

RESOLUTION NO.

WHEREAS, Austin is recognized as an innovative and technologically forward city. Austin has seen disruptive technologies enter our local market and further technology disruptions are anticipated. Experience suggests that the best strategy for addressing the anticipated disruption is to seek an accelerated adoption of the new technology while maintaining opportunities for competition. This will allow Austin to better shape the characteristics of how the new technologies interact with our community to meet pressing urban needs; and

WHEREAS, this action authorizes a pilot program for use of electric powered **Personal Delivery robotic Devices (PDD)** on City sidewalks, pedestrian ways and crosswalks; and

WHEREAS, this resolution allows the City Traffic Engineer, who is currently the Director of the Austin Transportation Department, to consider both unsolicited proposals from PDD operators as well as allowing a City-led request for interest in a pilot deployment. Pilots are envisioned as partnerships between the City and a private technology provider. No fees or exchange of monetary services are anticipated as part of the pilot. To participate, technology companies are expected to provide reasonable data as may be requested by the City Traffic Engineer and to adhere to geographic and operational restrictions set by the City Traffic Engineer. The Urban Transportation Commission shall be consulted by the City Traffic Engineer prior to the initiation of a pilot; and

WHEREAS, a “personal delivery device” or “PDD” for purposes of the pilot program, is an electrically powered device that is (i) only operated on City of Austin owned sidewalks, crosswalks and paved pedestrian ways; (ii) intended

primarily for use in transporting property and related services; (iii) weighs up to 300 pounds, excluding cargo (similar to specifications for personal assistive mobility devices, i.e., motorized wheelchairs); (iv) has a maximum speed of 10 miles per hour; and (v) is equipped with technology that is capable of operating the device with or without the active control or monitoring of a natural person in proximity of the device. It is expressly declared to NOT be a motor vehicle and therefore is not authorized to operate upon the street within the vehicle way, except as allowed at marked and unmarked crosswalks as defined by the Texas Motor Vehicle Code; and

WHEREAS, a PDD Operator is the entity responsible for the operating system or person responsible for directing or driving a PDD under normal operating conditions, or the individual/entity responsible for taking control of the PDD when an unrecognized condition is encountered; and

WHEREAS, it is anticipated that the State may take interest in Personal Delivery Devices in a future legislative cycle, and information from the City's pilot program might be informative in any state-level discussions; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

Personal Delivery Devices (PDD) will operate as a part of a planned pilot program within the City of Austin under the following restrictions and requirements as recommended by the City Traffic Engineer. PDDs:

1. Shall only be operated on paved sidewalks, crosswalks and pedestrian ways owned by the City of Austin.

2. Shall obey all traffic control devices, signs, markings or restrictions established under the authority of the City Traffic Engineer.
3. Shall be operated in a safe and non-hazardous manner that does not endanger pedestrians, bicyclists, other users of the public space, or property.
4. Shall not unreasonably interfere with pedestrians or traffic, and shall yield to pedestrians, pedestrians using personal assistive mobility devices, persons using skates or skate boards on the sidewalk, and cyclists using the sidewalk or crosswalk or pedestrian way.
5. Shall yield the right-of-way to all vehicles approaching on a roadway upon entering a crosswalk to the extent necessary to safely cross the roadway, except when crossing pursuant to a crosswalk pedestrian signal.
6. Shall have a system that alerts the operator if a technology failure or loss of communication occurs, and when such alert is given:
 - (A) Requires the PDD operator to assume direct control of the PDD; and
 - (B) If the PDD operator is unable to assume control of the device, causes the PDD to come to a controlled stop.
7. Shall not operate on a public roadway in the City of Austin except to the extent necessary to cross an intersection or crosswalk.

8. Shall not operate on a State or County Highway or private roadway where the City does not own an easement allowing public access, including the sidewalk associated with said State, County Highway, or private roadway unless express authorization by the owning jurisdiction/entity is received and provided to the City of Austin.
8. Shall not operate on any sidewalk or crosswalk without a PDD operator actively controlling or monitoring the navigation and operation of the PDD.
9. Shall include a plate or marker that identifies the operator's website address and contact information and provide staffing sufficient to respond quickly to inquiries from the public.

BE IT FURTHER RESOLVED:

1. Throughout any testing or operation within Austin, the operating company will maintain general liability insurance in an amount of no less than \$1,000,000 that specifically indemnifies the City of Austin.
2. Prior to initiating PDD pilot operation, the operating company shall inform the City Traffic Engineer of the anticipated dates and location of operations and receive certification by ATD for the right to conduct testing or operation. Certification by ATD shall not be unreasonably withheld and provided at no cost to the operator. Certification shall be by memorandum from the City Traffic Engineer and solely at his/her discretion based on observed adherence with this resolution and his/her opinion that both the proposed equipment and the operator demonstrate the ability to achieve the anticipated pilot service safely

upon the pedestrian ways of Austin in conformance with the proposed regulation. The operator shall conform to the requirements agreed to at the time of certification, including any reasonable data requests that might be made related to the pilot operation for use by the City in analyzing the success of the demonstration.

BE IT FURTHER RESOLVED:

1. Before initiating a pilot, the City Manager shall seek review and comment by the Urban Transportation Commission. A decision to move forward with a pilot shall be at the discretion of the City Traffic Engineer.

2. The City Manager may modify the pilot agreement with an individual technology provider, up to and including a demand to cease operation, based on an observed safety concern or if he/she determines that a conflict arises with other City Code. The City reserves its police powers to enforce such demands.

BE IT FURTHER RESOLVED:

The City Manager is directed to report back to Council within two years on the experience of any PDD pilot operations conducted on City of Austin pedestrian ways.

ADOPTED: _____, 2017 **ATTEST:** _____

Jannette S. Goodall
City Clerk