

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  
11 operated by a law enforcement agency that records a driver's  
12 response to automatic, electrical or mechanical signal  
13 devices and crossing gates. The system shall be designed to  
14 obtain a clear photograph or other recorded image of the  
15 vehicle, vehicle operator and the vehicle registration plate  
16 of a vehicle in violation of Section 11-1201. The photograph  
17 or other recorded image shall also display the time, date and  
18 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  
23 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) this-amendatory-Act--of--the--92nd--General~~  
2 ~~Assembly,~~ the Illinois Commerce Commission and the Commuter  
3 Rail Board may, in cooperation with the local law enforcement  
4 agency, establish in a county with a population of between  
5 750,000 and 1,000,000 a 2 year pilot program using an  
6 automated railroad grade crossing enforcement system. This  
7 pilot program may be established at a railroad grade crossing  
8 designated by local authorities. No State moneys may be  
9 expended on the automated railroad grade crossing enforcement  
10 system established under this pilot program.

11 (c) For each violation of Section 11-1201 recorded by an  
12 automatic railroad grade crossing system, the local law  
13 enforcement agency having jurisdiction shall issue a written  
14 Uniform Traffic Citation of the violation to the registered  
15 owner of the vehicle as the alleged violator. The Uniform  
16 Traffic Citation shall be delivered to the registered owner  
17 of the vehicle, by mail, within 30 days of the violation.  
18 The Uniform Traffic Citation shall include the name and  
19 address of vehicle owner, the vehicle registration number,  
20 the offense charged, the time, date, and location of the  
21 violation, the first available court date and that the basis  
22 of the citation is the photograph or other recorded image  
23 from the automated railroad grade crossing enforcement  
24 system.

25 (d) The Uniform Traffic Citation issued to the  
26 registered owner of the vehicle shall be accompanied by a  
27 written notice, the contents of which is set forth in  
28 subsection (d-1) of this Section, explaining how the  
29 registered owner of the vehicle can elect to proceed by  
30 either paying the fine or challenging the issuance of the  
31 Uniform Traffic Citation.

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

1 "You have been served with the accompanying Uniform  
2 Traffic Citation and cited with having violated Section  
3 11-1201 of the Illinois Vehicle Code. You can elect to  
4 proceed by:

- 5 1. Paying the fine; or
- 6 2. Challenging the issuance of the Uniform Traffic  
7 Citation in court; or
- 8 3. If you were not the operator of the vehicle at the  
9 time of the alleged offense, notifying in writing the  
10 local law enforcement agency that issued the Uniform  
11 Traffic Citation of the number of the Uniform Traffic  
12 Citation received and the name and address of the person  
13 operating the vehicle at the time of the alleged offense.  
14 If you fail to so notify in writing the local law  
15 enforcement agency of the name and address of the  
16 operator of the vehicle at the time of the alleged  
17 offense, you may be presumed to have been the operator of  
18 the vehicle at the time of the alleged offense."

19 (d-2) If the registered owner of the vehicle was not the  
20 operator of the vehicle at the time of the alleged offense,  
21 and if the registered owner notifies the local law  
22 enforcement agency having jurisdiction of the name and  
23 address of the operator of the vehicle at the time of the  
24 alleged offense, the local law enforcement agency having  
25 jurisdiction shall then issue a written Uniform Traffic  
26 Citation to the person alleged by the registered owner to  
27 have been the operator of the vehicle at the time of the  
28 alleged offense. If the registered owner fails to notify in  
29 writing the local law enforcement agency having jurisdiction  
30 of the name and address of the operator of the vehicle at the  
31 time of the alleged offense, the registered owner may be  
32 presumed to have been the operator of the vehicle at the time  
33 of the alleged offense.

34 (e) Evidence.

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

8           (ii) Photographs or recorded images made by an  
9     automatic railroad grade crossing enforcement system are  
10    confidential and shall be made available only to the  
11    alleged violator and governmental and law enforcement  
12    agencies for purposes of adjudicating a violation of  
13    Section 11-1201 of the Illinois Vehicle Code. However,  
14    any photograph or other recorded image evidencing a  
15    violation of Section 11-1201 shall be admissible in any  
16    proceeding resulting from the issuance of the Uniform  
17    Traffic Citation when there is reasonable and sufficient  
18    proof of the accuracy of the camera or electronic  
19    instrument recording the image. There is a rebuttable  
20    presumption that the photograph or recorded image is  
21    accurate if the camera or electronic recording instrument  
22    was in good working order at the beginning and the end of  
23    the day of the alleged offense.

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

29          (g) Except as provided in subsection (b-1), the cost of  
30    the installation and maintenance of each automatic railroad  
31    grade crossing enforcement system shall be paid from the  
32    Grade Crossing Protection Fund if the rail line is not owned  
33    by Commuter Rail Board of the Regional Transportation  
34    Authority. Except as provided in subsection (b-1), if the

1 rail line is owned by the Commuter Rail Board of the Regional  
2 Transportation Authority, the costs of the installation and  
3 maintenance shall be paid from the Regional Transportation  
4 Authority's portion of the Public Transportation Fund.

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

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

17 (j) Penalty.

18 (i) A violation of this Section is a petty offense  
19 for which a fine of \$250 shall be imposed for a first  
20 violation, and a fine of \$500 shall be imposed for a  
21 second or subsequent violation.

22 (ii) For a second or subsequent violation, the  
23 Secretary of State may suspend the registration of the  
24 motor vehicle for a period of at least 6 months.

25 (Source: P.A. 92-98, eff. 7-20-01; 92-245, eff. 8-3-01;  
26 revised 10-18-01.)