# TechSpeak

## Akin Gump

STRAUSS HAUER & FELD LLP

## Department of Transportation Makes Funds Available for Governments to Demonstrate New Transportation Technologies

October 5, 2022

On September 19 the U.S. Department of Transportation (DOT) issued two notices of funding opportunity for two grant programs: one for Strengthening Mobility and Revolutionizing Transportation (SMART) and the other for Advanced Transportation Technology and Innovation (ATTAIN). Both grant programs were authorized in the Infrastructure Investment and Jobs Act (IIJA) and will fund the deployment of transportation technologies with an eye toward spurring broader adoption. Government entities can partner with the private sector to demonstrate the technologies under both programs. This is the first of five rounds of funding for both programs. Applications for each are due on November 18.

### **SMART Grants**

DOT will award \$100 million in grants in the first round of SMART funding for public demonstration projects that use technology to solve real world challenges and build data and technology capacity and expertise in the public sector. Different types of government entities, including states, transit agencies, toll road operators and tribal governments, may apply for the funding.

The SMART program will fund a broad range of technologies, including (1) coordinated automation of automated transportation and autonomous vehicles; (2) connected vehicles; (3) intelligent sensor-based infrastructure; (4) integration of intelligent transportation systems with other existing systems and other advanced transportation technologies; (5) commerce delivery and logistics; (6) leveraging the use of innovative aviation technologies, such as unmanned aircraft systems, to support transportation safety and efficiencies, including traffic monitoring and infrastructure inspection; (7) developing a programmable and efficient energy transmission and distribution system to support the adoption or expansion of energy capture, electric vehicle deployment, or freight or commercial fleet fuel efficiency; and (8) smart technology traffic systems.

DOT will award planning and prototyping grants in this first round. Applicants must successfully complete planning and prototyping before they can apply for an implementation grant. Planning and prototyping grants will be for up to \$2 million each

**Contact Information** 

If you have any questions about these funding opportunities, or require additional information, please contact any of the following:

Susan H. Lent Partner slent@akingump.com Washington, D.C. +1 202.887.4558

Jennifer L. Richter

Partner jrichter@akingump.com Washington, D.C. +1 202.887.4524 and subsequent year implementation grants will be for up to \$15 million per project. Cost sharing is not required for planning and prototyping grants.

DOT is encouraging recipients to partner with a broad range of public and private stakeholders in undertaking the planning and prototyping to build internal buy-in. At the conclusion of the planning/prototyping phase, recipients should have the information to either create a fully realized implementation plan with performance metrics or make an informed decision not to proceed to implementation.

Projects must comply with federal and state laws, including National Highway Traffic Safety Administration (NHTSA) regulations governing motor vehicles and Federal Aviation Administration (FAA) regulations governing aviation projects. DOT will consider various factors, including policies on data sharing, cybersecurity and privacy. In particular, DOT will consider the extent to which a project will promote public and private sharing of data and best practices and the use of open platforms, open data formats, technology neutral requirements and interoperability, promoting industry best practices regarding cybersecurity and technology standards and safeguarding individual privacy.

#### **ATTAIN Grants**

As part of the ATTAIN program, the Federal Highway Administration (FHWA) within DOT will select between 5 and 10 projects and enter into cooperative agreements of up to \$12 million each to deploy, install and operate public advanced transportation technologies to improve safety, mobility, efficiency, system performance, intermodal connectivity and infrastructure return on investment. States and local governments, including toll or port authorities and transit agencies, are among the eligible applicants. There is a 20 percent cost share match required, which can include an in-kind match.

Funds may be used to deploy the following types of advanced transportation and congestion management technologies:

- Advanced traveler information systems.
- Advanced transportation management technologies.
- Advanced transportation technologies to improve emergency evacuation and response.
- Infrastructure maintenance monitoring and condition assessment.
- Advanced public transportation systems.
- Transportation system performance data collection, analysis and dissemination systems.
- Advanced safety systems, including vehicle-to-vehicle and vehicle-to-infrastructure.
- Integration of intelligent transportation systems with the Smart Grid and other energy distribution and charging systems.
- Integrated corridor management systems.
- Advanced parking reservation and variable pricing systems.
- Electronic pricing, toll collection and payment systems.
- Technology that enhances high occupancy vehicle toll lanes, cordon pricing or congestion pricing.

- Integration of transportation service payment systems.
- Advanced mobility access and on-demand transportation service technologies, such as dynamic ridesharing and other shared-use mobility applications, and information systems to support human services for elderly and disabled individuals.
- Retrofitting dedicated short-range communications technology deployed as part of an existing pilot program to cellular vehicle-to-everything technology.
- · Certain advanced transportation technologies.

In clarifying eligibility, FHWA noted in the notice of funding opportunity that a recipient may use funds to purchase autonomous vehicles, but must make clear in the application whether the vehicle would require an exemption from Federal Motor Vehicle Safety Standards or any other regulations as well as whether the project will require a waiver from Buy America requirements..

akingump.com