



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 1199

PRINTERS NO. 2042

PRIME SPONSOR: Aument

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
Motor License Fund	\$0	\$0
Municipal Funds	\$0	\$0

SUMMARY: Amends Title 75 (Vehicle Code) to authorize personal delivery devices. This legislation would take effect in 90 days.

ANALYSIS: Amends the Vehicle Code to allow for the operation of an automated or remote operated personal delivery device on a roadway or pedestrian area to deliver goods from business to business or a business to residence.

Authorization Required: No person may operate a PDD in a roadway, including the shoulder or berm, or in a pedestrian area unless the person holds a PDD authorization from PennDOT, or is a PDD operator, and the PDD is operated in accordance with the PDD subchapter.

Powers of PennDOT: PennDOT is provided general and sole regulatory authority over PDDs and authorized entities, and the department shall have the following duties:

- To issue, approve, renew, revoke, suspend, condition and deny the issuance of PDD authorizations.
- By order of the Secretary, to prohibit PDDs on roadways under the jurisdiction of the department, including the shoulder and berms, where it is determined that operation would be hazardous.
- To display on their public website, the following:
 - A list of authorized entities and their operational phases;
 - any orders issued by the Secretary; and
 - policies and guidelines issued by the department under the PDD subchapter.
- To require authorized entities to self-report to the department and the appropriate law enforcement agency an accident that resulted in bodily injury or damage to property within 24 hours of the accident.
- To establish policies and guidelines consistent with the PDD subchapter.

Application: A person applying for a PDD authorization or a renewal of a PDD authorization shall submit an application to PennDOT, which shall include:

- Name, address and contact information.
- A general operational plan, which shall include:
 - The municipalities the applicant intends to operate in.
 - The anticipated highways and pedestrian areas the applicant intends to use.
 - A description of the training procedures of PDD operators.
 - The manufacturer and model of the PDDs.
 - A description of how a police officer or other emergency responder may stop or disable a PDD.
 - A proposed safety and maintenance inspection schedule for the PDDs.
 - The capabilities of the PDDs to operate in Phase 1 and Phase 2.
- Any information or records deemed reasonably necessary by PennDOT to ensure the proper administration, enforcement and compliance with the PDD subchapter.
- Proof of insurance.
- An attestation that the applicant will temporarily cease or restrict PDD authorizations due to a weather emergency or other hazardous event identified by the department or a municipality.
- The details of an education campaign to be employed by the applicant to educate the public, motorists and municipalities about PDDs.
- The details of the applicant's accident procedure should a PDD be involved in an accident, which shall include:
 - Duties of the applicant to remove a PDD from a roadway or pedestrian area so as not to impede traffic.
 - The process through which the applicant will exchange necessary insurance information.
 - The safety inspection and maintenance process for damaged PDDs.
- A list of unique identification numbers assigned to each PDD, which shall be updated prior to the deployment of any PDD not contained in the list.
- If the application is a renewal application, the following information:
 - The total number of trips each PDD performed within the previous 12 months.
 - A list of accidents and violations for the previous 12 months.

Authorization Issuance and Renewal: PennDOT may issue or renew a PDD authorization of an applicant that:

- Has submitted a completed application;
- Has the ability to comply with the PDD subchapter; and
- Has not knowingly made a false statement or deliberately failed to disclose any information requested by PennDOT.

If PennDOT does not reject an application within 30 days from the date the application was received, the application shall be deemed approved. A PDD authorization is valid for one year and must be renewed 45 days prior to expiration. An authorized entity shall have an ongoing

duty to submit to PennDOT any requested information that is reasonably necessary for administration and enforcement.

Right-to-Know Exemption: Information and records submitted by an applicant or authorized entity to the department are exempt from the Right-to-Know Law, except for the following:

- The municipalities, roadways and pedestrian areas where PDDs will be operated.
- The manufacturer and model of PDDs.
- Proof of insurance.
- The unique identification numbers of PDDs.
- The authorized entity's violation and accident history.
- Information and records required to be posted on PennDOT's website.

Operational Phases: An authorized entity shall be limited to Phase 1 operation for no less than 90 days and no more than 180 days upon initial issuance of the PDD authorization, unless a shorter or longer time period is agreed to by the authorized entity.

PennDOT may permit an authorized entity to operate PDDs in Phase 2 if the authorized entity has demonstrated safe operation in Phase 1 and PennDOT determines that the authorized entity can safely operate in Phase 2.

PennDOT may exempt an authorized entity from phase 1 operations upon initial issuance of a PDD authorization if the authorized entity can certify, to PennDOT's satisfaction, safe PDD operations in the Commonwealth or other jurisdictions.

PennDOT may, following notice and a public hearing, revoke an authorized entity's Phase 2 operation authorization if the department determines such action is necessary to ensure public safety and compliance. If PennDOT revokes an authorized entity's Phase 2 operation, the authorized entity shall operate under Phase 1 for no less than 90 days and no more than 180 days.

