

City of Sacramento Car Share Framework Terms and Conditions

1. Purpose and Intent

The City of Sacramento Car Share Framework facilitates car sharing in Sacramento that meets the City's policy objectives. The City will accept applications from potential car share operators and upon approval, qualified car share operators will be allowed to secure the appropriate permits to park in the public right-of-way with special parking privileges.

1.1 Background

On March 29, 2011 the Sacramento City Council adopted Resolution No. 2011-183 that authorized the City Manager to execute an agreement with Zipcar for a car share pilot program in Sacramento. The City agreed to dedicate up to 25 on-street parking spaces for exclusive use by Zipcar car share vehicles at no charge to Zipcar. Parking locations were deemed "highly visible" and mutually agreed to by the City and Zipcar.

The Zipcar pilot is now expired after 4 years, with 19 Zipcar car share vehicles operating at 10 locations with dedicated on-street parking spaces in the City of Sacramento. According to the 2017 Year in Review provided by Zipcar, nearly 1,000 individual members utilized the car share vehicles in the City of Sacramento to make over 11,000 reservations. The average distance traveled per reservation was over 50 miles.

Regionally, additional Zipcar vehicles are located on the campuses of UC Davis, the UC Davis Medical Center, and Sacramento State University under separate agreements with each of those entities.

In early 2017, the Sacramento Metropolitan Air Quality Management District (SMAQMD) launched the Our Community Car Share Program. This inaugural effort is the State's first low-income zero-emission vehicle (ZEV) car share program. The City is supporting the program with construction of two EV chargers dedicated for the program at the Sacramento Valley Station. Funded by the California Greenhouse Gas Reduction Fund and operated by Zipcar, 300 free memberships are available to residents of four affordable housing developments in Sacramento through the program (current as of August 2018). Many residents at these locations do not own vehicles and personal transportation can be a challenge. Through the program, residents have up to nine hours per week to use an all-electric Kia Soul at no cost. The affordable housing developer, Mutual Housing is also developing a chauffeuring option for the program to increase ridership, which would allow residents who cannot drive to participate.

On August 3, 2017 the Sacramento City Council adopted Resolution No. 2017-0311 giving staff the directive to work with Electrify America for expedited implementation of Volkswagen's ZEV investments in Sacramento, including a plan to launch an all-electric vehicle carsharing program.

This guidance will provide direction for current and future car share operators seeking parking privileges in the public right-of-way and enable the City to balance the mobility benefits of car share and parking management needs.

1.2 Purpose

This guidance will create an opportunity for a diverse array of car sharing programs to park in the public right-of-way in the City of Sacramento. The City strives to support car sharing programs that help achieve City goals of developing a multi-modal transportation system, reducing greenhouse gas emissions, and supporting emerging transportation technologies and public-private partnerships.

The car share parking permits described in this framework provide extended parking privileges. As such, this guidance establishes a process to ensure that parking privileges are only provided to car share operators that demonstrate the ability to provide service to the community that meets the City's policy objectives.

1.3 Objectives

By setting this framework, the City seeks to achieve the following objectives:

- Facilitate the expansion of car share programs throughout the city to help achieve the mobility goals adopted in the City of Sacramento 2035 General Plan
- Create clear expectations and uniform minimum qualifications for all car share providers that operate for profit or not for profit in the public right-of-way
- Provide all City of Sacramento residents with alternative transportation options, encouraging more households to forego personal vehicle ownership
- Enable car share to serve as first-mile/last-mile connection to transit and to meet other mobility needs that aren't well served by transit or active transportation
- Ensure equitable access and widespread investment throughout the City
- Lower the environmental impacts of transportation by encouraging the use of ZEVs
- Increase the visibility and awareness of ZEVs as a viable and desirable vehicle option
- Balance the mobility benefits of car share with public parking needs
- Establish car share parking fees at a level that will not disproportionately affect the availability of public parking
- Effectively manage multiple emerging curbside needs
- Attract innovative mobility providers

1.4 Policy Considerations

The recommended guidance supports the City Electric Vehicle Strategy adopted on December 12, 2017 and is consistent with the Sacramento 2035 General Plan policies, including:

M 1.2.1 Multimodal Choices. The City shall develop an integrated, multimodal transportation system that improves the attractiveness of walking, bicycling, and riding transit over time to increase travel choices and aid in achieving a more balanced transportation system and reducing air pollution and greenhouse gas emissions.

