

DOCKLESS MOBILITY PERMIT PROGRAM REGULATIONS

Updated as of August 29, 2025

I. Purpose

The purpose of these regulations is to establish rules for a permit program for Dockless Mobility Services (“DMS”) for hire, as authorized and defined by Article X of Chapter 15 (Motor Vehicles and Traffic) of the Municipal Code of the City of Charlottesville, Virginia (“City Code”). This Permit Program will ensure that DMS for-hire are carried on in a manner that is consistent with the health, safety, and welfare of the public, as well as consistent with the accessibility of public right-of-way for bicyclists, pedestrians, and people with disabilities. The Permit Program is designed to implement the following goals from the City of Charlottesville, Virginia’s (“City”) Comprehensive Plan and Strategic Plan: (1) reduce single occupancy vehicle use; (2) improve mobility, safety, and equity of the transportation network; and, (3) create a healthy and safe City.

II. Definitions

The words, terms, and phrases used herein will have the meanings ascribed to them in Title 46.2 of the Code of Virginia, 1950, as amended, and Articles I, VI, and X of Chapter 15 (Motor Vehicles and Traffic) of the City Code, except where the context clearly indicates a different meaning.

III. Permit Application and Operating Fees

A. No person may provide DMS for public hire within the City without receiving a Permit from the City Manager, or their designee.

B. Permit applications may be obtained by contacting the City Manager’s Office at (434) 970-3101.

C. Applicants must provide, along with the completed Application Form, the following listed requirements:

1. Description of proposed DMS, including type of mobility device, proposed fleet size, service area, and pricing.
2. Description of proposed strategies to manage operations and parking in specified geographic areas.
3. Mobility device specifications and descriptions and images of safety features, unique device identification, preventative maintenance needs, and sustainable end-of-life processes.
4. Description of marketing and public engagement activities that will be used to promote safe usage and use by low-income residents.
5. Templates for monthly data reporting.

6. Copy of Applicant's City Business License.
7. Proof of Insurance, which includes:
 - (a) Worker's compensation, in statutory amounts required by the Commonwealth of Virginia;
 - (b) Employer's Liability of at least \$100,000, specifically listing Virginia as a covered state;
 - (c) Commercial general liability insurance - \$1,000,000 per occurrence;
 - (d) Automobile Liability - \$1,000,000 per occurrence (only if motor vehicle is to be used in the agreement); and
 - (e) Cyber Liability - \$1,000,000 per claim, including coverage for costs of third-party notification, credit monitoring, and fraud protection;
8. A non-refundable Permit Application fee of one-thousand and five-hundred dollars (\$1,500).

D. The City Manager, or their designee, will notify each Applicant in writing regarding the decision to approve or deny an Application. In making such an approval or denial, the City Manager, or their designee, may consider any established cap on the total number of DMS, aggregate demand for services, and any goal articulated in the City's Comprehensive Plan or Strategic Plan. If an Application is granted, the City Manager, or their designee, will determine the initial number of devices approved under the Permit.

E. The following fees and charges are required to be paid by each Dockless Mobility Business ("DMB") in connection with this Permit Program:

1. A non-refundable Permit Application fee of \$1,500, due at the time of application. This covers the cost of City Staff time to review Applications. No Application will be deemed complete before this payment is remitted.
2. DMBs must also pay a Street Use Surcharge of fifteen cents (\$ 0.15) for each booked trip. The City will provide Street Use Surcharge invoices on a monthly basis. Invoices will be based on trip data provided by each DMB and verified by the City or a City-designated third-party. The invoice payments are due within thirty (30) days of the invoice date. Payments will be considered delinquent, if not received by the due date.
3. All DMBs will be required to obtain a local Business License and will be responsible for all applicable Business License fees and taxes.

F. All DMBs must comply with these regulations, including any changes or amendments authorized by the City Manager, or their designee, from time-to-time. The City Manager, or their designee, may suspend or revoke a Permit, order a reduction in fleet size, or reject a request to increase fleet size, if a DMB fails to observe any provision of these regulations. In connection with such action, the City Manager, or their designee, may require that a DMB remove its devices from the City's right-of-way within five (5) business days.

