



June 16, 2020

The Honorable Peter A. DeFazio  
Chairman  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Sam Graves  
Ranking Member  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Eleanor Holmes Norton  
Chair  
Subcommittee on Highways and Transit  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Rodney Davis  
Ranking Member  
Subcommittee on Highways and Transit  
Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman DeFazio, Ranking Member Graves, Chair Norton, and Ranking Member Davis:

In anticipation of the Committee on Transportation and Infrastructure markup of the Amendment in the Nature of a Substitute (ANS) to H.R. 2, the “INVEST in America Act,” The Intelligent Transportation Society of America (ITS America) writes to express our opposition to the new Mobility-on-Demand (MOD) sections (Sec. 2203. Mobility Innovation. and Sec. 2603. Innovation Workforce Standards) in the ANS that were released this past Friday afternoon. The language significantly weakens the MOD provisions as introduced in the INVEST in America Act.

The ANS MOD language replaces more than a year of thoughtful and truly bipartisan engagement with the Committee and with transit agencies in large cities and rural communities, cities, states, research and policy experts, MOD providers, and associations representing the transportation industry. The language in the INVEST in America Act represented a give and take of policy by all sides in a truly open process led by the Committee. We commend your engagement in that process, and we urge you to reject this eleventh-hour attempt to make changes to the bill. The new language will create significant barriers to bridging first mile/last mile and accessibility rather than furthering mobility innovation, choice, and access that Americans - in communities large and small, urban and rural - want. Barriers include:

- Changing the language from the original bill authorizing the federal share for MOD and MaaS, placing significant limitations to how those public-private partnerships can be deployed.
- Reframing the eligibility of MOD and MaaS services to provide only “new” services in areas such as low-density service or future technology-enabled MOD deployments, limiting transit agencies’ flexibility to set hours of operation and service planning.
- Creating conflict by prohibiting the use of federal funds for MOD/taxi services that may inadvertently restrict the provision of paratransit and other on demand shuttle operations.
- Adding confusion and potential barriers to the consideration of how the Secretary of Transportation can consider waivers on regulations in the public interest.
- Broadly restricting profit activity on data services, potentially reshaping the data sharing and data services currently offered between cities, state DOTs, transit agencies, private sector partners and the public.



- Including MOD into innovation standards intended for automated vehicle deployments, equating almost impossible to achieve requirements and approvals for on-demand services already being provided by transit agencies with automated technologies not yet here.

Americans are asking for MOD services to make better and more sustainable mobility choices while investing in transit by extending everyday transit operations to underserved communities.

As transportation technology leaders, we know first-hand that technology, including MOD, is defining the way people, goods, services, and information move in the 21<sup>st</sup> century. More choices exist now because transit and MOD providers are working together to bring bikeshare, rideshare, micromobility services, and sustainable alternatives to driving within congested environments. For people to fully realize the benefits of MOD, transit agencies must have the flexibility to incorporate it into everyday transit operations, which is the intent of the INVEST in America Act as introduced.

While we have concerns with the Committee's approach to MOD in the ANS, we strongly commend your leadership and understanding of the impact of COVID-19 on state, city, and county departments of transportation and transit. Including funding in fiscal year 2021 to support salaries and operating expenses, and a 100 percent Federal share, will preserve jobs and keep the nation's transportation systems moving safely, especially as the country begins to reopen from the coronavirus pandemic without a vaccine but with a focus on protecting public health.

If COVID-19 has demonstrated anything, it is how dynamic, flexible mobility is necessary to keep America moving. From calling a rideshare that is providing nighttime service so transit agencies can surge drivers to daytime, to providing free scooter or bike rides for essential workers, to standing up a new microtransit route to provide better coverage, to accelerating the installation of infrastructure that supports better public health outcomes, these mobility services and the partnerships with transit agencies show how on-demand mobility services are embedded into our transportation ecosystem. Transit agencies, along with state and local transportation agencies, have asked for flexibility so they can make better choices for the health of their communities and sustain operations. We ask that you strongly consider a return to your original language.

Sincerely,

A handwritten signature in black ink, appearing to read "SB", with a stylized flourish extending to the right.

Shailen Bhatt  
President and CEO  
The Intelligent Transportation Society of America

cc:

The House of Representatives Committee on Transportation and Infrastructure  
Ron Thaniel, Vice President of Legislative Affairs, ITS America, [rthaniel@itsa.org](mailto:rthaniel@itsa.org)