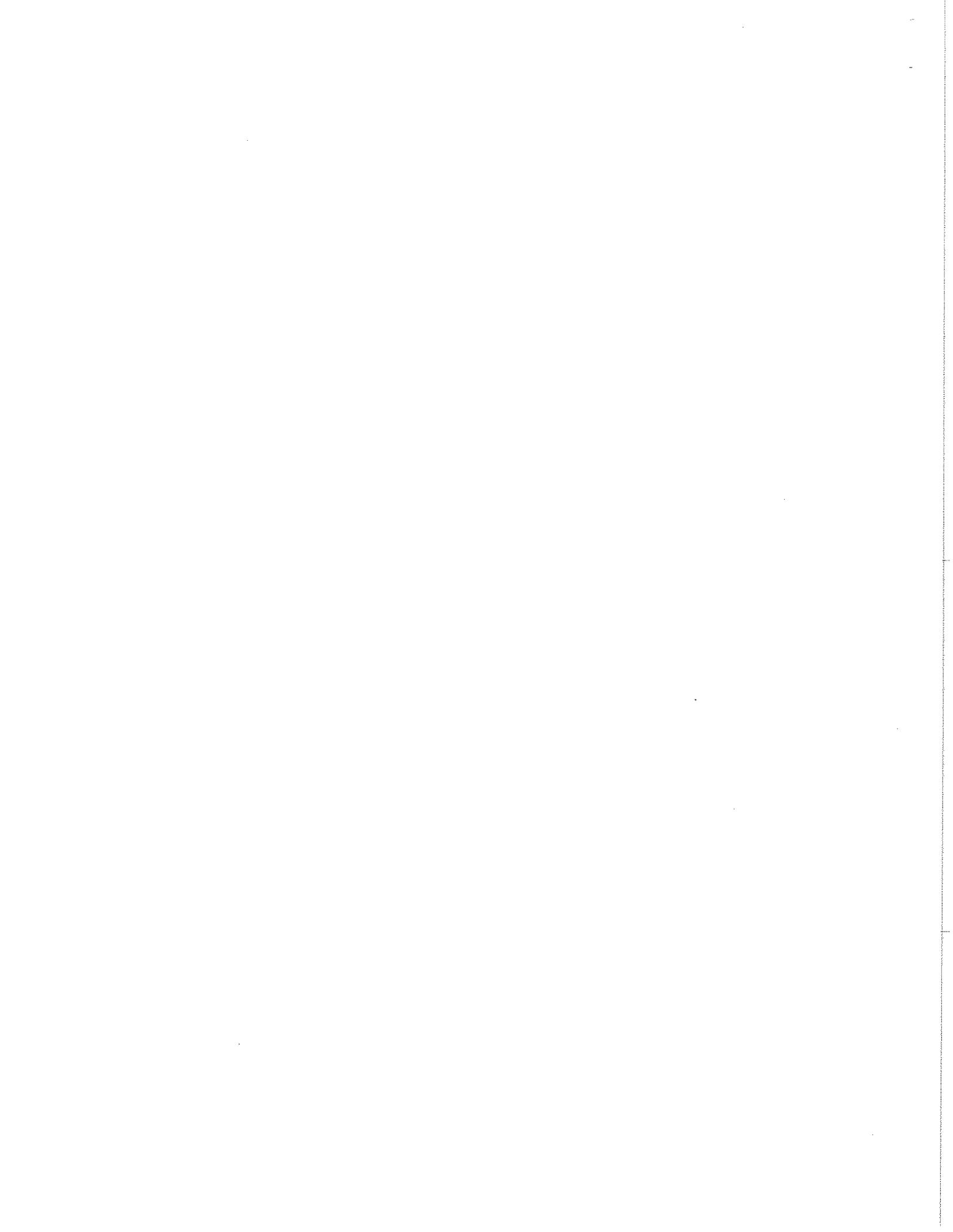


**Automated Traffic Law Enforcement Systems
Policy: Red Light Running (RLR) Camera
Enforcement Systems and Automated Railroad
Grade Crossing (RGC) Enforcement Systems**

McHenry County Division of Transportation

Effective August, 2007



INTRODUCTION

Public Act 94-0795 (See Attachment A), which was signed on May 22, 2006, and took effect upon signature of the Governor, provides that a governmental agency in a municipality or county may establish an automated traffic law enforcement system that produces a recorded image of a motor vehicle entering an intersection against a red signal indication and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The installation of RLR Camera Systems may be established only in the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and in municipalities located within those counties.

Public Act 94-0771 (See Attachment B), which was signed on May 16, 2006, and takes effect on January 1, 2007, allows local agencies to work with the Illinois Commerce Commission (ICC), the Illinois Department of Transportation (IDOT), and local law enforcement officials, to establish an automated RGC enforcement system (photo or video enforcement system) at highway railroad grade crossings designated by local agency ordinance. The system shall produce a clear recorded image of the vehicle, driver, and vehicle registration plate. The installation of the automated RGC enforcement systems is not restricted to specific counties or municipalities.

This document has been prepared by the IDOT and revised by the McHenry County Division of Transportation (MCDOT) to assist local jurisdictions in the procedures required for the installation of automated traffic law enforcement systems which shall encompass RLR Camera Systems by MCDOT Permit at signalized intersections that include County Highways and automated RGC enforcement systems on State and Local routes.

OVERVIEW

Enhanced traffic safety is the principal aim of the Automated Traffic Law Enforcement Systems Program. RLR Camera Systems should be installed only where a safety problem with red light running has been documented and alternative countermeasures have been implemented. Automated RGC enforcement systems should only be utilized at public highway railroad grade crossings experiencing excessive gate violations or significant crash histories and when other safety measures such as automatic flashing light signals and gates, constant warning time circuitry, and enforcement by local law enforcement officials have not been effective.

The Permit Applicant is the local municipality requesting authorization to install and operate a RLR Camera System at signalized intersections that include County highways. For automated RGC enforcement systems on State marked and unmarked routes, the local agency shall obtain a permit from IDOT.

RED LIGHT RUNNING (RLR) CAMERA ENFORCEMENT SYSTEMS

RLR CAMERA SYSTEM DESCRIPTION

RLR Cameras monitor the movement of traffic at designated traffic signal locations and the status (or color) of the traffic signal indication on the approach. Movement detectors, typically video detectors, check for the passage of vehicles into the intersection and if the traffic signal phase condition is red, cause pole mounted cameras to record pictures of the vehicle position and license plate. RLR Camera Systems shall differentiate between vehicles running a red light and those vehicles stopping slightly beyond the stop bar or those vehicles, after stopping, making a legal turn against a red indication.

All enforcement measures required by Act 5 of Chapter 625 of the Illinois Compiled Statutes relating to automated traffic law enforcement for red lights and rail crossings are the sole responsibility of the applicant.

RLR CAMERA SYSTEM ELIGIBLE LOCATIONS

Signalized intersections that are eligible for RLR Cameras include all the following characteristics:

- ◆ Crashes attributable to red light violations.
- ◆ Documented history of red light violations where corrective actions have been previously implemented.
- ◆ Traffic signal heads have 12-inch displays with LED optics.
- ◆ Mast arm poles are used to mount signal heads on the far side of each approach leg.
- ◆ A minimum of 3 signal displays exist for through movements and 2 signal displays for left turning movements.
- ◆ Sight distance meets MUTCD minimums.

RLR CAMERA SYSTEM RESTRICTED LOCATIONS

Signalized intersections that are ineligible for RLR Cameras may include the following characteristics:

- ◆ Traffic signal is interconnected to railroad crossing controlled devices.
- ◆ Installation of RLR Camera equipment reduces existing sight distance of traffic signal devices, signage, or adversely impacts pedestrian facilities.
- ◆ Where installation of RLR Camera equipment can not meet MCDOT roadway set-back minimums, or other MCDOT construction requirements.
- ◆ Installations of RLR that would negatively impact intersection operations. Additional restrictions may be identified at a later date. The Division of Transportation may notify the Permit Applicant of changes that may affect them.

