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Autonomous Delivery Robots — The Latest Method for Transporting Small Goods in Urban Areas

Transportation Legal Update

Autonomous delivery technologies are being considered, analyzed and developed all along the supply chain. Industry leaders see automation of short-range delivery of consumer goods as the first step, and “Star Wars,” R2-D2-like robots may soon be delivering your pizza (and countless other goods) to your doorstep or business.

On May 19, the Subcommittee on Digital Commerce and Consumer Protection of the U.S. House of Representatives Committee on Energy and Commerce held a hearing entitled Disrupter Series: Delivering to Consumers. Personal delivery devices were included within the ambit of the Subcommittee hearing. The May 19 memorandum from the Committee Majority Staff stated:

From algorithms and analytics to delivery drones and delivery robots, disruptive technology is revolutionizing the way companies deliver products to consumers. The rapid growth of the e-commerce market impacts traditional delivery providers and importantly, expands the market of product delivery for new entrants.

The Subcommittee hearing was timely. Food delivery robots have been operating in Washington, D.C. for about two months now.

Idaho, Virginia and Wisconsin have sanctioned the use of sidewalk-class robots as ground-based, semi-autonomous delivery devices. These states recently passed (and other states and municipalities are considering) legislation outlining parameters for use of “electric personal delivery devices” (PDDs). Implemented and considered laws are generally similar. Virginia’s law, effective July 1, defines a PDD as:

An electrically powered device that (i) is operated on sidewalks, shared-use paths and crosswalks, and intended primarily to transport property; (ii) weighs less than 50 pounds, excluding cargo; (iii) has a maximum speed of 10 miles per hour; and (iv) is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

VA Code Ann. § 46.2-100. A PDD may operate on sidewalks and shared-use paths and across roadways on a crosswalk, VA Code Ann. § 46.2-904, but “an electric personal delivery device operator” must actively control or monitor the navigation and operation of the PDD, VA Code Ann. § 46.2-908.1:1. An “electric personal delivery device operator” is “an entity or its agent who exercises direct physical control or monitoring over the navigation system and operation of an electric personal delivery device.” VA Code Ann. § 46.2-100. (“Monitoring” is not defined.)

A PDD must “obey all traffic and pedestrian control devices and signs and include a plate or marker that identifies the name and contact information of the owner of the [PDD] and a unique identifying device number,” and it is unlawful for a PDD to transport “hazardous materials” or engage in “criminal activity.” VA Code Ann. § 46.2-908:1. Like persons riding a wheeled vehicle (e.g., bike or skateboard) on a sidewalk, a PDD must “yield the right-of-way to pedestrians,” but otherwise, they enjoy the same rights as pedestrians — cars need to respect PDDs. VA Code Ann. 46.2-904.

The robots that are currently being tested in the U.S. and Europe resemble a standard ice chest with a slight lift and six wheels. However, existing legislation does not overly limit PDD size and capability. Current legislation only restricts net weight to 50 pounds, limits maximum speed to 10 miles per hour and requires a break system, thus allowing for development of a diverse population of sidewalk robots.

These laws should allow companies to work on the “last mile problem” and on inefficiencies with delivery of locally sourced goods. They will also certainly fuel discussion of privacy, security, safety and economic policy issues presented by use of robotic delivery technologies, such as consumer behavior analytics, sanctioned and/or unsanctioned surveillance, cyber pirating, potential physical harm to pedestrians and property, and employment impact.