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TRANSPORTATION RESEARCH BOARD

February 23, 2017

TO: Distribution

FROM: Gwen Chisholm Smith
Manager, Transit Cooperative Research Program

Re: **Request for FY 2017 Legal Topics**
Transit Cooperative Research Program
Due by May 12, 2017

Transit Cooperative Research Program
Marking 25 years of Service through Research

The Transit Cooperative Research Program (TCRP) is seeking study topics for the **FY 2017 Legal Studies Program**. Ideas for study topics may be submitted by anyone at anytime. However, the closing date for consideration of ideas for study topics in **FY 2017 is May 12, 2017**. It is easy to develop and submit a legal study topic for consideration. Most are 1-3 pages in length.

The TCRP Legal Research Digest series reports on legal issues associated with transit and intermodal law. Each document is intended to provide transit attorneys with authoritative, well-researched, specific information that is limited in scope. The studies focus on legal issues and problems having national significance to the transit industry. The TCRP Legal Research Digest provides transit-related legal research on a wide variety of legal topics.

How to submit your ideas for legal study topics A suggested format for submitting a legal topic is enclosed. Legal study topics may be submitted **electronically via [this link](#)**. Suggested legal topics may also be submitted by e-mail to tcrp@nas.edu, with an attachment to the e-mail message in Microsoft Word format.

Legal study topic selection process Ideas submitted for study topics form the basis for selection of the annual Legal Research Program. Topics are selected by a project panel that meets once a year. The TCRP project panel members perform a preliminary screening and ordering of the topics. At the annual meeting they discuss the highest rated topics and make their final selection. It is expected that 4 new topics will be selected for the FY 2017 TCRP Legal Program. Enclosed is a listing of all legal topics authorized to date.

The factors considered in the selection process for study topics are (1) broad interest in the topic; (2) timely and critical with respect to the transit community at large; (3) quality and quantity of information already learned on the subject and; (4) ongoing research or other forthcoming potential release of significant information is expected that would render the Legal Research Digest obsolete.

Previously submitted research problem statements If you have previously submitted a legal study topic that was not selected for funding, but is still a relevant legal study topic, please feel free to resubmit your topic for consideration. There are many good topics that are not selected each year simply due to the level of funding available. Legal topics must be resubmitted each year to receive further consideration.

Information on the TCRP Program

Background Information on the TCRP may be found at:

<http://www.trb.org/TCRP/TCRPOverview.aspx>

List of TCRP legal study topics may be found on the TCRP website:

<http://apps.trb.org/cmsfeed/TRBNetProjectDisplay.asp?ProjectID=1171>

Thank you. Your willingness to participate in the identification of relevant transit legal topics is a key element of a successful, industry-driven TCRP. Should you have any questions or need additional information, please feel free to contact me at 202/334-3246 or gsmith@nas.edu.

Enclosures

Legal Research Digests (LRDs) published to date:

- LRD No. 1 Strategies to Facilitate Acquisition and Use of Right of Way
- LRD No. 2 Risk Management for Rideshare Carpool Matching Program
- LRD No. 3 State Limitation on Tort Liability for Public Transit Operations
- LRD No. 4 Transit Labor Protection -A Guide to 13(c) Federal Transit Act
- LRD No. 5 Legal Issues Associated with Intermodalism
- LRD No. 6 Procurement and Funding Procedures Which Impact the Procurement of Extensive Long Leads Items
- LRD No. 7 The Impact of Civil Rights Litigation Under Title VI and Related Laws on Transit Decision Making
- LRD No. 8 Purchase of Service Agreements for Public Transportation Agencies
- LRD No. 9 Strategies to Minimize Liability under Federal and State Environmental Laws
- LRD No. 10 Restrictions on Speech and Expressive Activities in Transit Terminals and Facilities
- LRD No. 11 Potential Tort Liability for Transit Agencies Arising Out of the Americans with Disabilities Act
- LRD No. 12 The Zoning and Real Estate Implications of Transit-Oriented Development
- LRD No. 13 Report on Innovative Financing for Transit Agencies
- LRD No. 14 Treatment of Privacy Issues in the Public Transportation Industry
- LRD No. 15 Impact of the Family and Medical Leave Act of 1993 on the Transit Industry
- LRD No. 16 Drug and Alcohol Testing---A Survey of Labor-Management Relations
- LRD No. 17 Guide to Federal Buy America Requirements
- LRD No. 18 Federal and State Licensing and Other Safety Requirements for Commercial Motor Vehicle Operators and Equipment
- LRD No. 19 Impact of the Americans with Disabilities Act on Transit Operations
- LRD No. 20 Transit Passengers and Civil Rights
- LRD No. 21 Trademarking and Licensing for Transit Providers
- LRD No. 22 The Case for Searches on Public Transportation
- LRD No. 23 The American with Disabilities Act: The Federal Transit Administration's Letters of Findings and Compliance Assessments
- LRD No. 24 Transit Bus Stops—Ownership, Liability, and Access
- LRD No. 25 Privacy Issues with Use of Smartcards
- LRD No. 26 Resources for Legal Issues Associated with Bus Maintenance
- LRD No. 27 Civil Rights Implications of the Allocation of Funds between Bus & Rail
- LRD No. 28 Use of Fees or Alternatives to Fund Transit
- LRD No. 29 First Amendment Implications for Transit Facilities: Speech, Advertising, and Loitering
- LRD No. 30 Legal Handbook for the New Starts Process
- LRD No. 31 Guide to Federal Buy America Requirements—2009 Supplement
- LRD No. 32 Reconciling Security, Disclosure, and Record Retention Requirements in Transit Procurements
- LRD No. 33 Transit Advertising Issues
- LRD No. 34 Application of Physical Ability Testing to Current Workforce of Transit Employees
- LRD No. 35 Reduction in Transit Services or Increases in Fares: Civil Rights, ADA, Regulatory, and Environmental Justice Implications

