



Pennsylvania Conference of Teamsters

Strength in Numbers 95,000

William Hamilton, President & Eastern PA Legislative Coordinator – Carl Bailey, Secretary-Treasurer & Western PA Legislative Coordinator -Tim O’Neill, Consultant – Dan Grace, Trustee & Legislative Advisor – Robert Baptiste, Esq. Legal Advisor – Thomas Felice, Staff

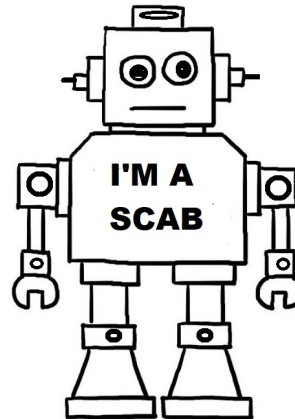
LEGISLATIVE ACTION ALERT

ACTION NEEDED

PA Senate Bill 1199 Would Replace Family Sustaining Jobs with Robots



The PA House Transportation Committee will be meeting on **Wednesday, September 17, 2020** to consider the following bill: **SB 1199**. PLEASE EMAIL KYLE WAGONSELLER AND TELL HIM THE TEAMSTERS ARE STRONGLY OPPOSED TO PA SENATE BILL 1199. (Talking points attached)



Kyle Wagonseller | Research Analyst
House Transportation Committee, Chairman Mike Carroll (D)
E-mail: kwagonse@pahouse.net

Also. contact your PA State Representative and tell them to **NO** on PA Senate Bill 1199 which authorizes robot deliveries of groceries and packages.

**We can't replace politicians with robots
but we can replace them through the ballot box.**



Pennsylvania Senate Bill 1199 -- Personal Delivery Devices

The following are some of the major issues identified with SB 1199, currently in the Pennsylvania House Committee on Transportation (as of July 24, 2020). The bill passed the Pennsylvania Senate on June 30, 2020.

Safety:

- The bill's speed limit for the devices is 12 mph on sidewalks/crosswalks and 25 mph on the shoulder of roadways. The average adult human walking speed is approximately 3 mph. If these devices are to share sidewalks and crosswalks with pedestrians, machinery that can weigh 550 pounds (plus cargo) with no operator should move no faster than pedestrians and certainly not four to eight times the speed of an average human.
- The bill allows for full remote operation of devices after January 1, 2022. There are serious safety considerations if the devices injure a pedestrian on a roadway, sidewalk, or crosswalk and there is no operator nearby to administer aid.
- After January 1, 2022, when the bill allows for full remote operation, a valid driver's license is listed as qualification for operating the devices. There are serious questions if a driver's license for a motor vehicle translates as a qualification for remotely piloting these devices on sidewalks, crosswalks, and on the shoulders of roads.
- The bill lists the devices as refraining from transporting hazardous materials, citing Section 5103 of the Hazardous Materials Transportation Act. However, there are exemptions from Section 5103, if the quantities transported are in "consumer commodities" quantities. Would businesses with these devices be eligible for these exemptions, and therefore be free to transport hazardous materials through communities without an individual monitoring the package on-site?

Preemption/Restrictions

- While the bill allows local authorities to prohibit the use of a delivery device on a roadway or pedestrian area within their jurisdiction, there are roadblocks in place for local elected leaders. Under the current bill, local authorities may only prohibit devices after consulting with the business entity, leading to possible interference.
- The bill also does not allow local authorities to regulate the devices within their jurisdiction (hours or operation, areas of operation, cargo, etc.) The only option afforded local leaders is an outright ban or nothing at all.
- County, city, or local governments must be allowed to regulate and/or ban these devices without industry interference if it is so decided by the citizen's elected leaders within a jurisdiction. These devices are not a one-size-fits-all solution and local leaders can best determine where they are appropriate (e.g. regulations may be important protections in a retirement community where individuals may have limited mobility on pedestrian paths, etc.).

- Although the bill text outlaws the transportation of hazardous materials, without a human monitoring the delivery of a package, any city, state, or other local governments should also be able to restrict delivery items that can be stolen or lost (weapons, knives, chemicals, medicine, etc.).

Community Welfare/Workforce

- There is the question of the well-being of our communities as the United States faces historic unemployment levels. With so many people needing employment and ready to work, lawmakers providing industry carve-outs to further automate good middle-class jobs is not best path forward.
- At a time where state and local governments are facing massive revenue shortfalls, further automating middle class jobs will only add to the financial crisis felt across local governments, impacting community services and public sector workers like teachers and firefighters.
- These devices may further broaden the gap between rich and poor communities. In neighborhoods where sidewalks are old, cracked, and in worse shape than in affluent areas, communities will suffer if devices cannot operate, leading to potentially higher delivery costs.
- As it relates to these devices replacing middle class workers that contribute and pay taxes into local and state governments, there is currently a proposal in Congress that could be mirrored in state to mitigate the damage. This proposal includes ideas such as:
- Companies must provide (180) days advanced notice to workers when new technology will change employment positions and provide (270) days advanced notice if jobs will be eliminated. Employers must bargain directly with employees on how best to implement new technology.
- Require employers to pay for and provide on-the-job training to any employees who will be affected by the introduction of new technology. Companies must either provide training to employees whose jobs will change as a result of new technology or to employees who will lose their job to help these workers obtain a different position at a similar company.
- The mentioned bill's text can be found here: <https://www.congress.gov/bill/116th-congress/senate-bill/2468/text>

Liability

- Under the bill, clarity is needed on who is liable for damages if the devices injure, kill, or cause a traffic or other accident resulting in damage, injury, or death, specifically what constitutes the scope of the agent of the business' authority as it relates to liability. The operator of these devices must be an employee who is trained in the technology and not an independent contractor.
- Damages to the device and caused by the device must be the responsibility of the company.
- Under the insurance section it only identifies the "business entity" as needing to maintain at least \$100,000 coverage. Any dollar amount must take into consideration the additional risk of potential pedestrian collisions or traffic accidents. Given the fact that this is new technology, it's unclear if \$100,000 is an appropriate level of coverage.

Testing/Deployment

- The bill does not speak to testing and deployment and therefore, companies can currently deploy without testing under this bill. In all cases, there needs to be successful public testing of this technology before deployment.
- Any bill must have a mechanism to record incidents and accidents of the devices. Reports documenting these occurrences must be public as it impacts our community's safety.
- There is no inspection requirement in the bill as written. Devices must have regular inspections with state oversight to test and review performance of individual machines, including tests to simulate inclement weather.
- Before and throughout any testing of devices, an official workgroup must be assembled to discuss recommendations for any potential future deployment. This workgroup must include equal industry participants, consumer safety advocates, and labor organizations.