

No. 128602

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In the  
**Supreme Court of Illinois**

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CLARK ALAVE,

*Plaintiff-Appellee,*

v.

CITY OF CHICAGO,

*Defendant-Appellant.*

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On Petition for Leave to Appeal from the Appellate Court of Illinois,  
First Judicial District, No. 1-21-0812.  
There Heard on Appeal from the Circuit Court of Cook County, Illinois,  
County Department, Law Division, No. 19 L 010879.  
The Honorable **Gerald Cleary**, Judge Presiding.

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**AMICUS CURIAE BRIEF OF ACTIVE TRANSPORTATION ALLIANCE  
IN SUPPORT OF PLAINTIFF-APPELLEE CLARK ALAVE**

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### **THE NATURE OF THE ACTION**

This is a personal injury action alleging negligence against a municipality for injuries sustained by an adult bicyclist when he struck a pothole while biking on a public roadway. The bicyclist alleges that the municipality violated its duty to maintain the roadway in a reasonably safe condition, causing the crash and its resultant injuries.

The Circuit Court dismissed the bicyclist's action finding that the municipality was immune from liability under Section 3-102(a) of the Illinois Local Governmental and Governmental Employees Tort Immunity Act because the area where the crash occurred lacked evidence of the municipality's intent that people should bike at that location. The Appellate Court reversed finding that the municipality's intent for bicyclists to use the area was manifest. This Court granted the municipality's leave to appeal.

### **ISSUE PRESENTED**

When is a bicyclist an "intended user" of a public road, under Section 3-102(a) of the Illinois Local Governmental and Governmental Employees Tort Immunity Act?

### **INTEREST OF *AMICUS CURIAE***

*Amicus Curiae*, Active Transportation Alliance (ATA), is a non-profit, membership driven organization advocating and working for improved conditions for bicycling throughout Chicagoland. Through its work, the organization strives to increase the levels of biking in the area. This work includes advocating for safe facilities for biking including the installation of bicycle specific infrastructure and for maintenance of existing roads and paths in Chicago and the surrounding area.

ATA was born in 1985 as the Chicagoland Bicycle Federation. Over the decades, the organization, which changed its name in 2008, has consulted and contracted with

numerous municipalities throughout Illinois, including Chicago, on how to make biking safer, encouraging more people to bike. Its work also includes organizing numerous bicycle focused events and programs all with the goal of building engagement around biking and promoting safety.

ATA's interest in this manner arises from the opportunity it presents for the Court to restore Illinois municipalities' duty to protect the bicycling public from the dangers of poorly maintained roads. The group's goal of increasing the levels of biking in Chicago is facilitated where a municipality's duty to maintain the roads on which people bike is broadly and consistently applied. The legal landscape asserted by appellant is one in which the duty a municipality owes to a bicyclist may vary mile to mile, block to block and even within a block, depending on where it has seen fit to paint lines in the road limiting where it must consider the safety of the biking public. This brief outlines general policy reasons for upholding the Appellate Court's determination, analyzing the law and the evolution of biking in Chicago since *Boub v. Township of Wayne* was decided.

### **STATEMENT OF ADDITIONAL FACTS**

The public's adoption of and enthusiasm for bicycling as a practical means of transportation in the City of Chicago has undergone considerable transformation in the decades since *Boub v. Township of Wayne*, 183 Ill. 2d 520 (1998) was decided. Between 2000 and 2018 the percentage of bicycle commuting in Chicago increased from 0.5% to 1.8%. US Decennial Census and American Community Survey, *Active Transportation Alliance 2020 Regional Mode Share Report*, 7, February 2020 and updated with 2018 data, <http://www.activetrans.org>. That change is an increase of approximately 17,000 people biking to work daily. *See, Id.* This increase took place despite a population *decrease* of

nearly 150,000 people in Chicago during the same period. U.S. Department of Commerce, Census 2020 Redistricting Data (Public Law 94-171) Retrieved from: <https://dph.illinois.gov>. Alongside this increased level of biking over the past 25 years, the City of Chicago has taken elaborate and well publicized efforts to encourage and invite the bicycling public to use its streets, its bike share program, and its bike racks to facilitate bicycle travel.

The City of Chicago first contemplated a city safe for bicycling under the administration of Mayor Richard M. Daley.<sup>1</sup> In 1991, his administration created the Mayor's Bicycle Advisory Council to provide guidance and recommendations from community interests about biking safety and expansion. <http://www.encyclopedia.chicagohistory.org/pages/136.html>. The following year the Council released *The Bike 2000 Plan*, which proposed a “plan to make Chicago bicycle-friendly by the year 2000.” Mayor's Bicycle Advisory Council, *The Bike 2000 Plan*, 1, City of Chicago, Richard M. Daley, Mayor, 1992. At the time, the recently enacted Clean Air Act of 1990 required Chicago to improve its air quality. *Id.* Toward that end, the administration sought to reduce motor vehicle dependency by encouraging and promoting biking as a form of transportation and recreation. *Id.* The *Plan*, however, “recognize[d] that historically, Chicago's streets have been inhospitable to bicyclists.” *Id.* at 2. To address this, the *Plan* recommended infrastructure changes such as painted bike lanes, signed bicycle routes and separated bicycle paths. *Id.* at 4. In 2006 the Daley

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<sup>1</sup> In 1972, the administration of Mayor Richard J. Daley installed rush hour only bike lanes on Clark and Dearborn Streets, but they were hard to enforce and, as a result, did not remain for long. (Chicago Tribune, *A Mini-Bike History: From Daley to Daley*, June 25, 2000, <https://www.chicagotribune.com/news/ct-xpm-2000-06-25-0007010006-story.html>).

