

DOCKLESS MOBILITY PERMIT PROGRAM REGULATIONS

I. Purpose

The purpose of these regulations is to establish rules for a permit program for Dockless Mobility Services 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. This permit program will ensure that Dockless Mobility Services 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 program is designed to implement the following goals from the City's 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 and Articles I, VI, and X of Chapter 15 (Motor Vehicles and Traffic) of the Municipal Code of the City of Charlottesville, except where the context clearly indicates a different meaning.

III. Permit Requirements and Fees

- A. No person may provide Dockless Mobility Services for public hire within the City of Charlottesville without receiving a permit from the City Manager.
- B. Permit applications may be obtained by contacting the City Manager's Office at (434) 970-3101. Along with submission of complete and accurate application materials, each applicant for a permit must request an initial allocation of Dockless Mobility Devices.
- C. The City Manager 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 may consider any established cap on the total number of Dockless Mobility Devices, 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 will determine the initial number of devices approved under the permit.
- D. The following fees and charges are required to be paid by each Dockless Mobility Business (hereinafter, "DMB") in connection with this permit program:

- i) A non-refundable permit application fee of \$1,500, due at the time of application. This covers the cost of staff time to review applications and no application will be deemed complete before this payment is remitted.
 - ii) A non-refundable annual fee of \$85 per device is due at the time the permit is issued and on January 1st of each year that the permit remains in effect. Electric power-assisted bicycles will not be counted in calculating the annual fee. DMBs may not deploy any devices until the annual fee is received.
 - iii) DMBs must also pay a Street Use Surcharge of \$0.25 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 30 days of the invoice date. Payments will be considered delinquent if not received by the due date.
 - iv) All DMBs will be required to obtain a local business license and will be responsible for all applicable business license fees and taxes.
- E. All DMBs must comply with these regulations, including any changes or amendments authorized by the City Manager from time to time. The City Manager 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 may require that a DMB remove its devices from the City's right-of-way within five (5) business days.
- F. 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 within 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 will issue a final decision on the appeal within 10 business days of receipt of the written statement.

IV. Operating Requirements

A. Equipment

- i) No DMB may deploy any Dockless Mobility Device, or component of such a device, before the City Manager, or the City Manager's designee, has approved its type, form, equipment, and appearance. 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.

- ii) All Dockless Mobility Devices 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 Municipal Code of the City of Charlottesville.
- iii) 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), including any standards for lighting during nighttime operation.
- iv) Any electric power-assisted bicycles deployed pursuant to a permit issued under this program must fit the definition of electric power-assisted bicycle in Virginia Code § 46.2-100. Electric power-assisted bicycles may not have a top motor-powered speed that exceeds 20 mph.
- v) Any motorized skateboard or scooter deployed pursuant to a permit issued under this program must fit the definition of motorized skateboard or scooter in Virginia Code § 46.2-100. Motorized skateboards or scooters may not have a top motor-powered speed that exceeds 15 mph.
- vi) All Dockless Mobility Devices 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.
- vii) All Dockless Mobility Devices must be certified as safe to operate under any applicable standard by Underwriters Laboratories or an equivalent safety rating agency.
- viii) All Dockless Mobility Devices must be equipped with technology that allows one by remote means to render the device inoperable if it has been reported as being damaged or defective.

B. Fleet Size and Operation

- i) The total initial fleet size of motorized skateboards or scooters permitted under this program will be limited to a cumulative total of 350 devices between all DMBs. Electric power-assisted bicycles must be provided, in accord with the requirements contained Section IV(B)(iv), but they will be exempt from any maximum numerical limit for devices.
- ii) DMB Fleet size bonus: DMBs will be eligible for a fleet bonus according to the following schedule:
 - 25 Additional Electric Power-Assist Bikes = 25 Motorized Scooter Bonus
 - 25 Devices in Designated Equity Zones = 25 Motorized Scooter Bonus
 - Quarterly Outreach Events* in the City and UVA = 25 Motorized Scooter Bonus

* Events include trainings, demonstrations, tabling, promotional rides or other similar initiatives to be coordinated directly with the City and the University. In each quarter, there must be at least one event in the City and one at UVA.

