

Morgan Lewis

HOT TOPICS INVOLVING MOBILITY

March 11, 2020

**Lucy Wang
Kevin Benedicto**

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Morgan Lewis Automotive Hour Webinar Series

Series of automotive industry focused webinars led by members of the Morgan Lewis global automotive team. The 10-part 2020 program is designed to provide a comprehensive overview on a variety of topics related to clients in the automotive industry. Upcoming sessions:

APRIL 1 | Tax Developments Affecting Automotive and Mobility Companies

MAY 13 | How to Make Use of Data in a Car: Connected Cars, Payment Tech, Analytics, and Other Opportunities

JUNE 10 | Employee Benefits in the Automotive and Mobility Context

JULY 15 | Working with, or Operating, a Tech Startup in the Automotive and Mobility Sectors

AUGUST 5 | Electric Vehicles and Their Energy Impact

SEPTEMBER 23 | Autonomous Vehicles Regulation and State Developments

NOVEMBER 11 | Environmental Developments and Challenges in the Automotive Space

DECEMBER 9 | Capitalizing on Emerging Technology in the Automotive and Mobility Space

Hot Topics Involving Mobility

Section 01 – Introductions

Section 02 – On the Road

Section 03 – Below the Road

Section 04 – Above the Road

Section 05 – Way Above the Road

Section 06 – Anywhere and Everywhere

SECTION 01

INTRODUCTIONS



Today's Presenters



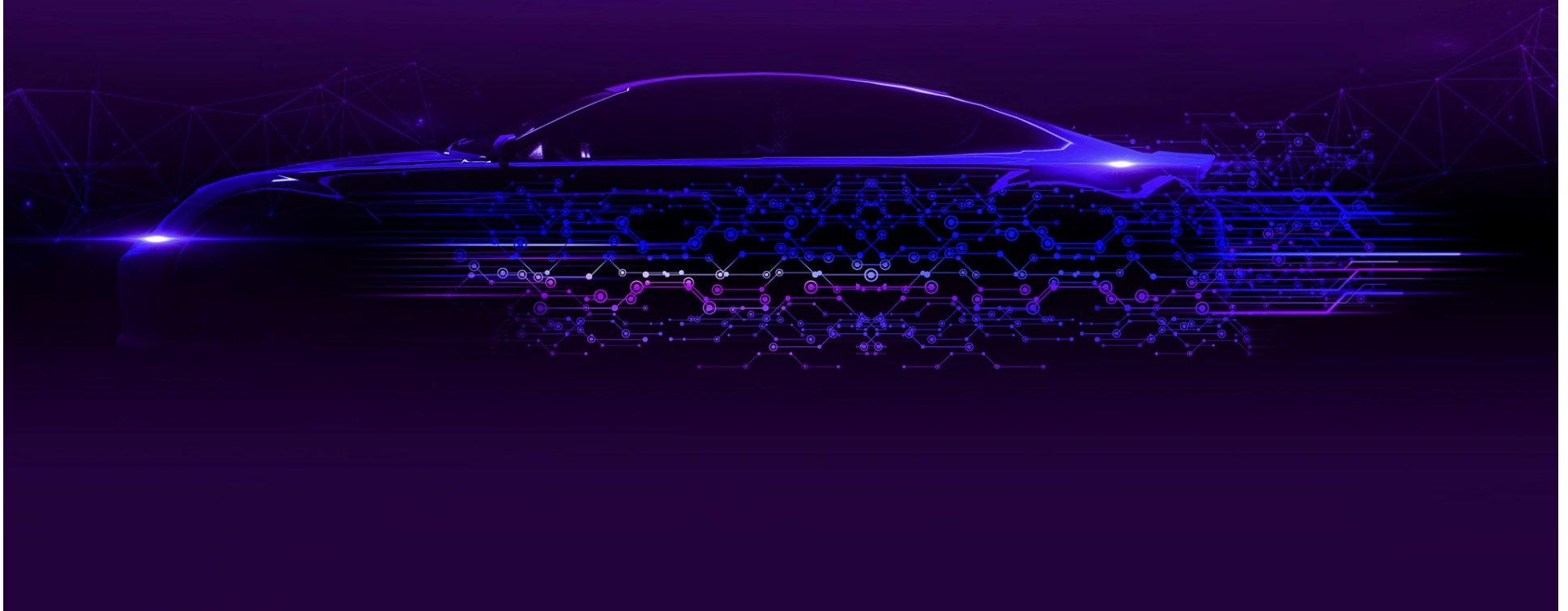
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SECTION 02

ON THE ROAD



Car Free Sections of Cities



Historic day in #SF 🌟. Market Street is officially car-free!
#MarketStreet2020



London Breed

12:07 PM · Jan 29, 2020 from Embarcadero Plaza · Twitter for iPhone



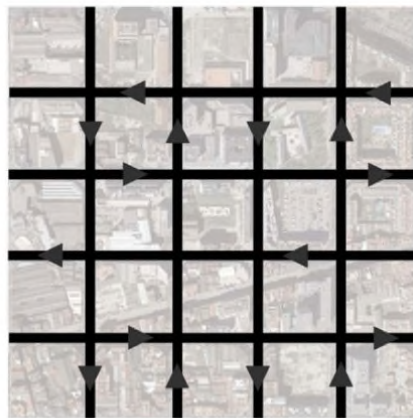
Source: Curbed NY

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Barcelona's Super-Blocks

Road hierarchy in a Superblock model

CURRENT SITUATION



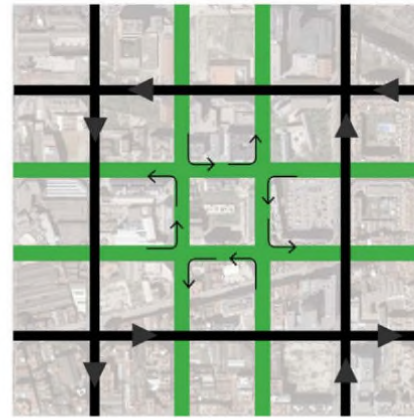
400 meters

Basic network: 50 km/h



SOLE RIGHT: DISPLACEMENT.
HIGHEST AIM: PEDESTRIAN.

SUPERBLOCK



400 meters

Local network: 10 km/h



EXERCISE OF ALL THE RIGHTS THAT THE CITY
OFFERS. HIGHEST AIM: CITIZEN.

PASSING
VEHICLES
DO NOT GO
THROUGH



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Barcelona's Superblocks



Source: vox.com



Source: vox.com

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Positive Developments

LOCAL // BAY AREA & STATE

No 'carmageddon' on auto-free Market Street. Study shows bikes and buses benefit



Rachel Swan | Feb. 27, 2020 | Updated: Feb. 27, 2020 9 a.m.

Major Traffic Experiment in N.Y.C.: Cars All but Banned on Major Street

The city takes its crackdown on cars to 14th Street, a crosstown route for 21,000 vehicles a day, which will be virtually off limits.



A bus traveling along 14th Street in Manhattan. Hiroko Masuike/The New York Times



By Winnie Hu

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Council of Chelsea Block Associations et al v. Trottenberg

FILED: NEW YORK COUNTY CLERK 06/20/2019 04:35 PM INDEX NO. 156153/2019
NYSCEF DOC. NO. 1 RECEIVED NYSCEF: 06/20/2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of _____ X

COUNCIL OF CHELSEA BLOCK ASSOCIATIONS,
William Boreck, President;
FLATIRON ALLIANCE, INC., Michele Golden & Susan
Finley, Co-Directors;
WEST 12th STREET BLOCK ASSOCIATION, Marguerite
Martin, Co-Chair;
UPPER WEST 13th STREET BLOCK ASSOCIATION, INC.,
Jeffrey Ryan, President;
WEST 13th STREET 100 BLOCK ASSOCIATION, INC.,
Gay Tomasi, President;
100/200 WEST 15th STREET BLOCK ASSOCIATION,
Steven Starosta & Kimon Rezos, Co-Chairs;
100 WEST 17th & 18th STREETS BLOCK ASSOCIATION,
Judy Klein And Michael Glassman, Co-Presidents;
16th STREET TENANTS CORP., Sherrie Levy, President;
13 WEST 13th APARTMENT CORPORATION; Michael
Cohen, President;
CAMBRIDGE OWNERS CORPORATION, Trevor Stewart,
President;
VICTORIA OWNERS CORPORATION, James Heller,
Treasurer;
VERMEER OWNERS, INC.,
JOHN WETHERHOLD;
DAVID R. MARCUS;
JULIANNE BOND; and
ARTHUR Z. SCHWARTZ, individually and as Male
Democratic District Leader for the 66th Assembly District
Part A,

Index No. _____

VERIFIED PETITION

Petitioners,

-against-

POLLY TROTTEMBERG, as COMMISSIONER OF THE
CITY OF NEW YORK DEPARTMENT OF
TRANSPORTATION,

Respondent,

For an Order and Judgment Pursuant to Article 78 of the
Civil Practice Law and Rules, the State Environmental Quality
Review Act, and the New York City Environmental Quality
Review Act.

