

REPORT TO CITY COUNCIL

FROM: Steven C. Carter, City Manager

DATE: September 5, 2008

SUBJECT: Neighborhood Electric Vehicles – SS 2008-062

A. Introduction: The purpose of this report is to seek Council direction on amending Section 33-6 of the Municipal Code to allow neighborhood vehicles City wide on City streets with speed limits of 35 mph or less.

B. Recommended Action: The Administration recommends amending the Municipal Code to allow neighborhood vehicles on City streets with speed limits of 35 mph or less.

C. Prior Council Action:

- In July 2001, Council approved CB 2001-178 establishing the University District.
- In November 2001, Council approved CB 2001-249 establishing a 25 mph speed limit along most streets in the University District.
- In February 2007, Council approved CB 2007-025 amending Chapter 33 of the Municipal Code to authorize the use of neighborhood electric vehicles on and across City streets located within the University District with speed limits of 35 mph or less.
- In November of 2007, Council approved CB 2007-304 amending Section 33-1 and 33-6 of the Municipal Code to include in the definition of permitted neighborhood vehicles in the University District a self-propelled gas-powered vehicle with four wheels and an engine displacement less than 1,200 cubic centimeters, which is capable of attaining a speed between 20 and 25 miles per hour.

D. Summary

- Council has already approved the use of neighborhood vehicles in the University District.
- Staff seeks direction on whether neighborhood vehicles should be allowed on City streets with speed limits of 35 mph or less.
- Many of the regulations governing the use of vehicles apply to Neighborhood Vehicles; however they are not required to be registered by the City or State.
- The use of Neighborhood Vehicles in lieu of traditional gas-powered, full-sized vehicles fits in with the overall goal of sustainability for the City.

- The lower operating speed and shorter stopping distance of Neighborhood Vehicles appear consistent with the goal of a safer environment for pedestrians and vehicles.

E. Background:

1. Neighborhood Vehicles allowed in the University District. In January of 2006, legislation regulating the use of Neighborhood Vehicles became effective, requiring a local ordinance be passed to allow their use on City streets. The original legislation only included electrically powered vehicles. In late 2006, the University requested that the City pass a local ordinance allowing the operation of electrically powered Neighborhood Vehicles in the University District. In February 2007, Council approved such an ordinance.

Subsequent legislation amended the Illinois Vehicle Code to include small gas-powered vehicles with engine displacements less than 1,200 cubic centimeters in the definition of a Neighborhood Vehicle. In November 2007, Council approved amending the Municipal Code to allow the use of gas-powered Neighborhood Vehicles in the University District.

2. Neighborhood Vehicles (NV). The revised definition of a Neighborhood Vehicle is a self-propelled, electrically powered vehicle with four wheels; or a self-propelled gas-powered vehicle with four wheels and an engine displacement less than 1,200 cubic centimeters; which is capable of attaining a speed between 20 and 25 miles per hour. Federal regulations under Title 49 C.F.R. Part 571.500 require it to have seat belts, tail lights, head lights, turn signals, a windshield, rearview mirrors, vehicle identification numbers as well as other equipment requirements.

Key elements of the Neighborhood Vehicle requirements (625 ILCS 5/11-1426.1) are:

- The person operating a NV is required to have a valid Illinois drivers' license.
- The vehicle is not required to be registered with either the City or Secretary of State.
- NVs are subject to the provisions of the Rules of the Road.
- NVs can be operated only on streets where the speed limit is 35 miles per hour or less.
- NVs are required to have much of the same equipment as a typical vehicle such as seat belts, tail lights, head lights, turn signals, a windshield, rearview mirrors and vehicle identification numbers in compliance with federal regulations under Title 49 C.F.R. Part 571.500.

The use of NVs in lieu of traditional full-sized vehicles appears to be consistent with the overall goal of sustainability for the City. By their design, these vehicles cannot travel over 25 miles per hour. In addition, they have a smaller footprint and are lighter than typical vehicles. In addition, given the current cost of electricity, the "fuel" costs of operating the electric version of these vehicles is a fraction of that for operating even the most economic standard sized vehicles. These characteristics result in shorter stopping distances and the transfer of less force in the event of a collision, both of which may prove advantageous with regard to pedestrian safety.

3. Neighborhood Vehicle use outside of University District. Staff recommends Council direct the revision of the Municipal Code to allow the use of NVs on other City streets outside of the University District with speed limits of 35 mph or less, and to permit operation of NVs at intersections directly across other City streets having a speed limit that exceeds 35 mph. The recommendation would also be to allow operation of the NVs at intersections directly across state

highways in the City, but only if the intersection is controlled with a traffic light or a 4-way stop, and only if the speed limit for the state highway at the point of crossing is 35 mph or less. This would comply with the restriction contained in the State law.

The Illinois Vehicle Code provisions indicate that the municipality must consider public safety prior to passage of the ordinance. This is accomplished by assessing conditions such as volume, speed and character of traffic on the roadways the vehicles are proposed for use upon.