- iii) DMBs that can demonstrate an average of at least five (5) trips per operational motorized scooter per day over a full month, and consistent compliance with these regulations may request in writing to expand its fleet size by up to 25%. Any requests to deploy additional Dockless Mobility Devices must be made in writing.
- iv) DMBs may not deploy fewer than 100 motorized scooters and 50 electric power-assisted bicycles within the City at any given time. DMBs may not suspend operations or otherwise reduce their fleet of motorized scooters below 100, or electric power-assisted bicycles below 50, without the prior written approval of the City Manager, or the City Manager's designee.
- v) DMBs must designate a service area for each device deployed in the City. The University of Virginia and Albemarle County may be included within the service area, but separate permits must be obtained directly from those jurisdictions.
- vi) The City may require DMBs to reduce fleet size on a monthly basis in the event the fleet provides on average less than one rider per device per day. The City may request data from DMBs on a monthly basis to determine the utilization rate of devices.
- vii) The City Manager reserves the right to order the removal of all devices due to weather or other local situations, events, or emergencies for up to 48 hours.
- viii) DMBs must provide additional support for local events, including those at the University of Virginia, to include parking corrals, additional staffing, rider education/awareness, and implementation of temporary no-ride and no-park zones.
- ix) DMBs must provide administrative access for City of Charlottesville and University of Virginia staff to relocate devices that are blocking the public right-of-way or creating obstacles for vehicles or pedestrians.

C. Riding and Parking

- i) 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 and Article VI, Chapter 15 of the Municipal Code of the City of Charlottesville.
- ii) DMBs must apply geo-fencing specifications provided by the City to direct device users to designated parking areas in commercial corridors (e.g. the Corner business district, West Main Street and Downtown Mall area). Users must not be allowed to sign out of a ride unless parked in a designated area in the commercial corridors.

- iii) The City Manager, or the City Manager's designee, reserves the right to determine certain block faces where Dockless Mobility Device parking is prohibited.
- iv) Dockless Mobility Devices may be left in on-street parking spaces in commercial corridors only if the City Manager, or the City Manager's designee, has officially designated those spaces as dockless mobility parking stations in connection with this permit program. The City will apply visible markings to identify any such parking stations. DMBs may not apply any markings to public right-of-way.
- v) DMBs must obtain permission for use of non-City-owned property from the property owner 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.
- vi) DMBs must require riders to submit a photo whenever they park a device at the end of a ride.
- vii) DMBs must stop placing devices, or allowing contractors to place devices, in front of any address provided by the City within 48 hours of notice.
- viii) 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 the University). This geo-fencing restriction must reduce travel speed within such areas to 5 mph or less and notify users of restricted areas.
- ix) 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)(i). They 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.
- x) DMBs must work with local businesses or other organizations to promote the use of bicycle helmets by system users through partnerships, promotional credits, and other incentives.
- xi) DMBs must provide education on the safe operation of shared devices consistent with City and State Motor Vehicle Code. The City may provide specific language for this purpose.
- xii) DMBs must incorporate interactive safety and in-app messaging, such as quizzes, on the User application regarding the above-mentioned requirements at a minimum of once per five rentals.
- xiii) 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. DMBs

- must submit a report to the City regarding the notifications, warnings, fines, and suspensions delivered to Users on a monthly basis.
- xiv) DMBs must notify the City within 24 hours of any issue relating to public safety involving any of its Dockless Mobility Devices, including criminal activity, or any activity that may impact the Charlottesville Fire Department, the Charlottesville Police Department, or the University of Virginia Police Department. DMBs must also notify the City within 24 hours of defects in any equipment.

