

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 Sections 11-612 and 11-1201.5 as
6 follows:

7 (625 ILCS 5/11-612 new)

8 Sec. 11-612. Certain systems to record vehicle speeds
9 prohibited. Except as authorized in the Automated Traffic
10 Control Systems in Highway Construction or Maintenance Zones
11 Act, no photographic, video, or other imaging system may be
12 used in this State to record vehicle speeds for the purpose of
13 enforcing any law or ordinance regarding a maximum or minimum
14 speed limit unless a law enforcement officer is present at the
15 scene and witnesses the event. No State or local governmental
16 entity, including a home rule county or municipality, may use
17 such a system in a way that is prohibited by this Section. The
18 regulation of the use of such systems is an exclusive power and
19 function of the State. This Section is a denial and limitation
20 of home rule powers and functions under subsection (h) of
21 Section 6 of Article VII of the Illinois Constitution.

22 (625 ILCS 5/11-1201.1)

23 Sec. 11-1201.1. Automated Railroad Crossing Enforcement
24 System Pilot Project.

25 (a) For the purposes of this Section, an automated railroad
26 grade crossing enforcement system is a system operated by a law
27 enforcement agency that records a driver's response to
28 automatic, electrical or mechanical signal devices and
29 crossing gates. The system shall be designed to obtain a clear
30 photograph or other recorded image of the vehicle, vehicle
31 operator and the vehicle registration plate of a vehicle in

1 violation of Section 11-1201. The photograph or other recorded
2 image shall also display the time, date and location of the
3 violation.

4 (b) Commencing on January 1, 1996, the Illinois Commerce
5 Commission and the Commuter Rail Board of the Regional
6 Transportation Authority shall, in cooperation with local law
7 enforcement agencies, establish a 5 year pilot program within a
8 county with a population of between 750,000 and 1,000,000 using
9 an automated railroad grade crossing enforcement system. The
10 Commission shall determine the 3 railroad grade crossings
11 within that county that pose the greatest threat to human life
12 based upon the number of accidents and fatalities at the
13 crossings during the past 5 years and with approval of the
14 local law enforcement agency equip the crossings with an
15 automated railroad grade crossing enforcement system.

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

26 (c) For each violation of Section 11-1201 recorded by an
27 automatic railroad grade crossing system, the local law
28 enforcement agency having jurisdiction shall issue a written
29 Uniform Traffic Citation of the violation to the registered
30 owner of the vehicle as the alleged violator. The Uniform
31 Traffic Citation shall be delivered to the registered owner of
32 the vehicle, by mail, within 30 days of the violation. The
33 Uniform Traffic Citation shall include the name and address of
34 vehicle owner, the vehicle registration number, the offense
35 charged, the time, date, and location of the violation, the
36 first available court date and that the basis of the citation

1 is the photograph or other recorded image from the automated
2 railroad grade crossing enforcement system.

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

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

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

- 14 1. Paying the fine; or
- 15 2. Challenging the issuance of the Uniform Traffic Citation
16 in court; or
- 17 3. If you were not the operator of the vehicle at the time
18 of the alleged offense, notifying in writing the local law
19 enforcement agency that issued the Uniform Traffic
20 Citation of the number of the Uniform Traffic Citation
21 received and the name and address of the person operating
22 the vehicle at the time of the alleged offense. If you fail
23 to so notify in writing the local law enforcement agency of
24 the name and address of the operator of the vehicle at the
25 time of the alleged offense, you may be presumed to have
26 been the operator of the vehicle at the time of the alleged
27 offense."

28 (d-2) If the registered owner of the vehicle was not the
29 operator of the vehicle at the time of the alleged offense, and
30 if the registered owner notifies the local law enforcement
31 agency having jurisdiction of the name and address of the
32 operator of the vehicle at the time of the alleged offense, the
33 local law enforcement agency having jurisdiction shall then
34 issue a written Uniform Traffic Citation to the person alleged
35 by the registered owner to have been the operator of the
36 vehicle at the time of the alleged offense. If the registered

1 owner fails to notify in writing the local law enforcement
2 agency having jurisdiction of the name and address of the
3 operator of the vehicle at the time of the alleged offense, the
4 registered owner may be presumed to have been the operator of
5 the vehicle at the time of the alleged offense.

6 (e) Evidence.

7 (i) A certificate alleging that a violation of Section
8 11-1201 occurred, sworn to or affirmed by a duly authorized
9 agency, based on inspection of recorded images produced by
10 an automated railroad crossing enforcement system are
11 evidence of the facts contained in the certificate and are
12 admissible in any proceeding alleging a violation under
13 this Section.

14 (ii) Photographs or recorded images made by an
15 automatic railroad grade crossing enforcement system are
16 confidential and shall be made available only to the
17 alleged violator and governmental and law enforcement
18 agencies for purposes of adjudicating a violation of
19 Section 11-1201 of the Illinois Vehicle Code. The
20 photographs may also be made available to governmental
21 agencies for the purpose of a safety analysis of the
22 crossing where the automatic railroad grade crossing
23 enforcement system is installed. However, any photograph
24 or other recorded image evidencing a violation of Section
25 11-1201 shall be admissible in any proceeding resulting
26 from the issuance of the Uniform Traffic Citation when
27 there is reasonable and sufficient proof of the accuracy of
28 the camera or electronic instrument recording the image.
29 There is a rebuttable presumption that the photograph or
30 recorded image is accurate if the camera or electronic
31 recording instrument was in good working order at the
32 beginning and the end of the day of the alleged offense.

33 (f) Rail crossings equipped with an automatic railroad
34 grade crossing enforcement system shall be posted with a sign
35 visible to approaching traffic stating that the railroad grade
36 crossing is being monitored, that citations will be issued, and

1 the amount of the fine for violation.