_____ X

1 of 39

“DOT has come up with a new ‘rationale’ for the Corridor Plan, since the original rationale was no longer viable,” the suit alleges. “That rationale (making bus service faster) amounts to no more than PR material. The result, Petitioners contend, will be increased vehicular traffic on all east and westbound streets between 12th Street and 20th Street, bringing with it air pollution, noise, and vibrations endangering the 19th century buildings which line these blocks, challenging the character of the Greenwich Village, Chelsea, and Flatiron communities, and likely causing delay in the crosstown transit of emergency vehicles.”

Other Challenges and Legal Implications

- Cooperation between government agencies and developers
- Regulatory hurdles
- Unintended secondary effects of congestion
- Safety risks when transitioning out of pedestrian zones
- Pushback from businesses and transportation companies

Scooters & Bikes – Tremendous Growth



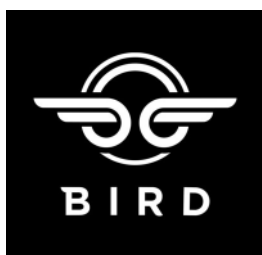
Source: The Verge



Source: The Verge

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Scooters & Bikes – Tremendous Growth



SPIN

**\$42 Billion
by 2030**



Scooters & Bikes – Shifting Landscape

TECH \ TRANSPORTATION \ RIDEABLES

Uber, Spin, and Lime scooters are now legal in San Francisco, but Skip is out

The balance of scooter power in SF shifts

By [Andrew J. Hawkins](#) | [@andyjayhawk](#) | Oct 15, 2019, 6:43pm EDT



E-bike startup Wheels lays off staff as dockless micromobility struggles continue

By [Andrew J. Hawkins](#) | Feb 27, 2020 | 2 comments



Bird Pay tries to appease local businesses plagued by scooters

By [Thomas Ricker](#) | Feb 25, 2020 | 7 comments



Electric bikes and scooters will stay illegal in New York thanks to Governor Cuomo

By [Sean O'Kane](#) | Dec 26, 2019 | 38 comments

San Francisco Case Study

LOCAL // BAY AREA & STATE

As complaints roll in, San Francisco considers action over wave of motorized scooters



Michael Cabanatuan | April 9, 2018 | Updated: April 9, 2018 9:32 p.m.

BIZ & TECH // BUSINESS

Bye-bye, SF scooters as Bird, Lime and Spin go on hiatus

Carolyn Said and Evan Sernoffsky | June 5, 2018 | Updated: June 5, 2018 1:35 p.m.

San Francisco Case Study

Rolling Out New Scooters

Share this: [Facebook](#) [Twitter](#) [Email](#)

Friday, October 11, 2019



Today, the SFMTA issued permits to four scooter-share operators: Scoot, Jump, Lime and Spin through the new [Powered Scooter Share Permit Program](#). With the pilot program set to expire on Monday, October 14, the new permit will take effect on Tuesday, October 15 to avoid a disruption in service.

We are grateful for all the constructive feedback received throughout this process and will be rolling out a phased approach to the expansion of shared scooters on San Francisco's streets.

New permittees (Jump, Lime and Spin) will be authorized to deploy up to 500 scooters each. This cap is scheduled to increase to 750 on December 15 and again to 1,000 on February 15, contingent on each respective company meeting stringent permit terms and conditions.

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Thousands of new e-scooters hit San Francisco streets today

But maximum cap is now a fraction of previous projection as the city slashes e-scooter fleet by 60 percent

By [Adam Brinklow](#) | Oct 15, 2019, 8:52am PDT

[f](#) [t](#) [SHARE](#)



Sidewalk at Mission and Third Streets, October 15, 2019. | Photo by Brock Keeling

Statewide Regulation – New York State

E-Bikes and E-Scooter Rentals Won't Be Allowed in N.Y. Anytime Soon

Gov. Andrew Cuomo vetoed a bill that would have legalized both types of transport, angering supporters of the measure.



Delivery workers rely on electric bicycles, but many of them are illegal in New York City. Carlo Allegri/Reuters

By Ed Shanahan

Dec. 26, 2019



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NEW YORK MINUTE

E-bike, e-scooter legislation gets a second chance in New York

4

Plus, "Bird God" vandal strikes the Grand Army Plaza arch again—and more intel in today's New York Minute news roundup

By [Caroline Spivack](#) | Jan 24, 2020, 10:30am EST



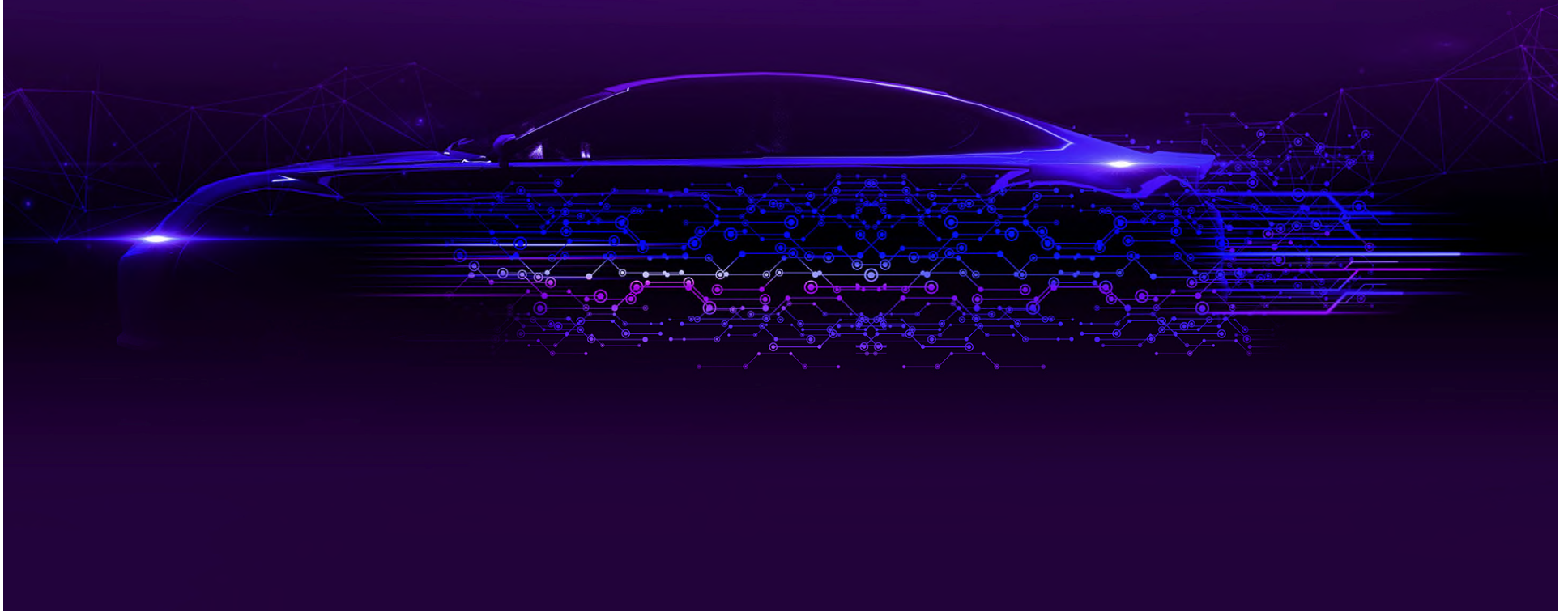
Chris Delmas/Getty Images

Scooters and Bikes – Other Legal Implications

- Municipal Regulations and Exclusivity Agreements
- Environmental Regulations and Impact
- Labor and Employment Issues
- High M&A Activity
- Liability/Personal Injury Issues

