



**Insurance and indemnification requirements (for all applicants):**

- (i) Each applicant shall, before applying for a permit, obtain a Commercial General Liability (CGL) insurance policy or policies satisfying the requirements of this subparagraph. All CGL insurance policies, whether primary, excess or umbrella, shall:
  - (A) be issued by a company or companies that may lawfully issue the required policy and has an A.M. Best rating of at least A-VII or a Standard and Poor's rating of at least AA.
  - (B) provide coverage to protect the City of New York ("City") and the applicant from claims for property damage and/or bodily injury, including death, which may arise from any operations performed by or on behalf of the applicant for which the Department has issued it a permit;
  - (C) provide coverage at least as broad as that provided by the most recent edition of ISO Form CG 0001;
  - (D) provide coverage for completed operations;
  - (E) provide coverage of at least \$1,000,000 combined single limit per occurrence, except that with respect to applications for permits to place a crane on a street, such minimum amount shall be no less than \$3,000,000 combined single limit per occurrence;
  - (F) provide that the City and its officials and employees are Additional Insureds with coverage at least as broad as set forth in ISO Form CG 2026 (11/85 ed.);
  - (G) provide that the limit of coverage applicable to the Named Insured is equally applicable to the City as Additional Insured.
  - (H) This policy shall not be cancelled or terminated, or modified or changed in a way that affects the City by the issuing insurance company unless thirty (30) days prior written notice is sent to the Named Insured and the Commissioner of the New York City Department of Transportation, except that notice of termination for non-payment may be made on only ten (10) days written notice.
  - (I) If the permit applicant has applied for more than one thousand permits in the previous calendar year, the insurance policy shall contain each of the following endorsements:

- (1)** If and insofar as knowledge of an "occurrence", "claim", or "suit" is relevant to the City as Additional Insured under this policy, such knowledge by an agent, servant, official or employee of the City of New York will not be considered knowledge on the part of the City of the "occurrence", "claim", or "suit" unless notice thereof is received by the: Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department; and
  - (2)** Any notice, demand or other writing by or on behalf of the Named Insured to the insurance company shall also be deemed to be a notice, demand or other writing on behalf of the City as Additional Insured. Any response by the Insurance Company to such notice, demand or other writing shall be addressed to the Named Insured and to the City at the following address: Insurance Claims Specialist, Affirmative Litigation Division, New York City Law Department, 100 Church Street, New York, New York 10007.
- (ii)** Each applicant shall, before applying for a permit, obtain Workers Compensation insurance in accordance with the laws of the State of New York from a licensed insurance company.
  - (iii)** Each applicant shall, before applying for a permit, file with the Department proof that the applicant has insurance in place that provides coverage set forth in this subdivision with respect to the permit period. If the applicant chooses to meet this proof with an insurance certificate, the insurance certificate shall set forth the coverage provided, state that completed operations coverage is included and that the City is an additional insured, and shall be accompanied by a sworn statement in a form prescribed by the Department from the insurer or from a licensed insurance broker certifying that the insurance certificate is accurate in all material respects, and that the described insurance is in effect.
  - (iv)** An applicant may obtain insurance policies applicable to more than one permit application, in which case the proof pursuant to subparagraph (iii) shall state that the policies cover all such permits in specified boroughs, or throughout the City.
  - (v)** The applicant shall provide a copy of any required policy within thirty days of a request for such policy by the Department or the New York City Law Department.
  - (vi)** In its sole discretion, the Department may allow applicants that frequently seek permits to self-insure, provided that the applicant:
    - (A)** presents proof of excess or umbrella CGL coverage applicable to its operations under such permits;
    - (B)** certifies that it has a self-insurance program in place that satisfies the requirements contained in subparagraph (i) and will continue it for the life of the permit and the Guarantee Period, as defined in subparagraph (ii) of paragraph (16) of subdivision (e) of §2-11 of these rules;

**(C)** agrees to provide the same defense of any suit against the City that alleges facts that bring the suit within the scope of the coverage required in subparagraph (i) as an insurer would be obligated to provide under the laws of New York;

**(D)** submits a statement, signed by a person authorized to bind the applicant and acknowledged by a notary public, in which the applicant agrees to assume full liability for satisfying all obligations set forth in this subparagraph (vi), and

**(E)** provides the Department with the name and address of the office or official of its self-insurance program who is responsible for satisfying the self-insurance obligations.

- (vii)** The permittee shall maintain insurance throughout the Guarantee Period, as defined in subparagraph (ii) of paragraph (16) of subdivision (e) of §2-11 of these rules, satisfying the requirements in subparagraph (i) of this paragraph and providing coverage to protect the City, the Department and the applicant from all claims for property damage and/or bodily injury, including death, which may arise from any defects discovered during such Guarantee Period.
- (viii)** The permittee shall notify in writing the CGL insurance carrier, and, where applicable, the worker's compensation and/or other insurance carrier, of any loss, damage, injury, or accident, and any claim or suit arising from any operations performed by or on behalf of the permittee for which the Department has issued it a permit, immediately, but not later than 20 days after such event. The permittee's notice to the CGL insurance carrier must expressly specify that "this notice is being given on behalf of the City of New York as Additional Insured as well as the Named Insured." The permittee's notice to the insurance carrier shall contain the following information: the name of the permittee, the number of the permittee, the date of the occurrence, the location (street address and borough) of the occurrence, and the identity of the persons or things injured, damaged or lost.
- (ix)** The permittee shall indemnify, defend and hold the City and its officials and employees harmless against any and all claims, liens, demands, judgments, penalties, fines, liabilities, settlements, damages, costs and expenses of whatever kind or nature (including, without limitation, attorneys' fees and disbursements), known or unknown, contingent or otherwise, allegedly arising out of or in any way related to the operations of the permittee and/or its failure to comply with any of the requirements set forth herein or law. Insofar as the facts and law relating to any claim would preclude the City and its officials and employees from being completely indemnified by the permittee, the City and its officials and employees shall be partially indemnified by the permittee to the fullest extent provided by law.
- (x)** A failure by the City of New York or the Department to enforce any of the foregoing requirements shall not constitute a waiver of such requirement or any other requirement.