



ITS America Comments to INVEST in America Act

Final Comments

The following are comments submitted by members of the Intelligent Transportation Society of America (“ITS America”) to the “Investing in a New Vision for the Environment and Surface Transportation in America (INVEST in America) Act.” Comments represent the views of member organizations and may not necessarily reflect ITS America’s views on the INVEST in America Act. On behalf of the transportation sectors represented by the association, including state, city, and county departments of transportation, metropolitan planning organizations, automotive manufacturers and suppliers, technology companies, engineering firms, and research universities, ITS America appreciates the opportunity to provide comments.

INVEST in America Act

June 9, 2020 Comments

ITS America General Comment:

- ITS America confirms that Intelligent Transportation Technologies, including Vehicle-to-Infrastructure technology, remain an eligible activity under the Congestion Mitigation and Air Quality Improvement Program, Highway Safety Improvement Program, Surface Transportation Program, National Highway Performance Program, Transportation Infrastructure Finance and Innovation Act, National Highway Freight Program, and Railway Crossings.

ITS America General Comment:

- ITS America supports making Vehicle-to-Infrastructure (V2I) eligible under the Bridge Investment program.

ITS America General Comment:

- ITS America supports a federal share of 100% for life saving Vehicle-to-Infrastructure (V2I) and Vehicle-to-Pedestrian (V2P) safety technologies in the Railway Crossings program and Toward Zero Deaths program.

ITS America General Comment:

- ITS America supports making Vehicle-to-Pedestrian (V2P) an eligible activity for the Congestion Mitigation and Air Quality Improvement Program, Highway Safety Improvement Program, Surface Transportation Program, National Highway Performance



Program, Transportation Infrastructure Finance and Innovation Act, National Highway Freight Program, Transportation Alternatives Program, Railway Crossings program, and Toward Zero Deaths program.

ITS America Member Comment:

- Concern with the breakout of so many programs, which while they help direct a very specific vision, may also force states into those transportation tracks even if other projects are necessary.

ITS America Member Comment:

- Concern with the '*Significantly strengthens accountability and oversight of discretionary grant programs authorized under the bill. Requires that project selection be based on data driven determinations, quantified, and documented.*' language. Oversight helps, but several of the previous Connected Automated Vehicle pilots issued by United States Department of Transportation (DOT) should serve as examples of what not to do with oversight that eventually caused project delays.

ITS America Member Comment:

- Emissions/Greenhouse: We have not as a nation done enough, and we support the initiative to include more direction for emission reduction. The concern is in the implementation since there are no clear benchmarks and to reach consensus will take time so we are a little worried the first two or even three years will be difficult for most.

ITS America Member Comment:

- Note that the Value Pricing effort may run into local legal issues. Some municipalities may not agree and thus programs within those jurisdictions may not benefit.

ITS America Member Comment:

- We note the lack of cybersecurity program funding, though believe it could be added language within the programs themselves - sprinkling it throughout the bill may be sufficient.
- ITS America supports the concern identified by this member. ITS America's FAST Act reauthorization cybersecurity policy supports the following:



- Support policy that would provide states and localities funding and technical assistance to safeguard critical transportation systems that are more reliant than ever on connectivity to communicate and exchange data from cybersecurity threats.
- Amend 23 U. S.C. § Sections 119, 133, 167, and 148 of 23USC to authorize that funds made available may be used to implement measures to protect highways, roads, bridges, and tunnels against cybersecurity threats to transportation infrastructure by allowing system access only as authorized and preventing malicious activity.
- Amend 49 U. S. C. Chapter 53 of Subtitle III of 49USC to protect public transportation systems from cybersecurity threats – Amend § 5302 definitions to include measures to protect against cybersecurity threats under the definition of Capital Project to allow system access only as authorized and prevent malicious activity.
- Amend 23 U. S. C. § 503(c)(4)(E) to include measures to protect against cybersecurity threats as an eligible use of grants.

Sec. 1206. Transportation Alternatives Program.

P176, L6-13

ITS America and the ITS America Mobility on Demand Alliance Recommended Amendment (insert ebicyclists):

- “(A) Construction, planning, and design of on-road and off-road trail facilities for bicyclists, ebicyclists, pedestrians, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 14 12101 et seq.).