SECTION 03

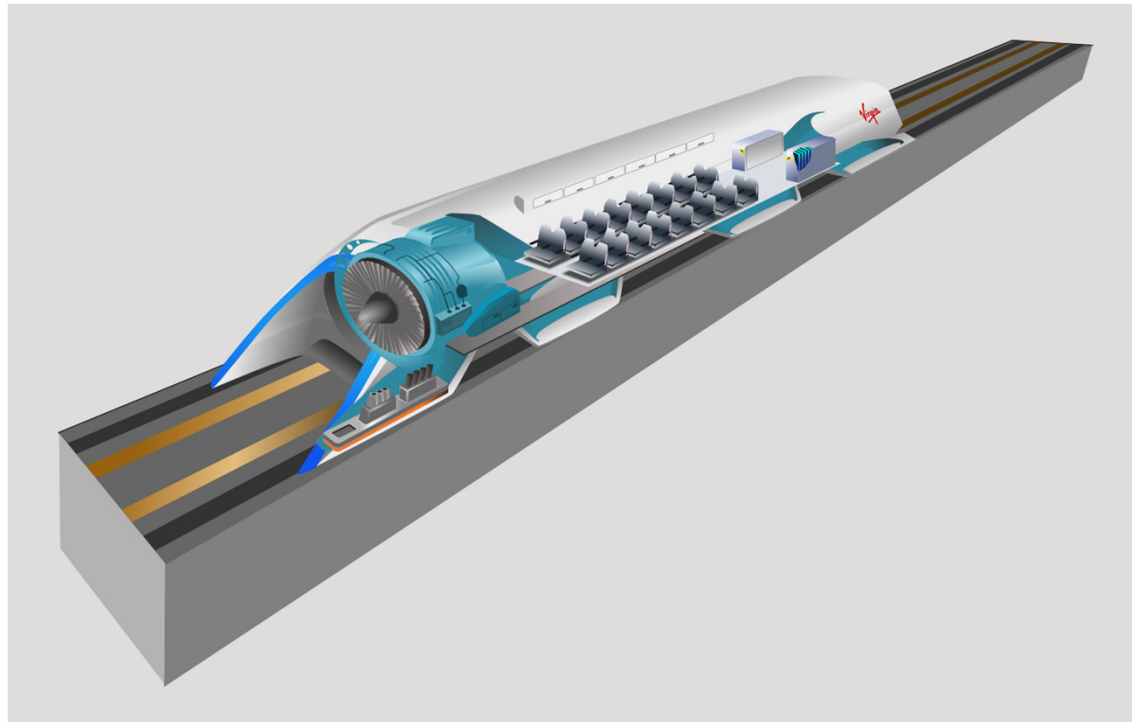
BELOW THE ROAD



What is Hyperloop

- New proposed method of transportation.
- Passengers or cargo are loaded into the hyperloop vehicle and accelerate gradually via electric propulsion through a low-pressure tube. The vehicle floats above the track using magnetic levitation and glides at airline speeds for long distances due to ultra-low aerodynamic drag.
- Active development since 2013.
- Source: Virgin Hyperloop One & Hyperloop Transportation Technologies

Concept - Virgin Hyperloop One

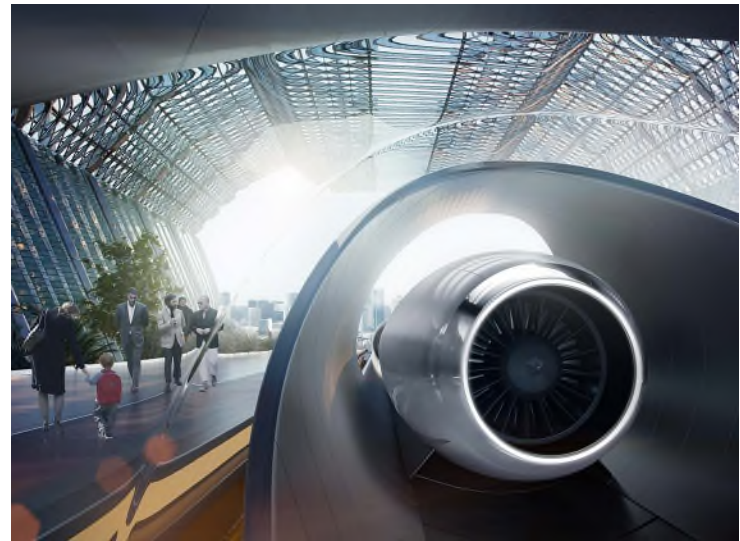


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Hyperloop – Core Design

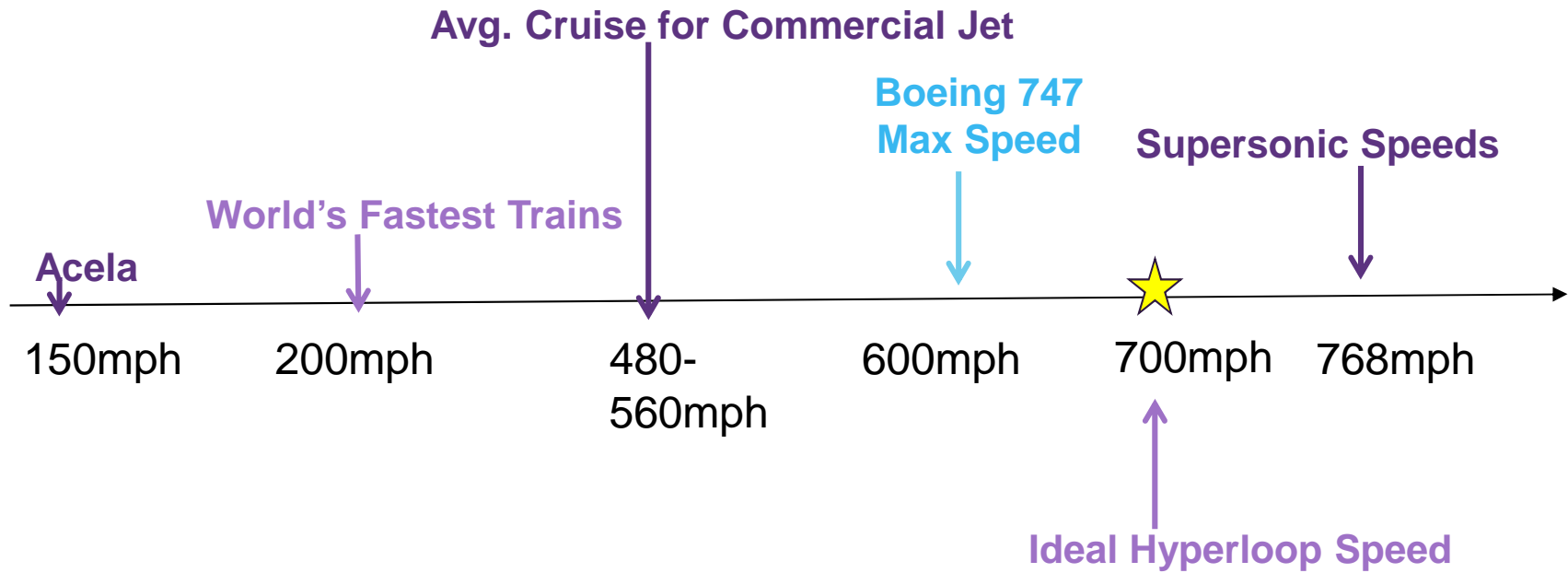
- Tubular pod hovering in a low pressure tube
- Electric compressor fan on the nose of the pod forcing high pressure air from front to rear
- Battery used to power the fan, but not to accelerate the pod
- External linear electric motor for acceleration
- Typically without wheels;
low resistance = high velocity
- 700 mph cruise, “high subsonic velocity ”

Source: Virgin Hyperloop One & Hyperloop Transportation Technologies



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How Fast Is Hyperloop?



