

February 24, 2025

Councilor Gabriela Coletta Zapata, Chair
Committee on Government Operations
1 City Hall Square, Room 550
Boston, MA 02201
617-635-3040

Councilor Benjamin Weber, Vice Chair
Committee on Government Operations
1 City Hall Square, Room 550
Boston, MA 02201
617-635-3040

Dear Chair Coletta Zapata and Vice Chair Weber,

On behalf of the Greater Boston Chamber of Commerce and our 1,200 members, I write to offer comments on Docket #0407, *“An ordinance regarding road safety and accountability for delivery providers.”* We would like to thank Mayor Wu for starting this important conversation and are pleased to see her prioritization on street safety in the City.

The Chamber recognizes that new methods of delivery and transportation impact how people utilize the City’s streets. While often providing valuable, convenient, and popular services to residents and employers, the city has a responsibility to ensure its streets are safe for drivers, bikers, and pedestrians alike. Responding to recent increases in road safety incidents with targeted, practical oversight methods is commendable.

However, we are concerned that the ordinance, as currently written, goes beyond what is necessary to improve safety. It will create burdensome requirements for the targeted companies and increase costs to both consumers and local restaurants – at a time when our hospitality industry needs stronger support. The Chamber believes there are workable solutions to improve safety, and we encourage the Committee to work with delivery platforms and other affected stakeholders (such as small and local restaurants) to improve safety, while also limiting price increases to a minimum and protecting personal data.

Applicability of Insurance Requirements

As drafted, the proposed ordinance would require providers to provide blanket insurance coverage to delivery drivers far beyond that which is required in other industries and regardless of whether a delivery is in progress. These requirements are more stringent than those required for transportation network company (TNC) drivers, which can be found in MGL 175:228.ⁱ

The proposal requires insurance coverage for “all times when an Operator is active on the Provider’s platform.” This approach runs contrary to state law governing TNCs, which requires coverage in 3 separate tiers: when the driver is using their vehicle in a personal capacity, active on the app with no ride, and actively providing service through the app. Consistency in insurance requirements for app-driven products will provide the targeted relief the City seeks, while also limiting potential fraudulent insurance claims and unnecessary increased costs.

It is also important to clarify the City’s intent of the terms “all times” and “active.” Does the City intend to require coverages for all times a driver has a delivery app open, despite accepting no deliveries? We would encourage the City to consider applying insurance requirements specifically when drivers have accepted a delivery.

Scope of Insurance Requirements

The proposed comprehensive insurance requirements are also more stringent than what is required in other areas of state law. For example, this ordinance would require platforms to provide collision and medical payment coverage, which isn’t a state requirement. The highest required coverage for TNC drivers is one million dollars in liability coverage (when engaged in service), and it is highly unlikely that an ebike or moped would ever need coverage at this level. Coverage limits should be established that accurately reflect the type of vehicle being used.

Finally, this ordinance leaves many of the details up to the Boston Transportation Department (BTD.) We would recommend that the City Council work with delivery platforms and develop requirements that both mirror the State's approach and set reasonable requirements for the targeted vehicles. A six-month timeline for compliance is also simply unrealistic to implement insurance requirements of this scope – we suggest an implementation timeline of 1 year to comply with any changes to the governance of deliveries.

Reporting Requirements & Consumer Data Privacy

One of the stated goals of this ordinance is to gather data to identify areas of the City that experience high food delivery traffic, and to “better tailor enforcement and manage the safe operation of streets.” While this is a reasonable goal, the requested data goes far beyond this purpose and raises privacy concerns. Instead of requiring precise and sensitive data points on pickups and drop-off locations, the City should instead work with platform providers to produce heatmaps free of personal information.

At a basic level, any data collection efforts should be aggregated, anonymized, and reviewed for limited, specific purposes. The City does not require sensitive or personal data to improve road safety, particularly when less intrusive but valuable information regarding high traffic delivery areas is available. The City should specify limitations for the use of any data collected, including regular limitations on data access, protection of sensitive information, data aggregation, and reasonable data collection intervals.

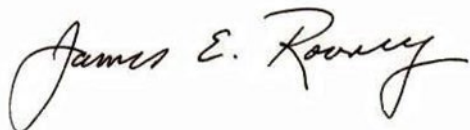
The current proposal includes a monthly reporting requirement, while BTD may also request additional data and formatted reports at any time. This is a significant power offered to BTD without justification – the unchecked ability to request any data whatsoever for the purposes of congestion management. Regular reporting requirements may be useful, but there should be limitations on BTD's ability to demand information that are narrowly tailored to specific timelines, purposes, and uses.

Unclear BTD Requirements

Unresolved issues with this ordinance remain due to vague and undefined language. Can food delivery providers operate while the City determines who meets any requirement for licensure? Will food delivery providers be unable to operate while applying for licensure? The ordinance also states that BTD will 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.” Even if a provider were to meet all requirements, this vague provision would create uncertainty in the licensure process.

Thank you for your attention and please reach out with any questions.

Sincerely,



James E. Rooney
President & CEO

CC: Members of the Boston City Council

ⁱ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXII/Chapter175/Section228>