PUBLIC WORKS

RULES & REGULATIONS

OF THE MANAGER OF THE DEPARTMENT OF PUBLIC WORKS, CITY & COUNTY OF DENVER

Adopted Pursuant to Article II of the Charter of the City & County of Denver and Section 2-91 et seq. of the Revised Municipal Code

PERTAINING TO THE ADMINISTRATION OF A CAR SHARE PERMIT PROGRAM BY THE CITY TRAFFIC ENGINEER

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Jose M. Cornejo, P.E.
Manager of Public Works

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_____
Effective Date

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RULES AND REGULATIONS PERTAINING TO THE ADMINISTRATION OF A CAR SHARE PERMIT PROGRAM BY THE CITY TRAFFIC ENGINEER

I. DEFINITIONS

1. **Car Share** - is a fee-based membership service that provides all qualified drivers in the community access to a fleet of vehicles on a minute or hourly basis. This shared vehicle fleet is available to members 24 hours, 7 days a week at unattended self-service locations. No separate written agreement is required each time a member reserves and uses a vehicle. Car usage is provided without restriction at minute, hourly and/or 'per mile' rates that include fuel, insurance, and maintenance.

2. **Car Share Operating Area** - an area to be determined in collaboration with the car share organization and the City Traffic Engineer or designee. An operating area is established for car share vehicles that do not have to begin or end a reservation in a reserved on or off-street parking space. Members may travel outside the operating area but cannot begin or end a reservation outside the operating area.

3. **Car Share Organization (CSO)** - may be either a non-or for-profit entity offering a fleet of vehicles to members on a minute or hourly basis for a fee. No differentiation is made in these policies between non-or for-profit entities offering car share.

4. **Car Share Fleet** - vehicle(s) that are owned by the CSO or a parent company and registered with the City & County of Denver Department of Motor Vehicles. These vehicles must be either permitted on-street through a dedicated space or vehicle area permit, or located off-street in a dedicated space validated through documentation provided by the CSO. Information on the vehicle fleet is reported to the City Traffic Engineer on a semi-annual basis.

5. **Downtown Area** - all publically managed curb lane space within an area bounded by Broadway, Colfax Avenue, Speer Boulevard, Interstate 25, and Park Avenue West. (see figure 1)

6. **Opportunity Area** - select Denver Statistical Neighborhoods, made up of US Census Tracts, where 30% or more of the population lives below the poverty line based on the most recent census figures. The availability of vehicles per household also factors into determining if a neighborhood is an Opportunity Area. (see figure 1 for specific neighborhood locations).

7. **Dedicated Space** - a parking space in the Public Right-of-Way (ROW) that is either metered or unmetered, or an off-street parking space in a managed lot or garage facility that can accommodate one vehicle at a time.

II. AUTHORITY

1. The City Engineer shall exercise the powers granted in Section 54-43(b)(6) and (8) D.R.M.C, consistent with the responsibilities assigned to the Manager of Public Works.

III. INTENT

1. A robust car share program provides the opportunity to reduce parking demand and vehicles miles traveled, and enhance mobility options for members. These rules and regulations provide a framework to enable a robust car share network, made up of multiple operators, to be located both on and off-street within Denver. The success of car share will have environmental, economic, and quality of life benefits for residents, employees, and visitors while also balancing the needs of other uses in the ROW. It is not the intent of these rules and regulations to regulate car share operations or impact the interaction between the car share operator and member.

IV. DEDICATED SPACE IN THE PUBLIC RIGHT OF WAY

1. CSO may locate its fleet on-street at dedicated spaces previously agreed upon by the City Traffic Engineer or designee. The City Traffic Engineer reserves the right to add or remove dedicated on-street metered or non-metered spaces beyond the referenced maximums stated in this section. Requirements and restrictions for the placement of car share vehicles in the ROW include:

    A. <u>City-Wide</u>: CSO may locate up to 10 fleet vehicles or 25% of its fleet *(whichever is greater)*, not to exceed 30 locations, at dedicated on-street locations. Locations in Opportunity Areas do not count against maximum.
    Example: CSO has 40 vehicles in its fleet, 10 of those may be located at dedicated, on-street spaces within the City.