M 1.2.4 Multimodal Access. The City shall facilitate the provision of multimodal access to activity centers such as commercial centers and corridors, employment centers, transit stops/stations, airports, schools, parks, recreation areas, medical centers, and tourist attractions.

M 1.3.3 Improve Transit Access. The City shall support the Sacramento Regional Transit District (RT) in addressing identified gaps in public transit networks by working with RT to appropriately locate passenger facilities and stations, pedestrian walkways and bicycle access to transit stations and stops, and public rights of way as necessary for transit- only lanes, transit stops, and transit vehicle stations and layover.

M 1.4.2 Automobile Commute Trip Reduction. The City shall encourage employers to reduce the number of single-occupant vehicle commute trips to their sites by enforcing the existing trip reduction ordinance in the City Code.

M 1.5.3 Public-Private Transportation Partnerships. The City shall cooperate with public-private transportation partnerships (such as car sharing companies) to establish programs within the City that support the goals and policies of the General Plan.

2. Authority

California Vehicle Code section 22507.1 states that a local authority may, by ordinance or resolution, designate certain streets or portions of streets for the exclusive or nonexclusive parking privilege of motor vehicles participating in a car share vehicle program.

The Parking Manager has the authority to process, approve, and revoke applications from car share operators to secure the appropriate parking permits to park with special parking privileges in the public right-of-way.

3. Definitions

The following terms used in this chapter shall have the meanings set forth below:

“Block Face” is one side of a street between two consecutive intersecting streets.

“Car Share” is defined as a membership-based service that allows qualified members to make vehicle trips with the use of a shared vehicle from unstaffed locations without a separate written requirement for each trip.

“Car Share Operator” is an organization that provides members with access to shared-use vehicles, owned or leased by the operator, with hourly, daily or weekly rates (or fractions thereof) that include insurance and fuel (gasoline, electricity or alternative fuel).

“Car Share Vehicle” is a clearly branded motor vehicle registered with the Department of Motor Vehicles that is owned or leased by a car share operator and made available for use by its members.

“Dedicated On-Street Car Share Parking Space” is a parking space agreed upon by the car share operator and the City’s Parking Services Division that is dedicated for exclusive use by a specific Qualified Car Share Operator to provide car share service.

“Free-Floating Car Share Parking Permit” is a parking permit obtained by a Qualified Car Share Operator that entitles a registered Car Share Vehicle to be parked in legal on-street metered or time zone parking spaces for a duration up to 72 hours within a designated free-floating car share zone with an exemption to meter payment requirements and posted time limits.

“Free-Floating Car Share Zone” is an area agreed upon by the Qualified Car Share Operator and the Department of Public Works which bounds the parking area in which free-floating car share parking permits are honored. Also referred to as a “Home Zone”.

“Internal Combustion Engine Vehicle” is a vehicle that relies on the ignition and combustion of fuel within an engine to create energy for the propulsion of the vehicle, such as gasoline- or diesel-powered vehicles.

“Moped” as defined by the California Vehicle Code is a two- or three-wheeled device, capable of no more than 30 mph on level ground, having no pedals if powered solely by electrical energy, a motor producing less than four gross brake horsepower, and an automatic transmission.

“Qualified Car Share Operator” is a car share operator meeting criteria established by the Department of Public Works and is therefore eligible to apply for parking permits for the public right-of-way.

“Zero-Emission Vehicle” (ZEV) technologies are vehicles that emit no exhaust from vehicle sources of power, such as full battery-electric vehicles (EVs) and fuel-cell electric vehicles. ZEVs include any vehicle that operates, either exclusively or partially, on electrical energy provided from an off-board source that is stored on-board for motive purpose.

