

AMENDMENTS TO SENATE BILL NO. 1199

Sponsor: REPRESENTATIVE SCHROEDER

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1 Amend Bill, page 1, lines 1 through 5, by striking out all of
2 said lines and inserting

3 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
4 Statutes, in general provisions, further providing for
5 definitions; in highly automated vehicles, further providing
6 for definitions and for Highly Automated Vehicle Advisory
7 Committee and providing for personal delivery devices; and
8 making editorial changes.

9 Amend Bill, page 1, lines 8 through 19; pages 2 through 7,
10 lines 1 through 30; page 8, lines 1 through 26; by striking out
11 all of said lines on said pages and inserting

12 Section 1. The definition of "pedestrian" in section 102 of
13 Title 75 of the Pennsylvania Consolidated Statutes is amended
14 and the section is amended by adding a definition to read:
15 § 102. Definitions.

16 Subject to additional definitions contained in subsequent
17 provisions of this title which are applicable to specific
18 provisions of this title, the following words and phrases when
19 used in this title shall have, unless the context clearly
20 indicates otherwise, the meanings given to them in this section:

21 * * *

22 "Pedestrian." [A natural person afoot.] Any of the
23 following:

24 (1) An individual afoot.

25 (2) An individual with a mobility-related disability on
26 a self-propelled wheelchair or an electrical mobility device
27 operated by and designated for the exclusive use of an
28 individual with a mobility-related disability.

29 (3) a personal delivery device.

30 * * *

31 "Personal delivery device" or "PDD." A ground delivery
32 device that:

33 (1) is manufactured for transporting cargo or goods;

34 (2) is operated by an automated driving system or a
35 driving system that allows remote operation, or both; and

1 (3) weighs 550 pounds or less without cargo or goods.

2 * * *

3 Section 2. Chapter 85 of Title 75 is amended by adding a
4 subchapter heading to read:

5 SUBCHAPTER A

6 PRELIMINARY PROVISIONS

7 Section 3. Section 8501 of Title 75 is amended by adding a
8 definition to read:

9 § 8501. Definitions.

10 The following words and phrases when used in this chapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 * * *

14 "Authorized entity". A person holding a PDD authorization.

15 Section 4. Chapter 85 of Title 75 is amended by adding a
16 subchapter heading immediately preceding section 8502 to read:

17 SUBCHAPTER B

18 HIGHLY AUTOMATED VEHICLES

19 Section 5. Section 8503 (h) Title 75 is amended and
20 subsection (b) (9) is amended by adding a subparagraph to read:
21 § 8503. Highly Automated Vehicle Advisory Committee.

22 * * *

23 (b) Composition.--The advisory committee shall consist of
24 the following members:

25 * * *

26 (9) The following members to be appointed by the
27 Governor:

28 * * *

29 (xi) One member representing an authorized entity.

30 * * *

31 (h) Powers.--The advisory committee shall have the power to
32 advise and consult the secretary on each aspect of highly
33 automated vehicles [and], platooning and personal delivery
34 devices in this Commonwealth and may undertake any of the
35 following:

36 (1) Developing technical guidance.

37 (2) Evaluating best practices.

38 (3) Reviewing existing laws, regulations and policies.

39 (4) Engaging in continued research and evaluation of
40 connected and automated systems technology necessary to
41 ensure safe testing, deployment and continued innovation in
42 this Commonwealth.

43 * * *

44 Section 6. Chapter 85 of Title 75 is amended by adding a
45 subchapter to read:

46 SUBCHAPTER C

47 PERSONAL DELIVERY DEVICES

48 Sec.

49 8511. Definitions.

50 8512. General prohibition.

51 8513. Powers of department.

8514. Application.
8515. Authorization issuance and renewal.
8516. Operation.
8517. Local regulation.
8518. Equipment.
8519. Insurance.
8520. Enforcement.
8521. Criminal penalties.
8522. Application of title.

