June 5, 2012

Request for Proposals: NCHRP 20-6, Study Topic 19-04
Use of Social Media in Transportation Agencies
Problem Statement

Dear Attorney:

The Transportation Research Board (TRB), as part of its work with the National Cooperative Highway Research Program (NCHRP), plans to award a contract for Phase 1 of a study and report. TRB anticipates an estimated 100-125 hour level of effort and compensation in the $10,000.00 to $13,500.00 range for Phase 1 of this project. Research reports sponsored by this project are published in TRB’s Legal Research Digests (LRD) series or in electronic format. Publications are made available to some libraries and to approximately 4000 transportation lawyers and officials through the TRB distribution network. The research Problem Statement is enclosed for your consideration.

After reviewing the enclosed statement, if you are interested in being considered as the researcher and author, you should reply by email on or before July 6, 2012 to:

James B. McDaniel, Esq.
Counsel for Legal Research Projects
Transportation Research Board
500 5th Street, NW, 4th Floor
Washington, DC 20001
Fax: (202) 334-2003
Email: jmcdaniel@nas.edu

Your reply should include: a statement of interest; a resume; a list of your prior publications (you may enclose one or two publications); a statement of resources you will allocate to this project; any additions, deletions, or changes you may wish to suggest for undertaking the work; and your requested compensation. Your proposal should not exceed 25 pages.

Offerors are evaluated by Project Panel members and NCHRP staff consisting of individuals collectively knowledgeable in the problem area. Evaluations are based upon the offerors': 1) experience in the subject area; 2) experience in research writing; 3) prior relevant publications; 4) understanding nature and scope of Problem Statement; 5) quality and commitment of staff and other resources assigned to the project; 6) schedule for completing the work; and 7) price.

Feel free to call me at (202) 334-3209 if you have questions.

Sincerely,

James B. McDaniel
Counsel for Legal Research Projects
Research is needed on the use of Social Media by State and Local Transportation Agencies and Metropolitan Planning Organizations. Many transportation agencies, such as State DOT’s, Tollway Authorities and Transit Agencies, are using social media (Twitter, Facebook, LinkedIn, etc.) to communicate with customers and users.

Public involvement approaches for project development under NEPA often include the use of social media to foster public discussion on purpose and need, impacts and alternatives. Planning agencies use social media to convene discussion groups on a broad range of issues relating to transportation plans.

According to a February 2010 survey by the American Association of State Highway and Transportation Officials (AASHTO) of those State Departments of Transportation responding, 81% use Twitter to relay information about traffic accidents, road closings and emergencies such as tornados and hurricanes. In addition, responding agencies reported that 45% have active Facebook accounts, and 64% have a YouTube page.1

These departments view the social media as alternative and additional means to communicate with the public, and appreciate the ability to have direct feedback from people. The use of Facebook, Twitter, listserves, and other social media is considered a supplement to traditional communication methods. The subscribers are able to get information in a quick, assessable manner, and have more interaction with the agency.

More information is needed on how social media should function for maximum effectiveness, whether communications need to be archived, who should communicate for the agency when there is a two-way communication, how the communications can be retrieved and stored, and whether there are issues on proving that these communications are received. In some cases, involving direct feedback from the public, issues of civil rights and privacy are matters of concern.

Issues have also arisen on whether the communications that result from the use of social media are public records. For instance, transit agencies can use social media to communicate bus schedules. State DOT’s can use social media to communicate warnings of road hazards or traffic conditions. If so, do the public agencies have a duty to maintain copies of these communications? If copies are maintained, must they be produced in response to public records requests or in discovery in civil litigation? Would release of these records constitute invasions of privacy?

When social media are used to foster public involvement in NEPA studies or project permits or other public hearings, must the records be maintained as part of the administrative record? If so,

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1 “State Departments of Transportation Lead the Way Using New Media”, AASHTO web site, Feb. 2010
are all of the communications maintained or only the ones that originate with or are returned to the transportation agency?

Phase 1 of this research would consist of a survey of state departments of transportation, states attorneys general guidance, agency practices, reported decisions, administrative rules and guidance (to determine what they doing with the information). This project would also consist of collecting the applicable rules and determining whether there are legal issues in need of further research. The goal of this study is to produce a report that serves as a single source of information concerning these issues.

**Research Implementation**

This research will be conducted in two (2) phases. Phase 1 will consist of Task 1. At the conclusion of Phase I, TRB will make a determination whether to proceed with Phase II. Both Phases will be pursuant to a firm fixed price agreement. If a determination is made not to proceed with Phase 2, Consultant is expected to prepare a 15-25 page, double-spaced report suitable for publication as a Research Results Report.

**Phase I**

Task 1. Research Plan and Detailed Report Outline. The consultant will conduct background research (including surveying transportation agencies) and develop a complete research plan. This background research should include information about the utilization of social media in transportation agencies, a comprehensive description of known guidance on the use of social media and some knowledgeable estimate of the amount of case activity associated with this issue.

The final step of this task will consist of a work plan including consultant’s length of time and hours needed to complete tasks in Phase 2, an addition questionnaire or plans for telephone interviews (researcher is expected to initially send out a questionnaire or conduct telephone interviews to collect information on social media use, available guidance, and experiences and develop a detailed outline for the report.)

The outline should be about 10-15 pages, and contain sufficient detail to inform the committee of what a 75-100 page report (or report of appropriate length for the material) will contain. This outline should also contain the pagination for each proposed section and/or subsection. This material will be submitted to the Principal Investigator for Committee consideration.

At this point the project committee will decide whether this project should proceed to either: 1) accepting the information as suitable for a Research Results Report, about a 15-25 page report, detailing the research effort and the finding to that point; or 2) proceeding to a full scale legal research project with the intent of developing and publishing a legal 75-100 page legal research digest

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<th>Estimated length of time:</th>
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Phase 2

Task 2. Research. After TRB approval has approved the Task 1 report and a contract has been executed for Phase 2, the consultant should conduct further research, case and statutory/regulatory analysis, and collect additional primary data to the extent necessary.

  Estimated length of time: To be determined
  Estimated work effort: To be determined

Task 3. Report Drafting. The consultant will draft report in accordance with the approved outline (including modifications required by TRB).

  Estimated length of time: To be determined
  Estimated work effort: To be determined

Task 4. Revisions. Revise report as necessary. The consultant should anticipate that 2 revisions will be necessary. One revision may be required after review by the Principal Investigator and members of a select subcommittee. Additional revisions may be required after the full committee has been reviewed the report.

  Estimated length of time: To be determined
  Estimated work effort: To be determined

Total effort: Phase 1.

  Estimated length of time: 120 days
  Estimated work effort: 100-125 hours
  Estimated compensation: $10,000 - $13,500

Phase 2. To be determined.

If an offeror’s estimation of length of time and estimated work effort differs from those above, the offeror should use his/her estimates.

An important factor in rating offers will be the offeror's commitment to promptly undertake and complete this study.

Submit statements of Interest on or before July 6, 2012 by email to:

  James B. McDaniel
  Counsel for Legal Research Projects
  Transportation Research Board
  500 5th Street, NW, 4th Floor 4
  Washington, DC 20001
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