4. Administration and Application

4.1 Administration

Through this framework, the Department of Public Works has established requirements for Car Share Operators to secure the necessary parking permits required to conduct business in the public right-of-way in Sacramento. The Department of Public Works will maintain and administer the car share application process, monitor feedback, and evaluate data for the duration of car share program operations.

4.1.1 Initial Application Review: The Transportation Division of the Department of Public Works will conduct the initial review of all applications and required documentation to verify eligibility as established by this guidance in coordination with the Parking Services Division and other relevant divisions of the Department of Public Works, as applicable. City staff and Car Share Operators may negotiate specific aspects of the plans prior to approval.

4.1.1.1 The Parking Services Division will review the Parking Proposal and conduct analysis to determine the viability of proposed parking plans using the parameters outlined in section 7.

4.1.2 Approval of Car Share Application: Upon approval by the Transportation Division and the Parking Services Division, applications will be forwarded to the Parking Manager, for approval. Once a car share application is approved, the Car Share Operator will be considered a Qualified Car Share Operator.

4.2 Application

The application for a Car Share Operator to become a Qualified Car Share Operator in the City of Sacramento shall be processed and maintained by the Department of Public Works. In addition to the eligibility requirements in the application, the following attachments are required from each applicant:

- Business Plan: The business plan shall include details such as business model, vehicle types, member eligibility and sign-up process, membership structures or target use cases, rates, incentives, rebalance/relocation process (if applicable), fueling or charging procedures including location of existing or proposed EV charging infrastructure that will support the service (if applicable).
- Parking Proposal: The parking proposal shall include a map of the proposed free-floating car share zone and/or proposed on-street parking spaces by City PKGS# for dedicated car share use, and relationship to any other existing or future service areas or initiatives.
- Insurance. Proof of Insurance shall be provided as described in Section 6.
- Outreach Plan: The outreach plan shall include an outline of marketing efforts, inclusion of low-income and disadvantaged communities, partnership with employers or

community-based organizations and special events. The provision of multi-lingual materials for members is highly encouraged.

- Data and Monitoring Plan: The data and monitoring plan shall include proposed approach to evaluate performance and provide metrics, including customer surveys, and example report and/or sample online data dashboard to the satisfaction of the Parking Manager.

4.3 Procurement of Permits

Prior to operation, Qualified Car Share Operators shall purchase annual parking permits from the Parking Division as established by Council resolution or ordinance. Qualified Car Share Operators seeking dedicated on-street parking spaces for exclusive car share use shall first apply for encroachment permits (one-time fee) prior to signing and dedicating spaces. All Qualified Car Share Operators must pay the Business Operation Tax based on estimated revenue for the first year and actual revenue for subsequent years.

5. Car Share Operator Eligibility Requirements

A car share operator must first demonstrate that the following minimum criteria are met in order to be deemed qualified to apply for car share parking permits in the City of Sacramento:

- Offer carshare service as defined herein. Each car share operator may set their own membership qualifications based on age, driving record and other relevant criteria.
- Provide a fleet of car share vehicles as defined herein.
- Provide insurance, which meets the standards of the City of Sacramento and the State of California, for each shared vehicle and for each member operating the vehicle during the period of use.
- Provide branding on the proposed car share vehicle fleet shall be in a form that is satisfactory to the Parking Services Manager.
- Agree to generate and share service data such as customer utilization, membership, and other performance metrics.

6. Insurance

A car share operator shall maintain, at all times, in full force and effect at its sole expense, the following insurance:

- General liability for bodily injury, including death, of one or more persons, property damage, and personal injury. Coverage shall include any employees of the car share operator and shall be at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one or more persons, property damage and personal injury, with limits of not less than one million dollars (\$1,000,000.00) per occurrence. The CITY, its officials, employees, and volunteers shall be covered by policy terms or

endorsement as additional insureds as respects general liability arising out of activities performed by or on behalf of car share operator.

- Automobile liability insurance providing protection against claims of bodily injury, including death, of one or more persons, personal injury, and property damage arising out of ownership, operation, maintenance, or use of owned, hired, and non-owned automobiles. Coverage shall be at least as broad as ISO CA 00 01 (any auto), with limits of not less than two million dollars (\$2,000,000) per accident.
- The third-party liability coverage provided to the car share operator's members will be in accordance with their member contract.