Proposed Routes

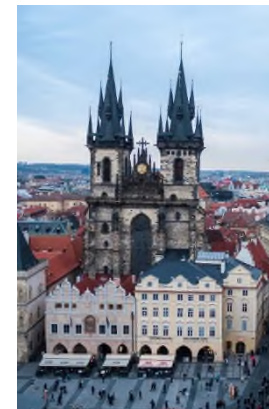


Original: San Francisco to Los Angeles in 30 to 45 minutes.

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Dubai: Burj Khalifa, Dubai Airport, Al Maktoum Airport, and Abu Dhabi Airport.



Czech Republic: Prague to Brno.

Who is Developing Hyperloop

Virgin
hyperloop one

SPACEX

HYPERLOOP
TRANSPORTATION TECHNOLOGIES



Boring Company and Urban Tunneling



Photos: The Boring Company

Morgan Lewis

Boring Company and Urban Tunneling



Photos: The Boring Company

Morgan Lewis



Lawsuits to Stop Tunneling



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 18 - 0135
MAY 15 2018

REQUEST FOR CLOSED SESSION PURSUANT TO
GOVERNMENT CODE SECTION 54956.9(d)(1)

REPORT RE:

STATUS OF PENDING LITIGATION

BRENTWOOD RESIDENTS COALITION ET AL. V. CITY OF LOS ANGELES
LASC CASE NO. BS173523 - COUNCIL FILE 17-1342-S1
(COUNCIL DISTRICTS 5 AND 11)

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

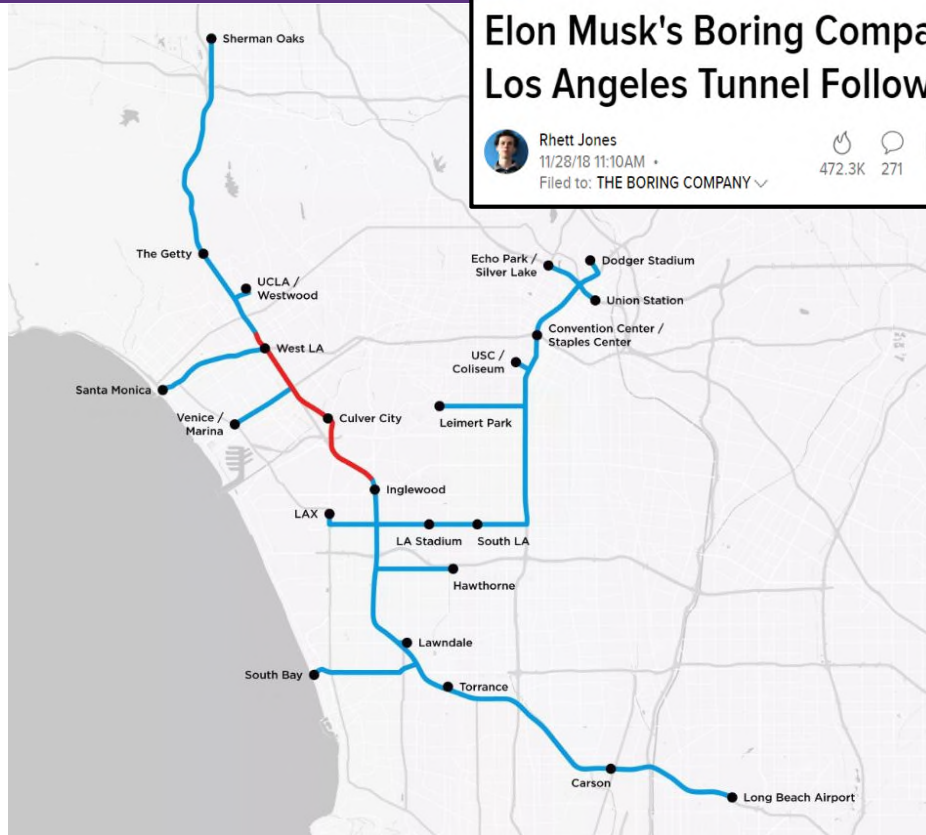
Honorable Members:

This Office recommends that discussion with, and advice from, legal counsel with respect to this pending litigation be scheduled and held in closed session pursuant to California Government Code Section 54956.9(d)(1). Government Code Section 54956.9 requires you to state publicly, prior to the closed session, what division of this section authorizes the closed meeting, and that the closed session is being held to confer or discuss with, or receive advice from, legal counsel regarding pending litigation.

This matter involves a proposed tunnel excavation permit for the Boring Company's Proof of Concept Tunnel Project.

City Hall East 200 N. Main Street Room 800 Los Angeles, CA 90012 (t) 213 978-8400 Fax (t) 213 978-8312

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NEWS

Elon Musk's Boring Company Cancels Los Angeles Tunnel Following Lawsuit

Rhett Jones
11/28/18 11:10AM •
Filed to: THE BORING COMPANY

472.3K 271 1

Lawsuits to Stop Tunneling



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 18 - 0135
MAY 15 2018

REQUEST FOR CLOSED SESSION PURSUANT TO
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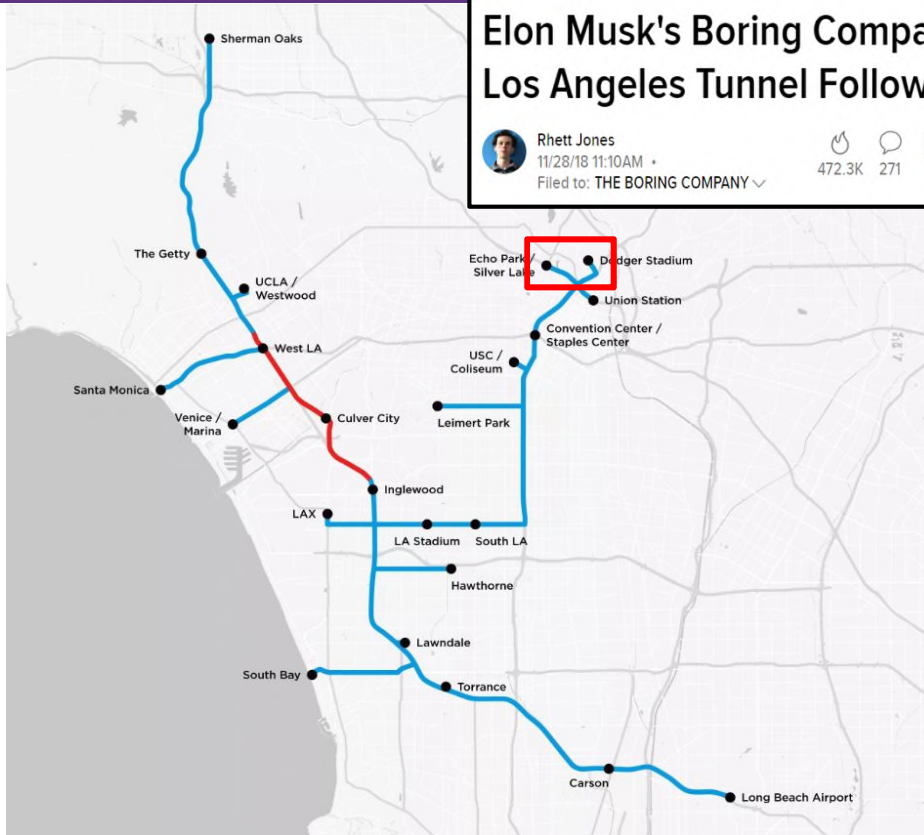
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City Hall East 200 N. Main Street Room 800 Los Angeles, CA 90002 (213) 978-8600 Fax (213) 978-8312



NEWS

Elon Musk's Boring Company Cancels Los Angeles Tunnel Following Lawsuit

Rhett Jones
11/28/18 11:10AM •
Filed to: THE BORING COMPANY

472.3K 271 1

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SECTION 04

ABOVE THE ROAD



AIRCRAFT

Own the Sky: David Mayman launches jetpack documentary with thunderous public flight demo