B. Downtown Area: CSO may locate up to 25% of its fleet, not to exceed 10 locations at dedicated on-street locations. The City Traffic Engineer reserves the right to designate where dedicated spaces will be located. Each CSO will select up to 10 locations, dependent on the size of its fleet, to place dedicated spaces. If more than one CSO is requesting locations, a process will be determined to allocate dedicated space. There is a maximum cap of 30 locations to be allocated to all participating CSO in the Downtown Area.

2. Notwithstanding the aforementioned maximums a CSO must locate at least two (2) dedicated spaces in any Opportunity Area if a CSO requests dedicated space elsewhere in the City or vehicle permits are issued to the CSO. These spaces may be either on or off-street, but must be dedicated. Dedicated on-street spaces will be offered for a discounted permit fee. See figure 1 for specific locations.

3. Allocated dedicated spaces will be permitted for one year from issuance date. Issued permits are revocable by the Department of Public Works. Fees and conditions are subject to change at the time of renewal. At the time of renewal, the current CSO has the first right of renewal for the space. If not renewed, the space would be available for another CSO. If not selected, the space would revert back to its original use, unless otherwise adjusted by the City Traffic Engineer or designee.

4. CSO may locate vehicles off-street in City-owned facilities. Terms and conditions for off-street locations will be considered on a case by case basis.

5. In order to access permitted, dedicated on-street spaces, CSO must provide documentation indicating how many vehicles are parked off-street. This documentation may take the form of a lease agreement, or permission from the parking operator and/or property owner.

6. A permit shall be issued to dedicated spaces within the ROW. If a dedicated space is vehicle specific, the vehicle information will be provided on the permit. Vehicle information includes make, model, and license plate number. Multiple vehicles may be allowed to park in a dedicated, on-street space. Vehicle information may be updated before the permit is up for renewal.

V. VEHICLE AREA PERMITS IN THE PUBLIC RIGHT OF WAY

1. A vehicle area permit can be issued to car share vehicle(s) that are not required by the CSO to have a dedicated on or off-street parking space.

2. A vehicle area permit can also be issued to car share vehicle(s) that have dedicated on or off-street parking spaces, at the request of the CSO.

3. A vehicle area permit is not transferable and is vehicle and license plate specific. This permit will relieve the motorist from all posted time limit restrictions in excess of (and including) two hours, Residential Parking Permit restrictions and meter payment. All other parking restrictions will apply to the permitted vehicle.

4. ROW Permits issued to car share vehicles are valid for one year after issuance. Issued permits are revocable by the Department of Public Works. Fees and conditions are subject to change at the time of renewal.

5. The City Traffic Engineer, or designee, has the authority to regulate the number of vehicle area permits issued to a specific operator or on a program scale.

VI. PERMIT FEES

1. All participating CSO are subject to the following annual fee schedule.

2. <u>Vehicle Area Permit</u>: Car share vehicles relieved from time limit restrictions in excess of (and including) two hours, Residential Parking Permit restrictions, and meter payment.
   A. City Wide $850 per year

3. <u>Dedicated Space</u>: CSO may request to locate vehicles on-street at dedicated spaces. Subject to additional fees including but not limited to issuance, sign fabrication and installation.
   A. Meter Displacement 1/3 fully operational meter revenue based on adjacent meter program/rates

   B. Downtown Area $750 per year (if meter is not displaced)
   C. Unmetered Area $500 per year
   D. Opportunity Area $250 per year (unmetered only)

VII. RESPONSIBILITY OF PERMITEE

1. Each CSO fleet vehicle, as reported by the CSO, must be owned by the CSO or a parent company and vehicle(s) registered with the City & County of Denver Department of Motor Vehicles. The City Traffic Engineer has the ability to authorize the temporary placement of vehicles that do not meet this requirement, at their discretion.

2. Each CSO must provide Public Works a sales tax license issued by the City & County of Denver to obtain a ROW permit.

3. CSO must pay all parking citations associated with its fleet before renewal of vehicle or reserved location permits. CSO is required to set-up a fleet account with the City's parking citation and payment vendor to pay all citations on a monthly basis to avoid booting/towing. Failure to pay all parking citations before the renewal date shall prevent the car share organization from operating in the ROW.