Sec. 1306. Gridlock Reduction Grant Program.ⁱ

ITS America Member Comment:

- Support including funding for “life-cycle costs” which would include deployment, recurring O&M, and replacement costs over a certain period (e.g., 5-10 years). This would relieve the burden on the local operating agencies in utilizing ITS and emerging technologies to their fullest capability.



- ITS America supports including funding for “life-cycle costs.”

ITS America Member Comment:

- TSMO is a national trend that many State DOTs are adopting. It is transforming ITS into broader applications in making these agencies more efficient. In addition to systems and technology, TSMO also addresses business processes, performance management, organization & workforce, culture, collaboration. However, TSMO is not even mentioned in the proposed Act. We suggest that TSMO be either included in these same sections or included separately along with a dedicated funding source.

Sec. 1105. Additional Deposits into Highway Trust Fund.

ITS America Member Comment:

- Extends a provision to allow any additional sums deposited into the Highway Trust Fund to be distributed through existing statutory formulas without a need for further authorization and ensures that set-asides are included in this calculation. Do we know how the funds will be distributed to the different formula mechanisms? Since there are nine programs, how will they decide who gets the additional deposits?

Sec. 1107. Complete and Context Sensitive Street Design

P 99, L13

ITS America Member Comment:

- This section replaces the requirement that Interstate design accommodate strict 20-year traffic forecasts on the Interstate and instead allows States to focus on the existing and future operational performance of the facility. It looks like the section completely removes the 20- year forecast and replaced it simply with ‘existing and future’. Removing this language is very concerning. Removal of the longer-term impacts results in immediate spending on existing problems without considering that a slightly more complex problem can fix a 5-15-year issue and better manage mobility. Without clearer language that requires to look at future years, and specifically how many or how do they even define ‘future’ (could be one year if the IOO wants to bypass on this), IOOs could analyze their existing/one-year traffic, design an interchange to meet just that volume of mobility needs, and then five years later when it is actually built and leadership turnovers have already occurred (i.e. governors or secretaries), the project would no longer



accommodate traffic because land use changed in five years and more traffic was generated. We do strongly support the context sensitive design language.

Sec.1301. Projects of National and Regional Significance

P 237, Paragraph (B)

ITS America Member Recommended Amendment:

- Insert – “vehicle-to-everything communications, emergency vehicle preemption, transit signal prioritization, highway and mass transit applications of intelligent transportation systems.”
- ITS America supports this amendment.

ITS America Member Comment:

- Justification: Integrating modern transportation technology should be thought of holistically and supported beyond innovative construction materials to look at the whole system for upgrades that will have safety and efficiency improvements for all users, especially for large and possibly multi-state projects like those under Sec. 1301.

Sec.1302. Community Transportation Investment Grants

P 246, L7

ITS America Member Recommended Amendment:

- Insert – “(3) integration of highway and mass transit applications of intelligent transportation systems to improve vehicle and infrastructure connectivity, safety, inter-modality, and system efficiency.”
- ITS America supports this amendment.

ITS America Member Comment:

- Justification: Including advanced technology integration into the grant evaluation process will ensure that applicants think about inclusion of electronic connectivity and advanced transportation systems for community-based projects, which have the ability to support the rest of the goals (safety, accessibility, and efficiency).



Sec.1306. Gridlock Reduction Grants

P 289, L 24

ITS America Member Recommended Amendment:

- Insert – (10) vehicle-to-infrastructure or related communications systems; (11) curbside management, including digital payment mechanisms
- ITS America supports this amendment.

ITS America Member Comment:

- Justification: Additional qualifying technologies that would help reduce traffic congestion under the grant program

Sec. 1309. Active Transportation Connectivity Grant Program

P 314, L 14-18

ITS America and the ITS America Mobility on Demand (MOD) Alliance recommended amendment:

Amend definition to be more reflective of NACTO description:

- NACTO Centric Amendment - (l) DEFINITIONS.—In this section: (1) ACTIVE TRANSPORTATION.—The term “active transportation” means mobility options **fully or partially human-powered including bicycling, scootering and walking.**

Sec. 1601. Toward Zero Deaths.

P 366, L3

ITS America Member Recommended Amendment:

- Insert new subsection (g) :
 - “(g) AUTOMATED TRAFFIC ENFORCEMENT.— This provision eliminates all prohibitions against the use of funds apportioned to a State under section 104(b) of title 23, United States Code, for the purchase, operation, or maintenance of automated traffic management traffic enforcement systems. Such funds may be use by a local government, metropolitan planning organization, or regional transportation planning organization to develop and implement a vision zero plan.”



