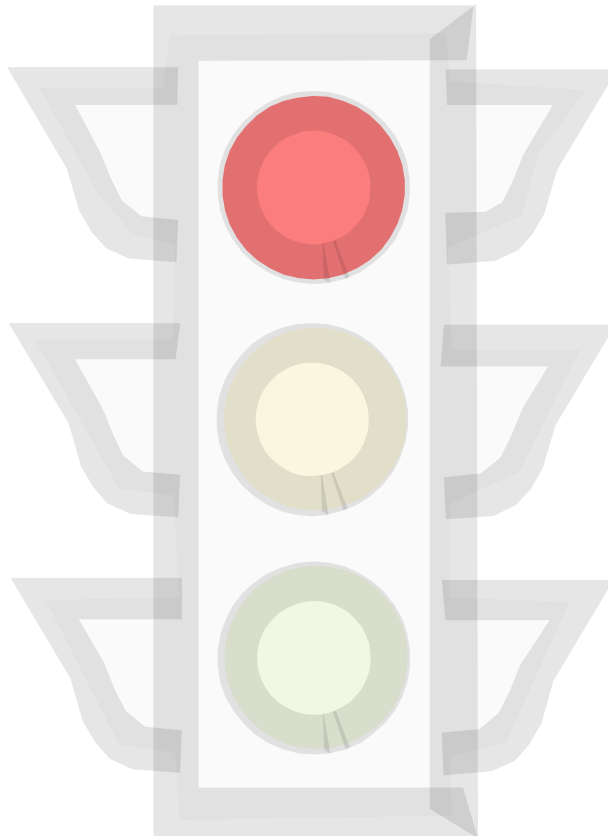




**Kane County  
Division of Transportation**

## **Policy for Red Light Running (RLR) Photo Enforcement Systems**

**Effective: APRIL 1, 2008**



**Revised October 12, 2010**

## **Executive Summary**

Red Light Running (RLR) is one of the major causes of crashes, deaths, and injuries at signalized intersections nationwide. Most recent crash statistics show that nearly 1,000 Americans were killed and 176,000 were injured in 2003 due to red light running related crashes. The monetary impact of crashes to our society is approximately \$14 billion annually.

Public Act 94-0795, 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 Red Light Running Photo Enforcement systems (RLRPE) 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. This law was later amended by Public Act 96-1016 (effective January 1, 2011).

This document has been prepared by the Kane County Division of Transportation (KDOT) to establish procedures and policies required for the judicious installation of automated traffic law enforcement systems on County marked and unmarked routes.

While RLRPE may be a potential tool in enhancing safety at specific intersections, Kane County's policy is that RLRPE should not be the first course of action in addressing intersection safety. Kane County policy is to implement traffic engineering methods and improvements prior to the use of photo enforcement. Cameras will only be considered by the County after engineering solutions have been proven ineffective in addressing red-light running crashes. The U.S. Department of Transportation and Federal Highway Administration also recommend this "engineering solutions" first approach.

## **Acknowledgements**

Kane County would like to thank the Illinois Department of Transportation, Region 1 – Bureau of Traffic and the DuPage County Division of Transportation for their contributions to this document.

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## **I. Overview**

RLRPE should be installed only where a safety problem with red light running has been thoroughly documented and alternative countermeasures

(improvements) have been implemented, constructed and evaluated for an appropriate assessment period. RLRPE can be installed and operated at signalized intersections that include County marked and unmarked routes by either the County in unincorporated areas or the local municipality having law enforcement jurisdiction where the subject intersection is located.

A local municipality requesting to install and operate a RLRPE at signalized intersections that include County marked and unmarked routes shall request authorization by seeking a review and consideration by the County Engineer of the submittal requirements and any other information requested to evaluate red-light running crashes. County Board consideration of the County Engineer's recommendation and approval by resolution will be required prior to permitting the installation of a photo enforcement Camera System by the County Engineer. The issuance of a KDOT permit is for one (1) year and shall be considered a temporary approval, in that the County will annually evaluate the Camera System's effectiveness to address RLR. At no time shall RLRPE operate at any given location for more than three years.

