



**Russell R. McMurry, P.E., Commissioner**  
One Georgia Center  
600 West Peachtree Street, NW  
Atlanta, GA 30308  
(404) 631-1000 Main Office

The Georgia Department of Transportation (GDOT) offers the following comments in response to Docket No. DOT-OST-2019-0165 regarding the Non-Traditional and Emerging Transportation Technology (NETT) Council and the degree to which “the Department’s existing regulatory construct supports or hinders innovation.”

First and foremost, GDOT expresses its support for the existence and underlying mission of the NETT Council. The potential opportunity for innovation and transformational change in transportation is encouraging and bright but also requires regulatory clarity to create and maintain an environment for innovations to take root and develop. GDOT believes the NETT Council is critical to the nation’s transportation future, especially at a time when states are faced with new and emerging technologies that hold promise for mobility.

The State of Georgia has sought to be, and is, a national leader in encouraging innovation in the area of transportation. In 2017, the Georgia General Assembly passed and the Governor signed into law S.B. 219 which provided a flexible and well-balanced framework to afford greater certainty to industry and public regarding the deployment of autonomous vehicle and related technology. This legislation ensured sufficient protections for public safety while carefully avoiding any over regulation that could discourage innovation in Georgia. Since this time, GDOT has deployed over 400 Connected Vehicle Roadside Units to further prepare our infrastructure and encourage CAV deployment in Georgia.

Additionally, the General Assembly’s Transportation Committees have in recent years held multiple hearings to learn from industry about other emerging technologies and potential future modes of transportation. Further, Georgia has had many meetings and conversations with private companies interested in or pursuing non-traditional and emerging technologies. In general, most of these technologies focus on personal rapid transit (PRT).

In fact, Georgia responded to the solicitation for the demonstration of Virgin Hyperloop One (VHO). As part of this proposal, the State identified a prime six-mile greenfield corridor ripe for a P-4 (Public, Private, Philanthropic Partnership) development and demonstration of transformative transportation technology. These types of partnerships are critical to the development and deployment of non-traditional and emerging technology; however, private sector innovators do need to understand clearly the regulatory framework.

At present, GDOT cannot identify any “existing Federal transportation laws or regulations that inhibit innovation by creating barriers to test, certifying or verifying compliance, or operating non-traditional and emerging transportation technologies;” however, GDOT would note that the lack of clear guidance, rules, or regulations around these emerging technologies results in a “shoehorning” of these technologies into a framework that simply may not fit. These technologies do not necessarily categorize into the traditional modal administrations. Further



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and in part based upon industry feedback, the lack of modal clarity also encumbers the ability of PRT proposers to discern the appropriate lead agency whether FHWA, FTA, NHTSA, or equivalent authorities in the various states.

As an example, PRT technologies may run on an elevated fixed guideway but not meet the definition of rail fixed guideway in 49 CFR 659.5 or fixed guideway 49 USC 5337. Applying passenger safety rules and regulations may be translatable; however, equipment maintenance and operations would not follow either traditional rail or transit safety standards, protocols, or procedures.

With respect to “existing design or performance requirements that may contribute to a reduced safety purpose or impose more cost or restriction on the design of non-traditional and emerging transportation technologies than is warranted,” GDOT would acknowledge that it is the absence of design and performance standards where new technologies have not been tested or evaluated.

While greater regulatory clarity is critical to provide private sector innovators greater certainty on how to best advance their technologies’ development and deployment, GDOT would encourage U.S. DOT and the NETT Council to embrace maximum flexibility in the implementation of such regulatory framework through various modal agencies given the uniqueness and innovative nature of many of these emerging technologies.