



DEPARTMENT OF LAW
CITY OF CHICAGO

December 8, 2023

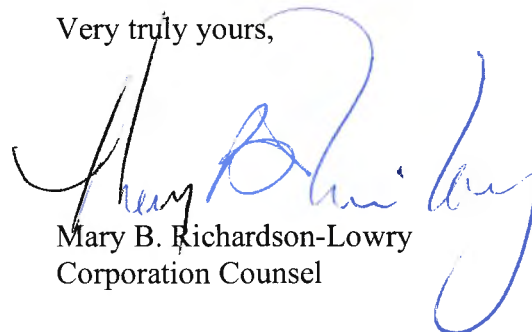
TO THE HONORABLE, THE CHAIRMAN AND
MEMBERS OF THE CITY COUNCIL COMMITTEE ON
PEDESTRIAN AND TRAFFIC SAFETY

Ladies and Gentlemen:

Together with the Commissioner of Transportation, I transmit herewith an ordinance amending Section 9-48-050 of the Municipal Code and associated Municipal Code provisions regarding requirements for intercity buses and penalties for noncompliance.

Your consideration of this ordinance will be appreciated.

Very truly yours,



Mary B. Richardson-Lowry
Corporation Counsel

ORDINANCE

WHEREAS, The City of Chicago is a home rule unit of government as defined in Article VII, Section 6(a) of the Illinois Constitution; and

WHEREAS, As a home rule unit of government, the City of Chicago may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Protecting the safety and well-being of bus passengers, and of motorists and others in the vicinity of buses that are off-loading and onboarding passengers, by ensuring that boarding and alighting from buses is done in safe circumstances is an urgent matter pertaining to the government and affairs of the City of Chicago; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 9-48-050 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-48-050 Buses – ~~Stopping, standing and parking~~ Loading and unloading.

(a) The driver of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers other than at a designated bus stop, bus stand, passenger loading zone, or bus terminal except in case of an emergency or as permitted in subsection (d) of this section.

(b) The driver of a bus shall enter a bus stop or passenger loading zone on a public way only in such a manner that the bus when stopped to load or unload passengers shall be in a position with the right front wheel of such bus not further than 18 inches from the curb, or 30 inches from the curb if the bus is lift- equipped, and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(c) When any lane is designated and appropriately indicated by signs and markings for shared use by buses and bicycles, a driver of a bus shall yield to a bicycle proceeding in the same direction until it is safe to overtake such bicycle.

(d) Subject to any restriction established pursuant to subsection (f), the driver of a bus may stop such vehicle at any intersection of any street on which it has authority to operate between the hours of Midnight and 5:00 a.m. for the purpose of loading or unloading passengers.

(e) Except in case of an emergency or as approved pursuant to subsection (f) of this section, a driver of an intercity bus shall not stop or park any intercity bus on Canal Street, between Adams Street and Jackson Boulevard for the purpose of loading or unloading of passengers, luggage or other goods. For the purpose of this section, "intercity bus" means any bus used for transportation of persons between the City of Chicago and locations outside of the Chicago-Naperville-Joliet, IL-IN-WI Metropolitan Statistical Area (M.S.A.) (as defined by the Director of the United States Office of Management and Budget), but shall not include buses of the Chicago Transit Authority or another component of the Regional Transportation Authority, including, but not limited to, the suburban bus commonly known as "Pace." The prohibition in this subsection shall not apply to intercity buses or shuttle buses that are exclusively used to transfer passengers to trains operated by the National Railroad Passenger Corporation, commonly known as "Amtrak" and/or the Northeast Illinois Rail Corporation, commonly known as "Metra" at Chicago Union Station.

(f) No owner or operator of any intercity bus shall use any designated bus stop, bus stand, or passenger loading/unloading zone, or any other location, for ~~regular~~ loading or unloading of passengers, luggage or other goods without first obtaining the approval of the Commissioner.

Application for such approval shall be made upon a form provided by the Commissioner, and shall contain the name and address of the applicant, the location of the proposed bus stop, bus stand, or passenger loading/unloading zone, or other location where such regular loading or unloading of passengers, luggage or other goods shall take place, the time of day and length of time any such bus shall stand in the proposed bus stop, bus stand, or passenger loading/unloading zone, or other location, and the number of buses that shall leave from and come to the proposed bus stop, bus stand, or passenger loading/unloading zone, or other location per day. Such application shall be signed by the applicant.

