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Alave v. City of Chicago

Supreme Court of Illinois - December 14, 2023 - N.E.3d - 2023 IL 128602 - 2023 WL 8633536

Bicyclist brought negligence action against city arising from his accident with pothole while he was riding his privately-owned bicycle through a crosswalk on roadway near a city-authorized bicycle rental station and a large bike rental sign.

The Circuit Court granted city's motion for involuntary dismissal. Bicyclist appealed. The Appellate Court reversed and remanded. City petitioned for leave to appeal, which was allowed. Holdings:

In a case of first impression, the Supreme Court held that:

- Existence of nearby bike rental station was a factor for whether bicyclist was an intended roadway user to whom city would owe a duty of care; and
- Bicyclist was not an intended roadway user at site of accident.

Existence of city-authorized bicycle rental station in plaza adjoining a sidewalk that ran parallel to roadway, approximately 100 feet from site of bicyclist's accident with pothole while he was riding his privately-owned bicycle on right side of roadway through crosswalk, was a factor for determining whether bicyclist was an intended user of roadway at site of accident, for whom city would owe a duty of care under Local Governmental and Governmental Employees Tort Immunity Act to maintain roadway in reasonably safe condition.

Bicyclist was not an intended user of roadway at site of his accident with pothole while he was riding his privately-owned bicycle on right side of roadway through a crosswalk, and thus city did not city owe bicyclist a duty of care under Local Governmental and Governmental Employees Tort Immunity Act to maintain roadway in reasonably safe condition, even though a city-authorized bicycle rental station and a large sign advertising bike rentals were nearby; rental station and sign established only that city permitted bicycling on adjacent roadway, and there were no other no other affirmative physical manifestations, such as road signs or pavement markings, indicating that city intended for bicyclists to use roadway.

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