RLR CAMERA SYSTEM JUSTIFICATION

A Justification Report shall be prepared by the Permit Applicant for the locations in which the local agency wishes to establish a RLR Camera System. The Justification Report shall include the following:

- ◆ Intersection location(s), including street names, municipality, and county.
- ◆ Brief geometric description of the intersection(s) and land usage.
- ◆ Crash data and collision diagrams should be submitted if available. It is recommended that the most recent three (3) years of available crash data be used and include the crash type, specifically left turn, angle and rear end crashes.
- ◆ Average daily and peak period traffic volumes, if available.
- ◆ Approach angles and speed limits.
- ◆ Existing traffic control devices, including signal head displays, location, phasing, if the traffic signal is part of a closed loop system or interconnected to adjacent railroad crossing control devices.
- ◆ Information concerning bicycle and pedestrian conditions at the intersection.
- ◆ A letter of concurrence for the use of RLR Cameras from a representative from the roadway authority having jurisdiction of the intersecting local roadway.
- ◆ A letter from the chief of the local law enforcement agency certifying that the intersections proposed for RLR Camera Systems experience red light violations and crashes resulting from such. This letter shall also include a statement of concurrence for the use of automated RLR Camera Systems.

SUBMITTAL REQUIREMENTS FOR APPROVED RLR CAMERA SYSTEM INSTALLATION

The Permit Applicant shall submit to the Department the following items for consideration:

- ◆ The Justification Report for the RLR Camera System installation.
- ◆ Detailed construction plans showing all proposed RLR Camera System and existing traffic signal equipment, as outlined in the Division of Transportation's Traffic Signal Design Guidelines.
- ◆ Signing plans.
- ◆ Manufacturer literature and wiring diagrams.
- ◆ Description of how the RLR Camera System will be operated and maintained.
- ◆ The Permit Applicant shall obtain an ordinance or resolution agreeing to indemnify the County of McHenry for any claims brought forth as a result of the RLR Camera System, its

installation, operation, maintenance and removal (See Attachment C). A copy of the local ordinance for an automated traffic law enforcement system program. The Division of Transportation's maintained traffic signal clearance intervals shall meet or exceed minimums set by the MUTCD. The Division of Transportation will verify clearances upon request. Yellow change and all-red clearance interval timings are determined by the Division of Transportation and subject to change as warranted by the Division of Transportation without notification.

The MCDOT may at its sole discretion deny a permit application and such denial shall be final and conclusive.

SIGNING REQUIREMENTS

Signs (See Attachment D) (R10-I104) shall be posted in advance of each intersection approach, and within the RLR enforcement intersection, typically on the far side traffic signal pole, indicating the presence of RLR Cameras at the intersection. The Permit Applicant shall provide, install, and maintain the signs and shall coordinate with the Division of Transportation prior to any installations.

OPERATIONAL REQUIREMENTS

To minimize the impact on the County highway system, RLR Camera Systems shall not affect the operation of any traffic control device. The following items will be required:

- ◆ Electrical service for RLR Camera System equipment shall come from the local electric utility company, not from traffic signal equipment or other McHenry County facilities.
- ◆ To obtain status of the traffic signals, miniature current transformers may be installed on yellow and red signal circuits. RLR Camera System circuitry shall not be connected to traffic signal cables by cutting, splicing, sharing terminations or other means. No other RLR circuitry and equipment will be allowed in and/or on traffic signal facilities, including but not limited to the traffic signal cabinet, associated electrical conduit, junction boxes, handholes, mast arm poles or signal posts.
- ◆ RLR vehicle detection shall utilize video or laser technology. Pavement loops may be considered on a location by location basis, subject to approval by the Division of Transportation. Consideration will be based on pavement type and condition, existing and preferred traffic signal detection methods and designs, and consideration of potential countermeasures for saw cutting such as milling and resurfacing.
- ◆ All work inside the MCDOT traffic signal controller cabinet or other MCDOT facilities, shall be done by a MCDOT approved contractor.
- ◆ All RLR Camera System settings shall be reviewed and approved by the Division of Transportation prior to the

scheduled "Turn-On". Post "Turn-On" adjustments may be necessary and shall be monitored and approved by the Division of Transportation prior to implementation. The intent is to ensure that there is no negative impact to the Division of Transportation's traffic signal operations.

- ◆ Tickets shall not be issued for legal right turn on red.
- ◆ The Permit Applicant shall certify that the system is operating correctly and shall make all adjustments necessary to ensure it operates correctly and does not negatively impact the traffic operations of the intersection.

COSTS AND MAINTENANCE

All costs for the materials, installation, operation, maintenance, repair, and removal of the RLR Camera System shall be the responsibility of the Permit Applicant. All RLR Camera System materials shall be reviewed and approved by the Division of Transportation prior to installation. RLR Camera System equipment installed in or on the Division of Transportation's traffic signal equipment shall be completed in accordance with the appropriate district electrical maintenance policies. If the Division of Transportation improves an intersection where a RLR Camera System is installed, the removal and re-installation shall be the responsibility of the Permit Applicant and shall be completed in a timely manner. All costs for this work shall be the responsibility of the Permit Applicant.

The RLR Camera System shall be inspected and "Turned-On" as detailed in the Division of Transportation's Traffic Signal Specifications.

PUBLIC INFORMATION CAMPAIGN

The Permit Applicant shall hold well-publicized kickoff events and issue periodic press releases about the proposed locations and effectiveness of RLR Camera enforcement within their jurisdictions. This campaign should provide information and data that defines the red light running problem, explains why red light running is dangerous, and identifies the actions that are currently being undertaken to reduce the incidence of red light running. For the first week of live RLR camera enforcement, the Permit Applicant shall take measures to bring attention to the intersections where the RLR camera systems are in use. At a minimum, an orange or red flag shall be attached to the RLR signs.

The Permit Applicant should also consider the issuance of warning citations to likely violators for a limited period, and publicize the date on which warning citations will be halted and actual enforcement citations will begin.

FOLLOW UP EVALUATION

An Evaluation Report shall be prepared by the Permit Applicant one year after the installation and shall be prepared every three years thereafter. The Evaluation Report shall include the following:

- ◆ Intersection location(s)
- ◆ Date of implementation.

- ◆ RLR Camera System manufacturer and contractor name.
- ◆ Crash data specific to RLR location(s) for the 3-year period prior to and for the period post RLR Camera installation.
- ◆ An analysis of the crash data, including a summary of any increase in crash types.
- ◆ Signal timing and other settings before and after RLR Camera installation.
- ◆ Traffic volumes before and after RLR Camera System installation.
- ◆ Recommendations to further reduce red light violations and severe crashes and to improve the operations of the intersection(s).
- ◆ Summary of adjudication experience and results.
- ◆ The permit may be revoked during this annual review or at any time where the Division of Transportation determines it is in the best interest of the motoring public of Illinois or if the RLR Camera System is having a detrimental effect on the operations of the existing traffic signal system.

Automated Railroad Grade Crossing (RGC) Enforcement Systems

AUTOMATED RGC ENFORCEMENT SYSTEM DESCRIPTION

Automated RGC enforcement systems monitor the movement of traffic at designated highway railroad grade crossings and the status of the crossing gate or barrier on the approach. Movement detectors, typically video detectors, check if the gate or barrier is closed or is being opened or closed and check for the passage of vehicles into the crossing area and cause pole mounted cameras to record pictures of the vehicle position and license plate. Automated RGC enforcement systems shall differentiate between vehicles violating gate crossing warning devices and vehicles already in and clearing the crossing zone.