By Loz Blain
July 23, 2019



Flying Taxis

Uber and Hyundai team up to put flying taxis in the sky



By [Matt McFarland](#), [CNN Business](#)

Updated 5:40 PM ET, Tue January 7, 2020



UBER TECHNOLOGIES

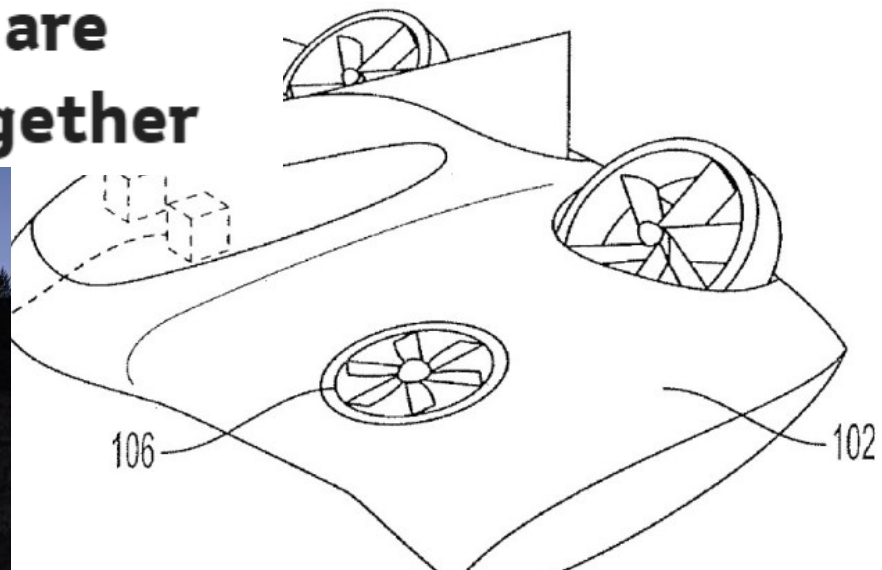
Bell and Hyundai Soar Into the Air Taxi Race

At CES, the helicopter maker and the global manufacturing giant unveil their concepts for flying urban mobility.

Flying Taxis

Jan. 16, 2020

Toyota and Joby Aviation are Flying to New Heights Together



Boeing Partners with Porsche

Flying Taxis

Wisk strikes a deal to conduct a flying taxi trial in New Zealand

Wisk is a joint venture between Boeing and Larry Page's Kitty Hawk

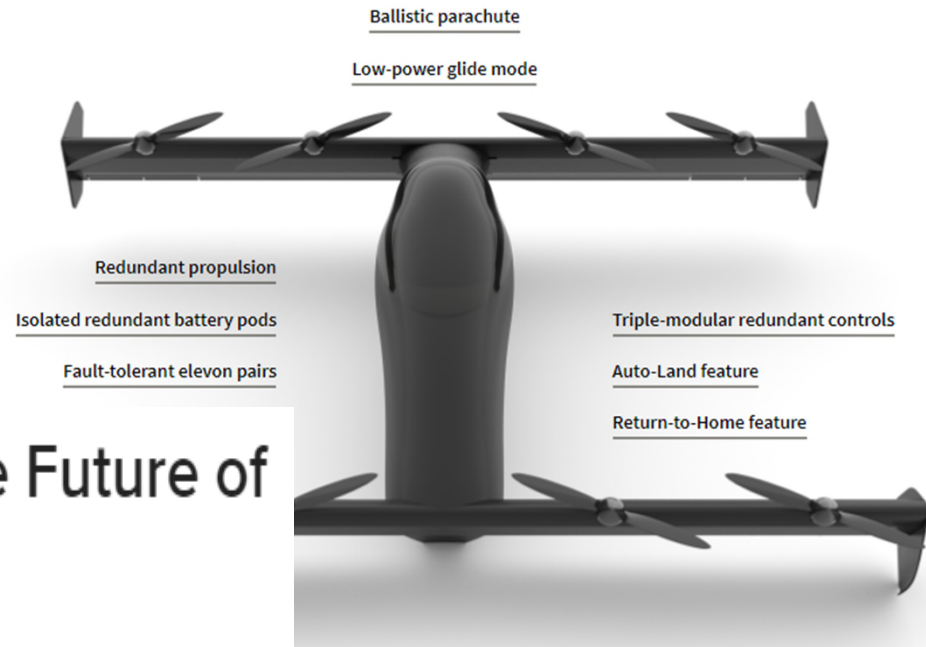
By [Andrew J. Hawkins](#) | [@andyjayhawk](#) | Feb 4, 2020, 11:57am EST



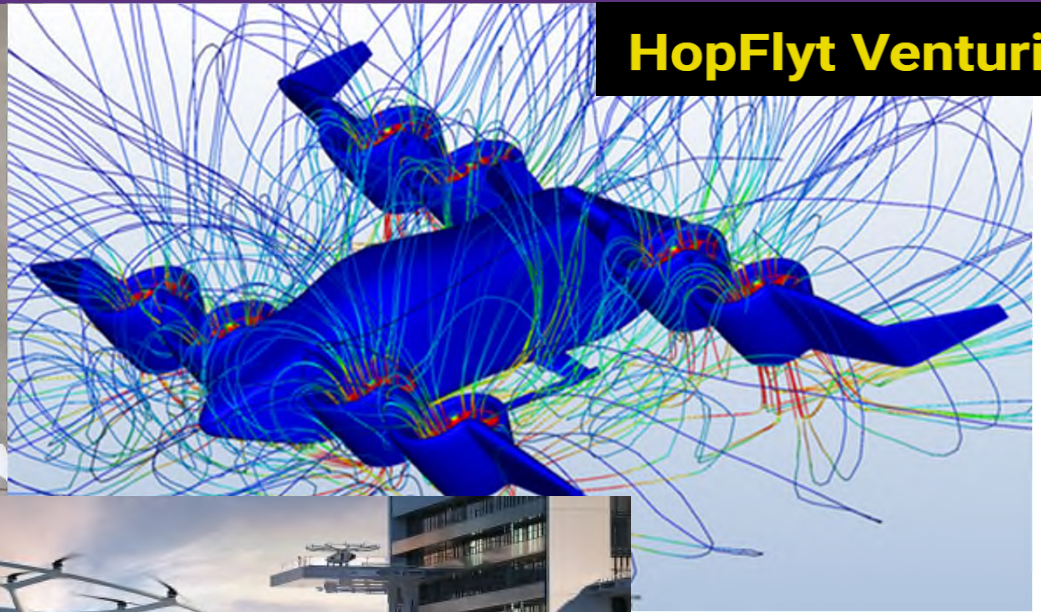
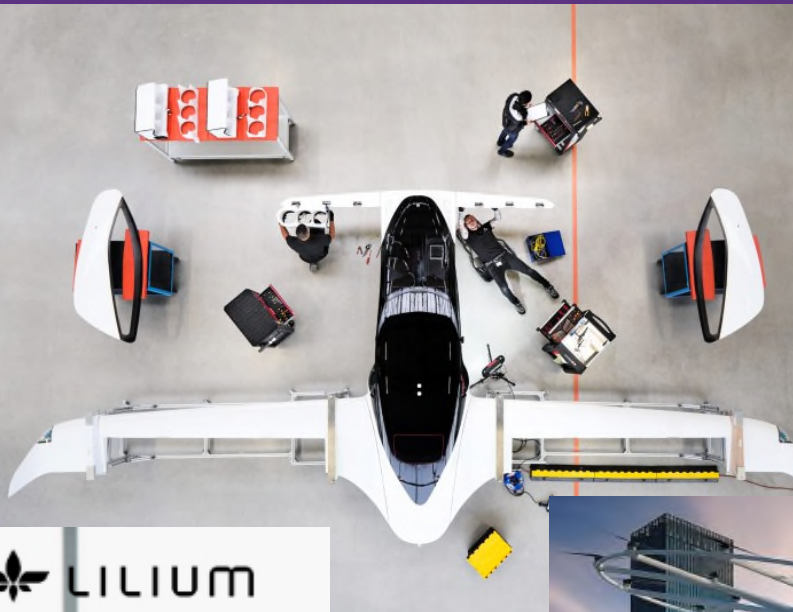
'GoFly' Fly-Off Showcases the Future of Personal Flight

By [David Cardinal](#) on March 2, 2020 at 10:02 am | [6 Comments](#)

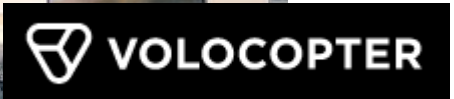
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Flying Taxis



HopFlyt Venturi



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Flying Taxis



3,200,000 American Depositary Shares

eHANG

EHang Holdings Limited

Representing 6,400,000 Class A Ordinary Shares



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Flying Taxis or . . .

