

ISSUE BRIEF

IS IT TIME TO REEXAMINE YOUR BIKE CODE? A REVIEW OF CYCLING POLICIES IN ILLINOIS MUNICIPALITIES

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This issue brief offers guidance for municipal governments seeking to update their municipal codes with contemporary “best practices”. Drawing upon the opinions of experts and evaluating the content of municipal codes in 29 Illinois municipalities, including a review of the policies governing riding on sidewalks, helmet laws, fines and enforcement, and development incentives, the study showcases notable innovations being used by Illinois communities to make bicycle travel safer and more convenient.

INTRODUCTION

Since 2005, the number of Illinois residents who commute by bicycle has surged by 61%. The most recent data from the League of American Bicyclists show that the percentage of Illinois commuters who travel primarily by bike matches the national average of 0.6% (The League of American Bicyclists, 2014). As the number of cyclists in Illinois increases, so does the need for improved bicycle policies. This article reviews the ordinances of Illinois municipalities to explore “best practices” for policymakers looking to increase bicycle ridership and safety in their communities.

To identify best practices, the authors evaluated municipal ordinances in communities with populations over 50,000. This evaluation focuses heavily on four sections of municipal code: 1) policies related to sidewalk riding; 2) rules governing helmet use; 3) enforcement and fines; and 4) development incentives provided through zoning ordinances. The authors also interviewed experts and national leaders in bicycle policy to gather perspectives on these ordinances and gain insights into some of the innovations underway on these topics.

Municipal officials reading this issue brief will not likely need convincing that taking a fresh look at their policies is important. Cycling has myriad health and environmental benefits. Research by de Hartog, Boogaard, Nijland &

Hoek (2010) suggests that the reduction in air pollution resulting from a shift from driving to cycling can decrease pollution-related mortality rates for communities. Illinois municipal leaders looking to increase the number of cyclists on the road can expect increased safety as well. In general, cities with a high bicycling rate among the population have shown to have a much lower risk of fatal crashes for all road users (Marshall & Garrick, 2011). This is likely due to the “safety in numbers” phenomenon, which hypothesizes that drivers change their behavior based upon their perceived probability of encountering a bicyclist (Marshall & Garrick, 2011).

REVIEWING MUNICIPAL CODES

Reviewing the wide range of policies contained in municipal codes provides insight into the many options governments have to cultivate bicycle ridership and promote safety: (Table 1)

SIDEWALK RIDING

Cyclists riding on sidewalks are often viewed as a hazard due to the potential danger they impose on pedestrians. In fact, 22 of the 29 municipal codes reviewed include provisions articulating “if and where” it is appropriate to ride on the sidewalk. Many communities prohibit sidewalk riding in central business districts and where otherwise marked, although some make exceptions for riders under a certain age (which varies from under 12 to under 15 years old). Several other cities, such as Cicero and Rockford, allow sidewalk riding only in residential zones.

Yet many communities choose not to enforce these rules. A notable exception is Chicago, where sidewalk riding accounts for a vast majority of bike-related citations. Of the 13,150 traffic-related tickets written to cyclists between 2006 and 2015, 11,217 (85%) were for sidewalk or non-bikeable road violations. Citations for sidewalk riding between 2013 and 2014 skyrocketed from 2,082 to 4,467 (Knight, 2015).

Although riding on the sidewalk in downtown Chicago is a ticketable offense due to the hazard it presents to pedestrians, the case for banning sidewalk riding is less clear in more suburban and rural settings. Such prohibition can deter people from feeling comfortable enough to travel by bike. In areas with lower population densities, experts feel, sidewalk riding can be a safe option for all active transportation modes.

Michael Keating, an attorney at Keating Law Offices, P.C. in Chicago, suggests municipalities create and distribute a bike map, which designates exactly where sidewalk riding is permitted. Unlike biking directions one might obtain from Google Maps or similar mapping sites, a municipal bike map (possibly accompanied by on-street signs) would detail specific stretches – perhaps along a narrow roadway without a protected bike lane – where cyclists are permitted and might feel more comfortable riding on the sidewalk.

