





Illinois Vehicle Code – Section 11-1502

Every person riding a bicycle upon a highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Code.

... granted all of the rights. . .



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BK1 North River Road in Libertyville, IL at 10 a.m. on August 18, 2013.
Brendan Kevenides, 9/14/2016

SUPPLEMENTAL TRAFFIC ACCIDENT REPORT		Report No. _____ Date Filed _____ () () () () () ()
Title: _____ Date: _____ Location: _____ Time: _____ Weather: _____ Road: _____ Other: _____		Report No. _____ Date Filed _____ () () () () () ()
Name: _____ Address: _____ City: _____ State: _____ Zip: _____		Report No. _____ Date Filed _____ () () () () () ()
Name: _____ Address: _____ City: _____ State: _____ Zip: _____		Report No. _____ Date Filed _____ () () () () () ()
Name: _____ Address: _____ City: _____ State: _____ Zip: _____		Report No. _____ Date Filed _____ () () () () () ()

... As Unit 2 and witness 1 crested the hill the bicycles were moving slower than the post (sic.) speed limited and riding 2 across taking up over ½ the travel lane. The safest action to take seeing to (sic.) opposite lane was clear witness 1 and unit 2 passed the Bicycles. . .

Police officer's deposition

Q. Are you aware of any complaints from citizens in the area about bicyclists traveling on North River Road?

A. All the time.

Q. Tell me about that. Prior to this crash how many such complaints were you aware of?

A. Every week we'd get complaints. It could be on a daily basis. Our command usually fields those phone calls and we're given extra patrols to try to handle these complaints. . .

The complaints that we get are the bicyclists are either traveling too much in the roadway, not allowing vehicles to pass, then causing traffic hazards, or that they are not stopping at stop signs, they're making illegal turns, and the gambit runs on and on and on. So bicyclists in District 2 in the county have been a very big, if you would, thorn in the side when it comes to warmer weather. . .

Unfortunately, they don't want to follow by the same rules, unless we start to enforce them. Once we start to enforce them, then it's, you know, we're picking on them. So, yes, there's been a very huge outcry of complaints of bicyclists in District 2 and specifically River Road.

Q. Were there ever any meetings or directives issued within the department about how to deal with this situation?

A. Sure.

Q. And what was discussed?

A. Write them. Write them traffic tickets.

Rules of the Road in Play

Driver

- Crossed double yellow to pass
- Attempted pass in intersection

The Trial

Rules of the Road in Play

Driver

- Crossed double yellow to pass
- Attempted pass in intersection

Bicyclist

- Failed to signal

Jury Instructions



There was in force in the State of Illinois at the time of the occurrence in question a certain statute which provided that:

Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

- 1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements;*
- 2. When an obstruction exists making it necessary to drive to the left of the center of the roadway; provided, any person so doing shall yield the right-of-way to all vehicles travelling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard.*

If you decide that a party violated the statute on the occasion in question, then you may consider that fact together with all the other facts and circumstances in evidence in determining whether and to what extent, if any, a party was negligent before and at the time of the occurrence.

Defendant's Instruction #15
I.P.I. 60.01 Violation of Statute, Ordinance, or Administrative Regulation

When an
obstruction
exists. . .

The Fix

Illinois Vehicle Code – Section 11-701

Sec. 11-701. Drive on right side of roadway - Exceptions.

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

* * * * *

2. When an obstruction exists making it necessary to drive to the left of the center of the roadway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard. Neither a motor vehicle nor bicycle operating upon a highway in substantial compliance the Code shall be considered an obstruction under this section.