4. CSO shall not advertise or publish the City's participation in car share program operations without the City's prior written authorization.

5. Permitted CSO shall defend and hold harmless the City, its officers, agents, and employees free and harmless from any and all claims for personal injury or property damage, including attorney fees and costs defending any actions or suits, including any appeals, which may result from the permitted activity.

6. Permits are vehicle specific (by license plate) and are not transferable from one vehicle to another. Each participating car share vehicle must be identified as such with a clearly visible logo or marking on the vehicle's exterior.

7. CSO are responsible for the cleanliness of each reserved, on-street parking location. Failure to do so will result in the space, and permit, being revoked.

VIII. INSURANCE REQUIREMENTS

General Conditions: CSO agrees to secure, at or before the time of execution of the permit, the following insurance covering all operations, goods or services provided pursuant to the permit. CSO shall keep the required insurance coverage in force at all times during the term of the permit and any extension thereof. The required insurance shall be underwritten by an insurer licensed or authorized to do business in Colorado and rated by A.M. Best Company as "A-"VIII or better, or provided by CSO as a self-insurer. Such coverages shall contain a valid provision or

endorsement requiring notification to the City in the event any of the required policies be canceled or non-renewed before the expiration date thereof. Such written notice shall be sent to the parties identified in section VIII of these regulations. Such notice shall reference the City permit number. Said notice shall be sent thirty (30) days prior to such cancellation or non-renewal unless due to non-payment of premiums for which notice shall be sent ten (10) days prior. If such written notice is unavailable from the insurer, CSO shall provide written notice of cancellation, non-renewal and any reduction in coverage to the parties identified in the Notices section by certified mail, return receipt requested within three (3) business days of such notice by its insurer(s) and referencing the City's permit number. If any policy is in excess of a deductible or self-insured retention, the City must be notified by the CSO. CSO shall be responsible for the payment of any deductible or self-insured retention. The insurance coverages specified are the minimum requirements, and these requirements do not lessen or limit the liability of the CSO. The CSO shall maintain, at its own expense, any additional kinds or amounts of insurance that it may deem necessary to cover its obligations and liabilities under the permit.

1. Proof of Insurance: CSO may not commence services or work relating to the permit prior to placement of coverage. CSO certifies that the certificate of insurance / self-insurance, preferably an ACORD certificate, complies with all insurance requirements. The City requests that the City's permit number be referenced on the Certificate. The City's acceptance of a certificate of insurance / self-insurance or other proof of insurance that does not comply with all insurance requirements set forth in this Agreement shall not act as a waiver of Contractor's breach of the permit or of any of the City's rights or remedies under the permit. The City's Risk Management Office may require additional proof of insurance, including but not limited to policies and endorsements.

2. Additional Insureds: For Commercial General Liability and Auto Liability, CSO's insurer(s) shall name the City and County of Denver, its elected and appointed officials, employees and volunteers as additional insured. For self insured CSO's, the City shall be treated as an additional insured under the self insurance program.

3. Waiver of Subrogation: For all coverages, CSO's insurer shall waive subrogation rights against the City.

4. Subcontractors and Subconsultants: All subcontractors and subconsultants (including independent CSOs, suppliers or other entities providing goods or

services required by the permit) shall be subject to all of the requirements herein and shall procure and maintain the same coverages required of the CSO. CSO shall include all such subcontractors as additional insured under its policies (with the exception of Workers' Compensation) or shall ensure that all such subcontractors and subconsultants maintain the required coverages. CSO agrees to provide proof of insurance for all such subcontractors and subconsultants upon request by the City.

5. Workers' Compensation/Employer's Liability Insurance: CSO shall maintain the coverage as required by statute for each work location and shall maintain Employer's Liability insurance with limits of $100,000 per occurrence for each bodily injury claim, $100,000 per occurrence for each bodily injury caused by disease claim, and $500,000 aggregate for all bodily injuries caused by disease claims. CSO expressly represents to the City, as a material representation upon which the City is relying in entering into the permit that none of the CSO's officers or employees who may be eligible under any statute or law to reject Workers' Compensation Insurance shall effect such rejection during any part of the term of the permit, and that any such rejections previously effected, have been revoked as of the date CSO executes the permit.