Denver, Colo., is a leader in this area, having identified troublesome areas for cyclists and pedestrians in its “Denver Moves” plan, which prioritized the integration of active transportation into existing corridors throughout the city. The plan employs grade separations to allow cyclists and pedestrians to cross major roadways (either under or over) without interfacing with automobile traffic. The city also has “shared-use sidewalks,” which are wider paths serving both walkers and cyclists that are often located in areas with heavy vehicular traffic, high traffic speeds, and/or at complicated intersections with a history of accidents (Denver Parks & Recreation and Public Works, 2011). This innovative approach would be an excellent model for Chicago, Champaign, Evanston, and other municipalities with heavy congestion and high percentages of commuters traveling by bike on major roadways to emulate.

As a general rule, therefore, the analysis suggests that communities should be wary of outright bans on sidewalk riding unless they are highly urbanized and prepared to publicize their policies. Bans in less dense areas that are not enforced can leave the impression that cyclists can ignore bike regulations. Even in densely populated areas, enforcement and signage should accompany bans to be effective, a topic revisited below.

HELMET LAWS

None of the municipalities in the sample require all cyclists to wear helmets, although three of the 29, Cicero, Evanston, and Oak Park, require children below a certain age to do so. Experts on bicycling tend to feel strongly that, despite the safety benefits, mandatory helmet laws for all can deter people from cycling, thereby thwarting other goals. Having a universal requirement can also create complications for people interested in using bikeshare programs, especially those using them sporadically, making it difficult for people to give these programs a try if they have a low level of commitment.

TABLE 1

**Municipal Codes and Policies Governing Bicycle Travel
Illinois Communities with Populations of 50,000 or More**

MUNICIPALITY	POPULATION	% COMMUTE BY BIKE	COMPLETE STREETS PLAN*	BIKE PLAN*
Chicago	2,695,598	1.4%	2012	Part of CSP
Aurora	197,899	0.3%	N	2009
Rockford	152,871	0.4%	2019	2008
Joliet	147,433	0.2%	N	N
Naperville	141,853	0.4%	N	N
Springfield	116,250	0.3%	N	N
Peoria	115,007	0.5%	2010	N
Elgin	108,188	0.1%	N	2008
Waukegan	89,078	0.2%	N	N
Cicero	83,891	0.8%	N	N
Champaign	81,055	2.8%	2008	Part of CSP
Bloomington	76,610	0.4%	N	2015
Decatur	76,122	0.3%	2012	Part of LRTP
Arlington Heights	75,101	0.3%	N	N
Evanston	74,486	3.5%	2014	2014
Schaumburg	74,227	0.3%	N	1999
Bolingbrook	73,366	0.2%	N	N
Palatine	68,557	0.2%	2014	2011
Skokie	64,784	0.8%	2016	N
Des Plaines	58,364	0.3%	2011	N
Orland Park	56,767	0.2%	N	N
Tinley Park	56,703	0.1%	2012	2012
Oak Lawn	56,690	0.2%	2014	N
Berwyn	56,657	0.6%	2011	2011
Mt. Prospect	54,167	0.4%	N	2012
Wheaton	52,894	0.5%	N	2011
Normal	52,497	0.8%	N	2009
Hoffman Estates	51,895	0.9%	N	2010
Oak Park	51,878	1.3%	2012	2008

FINES FOR CYCLIST VIOLATION*	SIDEWALK RIDING*	MANDATORY HELMET LAW
\$50-\$500 + motorist violation fines	None in BD unless < 12 y/o	None
Pursuant to §27-8 and/or impound	None in BD unless <14 y/o	None
\$50-\$750 (GCV)	None in BD or malls	None
Up to \$750 (GCV)	None in BD	None
\$75	None in BD/ SC	None
\$30	None in BD	None
\$10-\$50	None in BD	None
\$10-\$25	-	None
\$25-\$750 (GCV)	None in BD	None
\$50-\$150, \$50 (HV)	R-districts only	< 16 y/o
Up to \$500 (GCV)	-	None
\$50 and/or impound	None in CBD	None
\$150-\$500	None in CBD or Central Park	None
\$1-\$100 (GCV)	None in CBD	None
\$10-\$100	None in BD	<18 y/o
\$50	None in BD	None
Up to \$100	None in BD	None
\$5-\$25 and/or Diversion Program	None in BD	None
Up to \$750 (GCV)	None in CX Core districts	None
-	-	None
Up to \$100 (TV)	None in BD	None
Up to \$100 (TV)	-	None
\$10-\$750 (GCV)	None in BD	None
\$40-\$250 (TV)	None in BD	None
\$25-\$50	-	None
\$6 (GCV)	None in CBD	None
-	-	-
\$10-\$100 (TV)	-	None
\$25 (HV)	None in BD unless <15 y/o	< 17 y/o

Sources: *Municipal Codes; U.S. Census Commuting Characteristics by Sex (2014)*

NOTES AND ABBREVIATIONS FOR TABLE 1

COMPLETE STREETS PLAN

- “Complete Streets” and/or “Long Range Transportation” plans were considered for this metric.
- Date references when plan was last updated.

