

REVISED LEGISLATIVE DIGEST

(10/17/2017, Amended in Board)

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

Ordinance amending the Public Works Code require a permit for the testing of autonomous delivery devices on sidewalks; amending the Police Code to provide for administrative, civil, or criminal penalties for unlawful operation of autonomous delivery 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 impose the following restrictions regarding such permits:

- no permit would be valid for longer than 60 days;
- no permit would authorize the testing of more than two autonomous delivery devices per permittee; and
- no more than three active permits would be allowed at any time.

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

- Speed limit: autonomous delivery devices would not be allowed to travel more than two miles per hour.
- Human operator presence required: a human operator would be required to remain within 15 feet of the device during testing.

- Rights of way: autonomous delivery devices would be required to yield the right of way to pedestrians and bicycles.
- 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) comply with the sidewalk widths recommended in the City’s Better Streets Policy, and (C) satisfy pedestrian Level of Service A for sidewalk congestion, or can simultaneously accommodate paths of travel for persons with disabilities.
- Traffic signals: autonomous delivery devices would be required to obey all signs and signals governing traffic and pedestrians.
- Hazardous materials: autonomous delivery devices would be prohibited from transporting waste or hazardous materials (such as flammables or ammunition).
- Headlights: autonomous delivery devices would be required to have headlights that operate at night, sunrise, and sunset.
- Warning noise: autonomous delivery devices would be required to emit a warning noise while in operation.
- Unique identifiers: each permittee would be required to place a unique identifier on each autonomous delivery device.
- Insurance requirements: each permittee would be required to obtain and have readily accessible proof of general liability, automotive liability, and workers’ compensation insurance.
- 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.

The proposal would require each permittee to, upon request from Public Works, share the following information with the City:

- 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
- any information collected regarding the quality of City sidewalks and related mapping data.

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 any unlawful operation of such devices.