§ 8511. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Municipality." The term does not include a county.

"Operational phase." Phase 1 or phase 2.

"PDD authorization." An authorization issued by the department under section 8515 (relating to application issuance and renewal) permitting the operation of a personal delivery device in accordance with this subchapter.

"PDD operator." An employee of an authorized entity permitted by the authorized entity to remotely control, monitor or otherwise operate a personal delivery device on behalf of the authorized entity as provided under this subchapter. The term does not include an individual who requests a delivery or service provided by the personal delivery device or dispatches the personal delivery device.

"Pedestrian area." A sidewalk, crosswalk, safety zone, pedestrian tunnel, overhead pedestrian crossing or similar area for pedestrians.

"Phase 1." The operation of a personal delivery device through an automated driving system by an authorized entity where the device is controlled remotely and a PDD operator is within 30 feet of the PDD and within the line of sight of the PDD.

"Phase 2." The operation of a personal delivery device through an automated driving system by an authorized entity where the device is monitored remotely by a PDD operator and the automated system is capable of being controlled and overridden remotely by the PDD operator.

§ 8512. General prohibition.

No person may operate a personal delivery device on a roadway, or shoulder or berm of a roadway, or in a pedestrian area unless:

(1) the person holds a PDD authorization from the department or is a PDD operator; and

(2) the personal delivery device is operated in accordance with this subchapter.

§ 8513. Powers of department.

(a) General powers.--Except as permitted under section 8517 (relating to local regulation), the department shall have general and sole regulatory authority over the operation of

1 personal delivery devices and authorized entities as described
2 in this subchapter to ensure the safe operation of personal
3 delivery devices on roadways, or shoulders or berms of roadways,
4 and in pedestrian areas.

5 (b) Specific powers and duties.--The department shall have
6 the following specific powers and duties:

7 (1) To issue, approve, renew, revoke, suspend, condition
8 or deny issuance or renewal of PDD authorizations.

9 (2) By order of the secretary, to prohibit the use of a
10 personal delivery device on any roadway, or shoulder or berm
11 of a roadway, under the jurisdiction of the department where
12 the secretary determines that the operation of the personal
13 delivery device would constitute a hazard.

14 (3) To display, on the department's publicly accessible
15 Internet website, the following:

16 (i) a list of authorized entities that includes the
17 authorized operational phase of each authorized entity.

18 (ii) any order issued by the secretary under this
19 subchapter.

20 (iii) policies or guidelines issued by the
21 department consistent with this subchapter.

22 (4) To require an authorized entity to self-report to
23 the department and the law enforcement agency of the
24 municipality governing the right-of-way containing the
25 pedestrian area or roadway, or shoulder or berm of the
26 roadway, an accident involving any of the authorized entity's
27 personal delivery devices that resulted in bodily injury or
28 damage to property within 24 hours of the accident.

29 (5) To establish policies or guidelines consistent with
30 this subchapter.

31 § 8514. Application.

32 (a) Application.--An application for a PDD authorization or
33 renewal application for a PDD authorization shall be on a form
34 and submitted in a manner as determined by the department.

35 (b) Contents of application.--An application submitted to
36 the department under subsection (a) shall include the following:

37 (1) Name, address and contact information of the
38 applicant.

39 (2) A general operational plan that includes, but is not
40 limited to, the following:

41 (i) The municipalities in which the applicant
42 intends to operate personal delivery devices.

43 (ii) The anticipated highways and pedestrian areas
44 that the applicant's personal delivery devices will be
45 utilized to transport goods and cargo.

46 (iii) A description of the training procedures for
47 PDD operators.

48 (iv) The manufacturer and model of personal delivery
49 devices the applicant intends to deploy.

50 (v) A description of how a police officer or other
51 emergency responder may stop or disable a PDD operated by

1 the applicant.

2 (vi) A description of the cargo or goods the
3 applicant intends to transport.