BIKE PLAN

- Bike plans and/or active transportation plans were considered for this metric
- CSP = Complete Streets Plan
- LRPT = Long Range Transportation Plan

Please contact the authors with updates to this table.

FINES FOR CYCLIST VIOLATION

- GCV = General code violation
- TV = Traffic violation
- HV = Helmet violation

SIDEWALK RIDING

- BD/CBD = Business District/Central Business District
- SC = Shopping Center

EMPTY CELLS

- Variable is not mentioned in code

Deerfield’s municipal code stands out as a best practice by requiring children under the age of 16 to wear a helmet at all times with the caveat that violation of the ordinance cannot be used as a defense in a civil case:

“A violation of this Section shall not constitute negligence, contributory negligence, assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle, or participation in skateboarding or in-line skating, nor shall anything in this Section change any existing law, rule or procedure pertaining to any civil action,” (Deerfield, IL Municipal Code, 1997).

Deerfield’s helmet law is a good model for municipalities because it requires young adults to wear helmets, which law enforcement personnel can use as an educational tool, but does not make cyclists automatically accountable for injury in a collision if they are *not* wearing a helmet. Furthermore, requiring children to wear helmets is a good practice for cultivating early habits and sustaining helmet-wearing into adulthood when it is no longer required by law.

Additionally, helmet safety and proper use can be promoted outside of legislation, such as through public service announcements or supplying local bike shops and rental locations with signage and pamphlets. Further, Michael Keating recommends that municipalities improve or increase training of police officers on bike-specific ordinances, how traffic laws apply to cyclists, safety measures, and best practices for enforcement. Opportunities could arise, then, for law enforcement officers to educate cyclists about helmet safety without having to cite or penalize them.

FINES AND ENFORCEMENT

Fines for cyclists violating traffic laws vary significantly across municipalities, ranging from \$1 to \$750. Some communities rely on the general traffic code to determine fines while others, such as Bloomington, have created specific penalties for violations by cyclists. Chicago takes this idea one step further and lists explicit fines for breaking particular laws. Cyclists caught using a cell phone, for example, are fined up to \$50. Other municipalities, such as Oak Park, also issue fines for specific violations. Parents or guardians of cyclists under the age of 17 who fail to comply with the city's helmet law can be fined up to four hours of community service or \$25.

Attorney James Freeman of Freeman Kevenides Law Firm in Chicago argues that increased enforcement is essential. If authorities dedicate resources to enforcing bicycle ordinances, cyclists are more likely to take ordinances seriously, which is currently not always the case. Keating argues that the *level* of enforcement is more likely to influence compliance than the amount of the fine. He argues that educating community police on bicycle safety practices is a prerequisite to any heightened enforcement policy.

Diversion programs, such as California's well-known "Bicycle Traffic School" established in 2015, offer cyclists an alternative to a fine-based penalty and could influence future behavior to improve safety (A.B. 902, 2015). Palatine, IL offers such an option in the penalties section of its municipal bike code:

"Any person convicted of a violation of any provision of this article shall be punished by a fine of not less than five dollars or more than twenty-five dollars for each offense; or shall attend a lecture, bicycle safety class, view a safety film, or fulfill any other penalty imposed by the chief of police or person(s) so designated by him," (Palatine, IL Municipal Code, 2016).

For many who rely on biking as an inexpensive transportation mode, having the option to attend a class to reduce or remove a fine could help make stepped-up enforcement seem less dramatic. In California, for example, where cyclists ticketed for traffic violations (i.e., running stop signs or red lights) pay the same fines as drivers, diversion programs offer an opportunity for cyclists to not only reduce their fines but learn – perhaps for the first time – about proper bike safety regulations (California Legislative Information, 2015).

