

SB1989



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1989

Introduced 2/7/2008, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1201.1

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning automated railroad grade crossing enforcement systems.

LRB095 17526 WGH 43600 b

A BILL FOR

1 AN ACT concerning transportation.

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 changing
5 Section 11-1201.1 as follows:

6 (625 ILCS 5/11-1201.1)

7 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
8 System Pilot Project.

9 (a) For the ~~the~~ purposes of this Section, an automated
10 railroad grade crossing enforcement system is a system operated
11 by a law enforcement agency that records a driver's response to
12 automatic, electrical or mechanical signal devices and
13 crossing gates. The system shall be designed to obtain a clear
14 photograph or other recorded image of the vehicle, vehicle
15 operator and the vehicle registration plate of a vehicle in
16 violation of Section 11-1201. The photograph or other recorded
17 image shall also display the time, date and location of the
18 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
23 county with a population of between 750,000 and 1,000,000 using

1 an automated railroad grade crossing enforcement system. The
2 Commission shall determine the 3 railroad grade crossings
3 within that county that pose the greatest threat to human life
4 based upon the number of accidents and fatalities at the
5 crossings during the past 5 years and with approval of the
6 local law enforcement agency equip the crossings with an
7 automated railroad grade crossing enforcement system.

8 (b-1) Commencing on July 20, 2001 (the effective date of
9 Public Act 92-98), the Illinois Commerce Commission and the
10 Commuter Rail Board may, in cooperation with the local law
11 enforcement agency, establish in a county with a population of
12 between 750,000 and 1,000,000 a 2 year pilot program using an
13 automated railroad grade crossing enforcement system. This
14 pilot program may be established at a railroad grade crossing
15 designated by local authorities. No State moneys may be
16 expended on the automated railroad grade crossing enforcement
17 system established under this pilot program.

18 (c) For each violation of Section 11-1201 recorded by an
19 automatic railroad grade crossing system, the local law
20 enforcement agency having jurisdiction shall issue a written
21 Uniform Traffic Citation of the violation to the registered
22 owner of the vehicle as the alleged violator. The Uniform
23 Traffic Citation shall be delivered to the registered owner of
24 the vehicle, by mail, within 30 days of the violation. The
25 Uniform Traffic Citation shall include the name and address of
26 vehicle owner, the vehicle registration number, the offense

1 charged, the time, date, and location of the violation, the
2 first available court date and that the basis of the citation
3 is the photograph or other recorded image from the automated
4 railroad grade crossing enforcement system.

5 (d) The Uniform Traffic Citation issued to the registered
6 owner of the vehicle shall be accompanied by a written notice,
7 the contents of which is set forth in subsection (d-1) of this
8 Section, explaining how the registered owner of the vehicle can
9 elect to proceed by either paying the fine or challenging the
10 issuance of the Uniform Traffic Citation.

11 (d-1) The written notice explaining the alleged violator's
12 rights and obligations must include the following text:

13 "You have been served with the accompanying Uniform Traffic
14 Citation and cited with having violated Section 11-1201 of the
15 Illinois Vehicle Code. You can elect to proceed by:

16 1. Paying the fine; or
17 2. Challenging the issuance of the Uniform Traffic
18 Citation in court; or

19 3. If you were not the operator of the vehicle at the
20 time of the alleged offense, notifying in writing the local
21 law enforcement agency that issued the Uniform Traffic
22 Citation of the number of the Uniform Traffic Citation
23 received and the name and address of the person operating
24 the vehicle at the time of the alleged offense. If you fail
25 to so notify in writing the local law enforcement agency of
26 the name and address of the operator of the vehicle at the

1 time of the alleged offense, you may be presumed to have
2 been the operator of the vehicle at the time of the alleged
3 offense."

4 (d-2) If the registered owner of the vehicle was not the
5 operator of the vehicle at the time of the alleged offense, and
6 if the registered owner notifies the local law enforcement
7 agency having jurisdiction of the name and address of the
8 operator of the vehicle at the time of the alleged offense, the
9 local law enforcement agency having jurisdiction shall then
10 issue a written Uniform Traffic Citation to the person alleged
11 by the registered owner to have been the operator of the
12 vehicle at the time of the alleged offense. If the registered
13 owner fails to notify in writing the local law enforcement
14 agency having jurisdiction of the name and address of the
15 operator of the vehicle at the time of the alleged offense, the
16 registered owner may be presumed to have been the operator of
17 the vehicle at the time of the alleged offense.

18 (e) Evidence.

19 (i) A certificate alleging that a violation of Section
20 11-1201 occurred, sworn to or affirmed by a duly authorized
21 agency, based on inspection of recorded images produced by
22 an automated railroad crossing enforcement system are
23 evidence of the facts contained in the certificate and are
24 admissible in any proceeding alleging a violation under
25 this Section.

26 (ii) Photographs or recorded images made by an

1 automatic railroad grade crossing enforcement system are
2 confidential and shall be made available only to the
3 alleged violator and governmental and law enforcement
4 agencies for purposes of adjudicating a violation of
5 Section 11-1201 of the Illinois Vehicle Code. The
6 photographs may also be made available to governmental
7 agencies for the purpose of a safety analysis of the
8 crossing where the automatic railroad grade crossing
9 enforcement system is installed. However, any photograph
10 or other recorded image evidencing a violation of Section
11 11-1201 shall be admissible in any proceeding resulting
12 from the issuance of the Uniform Traffic Citation when
13 there is reasonable and sufficient proof of the accuracy of
14 the camera or electronic instrument recording the image.
15 There is a rebuttable presumption that the photograph or
16 recorded image is accurate if the camera or electronic
17 recording instrument was in good working order at the
18 beginning and the end of the day of the alleged offense.

19 (f) Rail crossings equipped with an automatic railroad
20 grade crossing enforcement system shall be posted with a sign
21 visible to approaching traffic stating that the railroad grade
22 crossing is being monitored, that citations will be issued, and
23 the amount of the fine for violation.

24 (g) Except as provided in subsection (b-1), the cost of the
25 installation and maintenance of each automatic railroad grade
26 crossing enforcement system shall be paid from the Grade

1 Crossing Protection Fund if the rail line is not owned by
2 Commuter Rail Board of the Regional Transportation Authority.
3 Except as provided in subsection (b-1), if the rail line is
4 owned by the Commuter Rail Board of the Regional Transportation
5 Authority, the costs of the installation and maintenance shall
6 be paid from the Regional Transportation Authority's portion of
7 the Public Transportation Fund.

8 (h) The Illinois Commerce Commission shall issue a report
9 to the General Assembly at the conclusion of the 5 year pilot
10 program established under subsection (b) on the effectiveness
11 of the automatic railroad grade crossing enforcement system.

12 (i) If any part or parts of this Section are held by a
13 court of competent jurisdiction to be unconstitutional, the
14 unconstitutionality shall not affect the validity of the
15 remaining parts of this Section. The General Assembly hereby
16 declares that it would have passed the remaining parts of this
17 Section if it had known that the other part or parts of this
18 Section would be declared unconstitutional.

19 (j) Penalty.

20 (i) A violation of this Section is a petty offense for
21 which a fine of \$250 shall be imposed for a first
22 violation, and a fine of \$500 shall be imposed for a second
23 or subsequent violation. The court may impose 25 hours of
24 community service in place of the \$250 fine for the first
25 violation.

26 (ii) For a second or subsequent violation, the

1 Secretary of State may suspend the registration of the
2 motor vehicle for a period of at least 6 months.

3 (Source: P.A. 94-771, eff. 1-1-07.)