ITS America Member Comment:

- This provision does not require that states use HSIP for automated traffic enforcement but allows those states that wish to use these funds for this purpose to do so. Many state and local governments have long used this technology because of its proven safety benefits in preventing crashes and saving lives. COVID-19 enhances the value of photo-enforcement technology because it can protect police officers' lives by limiting unnecessary interaction with infected speeders or red-light runners. Moreover, it serves as a police force multiplier, enabling police officers to refocus their energies on other high priority tasks while ensuring the safety and security of problematic intersections/roadways around the clock.

Sec. 1602. Speed Limits.

ITS America Member Comment:

- Excellent piece on the speed limit requirements. ITS America Member has tried to advance a similar approach but having a national standard would be very helpful.

Sec. 2102 Chapter 53 Definitions.

P 412, L 13

ITS America and the ITS America Mobility on Demand Alliance recommended amendment:

- Section 5302 of title 49, United States Code, is amended— (1) in paragraph (1)(E)— (A) by striking “and the installation” and inserting “, the installation”; and (B) by inserting “, and bikeshare **micromobility (such as bicycle and scooter share)**projects” after “public transportation vehicles”;

Sec. 2203. Mobility Innovation.

ITS America Member Comment:

- Excited about the Mobility on Demand (Sec. 2203. Mobility Innovation).
- ITS America's policy supports a Mobility on Demand Program.



Sec. 1216. Bicycle Transportation and Pedestrian Walkways.

P 227

ITS America and the ITS America Mobility on Demand Alliance Clarification Questions:

- Confirming that scooters are definitely considered as part of the electric bicycle. (2) **ELECTRIC BICYCLE.**—The term ‘electric bicycle’ means any bicycle, tricycle, or other motorized conveyance— “(A) weighing under 100 pounds; ‘(B) with a low-powered electric motor; “(C) with a top motor-powered speed not 6 in excess of 20 miles per hour; and “(D) that can safely share a bicycle transportation facility with other users of such facility.’”
- (D) that can safely share a bicycle transportation facility with other users of such facility.’” Does this preempt local definition of use of bicycle lanes?

Sec. 2203. Mobility Innovation.

P 435, L 19

ITS America and the ITS America Mobility on Demand Alliance Clarification Question:

“(i) meets the definition of public transportation

- Confirmation in the definition of public transportation which discusses “continuous shared ride”. Is that consistent with the definition of Mobility on Demand definition, which includes: *on-demand transportation service shared among individuals, either concurrently or one after another*. In other words, is MOD now considered part of public transportation.
- *Current definition: (14)Public transportation.—The term “public transportation”— (A)means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income;*

P 435, L 12-20

ITS America Member Recommended Amendment:

- Page 435, line 12-20: Funds may not be used on single passenger vehicle miles UNLESS the trip “meets the definition public transportation” and “begins or completes a fixed route public transportation trip; or”



ITS America Member and ITS America MOD Alliance Clarification Question:

- Feels like text is missing after the "or". Any idea what that should be?
- This section seems to prohibit federal funding for on-demand public transportation services that use ITS America Member to serve an area but not necessarily connect directly to fixed-route services. Dallas DART GoLink, GoDublin LAVTA, IndyGo's essential worker service, PSTA Direct Connect, service all for example.

P 437, L 20-25, Sections 5333, 5331, and 5302 (14) cannot be waived.

ITS America Member Clarification Question(s):

- Section 5331 (drug and alcohol testing) appears to only apply to transit agency employees, with no mention of contractors. This means it only applies to transit agency employees, correct?

ITS America Member Comment(s):

- [49 CFR 655.3](#), however applies to contractors. We would like to see this waived for section 5316 Mobility Innovation, at least for the next five years, to allow for a more innovative safety regime to be developed while agencies continue to learn from mobility on demand and mobility as a service under the INVEST Act.
- Section 5302 (14), the definition of public transportation cannot be waived. Same comment as earlier: The definition of public transportation (49 USC 5302 (14)) specifies "continuous shared-ride transportation..." while page 441 line 20-23 defines MOD as "shared either concurrently or one after another." Does this mean MOD which are shared concurrently or one after another, counts as public transportation? We believe that it should be interpreted that way.

