



POSTED
11/22/23
JSP

COPY

EXECUTIVE ORDER NO. 2023- 01
Declaring A Policy Regarding Unscheduled Intercity Buses

WHEREAS, the City of Berwyn, Illinois (the “City”) is committed to protecting the health, safety, and welfare of individuals residing in and visiting the City; and

WHEREAS, it is in the best interests of the City, its employees, and its residents to establish a policy for the stopping, standing, and parking of intercity buses and the discharge of passengers within the City (the “Policy”); and

WHEREAS, the unloading of passengers in inclement or severe weather conditions without a coordinated plan poses a significant threat to the health, safety, and welfare of said passengers; and

WHEREAS, time is of the essence due to the incoming inclement weather within the Chicagoland area and the immediate increase in demands on City resources resulting from the discharge of said passengers within the City; and

NOW, THEREFORE, by the powers vested in me as the Mayor of the City of Berwyn, Illinois, I hereby establish the Policy, as set forth in Exhibit A, attached hereto and incorporated herein.

SECTION 1: Effective immediately, I, the Mayor of the City of Berwyn, delegate to the Chief of Police the authority to take any and all lawful action necessary to protect the health, safety and welfare of the residents and corporate citizens of the City, including, but not limited to, the enforcement of the Policy, and the authority to cite and take other appropriate measures against the persons who disobey this Order or the Policy after due notice, either oral or written has been given.

SECTION 2: This Order is declared effective immediately and shall remain in effect unless otherwise lawfully modified, amended, rescinded, or superseded.

SECTION 3: This Executive Order shall be distributed in accordance with applicable law.

SECTION 4: This Executive Order is not intended to, and does not, except as specifically set forth herein, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the City, its departments, agencies, or entities, its officers, employees, or agents, or any other person. This Executive Order shall be deposited and kept immediately available on file for inspection in the office of the City Clerk.

Robert J. Lovero, Mayor

Received and Filed November 22, 2023

Margaret M. Paul
City Clerk



EXHIBIT A

POLICY OF THE CITY OF BERWYN REGARDING UNSCHEDULED INTERCITY BUSES

I. Definitions

For the purposes of this Policy, these definitions shall apply.

- a. "Application" means a form that the City of Berwyn Chief of Police makes available for receiving and reviewing proposed intercity bus operations.
- b. "Approval" means written notice that the Chief of Police has received, reviewed, and determined that an application satisfies the requirements of the City and this Policy.
- c. "Chief of Police" means the City of Berwyn Chief of Police.
- d. "City" means the City of Berwyn, Illinois.
- e. "Regularly scheduled service" means intercity bus service that operates trips on a predictable and recurring basis, following a schedule that is published in advance and available to the general public, and provides service in exchange for paying a fare.
- f. "Unscheduled intercity bus" means any bus used for the transportation of persons between the City of Berwyn and locations outside of the Chicago-Naperville-Joliet area that is not operating pursuant to authorization of the Chief of Police authorization via: (i) an approved letter of permission or (ii) an approved schedule and/or approved pick-up/drop-off zone, as of the effective date of this Policy.

II. Applicability

The Chief of Police's preexisting application, review and approval process for intercity buses, as may be amended from time to time, shall apply to: (i) applicants for regularly scheduled service, and (ii) operators with an approved letter of permission, schedule and/or approved pick-up/drop-off zone as of the effective date of these Rules.

III. Notice and Application Required

The operator of any intercity bus must make application for an approval to arrive and load/unload passengers in the City on the appropriate form made available by the Chief of Police. All applications for unscheduled intercity bus service must be received by the Chief of Police a minimum of five (5) full business days prior to the requested date of arrival in the application.

All applications shall include the proposed passenger list, and the operator shall be required to perform background checks on each passenger over the age of eighteen, and shall provide copies of the same to the Chief of Police as part of the application.

Each application for an unscheduled intercity bus drop off must include an order authorizing the drop off executed by the head of the public body originating the transfer of such passengers.

IV. Processing and Approval of Applications

Applications for unscheduled intercity buses will be reviewed on a first-come, first-serve basis. No more than one (1) application, regardless of operator, shall be approved by the Chief of Police for a given date, time, and location.

V. Days and Hours of Operation

Unscheduled intercity buses shall load/unload passengers within the City only between the hours of 10:00 a.m. and 4:00 p.m. Monday through Friday, and not at any time on Saturdays, Sundays, or designated City Holidays.

VI. Passenger Pick-up/Drop-Off Locations

Unscheduled intercity buses shall only load/unload passengers at locations designated by the Chief of Police, which shall be listed on the approved application.

VII. Punctuality

For any given approval, unscheduled intercity buses must arrive no sooner than, and no later than 30 minutes after, the approved arrival time, otherwise the application shall be considered invalidated. Any loading/ unloading of passengers outside of this scheduled window shall result in a \$750.00 fine per passenger to the operator.

VIII. Proof of Application and Approval

Operators of unscheduled intercity buses must carry a physical or electronic copy of an approved application and present it for inspection at the place of loading/unloading upon request by any employee or designee of the City.

IX. Penalty.

Any operator of an unscheduled intercity bus that attempts to or does in fact load/unload passengers without an approved application shall be subject to a \$750.00 fine per passenger upon the intercity bus operator.