The County and the traffic engineering community recognizes that there are many factors involved with establishing appropriate signal timing (such as the speed limit, road grade, traffic volumes, pavement condition & type, etc.) and that many drivers inadvertently run red lights by misjudging speed, driver reaction times, distance (from the intersection), and other factors as they approach a yellow signal with a duration in accordance with standard traffic engineering practice which recommends a minimum yellow interval of 3 to 6 seconds and which may not necessarily be uniform on any given roadway since factors such as speed limits and other roadway conditions will vary.

Depending on the driver's location to the intersection when the light turns yellow, these factors may create what traffic engineers refer to as a "dilemma zone" where it is difficult for a driver to determine whether to stop or proceed through the intersection. Sometimes the driver may even begin braking only to realize that it is safer to continue and inadvertently runs a red light. To address this, County-maintained signals feature a clearance ("all-red") interval which recognizes that drivers may react differently each time they come upon a yellow signal. Some state RLRPE laws (like Virginia's) have acknowledge this by mandating a 0.5-second grace period after a signal change to red, during which no violations would be cited.

As such, the County believes that RLRPE should not be the first course of action in addressing intersection safety. While RLRPE may be a potential tool in enhancing safety at specific intersections, there are various improvements that should be considered prior to photo enforcement.

## **II. RLRPE Description**

RLRPE 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, cameras record

pictures of the vehicle position and license plate. RLRPE shall differentiate between vehicles illegally traversing the intersection on a red indication (as defined by 5/1-132 of the Illinois vehicle Code) and vehicles stopping beyond the stop bar. RLRPE shall also not cite a violation for vehicles making legal left or right turns at a red light. All violations should be afforded the same enforcement discretion as if a police officer were present.

### **III. RLRPE Location and Justification**

#### **a. RLRPE System Eligible Locations**

Signalized intersections that are eligible for RLR cameras systems shall include all the following characteristics:

- Documented three (3) year history of annual crashes attributable to red light violations.
- Documented three (3) year history of red light violations where corrective actions have been implemented and deemed ineffective.
- Traffic signal clearance intervals that exceed minimums set by the *Manual on Uniform Traffic Control Devices (MUTCD)* and in accordance with the *ITE (Institute of Transportation Engineers) formula for change and clearance intervals*.
- Traffic signal heads have twelve (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 three (3) signal displays exist for through movements and 2 signal displays for left turning movements.
- A minimum of two (2) signal displays mounted on each mast arm.
- Traffic signals heads are clear from all obstructions and visible for the appropriate sight distance and positioned, as specified in Chapter 4D of the latest edition of the *MUTCD*.
- Stop lines are clearly visible and located at the appropriate location as specified in Chapter 3B of the latest edition of the *MUTCD*.
- Traffic signal timing is optimized to current traffic conditions so that good positive traffic progression is maintained.
- Traffic signal is functioning properly and, if actuated, all detectors are working properly so as not to cause additional delay.

#### **b. RLRPE Restricted Locations**

Locations that are restricted from consideration for RLRPE include the following characteristics:

- Signalized intersections where other corrective actions, including engineering countermeasures, which are designed to discourage red light running have not yet been implemented, alternatives reasonably exhausted, and effectiveness evaluated as an initial response to documented history of crashes and violations. Engineering countermeasures may include but are not limited to the following:
  - a. Adjustments to the change (yellow) and clearance (all-red) intervals
  - b. Signal timing optimization to improve traffic progression, including adjustments to signal cycle length and splits (amount of time allocated to green, yellow and red)