Administration released the follow-up *Bike 2015 Plan*. The City was no longer satisfied with simply making Chicago “bicycle-friendly.” The new plan set forth “the City of Chicago’s vision to make bicycling an integral part of daily life in Chicago.” Mayor’s Bicycle Advisory Council, *Bike 2015 Plan*, 2, City of Chicago, Richard M. Daley, Mayor, January 2006. Along with the proposed construction of “a 500-mile bikeway network” the *2015 Plan* suggested a comprehensive approach to make the entire city safe for cycling. *Id.* at 3. The portion of the *Plan* referred to as “Streets for Cycling” stated:

Bicyclists’ needs should be considered in the planning, design, construction and maintenance of *all streets*.

\* \* \* \* \*

Road hazards such as potholes, broken glass and sewer grates that trap bicycle wheels should be identified on a regular basis and repaired quickly.

*Id.* (emphasis added).

While the *Plan*’s primary focus was the creation of a bike network, Chapter 2, *Bicycle-friendly Streets* directly stated the City’s goal to, “Make all of Chicago’s streets safe and convenient for bicycling.” *Id.* at page 14.

The administration of Mayor Rahm Emanuel picked up where his predecessor left off. In 2011, on Kinzie Street, adjacent to the famous Merchandise Mart, the City of Chicago installed its first bike lane that attempted to create physical separation between motor vehicles and bicycles with the use of flexible plastic posts. Chicago Department of Transportation, *Chicago Streets for Cycling Plan 2020*, 42, City of Chicago, Rahm Emanuel, Mayor, 2012. The City referred to this as a “protected” or “separated” bike lane, different from those in place previously which were only marked with painted lines. *Id.* at 42-43. That same year, the Chicago Department of Transportation began a push to greatly

expand the number of bike racks, physical structures to which people could securely lock their bicycles. Chicago Department of Transportation, *New CDOT bike rack installations!*, October 7, 2011, <https://www.chicago.gov>. By the autumn of that year the City was in the midst of installing some 750 racks, marking “the first in a four-year project providing 2400 new bike racks citywide.” *Id.* In 2012, the Emanuel Administration released the *Chicago Streets For Cycling Plan 2020*, a comprehensive document of 84 pages. An introduction by then-Chicago Department of Transportation Commissioner, Gabe Klein, stated:

Making our streets safer for bicycling will benefit all Chicagoans. Everyone should have the opportunity to ride and feel safe on our City’s streets, from an eight year old just learning to ride their bike to an eighty year old who rides to the store.

Chicago Department of Transportation, *Chicago Streets for Cycling Plan 2020*, 8, City of Chicago, Rahm Emanuel, Mayor, 2012.

Accompanying the release of *Chicago Streets For Cycling 2020*, was the City’s *Bicycle Facilities Guide* which set forth in detail the numerous “new accommodations” to be installed for biking. Chicago Department of Transportation, *Bicycle Facilities Guide: Streets for Cycling Plan 2020*, City of Chicago, Rahm Emanuel, Mayor, 2012. These included one-way barrier protected bike lanes, two-way barrier protected bike lanes, buffer protected bike lanes, neighborhood greenways, barrier protected bike lanes and driveways/alleys, bicycle signals, mixing zones, two-stage turn boxes, intersection crossing markings and bike boxes. *Id.* Then-Mayor Emanuel is quoted in it as expressing the *Plan*’s goal of establishing “the framework for Chicago to be the most bike-friendly city in the US and [to] create economic opportunity in our neighborhoods and throughout the city.” *Id.* at page iii.



In 2013, the City of Chicago initiated the Divvy bike share program, providing stations in the city storing bicycles for public use for a fee. Chicago Department of Transportation, *Chicago Welcomes Divvy Bike Sharing System*, July 1, 2013, <https://www.chicago.gov>. It is run by the Chicago Department of Transportation “which owns the city’s bikes, stations and vehicles.” <https://divvybikes.com/about>. The program “consists of a fleet of specially-designed, sturdy and durable bikes that are locked into a network of docking stations throughout the region. The bikes can be unlocked from one station and returned to any other station in the system. People use bike share to explore Chicago, commute to work or school, run errands, get to appointments or social engagements, and more.” *Id.* The program and its ridership grew considerably between its start in September 2013 and the Spring of 2018. The Chicago Sun-Times documented that growth noting that, “Between June 2013 and May 2014, there were 1.3 million Divvy rides. Between June 2017 and May 2018, there were 3.5 million rides, a 169 percent increase from its first year.” Tanveer Ali, *Divvy Bikes by the numbers: 14.8 million rides over five years*, Chicago Sun-Times, June 30, 2018, <https://chicago.suntimes.com>. At its inception, the City planned 300 Divvy stations in place by its first summer of operation. Chicago Department of Transportation, *Chicago’s Divvy Bike Share System Ridership Grows as Stations Added*, July 23, 2013, <https://www.chicago.gov>. By late 2018, there were more than 600 Divvy stations. Alisa Hauser, *Here Are The Locations For Divvy’s 36 New Stations Across Chicago*, Block Club Chicago, August 28, 2018, <https://blockclubchicago.org/2018/08/28/here-are-the-locations-for-divvys-39-new-stations-around-chicago/>, in Downtown Chicago, and from Austin on the West Side, to Evanston north and to 83<sup>rd</sup> Street on the South Side. Tanveer Ali, *Divvy Bikes by the*

*numbers: 14.8 million rides over five years*, Chicago Sun-Times, June 30, 2018, <https://chicago.suntimes.com>. Some of the bike share stations were installed on City sidewalks, Daniel Ronan, *As Divvy Grows, Station Placement Should Work for Pedestrians*, Streetsblog Chicago, March 5, 2014, even though Municipal Code of Chicago § 9-52-020 expressly forbade sidewalk bike riding for persons 12 years old or older. To address to likelihood that persons picking up and dropping off Divvy bikes would ride on the sidewalk to access stations, the City of Chicago amended its anti-sidewalk biking ordinance. In 2013, the ordinance was amended to allow persons 12 or older to bike on the sidewalk “to access a bicycle share station.” Chicago, IL., Municipal Code of Chicago § 9-52-020(a)(b), Amend Coun. J. 9-11-13, p. 59827.