P 438, L 12

ITS America Member Comment:

- This subsection calls for the development of an open data standard, and an API to facilitate data sharing, but does not mandate data sharing, correct? We are okay with developing technical standards but not mandating that private companies must engage in data sharing or the use of APIs.



ITS America Member Comment:

- Missing from Subtitle B: We recommend that funds be made available to assist transit agencies in setting up on-demand paratransit systems, such as the MBTA pilot. These programs can save agencies millions of dollars while drastically reducing wait times and uncertainty for riders with disabilities.

P 438, L 12-24, P439, L 1-25, P 440, L 1-16

ITS America and ITS America MOD Alliance Comment:

- Proposed changed aligned with current policy.

ITS America and ITS America MOD Alliance Recommend Amendment:

- Edits: “(f) OPEN DATA STANDARDS.— 12 “(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to develop an open data standard and an application programming interface necessary to carry out this section. “(2) REGULATIONS.—The regulations required under paragraph (1) shall enable public transportation agencies, mobility on demand providers, mobility as a service technology **and data management** providers, **ancillary transportation services providers** and local governments the efficient means to transfer data
- “(A) foster the efficient use of transportation capacity; 2 “(B) enhance the management of new modes of mobility; 4 “(C) enable the use of innovative planning tools; 6 “(D) enable single payment systems for all mobility on demand services; “(E) establish metropolitan planning organization, State, and local government access to anonymized data for transportation planning, **real time** operations data, and rules; “(F) safeguard personally identifiable information; “(G) protect confidential business information; and 16 “(H) enhance cybersecurity protections. **(I) identify data sharing formats and protocols in addition to who will be the managing body which house, maintains, and oversees data transfers** “(3) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of 19 title 5 to carry out this subsection shall have a maximum of 17 **21** members limited to representatives of the Department of Transportation, State and local governments, metropolitan planning organizations, urban and rural covered recipients, associations that represent public transit agencies, **mobility on demand, transportation public policy and data privacy**, labor representatives, mobility on demand providers, and mobility as a service technology **and data management** providers.
- “(4) PUBLICATION OF PROPOSED REGULATIONS.—Proposed regulations to implement this section shall be published in the Federal Register by the Secretary not



later than 18 months after such 6 date of enactment. “(5) EXTENSION OF DEADLINES.—A deadline set forth in paragraph (3) may be extended up to 180 days if the negotiated rulemaking committee referred to in paragraph (4) concludes that the committee cannot meet the deadline and the Secretary so notifies the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

P 440, L 17-25

ITS America Member Comment:

- Strike line 23-25. If we have established that MOD is public transportation, the revenue vehicle miles from projects such as on-demand public transportation, on-demand paratransit, and first/last mile connections should count towards the formulas in 5336.
- Could potentially compromise with the miles counting as 80%.

Sec. 2602. Public Transportation Safety Program.

P 494, L 21-24, P 495, L 1-2

ITS America Member Comment (s):

- This essentially means AV can only be added for new routes, reducing the benefits AV can bring to public transportation.
- It is also vague. If an agency were to cut service due to budget cuts, then begin restoring service two years later, could they not use AVs? What is the benchmark?

ITS America Member Recommended Amendment:

- Recommend striking this section.

Sec. 2603. Automated Vehicle Transit Workforce

P 494, L 21-24, P 495, L 1-2

ITS America Member Comment:

- ~~• While Section 2203 provides new flexibilities to transit agencies to offer new mobility options, Section 2603 prohibits transit agencies from using federal funding to deploy an automated vehicle that duplicates, eliminates, or reduces the frequency of existing public transportation service, even if doing so would be less expensive, more efficient and sustainable. The purpose of the following amendment is to allow a transit agency to contract out for more efficient service for underperforming fixed routes with low ridership and high operational and capital costs. Allowing a transit agency to contract for a smaller automated on-demand shared electric vehicle to serve this route would free up resources that could be applied elsewhere to serve more passengers. It would also provide more reliable, more efficient, more sustainable service at lower cost. In terms of job retention, cost savings from this type of contract could be used to improve service elsewhere, such as in paratransit or providing more frequent service on the high volume corridors.~~

ITS America Member Comment Recommended Amendment:

- ~~• Modify this section to allow transit agencies to use automated vehicles if doing so would improve service, save money, and be more sustainable.~~

ITS America Member Recommended Amendment(s):

- One option:
 - 1) “...*transportation certifies to the Secretary of Transportation that the deployment does not duplicate, eliminate, or reduce the frequency of existing public transportation service; and....*” strike the word “duplicate”.
 - 2) Otherwise modify this section to allow transit agencies to automate aspects of service if this would improve service, be safer, save money or be more sustainable.