- c. Reduced signal phasing
  - d. Improved pavement marking
  - e. Addition of retro-reflective yellow sheeting on the traffic signal backplates
  - f. Addition of Signal Ahead warning signs
  - g. Addition of flashing yellow warning beacons mounted above Signal Ahead warning signs
  - h. Addition of dilemma zone detection to the existing traffic signal
  - i. Replacement of existing traffic signal incandescent bulbs with LED (Light Emitting Diodes)
  - j. Modernization of existing traffic signal installation to include improved signal head placement (one head per lane/center of lane)
  - k. Geometric improvements to address deficiencies in capacity, sight distance, etc.
  - l. And other countermeasures that increase signal visibility/conspicuity and likelihood of stopping
- Signalized intersections that are programmed to be modified and/or improved within the County's Transportation Improvement Program. The County will continue to consider countermeasures to address safety issues, regardless of the schedule of programmed improvements.
  - Traffic signal is interconnected to railroad crossing controlled devices.
  - Traffic signal is a span wire installation.
  - Where 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 KDOT roadway set-back minimums, or other KDOT construction requirements.
  - Where installations of RLR would negatively impact intersection operations.
  - Within one mile of an existing operating RLRPE.
  - The County will notify the Permit Applicant of changes that may affect them.

### **c. RLRPE Justification**

A Justification Report shall be prepared by the municipality for the locations in which the local municipality (Permit Applicant) wishes to establish a RLRPE. A Justification Report shall also be prepared for the locations in which the County wishes to establish a RLRPE. The Justification Report shall include a completed copy of Attachment "A" and all of the following documentation:

- Permit applicant name (Village, City etc.).
- Intersection location(s), including street names and municipality and intersection approaches proposed for RLRPE.
- Brief geometric description of the intersection(s) and land usage including color photographs and aerial or plan view.
- Field survey of RLR violations for a 24-hour period, as defined by Section II above. A video of each violation is also required, along with information regarding the duration of time from when the change to the red signal indication occurs to when the violation is committed.
- Red light running citation data

- Crash data and collision diagrams should be submitted for all types of crashes at the intersection. It is required 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. Crashes directly related to RLR are to be individually identified and tabulated.
- Average daily and peak period traffic volumes. The relationship between the frequency of violations, the number of RLR-related crashes, and traffic volumes will be reviewed and considered.
- Approach angles and speed limits.
- Information on existing traffic control devices, including signal head displays, location, phasing, durations of change (yellow) and clearance (all-red) intervals, including color photographs of each approach to the intersection and whether or not 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 RLRPE from a representative of 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 RLRPE experience red light violations and crashes resulting from such. This letter shall also include a statement of support for the use of automated RLRPE.
- Report including crash rankings of all signalized county intersections within municipality and may include number of angle and turning collisions, intersection Average Daily Traffic (ADT), total number of accidents, total injuries, accident rate and roadway jurisdiction.
- Map of the municipality identifying intersections and priority of installation.

The County will independently evaluate and consider permitting photo enforcement for left turning movements and through movements. Photo enforcement for right turn movements will not be permitted, except where "No Right on Red" signage is demonstrated to be ineffective with documented crash(s) and/or documented crash(s) involving pedestrians and right turning vehicles in high pedestrian areas and all other appropriate remedies have been implemented. The County reserves the authority to reject RLRPE installation for any or all movements.

#### **IV. Permit Submittal Requirements for RLRPE Installation(s)**

A local municipality desirous of installing and operating a RLR Camera System at signalized intersections that include County marked and unmarked routes (Permit Applicant) shall submit to the County the following items for consideration:

- The Justification Report for the RLRPE installation.

- Detailed construction plans showing all proposed RLRPE and existing traffic signal equipment, as outlined in the County's Traffic Signal Design Guidelines.
- Signing plans.
- Manufacturer literature and wiring diagrams.
- Description of how the RLRPE will be operated and maintained.
- The Permit Applicant shall submit a copy of the ordinance or resolution agreeing to indemnify the County of Kane for any claims which are from or as a result of the RLRPE, its installation, operation, maintenance and removal (See Attachment E).
- A copy of the local ordinance for an automated traffic law enforcement system program.
- Signed KDOT Permit application for Right of Way Alteration
- Permit Fee of \$450 (payable by check only)

The County's maintained traffic signal clearance intervals shall be in accordance with Chapter 4D of the latest edition of the *MUTCD*. The County will verify clearances upon request. **Yellow change and all-red clearance interval timings are determined by the County and subject to change as warranted by the County without notification.**

All other permit requirements shall be in accordance with the latest edition of the *Kane County Division of Transportation Permit Regulations and Access Control Regulations*.