G. Any person whose Permit Application has been denied, whose Permit has been suspended or revoked, or whose number of approved devices under a Permit has been changed may file an appeal by submitting a written statement to the City Manager, or their designee, within ten (10) business days of the denial, suspension, revocation, or change. The written statement must describe the basis of the Appellant's objection. The City Manager, or their designee, will issue a final decision on the appeal within ten (10) business days of receipt of the written statement.

IV. Operating Requirements

A. Equipment

1. No DMB may deploy any Dockless Mobility Device ("DMD"), or component of such a device, before the City Manager, or their designee, has approved its type, form, and equipment. To obtain approval, the DMB must furnish design specifications, certifications of compliance with applicable design standards included in this Section, and illustrative images of the device and device components that the DMB proposes to deploy. DMBs must allow City Staff an opportunity to inspect and test-ride the same model that they propose to deploy. DMBs must allow City Staff, or their designees, to have unlimited access to any devices deployed for the purposes of quality control and movement of improperly parked devices.

2. All DMDs deployed pursuant to a Permit must meet the applicable equipment requirements set forth in Article VI of Chapter 15 (Motor Vehicles and Traffic) of the City Code.

3. All bicycles must meet the safety standards outlined in Code of Federal Regulations Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. In addition, all bicycles must meet the standards established in the Code of Virginia (§ 46.2-1015), 1950, as amended, including any standards for lighting during nighttime operation per City Code §§ Sec. 15-237 *et seq.*

4. Any electric power-assisted bicycles deployed pursuant to a Permit issued under this Program must fit the definition of electric power-assisted bicycle in Code of Virginia § 46.2-100, 1950, as amended. Electric power-assisted bicycles may not have a top motor-powered speed that exceeds twenty (20) miles per hour ("mph").

5. Any motorized skateboard or scooter deployed pursuant to a permit issued under this program must fit the definition of motorized skateboard or scooter in Code of Virginia § 46.2-100, 1950, as amended. Motorized skateboards or scooters may not have a top motor-powered speed that exceeds fifteen (15) mph.

6. All DMDs must be equipped with an on-board GPS device capable of providing real-time location data in accordance with the specifications described in the “Data Sharing Requirements” Section of this Application.

7. All DMDs must be certified as safe to operate under any applicable standard by Underwriters Laboratories or an equivalent safety rating agency.

8. All DMDs must be equipped with technology that allows one (1) by remote means to render the device inoperable, if it has been reported as being damaged or defective.

B. Fleet Size and Operations

1. The City Manager, or their designee, will, upon issuance of the Permit, inform DMBs of the maximum number of devices that can be deployed and the length of time that the DMBs may deploy those devices under the terms of the Permit and its regulations.

2. DMBs may not deploy fewer than one hundred (100) devices within the City at any given time. DMBs may not suspend operations or reduce fleet size below one hundred (100) devices without prior written approval by the City Manager, or their designee. If a DMB does suspend or reduce the number of devices below one hundred (100), without prior written approval, the Permit will be considered to be forfeit by the DMB.

3. DMBs must designate a service area for each device deployed in the City. The University of Virginia (“UVA”) and Albemarle County, Virginia, may be included within the service area, but DMBs must inform the City of any Agreements or Permits allowed by other jurisdictional partners served by the designated service area.

4. The City may require DMBs to reduce fleet size because of reported performance data, staffing availability, Parking Plan compliance, or other concerns related to compliance with Permit regulations. The City Manager, or their designee, will provide DMBs with changes to the maximum device fleet size in writing and DMBs have up to five (5) days to bring the number of deployed devices into compliance with that changed maximum fleet size.

5. The City Manager, or their designee, reserves the right to the removal of all devices due to weather or other local emergencies or events, for up to forty-eight (48) hours. The City retains the ability to move and store any devices throughout the duration of an emergency event.

6. DMBs must provide devices to be present and available at local, City-sponsored events. The City Manager, or their designee, will provide DMBs with schedule and location information, along with the number of requested devices, and DMBs must provide a written response to confirm availability of vehicles and staff to fulfill these requests.

7. DMBs must allow City Staff, or their designees, to have unlimited access to any devices deployed for the purposes of quality control and movement of improperly parked devices.