Sec. 2801. Mobility Innovation Sandbox Program.

ITS America Member Comment:

- Excited about the Mobility Innovation Sandbox (Sec. 2801. Mobility Innovation Sandbox Program).



- ITS America’s supports the Mobility Innovation Sandbox..

Title V—Innovation

ITS America Member Comment:

- Generally, language seems to meet our vision of future needs, apart from the general statements previously noted.

Sec. 5104 University Transportation Centers Program.

P 651, L8

ITS America recommended and the ITS America Mobility on Demand Alliance amendment:

- Add a section to include Mobility on Demand

Sec. 5301. Safe, Efficient Mobility Through Advanced Technologies

P 682, L5

ITS America Member Recommended Amendment:

- Page 682, line 5 by striking “automated” and inserting “Vehicle-to-Everything communications, automated”
- ITS America supports this amendment.

ITS America Member Comment:

- Justification: Clarification to ensure that connected vehicles’ digital connectivity is included in this program.

P 682, L 10

ITS America Member Recommended Amendment

- Insert “safeguard critical transportation infrastructure from cybersecurity threats”



ITS America Comment:

- As vehicles and infrastructure become more connected, our nation’s transportation system faces increasing cybersecurity risks. Given the ability to cause loss of life and inflict significant economic damage in a highly visible manner, cybersecurity attacks directed at those producing or operating technologies travelling over or connected to U.S. roadways will intensify. We support policy that would provide states and localities funding to safeguard critical transportation systems that are more reliant than ever on connectivity to communicate and exchange data from cybersecurity threats. Amendment would ensure that cybersecurity is an eligible activity in this program.

P 686, Line 24

ITS America Member Recommended Amendment:

- insert “(i)” before “Of” and on 687 after line 2 insert the following and renumber accordingly:
 - “(8) at the end of subparagraph (I) insert the following: “(ii) There is authorized to be appropriated, in addition to amounts provided under Section 5001(b)(1) of the INVEST in America Act, \$30,000,000 for each fiscal year 2021 through 2025.”
- ITS America supports this amendment.

ITS America Member Comment:

- Justification: Given the over-subscription to the previous ATCMTD program and advantages this technology will have to public safety and efficiency it would be helpful for additional funding to be added through appropriations.

P 687, L7

ITS America Member Recommended Amendment:

- add “, except shall be 100 percent for safety-critical connected vehicle technologies” after “percent”
- ITS America supports this amendment.

ITS America Member Comment:

- Justification: 100% federal share for safety infrastructure is in line with current policy throughout federal law.



DOT Metrics on Deployment of connected and autonomous technologies – additional language not in the bill

P 688, L5

ITS America Member Recommended Amendment:

- insert the following:
“(11) after subparagraph (N) insert the following:
‘(O) Data on Levels of Advanced Transportation Technologies Deployment. — The Secretary shall—
 - (i) Collaborate with transportation agencies, academics, and companies in the field to develop, not later than two years after enactment of this Act, a scale by which to measure cities and state deployment of available advanced transportation technologies to facilitate the swift and safe integration of connected and autonomous vehicles into the transportation system of each city; and
 - (ii) Upon the development of the metric pursuant to clause (i), collect the necessary data and publish on an annual basis the computed metric for each metropolitan area with a population over 200,000.

ITS America Member Comment:

- Justification: In order to determine to what degree the mobility and safety revolutions associated with connected and autonomous vehicles are being taken advantage of by cities and states, DOT should determine how best to measure deployment of these emerging technologies and adoption of related policies necessary to facilitate the swift and safe integration of connected and autonomous vehicles into their transportation systems. The chosen measures should be reported to DOT by States and MPOs, and DOT should publish these results annually. This suggested change seeks to implement this new guidance.