6. Commercial General Liability: CSO shall maintain a Commercial General Liability insurance coverage with limits of $1,000,000 for each occurrence, $1,000,000 for each personal and advertising injury claim, $2,000,000 products and completed operations aggregate, and $2,000,000 policy aggregate.

7. Business Auto Liability: CSO shall maintain business auto liability coverage with a combined single liability limit of $1,000,000 applicable to all owned, hired and non-owned vehicles used in performing services under the permit.

8. Additional Provisions:
    A. For Commercial General Liability, the policy must provide the following:
        i. That the permit is an Insured Contract under the policy;
        (ii) Defense costs are in excess of policy limits;

        ii. A severability of interests or separation of insureds provision (no insured vs. insured exclusion); and

iii. A provision that coverage is primary and non-contributory with other coverage or self-insurance maintained by the City.

B. For claims-made coverage:

i. The retroactive date must be on or before the contract date or the first date when any goods or services were provided to the City, whichever is earlier

C. CSO shall advise the City in the event any general aggregate or other aggregate limits are reduced below the required per occurrence limits. At their own expense, and where such general aggregate or other aggregate limits have been reduced below the required per occurrence limit, the CSO will procure such per occurrence limits and furnish a new certificate of insurance showing such coverage is in force.

D. The City Traffic Engineer automatically revokes this permit without further action if this insurance is permitted to lapse, is canceled, or for any other reason becomes inoperative.

IX. REPORTING AND OUTREACH

1. CSO permit holders will report to the City Traffic Engineer, or designee, for reporting purposes.

2. CSO are required to report, on a semi-annual basis, information regarding their fleet and membership. The goal of these reports is to better understand how the entire car share system is being utilized and to better inform future policy changes. CSO will work with the City to provide the following information on their company's operations in Denver:
   A. Number of vehicles in fleet
   B. Location of vehicles (both on and off-street)
   C. Fleet usage
   D. Total number of members
   E. Member Survey and General Demographics

3. Information submitted to the City is subject to CORA, the Colorado Open Records Act (sections 24-72-201 et seq, CRS). If the CSO believes that any material it submits constitutes trade secrets, privileged information, or confidential commercial or financial data, then the CSO should mark those items as confidential or proprietary. The City is not bound by the CSO's

determination as to whether materials are subject to disclosure under CORA and reserves the right to independently determine whether the materials are required to be made available for inspection or otherwise produced under CORA. If the City receives a request for such information marked as confidential, it will notify the CSO. If a suit is filed to compel disclosure of such information, the City will notify the CSO, and the CSO shall be responsible for taking appropriate action to defend against disclosure of its confidential information, and will hold the City harmless from any costs or liability resulting from any CORA litigation.

4. At the request of the City Traffic Engineer, a CSO will work with the City to notify registered neighborhood organizations (RNO) and adjacent property owners when locating dedicated, on-street spaces to car share. Comments made by these organizations should be made available to the City Traffic Engineer upon request.

