



City of Boston, Massachusetts
Office of the Mayor
MICHELLE WU

February 3rd, 2025

TO THE CITY COUNCIL

Dear Councilors:

I hereby transmit this ordinance for your consideration and approval: **Road Safety and Accountability for Delivery Providers Ordinance**

This ordinance will enable the City of Boston to better ensure safety on our streets by requiring that national third-party delivery platform companies maintain a valid permit from the City and take proactive steps to ensure the safe operation of their delivery workforce and crack down on dangerous operations by delivery workers using motorcycles, mopeds, and motorized scooters.

To obtain a permit, delivery companies must submit to the City proof of adequate insurance coverage for operators and share data pertaining deliveries, including data on unsafe and illegal vehicle operations on city streets. This carefully tailored ordinance is focused on the largest third-party delivery providers, which concentrate large volumes of traffic in certain areas of the City, particularly at certain times of day. The ordinance does not apply to small businesses with a small number of delivery drivers or other types of deliveries, such as those made by FedEx, UPS, or Amazon. By establishing this new permit process, this ordinance will establish rules and regulations governing the oversight of third-party delivery services within the City of Boston in furtherance of the public interest, safety, and convenience.

This ordinance follows a concerning uptick in complaints regarding the impact of third-party food delivery on City streets. Residents have made 105 reports through 311 about increased traffic and congestion, illegal double parking, as well as reckless and unsafe delivery drivers on scooters, mopeds, motorbikes, and e-bikes in 2024. The City of Boston, and in particular the Boston Police Department, remain focused on enforcing the traffic violations across Boston. This new ordinance will complement existing enforcement efforts by providing new data.

Insurance Requirement: This ordinance will require all third-party delivery providers to obtain umbrella liability insurance coverage for all workers utilizing their platform in order to receive a permit to operate in Boston. This policy must cover all workers regardless of what




vehicle type they use to make deliveries. This common sense policy will protect residents, and ensure they have protection in case of an accident.

Data Sharing: Currently the City of Boston does not have access to reliable data on where and when food deliveries are happening. This ordinance will require the delivery platforms to provide the City with data on food delivery trips in Boston, including about the types of vehicles used to complete deliveries in Boston, which areas experience the highest number of orders, and where and how quickly trips are completed. The City will also look to secure data from companies that documents unsafe and illegal operations by delivery drivers, including speeding and wrong-way driving. Access to this information will allow the City to better tailor enforcement and manage the safe operations of our streets, and help the City hold these companies accountable for the actions of their workforce.

I urge your Honorable Body to act favorably on this Order, to improve the safety of residents and to better regulate third party delivery platforms in the City of Boston.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Wu', with a stylized flourish at the end.

Michelle Wu
Mayor of Boston

CITY OF BOSTON
IN CITY COUNCIL

Road Safety and Accountability for Delivery Providers Ordinance

WHEREAS, The City of Boston is experiencing an alarming increase in unlawful and dangerous operation of motorcycles, mopeds, and motorized scooters by drivers offering delivery services, frequently via Third-Party Deliver Providers; and

WHEREAS, Residents have witnessed widespread and ongoing incidents of running red lights, driving on city sidewalks, driving the wrong way down one-way streets, driving at speeds in excess of posted limits, and collisions. This type of operation puts residents, any pedestrian or driver of a motor vehicle who encounters them, and drivers themselves in imminent danger; and

WHEREAS, In the past year, Boston 311 received 105 reports from residents reporting delivery drivers on mopeds operating recklessly, such as driving on city sidewalks, going the wrong way on one-way streets, driving at speeds in excess of posted limits, and endangering pedestrians in the crosswalk; and

WHEREAS, In June of 2024, city officials sent a joint letter to the leadership of major Third-Party Delivery Providers, DoorDash, GrubHub, and UberEats, detailing a major increase in dangerous and unlawful behavior by delivery drivers in Boston and warning of an increase in enforcement actions by the Boston Police Department; and

WHEREAS, Starting in June 2024, the Boston Police increased targeted enforcement of traffic violations by delivery workers in the interest of pedestrian safety, including in Copley Square, on Washington Street in Downtown, and in the Fenway. Since then the City of Boston has impounded more than 75 improperly registered mopeds used by delivery workers; and

WHEREAS, The Boston Police Department will continue their efforts to enforce traffic laws and discourage third-party delivery platforms from having their operators drive recklessly in the interest of fast delivery; and