7. Parking Permits

Qualified Car Share Operators are eligible to apply for one or more car share parking permits as described herein. A parking permit is required for each dedicated car share space and each free-floating car share vehicle operating in the public right of way in the City of Sacramento.

- Dedicated On-Street Car Share Parking Permit – allows for the reservation of metered or time-limited on-street spaces for the exclusive use of a single Qualified Car Share Operator.
- Free-Floating Car Share Parking Permit - allows registered car share vehicles of a Qualified Car Share Operator to remain parked in a single on-street, legally posted eligible parking space as defined in Section 7.2.

7.1 Dedicated On-Street Car Share Parking Permit

7.1.1 Identifying Locations: Qualified Car Share Operators that request dedicated on-street car share parking spaces shall include a map of proposed parking locations with City PKGS# in the parking permit application. Proposed locations for dedicated car share spaces will be evaluated using the following criteria:

7.1.1.1 Maximum of two (2) parking spaces per block face may be dedicated for exclusive car share parking for all Qualified Car Share Operators.

7.1.1.2 Dedicated parking spaces for the same Qualified Car Share Operator must be spaced beyond a 1000' radius except for a second space on the same block face consistent with section 7.1.1.1.

7.1.1.3 Neither non-metered nor time zone spaces currently designated for less than one-hour parking will be converted to dedicated on-street car share parking.

7.1.1.4 The Parking Division may use other criteria, such as frequent event closures or traffic impacts to approve or deny proposed dedicated on-street car share parking locations.

- 7.1.2 Dedicating Spaces: The process to dedicate a parking space for exclusive use by a single Qualified Car Share Operator shall include the following steps:
- 7.1.2.1 A public notice shall be posted for dedicated on-street car share parking locations approved by the Parking Manager at the site indicating that a parking space will be removed for the purposes of dedicated car share parking. The notice will have contact information for the public to seek information or to protest the action. If no protests to the proposed installation are received within ten days, the encroachment permit process can proceed.
 - 7.1.2.2 If City staff receives a protest to the proposed installation within 10 days of posting, then the action will be referred to the Public Works Director or the Public Works Director's designee to make a final determination on the parking space dedication.
 - 7.1.2.3 The Qualified Car Share Operator shall provide to the Public Works Department the physical signage designed to the satisfaction of the Parking Division Manager identifying the parking space for exclusive use of the Operator's specific car share vehicles.
 - 7.1.2.4 If the planned location for the dedicated car share parking space requires the installation of a new pole and sign, then a minor encroachment permit and revocable permit are required from the Qualified Car Share Operator prior to installation.
 - 7.1.2.5 If the planned location for the dedicated car share parking space only requires a sign on an existing pole, then a revocable permit and a street use permit are required from the Qualified Car Share Operator prior to installation.
 - 7.1.2.6 Actual installation and maintenance of the signage for the dedicated parking space shall be the sole responsibility of the Qualified Car Share Operator. The City may, at its discretion, offer signage installation, maintenance, and replacement services for the Qualified Car Share Operator on a reimbursement basis according to applicable City processes.
 - 7.1.2.7 As part of the encroachment permit application for dedicated on-street car share parking, Qualified Car Share Operators that intend to park a ZEV are also eligible to seek approval for the installation of on-street EV charging infrastructure to support their service. Any such applications shall be considered pursuant to applicable City of Sacramento guidance.
 - 7.1.2.8 If the proposed location for the dedicated car share parking space is located on a block with regularly scheduled City curbside collection

services or street sweeping then in exchange for not being required to move the vehicle during posted City Services No Parking hours, the Qualified Car Share Operator shall keep the location area free from debris, dirt, leaves, trash, or other objects (i) at a minimum every two weeks, and (ii) as reasonably requested by the City. The Qualified Car Share Operator shall maintain a record of the dates and times of the cleaning of on-street spaces and shall furnish such record(s) to the City upon request.