5. The City Traffic Engineer reserves the right to deny location requests.

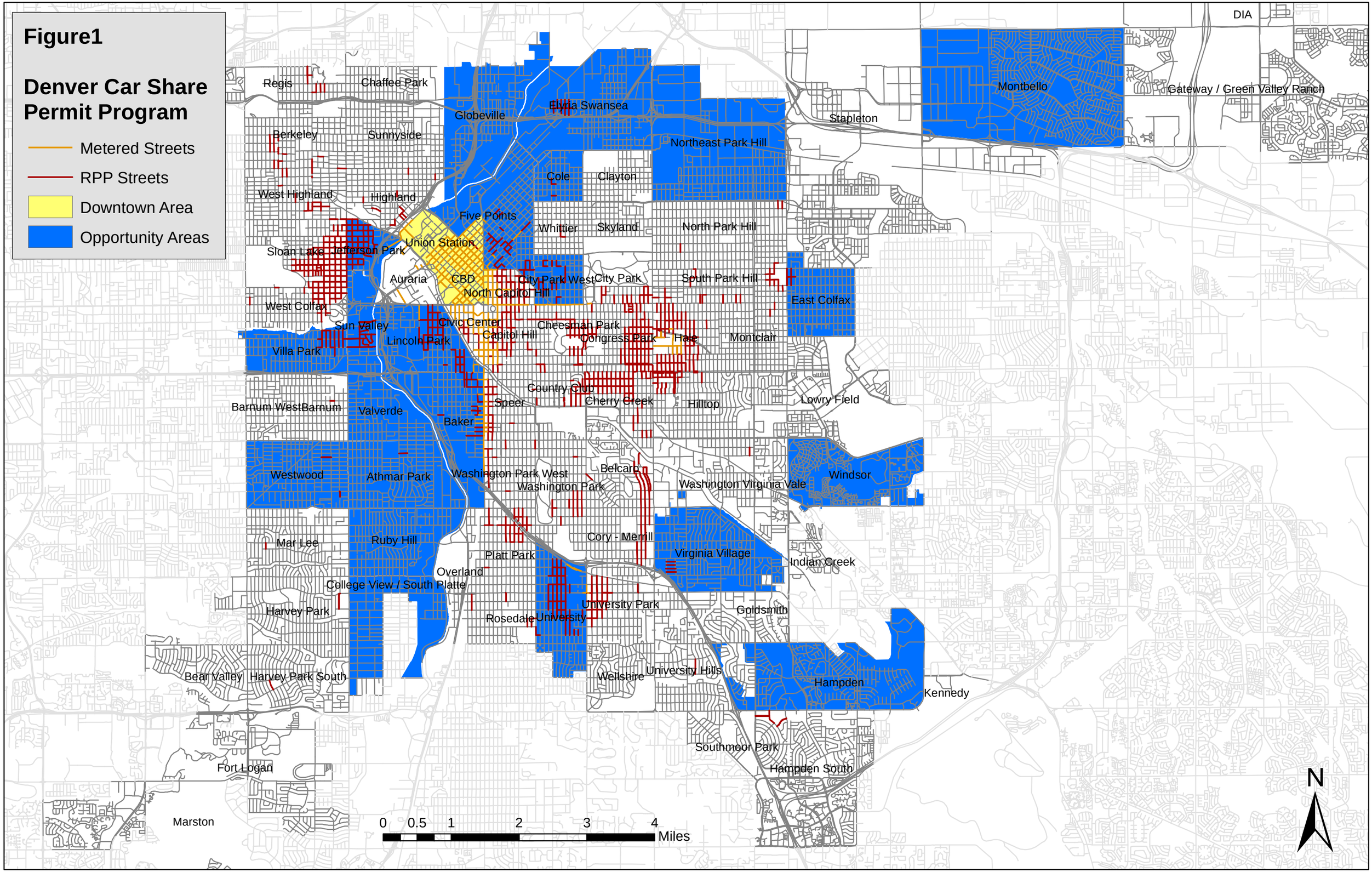
Figure1
Denver Car Share Permit Program
Metered Streets
RPP Streets
Downtown Area
Opportunity Areas
DIA
Regis
Chaffee Park
Globeville
Elyria Swansea
Montbello
Gateway / Green Valley Ranch
Stapleton
Berkeley
Sunnyside
Northeast Park Hill
Cole
Clayton
West Highland
Highland
Five Points
Whittier
Skyland
North Park Hill
Union Station
Sloan Lake
Jefferson Park
Auraria
CBD
City Park West
City Park
South Park Hill
North Capitol Hill
East Colfax
West Colfax
Sun Valley
Civic Center
Cheesman Park
Capitol Hill
Congress Park
Hale
Montclair
Lincoln Park
Villa Park
Country Club
Barnum West
Barnum
Valverde
Speer
Cherry Creek
Hilltop
Lowry Field
Baker
Westwood
Athmar Park
Washington Park West
Belcaro
Washington Park
Washington Virginia Vale
Windsor
Mar Lee
Ruby Hill
Cory - Merrill
Platt Park
Virginia Village
Indian Creek
Overland
College View / South Platte
University Park
Harvey Park
Rosedale
University
Goldsmith
Bear Valley
Harvey Park South
Wellshire
University Hills
Hampden
Kennedy
Southmoor Park
Fort Logan
Hampden South
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