C. Parking

1. DMBs may deploy devices for hire within the public right-of-way only in accord with the parking rules and restrictions contained in Title 46.2 of the Code of Virginia, 1950, as amended, and Article VI, Chapter 15 of the City Code.

2. Within thirty (30) days of issuance of the Permit, DMBs must provide the City Manager with a Parking Operations Plan. The City Manager, or their designee, may provide written approval of the Parking Operations Plan within thirty (30) days of receipt of the DMBs proposed Parking Operations Plan. The City Manager, or their designee, may provide a request to revision to the proposed Parking Plan, which DMBs must address and resubmit within thirty (30) days after the City Manager's, or their designee's, written request has been provided. If a DMB does not have written approval of its Parking Operations Plan within the first six (6) months after issuance of the dockless mobility Permit, the Permit will be considered forfeit by the DMB. The Parking Operations Plan must include:

- (a) Standards for determining where devices can be parked legally and properly.
- (b) Standards for identifying locations where users will be instructed to park devices at specific parking locations.
- (c) Processes for ensuring user compliance with parking standards.
- (d) Fees and penalties assessed to users who are not following parking standards.

3. The City Manager, or their designee, may request changes to the Parking Operations Plan at any time. These requests must be put into effect within five (5) days. DMBs may request changes to the Parking Operations but cannot implement the changes to the Parking Operations Plan without written consent from the City Manager, or their designee.

4. DMBs must obtain permission for use of non-City-owned property from the property owners or agents thereof. The City is not responsible for any fees or conditions imposed by property owners on the use of such spaces by a DMB.

5. DMBs must stop placing devices, or allowing contractors to place devices, in front of any address provided by the City Manager, or their designee, within forty-eight (48) hours of notice.

6. DMBs may not apply any markings to public right-of-way.

7. No device should remain in a single location for more than three (3) days.

8. During deployment and rebalancing of devices, employees and contractors of a DMB must obey all provisions of these regulations, including the parking restrictions referenced in Section IV(C)(1). DMBs may not block traffic lanes, parking lanes, or bus lanes without

receiving prior written approval from City Staff. In addition, DMBs, and employees and contractors thereof, must abide by all City street and sidewalk closure requirements and standards.

9. Upon notification by the City or any other person that a DMBs device is improperly parked, the DMB must remove or relocate the device within one (1) hour.

- (a) DMBs must provide confirmation that improperly parked devices have been removed or relocated to City Staff to ensure the timely response to parking issues is occurring. Communication with City Staff should also detail any fees or penalties incurred by the user.
- (b) If a reported device is not improperly parked, DMBs must provide communication to City Staff that the parking of the device has been investigated in a timely fashion, provide a photograph of the device in question, and confirm it is properly parked.
- (c) The City Manager, or their designee, may require DMBs to pay a fine as a penalty for each device that has been improperly parked and not relocated or removed in a timely fashion by the DMB.
 - (1) The fine for each device that has been improperly parked and not relocated or removed in a timely fashion by the DMB will be up to one hundred dollars (\$100) per device per hour beyond the accepted response time.
 - (2) While the permitted response time is up to one (1) hour after the report of an improperly parked device, the City Manager, or their designee, retains the ability to consider other factors, such as weather, time-of-day, and staffing, to determine the acceptable timely response beyond the single-hour standard.

D. Riding and Operations

1. DMBs must apply geo-fencing specifications provided by the City to prohibit riding, parking, or locking devices in specified areas of the City (such as the Downtown Mall and some City parks, as well as areas designated by UVA). This geo-fencing restriction must reduce travel speed within such areas to five (5) mph or less and notify users of restricted areas.

2. DMBs must use best efforts to ensure that device users comply with all applicable laws regarding device riding and parking. At a minimum, DMBs must distribute notifications, warnings, and fines in response to unlawful conduct, and must suspend user accounts for any documented occurrences of repeated unlawful conduct.

3. DMBs must include a lower-speed mode for new users, along with interactive in-app instructions on safe operations and parking restrictions.

4. DMBs must provide all users with a mechanism for reporting safety or maintenance issues with any device.

- (a) In the event a safety or maintenance issue is reported for a specific device, that device must immediately be de-activated and must be removed from circulation as soon as possible. Any inoperable or unsafe device must be repaired before it is put back into service.

