

To: Senate Commerce Committee

From: Erik Sartorius, Executive Director

Date: March 11, 2020

RE: Opposition to SB 435

The League of Kansas Municipalities appreciates the opportunity to testify in opposition to Senate Bill 435. While there may be a business plan for using these personal delivery devices, this legislation is sorely lacking in attention to public safety.

The bill has some minimal definitions for the device, such as a maximum weight of 150 pounds, an identification number and contact information listed on the device, a lighting system visible for 500 feet in clear weather, and an audible warning system. They are also supposed to travel on sidewalks, except they may access any “public highway” until they can find a sidewalk.

What is not specified? How much cargo weight it may carry – which is a huge component of the force a personal delivery device will inflict on any persons, vehicles, or other objects it hits. No provision exists to require reporting of any such damage or require reporting if the device gets stuck in the public right of way. If in a neighborhood without sidewalks, they are allowed unlimited access to “public highways” but may “not unreasonably interfere with motor vehicles or traffic.”

Most curiously, personal delivery devices are defined by what they are not. New Section 2(d) reads: “A personal delivery device shall be exempt from motor vehicle registration requirements. Notwithstanding any other provision of law to the contrary, a personal delivery device shall not be considered a vehicle or motor vehicle under Kansas law.” Saying a commercial motorized vehicle that can travel up to 6 miles per hour is not a motorized vehicle makes no sense.

No penalties exist for ignoring provisions of this statute. As such, they are merely guidelines which create a feeling of safety. The preemption of cities in regulating these devices does not only apply to ordinances that might be created specific to them, but also states municipalities “shall not enforce an ordinance or resolution relating to...the operations of personal delivery devices...” This calls into question whether any ordinances or laws could be applied to personal delivery devices.

These are not sentient creatures. They have sensors and programming, and maybe someone at a remote site occasionally monitoring them. In an emergency situation, public safety officials need to be able to minimize distracting elements without delay. How does one get the attention of a personal delivery device as it is plowing forward at 6 miles per hour into a fire? An area with a gas leak? A hostage event or similar

situation where such an unexpected device could spark a distressed individual into action and be the difference between a peaceful resolution or loss of life? Having someone running after the delivery device in the hopes of getting its ID number and a contact number (hoping neither have been defaced) is not a viable option.

Should the legislature choose to remove cities' ability to handle public safety concerns with Senate Bill 435, then the legislature should also take responsibility for its preemption of cities. If the committee works this bill, the League will request an amendment having the state indemnify cities from lawsuits resulting from accidents, property damage, or deaths due to the actions of these vehicles.

On behalf of the cities of Kansas, thank you for the opportunity to appear before the committee. We ask that Senate Bill 435 not be advanced out of committee.