

A Legal Framework for AV Implementation: Local Government

By Michael J. Ash, Esq., CRE

THE LAST MILE IN TRANSPORTATION will also be the most important in the implementation of autonomous vehicles (AVs). While AV applications will have their place on highways, the most noticeable and profound effects AVs will bring to daily life will occur in urban areas. Local governments and regulators will have the ability to reshape the built environment to accommodate AVs and changes to our transportation, parking, and mobility demands. Local governments should therefore be receptive to the needs of their constituents and plan for the integration of AVs into daily life.

Local governments have the best opportunity to be proactive in shaping how AVs define the future of transportation, parking, and mobility. The new federal guidance for automated vehicles published by the U.S. Department of Transportation, "Preparing for the Future of Transportation: Automated Vehicles 3.0," outlines the best practices for local governments for AV deployment in five recommendations. These are:

- 1. Facilitate safe testing and operation of automated vehicles on local streets.** While many of the regulatory constraints for real-world testing of AVs will come from state legislatures, local governments will need to implement the regulations in diverse and challenging urban settings. Local streets will provide challenges to AVs, including intersections, pedestrians, and road congestion. The built environment in urban areas should adapt to accommodate the testing of AVs for safe deployment. Local governments can best regulate their streets to include specific routes for AV testing in safe locations and during specific hours of operation.
- 2. Understand the near-term opportunities that automation may provide.** Municipal governments have an opportunity to be the early adaptors to AV technology through the deployment of municipal vehicle fleets. Current safety technology developed in AVs can be integrated in municipal vehicles, such as street sweepers and snowplows, for real-world testing with a driver still available to oversee the vehicle operation. Cities are looking to AVs for the next

generation of public transportation. AVs are ideal for a closed-loop jitney service, offering low-speed transportation around a specific route. The ability of AVs to circulate throughout a downtown reduces the need for single-occupant taxi service by offering more efficient and assorted public transportation options. San Francisco, Calif., recently announced a plan to integrate AV public transportation in a new planned development to reduce the reliance on individual automobile ownership required to reach conventional modes of public transportation.

- 3. Consider how land use, including curb space, will be affected.** Cities will need to reimagine how the curb is used in daily life. On-street parking will need to make way for AV queuing aisles for ride-hailing services and public transportation. Land use and development patterns may shift to integrate access to AV routes. As the reliance on individual vehicle ownership declines, parking requirements for land uses will also decline. Surface parking lots in downtown urban areas will become prime development opportunities as long-term parking demand declines. Other real estate development opportunities may be available to repurpose structured parking garages as AV storage, maintenance, and charging facilities are located outside prime city centers. Rather than proximity to densely populated areas, AV operators' real estate needs will be based on ride-hailing demand and reliable sources of charging power. Local municipal zoning should begin to account for the shift in de-

This article is third in a four-part series on the legal challenges presented by emerging technologies. Part 4 in the series will examine challenges in the private sector with the regulation of autonomous vehicles. To read the first two articles, visit parking-mobility.org/resource-center and search "AV framework."

PREPARING FOR THE FUTURE OF TRANSPORTATION



Parking and mobility professionals are encouraged to review AV 3.0 in full available for download at <https://www.transportation.gov/sites/dot.gov/files/docs/policy-initiatives/automated-vehicles/320711/preparing-future-transportation-automated-vehicle-30.pdf>.

mand of AV vehicles. Zoning criteria should include current ride-hailing trends to analyze how parking demands may change in the future.

4. Consider the potential for increased congestion and how it might be managed. The deployment of AV transportation will be undermined if local regulators do not prevent traffic and congestion. The potential speed and convenience of AVs will be lost if urban centers become congested with too many vehicles. Attempts to regulate the flow of AV traffic will be crucial in the early stages of deployment during the transition from driver-operated vehicles to AVs. Local governments should study traffic patterns and routes from ride-hailing services to plan better transportation efficiencies. The most efficient routes will combine speed of travel and the ability for ride-sharing, allowing more riders to mobilize in fewer AVs and do so faster. It is conceiv-

able that as on-street parking is eliminated, there will be new travel lanes for AVs through densely populated areas.

5. Engage with citizens. Finally, the best guidance for local governments is to engage with citizens. Local governments are ideally suited to understand the needs and demands of their constituents and ensure the deployment of AV technology is consistent with the patterns and trends of the community. By tailoring AV deployment to the concerns of their citizens, local governments can ease the transition from driver-operated vehicles to AVs. ♦



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