June 10, 2020 Comments

Sec. 2603. Automated Vehicle Transit Workforce

P 494, L 21-24, P 495, L 1-2

ITS America Member Comment:

- While Section 2203 provides new flexibilities to transit agencies to offer new mobility options, Section 2603 prohibits transit agencies from using federal funding to deploy an automated vehicle that duplicates, eliminates, or reduces the frequency of existing public transportation service, even if doing so would be less expensive, more efficient and sustainable. The purpose of the following amendment is to maintain flexibility for a transit agency to utilize highly automated vehicles to enhance existing transit services and allow them to serve a greater population of riders as well as currently underserved communities. Allowing a transit agency to utilize innovative vehicles to serve routes that are underperforming and expensive could free up resources that could be applied elsewhere to serve more passengers. It would also provide more reliable, more efficient, more sustainable service at lower cost. Further, the associated cost savings could be used to improve service elsewhere, such as in paratransit or providing more frequent service on the high volume corridors.

ITS America Member Recommended Amendment:

- Proposed amendment would allow transit agencies to use AVs to provide public transportation if they certify to the Secretary of Transportation that doing so would save money, improve service, or be more sustainable.

Section 2603 AUTOMATED VEHICLE TRANSIT WORKFORCE STANDARDS is amended by redesignating subsection (d) as subsection (e). Following subsection (c), insert the following as subsection (d):

- (d) The prohibition on the use of funds in subsection (a) and requirements in subsection (b) and (c) shall not apply to recipients of assistance under chapter 53 of title 49, United States Code that propose to deploy an automated vehicle providing public transportation that certify to the Secretary of Transportation that the deployment of the automated vehicle;
- (1) is a lower cost way to serve an existing or planned route;
 - (2) offers a way to improve service performance; or
 - (3) will be more environmentally sustainable through the use of zero or low emissions vehicles.



P 494, L24

ITS America Member Recommended Amendment:

- Delete “duplicate,”.

ITS America Member Comment:

- This language significantly prohibits – if not eliminates – the ability for states and local governments to research, pilot and deploy autonomous level 4 shuttle transit technologies. There are over 80 autonomous shuttle pilots across the nation that would either immediately cease. In addition, the transit labor protection provision mitigates – if not reduces – the risk to transit services so this language is both unnecessary and exposes unnecessary and avoidable risk to states and local agencies.

ITS America Member Comment:

- Since this bill covers the next 5+ years, we believe that this has the potential to limit any true deployment opportunities associated with automated vehicles. At a minimum, we think the .5% threshold should be increased, but more ideally, this whole section should be eliminated. There will be a gradual introduction of AVs to transit fleets and, consequently, a slow impact to the labor force.

Sec. 102. Federal Highway Administration, Sec. 103. Federal Transit Administration, Sec. 104. National Highway Traffic Safety Administration.

ITS America Member Comment:

- Support not only additional funding levels, but any enabling language (such as Sec. 2203. Mobility Innovation.) that would open up eligibility for micromobility projects beginning in FY2021.

ITS America Member Questions/Concerns:

- Member does not have any specific concerns for Division A, but again would like to make micromobility eligible as drafted in the remainder of the bill.

Sec. 1107. Complete and Context Sensitive Street Design.



ITS America Member Comment:

- Supports approaches that take into consideration all users of the transportation system, especially those utilizing micromobility devices and pedestrians.

ITS America Member Questions/Concerns:

- As the transportation system evolves, member looks forward to designs that are adaptable based on facility and not a one size fits all approach.

Sec. 1206. Transportation Alternatives Program

ITS America Member Comment:

- We would like to see further clarification of eligible transportation alternatives and the inclusion of scooter sharing therein. Scooter sharing should be explicitly considered as a greenhouse gas reducing program.

ITS America Member Questions/Concerns:

- Recreational trail provisions may be restricted to only bicycle-related projects. How can this be expanded to include scooter sharing? Are scooter and bike sharing programs included as greenhouse gas reducing projects?
- Should the electric bicycle definition of Sec.1216 cover scooters, member proposes such inclusion of electric bicycles in this section. Alternatively, if scooters do not fall within the definition of electric bicycles in Sec.1216, member proposes a micromobility definition as defined below.

Sec, 1210. Congestion Mitigation and Air Quality Improvement Program.

ITS America Member Comment:

- ITS America Member supports the expanded eligibility for micromobility projects, including bikeshare and scooter share.

ITS America Member Questions/Concerns:



- Similar to ITS America, member would like assurances that e-scooters fall under the definition of electric bicycles found on page 227, specifically “other motorized conveyance.” We would also like clarity on what a bicycle transportation facility is.