### ARGUMENT

**I. The City of Chicago was not entitled to immunity from liability where a bicyclist was injured due to a roadway hazard near a Divvy bike share station.**

At the time Plaintiff-Appellee crashed he was riding his bicycle in an area intended for bike traffic evidenced by the presence of a Divvy bike share station nearby. The place where the crash occurred was one where Defendant-Appellant owed bicyclists, including Mr. Alave, a duty to take reasonable steps to keep it free of hazards, like the pothole at issue.

An Illinois municipality’s duty to people coming onto its property is set forth in Section 3-102(a) of the Tort Immunity Act which states in pertinent part:

A local public entity has the duty to exercise ordinary care to maintain its property in a reasonably safe condition for the use in the exercise of ordinary care of people whom the entity *intended and permitted* to use the property in a manner in which and at such times as it was reasonably foreseeable that it would be used.

745 ILCS 10/3-102(a)(emphasis added).

The seminal case pertaining to when a bicyclist may be considered an intended user of a municipality's property is *Boub v. Township of Wayne*, 183 Ill.2d 520 (1998). Generally, in Illinois bicyclists are permitted to ride on all roads and streets. However, to determine whether bicyclists are *intended* users of a particular road, street, path or other area, Illinois courts must "look at pavement markings, signs, and *other physical manifestations* of the intended use of the property." *Boub*, 183 Ill.2d at 528 (emphasis added). In *Boub* the plaintiff brought a cause of action after being injured in a bicycle crash on a bridge in Wayne Township in 1992. He claimed that the Township should be held liable for his injuries due to the municipality's failure to properly maintain the bridge. However, the Supreme Court upheld dismissal of the plaintiff's cause because the bridge had no markings, signs or any other physical manifestations of the municipality's intent that the area was for use by bicyclists. *Id.* Since the *Boub* decision was handed down, it has been cited many times by Illinois courts considering when a municipality may owe a duty to a bicyclist or pedestrian injured by a hazard on municipality property. Courts must look to "physical manifestations" to objectively determine a municipality's intent. Foreseeability of use and historical context must also be considered to determine intent. *Marshall By Marshall v. City of Centralia*, 143 Ill.2d 1, (1991). In *Marshall By Marshall* the plaintiff was injured when he stepped off of a sidewalk on which he had been walking to cross the street. In so doing he crossed "a grass-covered parkway between the sidewalk and street." Within the parkway his right leg fell into an open manhole resulting in injury. The defendant municipality brought a motion for summary judgment claiming it owed no duty to the plaintiff because "the parkway area, where the plaintiff fell, was not intended for pedestrian use."

*Marshall By Marshall*, 143 Ill. 2d at 5. While the defendant conceded that pedestrians were *permitted* to use the parkway, it maintained that parkways were “*intended* to be used as an area of beautification for trees, and so forth,” not for walking. *Id.* at 6 (emphasis added). The trial court granted the defendant’s motion, but its decision was overturned by the appellate court. The Supreme Court upheld the appellate court’s decision concluding “that the plaintiff was an intended and permitted user of the parkway.” *Id.* at 9. The Court stated,

While parkways are not constructed with the intention of accommodating the kind of pedestrian traffic that is commonly associated with sidewalks, parkways have historically been used by pedestrians in a number of limited instances: i.e., to enter a car that is parked at the curb; to retrieve mail from a mailbox; to reach a neighbor’s house across the street; to board a bus; to stand on so that others can pass you on the sidewalk; to cut the lawn; to trim the shrubs; and to rake the leaves.

*Id.*

In other words, the Court held that it was foreseeable that there would be ordinary instances when crossing the parkway would become necessary. *Boub* and *Marshall By Marshall* must be viewed together when considering the present matter. Together they stand for the principle that Illinois courts are to consider intent by looking to any and all physical manifestations, as well as historical context and foreseeability. This approach is mandated by Section 3-102(a) of the Tort Immunity Act which requires that a municipality like the City of Chicago must, “maintain its property in a reasonably safe condition for the use in the exercise of ordinary care of people whom the entity intended and permitted to use the property in a manner in which and at such times as it was reasonably foreseeable that it would be used.” 745 ILCS 10/3-102(a).

