



Legal and Policy Foundations for “Smart Community” Innovation

Best Best & Krieger LLP’s Innovation team spans the spectrum of practice areas at the intersection of the law and the many transformative innovations coming to cities, counties and special districts – from smart traffic signals and street lights to automated vehicles and drones. We assist clients in ensuring that both the legal and policy frameworks and the infrastructure are in place to safely support the “Smart Community” revolution.

Wireless and Broadband

A Smart Community requires strong wireless and wireline broadband networks. Our attorneys have the legal, technical and policy experience needed to navigate the federal and state laws governing development of publicly-owned communications networks and regulation of private networks. We help cities and special districts develop policies, processes and contracts to control placement of wireless facilities in the public right-of-way and on other public property, including street lights. Developing strong public-private partnerships is critical to the financing, construction and operation of many public communications networks. Our firm has the experience in public agency law, land use, commercial law, real estate transactions and finance, public finance and construction law required to ensure that public-private partnerships succeed.

Big Data

In Smart Communities, local governments – and the private companies that are placing facilities in the rights-of-way, providing transportation and other public services – are collecting enormous amounts of information about individuals and businesses. That information can be used in a way that enhances a community, or misused in a way that leads to redlining and discrimination, creates cybersecurity threats and intrudes on personal

privacy. We help clients ensure appropriate privacy policies and cyber breach response plans are in place and counsel local governments on liabilities associated with contracting for data storage. Further, we help local government agencies negotiate protections for data collected by companies operating within the sharing economy. Through partnerships with these companies, we create opportunities for collaborative analysis of anonymized data to enhance services for citizens.

Automated Vehicles

Our attorneys and advocates are at the forefront of the legal and policy issues associated with the testing and deployment of automated vehicles. We are submitting comments on behalf of local agencies on the Federal Automated Vehicles Policy, helping cities implement collaborative pilot projects, and assisting localities in the development of state laws that protect local government interests. We assist clients with policy and contracting issues and counsel during the construction of new public works projects related to smart infrastructure. Our experience allows us to assist cities in developing appropriate general plan provisions that take into account the potential impacts of this advancing technology, which among other things may dramatically affect roadway design, community planning, public transportation networks and existing revenue streams that support roadway maintenance.

Drones

The Innovation team includes regulatory and city attorneys who assist clients with drone regulation in accordance with traditional municipal police powers. Additionally, we advise clients on implementing drone programs to improve municipal services that comply with federal requirements and Fourth Amendment and privacy laws. Future drone use for commercial deliveries



will bring land use zoning and policy challenges. We are closely monitoring and advising clients on rulemakings at the federal level on this issue.

Regulation of Sharing Economy

We assist clients with all aspects of the fast-growing sharing economy – from Lyft and Uber to Airbnb. With the grey areas that exist around these new and innovative models, cities must understand their ability to regulate operation within their jurisdictions. Local governments should be prepared to track and advocate against legislation that may seek to limit their abilities to regulate operation based on traditional public safety and zoning powers and the right to collect fees for these businesses operating within their jurisdictions.

Intellectual Property/Licensing

With increased use of software and source code, cities need to protect intellectual property assets and reduce potential liabilities. This includes protecting and exploiting software licensing and development rights. Cities should also seek advisement regarding their trademark, logo and copyright rights. Further, when federal funding is involved on technology projects, grantees need to be aware of regulations concerning software licensing.

Our **Innovation team** is working with local agencies to lay the foundations that will ensure the smarter innovations on the horizon are integrated safely, effectively and securely. For more information, please visit bbklaw.com.