The Commissioner shall approve or deny the application no later than 30 days after the application was filed. The Commissioner's review of the application shall take place in consultation with the local alderperson, and shall take into consideration administrative efficiency and available resources, public safety, and orderly traffic flow, and a permit shall be subject to such conditions and restrictions that the Commissioner may impose in his sole discretion (including, without limitation, those addressing day/time availability of any such location(s), number of daily arrivals/departures to/from any such location(s), and advance notification requirements by the applicant). If the Commissioner denies the application, it shall be based upon a determination that the loading/unloading of passengers, luggage or other goods at that time, or in that particular designated bus stop, bus stand, or passenger loading/unloading zone, or other location presents an unreasonable threat to the health, safety and welfare of the public or impedes the safe and efficient flow of traffic or imposes an unreasonable burden on available resources. If the Commissioner denies the application, the Commissioner shall send by e-mail or U.S. mail a notification to the applicant in writing specifying the reasons for the decision. Any applicant may seek review of the decision of the Commissioner denying such application in the manner provided by law. The loading or unloading of an intercity bus in violation of this subsection (f) shall subject the violator to a fine of no less than \$2,000 and no more than \$10,000. Each instance of unauthorized loading or unloading shall constitute a separate violation. The provisions of this subsection shall not apply to any bus used in conducting a "sightseeing tour" as that term is defined in Section 9-114-010 of this Code.

(g) Pursuant to Code Section 2-102-030(l), the Commissioner is authorized to issue any rules or policies necessary or useful to implement and enforce this section.

(h) Any motor vehicle used in violation of subsection (f) of this section shall be subject to seizure and impoundment pursuant to this section. In addition to any other applicable penalty, the owner of record of such motor vehicle shall be subject to an administrative penalty of \$3,000 plus any towing and storage fees applicable under Section 9-92-080.

(i) Whenever a police officer who is present at the time of an alleged violation of subsection (f) has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying themselves as the owner of the vehicle at the time of the alleged violation or the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such person, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

(j) Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

SECTION 2. Section 2-14-132 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-14-132 Impoundment.

(a) (1) Whenever the owner of a vehicle seized and impounded pursuant to Sections 3-46-076, 4-68-195, 4-227-140, 9-76-140, 9-80-220, 9-112-640 or 9-114-420 of this Code (for purposes of this section, the "status-related offense sections"), or Sections 7-24-225, 7-24-226, 7-28-390, 7-28-440, 7-38-115(c-5), 8-8-060, 8-20-070, 9-12-090, 9-12-095, 9-12-100, 9-12-105, 9-12-110, 9-32-040, 9-48-050, 9-76-160, 9-80-225, 9-80-240, 9-92-035, 11-4-1410, 11-4-1500 or 15-20-270 of this Code (for purposes of this section, the "use-related offense sections") requests a preliminary hearing in person and in writing at the Department of Administrative Hearings, within 15 days after the vehicle is seized and impounded, an administrative law officer of the Department of Administrative Hearings shall conduct such preliminary hearing within 48 hours of request, excluding Saturdays, Sundays and legal holidays, unless the vehicle was seized and impounded pursuant to Section 7-24-225 and the Department of Police determines that it must retain custody of the vehicle under the applicable state or federal forfeiture law. If, after the hearing, the administrative law officer determines that there is probable cause to believe that the vehicle was used in a violation of this Code for which seizure and impoundment applies, or, if the impoundment is pursuant to Section 9-92-035, 9-12-095 or 9-12-105, that the subject vehicle is eligible for impoundment under that section, the administrative law officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle pays to the City the amount of the administrative penalty prescribed for the code violation plus fees for towing and storing the vehicle.

(unaffected text omitted for the convenience of the reader)

SECTION 3. The changes made to the title of Section 9-48-050 and subsection (f) of Section 9-48-050 of the Municipal Code of Chicago by this amendatory ordinance of December 2023, are intended to confirm rather than change existing law. These changes shall be made effective as if they were included in the enactment of the ordinance that inserted or substantively amended the subsection.

SECTION 4. Because protecting the safety and well-being of being of bus passengers, and of motorists and others in the vicinity of buses that are off-loading and onboarding passengers, is a matter of urgency, pursuant to 65 ILCS 5/1-2-4, this Ordinance shall take effect immediately upon its passage and approval, if such passage is by a vote of at least two-thirds of the members of this Council. In the event this Ordinance passes by a majority vote of less than two-thirds of the members of this Council, it shall take effect ten days after passage and publication.