CAMERA SYSTEM ELIGIBLE LOCATIONS

An automated RGC enforcement system may be utilized at public highway railroad grade crossing locations experiencing excessive gate violations or significant crash histories when other safety measures such as automatic flashing light signals and gates, constant warning time circuitry, and enforcement by local law enforcement officials have not been effective. Additionally, safety improvement projects to install an automated RGC enforcement system will only be considered at highway railroad grade crossing locations having a minimum of 1,000 vehicles per day and a crash history of at least 5 crashes in a 5 year period, or upon a recommendation from a diagnostic team review finding that photo enforcement is appropriate at that location. Documentation of local law enforcement efforts will be required.

APPLICATION PROCESS

A representative from the roadway authority having jurisdiction at the highway railroad grade crossing location where automated RGC enforcement is being proposed should provide a written notice to the ICC showing interest in the concept of automated RGC enforcement. This notice shall include concurrence of the concept by the local law enforcement agency. All requests should be directed to:

Michael E. Stead
Rail Safety Program Administrator
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701

Upon receipt of the request for automated RGC enforcement systems, the ICC will direct the local agency to schedule an on-site diagnostic team review to determine if installation of an automated RGC enforcement system is appropriate at that location. The diagnostic review team shall as a minimum, include representatives from the ICC, IDOT, the railroad company, the respective roadway authority, and a representative from the local law enforcement agency. The ICC will include IDOT in all correspondence received from local agencies regarding automated RGC enforcement systems; IDOT will do the same.

If an automated RGC enforcement system is deemed to be appropriate by the diagnostic review team, the local agency must pass a local ordinance requesting the creation of such a system. The Permit Applicant shall also obtain an ordinance or resolution agreeing to indemnify the State of Illinois for any claims brought forth as a result of the automated RGC enforcement system, its installation, operation, maintenance and removal (See Attachment C). Once these ordinances are in place, potential funding sources should be identified, and operation and maintenance responsibilities clarified. After these issues have been resolved, the ICC will issue a Stipulated Agreement for the parties to review. Following execution of the Stipulated Agreement by all of the parties involved, the ICC will issue an Order authorizing the proposed safety improvement.

COSTS AND MAINTENANCE

Subject to availability of funding, state or federal funds for automated RGC enforcement will be provided only upon recommendation by a diagnostic review team. Potential sources of funding for photo enforcement systems may include the Grade Crossing Protection Fund (GCPF), local funds, or federal funds. Funding for automated RGC enforcement systems will be limited to a maximum contribution of 50% of the cost of the materials and installation only, not to exceed \$200,000, with all remaining costs, including all future maintenance and operation of the photo enforcement system to be funded, and operated by the local agency. When federal funds are being proposed for automated enforcement systems, eligibility for the reimbursement of federal funds is subject to the Federal Highway Administration (FHWA) providing approval and authorization of the federal funds for the project prior to the commencement of any federally reimbursable work items. Any project-related work done prior to federal authorization will not be eligible for reimbursement with federal funds. For projects to install automated RGC enforcement systems at highway railroad grade crossings

located on the local road system, written requests for assistance from the Grade Crossing Protection Funds should be submitted to:

Mr. Michael Stead
Rail Safety Program Administrator
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, Illinois 62701.

Requests for assistance from IDOT for projects to install automated RGC enforcement systems at highway railroad grade crossings should be submitted in writing to:

Mr. Charles Ingersoll, P.E.
Engineer of Local Roads and Streets,
Attn: Jeff Harpring, Room 205
Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield, Illinois 62764.

SIGNING REQUIREMENTS

Signs (See Attachment E) (R10-I105) shall be posted in advance of each approach to the highway railroad grade crossing indicating the presence of automated RGC enforcement at the site. The signs shall include that verbiage that citations will be issued and include the amount of the fine for the violation. The Permit Applicant shall provide, install, and maintain the signs and shall coordinate with the IDOT prior to any installations on state routes.

OPERATIONAL REQUIREMENTS

To minimize the impact on the state highway system, automated RGC enforcement systems shall not affect the operation of any traffic control devices. The following items will be required:

- ◆ Electrical service for automated RGC enforcement system equipment shall come from the local electric utility company, not from traffic signal equipment or other State facilities.
- ◆ Automated RGC enforcement systems shall utilize video or laser technology for vehicle detection. Pavement loops are not acceptable for vehicle detection for automated RGC enforcement systems located on any state routes.
- ◆ All automated RGC enforcement system settings shall be reviewed and approved by the ICC and IDOT (state routes only) prior to the scheduled "Turn-On".

PUBLIC INFORMATION CAMPAIGN

The Permit Applicant shall hold well-publicized kickoff events and issue periodic press releases about the proposed locations and effectiveness of automated RGC enforcement within their jurisdictions. This campaign should provide information and data that defines the highway railroad gate violation problem, explains why running around railroad crossing gates is dangerous, identifies the actions that are currently being undertaken to reduce the incidence of violations of down railroad crossing gates, and includes the penalties for violation of the law. For the first week of live RGC enforcement, the Permit Applicant shall take measure to bring attention to the intersections where the RGC camera systems are in use. At a minimum, an orange or red flag shall be attached to the RGC signs. The Permit Applicant should also consider the issuance of warning citations to likely violators for a limited period, and publicize the date on which warning citations will be halted and actual enforcement citations will begin.

FOLLOW UP EVALUATION

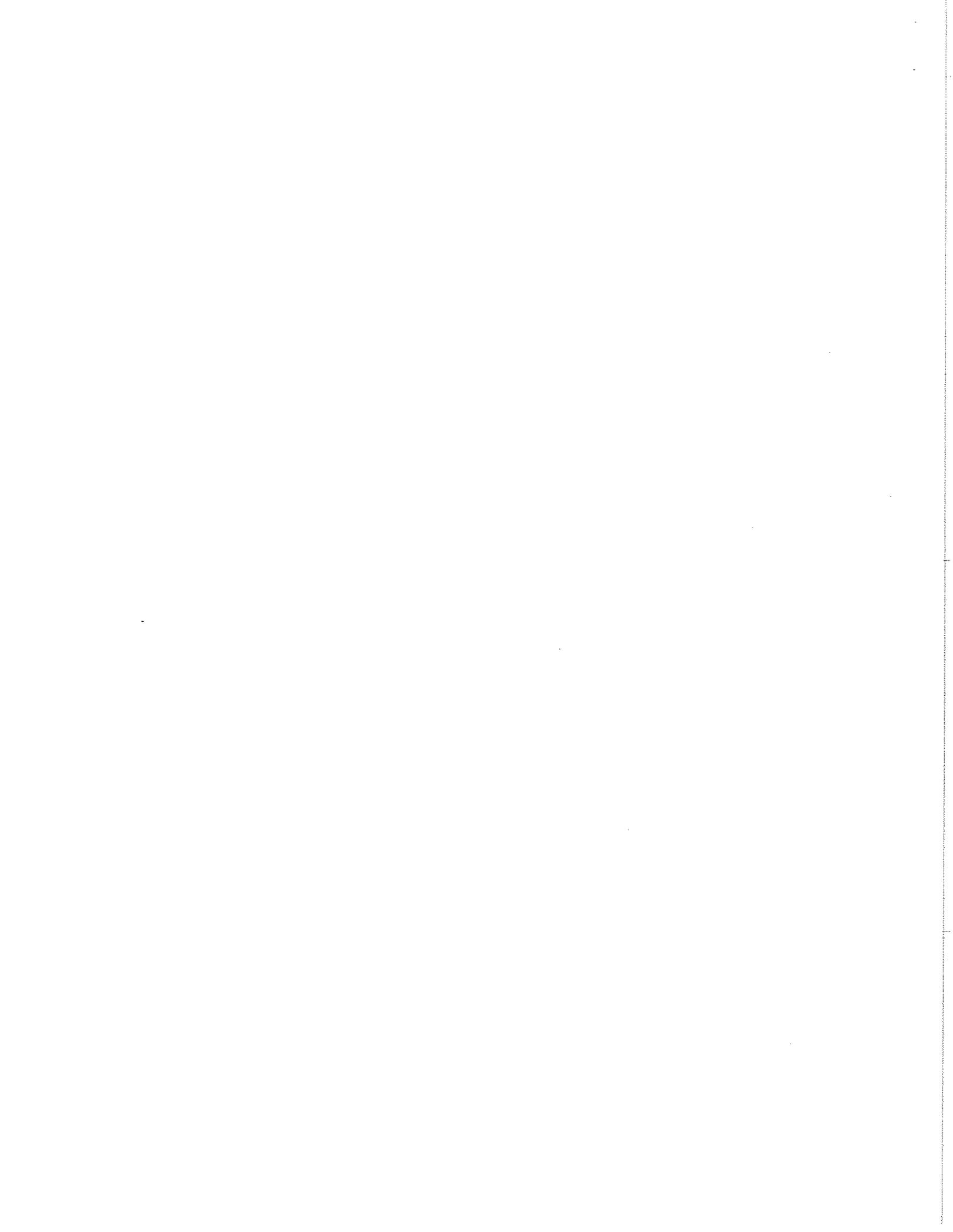
An Evaluation Report shall be prepared by the Permit Applicant one year after the installation of an automated RGC enforcement system and shall be prepared every three years thereafter. The Report shall include the following:

- ◆ Location
- ◆ Date of implementation.
- ◆ Automated RGC enforcement system's manufacturer and contractor name.
- ◆ Crash data specific to highway railroad grade crossings with automated RGC enforcement systems for the 3-year period prior to and after automated RGC enforcement system installation.
- ◆ An analysis of the crash data; including a summary of any increase in crash types.
- ◆ Summary of adjudication experience and results.

The permit may be revoked during this annual review or at any time where the Department determines it is in the best interest of the motoring public of Illinois or if the automated RGC enforcement system is having a detrimental effect on the operations of the specific state roadway.

ATTACHMENTS

- A. Public Act 094-0795
- B. Public Act 094-0771
- C. Example of Indemnification Ordinance
- D. Illinois Standard R10-I104: RLR Sign
- E. Illinois Standard R10-I105: RGC Sign



Attachment A

Public Act 094-0795

HB4835 Enrolled

LRB094 19060 DRH 54562 b

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Vehicle Code is amended by changing Sections 6-306.5, 11-208, 11-208.3, and 11-306 and adding Sections 1-105.2, 11-208.6, and 11-612 as follows:

(625 ILCS 5/1-105.2 new)

Sec. 1-105.2. Automated traffic law violation. A violation described in Section 11-208.6 of this Code.

(625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

Sec. 6-306.5. Failure to pay fine or penalty for standing, parking, ~~or~~ compliance, or automated traffic law violations; suspension of driving privileges.

(a) Upon receipt of a certified report, as prescribed by subsection (c) of this Section, from any municipality stating that the owner of a registered vehicle has: (1) failed to pay any fine or penalty due and owing as a result of 10 or more violations of a municipality's vehicular standing, parking, or compliance regulations established by ordinance pursuant to Section 11-208.3 of this Code, or (2) failed to pay any fine or penalty due and owing as a result of 5 offenses for automated traffic violations as defined in Section 11-208.6, the Secretary of State shall suspend the driving privileges of such person in accordance with the procedures set forth in this Section. The Secretary shall also suspend the driving privileges of an owner of a registered vehicle upon receipt of a certified report, as prescribed by subsection (f) of this Section, from any municipality stating that such person has failed to satisfy any fines or penalties imposed by final judgments for 5 or more automated traffic law violations or 10 or more violations of local standing, parking, or compliance

regulations after exhaustion of judicial review procedures.

(b) Following receipt of the certified report of the municipality as specified in this Section, the Secretary of State shall notify the person whose name appears on the certified report that the person's drivers license will be suspended at the end of a specified period of time unless the Secretary of State is presented with a notice from the municipality certifying that the fine or penalty due and owing the municipality has been paid or that inclusion of that person's name on the certified report was in error. The Secretary's notice shall state in substance the information contained in the municipality's certified report to the Secretary, and shall be effective as specified by subsection (c) of Section 6-211 of this Code.

(c) The report of the appropriate municipal official notifying the Secretary of State of unpaid fines or penalties pursuant to this Section shall be certified and shall contain the following:

(1) The name, last known address as recorded with the Secretary of State, as provided by the lessor of the cited vehicle at the time of lease, or as recorded in a United States Post Office approved database if any notice sent under Section 11-208.3 of this Code is returned as undeliverable, and drivers license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in this State.

(2) The name of the municipality making the report pursuant to this Section.

(3) A statement that the municipality sent a notice of impending drivers license suspension as prescribed by ordinance enacted pursuant to Section 11-208.3, to the person named in the report at the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice sent under Section 11-208.3 of this Code is returned

as undeliverable, at the last known address recorded in a United States Post Office approved database; the date on which such notice was sent; and the address to which such notice was sent. In a municipality with a population of 1,000,000 or more, the report shall also include a statement that the alleged violator's State vehicle registration number and vehicle make, if specified on the automated traffic law violation notice, are correct as they appear on the citations.

(d) Any municipality making a certified report to the Secretary of State pursuant to this Section shall notify the Secretary of State, in a form prescribed by the Secretary, whenever a person named in the certified report has paid the previously reported fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the municipality's notification or presentation of a certified copy of such notification, the Secretary of State shall terminate the suspension.

(e) Any municipality making a certified report to the Secretary of State pursuant to this Section shall also by ordinance establish procedures for persons to challenge the accuracy of the certified report. The ordinance shall also state the grounds for such a challenge, which may be limited to (1) the person not having been the owner or lessee of the vehicle or vehicles receiving 10 or more standing, parking, or compliance violation notices or 5 or more automated traffic law violations on the date or dates such notices were issued; and (2) the person having already paid the fine or penalty for the 10 or more standing, parking, or compliance violations or 5 or more automated traffic law violations indicated on the certified report.

(f) Any municipality, other than a municipality establishing vehicular standing, parking, and compliance regulations pursuant to Section 11-208.3 or automated traffic

law regulations under Section 11-208.6, may also cause a suspension of a person's drivers license pursuant to this Section. Such municipality may invoke this sanction by making a certified report to the Secretary of State upon a person's failure to satisfy any fine or penalty imposed by final judgment for 10 or more violations of local standing, parking, or compliance regulations or 5 or more automated traffic law violations after exhaustion of judicial review procedures, but only if:

(1) the municipality complies with the provisions of this Section in all respects except in regard to enacting an ordinance pursuant to Section 11-208.3;

(2) the municipality has sent a notice of impending drivers license suspension as prescribed by an ordinance enacted pursuant to subsection (g) of this Section; and

(3) in municipalities with a population of 1,000,000 or more, the municipality has verified that the alleged violator's State vehicle registration number and vehicle make are correct as they appear on the citations.

(g) Any municipality, other than a municipality establishing standing, parking, and compliance regulations pursuant to Section 11-208.3 or automated traffic law regulations under Section 11-208.6, may provide by ordinance for the sending of a notice of impending drivers license suspension to the person who has failed to satisfy any fine or penalty imposed by final judgment for 10 or more violations of local standing, parking, or compliance regulations or 5 or more automated traffic law violations after exhaustion of judicial review procedures. An ordinance so providing shall specify that the notice sent to the person liable for any fine or penalty shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person's drivers license is eligible for suspension pursuant to this Section. The notice of impending drivers license suspension shall be sent by first class United States mail, postage

prepaid, to the address recorded with the Secretary of State or at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice sent under Section 11-208.3 of this Code is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(h) An administrative hearing to contest an impending suspension or a suspension made pursuant to this Section may be had upon filing a written request with the Secretary of State. The filing fee for this hearing shall be \$20, to be paid at the time the request is made. A municipality which files a certified report with the Secretary of State pursuant to this Section shall reimburse the Secretary for all reasonable costs incurred by the Secretary as a result of the filing of the report, including but not limited to the costs of providing the notice required pursuant to subsection (b) and the costs incurred by the Secretary in any hearing conducted with respect to the report pursuant to this subsection and any appeal from such a hearing.

