enable you to choose what you share.

- Apple collects information about your Apple Music activity, such as the songs you play and how long you play them, to personalize the service when you are subscribed, and compensate our partners.

- iCloud Music Library sends information from your music library to Apple, such as song and artist names, to identify and unlock copies of any of your songs that are also available in Apple Music.
What sign is missing?
WHAT IS A “PARTNERSHIP”?

• Agreements matter
  • Think beyond just collecting the data
• Consider public records laws (state by state)
  • How to balance true proprietary and confidential information concerns vs. open government
• How do third party data repositories work?
SHORT TERM TENSION

PEOPLE

VS

“SCALING UP”
The “P” Word
FOUNDATIONS NEEDED

- **Safe Integration** – What is safe enough?
- Preemption – Too early?
- Right-of-Way Regulation
  - Connection to wireless deployment
  - **Interoperability**
- Tax and Revenue
  - Paying for infrastructure
  - Congestion / Curb Management Fees
- Privacy and Data Sharing
- Terms of Use (i.e. mandatory arbitration)
- TNC Regulations – Agency jurisdiction?
- Equity and Access – More than just talking points!
- Public Trust / Adoption
- “Public Transportation”
A MOBILITY EXPERIMENT – WHAT HAVE WE LEARNED?
Federal, State, and Local Governance of Automated Vehicles

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SUMMARY

Automated vehicles (AVs) bring the possibility for direct and expansive societal benefits. They could improve mobility for the elderly, disabled, and underserved individuals, expand access to jobs and health care, ease congestion, and improve fuel economy. But without appropriate governance structures and policies, rapid deployment of AVs could actually worsen our transportation problems.

Guidance for Regulation of Dockless Micromobility

Local governments across the country are experiencing the increased integration of new technology platforms into their transportation systems. One area where this growth is moving at a fast pace is the deployment of dockless micromobility, such as bikes, including electric assist, and electric scooters. While dockless micromobility offers great opportunities to reduce congestion and help local governments meet goals around reduction in greenhouse gas emissions, these new technologies are challenging to regulate since they often do not fit neatly into existing ordinances and laws. They can also pose safety and privacy risks to users and thus it is important that local governments carefully consider if and how to regulate them. The goal of this guidance is to provide general risk mitigation considerations for the integration of dockless micromobility.
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