



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2865

Introduced 1/20/2006, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1201.1
625 ILCS 5/11-1201.5 new

Amends the Illinois Vehicle Code. Provides that the Illinois Commerce Commission and the Illinois Department of Transportation, in cooperation with a local law enforcement agency, may establish in any county or municipality a system for automated enforcement of railroad crossing violations. Provides for automated recording of vehicles that enter a railroad crossing against the signal or that obstruct traffic at a railroad crossing. Provides for the issuance of a Uniform Traffic Citation to the owner of the recorded vehicle. Establishes procedures for contesting the violation. Provides that violation of the provision is a petty offense for which a fine of \$250, or 25 hours of community service, shall be imposed. Provides that a fine of \$500 shall be imposed for a second or subsequent violation. Provides that the Secretary of State may suspend for not less than 6 months the registration of a vehicle involved in a second or subsequent violation. Provides that photographs from a system established under the new provision, or under the provision establishing a similar pilot program, can be made available to governmental agencies for safety analysis of the railroad crossing.

LRB094 19100 DRH 54615 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 and adding Section 11-1201.5 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 purposes of this Section, an automated railroad
10 grade crossing enforcement system is a system operated by a law
11 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
24 an automated railroad grade crossing enforcement system. The
25 Commission shall determine the 3 railroad grade crossings
26 within that county that pose the greatest threat to human life
27 based upon the number of accidents and fatalities at the
28 crossings during the past 5 years and with approval of the
29 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
32 Public Act 92-98), the Illinois Commerce Commission and the

1 Commuter Rail Board may, in cooperation with the local law
2 enforcement agency, establish in a county with a population of
3 between 750,000 and 1,000,000 a 2 year pilot program using an
4 automated railroad grade crossing enforcement system. This
5 pilot program may be established at a railroad grade crossing
6 designated by local authorities. No State moneys may be
7 expended on the automated railroad grade crossing enforcement
8 system established under this pilot program.

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

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

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

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

- 33 1. Paying the fine; or
- 34 2. Challenging the issuance of the Uniform Traffic Citation
35 in court; or
- 36 3. If you were not the operator of the vehicle at the time

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

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

25 (e) Evidence.

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

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

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

21 (g) Except as provided in subsection (b-1), the cost of the
22 installation and maintenance of each automatic railroad grade
23 crossing enforcement system shall be paid from the Grade
24 Crossing Protection Fund if the rail line is not owned by
25 Commuter Rail Board of the Regional Transportation Authority.
26 Except as provided in subsection (b-1), if the rail line is
27 owned by the Commuter Rail Board of the Regional Transportation
28 Authority, the costs of the installation and maintenance shall
29 be paid from the Regional Transportation Authority's portion of
30 the Public Transportation Fund.

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

35 (i) If any part or parts of this Section are held by a
36 court of competent jurisdiction to be unconstitutional, the

1 unconstitutional shall not affect the validity of the
2 remaining parts of this Section. The General Assembly hereby
3 declares that it would have passed the remaining parts of this
4 Section if it had known that the other part or parts of this
5 Section would be declared unconstitutional.

6 (j) Penalty.

7 (i) A violation of this Section is a petty offense for
8 which a fine of \$250 shall be imposed for a first
9 violation, and a fine of \$500 shall be imposed for a second
10 or subsequent violation. The court may impose 25 hours of
11 community service in place of the \$250 fine for the first
12 violation.

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

16 (Source: P.A. 92-98, eff. 7-20-01; 92-245, eff. 8-3-01; 92-651,
17 eff 7-11-02; 92-814, eff. 1-1-03.)

18 (625 ILCS 5/11-1201.5 new)

19 Sec. 11-1201.5. Automated railroad crossing enforcement
20 system.

21 (a) For the purposes of this Section, an automated railroad
22 grade crossing enforcement system is a system operated by a law
23 enforcement agency that records a driver's response to
24 automatic, electrical, or mechanical signal devices and
25 crossing gates. The system shall be designed to obtain a clear
26 photograph or other recorded image of the vehicle, vehicle
27 operator, and the vehicle registration plate of a vehicle in
28 violation of Section 11-1201 or 11-1425. The photograph or
29 other recorded image shall also display the time, date, and
30 location of the violation.

31 (b) The Illinois Commerce Commission and the Illinois
32 Department of Transportation may, in cooperation with a local
33 law enforcement agency, establish in any county or municipality
34 an automated railroad grade crossing enforcement system at any
35 railroad grade crossing designated by local authorities.

1 (c) For each violation of Section 11-1201 or 11-1425
2 recorded by an automatic railroad grade crossing system, the
3 local law enforcement agency having jurisdiction shall issue a
4 written Uniform Traffic Citation of the violation to the
5 registered owner of the vehicle as the alleged violator. The
6 Uniform Traffic Citation shall be delivered to the registered
7 owner of the vehicle, by mail, within 30 days of the violation.
8 The Uniform Traffic Citation shall include the name and address
9 of vehicle owner, the vehicle registration number, the offense
10 charged, the time, date, and location of the violation, the
11 first available court date, and that the basis of the citation
12 is the photograph or other recorded image from the automated
13 railroad grade crossing enforcement system.

14 (d) The Uniform Traffic Citation issued to the registered
15 owner of the vehicle shall be accompanied by a written notice,
16 the contents of which is set forth in subsection (e) of this
17 Section, explaining how the registered owner of the vehicle can
18 elect to proceed by either paying the fine or challenging the
19 issuance of the Uniform Traffic Citation.

20 (e) The written notice explaining the alleged violator's
21 rights and obligations must include the following text:

22 "You have been served with the accompanying Uniform Traffic
23 Citation and cited with having violated Section 11-1201 or
24 11-1425 of the Illinois Vehicle Code. You can elect to proceed
25 by:

26 1. Paying the fine; or

27 2. Challenging the issuance of the Uniform Traffic
28 Citation in court; or

29 3. If you were not the operator of the vehicle at the
30 time of the alleged offense, notifying in writing the local
31 law enforcement agency that issued the Uniform Traffic
32 Citation of the number of the Uniform Traffic Citation
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5 operator of the vehicle at the time of the alleged offense, and
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20 11-1201 or 11-1425 occurred, sworn to or affirmed by a duly
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22 produced by an automated railroad crossing enforcement
23 system, are evidence of the facts contained in the
24 certificate and are admissible in any proceeding alleging a
25 violation under this Section.

26 (2) Photographs or recorded images made by an automatic
27 railroad grade crossing enforcement system are
28 confidential and shall be made available only to the
29 alleged violator and governmental and law enforcement
30 agencies for purposes of adjudicating a violation of
31 Section 11-1201 or 11-1425 of the Illinois Vehicle Code.
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10 (h) Rail crossings equipped with an automatic railroad
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12 visible to approaching traffic stating that the railroad grade
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16 court of competent jurisdiction to be unconstitutional, the
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29 (2) For a second or subsequent violation, the Secretary
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