Rules of Operation: An authorized entity and its PDD operators shall operate PDDs in accordance with the Vehicle Code's provisions applicable to a pedestrian, except for the following specific requirements:

- PDDs shall only be operated according to the authorized operation phase permitted by PennDOT.
- PDDs shall utilize pedestrian areas to cross roadways. If a pedestrian area is not available or the use is not practicable, only cross roadways according to policies or guidelines established by PennDOT.
- PDDs shall not make a left turn across one or more lanes of oncoming traffic until or unless policies and guidelines have been adopted by PennDOT.
- A PDD shall:
 - utilize the shoulder or berm of a roadway as far as practicable from the edge of the roadway if a berm or shoulder is available and its use is practicable;
 - If a shoulder or berm is not available, utilize a pedestrian area; and

- Where a berm, shoulder or pedestrian area is not available, operate the PDD as far as practicable to the outside edge of the roadway.
- PDDs shall yield the right-of-way, or safely navigate around, to all pedestrians and pedalcyclists in pedestrian areas.
- PDDs may not transport hazardous materials.
- PDDs shall travel in the same direction as other vehicular traffic when on a roadway, including the shoulder or berm.
- PDDs shall not exceed 12mph in a pedestrian area and 25mph on a roadway, including the shoulder or berm.
- PDDs shall not operate on a roadway, including the shoulder or berm, with a posted speed limit greater than 25mph, unless authorized by PennDOT or a municipality.
 - With respect to roadways under their jurisdiction, PennDOT or a municipality may authorize PDDs to operate on roadways is speed limits greater than 25mph but not greater than 35mph.
- PDDs may not operate on a roadway determined by the department or a municipality, whichever is appropriate, that is a hazard.
- PDDs may not operate on an interstate highway or freeway.
- PDDs shall comply with ordinances or resolutions permitted by this subchapter to be adopted by a municipality.
- Authorized entities shall only operate PDDs that meet the minimum equipment standards of the subchapter.
- Authorized entities shall comply with any other policies or guidelines adopted by PennDOT.

PDD Operator Requirement: A PDD operator may only operate PDDs if the individual holds a valid U.S. driver's license. PennDOT may not impose any other licensing or authorization requirements on PDD operators.

Local Regulation: A municipality is prohibited from regulating the operation of PDDs, except for the following by ordinance or resolution:

- Permit the operation of PDDs on roadways under the municipality's jurisdiction with posted speed limits greater than 25mph but not greater than 35mph.
- After consultation with the authorized entity, prohibit PDDs on a roadway or in a pedestrian area under the jurisdiction of the municipality where the municipality determines operation would be hazard.

A municipality may enforce any law, rule or regulation applicable to PDDs and an authorized entity is required to send a notice to a municipality of its intent to operate PDDs within the municipality no less than 30 days prior to the date of initial operation.

Equipment: A PDD shall meet the following equipment standards:

- Have a maximum width of 32 inches.
- Have a maximum length of 42 inches.

- Have a maximum height of 72 inches.
- Be equipped with a braking system that brings the device to a complete stop.
- Be equipped with front white lights and a flashing red light on the rear.
- Be equipped with technology that enables a police officer or emergency responder to stop or disable the device.

A PDD shall also display the following markings:

- Name of the authorized entity.
- A unique identification number.
- A telephone number to report an accident, violation or insurance claim to the authorized entity.

Insurance and Liability: An authorized entity shall maintain an insurance policy of \$100,000 per incident for damages arising from PDD operations.

Commonwealth agencies and municipalities shall have no duty to make streets, highways or real estate safe for use by personal delivery devices. Commonwealth agencies and municipalities shall be immune from suit by authorized entities and owners of cargo and other items carried on or within a personal delivery device for property damages.

Enforcement: Following a hearing, PennDOT may suspend or revoke a PDD authorization for a knowing or willful violation that resulted in serious bodily injury, death or property or if the authorized entity has demonstrated an inability to operate safely.

An authorized entity may appeal a PDD authorization suspension or revocation.

PennDOT may not suspend or revoke a PDD authorization for an accident the authorized entity was required to report but is not at fault.

Criminal Penalties: Criminal penalties are as follows:

- Operating a PDD without an authorization is a summary offense and a \$500 fine.
- Operating a PDD while under a suspended or revoked authorization, is a summary offense and a \$1,000 fine.
- Any other violation of the PDD subchapter is subject to a summary offense and a fine of no less than \$25 and no more than \$1,000.

Miscellaneous: The regulation of PDDs and authorized entities is governed exclusively by the PDD subchapter. A PDD is not considered a vehicle or motor vehicle.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth or municipal funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: September 30, 2020

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.