

1 AN ACT concerning 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 Sections 11-1201 and 11-1201.1 as follows:

6 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

7 Sec. 11-1201. Obedience to signal indicating approach of
8 train.

9 (a) Whenever any person driving a vehicle approaches a
10 railroad grade crossing such person must exercise due care
11 and caution as the existence of a railroad track across a
12 highway is a warning of danger, and under any of the
13 circumstances stated in this Section, the driver shall stop
14 within 50 feet but not less than 15 feet from the nearest
15 rail of the railroad and shall not proceed until he can do so
16 safely. The foregoing requirements shall apply when:

17 1. A clearly visible electric or mechanical signal
18 device gives warning of the immediate approach of a
19 railroad train;

20 2. A crossing gate is lowered or a human flagman
21 gives or continues to give a signal of the approach or
22 passage of a railroad train;

23 3. A railroad train approaching a highway crossing
24 emits a warning signal and such railroad train, by reason
25 of its speed or nearness to such crossing, is an
26 immediate hazard;

27 4. An approaching railroad train is plainly visible
28 and is in hazardous proximity to such crossing.

29 5. A railroad train is approaching so closely that
30 an immediate hazard is created.

31 (b) No person shall drive any vehicle through, around or

1 under any crossing gate or barrier at a railroad crossing
2 while such gate or barrier is closed or is being opened or
3 closed.

4 (c) The Department, and local authorities with the
5 approval of the Department, are hereby authorized to
6 designate particularly dangerous highway grade crossings of
7 railroads and to erect stop signs thereat. When such stop
8 signs are erected the driver of any vehicle shall stop within
9 50 feet but not less than 15 feet from the nearest rail of
10 such railroad and shall proceed only upon exercising due
11 care.

12 (d) At any railroad grade crossing provided with
13 railroad crossbuck signs, without automatic, electric, or
14 mechanical signal devices, crossing gates, or a human flagman
15 giving a signal of the approach or passage of a train, the
16 driver of a vehicle shall in obedience to the railroad
17 crossbuck sign, yield the right-of-way and slow down to a
18 speed reasonable for the existing conditions and shall stop,
19 if required for safety, at a clearly marked stopped line, or
20 if no stop line, within 50 feet but not less than 15 feet
21 from the nearest rail of the railroad and shall not proceed
22 until he or she can do so safely. If a driver is involved in
23 a collision at a railroad crossing or interferes with the
24 movement of a train after driving past the railroad crossbuck
25 sign, the collision or interference is prima facie evidence
26 of the driver's failure to yield right-of-way.

27 (e) It is unlawful to violate A-violation-of any part of
28 this Section. A first conviction of a person for a violation
29 of any part of this Section shall result in a mandatory fine
30 of \$250; all subsequent convictions of that person for any
31 violation of any part of this Section shall each result in a
32 mandatory fine of \$500 or 50-hours-of-community-service.

33 (f) Corporate Local authorities of municipal
34 corporations regulating operators of shall--impose--fines--as

1 established--in-subsection-(e)-for vehicles that fail to obey
 2 signals indicating the presence, approach, passage, or
 3 departure of a train shall impose fines as established in
 4 subsection (e) of this Section.

5 (Source: P.A. 89-186, eff. 1-1-96; 89-658, eff. 1-1-97.)

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 ~~two~~ year pilot program
 23 within a county with a population of between 750,000 and
 24 1,000,000 using an automated railroad grade crossing
 25 enforcement system. The Commission shall determine the 3
 26 railroad grade crossings within that county that pose the
 27 greatest threat to human life based upon the number of
 28 accidents and fatalities at the crossings during the past 5
 29 years and with approval of the local law enforcement agency
 30 equip the crossings with an automated railroad grade crossing
 31 enforcement system.

32 (c) For each violation of Section 11-1201 recorded by an
 33 automatic railroad grade crossing system, the local law

1 enforcement agency having jurisdiction shall issue a written
 2 Uniform Traffic Citation of the violation to the registered
 3 owner of the vehicle as the alleged violator. The Uniform
 4 Traffic Citation shall be delivered to the registered owner
 5 of the vehicle, by mail, within 30 days of the violation.
 6 The Uniform Traffic Citation shall include the name and
 7 address of vehicle owner, the vehicle registration number,
 8 the offense charged, the time, date, and location of the
 9 violation, the first available court date and that the basis
 10 of the citation is the photograph or other recorded image
 11 from the automated railroad grade crossing enforcement
 12 system.

13 (d) The Uniform Traffic Citation issued to the
 14 registered owner of the vehicle violator shall be accompanied
 15 by a written notice, the contents of which is set forth in
 16 subsection (d-1) of this Section, explaining document--which
 17 explains--the--violator's--rights-and-obligations-and how the
 18 registered owner of the vehicle violator can elect to proceed
 19 by either paying the fine or challenging the issuance of the
 20 Uniform Traffic Citation.

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

24 "You have been served with the accompanying Uniform
 25 Traffic Citation and cited with having violated Section
 26 11-1201 of the Illinois Vehicle Code. You can elect to
 27 proceed by:

- 28 1. Paying the fine; or
- 29 2. Challenging the issuance of the Uniform Traffic
 30 Citation in court; or
- 31 3. If you were not the operator of the vehicle at the
 32 time of the alleged offense, notifying in writing the
 33 local law enforcement agency that issued the Uniform
 34 Traffic Citation of the number of the Uniform Traffic

1 Citation received and the name and address of the person
 2 operating the vehicle at the time of the alleged offense.
 3 If you fail to so notify in writing the local law
 4 enforcement agency of the name and address of the
 5 operator of the vehicle at the time of the alleged
 6 offense, you may be presumed to have been the operator of
 7 the vehicle at the time of the alleged offense."

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

23 (e) Evidence.

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

31 (ii) Photographs or recorded images made by an
 32 automatic railroad grade crossing enforcement system are
 33 confidential and shall be made available only to the
 34 alleged violator and governmental and law enforcement

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

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
22 grade crossing is being monitored, that citations will be
23 issued, and the amount of the fine for violation.

24 (g) The cost of the installation and maintenance of each
25 automatic railroad grade crossing enforcement system shall be
26 paid from the Grade Crossing Protection Fund if the rail line
27 is not owned by Commuter Rail Board of the Regional
28 Transportation Authority. If the rail line is owned by the
29 Commuter Rail Board of the Regional Transportation Authority,
30 the costs of the installation and maintenance shall be paid
31 from the Regional Transportation Authority's portion of the
32 Public Transportation Fund.

33 (h) The Illinois Commerce Commission shall issue a
34 report to the General Assembly at the conclusion of the 5 twe

1 year pilot program on the effectiveness of the automatic
2 railroad grade crossing enforcement system.

3 (i) If any part or parts of this Section are held by a
4 court of competent jurisdiction to be unconstitutional, the
5 unconstitutionality shall not affect the validity of the
6 remaining parts of this Section. The General Assembly hereby
7 declares that it would have passed the remaining parts of
8 this Section if it had known that the other part or parts of
9 this Section would be declared unconstitutional.

10 (j) Penalty.

11 (i) A violation of this Section is a petty offense
12 for which a fine of \$250 shall be imposed for a first
13 violation, and a fine of \$500 shall be imposed for a
14 second or subsequent violation.

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

18 (Source: P.A. 89-454, eff. 5-17-96; 90-14, eff. 7-1-97.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.