Applying the legal principles set forth in *Boub* and *Marshall By Marshall*, this Court should uphold the First District’s holding, allowing this cause of action to proceed. The City’s

intent that the area where Mr. Alave was riding when he crashed was physically manifest by the presence of the Divvy bike share station nearby. The First District Appellate Court, in its decision, noted that the Divvy station appeared to be about 100 feet or so from the pothole that caused Mr. Alave's crash, based on photographs provide to the Court. *Alave v. City of Chicago*, 2022 IL App (1<sup>st</sup>) 210812, at 3. Placement of the station along West Leland Avenue, where the crash occurred, meant that people on bikes were invited to ride there. People were meant to pick up a bike at the station then ride away on either Leland or Western Avenue to which the station was adjacent. Riders were also expected to ride on Leland and/or Western to access the station when returning a Divvy bike. It seems absurd to contend that the City of Chicago did not intend for people to bike on streets adjacent to a bike share station where people were expected to pick up and return bicycles. But the City's placement of the bike share station along the road where Mr. Alave crashed is not the only evidence of its intention for people to ride bicycles there. Apparently recognizing that bicyclists were likely to ride bikes to and from the station, in 2013 the City amended § 9-52-020 of the Municipal Code of Chicago which previously prohibited adults from biking on sidewalks under virtually all circumstances. The amendment provided that persons 12 years old or older could now bike on a sidewalk, "to enter the nearest roadway, intersection . . . or to access a bicycle share station." Chicago, IL., Municipal Code of Chicago § 9-52-020(b), Amend Coun. J. 9-11-13, p. 59827. This amendment should be viewed as a concrete and clear statement of the City's intention for people like Mr. Alave to bike on Leland at its intersection with Western. The amendment made it undeniably foreseeable that people would bike from Leland and/or Western onto the sidewalk to access the Divvy station. More than foreseeable, in light of the

placement of the Divvy station and the City's amendment of § 9-52-020, the City likely *expected* people to bike on Leland where Mr. Alave's crash occurred.

The criteria for determining Appellant-Defendant's intent pursuant to the framework set-forth in *Boub* and *Marshall By Marshall* are satisfied in the present matter. There was a "physical manifestation" of the City's intent for people to bike on Leland in the form of the nearby bike share station. Also, the fact that the City amended a section of its municipal code to expressly permit people to bike to and from that bike share station provides further evidence of its intent for people to bike in that location. Therefore, the First District's holding should be upheld, and this matter returned to the trial court where it may proceed to just resolution.

**II. Since *Boub* was decided the City of Chicago has demonstrated by official policy and concrete action that bicyclists are intended users of all roadways where they are not expressly barred.**

The context in which this matter arises is far different from that in which the Court considered *Boub*. By 2019 the City of Chicago had spent about 27 years planning, building and revising its roadway infrastructure throughout the city to encourage and facilitate safe biking. No such effort occurred in Wayne Township leading up to Jon Boub's crash on the bridge on St. Charles Road. The City of Chicago in 2019, unlike Wayne Township decades earlier, had expressed via several published plans and policies from multiple mayoral administrations, its intent for bicyclists to use all roads (with limited exceptions) citywide.<sup>2</sup> The Court should consider this important fact in considering this matter.

Beginning in the 1990s, and ramping up substantially in the decades since, the City of Chicago created policies and implemented physical changes to its infrastructure to make

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<sup>2</sup> For example, bicycling on Jean Baptiste Pointe du Sable Lake Shore Drive is prohibited. Chicago, IL., Municipal Code of Chicago § 9-52-020(c), Amend Coun. J. 9-11-13, p. 59827.

all of its roads safer and more inviting for people to bike. With the assistance of its newly created Mayor's Bicycle Advisory Council the City released *The Bike 2000 Plan* in 1992 with the goal of making, "Chicago bicycle-friendly by the year 2000." Mayor's Bicycle Advisory Council, *The Bike 2000 Plan*, 1, City of Chicago, Richard M. Daley, Mayor, 1992. It started installation of rudimentary, painted bike lanes and signed routes. *Id.* at 4. This plan was followed by others including the *Bike 2015 Plan*, released in 2006, the *Chicago Street For Cycling 2020* plan, released in 2006. Pursuant to these two later plans the City added or expanded physical structures citywide that included protected/separated bike lanes, bike racks, bike share, etc. Importantly, these plans expressed the City's intentions regarding use of roadways by bicyclists. For example, the *Bike 2015 Plan* states that it, "is the City of Chicago's vision to make bicycling an integral part of daily life in Chicago." Mayor's Bicycle Advisory Council, *Bike 2015 Plan*, 2, City of Chicago, Richard M. Daley, Mayor, January 2006. It further states that:

Bicyclists' needs should be considered in the planning, design, construction and maintenance of *all streets*... Road hazards such as potholes, broken glass and sewer grates that trap bicycle wheels should be identified on a regular basis and repaired quickly.

*Id.* at 3 (emphasis added).

No part of that plan states or insinuates that only bike lanes should be maintained with bicyclists in mind. It does not suggest that potholes should be repaired only in areas with bike lane striping. The City could have said so had it been its intention to limit the focus of its efforts to areas where it would install bike lanes. It did not, and instead emphasized its intention to make "all streets" safe for cycling, and to take concrete and concerted action toward that goal. The *Chicago Streets For Cycling Plan 2020*, released in 2012, reiterated this goal and the City's intent to make *all* of Chicago's streets

accommodating for bicyclists. In the introduction to the *Plan*, then-Chicago Department of Transportation Commissioner, Gabe Klein, stated:

Making our streets safer for bicycling will benefit all Chicagoans. Everyone should have the opportunity to ride and feel safe *on our City's streets*, from an eight year old just learning to ride their bike to an eighty year old who rides to the store.

Chicago Department of Transportation, *Chicago Streets for Cycling Plan 2020*, 8, City of Chicago, Rahm Emanuel, Mayor, 2012

Again, the goal was expressly to make the “city’s streets” safe, not to merely make bike lanes or bike specific infrastructure safe. Moreover, in describing the City’s efforts to receive feedback from residents the *Plan* references the importance of doing so “in order to develop a *citywide* plan that is appropriate for all neighborhoods in Chicago.” *Id.* at 16 (emphasis added). The idea was that some changes, e.g., bike lanes, would be appropriate for some neighborhoods, but not others. The City of Chicago intended for biking to be accommodated citywide, not just in places where the local community could accept bike specific infrastructure like bike lanes.