## V. Signing Requirements

Regulatory "RED LIGHT PHOTO ENFORCED" (R10-I104) signs (See Attachment D) 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 RLRPE at the intersection.

The County shall provide, install, and maintain the signs with an orange or red flag attached to the RLR signs. These flags will remain in place for a period of thirty (30) days after the RLRPE are activated. If the local municipality (Permit Applicant) is desirous of installing and operating a RLR PE at signalized intersections that include County marked and unmarked routes, they shall reimburse the County for the cost to provide and install the signs. The County will maintain such signs for the duration of the permit.

## VI. Operations and Maintenance

### a. Operational Requirements

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

- Electrical service for RLRPE equipment shall come from the local electric utility company, not from traffic signal equipment or other County facilities.



- To obtain status of the traffic signals, miniature current transformers may be installed on yellow and red signal circuits. RLRPE circuitry shall not be connected to traffic signal cables by cutting, splicing, sharing terminations or other means. No other RLRPE circuitry will be allowed in traffic signal facilities, including but not limited to the traffic signal cabinet, associated electrical conduit, junction boxes, handholes, mast arm poles or signal posts.
- RLRPE vehicle detection shall utilize non-intrusive technologies (video, radar, microwave detection, etc.) to minimize impact the roadway pavement. Pavement loops or other detection equipment installed in the pavement) may be considered on a location-by-location basis, subject to approval by the County. 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 KDOT traffic signal controller cabinet or other KDOT facilities, shall be performed by an electrical contractor who is prequalified by IDOT Region 1 for Traffic Signal construction.
- All RLRPE settings shall be reviewed and approved by the County prior to the scheduled "Turn-On". Post "Turn-On" adjustments may be necessary and shall be monitored and approved by the County prior to implementation. The intent is to ensure that there is no negative impact to the County's traffic signal operations.
- 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.
- The Permit Applicant will be required to adjust equipment to reflect updates in technology. Field changes may be necessary to adapt the approved plans to provide a more modern and/or safer design.

#### **b. Maintenance Requirements**

- All costs for the materials, installation, operation, maintenance, repair, and removal of the RLRPE shall be the responsibility of the Permit Applicant. A Right of Way Alteration fee in accordance with the latest edition of the *Kane County Division of Transportation Permit Regulations and Access Control Regulations* will be required for removal of any RLRPE.
- All RLRPE materials shall be reviewed and approved by the County prior to installation.
- RLRPE equipment installed in or on the County's traffic signal equipment shall be completed in accordance with the appropriate County electrical maintenance policies.
- If the County improves an intersection where a RLRPE is installed, the removal of RLRPE equipment 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 RLRPE shall be inspected and "Turned-On" as detailed in the County's Traffic Signal Specifications.

### **VII. Other Administrative Requirements**

#### **a. Public Information Campaign**

The Permit Applicant shall hold well-publicized kickoff events, issue periodic press releases and provide local public televised informational programming (where available) about the proposed locations and effectiveness of RLRPE 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 RLRPE, the Permit Applicant shall take measures to bring attention to the intersections where the RLR camera systems are in use. For the first thirty (30) days the RLRPE is in operation, an orange or red flag shall be attached to the RLRPE signs. The Permit Applicant shall issue warning citations to violators for an initial period of one month, and publicize the date on which warning citations will be halted and actual enforcement citations will begin.