Experts nonetheless acknowledge that issuing citations to cyclists requires political will. Even the City of Chicago, where the volume of cyclists is high,

issued just 13,150 traffic-related tickets to cyclists between 2006 and 2015, which averages four tickets per day. The vast majority, as previously noted, were for sidewalk violations (Knight, 2015). New York City, on the other hand, stands out for exemplary enforcement. In just three years, New York City police issued 51,841 tickets to cyclists, about 47 per day (Fanelli, 2015). Averaged annually, one ticket is issued for the equivalent of every five cyclists who commute in that city, compared to a mere one in 35 in Chicago (The League of American Bicyclists, 2014).

With the number of bicycle commuters in Illinois on an upward trajectory, it behooves local policymakers to adopt a package of policies that simultaneously promote cycling, improve safety, and encourage compliance. One option to fulfill each of the aforementioned opportunities is to implement bike-specific policies, such as the Idaho Stop Law. The Idaho Stop Law, enacted in 1982 in the State of Idaho, allows cyclists to treat stop signs as yield signs and red traffic lights as stop signs (Pedestrian and Bicycles, 1982). It addresses the fact that many cyclists will behave in ways that maintain their energy and momentum without compromising safety.

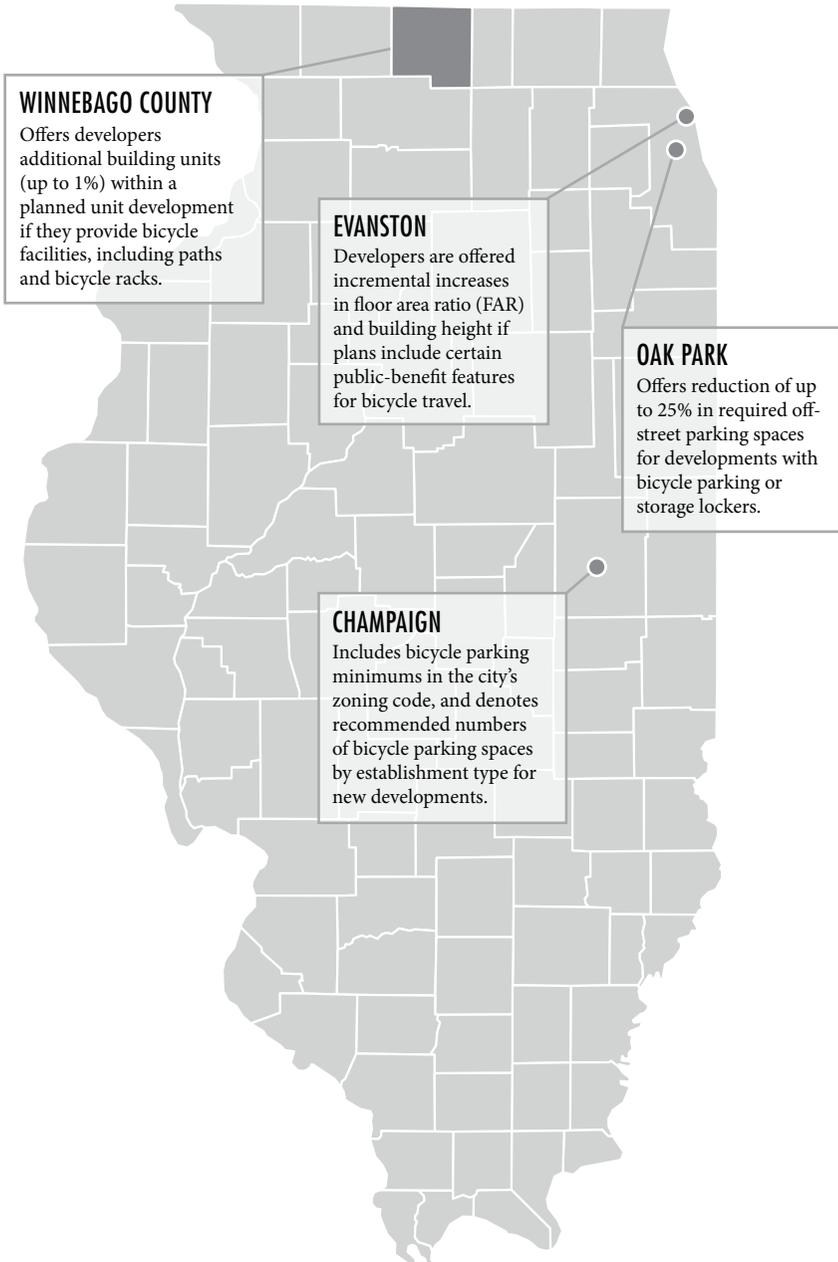
The law has decreased the number of intersection accidents between cyclists and motorists in cities where the policy has been adopted (Leth, Frey, & Brezina, 2014). Research by Caldwell (2016) suggests as many as 95% of riders in Chicago, in fact, fail to fully observe stop signs, although many exercise caution and practice the Idaho Stop. This research also shows that adopting the Idaho Stop Law has the potential to make cyclist behavior more predictable for motorists, ensuring safer roads for everyone and making intersections flow more efficiently for all road users. The Idaho Stop is ultimately a “bike friendly” policy that can encourage people to use this environmentally friendly mode.