- Electric Vertical Take-off and Landing (**eVTOL**)
- Unmanned Aircraft Vehicle/System (**UAV/UAS**)
- Autonomous Aerial Vehicle (**AAV**)
- Personal Air Vehicle (**PAV**)
- Autonomous Pod Transport (**APT**)
- Urban Air Mobility (**UAM**)
- Mobility as a Service (**MaaS**)

White House: 2021 R&D Budget Priorities

Policy Memorandum M-19-25

Office of Science & Technology Policy (August 30, 2019)

American Leadership in Industries of the Future

*The Trump Administration continues to prioritize the technologies that power Industries of the Future (IoF) . . . Departments and agencies should support the development and deployment of advanced communications networks by prioritizing R&D consistent with the National Spectrum R&D Strategy. They should prioritize R&D to lower barriers to the deployment of surface, air, and marine autonomous vehicles with a focus on developing operating standards, integration approaches, traffic management systems, and defense/security operations. **Departments and agencies should prioritize R&D that enables electric vertical-takeoff-and-landing** and civil supersonic aircraft, including for type certification, the creation of over-land supersonic flight noise standards, and low-sonic-boom aircraft research....*

NASA: UAM Grand Challenge

Grand Challenge Will Bring NASA, FAA And Industry Together On UAM

NASA / FAA (September 18, 2019)

Our next step for realizing UAM begins in 2020 with preparations for a series of activities called the Grand Challenge.

The Grand Challenge series will offer something more valuable than a prize purse – valuable knowledge that will be given to the organizations working to establish the certification requirements and standards needed for the market to move forward.

It's about promoting public confidence in advanced air mobility systems, and helping organizations and companies learn what it really takes to operate air vehicles safely in an urban environment.

FAA: “[W]e’re out in front with urban air mobility”

Daniel Kevin Elwell, Acting Administrator, FAA

Uber Elevate Urban Air Mobility Summit 2019 (June 11, 2019)

We learned that the hard way when UAS technologies and an entirely new industry sprung up practically overnight and we weren’t ready for it.

We’re sort of caught up now, but we are also determined not to let it happen again.

That’s why we’re out in front with urban air mobility, or UAM, working with the industry and with NASA to make sure we get it right.

FAA: “Yes, this is more than just hype.”

Jay Merkle, Executive Director, UAS Integration Office, FAA
Transportation Research Board (January 13, 2020)

*I want to close with some thoughts on the next very, very innovative piece of technology that we see emerging, and that's urban air mobility. . . . And probably the biggest question I get on this is, is this real? Are they really happening? Yes, this is more than just hype. This is more than just promotional videos. **We have at least six aircraft well along in their type certification**, which is the first step in introducing the new aircraft into operation.*

We are beginning to work on integrating them operationally, so the pilot requirements, the airline operating requirements, and then were also beginning to work on the air space integration as well. . . . So we think that's going to be a very important area over the next few years, and we see that as we solve the problems with small UAS, and beyond visual line of site, we'll be turning more and more of our attention to these urban air mobility.

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FAA: Engaged With More Than 15 eVTOL Projects

Stephen M. Dickson, Administrator, FAA

Helicopter Association International (HAI) Heli-Expo, January 28, 2020

*Flying taxis are on the horizon and manufacturers are getting ready for testing. According to my UAS [Unmanned Aircraft System] team, **we are currently engaged with the builders of more than 15 electric vertical takeoff and landing aircraft projects.***

Of course, the FAA has to ensure that these new entrants are safe before they can take part in regular National Airspace System operations. We're using a crawl, walk, run approach as we mature the vehicle technologies and air traffic management procedures to do this, and at this point, I'll note that we're still in the crawling phase for both, but we are making rapid progress.

A key question we get from new entrants is "how safe is 'safe'"? Will the fatal accident risk we accept for rotorcraft operations today be acceptable for Uber riders tomorrow? Probably not.

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FAA & DOT

Federal Aviation Administration (Large UAS)

- Special Airworthiness Certificate (SAC)
- FAA Order 8130.34D
- Proposed operation does not present an unreasonable safety risk
- Certification for research and development

Department of Transportation

- Certificate of public convenience and necessity (or exemption)
- Streamlined procedures for UAS operators proposing to delivery “goods” as an “air taxi.”

State and Local

North Carolina hosts first U.S. flight of EHang pilotless air taxi

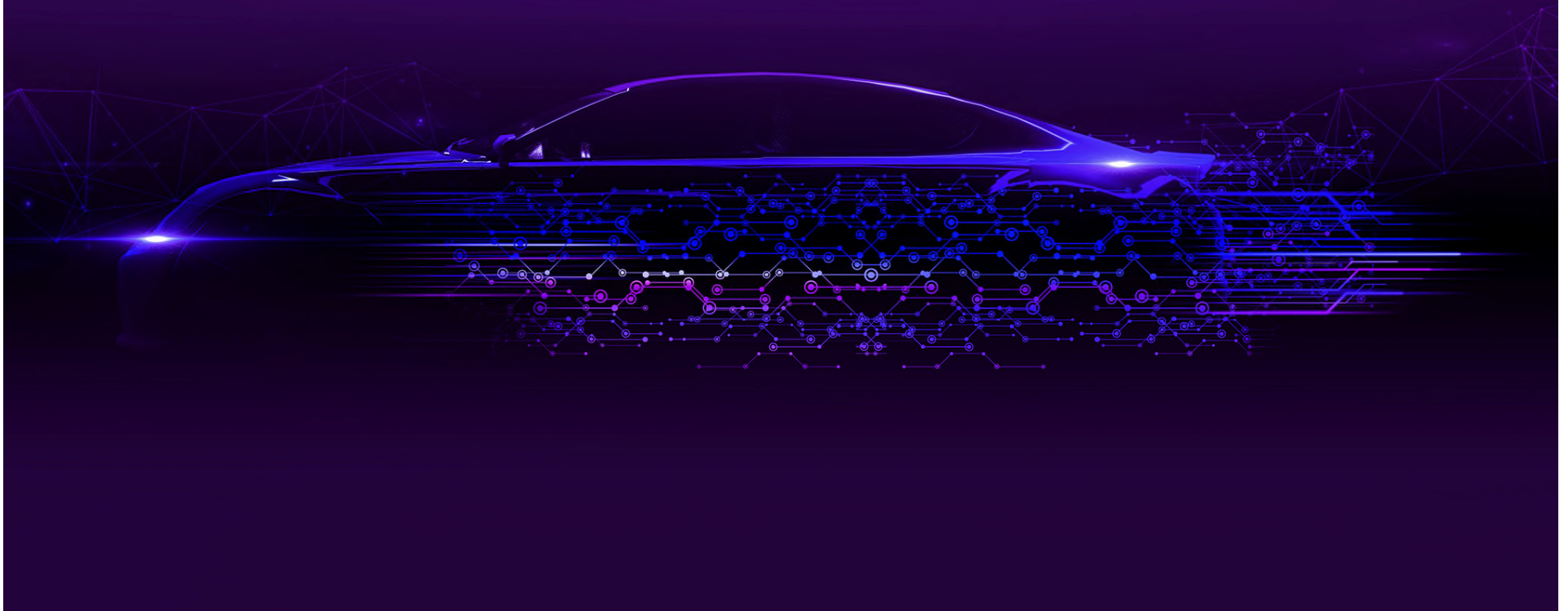
Roy Cooper, the North Carolina Governor, said, “We are proud to have the first autonomous aerial vehicle flying in North America, in North Carolina. . . . It's taking off. We North Carolina has become the pilot that can help move this kind of business forward. We are excited about that.”