D. Equitable Access

- i) DMBs must implement a marketing and targeted community outreach plan at their own cost to provide these services and promote the safe use of device sharing, particularly among low-income communities. The community outreach strategy must be shared with the City within one month of permit approval.
- ii) DMBs must provide a non-credit and non-smartphone mechanism to access services.
- iii) DMBs must offer a low-income reduced cost plan that is approved by the City Manager prior to permit issuance.
- iv) DMBs must provide specific registration goals for low-income ridership and provide monthly reports to the City regarding these goals.
- v) 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.
- vi) DMBs must distribute no less than 10% of their fleet of deployed devices within the geographic areas designated in the Equity Zone Map.

E. Customer Service

- i) 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.
- ii) DMBs must provide the City Manager, or the City Manager’s designee, with telephone and email contact information and contact hours for the following personnel:
 - 1. the DMB’s general manager for Charlottesville;
 - 2. a policy development contact person;
 - 3. a local fleet operations manager;
 - 4. a data collection and reporting contact person;
 - 5. a programming or equity contact person; and
 - 6. a 24-hour contact person or persons, if different from the above.

- iii) DMBs must notify the City Manager, or the City Manager's designee, if any of the required contact information changes.
- iv) DMBs must maintain a 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.
- v) All service rates, including discounted rates, must be established by the DMB, reported to the City Manager, 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.
- vi) DMBs must maintain a multilingual website, call center, and mobile application customer interface that is available twenty-four hours a day, seven days a week. The City will determine the languages to be provided on each mode of communication.
- vii) Upon notification by the City or any other person that a DMB's device is improperly parked on any sidewalk, street, or public right-of-way under the jurisdiction of the City, the DMB must relocate or remove the device within one hour.
- viii) In the event a device is not relocated or removed within one hour, as specified above, such device may be removed by the City or a third party designee and taken to a facility for storage at the expense of the DMB. Notwithstanding any other provision of law, DMBs will be required to pay a \$100 fine for each device that is removed from the public right-of-way pursuant to this rule, in addition to any storage expenses.
- ix) DMBs must provide all riders with a mechanism to report safety or maintenance issues with a device.
- x) 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.

F. User Privacy

- i) DMBs must employ an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS).
- ii) 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.
- iii) 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 with regard to these requirements must be clearly stated and easily accessed by the customer.

- iv) 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.
- v) 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.
- vi) 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 on the basis of 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.
- vii) 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.
- viii) DMBs must disclose all data breaches to an affected customer within thirty days of the breach.

G. Data Sharing

- i) Without prejudice to a DMB's rights to, and interest in, its commercially privileged and sensitive information, DMBs must provide the City with the following data in a Quarterly Report, to be submitted by the 15th of the month at the commencement of each quarter with data for the previous quarter's activity:
 - a. Total active customers

- b. Trips starting and trips ending, separately, in the City during the month, and trips starting and trips ending in the City since launch (raw trip data)
 - c. Average trip duration in minutes
 - d. Average and total distance of trips (if this is calculable from provided raw trip data, no need to provide separately)
 - e. Total number of devices in service in the City (daily)
 - f. GPS tracking data for every trip route starting, ending, or passing through the City (especially to understand the equity implications of coverage of these services.)
 - g. Number of total rides that start and end in no-go and no-ride zones
 - h. Top twenty start and top twenty end locations, by block
 - i. Crashes – giving time, date, precise location, and number of parties impacted (if known) within the City
 - j. Injuries – giving time, date, precise location, and cause (if known) within the City
 - k. Number and precise location of device that had to be towed after seven (7) consecutive days in one location within the City
 - l. Complaints received within the City – giving the reason with date and location, if available/appropriate
 - 1. Incorrectly parked reports – giving time, date, and precise location
 - 2. Speeding reports
 - 3. Maintenance related issues
 - 4. Other complaints
 - 5. Other feedback received – by date, time, and precise location, if applicable
 - m. Total number of people enrolled in low-income plan
 - n. Total number of riders whose accounts were deactivated due to non-compliance
 - o. Total number of riders who received warnings due to non-compliance
- ii) DMBs must provide the City with real-time information on the entire City fleet through the General Bikeshare Feed Specifications (GBFS) application program interface (API). DMBs are directly responsible for providing the City with a key to the GBFS API. The data to be published to the API will include the following information in real-time for every bicycle and e-scooter parking in the City operational area to include four decimal places to ensure GPS accuracy:

Field Name	Required	Defines
device	Yes	Array that contains one object per device that is currently docked/stopped outside of the system as defined below
- device_id	Yes	Unique identifier of a device
- lat	Yes	Latitude of the bike. The field value must be a valid WGS 84 latitude in decimal degrees format. See:., https://en.wikipedia.org/wiki/Decimal_degrees

Field Name	Required	Defines
- lon	Yes	Longitude of the bike. The field value must be a valid WGS 84 latitude in decimal degrees format. See: http://en.wikipedia.org/wiki/World_Geodetic_System , https://en.wikipedia.org/wiki/Decimal_degrees
- is_reserved	Yes	1/0 value - is the bike currently reserved for someone else
- is_disabled	Yes	1/0 value - is the bike currently disabled (broken)

- iii) DMBs must provide the City with historical ride information on the entire City fleet 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

- iv) DMBs must provide the City with a web-link that can be shared with the general public for real-time (GBFS) information on the entire City fleet. Data available via the web-link will include the above mentioned information for every device parked in the City operational area, to include four decimal places to ensure GPS accuracy.

- v) DMBs 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 decimal places to ensure GPS accuracy.

Field name	Format	Description
GPS Coordinate	X,Y	n/a
Availability	Minutes	n/a
Availability start	MM, DD, YYYY	n/a
Availability start	HH:MM:SS (00:00:00 –	n/a

- vi) DMBs must provide access to large datasets returned from the API via a paging system determined by number of records in the dataset. Pages should contain a maximum of either 500 or 1000 records per page, and paginated datasets must also be in compliance with the JSON API specification. The following links must be used for pagination:

First: url to the first page of data

Last: url to the last page of data

Prev: url to the previous page of data

Next: url to the next page of data

Next must be set to the value of **null** to indicate the last page of the dataset.

- vii) The City may require DMBs to distribute a customer survey.
- viii) DMBs must ensure that the City of Charlottesville and University of Virginia program staff have equal access to all ridership data.

V. Insurance and Indemnification

A. 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:

- i) Workers' Compensation - Statutory requirements and benefits. Coverage is compulsory for employers of three 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

- their participation in this permit program will be in noncompliance with these regulations. This policy must specifically list Virginia as a covered state.
- ii) Employer's Liability - \$100,000. This policy must specifically list Virginia as a covered state.
 - iii) 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.
 - iv) 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.)
 - v) Cyber Liability/ Information Technology - \$1,000,000 per claim, including coverage for costs of 3rd party notification, credit monitoring, and fraud protection.
 - vi) All insurance coverage:
 - a. 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;
 - b. must be kept in force throughout participation in this permit program;
 - c. must be an occurrence based policy;
 - d. must include completed operations coverage;
 - e. 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;
 - f. 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.

B. 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 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.

- C. **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 dockless mobility devices on City property and that the City will not be responsible for any damages to such devices arising from their presence on City property.
- D. **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.
- E. **Sovereign Immunity:** Nothing contained within this agreement will effect, or will be deemed to effect, 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.
- F. **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.
- G. **Indemnification:** By signing and submitting a permit application, the DMB agrees to indemnify, defend, and hold harmless the City of Charlottesville 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 Dockless Mobility Services for public hire within the City of Charlottesville, including, but not limited to, the deployment, riding, or parking of any Dockless Mobility Device in the public right-of-way.