5. DMBs must notify the City within twenty-four (24) hours of any issue relating to public safety involving any of its DMDs, including criminal activity, or any activity that may impact the City's Fire Department, the City's Police Department, or the University of Virginia Police Department. DMBs must also notify the City within twenty-four (24) hours of defects in any equipment.

E. Public Engagement and Access

1. Within thirty (30) days of issuance of the dockless mobility Permit, DMBs must provide the City Manager, or their designee, with a Marketing and Community Engagement Plan. The City Manager, or their designee, may provide written approval of the Parking Operations Plan within thirty (30) days of receipt of the DMBs proposed Marketing and Community Engagement Operations Plan. The City Manager, or their designee, may provide a request to revision to the proposed Marketing and Community Engagement Plan, which DMBs must address and resubmit within thirty (30) days after the City Manager's, or their designee's, written request has been provided. If a DMB does not have written approval of its Marketing and Community Engagement Plan within the first six (6) months after issuance of the dockless mobility Permit, the Permit will be considered forfeit by the DMB. The Marketing and Community Engagement Operations Plan must include:

- (a) Strategies for promoting the use of bicycle helmets by users.
- (b) Strategies for promoting safe and legal operation and proper parking of devices by users.
- (c) Strategies for providing services to low-income residents and ensuring access.
- (d) Proposed outreach events schedule, which should include both informational/education/marketing events and customer surveying and engagement efforts.
- (e) Identified partners in the business, non-profit, and other organizations that will be participating and supporting the DMBs proposed marketing and community engagement efforts.

2. The City Manager, or their designee, may request changes to the Marketing and Community Engagement Plan at any time. These requests must be put into effect within five (5)

days. DMBs may request changes to the Marketing and Community Engagement Plan, but cannot implement the changes to the Marketing and Community Engagement Plan without written consent from the City Manager, or their designee.

3. DMBs must offer a Subscription-Based Plan to users that allows for reduced user fees in exchange for weekly and monthly subscriptions to the permitted service.

4. DMBs must offer a reduced-cost plan for low-income residents. The reduced-cost plan should include elimination of per-ride fees and reduction of per-minute usage fees. DMBs must provide a description of their reduced-cost plan with their Permit Application and additional detail of this plan will be approved by the City Manager, or their designee, as part of the Marketing and Community Engagement Plan.

5. Mobile applications and other customer interface technology must be fully accessible to persons with disabilities and accessible to screen readers and must comply with Section 508 of the United States Workforce Rehabilitation Act of 1973.

6. DMBs must provide easily visible contact information, including a toll-free phone number capable of receiving text messages and an e-mail address, on each device for City employees and members of the public to make relocation requests or to report other issues with devices.

7. All service rates, including discounted rates, must be established by the DMB, reported to the City Manager, or their designee, and made available in a clear and transparent way to the user. At a minimum, this information must be listed on the DMB's website, in the app, and on printed material made available to the City upon request.

8. DMBs must maintain a multilingual website, call center, and mobile application customer interface that is available twenty-four (24) hours a day, seven (7) days a week. The City will determine the languages to be provided on each mode of communication.

F. Staffing

1. Within thirty (30) days of issuance of the dockless mobility Permit, DMBs must provide the City Manager, or their designee, with a Staffing Plan. The City Manager, or their designee, may provide written approval of the Staffing Plan within thirty (30) days of receipt of the DMBs proposed staffing plan. The City Manager may provide a request to revision to the proposed Staffing Plan, which DMBs must address and resubmit within thirty (30) days after the City Manager's, or their designee's, written request has been provided. If a DMB does not have written approval of its Staffing Plan within the first six (6) months after issuance of the dockless mobility Permit, the Permit will be considered forfeit by the DMB. The Staffing Plan must include:

- (a) Definition of DMB team staff roles and responsibilities for any company staff involved in serving the City.
- (b) Planned staffing levels for local City staff.

- (c) Performance metrics used to assess staff effectiveness.
- (d) Strategies and procedures for operations when planned staffing levels and performance metrics are not being met.