2 (g) Except as provided in subsection (b-1), the cost of the
3 installation and maintenance of each automatic railroad grade
4 crossing enforcement system shall be paid from the Grade
5 Crossing Protection Fund if the rail line is not owned by
6 Commuter Rail Board of the Regional Transportation Authority.
7 Except as provided in subsection (b-1), if the rail line is
8 owned by the Commuter Rail Board of the Regional Transportation
9 Authority, the costs of the installation and maintenance shall
10 be paid from the Regional Transportation Authority's portion of
11 the Public Transportation Fund.

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

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

23 (j) Penalty.

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

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

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

35 (625 ILCS 5/11-1201.5 new)

1 Sec. 11-1201.5. Automated railroad crossing enforcement
2 system.

3 (a) For the purposes of this Section, an automated railroad
4 grade crossing enforcement system is a system operated by a law
5 enforcement agency that records a driver's response to
6 automatic, electrical, or mechanical signal devices and
7 crossing gates. The system shall be designed to obtain a clear
8 photograph or other recorded image of the vehicle, vehicle
9 operator, and the vehicle registration plate of a vehicle in
10 violation of Section 11-1201 or 11-1425. The photograph or
11 other recorded image shall also display the time, date, and
12 location of the violation.

13 (b) The Illinois Commerce Commission and the Illinois
14 Department of Transportation may, in cooperation with a local
15 law enforcement agency, establish in any county or municipality
16 an automated railroad grade crossing enforcement system at any
17 railroad grade crossing designated by local authorities. Local
18 authorities desiring the establishment of an automated
19 railroad crossing enforcement system must initiate the process
20 by enacting a local ordinance requesting the creation of such a
21 system. After the ordinance has been enacted, and before any
22 additional steps toward the establishment of the system are
23 undertaken, the local authorities, the Commission, and the
24 Department must agree to a plan for obtaining, from any
25 combination of federal, State, and local funding sources, the
26 moneys required for the purchase and installation of any
27 necessary equipment.

28 (c) For each violation of Section 11-1201 or 11-1425
29 recorded by an automatic railroad grade crossing system, the
30 local law enforcement agency having jurisdiction shall issue a
31 written Uniform Traffic Citation of the violation to the
32 registered owner of the vehicle as the alleged violator. The
33 Uniform Traffic Citation shall be delivered to the registered
34 owner of the vehicle, by mail, within 30 days of the violation.
35 The Uniform Traffic Citation shall include the name and address
36 of 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 (e) 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 (e) 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 or
15 11-1425 of the Illinois Vehicle Code. You can elect to proceed
16 by:

17 1. Paying the fine; or

18 2. Challenging the issuance of the Uniform Traffic
19 Citation in court; or

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

31 (f) If the registered owner of the vehicle was not the
32 operator of the vehicle at the time of the alleged offense, and
33 if the registered owner notifies the local law enforcement
34 agency having jurisdiction of the name and address of the
35 operator of the vehicle at the time of the alleged offense, the
36 local law enforcement agency having jurisdiction shall then

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2 by the registered owner to have been the operator of the
3 vehicle at the time of the alleged offense. If the registered
4 owner fails to notify in writing the local law enforcement
5 agency having jurisdiction of the name and address of the
6 operator of the vehicle at the time of the alleged offense, the
7 registered owner may be presumed to have been the operator of
8 the vehicle at the time of the alleged offense.

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10 (1) A certificate alleging that a violation of Section
11 11-1201 or 11-1425 occurred, sworn to or affirmed by a duly
12 authorized agency, based on inspection of recorded images
13 produced by an automated railroad crossing enforcement
14 system, are evidence of the facts contained in the
15 certificate and are admissible in any proceeding alleging a
16 violation under this Section.

17 (2) Photographs or recorded images made by an automatic
18 railroad grade crossing enforcement system are
19 confidential and shall be made available only to the
20 alleged violator and governmental and law enforcement
21 agencies for purposes of adjudicating a violation of
22 Section 11-1201 or 11-1425 of the Illinois Vehicle Code.
23 The photographs may also be made available to governmental
24 agencies for the purpose of a safety analysis of the
25 crossing where the automatic railroad grade crossing
26 enforcement system is installed. However, any photograph
27 or other recorded image evidencing a violation of Section
28 11-1201 or 11-1425 shall be admissible in any proceeding
29 resulting from the issuance of the Uniform Traffic Citation
30 when there is reasonable and sufficient proof of the
31 accuracy of the camera or electronic instrument recording
32 the image. There is a rebuttable presumption that the
33 photograph or recorded image is accurate if the camera or
34 electronic recording instrument was in good working order
35 at the beginning and the end of the day of the alleged
36 offense.

1 (h) Rail crossings equipped with an automatic railroad
2 grade crossing enforcement system shall be posted with a sign
3 visible to approaching traffic stating that the railroad grade
4 crossing is being monitored, that citations will be issued, and
5 the amount of the fine for violation.

6 (i) A county or municipality, including a home rule county
7 or municipality, may not use an automated railroad crossing
8 enforcement system to provide recorded images of a motor
9 vehicle for the purpose of recording its speed. The regulation
10 of the use of automated railroad crossing enforcement systems
11 to record vehicle speeds is an exclusive power and function of
12 the State. This subsection (i) is a denial and limitation of
13 home rule powers and functions under subsection (h) of Section
14 6 of Article VII of the Illinois Constitution.

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

22 (k) Penalty.

23 (1) A violation of this Section is a petty offense for
24 which a fine of \$250 shall be imposed for a first
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26 or subsequent violation. The court may impose 25 hours of
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29 (2) For a second or subsequent violation, the Secretary
30 of State may suspend the registration of the motor vehicle
31 for a period of at least 6 months.