(i) The provisions of this Section shall apply on and after January 1, 1988.

(j) For purposes of this Section, the term "compliance violation" is defined as in Section 11-208.3.

(Source: P.A. 94-294, eff. 1-1-06.)

(625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

Sec. 11-208. Powers of local authorities.

(a) The provisions of this Code shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles, except as limited by Section 11-1306 of this Act;
2. Regulating traffic by means of police officers or traffic control signals;
3. Regulating or prohibiting processions or

assemblages on the highways;

4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;

5. Regulating the speed of vehicles in public parks subject to the limitations set forth in Section 11-604;

6. Designating any highway as a through highway, as authorized in Section 11-302, and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield right-of-way intersection and requiring all vehicles to stop or yield the right-of-way at one or more entrances to such intersections;

7. Restricting the use of highways as authorized in Chapter 15;

8. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;

9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

10. Altering the speed limits as authorized in Section 11-604;

11. Prohibiting U-turns;

12. Prohibiting pedestrian crossings at other than designated and marked crosswalks or at intersections;

13. Prohibiting parking during snow removal operation;

14. Imposing fines in accordance with Section 11-1301.3 as penalties for use of any parking place reserved for persons with disabilities, as defined by Section 1-159.1, or disabled veterans by any person using a motor vehicle not bearing registration plates specified in Section 11-1301.1 or a special decal or device as defined in Section 11-1301.2 as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran;

15. Adopting such other traffic regulations as are specifically authorized by this Code; or

16. Enforcing the provisions of subsection (f) of Section 3-413 of this Code or a similar local ordinance.

(b) No ordinance or regulation enacted under subsections 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective until signs giving reasonable notice of such local traffic regulations are posted.

(c) The provisions of this Code shall not prevent any municipality having a population of 500,000 or more inhabitants from prohibiting any person from driving or operating any motor vehicle upon the roadways of such municipality with headlamps on high beam or bright.

(d) The provisions of this Code shall not be deemed to prevent local authorities within the reasonable exercise of their police power from prohibiting, on private property, the unauthorized use of parking spaces reserved for persons with disabilities.

(e) No unit of local government, including a home rule unit, may enact or enforce an ordinance that applies only to motorcycles if the principal purpose for that ordinance is to restrict the access of motorcycles to any highway or portion of a highway for which federal or State funds have been used for the planning, design, construction, or maintenance of that highway. No unit of local government, including a home rule unit, may enact an ordinance requiring motorcycle users to wear protective headgear. Nothing in this subsection (e) shall affect the authority of a unit of local government to regulate motorcycles for traffic control purposes or in accordance with Section 12-602 of this Code. No unit of local government, including a home rule unit, may regulate motorcycles in a manner inconsistent with this Code. This subsection (e) is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(f) A municipality or county designated in Section

11-208.6 may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of this Code or a similar provision of a local ordinance and imposing liability on a registered owner of a vehicle used in such a violation.

(Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97; 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

(625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

Sec. 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles and automated traffic law violations.

(a) Any municipality may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as defined in this subsection and automated traffic law violations as defined in Section 11-208.6. The administrative system shall have as its purpose the fair and efficient enforcement of municipal regulations through the administrative adjudication of automated traffic law violations and violations of municipal ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal wheel tax licenses within the municipality's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of \$250 that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section, "compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license.

(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute and process parking, and compliance, and automated traffic law violation notices and other notices

required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances and automated traffic law violations, and operate an administrative adjudication system. The traffic compliance administrator also may make a certified report to the Secretary of State under Section 6-306.5.

(2) A parking, standing, ~~or~~ compliance, or automated traffic law violation notice that shall specify the date, time, and place of violation of a parking, standing, or compliance, or automated traffic law regulation; the particular regulation violated; the fine and any penalty that may be assessed for late payment, when so provided by ordinance; the vehicle make and state registration number; and the identification number of the person issuing the notice. With regard to automated traffic law violations, vehicle make shall be specified on the automated traffic law violation notice if the make is available and readily discernible. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number or vehicle make specified is incorrect. The violation notice shall state that the payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation. The notice also shall contain information as to the availability of a hearing in which the violation may be contested on its merits. The violation notice shall specify the time and manner in which a hearing may be had.

(3) Service of the parking, standing, or compliance violation notice by affixing the original or a facsimile of the notice to an unlawfully parked vehicle or by handing the notice to the operator of a vehicle if he or she is present and service of an automated traffic law violation notice by mail to the address of the registered owner of the cited vehicle as recorded with the Secretary of State within 30 days after the Secretary of State notifies the

municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation. A person authorized by ordinance to issue and serve parking, standing, and compliance violation notices shall certify as to the correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness of all notices produced by the device while it was under his or her control. In the case of an automated traffic law violation, the ordinance shall require a determination by a technician employed or contracted by the municipality or county that, based on inspection of recorded images, the motor vehicle was being operated in violation of Section 11-208.6 or a local ordinance. If the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle, a citation shall not be issued. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A parking, standing, ~~or~~ compliance, or automated traffic law violation notice issued, signed and served in accordance with this Section, a copy of the notice, or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, copy, or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

(4) An opportunity for a hearing for the registered owner of the vehicle cited in the parking, standing, ~~or~~

compliance, or automated traffic law violation notice in which the owner may contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that under Section 11-1306 of this Code the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a hearing of the same kind afforded the registered owner. The hearings shall be recorded, and the person conducting the hearing on behalf of the traffic compliance administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at a hearing under this Section may be represented by counsel at their expense. The ordinance may also provide for internal administrative review following the decision of the hearing officer.

(5) Service of additional notices, sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database, or, under Section 11-1306 of this Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. The service shall be deemed complete as of the date of deposit in the United States mail. The notices shall be in the following sequence and shall include but not be limited to the information specified herein:

(i) A second notice of parking, standing, or compliance violation. This notice shall specify the date and location of the violation cited in the parking, standing, or compliance violation notice, the

particular regulation violated, the vehicle make and state registration number, the fine and any penalty that may be assessed for late payment when so provided by ordinance, the availability of a hearing in which the violation may be contested on its merits, and the time and manner in which the hearing may be had. The notice of violation shall also state that failure either to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of violation liability for the cited violation in the amount of the fine or penalty indicated, and that, upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.

(ii) A notice of final determination of parking, standing, ~~or compliance,~~ or automated traffic law violation liability. This notice shall be sent following a final determination of parking, standing, ~~or compliance,~~ or automated traffic law violation liability and the conclusion of judicial review procedures taken under this Section. The notice shall state that the unpaid fine or penalty is a debt due and owing the municipality. The notice shall contain warnings that failure to pay any fine or penalty due and owing the municipality within the time specified may result in the municipality's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered a judgment as provided by this Section, or may result in suspension of the person's drivers license for failure to pay fines or penalties for 10 or more parking violations under Section 6-306.5 or 5 or more automated traffic law violations under Section

11-208.6.

(6) A Notice of impending drivers license suspension. This notice shall be sent to the person liable for any fine or penalty that remains due and owing on 10 or more parking violations or 5 or more unpaid automated traffic law violations. The notice shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of this Code. The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self addressed, stamped envelope to the municipality along with a request for the photostatic copy. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(7) Final determinations of violation liability. A final determination of violation liability shall occur following failure to pay the fine or penalty after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by ordinance. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination of violation liability shall become final: (A) upon denial of a timely petition to set aside that determination, or (B) upon expiration of the period for filing the petition without a filing having been made.