WHEREAS, The City of Boston expects all companies operating in the City to prioritize the safety of our residents, workers, and visitors; and

WHEREAS, The continuous failure by many delivery drivers to operate safely or to abide by rules and regulations suggests a lack of accountability and oversight necessary to protect the public; and

WHEREAS, Some Third-Party Delivery Providers appear to provide little to no safety training for their operators or ongoing oversight of how their operators behave on Boston streets. Although Delivery Providers collect detailed trip information on their deliveries, including speeding, illegal turns and wrong-way driving, the companies do not share this information and do not use it to hold their drivers accountable for safe operation; and

WHEREAS, Third-Party Delivery Platforms share little to no information with the City of Boston about their operations, and thus limit the City's ability to plan for and manage the impacts of their services; and

WHEREAS, Inserting Chapter 17, Section 22, Road Safety and Accountability for Delivery Providers will allow the City of Boston to require that Third-Party Delivery Providers take responsibility for their impacts on residents and city streets, by requiring the Providers to apply for, receive, and maintain a valid permit from the City in order to provide delivery services in Boston. This ordinance will establish rules and regulations governing the oversight of these services within the City of Boston in furtherance of the public interest, safety, and convenience; **NOW, THEREFORE BE IT**

Be it ordained by the City Council of Boston as follows:

Section 1.

The City of Boston Code, Ordinances, is hereby amended in Chapter XVII by inserting the following new section after existing Section 17-21:

17-22 Road Safety and Accountability for Delivery Providers

17-22.1 Purpose & Scope

- a. *Purpose.* The purpose of this section is to establish rules and regulations governing the oversight of Third-Party Delivery Services within the City of Boston in furtherance of the public interest, safety, and convenience.
- b. *Scope.* This ordinance applies to every Third-Party Delivery Provider operating within the City of Boston.

17-22.2 Definitions

BTD: Boston Transportation Department.

Third-Party Delivery Operator (“Operator”): Any person or entity that provides Third-Party Delivery Services through a Third-Party Delivery Provider.

Third-Party Delivery Order (“Order”): A single request by a customer for Third-Party Delivery Services either originating from or ending at a location in the City of Boston.

Third-Party Delivery Provider (“Provider”): Any person or entity that operates a website, mobile application, or other internet service that offers or arranges for the on-demand delivery by a third party of food or beverages prepared by more than one food service establishment other than a grocery or convenience store, which facilitates more than 1,000,000 Orders per year originating or ending in the City of Boston, and which is owned and operated by a person other than the person who owns the offered food service establishment.

Third-Party Delivery Provider Permit (“Permit”): A written approval issued by BTM authorizing a Third-Party Delivery Provider to provide Third-Party Delivery Services in the City of Boston.

Third-Party Delivery Services (“Services”): The delivery of food to a customer from a food service establishment, as facilitated by a Third-Party Delivery Provider.

Third-Party Delivery Vehicle (“Vehicle”): A vehicle, whether motorized or otherwise, that is used by an Operator to provide Services, including but not limited to motor vehicles, motorcycles, motorized bicycles, non-motorized bicycles, electric bicycles, motorized scooters, low-speed motor vehicles, and limited use motor vehicles as defined by M.G.L. c. 90, § 1, and regulated by the Massachusetts Registry of Motor Vehicles pursuant to 540 C.M.R. 2.00.

17-22.3 *Third-Party Delivery in the City of Boston*

No Third-Party Delivery Provider shall provide Third-Party Delivery Services except in compliance with the provisions of this section.

17-22.4 *Third-Party Delivery Provider Permit Process*

- a. A Provider shall maintain a valid Permit in order to provide Services within the City of Boston.
- b. A Provider shall, in a manner that BTM prescribes, apply to BTM for a Permit and apply annually to renew its Permit. BTM shall not grant or renew a Permit unless it is consistent with the public interest for the Provider to render Services within the City of Boston. BTM may revoke a Permit if the Provider is not in compliance with this section or if it is

inconsistent with the public interest for the Provider to render Services within the City of Boston.

- c. To obtain a Permit, a Provider shall submit the following to BTM:
 - i. Proof of adequate insurance as certified by BTM in accordance with the provisions of this section;
 - ii. A certification that the Provider will comply with the data requirements of this section; and
 - iii. Proof of provision of the disclosures required below.

