- 1 AN ACT in regard to vehicles.
- 2 Be it enacted by the People of the State of Illinois,
- 3 represented in the General Assembly:
- 4 Section 5. The Illinois Vehicle Code is amended by
- 5 changing Section 11-1201.1 as follows:
- 6 (625 ILCS 5/11-1201.1)
- 7 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
- 8 System.
- 9 (a) For the purposes of this Section, an automated
- 10 railroad grade crossing enforcement system is a system
- operated by a law enforcement agency that records a driver's
- 12 response to automatic, electrical or mechanical signal
- devices and crossing gates. The system shall be designed to
- 14 obtain a clear photograph or other recorded image of the
- vehicle, vehicle operator and the vehicle registration plate
- of a vehicle in violation of Section 11-1201 of this Code.
- 17 The photograph or other recorded image shall also display the
- 18 time, date and location of the violation.
- 19 (b) Commencing on January 1, 1996, the Illinois Commerce
- 20 Commission and the Commuter Rail Board of the Regional
- 21 Transportation Authority shall, in cooperation with local law
- 22 enforcement agencies, establish a 5 year pilot program within
- a county with a population of between 750,000 and 1,000,000
- 24 using an automated railroad grade crossing enforcement
- 25 system. The Commission shall determine the 3 railroad grade
- 26 crossings within that county that pose the greatest threat to
- 27 human life based upon the number of accidents and fatalities
- 28 at the crossings during the past 5 years and with approval of
- 29 the local law enforcement agency equip the crossings with an
- 30 automated railroad grade crossing enforcement system.
- 31 (b-1) Commencing on July 20, 2001 (the effective date of

- 1 Public Act 92-98), the Illinois Commerce Commission and the
- 2 Commuter Rail Board may, in cooperation with the local law
- 3 enforcement agency, establish in a county with a population
- 4 of between 750,000 and 1,000,000 a 2 year pilot program using
- 5 an automated railroad grade crossing enforcement system. This
- 6 pilot program may be established at a railroad grade crossing
- 7 designated by local authorities. No State moneys may be
- 8 expended on the automated railroad grade crossing enforcement
- 9 system established under this pilot program.
- 10 (c) For each violation of Section 11-1201 recorded by an
- 11 automatic railroad grade crossing system, the local law
- 12 enforcement agency having jurisdiction shall issue a written
- 13 Uniform Traffic Citation of the violation to the registered
- owner of the vehicle as the alleged violator. The Uniform
- 15 Traffic Citation shall be delivered to the registered owner
- of the vehicle, by mail, within 30 days of the violation.
- 17 The Uniform Traffic Citation shall include the name and
- 18 address of vehicle owner, the vehicle registration number,
- 19 the offense charged, the time, date, and location of the
- violation, the first available court date and that the basis
- of the citation is the photograph or other recorded image
- 22 from the automated railroad grade crossing enforcement
- 23 system.
- 24 (d) The Uniform Traffic Citation issued to the
- 25 registered owner of the vehicle shall be accompanied by a
- 26 written notice, the contents of which is set forth in
- 27 subsection (d-1) of this Section, explaining how the
- 28 registered owner of the vehicle can elect to proceed by
- 29 either paying the fine or challenging the issuance of the
- 30 Uniform Traffic Citation.
- (d-1) The written notice explaining the alleged
- 32 violator's rights and obligations must include the following
- 33 text:
- 34 "You have been served with the accompanying Uniform