7.2 Free-Floating Car Share Parking Permit

7.2.1 Establishing Free-Floating Car Share Zone(s): Qualified Car Share Operators that provide free-floating car share services shall include a map of the proposed “Home Zone(s)” in their parking permit application. Proposed Home Zones will be evaluated using the following criteria:

7.2.1.1 Home Zones may be contiguous or discrete.

7.2.1.2 Home Zones shall be defined by census tract boundaries to the extent possible.

7.2.1.3 At least 20% of the total area of the requested Home Zone(s) area shall be within census tracts that have been designated as low income and/or disadvantaged communities, identified using data provided by the State of California, such as CalEnviroScreen 3.0 or data sources deemed comparable by the Transportation Division Manager.

7.2.2 Compliance. Approval of a Free-Floating Car Share Parking Permit does not relieve the Qualified Car Share Operator of their duty to adhere to parking requirements.

7.2.3 Eligible Parking Spaces. Free-floating vehicle permits allow for parking beyond posted time limits in metered and time-zone parking spaces, except for the following parking space types, where vehicles shall comply with all posted parking restrictions, including time zone limits:

- 15- or 30-minute spaces (metered or time zone)
- Loading zones, red curbs, blue curbs, and white curbs
- Parking restrictions during certain hours, such as restrictions for City services
- Spaces where parking is signed as prohibited due to events such as street closures, special events, or construction.

- 7.2.4 Regional vehicles. Car share vehicles maintained by a Qualified Car Share Operator that do not have a Free-Floating Car Share Parking Permit with the City of Sacramento shall be responsible to report such vehicles to the City as follows:
- 7.2.4.1 The Qualified Car Share Operator shall apply for “Floater” permits, for anticipated percentage of other regional fleets that may park in the City of Sacramento home zone at any given time.
 - 7.2.4.2 Floater permits are transferrable between eligible Car Share Vehicles as defined above within the Qualified Car Share Operators fleet.
 - 7.2.4.3 Using a mutually-agreed upon process, the City and Qualified Car Share Operator shall evaluate parking utilization for Floater vehicles, and the Qualified Car Share Operator shall pay for appropriate parking time.
- 7.2.5 Technology and Reporting Requirements. The Qualified Car Share Operator shall implement mutually agreed upon technologies at the Qualified Car Share Operator’s expense, which is connected to each car share vehicle under this permit to collect real-time information necessary to provide monthly reporting to the City of Sacramento using a mutually-agreed upon Certified Public Accountant or other third-party regarding time parked at active and inactive meters, time parked in time zones, time spent in active car share sessions, and time spent out of service.
- 7.2.5.1 Any data collection outages associated with the real-time information shall be reported to the Parking Services Division within 4 hours.
 - 7.2.5.2 The monthly reporting provided for each car share vehicle by the Qualified Car Share Operator to the City of Sacramento shall be used to calculate actual parking costs on a quarterly basis in order to refund any excess, or collect any shortfall, compared to the deposit amount.
- 7.2.6 The Initial Free-Floating Car Share Permit expires one year from issuance.
- 7.2.7 The Qualified Car Share Operator shall only need to provide reporting to the City of Sacramento while in operation of the car share program within the Free-Floating Car Share Zone.
- 7.2.8 The City will maintain and update the City parking inventory over time, which may include changes to account for time zone spaces, metered spaces, or changes in meter rates, etc. Changes to the parking inventory may affect actual costs to the Qualified Car Share Operator for Free-Floating Car Share Parking Permits. The Qualified Car Share Operator shall be responsible for identifying any discrepancies in the City’s parking inventory database and the actual parking inventory.