Sec. 1216. Bicycle Transportation and Pedestrian Walkways.

ITS America Member Comment:

- This broad definition of an electric bicycle appears to include an e-scooter.

ITS America Member Questions/Concerns:

- However, even if this electric bicycle definition encompasses scooters, what are the pros and cons of e-scooters falling under the definition of electric bicycles. Would it make sense to push for a micromobility definition that would include scooters?

Sec. 1309. Active Transportation Connectivity Grant Program

ITS America Member Comment:

- Supports the establishment and aim of this program.

ITS America Member Questions/Concerns:

- In line with ITS feedback, member would like to see the definition of active transportation mean mobility that is powered fully or partially by human power such that scootering is included.

Sec. 1601. Towards Zero Deaths.

ITS America Member Comment:

- Supports all efforts for safe access to transportation networks, and is especially interested in ways to partner with local governments and MPOs to promote vision zero plans.



ITS America Member Questions/Concerns:

- Given our relative lack of familiarity with the STP program, is there any value in pushing to have scooter share as an eligible transportation alternative or if included in Sec. 1206 would that address our concerns here?

Sec. 2102. Chapter 53 Definitions.

ITS America Member Comment:

- ITS America Member appreciates expanding the definition of associated transit improvements as these expenses are eligible expenses under the 5307 urbanized grant formula.

ITS America Member Questions/Concerns:

- However, to ensure the expanded definition would go beyond just bike share, member recommends inserting “micromobility (such as bike and scooter share) projects” after “public transportation vehicles.” This suggestion mirrors ITS America’s recommended language for this provision. This also reverts back to a point made in Sec1216, but do we run any conflict by having an e-bike definition in Title 23, but that of micromobility in Title 49?

Sec. 2203. Mobility Innovations.

ITS America Member Comment:

- Member applauds opening up 5307,5310, and 5311 funds for assisting with mobility as a service and mobility on demand (MOD) services. Member also appreciates the breakdown of federal cost share for MOD services as not to exceed 50 percent, whereas cost share for MaaS is not to exceed 90 percent.

ITS America Member Questions/Concerns:

- Member seeks clarification that scooters be an eligible waiver class under Buy America. As currently written, waivers can be granted with respect to a passenger vehicle owned by an individual (i.e., TNC) and any passenger vehicle not owned by an individual for three (3) years. The question becomes whether scooters (and bikes) are to be considered



passenger vehicles. If they are not, member suggests a subsection (C), page 438, line 12 that scooters/bikes be granted a Buy America waiver.

Sec. 2801. Mobility Innovation Sandbox Program.

ITS America Member Comment:

- Supports all funding for mobility innovation and appreciates the eligible uses under 5316 (pages 434-435).

ITS America Questions/Concerns:

- Would like to see mandatory spending here and thus requests that “the Secretary shall make funding available” instead of “may make funding available”

Sec. 3007. National Priority Safety Programs.

ITS America Member Comment:

- Member recommends that the 405 grant program for non-motorized safety be provided additional funding, especially in light of increased usage of scooters and bikes, as well as new societal norms when it comes to social distancing.

ITS America Member Questions/Concerns:

- Member is concerned that an already limited pool of grant funding could be subject to additional cuts and/or allocation towards other grant programs.

Sec. 5301. Safe, Efficient Mobility Through Advanced Technologies.

ITS America Member Comment:

- Member applauds the program’s focus on mobility and safety and emphasis on programs to further MOD activities and vulnerable users of the system.

ITS America Member Questions/Concerns:



- Member would only ask that micromobility maintain parity with other program objectives when it comes to the allocation of funding.

Sec. 5303. National Highly Automated Vehicle and Mobility Innovation Clearinghouse.

ITS America Member Comment:

- Member supports this provision and the discussion around the intersection of autonomous vehicles and MOD services.

ⁱ This comment applies to Sec. 5201. Technology and Innovation Deployment Program, Sec. 5301. Safe, Efficient Mobility through Advanced Technologies, and Sec. 1301. Projects of National and Regional Significance.



For more information on ITS America's comments to the "Investing in a New Vision for the Environment and Surface Transportation in America (INVEST in America) Act," contact ITS America Vice President of Legislative Affairs Ron Thaniel at rthaniel@itsa.org.