4 (vii) A proposed schedule for safety and maintenance
5 inspections of PDDs.

6 (viii) Information regarding the operational phases
7 in which the applicant's personal delivery devices are
8 capable of operating.

9 (3) Any information or records deemed reasonably
10 necessary to aid the department's review of the submitted
11 application and for the administration, enforcement and
12 ongoing compliance with this subchapter.

13 (4) Proof of insurance as required under section 8519
14 (relating to insurance).

15 (5) An attestation that the applicant will temporarily
16 cease or restrict the operation of PDDs due to a weather
17 emergency or other hazardous event identified by the
18 department or a municipality.

19 (6) The details of an educational campaign to be
20 employed by the applicant to educate and bring awareness of
21 PDDs to municipalities, motorists and the general public.

22 (7) Information regarding the applicant's accident
23 procedure in the event of an accident involving injury to a
24 person or damage to property or an accident causing damage to
25 the personal delivery device. The procedure shall include:

26 (i) duties of the applicant and its PDD operators
27 with respect to clearing roadways, or shoulders or berms
28 of a roadway, and pedestrian areas of the personal
29 delivery device so as not to impede traffic or
30 pedestrians in the event that the personal delivery
31 device is rendered inoperable or damaged to the extent it
32 cannot be safely operated;

33 (ii) the process where the applicant will exchange,
34 if necessary, insurance information to all parties
35 involved in the accident within 24 hours of the accident;
36 and

37 (iii) the safety inspection and maintenance
38 protocols for personal delivery devices damaged in an
39 accident.

40 (8) A list of unique identification numbers assigned to
41 each of the applicant's personal delivery devices, which
42 shall be updated prior to an authorized entity operating a
43 PDD not listed in the application.

44 (9) if the application is a renewal application, the
45 following information:

46 (i) the total number of trips each personal delivery
47 device performed within the previous 12 months; and

48 (ii) a list of accidents resulting in personal
49 injury or property damage and any violations of this
50 subchapter issued to the authorized entity for a personal
51 delivery device operated by the authorized entity within

1 this Commonwealth in the previous 12 months.

2 § 8515. Authorization issuance and renewal.

3 (a) Review of applications and issuance.--The department
4 shall review all applications for a PDD authorization and
5 applications for the renewal of a PDD authorization and may
6 issue an authorization to or renew the authorization of any
7 applicant that:

8 (1) has submitted a completed application;

9 (2) has the ability to comply with the provisions of
10 this subchapter; and

11 (3) has not knowingly made a false statement of material
12 fact in the application or has not deliberately failed to
13 disclose any information requested by the department.

14 (b) Authorization period and renewal.--

15 (1) A PDD authorization issued under this subchapter
16 shall be valid for a period of one year.

17 (2) If the PDD application is not approved by the
18 department within 30 days after receipt of the application,
19 the application shall be deemed approved.

20 (3) An application for the renewal of a PDD
21 authorization shall be submitted at least 45 days prior to
22 the expiration of the PDD authorization and include an update
23 of the information contained in the initial application for
24 the PDD authorization. A PDD authorization for which a
25 completed renewal application has been received by the
26 department shall continue in effect unless the department
27 sends a written notification to the authorized entity that
28 the department has denied the renewal of the PDD
29 authorization.

30 (c) Duty of authorized entities.--An authorized entity shall
31 have an ongoing duty to provide any information or records that
32 may be required by the department and is reasonably necessary
33 for the administration and enforcement of this subchapter.

34 (d) Applicability.--Except as provided in subsection (e),
35 the following shall not be subject to the act of February 14,
36 2008 (P.L.6, No.3), known as the Right-to-Know Law:

37 (1) Information contained in an application for a PDD
38 authorization or renewal application submitted to the
39 department by an applicant under this section or section 8514
40 (relating to application).

41 (2) Additional information requested by the department
42 and submitted by an applicant as part of the review of the
43 applicant's application for a PDD authorization or renewal
44 application under this section or section 8514.