(8) A petition to set aside a determination of parking, standing, ~~or~~ compliance, or automated traffic law violation liability that may be filed by a person owing an

unpaid fine or penalty. The petition shall be filed with and ruled upon by the traffic compliance administrator in the manner and within the time specified by ordinance. The grounds for the petition may be limited to: (A) the person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued, (B) the person having already paid the fine or penalty for the violation in question, and (C) excusable failure to appear at or request a new date for a hearing. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number, or vehicle make if specified, is incorrect. After the determination of parking, standing, ~~or~~ compliance, or automated traffic law violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

(9) Procedures for non-residents. Procedures by which persons who are not residents of the municipality may contest the merits of the alleged violation without attending a hearing.

(10) A schedule of civil fines for violations of vehicular standing, parking, ~~and~~ compliance, or automated traffic law regulations enacted by ordinance pursuant to this Section, and a schedule of penalties for late payment of the fines, provided, however, that the total amount of the fine and penalty for any one violation shall not exceed \$250.

(11) Other provisions as are necessary and proper to carry into effect the powers granted and purposes stated in this Section.

(c) Any municipality establishing vehicular standing, parking, ~~and~~ compliance, or automated traffic law regulations under this Section may also provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of those regulations. The program of vehicle

immobilization shall provide for immobilizing any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance establishing a program of vehicle immobilization under this Section shall provide:

(1) Criteria for the designation of vehicles eligible for immobilization. A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of unpaid final determinations of parking, standing, ~~or compliance,~~ or automated traffic law violation liability as determined by ordinance.

(2) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of the notice by disproving liability for the unpaid final determinations of parking, standing, ~~or compliance,~~ or automated traffic law violation liability listed on the notice.

(3) The right to a prompt hearing after a vehicle has been immobilized or subsequently towed without payment of the outstanding fines and penalties on parking, standing, ~~or compliance,~~ or automated traffic law violations for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.

(4) A post immobilization and post-towing notice advising the registered owner of the vehicle of the right to a hearing to challenge the validity of the impoundment.

(d) Judicial review of final determinations of parking, standing, ~~and compliance,~~ or automated traffic law violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made under this Section shall be subject to the provisions of the Administrative Review Law.

(e) Any fine, penalty, or part of any fine or any penalty remaining unpaid after the exhaustion of, or the failure to

exhaust, administrative remedies created under this Section and the conclusion of any judicial review procedures shall be a debt due and owing the municipality and, as such, may be collected in accordance with applicable law. Payment in full of any fine or penalty resulting from a standing, parking, ~~or compliance,~~ or automated traffic law violation shall constitute a final disposition of that violation.

(f) After the expiration of the period within which judicial review may be sought for a final determination of parking, standing, ~~or compliance,~~ or automated traffic law violation, the municipality may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. Nothing in this Section shall prevent a municipality from consolidating multiple final determinations of parking, standing, ~~or compliance,~~ or automated traffic law violations ~~violation~~ against a person in a proceeding. Upon commencement of the action, the municipality shall file a certified copy or record of the final determination of parking, standing, ~~or compliance,~~ or automated traffic law violation, which shall be accompanied by a certification that recites facts sufficient to show that the final determination of violation was issued in accordance with this Section and the applicable municipal ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determinations of parking, standing, ~~or compliance,~~ or automated traffic law violations does not exceed \$2500. If the court is satisfied that the final determination of parking, standing, ~~or compliance,~~ or automated traffic law violation was entered in accordance with the requirements of this Section and the applicable municipal ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the

municipality and against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

(Source: P.A. 94-294, eff. 1-1-06.)

(625 ILCS 5/11-208.6 new)

Sec. 11-208.6. Automated traffic law enforcement system.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

- (1) 2 or more photographs;
- (2) 2 or more microphotographs;
- (3) 2 or more electronic images; or
- (4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate number of the motor vehicle.

(c) A county or municipality, including a home rule county or municipality, may not use an automated traffic law

enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. The regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

- (1) the name and address of the registered owner of the vehicle;
- (2) the registration number of the motor vehicle involved in the violation;
- (3) the violation charged;
- (4) the location where the violation occurred;
- (5) the date and time of the violation;
- (6) a copy of the recorded images;
- (7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;
- (8) a statement that recorded images are evidence of a violation of a red light signal;
- (9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle; and
- (10) a statement that the person may elect to proceed
by:

(A) paying the fine; or

(B) challenging the charge in court, by mail, or
by administrative hearing.

(e) If a person charged with a traffic violation, as a result of an automated traffic law enforcement system, does not pay or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to pay any fine or penalty due and owing as a result of 5 violations of the automated traffic law enforcement system.

(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(g) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner at the time of the violation;

(2) that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and

(3) any other evidence or issues provided by municipal or county ordinance.

(i) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding \$100, plus an additional penalty of not more than \$100 for failure to pay the original penalty in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(k) An intersection equipped with an automated traffic law enforcement system must be posted with a sign visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system.

(l) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(m) This Section applies only to the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and to municipalities located within those counties.

(625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

Sec. 11-306. Traffic-control signal legend. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or color lighted arrows, successively one at a time or in combination, only the colors green, red and

yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication.

1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

3. Unless otherwise directed by a pedestrian-control signal, as provided in Section 11-307, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication.

1. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

2. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(c) Steady red indication.

1. Except as provided in paragraph 3 of this subsection (c), vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication to proceed is shown.

2. Except as provided in paragraph 3 of this subsection (c), vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.

3. Except when a sign is in place prohibiting a turn and local authorities by ordinance or State authorities by rule or regulation prohibit any such turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by paragraph 1 or paragraph 2 of this subsection. After stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction or roadways. Such driver shall yield the right of way to pedestrians within the intersection or an adjacent crosswalk.

4. Unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, pedestrians facing a steady circular red or red arrow signal alone shall not

enter the roadway.

~~5. A municipality with a population of 1,000,000 or more may enact an ordinance that provides for the use of an automated red light enforcement system to enforce violations of this subsection (c) that result in or involve a motor vehicle accident, leaving the scene of a motor vehicle accident, or reckless driving that results in bodily injury.~~

~~This paragraph 5 is subject to prosecutorial discretion that is consistent with applicable law.~~

(d) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made or, in the absence of such sign or marking, the stop shall be made at the signal.

(e) The motorman of any streetcar shall obey the above signals as applicable to vehicles.

(Source: P.A. 90-86, eff. 7-10-97; 91-357, eff. 7-29-99.)

(625 ILCS 5/11-612 new)

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

Public Act 094-0795

HB4835 Enrolled

LRB094 19060 DRH 54562 b

Section 6 of Article VII of the Illinois Constitution.

(625 ILCS 5/1-105.5 rep.)

Section 10. The Illinois Vehicle Code is amended by
repealing Section 1-105.5.

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

Attachment B

Public Act 094-0771

SB2865 Enrolled

LRB094 19100 DRH 54615 b

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Vehicle Code is amended by changing Section 11-1201.1 and adding Sections 11-612 and 11-1201.5 as follows:

(625 ILCS 5/11-612 new)

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

(625 ILCS 5/11-1201.1)

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

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

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

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

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

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

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

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

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

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

1. Paying the fine; or
2. Challenging the issuance of the Uniform Traffic Citation in court; or
3. If you were not the operator of the vehicle at the time of the alleged offense, notifying in writing the local law enforcement agency that issued the Uniform Traffic Citation of the number of the Uniform Traffic Citation received and the name and address of the person operating the vehicle at the time of the alleged offense. If you fail to so notify in writing the local law enforcement agency of the name and address of the operator of the vehicle at the time of the alleged offense, you may be presumed to have been the operator of the vehicle at the time of the alleged offense."