- 1 Traffic Citation and cited with having violated Section
- 2 11-1201 of the Illinois Vehicle Code. You can elect to
- 3 proceed by:
- 4 1. Paying the fine; or
- 5 2. Challenging the issuance of the Uniform Traffic
- 6 Citation in court; or
- 7 3. If you were not the operator of the vehicle at the
- 8 time of the alleged offense, notifying in writing the
- 9 local law enforcement agency that issued the Uniform
- 10 Traffic Citation of the number of the Uniform Traffic
- 11 Citation received and the name and address of the person
- operating the vehicle at the time of the alleged offense.
- 13 If you fail to so notify in writing the local law
- 14 enforcement agency of the name and address of the
- operator of the vehicle at the time of the alleged
- offense, you may be presumed to have been the operator of
- the vehicle at the time of the alleged offense."
- 18 (d-2) If the registered owner of the vehicle was not the
- 19 operator of the vehicle at the time of the alleged offense,
- 20 and if the registered owner notifies the local law
- 21 enforcement agency having jurisdiction of the name and
- 22 address of the operator of the vehicle at the time of the
- 23 alleged offense, the local law enforcement agency having

jurisdiction shall then issue a written Uniform Traffic

- 25 Citation to the person alleged by the registered owner to
- 26 have been the operator of the vehicle at the time of the
- 27 alleged offense. If the registered owner fails to notify in
- 28 writing the local law enforcement agency having jurisdiction
- of the name and address of the operator of the vehicle at the
- 30 time of the alleged offense, the registered owner may be
- 31 presumed to have been the operator of the vehicle at the time
- 32 of the alleged offense.
- 33 (e) Evidence.

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34 (i) A certificate alleging that a violation of

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1 Section 11-1201 occurred, sworn to or affirmed by a duly authorized agency, based on inspection of recorded images produced by an automated railroad crossing enforcement system are evidence of the facts contained certificate and are admissible in any proceeding alleging a violation under this Section.

- (ii) Photographs or recorded images made by an automatic railroad grade crossing enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of Section 11-1201 of the Illinois Vehicle Code. However, any photograph or other recorded image evidencing a violation of Section 11-1201 shall be admissible in any proceeding resulting from the issuance of the Uniform Traffic Citation when there is reasonable and sufficient proof of the accuracy of the camera or electronic instrument recording the image. There is a rebuttable presumption that the photograph or recorded image is accurate if the camera or electronic recording instrument was in good working order at the beginning and the end of the day of the alleged offense.
- 23 Rail crossings equipped with an automatic railroad grade crossing enforcement system shall be posted with a sign 24 25 visible to approaching traffic stating that the railroad grade crossing is being monitored, that citations will be 26 issued, and the amount of the fine for violation. 27
- Except as provided in subsection (b-1), the cost of 28 29 the installation and maintenance of each automatic railroad 30 grade crossing enforcement system shall be paid from the Grade Crossing Protection Fund if the rail line is not owned 31 32 Commuter Rail Board of the Regional Transportation by Authority. Except as provided in subsection (b-1), if the 33 34 rail line is owned by the Commuter Rail Board of the Regional

- 1 Transportation Authority, the costs of the installation and
- 2 maintenance shall be paid from the Regional Transportation
- 3 Authority's portion of the Public Transportation Fund.
- 4 (h) The Illinois Commerce Commission shall issue a
- 5 report to the General Assembly at the conclusion of the 5
- 6 year pilot program established under subsection (b) on the
- 7 effectiveness of the automatic railroad grade crossing
- 8 enforcement system.
- 9 (i) If any part or parts of this Section are held by a
- 10 court of competent jurisdiction to be unconstitutional, the
- 11 unconstitutionality shall not affect the validity of the
- 12 remaining parts of this Section. The General Assembly hereby
- 13 declares that it would have passed the remaining parts of
- 14 this Section if it had known that the other part or parts of
- this Section would be declared unconstitutional.
- 16 (j) Penalty.
- 17 (i) A violation of this Section is a petty offense
- for which a fine of \$250 shall be imposed for a first
- violation, and a fine of \$500 shall be imposed for a
- second or subsequent violation. The court may impose 25
- 21 hours of community service in place of the \$250 fine for
- the first violation.
- 23 (ii) For a second or subsequent violation, the
- 24 Secretary of State may suspend the registration of the
- 25 motor vehicle for a period of at least 6 months.
- 26 (Source: P.A. 92-98, eff. 7-20-01; 92-245, eff. 8-3-01;
- 27 92-651, eff 7-11-02; 92-814, eff. 1-1-03.)