Three plans have been released by the City of Chicago in the last 30+ years, yet none of them contain a single line stating that it intended bicyclists only to ride in areas with marked bike lanes or signage. To the contrary, each plan expressed a desire by the City to make all of its roadways safe and accommodating for people on bikes. Additionally, in the decades since the *Boub* decision the City of Chicago has implemented a citywide bike share program and installed bike racks throughout the city. Sometimes bike share stations and/or bike racks were installed on roadways with bike lane striping. Sometimes, as evidenced by the facts in the present case, these structures were installed where there were no bike lanes. This represents further manifestation of the City’s



intention for bicyclists to ride on streets where such accommodations were present, whether bike lanes were also present. Why else would bike racks and bike share stations be placed at a particular location if not to invite bicyclists to ride in the area? The City of Chicago should not be permitted to invite someone to use an area under its control for a specific purpose then claim that it did not “intend” that person to use it in that way. This would be like sending someone an invitation to a birthday party at your home, then claiming neutrality regarding whether that person shows up. When the City of Chicago invited people to ride bicycles on its roads after releasing multiple plans over many years furthering that end, it cannot claim neutrality as to whether bicyclists showed up to do so. It is unsurprising that the City of Chicago wishes to limit its liability from claims brought by injured roadway users. But it cannot invite specific users like bicyclists to use those roads, while repeatedly and consistently advertising they are safe for biking, then deny that it owes a duty of reasonable care to those users regarding the condition of those roads.

### **CONCLUSION**

The appellate court’s decision in this matter should be upheld by this Court. The circumstances giving rise to Plaintiff-Appellee’s cause of action satisfy the framework set forth in *Boub* and *Marshall By Marshall* for determining intent by the Defendant-Appellant, City of Chicago. At the time of his crash, Mr. Alave was biking in an area where a nearby Divvy bike share station manifested the City’s intent for bicyclists to use that portion of Leland Avenue at the intersection of Western Avenue. Also, the City’s planning, building, and revising of its roadway infrastructure throughout the city to encourage and facilitate safe biking provides additional, powerful evidence of its intent that people bike throughout the city, with or without marked bike lanes. In light of these

factors, this Court should find the City to have owed a duty of reasonable care to Plaintiff-Appellee with regard to maintenance of West Leland Avenue at the relevant time, and that it is not entitled to immunity from liability.

Respectfully submitted,

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/s/ *Brendan H. Kevenides*

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**CERTIFICATE OF COMPLIANCE**

I certify that this brief conforms to the requirements of Rules 341(a) and (b) and Rule 315(h). The length of this brief, excluding the pages contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), contains 15 pages.

/s/ Brendan H. Kevenides

Brendan H. Kevenides

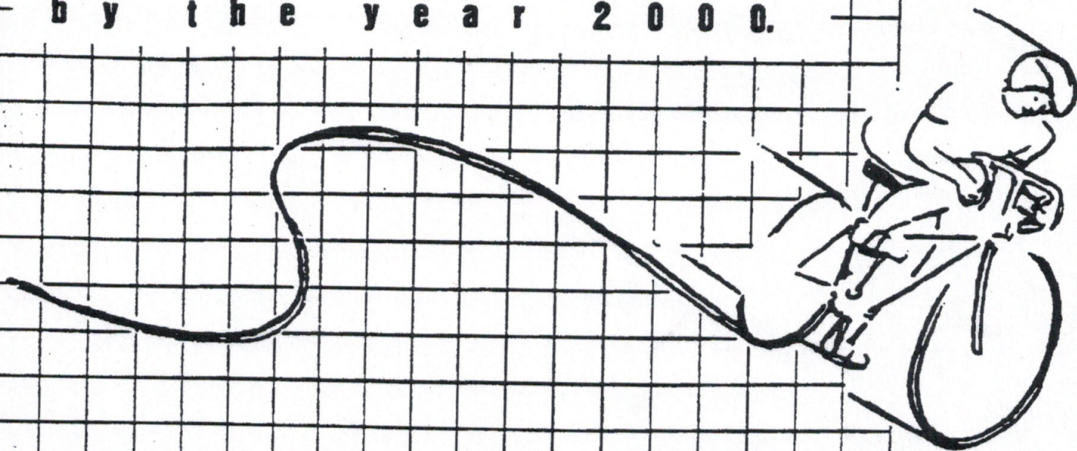
# APPENDIX

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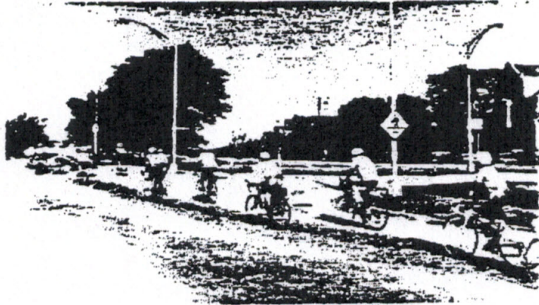
Bike 2000 Plan..... A-1

# THE BIKE 2000 PLAN

A plan to make Chicago  
bicycle friendly  
by the year 2000.