- LRD No. 36 Transit Oriented Development and Joint Development: Case Studies and Legal Issues
- LRD No. 37 Legal Arrangements for Use and Control of Real-Time Data
- LRD No. 38 Legal Aspects Relevant to Outsourcing Transit Functions Not Traditionally Outsourced
- LRD No. 39 Competition Requirements of the Design/Build, Construction Manager at Risk, and Public-Private Partnership Contracts—Seven Case Studies
- LRD No. 40 Legal Issues Involving Surety for Public Transportation Projects
- LRD No. 41 Transit Labor 13(c) Employee Protection Digest (CD 120)
- LRD No. 42 Transit Agency Intergovernmental Agreements: Common Issues and Solutions
- LRD No. 43 Contractual Means of Achieving High Level Performance in Transit Contracts (CD 134)
- LRD No. 44 Legal Issues in Emergency Planning and Operations
- LRD No. 45 Transit Agency Public Private Partnerships: Legal Issues
- LRD No. 46 How HIPPA and Other Privacy Laws Affect Public Transportation Operations
- LRD No. 47 Legal Issues with Obtaining Insurance on Large Transit Capital Projects
- LRD No. 48 Legal Issues Concerning Transit Agency Use of Electronic Customer Data (Anticipated publication-March 2017)
- LRD No. 49 Guide to Buy America Requirements--2015 Supplement (Anticipated publication-June 2017)
- LRD No. 50 Public Transit Emergency Preparedness against Ebola and Other Infectious Diseases: Legal Issues Anticipated publication-June 2017)

- Four reports have been published in a multi-volume collection contained in the *Selected Studies in Transportation Law*, published jointly by NCHRP and TCRP. The reports are titled:

- Volume 5 Transit Law
- Volume 5: Transit Law (2014 Supplement)
- Volume 6 Transit Labor 13(c) Decisions
- Volume 7 Transit Charter Bus Service: Decisions and Documents

- One report has been published as Web-Only Document 33: The Federal Transit Act and Related Laws.
- One report has been published as Research Results Digest 97: Transit Agencies with Title VI, Limited English Proficiency Requirements

Study Topics in Progress:

Study Topic 16-04	Technology Contracting for Transit Projects
Study Topic 17-01	Impact of the Americans with Disabilities Action Act on Transit Agency Liability
Study Topic 17-02	Implications of Video Surveillance on Transit Systems
Study Topic 17-03	Legal Considerations in Relationships between Transit Agencies and Ride-Sourcing Service Providers

**SUGGESTED FORMAT
FOR
TOPICS RECOMMENDED
FOR TCRP PROJECT J-5**
Legal Issues Associated with Transit and Intermodal Law

TITLE: Preferably ten words or less

SUBMITTED BY: Name of submitter and organization

SCOPE: This statement should be brief (i.e. one or two paragraphs), but there is not a limit on length. It should describe the problem and identify the parts to be covered by the *Legal Research Digest*. The proposed research should be able to be accomplished in approximately 400 hours of professional time.

INFORMATION SOURCES: Optional - organizations, individuals, or literature references

Submit Topics to: Gwen Chisholm-Smith
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202-334-3246
FAX 202/334-2006
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FY 2017 Legal Studies Topics

Recommendations Requested by May 12, 2017

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