

REVISED LEGISLATIVE DIGEST
(Amended in Committee, November 29, 2017)

[Public Works, Police Codes - Permit for Testing of Autonomous Delivery Devices on Sidewalks]

Ordinance amending the Public Works Code to require a permit for the testing of autonomous delivery devices on sidewalks and to set rules governing the operation of such devices; amending the Public Works Code and Police Code to provide for administrative, civil, and criminal penalties for unlawful operation of such devices; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

Current law does not prohibit or regulate the operation of autonomous delivery devices on City sidewalks.

Amendments to Current Law

The proposed ordinance would amend the San Francisco Public Works and Police Codes to allow for the testing of autonomous delivery devices, for anticipated commercial uses, on City sidewalks. This legislation defines an “Autonomous Delivery Device” as a motorized device used to transport items, products, or any other materials on City sidewalks for commercial purposes, and guided or controlled without a human operator sitting or standing upon and actively and physically controlling the movements of the device.

Under this legislation, the Public Works Director would administer and adopt regulations governing the permitting of autonomous delivery devices. The legislation would also impose the following restrictions regarding such permits:

- no permit would be valid for longer than 180 days, provided that the Public Works Director may grant up to two 90-day extensions;
- no permit would authorize the testing of more than three autonomous delivery devices per permittee;
- no more than a total of nine autonomous delivery devices may be permitted at any time; and
- no permittee may hold more than one permit at any time; provided that a permittee may apply for a second permit, if after six months have elapsed from the effective date of this ordinance, no more than two prospective permittees have applied for an Autonomous Delivery Device Testing permit. If a permittee has received a second permit under this provision, that second permit shall not be eligible for a 90-day extension.

The testing of autonomous delivery devices would be subject to the following operational restrictions:

1. Speed limit: autonomous delivery devices would not be allowed to travel more than three miles per hour.
2. Human operator presence required: a human operator would be required to remain within 30 feet of the device during testing.
3. Rights of way: autonomous delivery devices would be required to yield the right of way to pedestrians and bicycles.
4. Permissible testing areas: permittees would only be allowed to test autonomous delivery devices on sidewalks that (A) are located in zoning districts designated for Production, Design, and Repair (“PDR”) uses, (B) are not identified as a high-injury corridor by the City’s Vision Zero SF road safety initiative, and (C) can simultaneously accommodate the testing of autonomous delivery devices and paths of travel for persons with disabilities or have an effective sidewalk width of six feet.
5. Traffic signals: autonomous delivery devices would be required to obey all signs and signals governing traffic and pedestrians.
6. Hazardous materials: autonomous delivery devices would be prohibited from transporting waste or hazardous materials (such as flammables or ammunition).
7. Headlights: autonomous delivery devices would be required to have headlights that operate at night, sunrise, and sunset.
8. Warning noise: autonomous delivery devices would be required to emit a warning noise while in operation.
9. Unique identifiers: each permittee would be required to place a unique identifier on each autonomous delivery device.
10. Insurance requirements: each permittee would be required to obtain and have readily accessible proof of general liability, automotive liability, and workers’ compensation insurance.
11. Indemnification of City: each permittee would be required to agree to indemnify the City from any legal claims arising directly or indirectly out of permittee’s testing of autonomous delivery devices on City sidewalks.
12. Docking: when not in use for Testing, each permittee would be required to dock autonomous delivery devices on private property and not on a City sidewalk or in the public right of way.
13. Site Visits: each permittee would be required to allow Public Works to attend and observe at least one testing session during the term of each permit.

The proposal would require each permittee to, on a monthly basis, share the following information with the City Administrator’s Office and Public Works:

- data collected during testing, including any Global Positioning System (“GPS”) or photographic data;

- the San Francisco businesses that are incorporating the testing of autonomous delivery devices into their operations; and
- incidents arising from the testing of the each autonomous delivery device, including but not limited to, violations of the operational requirements, incidents impacting public safety, public complaints, any malfunctions or public tampering with a permitted device, or any collisions with street furniture, vehicles or persons in the public right of way.

The legislation would require the Public Works Director to hold a hearing regarding each application for an autonomous delivery device permit. The legislation would also allow for appeals of the Public Works Director's decisions to the Board of Supervisors.

The proposed ordinance also establishes criminal, civil, and administrative penalties for unlawful operation of such devices.

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