

SENATE BILL REPORT

SB 5378

As Reported by Senate Committee On:
Transportation, February 28, 2019

Title: An act relating to the regulation of personal delivery devices.

Brief Description: Regulating personal delivery devices. [**Revised for 1st Substitute:** Creating a work group to provide recommendations on a regulatory framework for automated personal delivery devices.]

Sponsors: Senators Liias, Wellman, Zeiger, Mullet and Hobbs.

Brief History:

Committee Activity: Transportation: 1/28/19, 2/28/19 [DPS, DNP].

Brief Summary of First Substitute Bill

- Creates a work group to make recommendations to the Legislature on a state and local regulatory framework for automated personal delivery devices.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland, Das, Fortunato, Lovelett, O'Ban, Padden, Takko and Wilson, C..

Minority Report: Do not pass.

Signed by Senators Nguyen and Randall.

Staff: Kim Johnson (786-7472)

Background: There is currently no definition or regulation of ground based autonomous delivery devices in state law.

Generally, local governments have jurisdiction over the the use of sidewalks within the boundary of the local government. There are some exceptions. For example, electric

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personal assistive mobility devices are defined in state law, are expressly allowed to operate on a sidewalk, and local governments are prohibited from regulating the speed of the devices in areas where there is infrequent pedestrian traffic. There are some examples of vehicles that are expressly prohibited from operating on sidewalks in state statute. Examples include the general prohibition of operating a moped, motorized foot scooter and class 3 electric assisted bicycle on a sidewalk. Bicycle use of a sidewalk is contemplated in state law, but is not expressly required to be given access to sidewalks. There are various municipal ordinances that prohibit bicycle use on a sidewalk in certain business zones.

Autonomous delivery robots or devices are currently reported to be authorized to operate on sidewalks and crosswalks in at least four states. Pilot programs have been or are currently underway in several cities in California, London, England, and most recently in Snohomish County, Washington.

Summary of Bill (First Substitute): The Joint Transportation Committee must convene a personal delivery device work group.

The work group must have a representative from each of the following stakeholder groups: Companies that want to operate personal delivery devices in Washington; the Association of Washington Cities; the Washington State Association of Counties; the Washington Association of Sheriffs and Police Chiefs; the Administrative Office of the Courts; the Department of Licensing; the Office of the Insurance Commissioner; and any other stakeholder the Joint Transportation Committee finds would assist the work group to meet its goal.

Regulatory issues the work group must consider include: speed, where the devices will operate, size, weight and safety equipment, registration and insurance requirements.

The work group must make recommendations and submit draft legislation to the Transportation Committees of the Legislature by December 1, 2019. The work group expires January 1, 2020.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute): The entire bill is replaced with the following:

- Requires the Joint Transportation Committee to convene a personal delivery device work group.
- Identifies stakeholder participants and the issues that the work group must consider regarding a statewide and local regulatory framework.
- Requires the work group to make recommendations and submit draft legislation to the Transportation Committees of the Legislature by December 1, 2019.
- Provides that the work group expires January 1, 2020.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This is a unique technological solution to delivery needs. We have seen this technology used in Europe. There are a number of safety protections built in. It is innovative and adding to the marketplace and strikes a good balance. The bill provides a responsible regulatory framework. They are small and facilitated by smart phone technology. An answer to the last mile delivery. It is important to note that this bill clarifies that these devices are not motor vehicles. They are equipped with technology to be constantly monitored. There approximately a dozen companies engaged in developing this technology. My company, Starship, is the world's leader in these devices. Our devices have traveled more than a 150,000 miles in localities around the world. This bill was careful to not specify the technology that must be used. Decrease traffic congestion and lower costs.

OTHER: Washington State Department of Transportation generally supports this bill and would like to see three additional safety provisions added: (1) there should be an audio warning and the device should be required to reduce speed when pedestrians or bicyclists are near or beside the device; (2) have the device display a flag or other device so it can be more easily seen, especially by drivers in large vehicles; and (3) clarify an agency's ability to regulate these devices on paved and unpaved trails. State and local governments have a responsibility to manage the public right of way. Under this bill. the devices are permitted unless prohibited. Which government entities are responsible for certifying the the vehicles meet the statutory operating parameters and definitions? How do we incorporate these into our right of way management responsibilities?

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; Chelsea Hager, Starship Technologies; David Catania, Starship Technologies.

OTHER: Logan Bahr, Association of Washington Cities; Michael Dornfeld, Traffic Operations Program Manager at Washington State Department of Transportation.

Persons Signed In To Testify But Not Testifying: No one.