The University has been using the electric vehicles on campus for five years and the vehicles have had a safe operating history traveling among the regular vehicular and pedestrian traffic to date.

The operation of these vehicles on all City streets with speed limits of 35 mph or less was considered by both Public Works and Police. The characteristics of these streets, such as lower speed limits, periods of congestion and higher levels of pedestrian activity, indicate that it would be an appropriate area for the use of NVs. The University will continue to provide the City with information regarding incidents involving the NVs and any operational issues associated with the vehicles. This regulation would restrict the use of NVs owned by the public west of Interstate 57 from using NVs east of the Interstate 57, because the only place to cross the Interstate is over bridges which have a speed limit of in excess of 35 mph.

4. Other State regulations regarding Neighborhood Vehicles. A NV may make a direct crossing at an intersection controlled by a traffic light or 4-way stop sign upon or across a highway under the jurisdiction of the State if the speed limit on the highway is 35 miles per hour or less at the place of crossing.

State regulation states that upon determining that NVs may safely operate on a roadway and the adoption of an ordinance, appropriate signs shall be posted. The regulations do not specify the type of appropriate signs to be posted.

State regulation also states that if a roadway is under the jurisdiction of more than one unit of government, NVs may not be operated on the roadway unless each unit of government agrees and complies with previously stated regulations.

F. Alternatives:

1. Give direction to staff to amend Section 33-6 of the Municipal Code regarding the regulation of neighborhood vehicles to permit their operation on City streets with speed limits of 35 mph or less.
2. Provide other direction to Staff.

G. Discussion of Alternatives:

Alternative 1 would direct Staff to amend Section 33-6 of the Municipal Code regarding the regulation of neighborhood vehicles on City streets with speed limits of 35 mph or less.

a. Advantages

- Satisfies the local ordinance requirement of the State legislation for allowing NVs to operate on City streets.
- NVs operate at lower speeds (up to 25 mph), which would make for safer travel for pedestrians and vehicles in neighborhoods.
- The existing electric-powered vehicles have a five-year safe operating history in the University District with no vehicle or pedestrian accidents.
- NVs have shorter stopping distances and are lighter, resulting in the transfer of less force in the event of a collision.
- NV's are much less expensive than conventional vehicles to operate.

b. Disadvantages

- The vehicles are not required to be registered, titled, or licensed.

Alternative 2 would give Staff different direction.

a. Advantages

- Gives Council the opportunity to direct Staff to examine other alternatives.

b. Disadvantages

- Would delay the opportunity for the public to use NVs on and across City streets.

H. Community Input: The public will have an opportunity to comment on this topic at the Study Session.

I. Budget Impact: There are no budget impacts anticipated with this code amendment.

J. Staffing Impact: There are no staffing impacts anticipated with this code amendment. Since the vehicles are not required to be licensed or titled, there are potential enforcement issues associated with NVs purchased and used.

Prepared by:

Reviewed by:

Troy Daniels
Deputy Chief of Police

R.T. Finney
Chief of Police

Code Revision Sheet

“Sec. 33-36. Neighborhood vehicles – operation on streets

(a) General ~~Prohibition~~ Authorization. **It shall be lawful to operate a neighborhood vehicle** Except as expressly authorized in this Section, it shall be unlawful for any person to operate a neighborhood vehicle on any public streets in the City, **subject to the restrictions and conditions set forth in this section.**

~~(b) Authorized in University District. A person may operate a neighborhood vehicle on streets located within the University District in accordance with the following rules and conditions:~~

~~(1-b) No person shall operate a neighborhood vehicle on any public street under the jurisdiction of the City that has a posted speed limit exceeding 35 miles per hour, provided that said vehicle may be driven directly across said street at an intersection. provided that nothing herein shall prohibit a person from driving a neighborhood vehicle across a street, with a posted speed limit exceeding 35 miles per hour.~~

~~(2 c) No person shall operate a neighborhood vehicle on or across any highway under the jurisdiction of the State of Illinois Department of Transportation (IDOT), except as otherwise expressly authorized by IDOT. This subsection (c) shall not prohibit said vehicle from being driven directly across said State highway at an intersection under the following circumstances:~~

- ~~(1) The speed limit on said State highway is not more than 35 miles per hour at the point of crossing; and~~
- ~~(2) The intersection is controlled by a 4-way stop sign or traffic signal.~~

~~(e-d) All persons operating neighborhood vehicles shall comply with all applicable requirements of section 11-1426.1 of the Illinois Vehicle Code, 625 ILCS 5/1-100 et seq., hereinafter referred to as the “Illinois Vehicle Code.”~~

~~(d e) Required equipment. No neighborhood vehicle may be operated on a street unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of the Illinois Vehicle Code) on the rear of the neighborhood vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a neighborhood vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of the Illinois Vehicle Code.”~~