45 (3) Information and records submitted by an authorized
46 entity to the department under this section or section 8514.

47 (e) Applicability exception.--Subsection (d) shall not apply
48 to the following:

49 (1) Information or records submitted to the department
50 under section 8514(b)(2)(i), (ii) or (iv), (4), (8) or (9)
51 (ii).

1 (2) Information or records required to be posted on the
2 department's publicly accessible Internet website under
3 section 8513 (b) (3) (ii) (relating to powers of department).
4 § 8516. Operation.

5 (a) Operational phases.--The following shall apply:

6 (1) Upon the initial issuance of a PDD authorization, an
7 authorized entity shall be limited to phase 1 operation to
8 demonstrate safe operation of personal delivery devices by
9 the authorized entity and its PDD operators, subject to the
10 following:

11 (i) Except as permitted under subparagraph (ii), The
12 department may not limit an authorized entity to phase 1
13 operation for less than 90 days and not more than 180
14 days from the date the PDD authorization was issued, or
15 less than 90 days and not more than 180 days from the
16 date the authorized entity's phase 2 operation was
17 revoked by the department, whichever is applicable.

18 (ii) The department may limit an authorized entity
19 to phase 1 operation for less than 90 days or more than
20 180 days from the date the PDD authorization was issued,
21 or less than 90 days and not more than 180 days from the
22 date the authorized entity's phase 2 operation was
23 revoked by the department, whichever is applicable, if
24 agreed to by the authorized entity.

25 (2) The department may authorize, in writing, an
26 authorized entity to operate personal delivery devices under
27 phase 2 if the authorized entity and its PDD operators have
28 demonstrated the safe operation of personal delivery devices
29 under phase 1 and the department has determined the
30 authorized entity's personal delivery devices can be operated
31 safely under phase 2 and in accordance with this subchapter.

32 (3) Following notice and an opportunity for an
33 administrative hearing, the department may revoke, in
34 writing, an authorized entity's phase 2 authorization and
35 change the authorized entity's authorized operational phase
36 if the department determines the revocation and change is
37 necessary to ensure public safety and compliance with this
38 subchapter.

39 (b) General operation requirement.--Except as to special
40 operation requirements in subsection (c), An authorized entity
41 and its PDD operators shall operate personal delivery devices in
42 accordance with the provisions of Chapter 35 (relating to
43 special vehicles and pedestrians) applicable to pedestrians.

44 (c) Additional operation requirements.--An authorized entity
45 and its PDD operators when operating a personal delivery device
46 shall:

47 (1) only operate a personal delivery device according to
48 the operational phase for which the authorized entity has
49 been authorized by the department;

50 (2) utilize a pedestrian area when crossing a roadway
51 and, if a pedestrian area is not available or not

1 practicable, only cross the roadway according to policies or
2 guidelines established by the department;

3 (3) be prohibited from making a left turn across one or
4 more lanes of oncoming traffic on a roadway until or unless
5 guidelines or policies are established by the department;

6 (4) utilize the shoulder or berm of a roadway as far as
7 practicable from the edge of the roadway whenever a shoulder
8 or berm is available and its use is practicable;

9 (5) where a shoulder or berm of a roadway is not
10 available or its use is not practicable, utilize a pedestrian
11 area, if available;

12 (6) where neither a pedestrian area nor a shoulder or
13 berm of a roadway is available, operate the personal delivery
14 device as near as practicable to the outside edge of the
15 roadway;

16 (7) yield the right-of-way to all pedestrians and
17 pedalcyclists in a pedestrian area;

18 (8) not transport hazardous materials regulated under 49
19 U.S.C. § 5103 (relating to general regulatory authority) and
20 required to be placarded under 49 CFR Pt. 172 Subpt.
21 F (relating to placarding);