INCENTIVES

Several municipalities have integrated incentives into their zoning codes that reward commercial developments for meeting community or environmental goals, such as reducing traffic congestion or encouraging cycling. “Incentive zoning” can take several forms, but often allows municipalities to effectively negotiate with developers to include desired criteria in their site plans. Displayed visually in Figure 1, the following are four examples in Illinois where incentives are used to promote cycling.

The City of Evanston offers developers “incremental increases in floor area ratio (FAR) and building height” if plans include certain public-benefit features

FIGURE 1
Municipal Incentives to Promote Bicycle Facilities and Travel



identified by the city. Evanston's Plan Commission and City Council consider the degree to which the proposed features benefit the public to determine whether it justifies an FAR incentive. One such feature is "the degree to which the facility or feature lessens automobile traffic congestion and supports car-pooling, public transit, pedestrian and bicycle usage," (Evanston, IL Municipal Code, 2015).

The City of Oak Park's zoning ordinance allows the Zoning Officer to authorize parking credits for encouraging more sustainable transportation choices, including efforts (in most cases by an employer) to incentivize mass transit, carpooling or car sharing, or instituting off-peak schedules to reduce travel during the morning commute. Significantly, credits of up to a 25% reduction in the number of required off-street parking spaces can be given if a proposed development provides bicycle parking or makes provisions to accommodate bicyclists, such as providing bicycle storage lockers (Oak Park, IL Municipal Code, 2002).

Winnebago County, which encompasses the city of Rockford, offers incentives for integrating cycling infrastructure into commercial projects. Developers may receive additional building units within a planned unit development (PUD) if they provide "bicycle facilities, including paths and bicycle racks," (City of Rockford, 2007).

The City of Champaign includes recommended minimums for bicycle parking in its zoning code, noting that insufficient bicycle parking increases riders' fear of theft and can be a serious barrier to cycling as a consistent mode of transportation. The city emphasizes that bicycle parking should be such that a U-lock can be used in all situations, and be conducive to bikes with varying frame and wheel sizes. The "Bicycle Vision" chapter of Champaign's complete streets plan denotes minimum numbers of bicycle parking spaces by establishment type: one space per 3,000 ft² of retail or office space; one space for every one to two apartments in a multi-unit residence; six percent of the number of students and three percent of the number of employees of a college or university; ten percent of the number of students and three percent of the number of employees of a primary or secondary school; etc. (Champaign, IL Municipal Code, 2016).

Several other communities included in this study focus on roadway enhancements, including Complete Streets plans designed to support extensive non-motorized travel, instead of (or in addition to) providing developer incentives. A few municipalities have developed focused Bike Plans that are

taken into consideration when considering zoning changes or approving planned unit developments.

CONCLUSIONS

Every community must independently determine what types of bicycle regulations are appropriate based on its characteristics, transportation network, and current ridership. The analysis above, however, offers several notable best practices:

CONCLUSION 1

Municipalities can avoid a contentious relationship with the cycling community regarding enhanced enforcement by following Palatine's example of providing an alternative to paying a fine.

Such "diversion programs" make it clear that the goal of enforcement is to promote safe cycling rather than to generate revenue, and can help build awareness of local bike laws as well.

CONCLUSION 2

Recognizing that circumstances may prevent communities from adopting diversion programs, fines for cyclists should be kept relatively low – proportionate to the nature of the infraction – where diversion programs are not offered.

Law enforcement personnel are more likely to enhance enforcement when fines are low. Moreover, the conversation about safety with law enforcement, in some instances, is more important in promoting safety than the citation itself. Many advocates believe the best way to protect cyclists is to enforce existing laws, including those that penalize motorists who, for example, do not respect bike lanes or obstruct them through illegal parking.