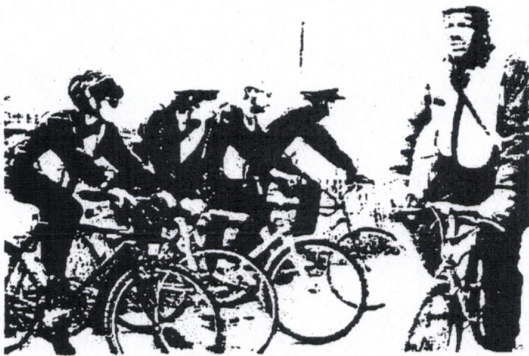
City of Chicago  
Richard M. Daley, Mayor  
Mayor's Bicycle Advisory Council




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“. . . the commercial use of bicycles for deliveries has become a significant business in Chicago.”

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“The Chicago region . . . will be required to reduce its emissions by 15 per cent by the year 1996.”

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## THE BIKE 2000 PLAN

A plan to make Chicago bicycle-friendly by the year 2000.

### INTRODUCTION

National bicycle statistics provided by the Bicycle Federation of America indicate that in the past five years the number of adults who use a bicycle for commuting to work, for utilitarian purposes, for recreation, and for touring or racing, has grown by more than 20%, to 93 million.

An estimated 90% of current bicycle use is for recreation. Both adults and children find bicycling to be an enjoyable way to exercise and to experience what Chicago has to offer. Expanded use of bicycles serves the public interest in a number of ways beyond improved recreation. Better air quality, reduced energy use, reduced traffic congestion and reduced road maintenance costs are additional benefits. Furthermore, the commercial use of bicycles for deliveries has become a significant business in Chicago. Bicycle delivery services should continue to be encouraged as a means of reducing the number of automobiles, congestion, and parking problems in the Central Business District.

In December of 1990, Congress amended the Clean Air Act to include stricter requirements for meeting its standards. The amendment is called the Clean Air Act of 1990 or the '90 CAAA. The Chicago area, whose existing air quality condition is rated as "severe," will be required to reduce its emissions by 15% by the year 1996. To achieve this goal, the region must implement transportation control measures (TCM's) which limit auto travel. One of several ways to reduce auto travel is to convert a percentage of auto trips to bicycle trips. Travel by bicycle is inherently fast, efficient, and environmentally sound. If substituted for auto trips, bicycle use could help to reduce traffic congestion and the air quality and energy costs associated with automobile use. Congress further has recognized through the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) that bicycles are an integral part of the nation's transportation network. ISTEA provides federal funding for the development of bikeways as a means of improving air quality, reducing energy costs, reducing congestion on existing roadways, and helping to provide for lower overall transportation costs.



August, 1991

Mayor Daley announced  
the formation of the Mayor's  
Bicycle Advisory Council



The City of Chicago is serious about improving its air quality. It is equally serious about its commitment to developing and implementing strategies that promote and encourage the benefits of recreational bicycling and commuting to work by bike. However, we recognize that historically, Chicago's streets have been inhospitable to bicyclists. Many bicycle riders feel unsafe sharing the road with motorized vehicles.

In other cities where the bicycle has been planned into the roadway system, the percentage of bicycle trips is significant. In Davis, California 25% of all trips are by bicycles. In Madison, Wisconsin, with weather similar to Chicago's, 11% of all work trips are by bicycle.

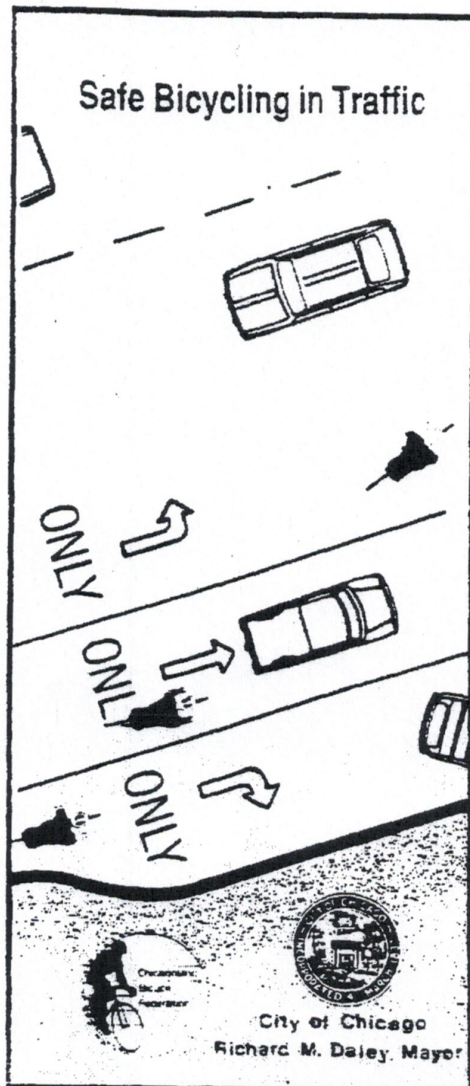
In August of 1991, Mayor Richard M. Daley announced the formation of the Mayor's Bicycle Advisory Council, whose purpose is to establish city-wide policies for bicycle-related improvements. The Mayor's Council has provided this Bike 2000 Plan to encourage public and private entities to implement key strategies and the series of recommendations set forth below. The Mayor's Council set forth the goals and the recommendations in this plan to enhance the recreational opportunities for bicyclists and to ensure that the bicycle is considered as a serious alternative transportation mode.

The goals of the Bike 2000 Plan are:

- Attain 10% of all short (5 miles & under) individual vehicle (single occupancy) trips by bicycle by the year 2000.
- Improve air quality and the environment of Chicago and reduce the use of diminishing natural resources.
- Develop bicycling as a serious alternative transportation mode by the year 2000.
- Enhance Chicago's economic viability by:
  - increasing mobility and reducing costly traffic congestion
  - providing an affordable transportation alternative for individuals, businesses and government
  - increasing the commercial use of bicycles
- Improve the health of Chicagoans.
- Increase awareness of bicycle safety.
- Improve and increase bicycle recreation opportunities.