2. The City Manager, or their designee, may request changes to the Staffing Plan at any time. These requests must be put into effect within five (5) days. DMBs may request changes to the Staffing Plan, but cannot implement the changes to the Staffing Plan without written consent from the City Manager, or their designee.

3. DMBs must maintain a staffed twenty-four (24)-hour customer service phone number for customers to report safety concerns, complaints, or to ask questions and an email address. This phone number, email address, and website must be provided on every device that is in service in the City.

G. Communications

1. DMBs must provide easily visible contact information, including a toll-free phone number capable of receiving text messages and an e-mail address, on each device for City employees and members of the public to make relocation requests or to report other issues with devices.

2. DMBs must provide the City Manager, or their designee, with telephone and email contact information and contact hours for the DMB manager or fleet operations manager for the City, as well as a twenty-four (24)-hour contact person or persons if different from above. Additional staff contacts and contact information should be detailed as part of the Staffing Plan.

3. DMBs must notify the City Manager, or their designee, if any of the required contact information changes.

H. Data Reporting and Data Storage

1. DMBs are required to provide monthly summaries of performance data. Monthly performance data summaries should be submitted to the City Manager, or their designee, by the 15th of the following month. These monthly summaries will follow the format of a template, the format of which must be approved by the City Manager, or their designee. A proposed template for monthly performance data reporting should be submitted with the Permit Application. Within thirty (30) days of issuance of the dockless mobility Permit, DMBs must provide the City Manager, or their designee, with a revised monthly data reporting template. The City Manager, or their designee, may provide written approval of the Staffing Plan within thirty (30) days of receipt of the DMBs proposed revised monthly data reporting template. The City Manager, or their designee, may provide a request to revision to the proposed revised monthly data reporting template, which DMBs must address and resubmit within thirty (30) days after the City Manager's, or their designee's, written request has been provided. If a DMB does not have written approval of their

revised monthly data reporting template within the first six (6) months after issuance of the dockless mobility Permit, the Permit will be considered forfeit by the DMB.

2. The City Manager, or their designee, may request changes to the monthly data reporting template at any time. These requests must be put into effect for the next monthly report. DMBs may request changes to the Marketing and Community Engagement Plan, but cannot implement the changes to the Marketing and Community Engagement Plan without written consent from the City Manager, or their designee.

3. The monthly data reporting template should include:

- (a) Total active customers
- (b) Number of monthly and annual trips
- (c) Average trip duration
- (d) Average and total trip distances
- (e) Number of active devices
- (f) Reported crashes, injuries, or incidents
- (g) Number of devices relocated by DMB staff or contractors after three (3) days of inactivity
- (h) Number of customers enrolled in the low-income plan
- (i) Number of fines and penalties issued
- (j) Number and nature of complaints
- (k) Staffing levels in comparison to the approved Staffing Plan
- (l) Marketing and public engagement activities

4. DMBs must provide an online platform, accessible by desktop computer or mobile device, that allows City Staff to see the live locations of all devices. This online resource should provide a map and locations and unique identifiers for each device, as well as an indication of how long a device has been at a location and its current battery charge status.

5. DMBs are required to store and maintain all historic data of device information and location information throughout the term of the Permit and upon request of the City Manager, or their designee, must provide the following device data. Data should be stored and shareable through the Mobility Data Specifications (“MDS”) Application Program Interface (“API”). DMBs are directly responsible for providing the City with an MDS API key. The data to be published to

the MDS API will include the following historical information for every device parked in the City operational area to include four decimal places to ensure GPS accuracy:

Field name	Format	Description
Provider ID	UUID	Required
Provider Name	String	Required
Device ID	UUID	Required
Vehicle ID	String	Required
Vehicle Type	Enum	Required
Propulsion Type	Enum	Required
Trip ID	UUID	Required
Trip Duration	Integer	Required
Trip Distance	Integer	Required
Route	GeoJSON Feature Collection	Required
Accuracy	Integer	Required
Start Time	Timestamp	Required
End Time	Timestamp	Required

6. DMBs must maintain historic location data over throughout the term of the Permit and upon request by the City Manager, or their designee, must provide the following device availability data for oversight of parking compliance and device distribution by minutes. Data will be available for retrieval by the City using a publicly accessible API provided by the DMB, to include four (4) decimal places to ensure GPS accuracy.