17-22.5 Insurance

- a. A Permit shall only be valid for the explicit time period covered by the effective dates of the Provider's relevant insurance policy submitted pursuant to Subsection 17-22.4(c)(i).
- b. Insurance coverage requirements shall be determined by BTM, but shall include, at a minimum:
 - i. Coverage for liability, personal injury, collision, and medical payment in the event that any uninsured or underinsured Operator is involved in a crash;
 - ii. Coverage including Operator using all modes of transportation; and
 - iii. Coverage for all times when an Operator is active on the Provider's platform, including when waiting for, picking up, or delivering an Order.
- c. Upon application to operate, and before an Operator can provide Services, a Provider shall clearly and conspicuously provide an Operator with the following disclosures:
 - i. A statement that the Operator's own insurance policy might not provide coverage during the provision of Services; and
 - ii. A statement of the insurance coverage that the Provider supplies, including the types of coverage and the limits for each coverage, in each circumstance:
 - 1. an Operator available to receive requests for Services but not engaged in Services;
 - 2. an Operator engaged in Services; and
 - 3. an Operator neither available to receive requests for Services nor engaged in Services.

17-22.6 Data Reporting Requirements

- a. No less than once a month, each Provider shall submit to BTM, in a format approved by BTM, data related to each Order in the month prior to the previous month and shall include:
 - i. a unique ID number for each Order;

- ii. the type of Vehicle used for each Order;
 - iii. the power source of the Vehicle used, including but not limited to whether the Vehicle is propelled by internal combustion, battery-sourced electricity, or is a hybrid;
 - iv. the name, address, longitude, and latitude of the vendor from which the delivery Order originated;
 - v. the 15-digit FIPS Code for the census block to which the Order was delivered;
 - vi. the distances traveled, in increments of 1/10 of a mile, (A) between Order acceptance and arrival at the vendor, and (B) between the vendor and the delivery location;
 - vii. the date and time of the origination and termination, calculated to the nearest minute;
 - viii. the total time, in minutes, that (A) the Operator spent between Order acceptance and arrival at the vendor, (B) the Operator spent stopped at the vendor waiting for the Order, (C) the Operator spent driving to deliver the Order, and (D) the Operator spent delivering the Order; and
 - ix. if multiple Orders were picked up or delivered by the Operator during the course of this delivery (e.g., by multi-restaurant ordering or batching), a list of ID numbers (as defined in subsection (a)(i) above) for other Orders that were combined with this Order.
- b. Each Provider shall submit to BTM, upon BTM request, additional data for the purposes of congestion management, which may include, but shall not be limited to:
- i. the total number of Operators that utilized the Provider's digital network within specified geographic areas and time periods and broken out by mode of transportation as determined by BTM;
 - ii. the total time spent and total miles traveled by Operators in such geographic areas or time periods as determined by BTM:
 - 1. while engaged in traveling on the way to pick up an Order;
 - 2. while picking up an Order from a food service establishment;
 - 3. while engaged in traveling to deliver an Order; or
 - 4. while delivering an Order to the buyer.

17-22.7 Enforcement

The provisions of this section may be enforced by all enforcement mechanisms authorized, including but not limited to the noncriminal disposition process of M.G.L. c. 40, § 21D, and, if applicable, by seeking to restrain a violation by injunction.

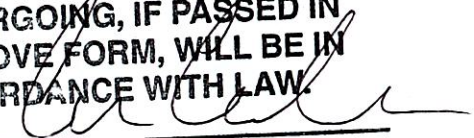
Any Provider that accepts a fee for facilitating Services when such Provider does not have a valid Permit shall be fined three hundred dollars (\$300) per day per restaurant from which Services are available and/or three hundred dollars (\$300) per Order. The BTDC Commissioner or a designee may also seek an injunction from a court of competent jurisdiction prohibiting the provision of Services by any unpermitted Provider.

17-22.8 Severability

The provisions of this section are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions which shall remain in full force and effect.

17-22.9 Effective Date

This section shall take effect six months after passage.

**I HEREBY CERTIFY
THE FORGOING, IF PASSED IN
THE ABOVE FORM, WILL BE IN
ACCORDANCE WITH LAW.**
BY 
**ADAM CEDERBAUM
CORPORATION COUNSEL** kmw