

Bond Case Briefs

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Cohen v. Chicago Park District

Supreme Court of Illinois - December 29, 2017 - N.E.3d - 2017 IL 121800 - 2017 WL 6625219

Bicyclist brought action against city park district, alleging that he was riding his bicycle on shared-use path when his front wheel got caught in a crack in the pavement and he fell, and that park district had acted willfully and wantonly in failing to maintain the path and was therefore responsible for the injuries that resulted from his fall.

The Circuit Court granted park district's motion for summary judgment.

Bicyclist appealed. The Appellate Court reversed. The Supreme Court granted park district's petition for leave to appeal.

The Supreme Court of Illinois held that:

- A "road" under the statute providing local public entities and public employees with blanket immunity from liability for injuries caused by the conditions of certain roads is a public way that permits travel by motorized vehicles such as motorcycles, cars, and trucks; and
- Shared-used path was not "road" within meaning of statute that provided park district with blanket immunity from liability for injuries caused by conditions of certain roads, and thus park district was not afforded blanket immunity from liability for injuries sustained by bicyclist; but
- Park district's conduct in repairing crack in pavement of shared-use path was not willful and wanton, and thus park district was entitled to statutory immunity from liability for injuries sustained by bicyclist.