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SECTION 05

WAY ABOVE THE ROAD



Space Tourism

BUSINESS

Virgin Galactic Plans to Resume Space-Tourism Sales

Company backed by Richard Branson says it has secured 20 of 29 necessary approvals from FAA



Virgin Galactic had targeted a first commercial flight by June carrying Mr. Branson, who turns 70 this year.

PHOTO: JUSTIN LANE/EPA-EFE/SHUTTERSTOCK

BUSINESS

SpaceX's new space tourism offer: 5-day flight in Crew Dragon capsule



The Dragon crew capsule is shown atop a Falcon 9 rocket at Kennedy Space Center in Florida. (SpaceX via Associated Press)

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Space Tourism



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SpaceX tourist trips to space station reportedly to cost \$55M each

Axiom Space signed a contract with Elon Musk's rocket company, and could bring tourists to space in 2021.



Sean Keane
March 6, 2020 5:40 AM PST

ES



▶ LISTEN - 01:09



Getting up to the International Space Station could cost you \$55 million.
ESA/NASA via Getty Images

Informed Consent

- Commercial Space Launch Amendments Act of 2004 and regulations adopted on December 15, 2006 by the Federal Aviation Administration (FAA): *“The FAA is establishing requirements for human space flight as required by the Commercial Space Launch Amendments Act of 2004, including rules on crew qualifications and training, and informed consent for crew and space flight participants. The requirements should provide an acceptable level of safety to the general public and ensure individuals on board are aware of the risks associated with a launch or re-entry. The rule also applies existing financial responsibility and waiver of liability requirements to human space flight and experimental permits. Experimental permits are the subject of a separate rulemaking”.*

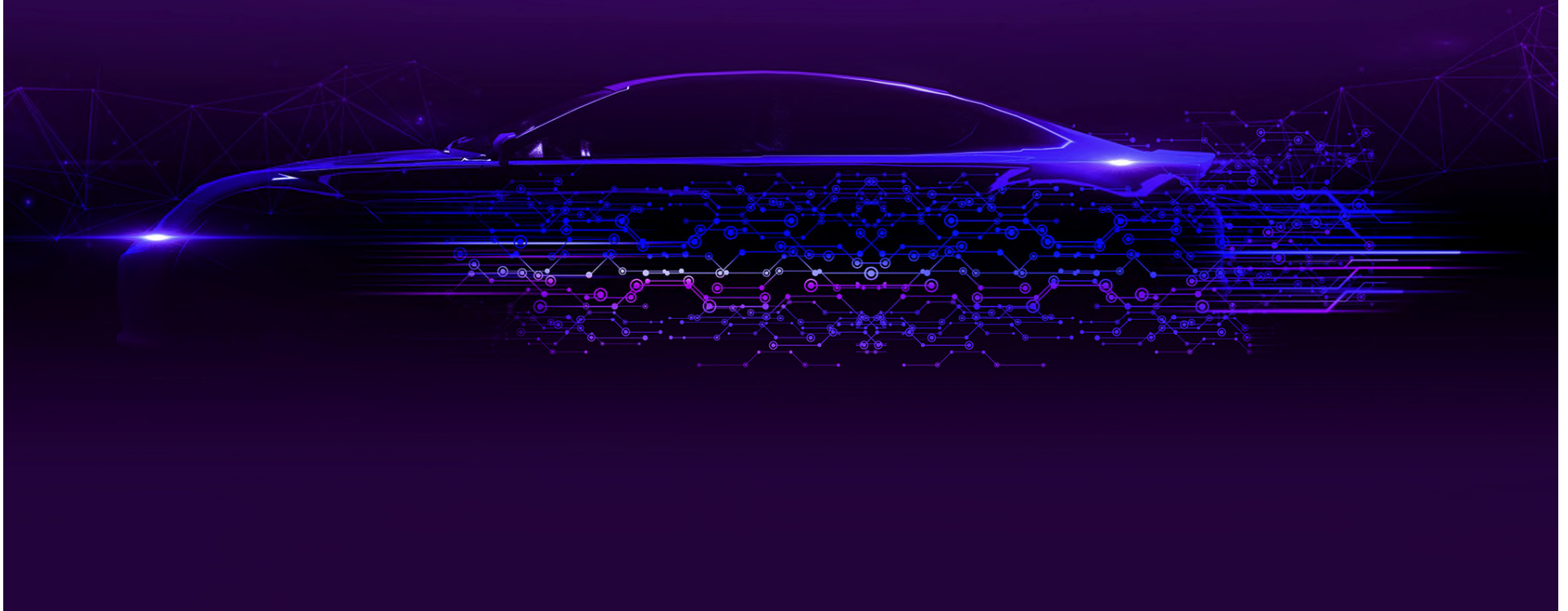
Informed Consent

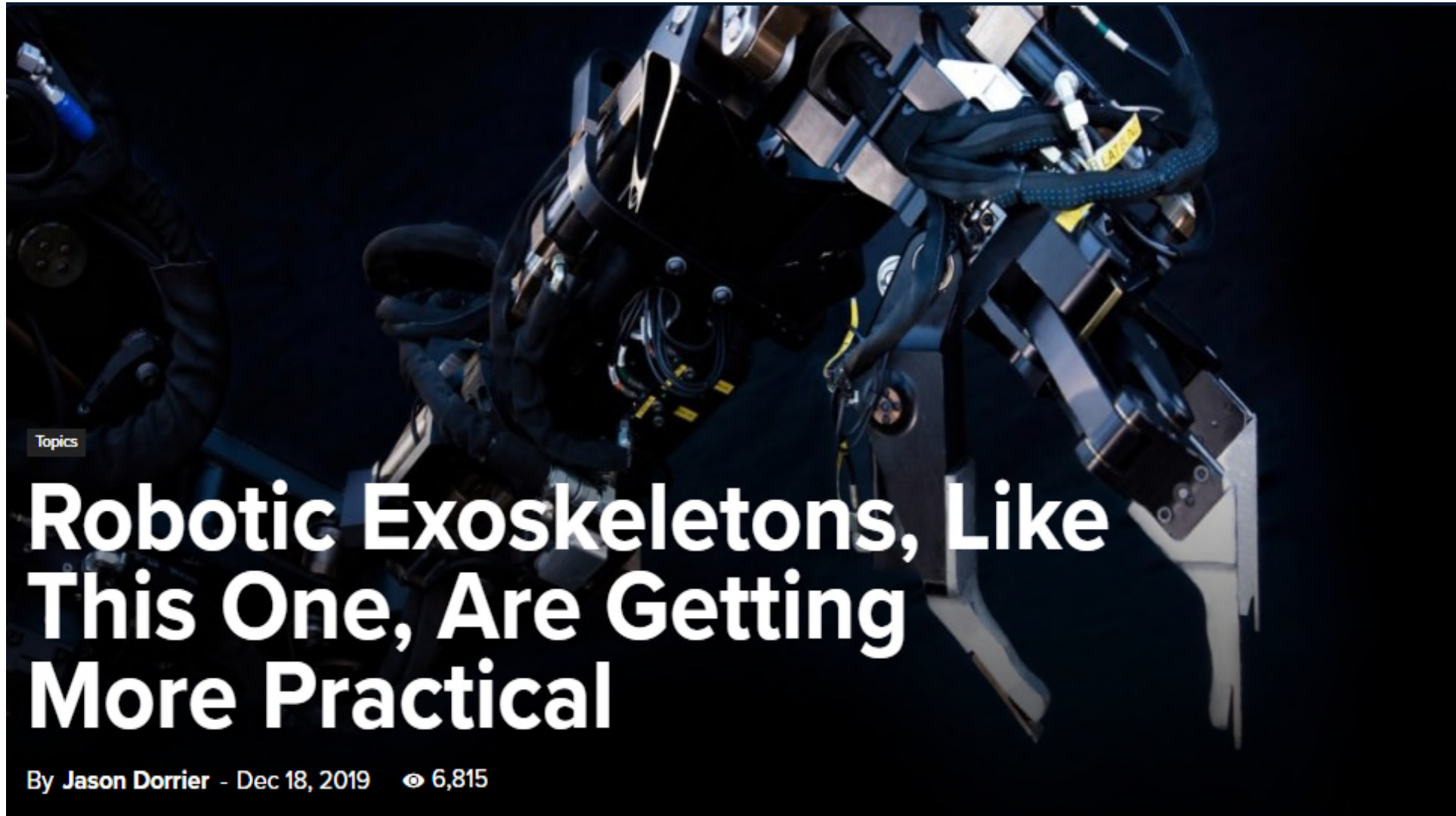
- The state of New Mexico, from which Virgin Galactic will operate, has developed a law on “*informed consent for spaceflight*”:
 - “*Civil immunity for space flight entities*” that “*a space flight entity is not liable for a participant injury resulting from the risks of space flight activities, provided that the participant has been informed of the risks of space flight activities as required by federal law pursuant to federal law and this article, and the participant has given his informed consent that he is voluntarily participating in space flight activities after having been informed of the risks of those activities as required by federal law and this article*”.

