

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 are subject to a  
27 civil penalty. You can elect to proceed by:

- 28 1. Paying the fine; or  
29 2. Challenging the issuance of the Uniform Traffic  
30 Citation in court.

31 Your failure to proceed by performing one of these  
32 options may result in refusal or suspension of the motor  
33 vehicle registration."

34 (e) Evidence.

1           (i) A certificate alleging that a violation of  
 2 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 before and after the alleged  
 23 offense on the day of the alleged offense. Photographs-or  
 24 recorded-images-made-by-an-automatic-railroad-grade  
 25 crossing-enforcement-system-shall-be-confidential, and  
 26 shall-be-made-available-only-to-the-defendant,  
 27 governmental-and-law-enforcement-agencies-for-the  
 28 purposes-of-adjudicating-a-violation-of-Section-11-1201  
 29 of-the-Illinois-Vehicle-Code.

30           (iii) Adjudication of liability shall be based on a  
 31 preponderance of evidence.

32           (f) Rail crossings equipped with an automatic railroad  
 33 grade crossing enforcement system shall be posted with a sign  
 34 visible to approaching traffic stating that the railroad

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

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

12 (h) The Illinois Commerce Commission shall issue a  
13 report to the General Assembly at the conclusion of the 5 two  
14 year pilot program on the effectiveness of the automatic  
15 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  
21 this Section if it had known that the other part or parts of  
22 this Section would be declared unconstitutional.

23 (j) Penalty.

24 (i) A civil penalty of \$250 shall be imposed for a  
25 first violation of this Section, and a civil penalty of  
26 \$500 shall be imposed for a second or subsequent  
27 violation.

28 (ii) The Secretary of State may suspend the  
29 registration of the motor vehicle for up to 6 months for  
30 a first offense and for any second or subsequent offense,  
31 the Secretary of State must suspend the registration of  
32 the motor vehicle for at least 6 months.

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

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.