The recommendations of the Bike 2000 Plan will be addressed in the following four sections entitled Education, Encouragement, Engineering, and Enforcement, all of which are major components of bicycle enhancement and safety.





“Sponsor an  
Annual Bicycle Week  
to promote all aspects  
of . . . plan.”

## EDUCATION

Comprehensive bicycle safety education requires a program designed for particular age groups: grade school, high school, and adults—as well as educational programs for commercial users such as bike messengers.

Bicycle safety must be maximized through existing educational programs within the Chicago Police Department. Supplemental safety programs could be provided through the Illinois Secretary of State's Office, the State Board of Education, and the Chicago Park District. Educational programs should include the following:

- Utilize educational programs within the police department and other agencies to teach children and adults, cyclists and motorists to safely share the roads and trails.
- Advise bicyclists on how to minimize bicycle theft.
- Advise bicyclists to wear safety helmets.
- Develop programs to encourage the safe commercial use of bicycles.
- Provide City and Park District staff with the training and resources required to implement the recommendations set forth in the Bike 2000 Plan.

Education also includes public information and promotion of bicycle routes and paths, safety information and the benefits of bicycling, which include healthy bodies and a healthy environment. Educational events and materials can include:

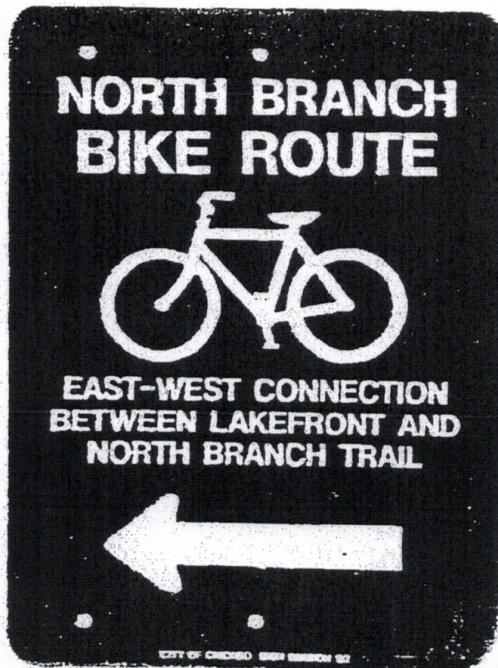
- An Annual Bicycle Week to promote all aspects of the Bike 2000 plan.
- A City Bicycle Map, Safety Brochure and other bicycle publications, which should be regularly updated.

## ENCOURAGEMENT

The Mayor's Bicycle Advisory Council requests other public agencies and private organizations to join the Mayor's team in implementing programs which encourage bicycle use for commuting and recreation. The Bike 2000 plan offers the following recommendations:

- Develop incentives and accommodations to encourage employees of the City, other public agencies and private industry to commute to work by bicycle.
- Implement the use of work bikes by the Police Department, the Chicago Park District and other city agencies where feasible, to meet their transportation needs.

“... the city must take aggressive steps to overcome our traditionally hostile environment to bicycles.”



- Promote publicized bicycle parking at all major special events and festivals (similar to CTA publicity program).
- Encourage public transit/bicycle ridership by providing secure bike parking at all transit, subway, and "El" stations and actively promote combined bike transit trips.
- Close selected park roadways to cars on weekends to provide safe opportunities for park users.
- Encourage bicycle manufacturers and dealers to provide and market bicycling products that facilitate the use of bicycles for commuting and utilitarian uses.
- Develop a marketing program that promotes the advantages of and the need for bicycle commuting in accord with the 1990 Amendments to the Clear Air Act (CAAA).

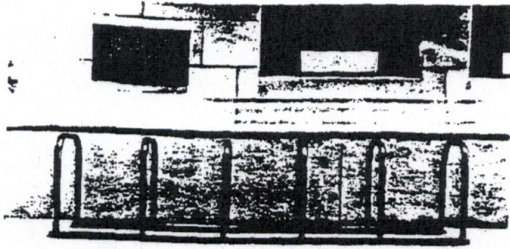
## ENGINEERING

The Mayor's Bicycle Advisory Committee recognizes that the city must take aggressive steps to overcome the traditionally hostile environment to bicycles. The Bike 2000 Plan recommends the following steps to correct this problem:

- Develop a network of a minimum of 300 miles of bikeways that encourage and support safe bicycle use between neighborhoods, to the central business district, and to suburban areas. These bikeways would include one or more of the following:
  - wide right curb lanes
  - on-street painted bike lanes
  - signed routes
  - separate bike paths
- Develop and expand continuous bicycle paths along waterways.
- Convert abandoned and under-utilized rail corridors into bicycle trails.
- Increase and improve access to the lakefront bike path and forest preserve paths.

There are several important steps the City must take to convert Chicago to a "bicycle-friendly" environment and to achieve our goal of improved air quality and reduced congestion:

- Provide improved coordination of mass transit facilities and bicycles.
- Establish secure bicycle parking:




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“develop engineering standards for street and roadway designs that incorporate the accommodation of bicycles.”

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- Provide short-term and long-term parking at City and Chicago Park District buildings and parks.
- Formulate guidelines which require bicycle parking in new buildings and developments.
- Develop programs for providing bike parking at existing downtown buildings.
- Adopt standards for the design of bicycle pathways in street improvements along the 300 mile bike network. The standards should be similar to the American Association of State Highway And Transportation Officials (AASHTO) standards.