22 (9) when traveling on a roadway, or shoulder or berm of
23 a roadway, operate the personal delivery device in the same
24 direction as required of other vehicles operated on the
25 roadway;

26 (10) not exceed speed limits contained in subsection
27 (d);

28 (11) not operate on a roadway, or shoulder or berm of a
29 roadway, under the jurisdiction of the department where the
30 secretary, by order, has determined the operation to be
31 hazardous;

32 (12) not operate on a roadway, or shoulder or berm of a
33 roadway, under the jurisdiction of the department where the
34 posted speed limit is greater than 25 miles per hour, except
35 as permitted in subsection (e);

36 (13) not operate on a local roadway, or shoulder or berm
37 of a local roadway, under the jurisdiction of a municipality
38 where the posted speed limit is greater than 25 miles per
39 hour, except as permitted in section 8517 (relating to local
40 regulation);

41 (14) not operate on an interstate highway or freeway;

42 (15) comply with ordinances or resolutions adopted by
43 local authorities under section 8517;

44 (16) only operate personal delivery devices that comply
45 with equipment standards established under section 8518
46 (relating to equipment); and

47 (17) comply with any other policies or guidelines
48 established by the department consistent with this
49 subchapter.

50 (d) Speed limit.--A personal delivery device may not exceed
51 12 miles per hour in a pedestrian area and may not exceed 25

1 miles per hour on a roadway, or shoulder or berm of a roadway.

2 (e) Exception.--The department may, by order of the
3 secretary, permit the use of a personal delivery device upon a
4 roadway, or shoulder or berm of a roadway, under the
5 jurisdiction of the department where the posted speed limit is
6 greater than 25 miles per hour but not greater than 35 miles per
7 hour.

8 (f) PDD operator requirement.--No PDD operator may operate a
9 personal delivery device on behalf of an authorized entity
10 unless the individual possesses a valid driver's license from a
11 licensing authority in the United States. The department may not
12 impose any additional licensing requirements or additional
13 authorization requirements on a PDD operator.
14 § 8517. Local regulation.

15 (a) Authorization.--A municipality may, by ordinance or
16 resolution, do the following:

17 (1) Permit the use of a personal delivery device on a
18 roadway, or shoulder or berm of a roadway, under the
19 jurisdiction of the municipality where the posted speed limit
20 is greater than 25 miles per hour but not greater than 35
21 miles per hour.

22 (2) Prohibit the use of a personal delivery device on
23 any roadway, or shoulder or berm of a roadway, or pedestrian
24 area under the jurisdiction of the municipality where the
25 municipality, after consultation with the authorized entity,
26 determines that the operation of the personal delivery device
27 would constitute a hazard.

28 (b) Prohibition.--Except as provided in subsection (a), a
29 municipality may not regulate the operation of a personal
30 delivery device operated in a pedestrian area, roadway, or
31 shoulder or berm of a roadway, under the jurisdiction of the
32 municipality.

33 (c) Construction.--

34 (1) Nothing in this section may be construed to affect
35 the ability of a municipality to enforce any law, rule or
36 regulation as it relates to the operation of a personal
37 delivery device in this Commonwealth.

38 (2) Nothing in subsection (a) may be construed to permit
39 a municipality to authorize the use of a personal delivery
40 device on a roadway, or shoulder or berm of a roadway, under
41 the jurisdiction of the municipality in a manner that
42 conflicts with the operation requirements contained in
43 section 8516 (relating to operation).

44 (d) Notice required.--An authorized entity shall notify the
45 governing body of the municipality of the authorized entity's
46 intent to operate personal delivery devices within the
47 municipality no less than 30 days prior to the date on which the
48 authorized entity commences PDD operations within the
49 municipality.

50 § 8518. Equipment.

51 (a) Prohibition.--No authorized entity may operate a

1 personal delivery device on a roadway, or shoulder or berm of a
2 roadway, or pedestrian area that does not meet the requirements
3 of this section.