7.3 Issuance of Parking Permits

- 7.3.1 Authority: Parking permits will be issued and revoked by the Parking Services Division.
- 7.3.2 Eligibility: Car Share Parking Permits will only be issued to Qualified Car Share Operators who have completed the application process and meet the stated qualifications. The Qualified Car Share Operator is required to work with the Parking Services Division to maintain current vehicle registration information on file for enforcement purposes.
- 7.3.3 Term: Reserved Car Share Parking Permits remain valid during the fiscal year issued and fees are prorated. Free-Floating Car Share Parking Permits remain valid for one year from the date of issuance.
- 7.3.4 Evidence of Permit: Upon approval, a separate, revocable, car share parking permit will be issued to each car share vehicle of an approved Car Share Vehicle fleet.
 - 7.3.4.1 It is the responsibility of the Qualified Car Share Operator to provide the Parking Services Division with accurate DMV registration information for each Car Share Vehicle in the operator's fleet.
 - 7.3.4.2 For Dedicated On-Street Car Share Parking Permits, a separate, revocable parking permit will also be issued for each dedicated on-street car share parking space. The Qualified Car Share Operator holding any such permits may use the dedicated space for any approved Car Share Vehicle of the operator's fleet.

7.4 Parking Permit Rates

- 7.4.1 Source: Rates for Car Share Parking Permits shall be as established by resolution (beginning with Resolution 2018-0313) and the Annual Fee and Charge Report.
- 7.4.2 Permit Rates and Payment for Free-Floating Car Share Parking Permits
 - 7.4.2.1 Technology: The Qualified Car Share Operator shall maintain mutually acceptable technologies connected to each car share vehicle under this permit to collect the real-time information necessary to provide quarterly reporting to the City of Sacramento using a mutually-agreed upon Certified Public Accountant or other third-party regarding time parked at active and inactive meters at Qualified Car Share Operator's Expense, time parked in time zones, time spent in active car share sessions, and time spent out of service. The City shall conduct a quarterly true-up process, with a final evaluation of actual parking utilization conducted in the final annual quarter

for the permit year (i.e., the fourth quarter from the time of permit issuance or renewal).

7.4.2.2 Outages: Any data collection outages associated with the real-time information shall be reported to the Parking Services Division within 4 hours.

7.4.2.3 True up: The monthly reporting provided for each car share vehicle by the Qualified Car Share Operator to the City of Sacramento shall be used to calculate actual parking costs on a quarterly basis using a mutually agreed upon method in order to refund any excess, or collect any shortfall, compared to the deposit amount based upon: 1) actual meter use, plus 2) a proportion of the annual equivalent of the monthly costs for time-zone spaces, based on the prorated proportion of actual parking time that exceeds posted time limits.

7.4.2.4 Duration: The Qualified Car Share Operator shall provide reporting to the City of Sacramento only for time in operation of the car share program within the Free-Floating Car Share Zone.

7.5 Payment Process

The Qualified Car Share Operator shall pay the deposit for the annual parking permit prior to issuance. Payment of parking meter recovery fees shall also be established with Parking Services based on the feasibility of technology solutions.

8. Modification of Car Share Service

A Qualified Car Share Operator may submit an updated parking permit proposal to the Department of Public Works to modify an approved Dedicated On-Street Car Share Parking Permit or Free-Floating Car Share Parking Permit, with total modifications requests not to exceed six per year from the date of permit issuance or renewal.

8.1 Modifications to a Free-Floating Car Share Home Zone(s) or Dedicated Car Share Parking Space(s)

8.1.1 Upon approval, a Qualified Car Share Operator may modify the size of a free-floating car share zone or the number of dedicated parking space(s).

8.1.2 The process for identifying and dedicating parking spaces and free-floating car share zones outlined in section 7.1 and 7.2 shall apply to each new dedicated space or area identified for expansion.

8.1.3 The Qualified Car Share Operator is required to continue to maintain the 20% low-income/disadvantaged community goals when changes are made to a free-floating car share zone as specified in section 7.2.

- 8.1.4 Modifications to a free-floating car share zone shall be mutually agreeable to the City and Qualified Car Share Operator. Prior to approval of Home Zone changes, the City may require the Qualified Car Share Operator to submit parking inventory data for new home zone areas to facilitate City administration, as appropriate.
- 8.1.5 The removal of signage shall be the sole responsibility of the Qualified Car Share Operator.

8.2 Relocation of Dedicated On-Street Car Share Space(s)

- 8.2.1 Upon approval, relocation of Dedicated On-Street Car Share Space(s) at the request of the Qualified Car Share Operator shall occur at the sole expense and liability of the Qualified Car Share Operator.
- 8.2.2 The process for identifying and dedicating spaces outlined in section 7.1 apply to each new space identified for relocation.
- 8.2.3 In the event that vehicle relocation is necessary due to construction, street closure or another planned activity, the City shall provide notice and plan for alternative accommodations with the Qualified Car Share Operator.