Source: New Mexico Expanded Space Flight Informed Consent Act

SECTION 06

ANYWHERE AND EVERYWHERE





Topics

Robotic Exoskeletons, Like This One, Are Getting More Practical

By [Jason Dorrier](#) - Dec 18, 2019 👁 6,815

Exoskeletons

New robotic exoskeleton helping stroke patients in Englewood learn to walk again



Kathy Miska using the exoskeleton

High-Tech 'Exoskeleton' Can Give Mobility Back to People With MS

Feb. 4, 2020, at 5:00 p.m.



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Exoskeletons

Samsung's GEMS exoskeleton is now an 'immersive workout experience'

Brian Heater @bheater / 7:21 pm PST • January 6, 2020



Morgan Lewis



Honda's exoskeleton is one (assisted) step closer to launch

Chris Davies - Jan 10, 2019, 4:40 pm CST

Exoskeletons

Robotic exoskeletons are storming out of sci-fi and onto your squishy human body




Delta employees handle

Honda wants exoskeletons to augment human strength, keep workers comfy

Like other automakers, Honda wants to make production work easier for its workers.



A photograph showing two elderly Japanese workers in a rural setting. One worker in the foreground is wearing a white and black exoskeleton and is bent over, working with a wheelbarrow. Another worker in the background is wearing a similar exoskeleton and is carrying two orange plastic crates filled with produce. The scene is outdoors with green grass and trees in the background. A white text box is overlaid on the image, containing text about muscle-enhancing exoskeletons.

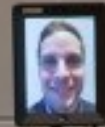
Japanese workers are strapping on special muscle-enhancing exoskeletons in order to continue working well into old age.

In Japan the elderly are wearing exoskeletons so they can keep working

Regulatory Implications

- Department of Labor: Occupational Safety and Health Administration (**OSHA**)
 - Guidelines for Robotics Safety (STD 01-12-002-PUB 8-1.3) (1987)
 - Technical Manual TED 01-00-015, Section IV (1999)
 - U.S. Department of Labor Signs Alliance with Robotic Industries Association and NIOSH to Improve Worker Protections in Emerging Tech Industry (November 2, 2017)
- Americans with Disabilities Act (**ADA**)
 - Employers are required to provide reasonable accommodations to qualified employees with disabilities
 - Generally, this means providing an accommodation that does not cause an undue hardship to the employer's operations.

Telepresence in the Workplace

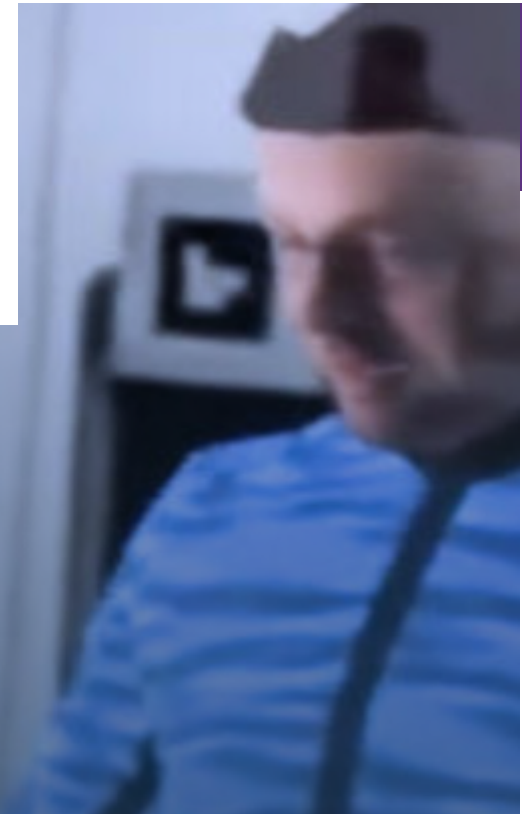


The role of telepresence robotics in workforce inclusion

Peter Hirst 8:00 pm PDT • July 2, 2016

 Comment

Holographic collaboration: The next big idea in remote work?



VROOM: Microsoft Research envisions a workplace filled with Telepresence Robots and AR headsets (video)

by Surur [@mspoweruser](#) Feb 13, 2020 at 12:42 GMT



Google and Microsoft are giving away enterprise conferencing tools due to coronavirus

Though the free access is for a limited time

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February 04, 2020



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The outbreak of the 2019 Novel Coronavirus (COVID-19) has created a number of questions and compliance challenges for employers in the United States as well as across the globe. This is a fluid and rapidly changing situation. Employers must carefully balance concerns related to employee and public safety with protecting employees from unnecessary medical inquiries, harassment, and discrimination – all while complying with immigration, leave, and medical privacy laws. In the midst of a public health crisis, this is no small task. Employers should work to update or develop emergency preparedness, travel, and response plans. Responsibility should be assigned to specific individuals or teams to assess the hazard, communicate with employees and the public, and implement appropriate security measures. This article provides guidance and background that employers need to know before responding to the outbreak.

Legal Implications

- ADA
- Labor and Employment
- Tax

THANK YOU

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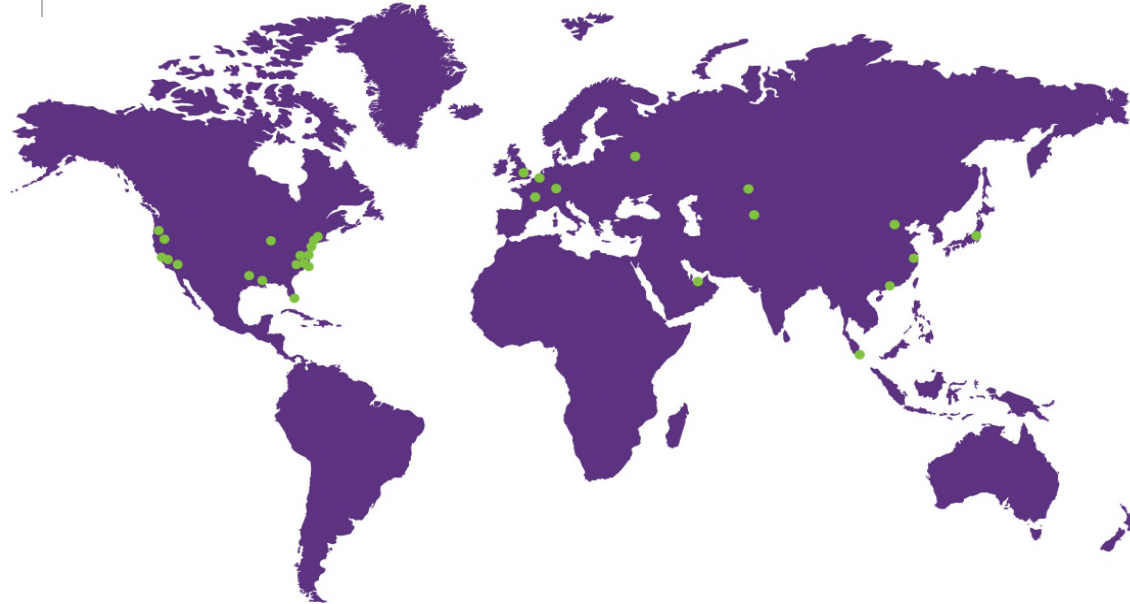
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