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

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

(e) Evidence.

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

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

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

the amount of the fine for violation.

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

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

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

(j) Penalty.

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

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

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

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

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

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

(c) For each violation of Section 11-1201 or 11-1425 recorded by an automatic railroad grade crossing system, the local law enforcement agency having jurisdiction shall issue a written Uniform Traffic Citation of the violation to the registered owner of the vehicle as the alleged violator. The Uniform Traffic Citation shall be delivered to the registered owner of the vehicle, by mail, within 30 days of the violation. The Uniform Traffic Citation shall include the name and address of vehicle owner, the vehicle registration number, the offense

charged, the time, date, and location of the violation, the first available court date, and that the basis of the citation is the photograph or other recorded image from the automated railroad grade crossing enforcement system.

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

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

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

1. Paying the fine; or
2. Challenging the issuance of the Uniform Traffic Citation in court; or
3. If you were not the operator of the vehicle at the time of the alleged offense, notifying in writing the local law enforcement agency that issued the Uniform Traffic Citation of the number of the Uniform Traffic Citation received and the name and address of the person operating the vehicle at the time of the alleged offense. If you fail to so notify in writing the local law enforcement agency of the name and address of the operator of the vehicle at the time of the alleged offense, you may be presumed to have been the operator of the vehicle at the time of the alleged offense."

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

issue a written Uniform Traffic Citation to the person alleged by the registered owner to have been the operator of the vehicle at the time of the alleged offense. If the registered owner fails to notify in writing the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the registered owner may be presumed to have been the operator of the vehicle at the time of the alleged offense.

(g) Evidence.

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

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

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

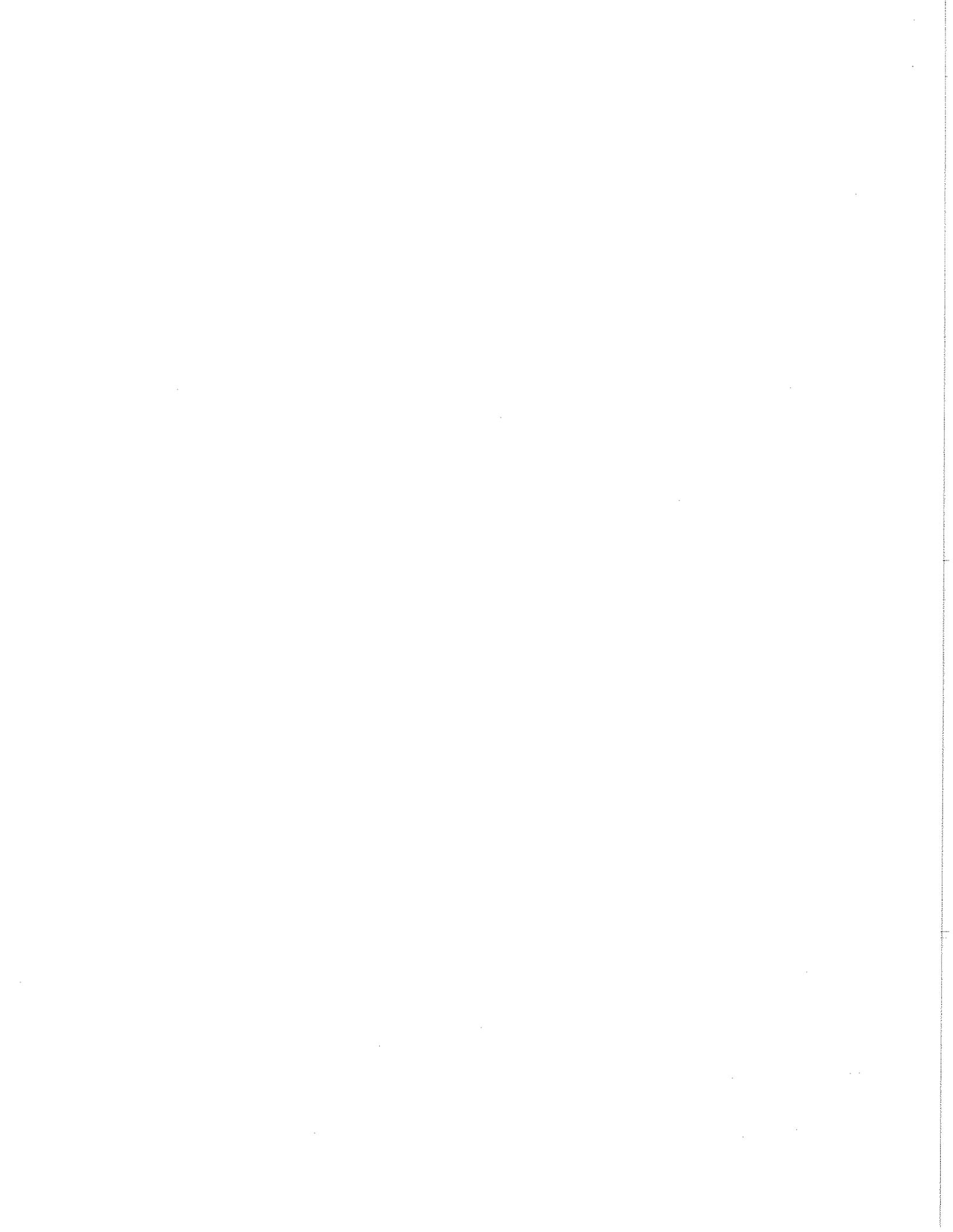
(i) A county or municipality, including a home rule county or municipality, may not use an automated railroad crossing enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. The regulation of the use of automated railroad crossing enforcement systems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

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

(k) Penalty.

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

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



RESOLUTION AGREEING TO INDEMNIFY MCHENRY COUNTY FOR PHOTO ENFORCEMENT EQUIPMENT ATTACHED TO MCDOT FACILITIES

WHEREAS, the Town, Village, City of _____ is desirous of constructing certain facilities attached to McHenry County Division of Transportation facilities ("MCDOT"); and

WHEREAS, the McHenry County Division of Transportation has determined that the attachment of photo enforcement equipment to its facilities may be permitted and is in the interest of increasing the safety of the motoring public; and

WHEREAS, pursuant to The McHenry County Division of Transportation Automated Traffic Law Enforcement Systems Policy, MCDOT will issue a permit for the attachment of photo enforcement equipment to MCDOT facilities provided that MCDOT has obtained a resolution from the Town, Village, City of _____ agreeing to indemnify McHenry County, Illinois; and

WHEREAS, the Town, Village, City of _____ deems it in the interest of the Town, Village, City of _____ to adopt such a resolution to facilitate safety of the motoring public.