4 (b) Minimum equipment standards.--A PDD operated by an
5 authorized entity shall:

6 (1) Have a maximum width of 32 inches;

7 (2) Have a maximum length of 42 inches;

8 (3) Have a maximum height of 72 inches;

9 (4) Be equipped with a braking system that brings the
10 PDD to a complete stop from an initial speed of 25 miles an
11 hour or less.

12 (5) Be equipped with a lamp that emits a beam of white
13 light intended to illuminate the personal delivery device's
14 path and is visible from a distance of at least 500 feet to
15 the front and a lamp emitting a red flashing light, light-
16 emitting diode or device visible from a distance of 500 feet
17 to the rear. An authorized entity may supplement the required
18 front lamp with a white flashing lamp, light-emitting diode
19 or similar device to enhance its visibility to other traffic.

20 (6) Be equipped with software, equipment or technologies
21 to comply with section 8514(b)(2)(v) (relating to
22 application).

23 (c) Identifying markings.--A personal delivery device shall
24 prominently display, in a size and manner determined by the
25 department, the following information:

26 (1) The name of the authorized entity.

27 (2) The unique identification number assigned to the PDD
28 and submitted to the department under section 8514(b)(8).

29 (3) A telephone number of the authorized entity to
30 report a violation of this title, accident or insurance
31 claim.

32 § 8519. Insurance.

33 An authorized entity shall maintain an insurance policy that
34 includes general liability coverage of not less than \$100,000
35 per incident for damages arising from the operation of the
36 personal delivery device.

37 § 8520. Enforcement.

38 (a) Suspension or revocation of authorization.--Following
39 notice and an opportunity for an administrative hearing, the
40 department may suspend or revoke a PDD authorization where a
41 knowing and willful violation of this subchapter occurred that
42 resulted in death, serious bodily injury or property damage or
43 when the authorized entity has demonstrated an inability to
44 operate safely in accordance with this subchapter.

45 (b) Appeal.--An authorized entity shall have the right to
46 appeal PDD authorization suspensions or revocations in
47 accordance with 2 Pa.C.S. Chs. 5 Subch. A (relating to practice
48 and procedure of Commonwealth agencies) and 7 Subch. A (relating
49 to judicial review of Commonwealth agency action).

50 (c) Prohibition.--The department may not suspend or revoke
51 the PDD authorization of an authorized entity that self-reports

1 an accident involving the authorized entity's personal delivery
2 devices as required by section 8513(b)(4) (relating to powers of
3 the department) where the accident was not the fault of the
4 authorized entity or the authorized entity's PDD operator.
5 § 8521. Criminal penalties.

6 (a) Penalty.--Except as provided for in subsections (b) and
7 (c), an authorized entity that violates a provision of this
8 subchapter shall be guilty of a summary offense and shall, upon
9 conviction, be sentenced to pay a fine of not less than \$25 and
10 no more than \$1,000.

11 (b) Unauthorized operation.--Except as provided for in
12 subsection (c), a person that violates section 8512 (relating to
13 general prohibition) shall be guilty of a misdemeanor of the
14 third degree and shall, upon conviction, be sentenced to pay a
15 fine of not less than \$500.

16 (c) Suspended or revoked authorization.--A person that
17 knowingly violates section 8512 and whose authorization was
18 suspended or revoked by the department shall be guilty of a
19 misdemeanor of the third degree and shall, upon conviction, be
20 sentenced to pay a fine of not less than \$1,000.

21 § 8522. Application of title.

22 (a) Applicability.--The regulation of personal delivery
23 devices and authorized entities shall be governed exclusively by
24 this subchapter or an ordinance or resolution adopted by a
25 municipality under section 8517 (relating to local regulation).

26 (b) Exemption.--A personal delivery device shall not be
27 considered a vehicle or a motor vehicle under section 102
28 (relating to definitions).

29 Section 7. This act shall take effect in 90 days.