

SENATE BILL REPORT

SB 5378

As of February 4, 2019

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

Brief Description: Regulating personal delivery devices.

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

Brief History:

Committee Activity: Transportation: 1/28/19.

Brief Summary of Bill

- Defines a personal delivery device as an electrically powered device weighing less than 120 pounds unloaded, equipped with automated driving technology enabling the operation of the device with the support of a remote operator.
- Authorizes the use of a personal delivery device on sidewalks and crosswalks to transport property.
- Requires the device meet certain operational limitations, including speed and insurance requirements, and be actively controlled or monitored by a personal delivery device operator.

SENATE COMMITTEE ON TRANSPORTATION

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 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

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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: A personal delivery device is defined as a device that is:

- intended to transport property on a sidewalk or crosswalk;
- weighs less than 120 pounds, excluding any property being carried by the device—local jurisdictions may waive this limit by ordinance;
- capable of a maximum speed of 10 miles per hour; and
- equipped with automated driving technology.

An eligible entity means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.

A personal delivery device may be operated on a sidewalk or crosswalk so long as the following requirements are met:

- the device is operated in accordance with the laws or ordinances of the jurisdiction governing the sidewalk or crosswalk;
- a personal delivery device operator is actively controlling or monitoring the navigation and operation of the device; and
- the business entity that owns the device maintains an insurance policy that includes general liability coverage of at least \$100,000.

A personal delivery device must be equipped with:

- an identification marker that provides the name and contact information of the business operating the personal delivery device and a unique identification number;
- a braking system that enables the device to come to a controlled stop; and
- during the hours between sunset and sunrise, a light on both the front and rear of the device that is visible on all sides in clear weather from a distance of at least 500 feet when directly in front of low beam headlights of a motor vehicle.

The operation of a personal delivery device is subject to all rules of the road that apply to pedestrians. The transport of hazardous materials by a personal delivery device is prohibited. A violation of the act is a traffic infraction and the citation must be issued to the eligible entity that operated the personal delivery device at the time the infraction was committed.

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: 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, Washington State Department of Transportation.

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