

## EXHIBIT A

### REVISED CITY CODE SECTION 26-211

Sec. 26-211. - Insurance.

- A. All ROW-users shall comply with the insurance requirements set forth in this Section, unless the ROW-user has twenty-five million dollars (\$25,000,000.00) in net assets in the State of Missouri and does not have a history of noncompliance, or permitting noncompliance, within the City. If the ROW-user claims such exemption, the ROW-user shall provide all information to the City necessary to determine the amount of net assets of the ROW-user.
- B. Insurance Required.
  - 1. Prior to any access in the ROW, ROW User shall file with the City evidence of liability insurance with an reputable, qualified and financially sound insurance company licensed to do business in Missouri, and unless otherwise approved by the City in writing, with a current A.M. Best ROW User, Inc., rating of not less than A. ROW User shall procure and maintain insurance against claims for: a) bodily injury, personal injury, sickness or disease, or death of any or more persons other than ROW User's employees; b) damages insured by usual personal and advertising injury liability coverage; c) damages because of injury to or destruction of tangible property, including loss of use; d) products/completed operations; and e) damages involving liability insurance applicable to ROW User's indemnity obligations under Division. Such insurance shall cover claims as may be occasioned by the operations, acts, errors, omissions, or negligence of ROW User or its officers, agents, representatives, employees, lessees, or Contractors during all times that occupies the ROW. Insurance limits may be met by the combination of primary and umbrella or excess coverage.
  - 2. Limits of Insurance. The insurance to be provided by a ROW user shall be as set forth in the "Standard Insurance and Indemnification Requirements" as approved by the City Attorney, which may be updated and amended as needed from time to time.
  - 3. If the ROW-user is self-insured, it shall provide the City proof of compliance regarding its ability to self-insure and proof of its ability to provide coverage in the above amounts, but self-insurance shall only be permitted by consent of the City Council and the execution of an agreement separate from any agreement created under this article which shall be in full force and effect until such time as the ROW-user's facilities, structures and use are removed or cease from or on the ROW.
- C. No liability insurance will be required of any residential property owner excavating or working in the right-of-way adjacent to his/her residence who does not utilize a contractor to perform the excavation or work and who does not require a temporary traffic control permit. However, said residential property owner shall be required to demonstrate proof of a homeowner's policy with coverage and limits acceptable to the City Engineer.

- D. For purposes of this section, "history of noncompliance, or permitting noncompliance, within the City," shall mean the ROW-user, or any persons acting on the behalf of the ROW-user, including contractors or subcontractors, has failed to return the public right-of-way to its previous condition under a previous right-of-way permit or temporary traffic control permit.
- E. ROW-users who are installing facilities that are not a part of a distribution system as outlined in Section 26-134.B. shall also comply with the security provisions in said section.