9. Annual Permit Renewal

Renewals for car share permits may occur following a City review of the annual evaluation as set forth in section 16.

Dedicated On-Street Car Share Parking Permits may take place at the beginning of the new Fiscal Year. Renewal of a Free-Floating Car Share Parking Permits may occur one year after issuance. Renewals for both types of car share parking permits shall require an evaluation as set forth in section 16.

10. Revocation

The City may revoke the approved parking permits of a Qualified Car Share Operator if the Operator is determined to have violated car share framework terms and conditions.

The Car Share Operator, at its sole discretion, may terminate or withdraw its approved parking permits, in whole or in part, at any time upon thirty (30) days written notice to the City.

11. Enforcement of Spaces

The City enforces all state and local parking regulations for on-street spaces. Dedicated car share signage shall be in compliance with state and local towing regulations.

12. Indemnification

Car Share Operator shall indemnify and save harmless City and its officers, agents and employees from, and, if requested, shall defend them against any and all loss, cost, damage, injury, liability, and claims thereof for injury to or death of a person, including employees of car share operator or loss of or damage to property, arising directly from the operator's car share program, except to the extent that such indemnity is void or otherwise unenforceable under applicable law in effect on or validly retroactive to the date of the application, and except where such loss, damage, injury, liability or claim is the result of the active negligence or willful misconduct of City and is not contributed to by any act of, or by any omission to perform some duty imposed by law or agreement on operator, its subcontractors or either's agent or employee. The foregoing indemnity shall include, without limitation, reasonable fees of attorneys, consultants and experts and related costs and City's costs of investigating any claims against the City.

13. Limitation of Liability

IN NO EVENT SHALL CAR SHARE OPERATOR BE LIABLE FOR ANY DIRECT, INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL, OR EXEMPLARY DAMAGES, INCLUDING DAMAGES FOR LOSS OF PROFITS, GOODWILL, USE OF DATA, INFORMATION, OR OTHER INTANGIBLE LOSSES ARISING OUT OF, OR IN CONNECTION WITH THE CAR SHARE SERVICE.

14. Compliance with Applicable Law

The Car Share Operator is responsible to remain in compliance with all California Vehicle Code requirements, parking regulations, car share framework terms and conditions, and Sacramento's City Code while in operation of the car share program within the Free-Floating Car Share Zone.

15. Force Majeure

The Car Share Operator will not be liable for failure or delay in performance or compliance to the extent caused by circumstances beyond its reasonable control, including, but not limited to, fire, flood, earthquake, elements of nature, acts of war, terrorism, riots, or civil disorders (collectively "Force Majeure Event"); provided, however, the Car Share Operator (a) gives prompt written notice of such Force Majeure Event to the City, (b) is without fault in causing such delay, (c) could not have prevented or circumvented such Force Majeure Event by reasonable precautions through the use of alternate sources, workaround plans, or other means and (d) use commercially reasonable efforts to avoid such causes of nonperformance and/or noncompliance.

16. Evaluation

All Qualified Car Share Operators shall submit quarterly performance reports to maintain eligibility for Car Share Parking Permits while in operation of the car share program within the Free-Floating Car Share Zone. The City shall review quarterly data and complete an evaluation of Qualified Car Share Operators prior to annual renewals of any car share parking permits. In

addition, each Qualified Car Share Providers shall establish a method for providing the City with anonymized, aggregated utilization data within 14 days of written request which may include the following: trip start date, time, and location; trip duration and distance; payment method; and GPS coordinates. Other data sets that may be used for evaluation include:

- Anonymized member information including number of total members, active members, and membership growth
- Fleet vehicle miles traveled and greenhouse-gas emissions
- Geographic distribution of car share vehicles throughout the City, throughout the day (origin/destination heat maps)
- Average utilization per member (cost, distance traveled, etc.)
- Parking space utilization for free-floating car share operators