Field name	Format
GPS Coordinate	X,Y
Availability	Minutes
Availability start	MM, DD, YYYY
Availability start	HH:MM:SS (00:00:00)

7. DMBs must share requested data with the City at no expense to the City. Any additional software or licenses required to access the data will be furnished by the DMB.

I. User Privacy

1. DMBs must employ an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (“PCI DSS”).

2. DMBs must provide a Privacy Policy that safeguards customers’ personal, financial, and travel information and usage including, but not limited to, trip origination and destination data. DMBs agree to make policies, procedures, and practices regarding data security available to the City, upon request, and further agree that the City reserves the right to hire a third-party to perform a security audit mid-way through the permit term, or at any time the City determines that an audit is warranted.

3. DMBs must provide customers the opportunity to assent explicitly to any privacy policy, terms of service, or user agreements. Separately, customers must have the ability to decline sharing any data not required to enable a DMB to process and complete the transaction. The customer’s options regarding these requirements must be clearly stated and easily accessed by the customer.

4. DMBs must produce a Privacy Policy that complies with any data protection laws applicable to minors, and further, expressly limits the collection, storage, or usage of any personally identifiable information to the extent absolutely required to accomplish the provision of an e-scooter transportation service. Without limitation to other permitting provisions requiring anonymized origin/destination and route data for solely public purposes set forth by the City, DMBs may not make any personal data of program participants in the City available to any third-party advertiser or other private entity, including another entity that may be affiliated with or jointly owned by the entity that owns a DMB.

5. DMBs may not claim any legal right in the Terms of Use, Privacy Policy, or elsewhere to institute retroactive changes to the Privacy Policy and must provide an opportunity for the customer to explicitly assent prior to any changes to data practices, including uses of data that a DMB collected under a prior policy.

6. DMBs may not collect Personal Data related to, nor sort Personal Data nor individual data subjects according to, the protected classes of race, color, religion, sex (including, but not limited to, gender identity, transgender status, or sexual orientation, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability), except for survey data collected on an opt-in basis and for a public purpose expressly set forth by the City. DMBs may not deny service to any user based on refusal to provide any such survey information or on the basis of actual or perceived membership in any of the protected classes listed above. The City will consult the Human Rights Commission, if it receives any complaints based upon any potential violations of this provision.

7. DMBs must disclose all existing data sharing agreements and must notify the City in advance of any prospective partnership, acquisition, or other data sharing agreement. DMBs may not engage in or facilitate any inter-app operability or other form of private partnership that includes data acquisition or other data sharing model with any entity, if the entity does not meet the standards set forth herein.

8. DMBs must disclose all data breaches to an affected customer within thirty (30) days of the breach.

J. Insurance and Indemnification

1. By signing and submitting a Permit Application, the DMB certifies that it will purchase and maintain, at its sole expense, and from a company or companies authorized to do business within the Commonwealth of Virginia, insurance policies containing the following types of coverages and minimum limits, protecting from claims which may arise out of or result from the DMB's performance or non-performance of services pursuant to its participation in this Permit Program, or the performance or nonperformance of services by anyone directly or indirectly employed by the DMB, or for whose acts it may be liable pursuant to the DMB's participation in this Permit Program:

- (a) Workers' Compensation - Statutory requirements and benefits. Coverage is compulsory for employers of three (3) or more employees, to include the employer. Contractors who fail to notify the City of increases in the number of employees that change their workers' compensation requirements under the Code of Virginia during its participation in this Permit Program will be in noncompliance with these regulations. This policy must specifically list Virginia as a covered state.
- (b) Employer's Liability - \$100,000. This policy must specifically list Virginia as a covered state.
- (c) Commercial General Liability - \$1,000,000 per occurrence. Commercial General Liability is to include bodily injury and property damage, personal injury, advertising injury, contractual liability, and products and completed operations coverage. The City and its officers, employees, agents, and volunteers must be named as an additional insured and so endorsed on the policy.
- (d) Automobile Liability - \$1,000,000 per occurrence. (Only used if motor vehicle is to be used in the course of participation in the Permit Program.)
- (e) Cyber Liability - \$1,000,000 per claim, including coverage for costs of third-party notification, credit monitoring, and fraud protection.
- (f) All insurance coverage:
 - (1) must be issued by an insurance carrier authorized to do business within the Commonwealth of Virginia and rated A – VIII or better, by A.M. Best Company, or equivalent rating from an alternate recognized ratings agency, and otherwise acceptable to the City;
 - (2) must be kept in force throughout participation in this Permit Program;