- Adopt engineering standards for street and road designs where feasible that mandate the consideration of bicycles in new roadway construction and in roadway improvement projects.
- Systematically identify and reduce road hazards and barriers such as potholes, glass, and sewer grates.
- Develop a means of measuring bicycle usage and related effects of the Bike 2000 Plan.

The expansion of the city's bicycle facilities cannot be done without the commitment of allocated funds. By following the guidelines established by the U.S. Department of Transportation as a model, the Mayor's Council recommends:

- Encourage the state and federal governments to allocate a percentage of roadway spending to develop the 300 mile bicycle network.
- Secure funding for roadway improvements for bicycles from the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991.
- Develop programs to support bicycling in public works, capital improvements and development planning.

## ENFORCEMENT

Law enforcement is a necessary component of bicycle safety. Significant conflicts and violations have been cited by both motorists and bicyclists. Community education and support of enforcement efforts build respect between motorists and bicyclists. The Mayor's Bicycle Advisory Council recommends the following strategies that have been successful in reducing accidents and complaints:

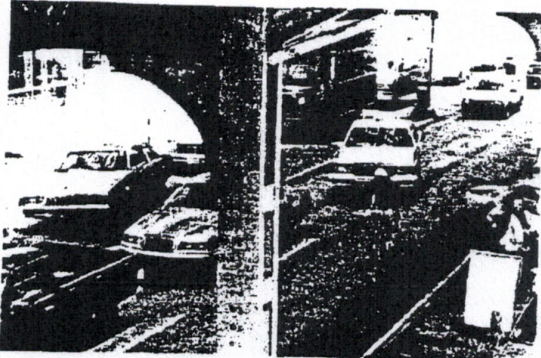
“ . . . develop a selective enforcement program to reduce accidents.”

- Identify the most significant bicycle safety problems and develop a selective enforcement program to reduce accidents.
- Develop an enforcement program to complement the city's bike messenger ordinance as well as other safety programs.
- Improve the bicycle registration process to allow for recovery of stolen bicycles.

## STRATEGIES

To implement the Bike 2000 Plan the following strategies are recommended:

- Continue the Mayor's Bicycle Advisory Council for the following purposes:
  - To oversee the implementation of the Bicycle 2000 Plan.
  - To work with city departments to develop engineering standards for street and roadway designs that accommodate bicycles.
  - To review roadway projects and project planning to insure appropriate bicycling accommodations.
  - To review the incorporation of bicycling appropriate accommodations in all departmental plans.
  - To advise the Mayor and the Department of Transportation on actions in these areas as well as other measures which will make Chicago a bicycle-friendly city.
  - To develop an annual work plan and report progress on the prior year's plan.
- Incorporate the goals of the Bike 2000 Plan into the specific planning processes of all city departments.



## ACKNOWLEDGEMENTS

This plan was developed by the Mayor's Bicycle Advisory Council.

**City of Chicago**  
**Richard M. Daley, Mayor**

Phyllis Apelbaum, Messenger Service of Illinois  
 Dr. Lyndon Babcock, Chicagoland Bicycle Federation  
 David Eubanks, Forest Preserve District  
 Keith Mistrik, Chicago Area Bicycle Dealer's Association  
 Randy Neufeld, Chicagoland Bicycle Federation  
 John O'Connor, Kozy Cyclery & Fitness Shop  
 Richard Schwinn, Chicago Bicycle Manufacturers  
 Linda Toelke, Chicagoland Bicycle Federation  
 Erma Tranter, Friends of the Parks  
 Howard Zar, Chicagoland Bicycle Federation

Chicago Park District

City of Chicago  
 Department of the Environment  
 Department of Planning and Development  
 Department of Police  
 Mayor's Office of Special Events  
 Department of Streets & Sanitation  
 Department of Transportation  
 Chicago Public Library

The **Mayor's Bicycle Advisory Council** was formed in the fall of 1991 for the purpose of developing strategies to make bicycling a more convenient and attractive transportation alternative, for both commuters and recreational users. The Council includes representatives from the bicycling and business communities, environmental organizations, and government agencies.

The **Bike 2000 Plan** was prepared by the Council as a working document to provide guidance and direction for the implementation of bicycling improvements in Chicago. The Council and the City welcome comments from all interested parties. Please direct inquiries and suggestions to the Chicago Department of Transportation, Room 406, 121 N. LaSalle Street, Chicago IL 60602. Tel. (312) 744-3600; TT/TDD: 744-2969.

**NOTICE OF FILING and PROOF OF SERVICE**

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In the Supreme Court of Illinois

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CLARK ALAVE,	)	
	)	
<i>Plaintiff-Appellee,</i>	)	
	)	
v.	)	No. 128602
	)	
CITY OF CHICAGO,	)	
	)	
<i>Defendant-Appellant.</i>	)	

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The undersigned, being first duly sworn, deposes and states that on March 22, 2023, there was electronically filed and served upon the Clerk of the above court the *Amicus Curiae* Brief of Active Transportation Alliance in Support of Plaintiff-Appellee. On March 22, 2023, service of the Brief will be accomplished electronically through the filing manager, Odyssey EfileIL, to the following counsel of record:

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Within five days of acceptance by the Court, the undersigned states that thirteen copies of the Brief bearing the court's file-stamp will be sent to the above court.

/s/ Brendan H. Kevenides  
Brendan H. Kevenides

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

/s/ Brendan H. Kevenides  
Brendan H. Kevenides