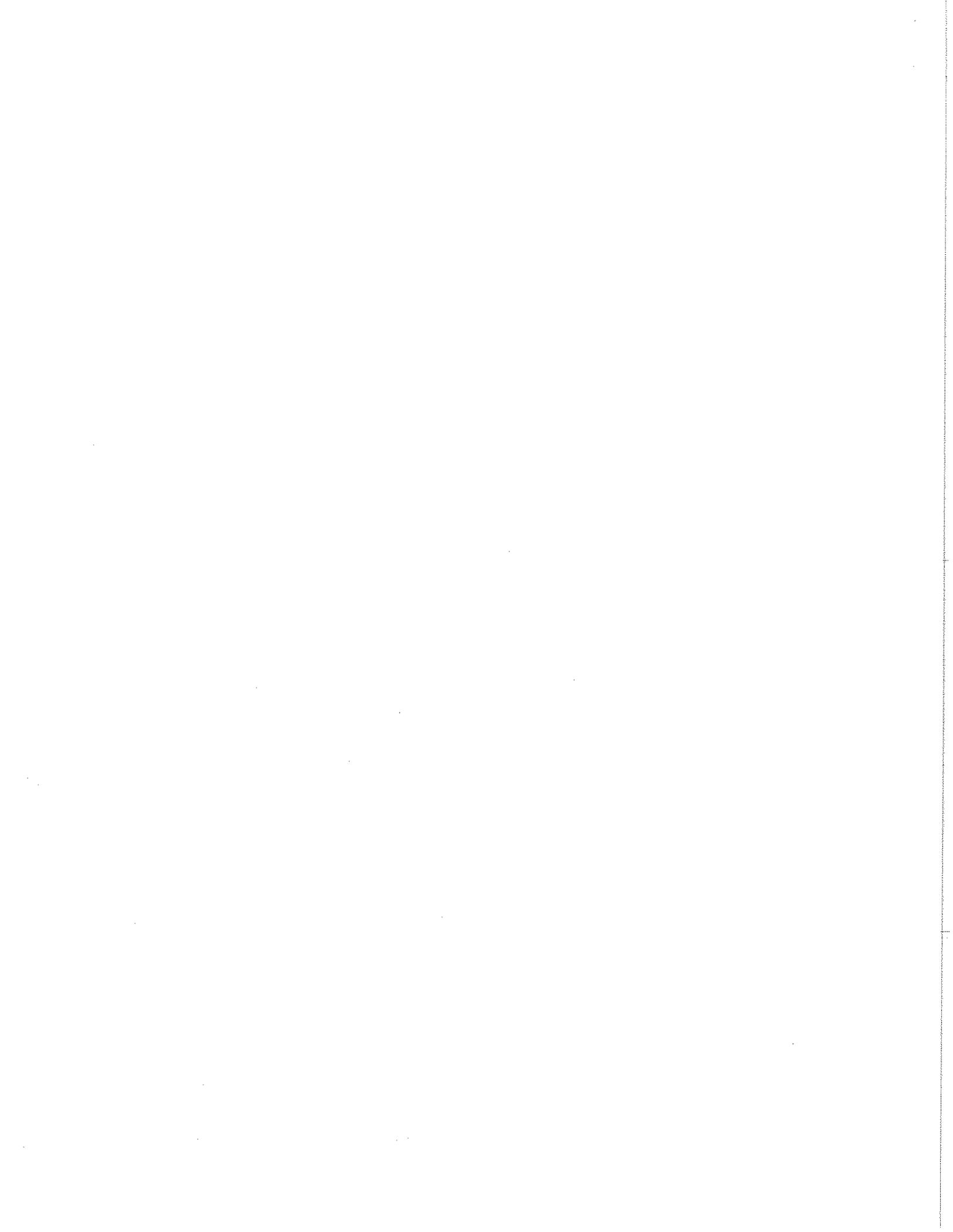
THEREFORE, Be It Resolved by the Council of the Town, Village, City of _____ agrees to indemnify and hold harmless McHenry County for any claims that may be made against McHenry County, its employees, agents and the McHenry County Division of Transportation including reasonable attorneys fees and costs incurred by the County to defend any lawsuit naming the County, whether the attorneys fees are incurred by in house counsel or outside counsel, as a result of attachment and operation of photo enforcement equipment to MCDOT facilities.

Passed by the Mayor, Village President for the Town, Village, City of _____ on the _____ day of _____, 2007.

Mayor/Village President

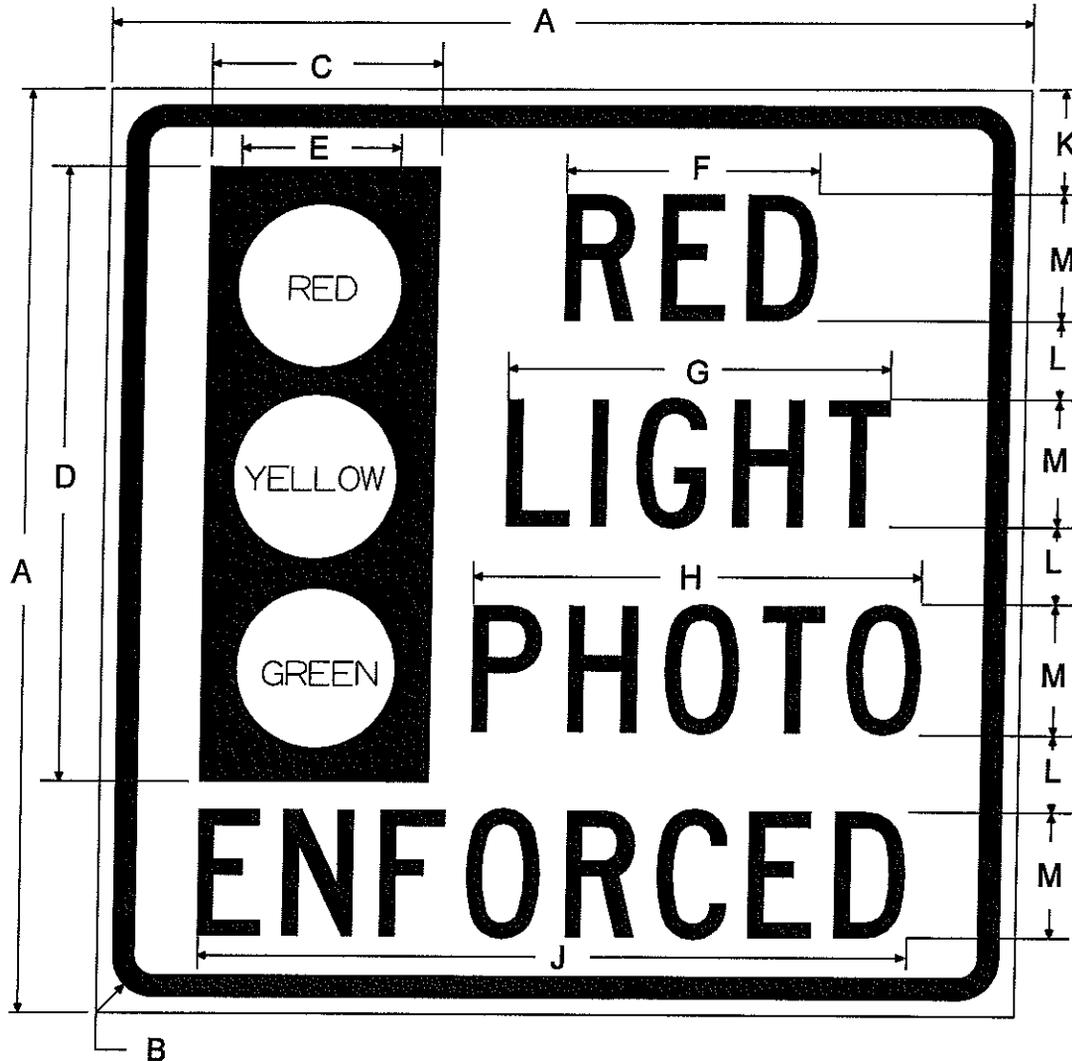
ATTEST:

Village Clerk



ILLINOIS STANDARD

R10-I104



COLOR	LEGEND AND BORDER	BLACK	NON-REFLECTORIZED
	BACKGROUND	WHITE	REFLECTORIZED
	LIGHTS	COLOR	REFLECTORIZED

SIGN SIZE	DIMENSIONS											
	A	B	C	D	E	F	G	H	J	K	L	M
30 X 30	30.00	1.88	7.30	19.60	5.40	7.80	12.00	14.00	22.20	2.80	2.80	4.00
36 X 36	36.00	2.25	8.90	24.00	6.40	9.80	15.00	17.60	27.60	3.50	3.00	5.00

SIGN SIZE	SERIES BY LINE				MARGIN	BORDER
	1	2	3	4		
30 X 30	4C	4C	4C	4C	0.500	0.750
36 X 36	5C	5C	5C	5C	0.625	0.875

All dimensions in inches. Sign not to scale.

