

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 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
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), 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
14 owner of the vehicle as the alleged violator. The Uniform
15 Traffic Citation shall be delivered to the registered owner
16 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
20 violation, the first available court date and that the basis
21 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.

31 (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
12 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
15 operator of the vehicle at the time of the alleged
16 offense, you may be presumed to have been the operator of
17 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
24 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
29 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.

34 (i) A certificate alleging that a violation of

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

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

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

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

16 (j) Penalty.

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