- (3) must be an occurrence based policy;
- (4) must include completed operations coverage;
- (5) must contain a cross liability or severability of interest clause or endorsement. Insurance covering the specified additional insured must be primary and noncontributory, and all other insurance carried by the additional insureds must be excess insurance; and
- (6) where additional insured required, such policy may not have a restriction on the limits of coverage provided to the City as an additional insured. The City will be entitled to protection up to the full limits of the DMB's policy regardless of any minimum requirements specified elsewhere.

2. Proof Of Insurance: Prior to participation in this permit program, the DMB must (i) have all required insurance coverage in effect; (ii) the DMB must deliver to the City Certificates of Insurance for all lines of coverage, or other evidence satisfactory to the City in its sole discretion. (See Attachment "A" for a Sample C.O.I. and Guide to the Acord Form). The DMB will be responsible that such coverage evidenced thereby will not be substantially modified or canceled without thirty (30) days' prior written notice to the City; and (iii) the DMB must deliver to the City endorsements to the policies which require the City and its officials, officers, employees, agents, and volunteers be named as "additional insured." Policies which require this endorsement include: Commercial General Liability and Auto Liability. Such endorsements must be approved by the City, and (iv) upon the request of the City, provide any other documentation satisfactory to the City in its sole discretion, evidencing the required insurance coverage, including but not limited to, a copy of the insurance policy and evidence of payment of policy premiums. The DMB must require each of its contractors and suppliers to have coverage per the requirements herein in effect, prior to the performance of any services by such contractors and suppliers. Further, the DMB must ensure that all Required Insurance coverages of its contractors and suppliers is and remains in effect during the DMB's participation in this Permit Program and certifies by commencement of operations pursuant to a Permit that this insurance and that of contractors is in effect and meets the requirements set forth herein. The City will have no responsibility to verify compliance by the DMB or its contractors and suppliers.

3. Effect Of Insurance: Compliance with insurance requirements will not relieve the DMB of any responsibility to indemnify the City for any liability to the City, as specified in any other provision of these regulations, and the City will be entitled to pursue any remedy in law or equity if the DMB fails to comply with these regulations. Indemnity obligations specified elsewhere in these regulations will not be negated or reduced by virtue of any insurance carrier's denial of insurance coverage for the occurrence or event which is the subject matter of the claim, or by any insurance carrier's refusal to defend any named insured. DMB explicitly acknowledges and understands that it assumes the risk of placing its DMD on City property and that the City will not be responsible for any damages to such devices arising from their presence on City property.

4. Waiver of Subrogation: The DMB agrees to release and discharge the City of and from all liability to the DMB, and to anyone claiming by, through or under the DMB, by subrogation or otherwise, on account of any loss or damage to tools, machinery, equipment, or other property, however caused.

5. Sovereign Immunity: Nothing contained within this agreement will affect, or will be deemed to affect, a waiver of the City's sovereign immunity under law. No aspect of the DMB's participation in this Permit Program will require the City to waive or limit any sovereign or governmental immunity to which it may be entitled.

6. Right to Revise or Reject: The City reserves the right, but not the obligation, to revise any insurance requirement not limited to limits, coverages, and endorsements, or reject any insurance policies which fail to meet the criteria stated herein. Additionally, the City reserves the right, but not the obligation, to review and reject any insurer providing coverage due to its poor financial condition or failure to operate legally.

7. Indemnification: By signing and submitting a Permit Application, the DMB agrees to indemnify, defend, and hold harmless the City and its officers, agents, and employees from and against any and all claims, demands, judgments, awards, liabilities, losses, damages, and expenses, including reasonable attorney's fees, arising out of or relating to bodily injury or death of any person, or damage to tangible or intangible property of any kind, arising out of or relating to the provision of DMS for public hire within the City, including, but not limited to, the deployment, riding, or parking of any DMD in the public right-of-way.