CONCLUSION 3

Many communities with mandatory helmet laws for youth and teenagers should consider replicating Deerfield's approach, which protects cyclists in legal and insurance proceedings after accidents.

The analysis indicates that helmet requirements for youth are relatively common but are not meaningfully enforced in many communities. Helmet requirements for adults remain a rarity. Failing to wear a helmet should not be treated as

a negligence in legal proceedings after accidents. Rather, communities may find more success in promoting education around helmet wearing, such as by encouraging children to adopt the practice early on.

CONCLUSION 4

Providing zoning code incentives can help encourage new development projects to integrate bike-friendly infrastructure into their designs.

The evidence suggests that there are few “downsides” to providing bonuses to developers willing to make investments in bicycle facilities and safety enhancements as part of their site plans. Even including simple language in ordinances can signal to the real estate sector that a community values efforts to make bicycle travel a more convenient and safe experience.

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REFERENCES

- A.B. 902, California State Assembly. (2015).
- Caldwell, J. (2016). *Should Chicago implement the Idaho Stop Law?* Master’s thesis, DePaul University, Chicago, Illinois.
- California Legislative Information. (2015). *Assembly Bill No. 902: Chapter 306*. Retrieved from http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB902.
- City of Rockford. (2007). *Rockford Area Transportation Study: Pedestrian & Bike Plan*, § 8.2. Retrieved from <http://rockfordil.gov/uploadedFiles/government/PublicWorks/Planning/RATS/Public/PedBikePlanSect8.pdf>
- Champaign, Illinois, Municipal Code art. VII, § 37-376-378 (2016).
- de Hartog, J. J., Boogaard, H., Nijland, H., & Hoek, G. (2010). Do the health benefits of cycling outweigh the risks?. *Environmental Health Perspectives*, 118, 8, 1109-16.
- Deerfield, Illinois, Municipal Code: Helmet Requirement, art. 15, § 22-121 A. (1997).
- Denver Parks & Recreation and Public Works. (2011). *Denver Moves: Making Bicycle and Pedestrian Connections* [PDF]. Retrieved from https://www.denvergov.org/Portals/708/documents/DRAFT_Denver_Moves_April22.pdf.
- Evanson, Illinois, Municipal Code art. I, § 5 (2015).

- Fanelli, J. (2015). This NYPD officer has handed out the most bicycle summonses in the city. *DNA Info*. Retrieved from <https://www.dnainfo.com/new-york/20150630/upper-west-side/this-nypd-officer-has-handed-out-most-bicycle-summonses-city>
- Knight, M. (2015). How strictly do Chicago police enforce bike traffic laws?. *WBEZ*. Retrieved from <https://www.wbez.org/shows/curious-city/how-strictly-do-chicago-police-enforce-bike-traffic-laws/78bfe402-7750-43b5-93e8-d763d3774491>.
- Leth, U., Frey, H., & Brezina, T. (2014). Innovative Approaches of Promoting Non-motorized Transport in Cities. *CETRA*, 28-30. Retrieved from https://www.researchgate.net/profile/Tadej-Brezina/publication/266396404_Innovative_approaches_of_promoting_non-motorized_transport_in_cities/links/543238f10cf27e39fa9fa3c6.pdf
- Marshall, W. E., & Garrick, N. W. (2011). Evidence on why bike-friendly cities are safer for all road users. *Environmental Practice*, 13, 1, 16-27.
- Oak Park, Illinois, Zoning Ordinance: Parking Credits, § 6.2.3c (2002).
- Palatine, Illinois, Municipal Code: Penalties art. VI, § 18-147b (1977).
- State of Idaho (1988). Pedestrian and bicycles, 49-720. Idaho Statutes, Title 49: Motor vehicles, Chapter 7. Retrieved from: <http://legislature.idaho.gov/idstat/Title49/T49CH7SECT49-720.htm>, 23.02.2014.
- The League of American Bicyclists (2014). *Where we ride: Analysis of bicycle commuting in American cities* [PDF]. Retrieved from http://www.bikeleague.org/sites/default/files/Where_We_Ride_2014_data_web.pdf
- U.S. Census Bureau. (2014). Commuting characteristics by sex. Retrieved from <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>