#### **b. Annual Follow up Evaluation**

Permits issued for RLR Camera Systems shall be required to be re-evaluated for permit renewal annually. An Evaluation Report shall be prepared by the Permit Applicant one year after the installation and shall be prepared every year thereafter. The RLRPE will be in operation for a maximum of three years, at which time the equipment shall be removed from the intersection. The Evaluation Report shall include a completed copy of Attachment "B" and the following:

- Intersection location(s).
- Date of implementation.
- RLRPE manufacturer and contractor name.
- Crash data specific to RLR location(s) for the 3-year period prior to and for the period post RLRPE installation.
- An analysis of the crash data, including a summary of any increase in crash types.
- Signal timing and other settings before and after RLRPE installation.
- Traffic volumes before and after RLRPE installation using available data.
- 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 County determines it is in the best interest of the motoring public of Kane County or if the RLRPE is having a detrimental effect on the operations of the existing traffic signal system. All costs associated with the removal shall be the responsibility of the Permit Applicant.
- Permit Renewal Fee of \$100 (payable by check only)

#### **c. Violation Data**

The Permit Applicant shall require the vender to provide data pertaining to the number of violations and convictions for each camera location to the County on a quarterly basis. Each violation should include data about the timing of the violation in relation to the signal change to red.

**Attachment A**

**Kane County Division of Transportation  
Red Light Running (RLR) Camera Enforcement System  
Justification Report Summary Sheet**

Date\_\_\_\_\_

Permit Applicant (Village, City, etc.)\_\_\_\_\_

Intersection \_\_\_\_\_

Approaches Proposed for Camera Enforcement (with roadway authority having jurisdiction noted)\_\_\_\_\_

**Submitted Documentation:**

- Crash data and summary – years 20\_\_\_\_, 20\_\_\_\_ and 20\_\_\_\_.

- RLR citation data.
- Collision diagram.
- Average daily and peak period volumes.
- Speed limits.
- Survey violation data and video (with information regarding the duration of time from when the change to the red signal indication occurs to when the violation is committed).
- Summary of violations and possible reasons
- Color pictures of each approach to the intersection showing traffic signal displays and location. Land usage should also be noted in the pictures.
- Information concerning pedestrian and bicycle facilities and usage.
- Letter of concurrence from the local roadway authority having jurisdiction.
- Letter of concurrence from the local Police Chief, certifying violations and crashes are a result of red light running at the specific intersection.
- Report including rankings of all signalized county intersections within municipality. This may include number of angle and turning collisions, intersection ADT, total number of accidents, total injuries, accident rate and roadway jurisdiction.
- Map of the municipality identifying intersections and priority of installation.
- Permit Fee of \$450 (payable by check only)

**Existing Conditions:**

*Any "Yes" answer will prohibit installation of red light running equipment.*

\_\_\_ Is the traffic signal interconnected to railroad crossing control devices?

\_\_\_ Is this a span wire type traffic signal installation?

*Any "No" answers will prohibit installation of red light running equipment.*

\_\_\_ Are submitted crashes attributed to red light running violations?

\_\_\_ Sight distance meets MUTCD minimums.

Traffic Signal Equipment: \_\_\_\_\_

\_\_\_ All 12-inch displays?

\_\_\_ All LED optics?

\_\_\_ Are mast arm poles used to mount signal heads on the far side of each proposed enforcement approach leg?

\_\_\_ Minimum of 3 signal displays for thru movements and 2 signal displays for turning movements?

\_\_\_ Minimum 2 signal displays mounted on mast arm?

This form is submitted by (agency, firm or company) \_\_\_\_\_

By (Name & Phone Number) \_\_\_\_\_

**Attachment B**

**Kane County Division of Transportation  
Red Light Running (RLR) Camera Enforcement System  
Annual Permit Summary Sheet**

Date \_\_\_\_\_

Permit Applicant (Village, City, etc.) \_\_\_\_\_

Intersection \_\_\_\_\_

Approaches with Cameras  
\_\_\_\_\_

RLR Equipment Make/Model  
\_\_\_\_\_

**Submitted Documentation:**

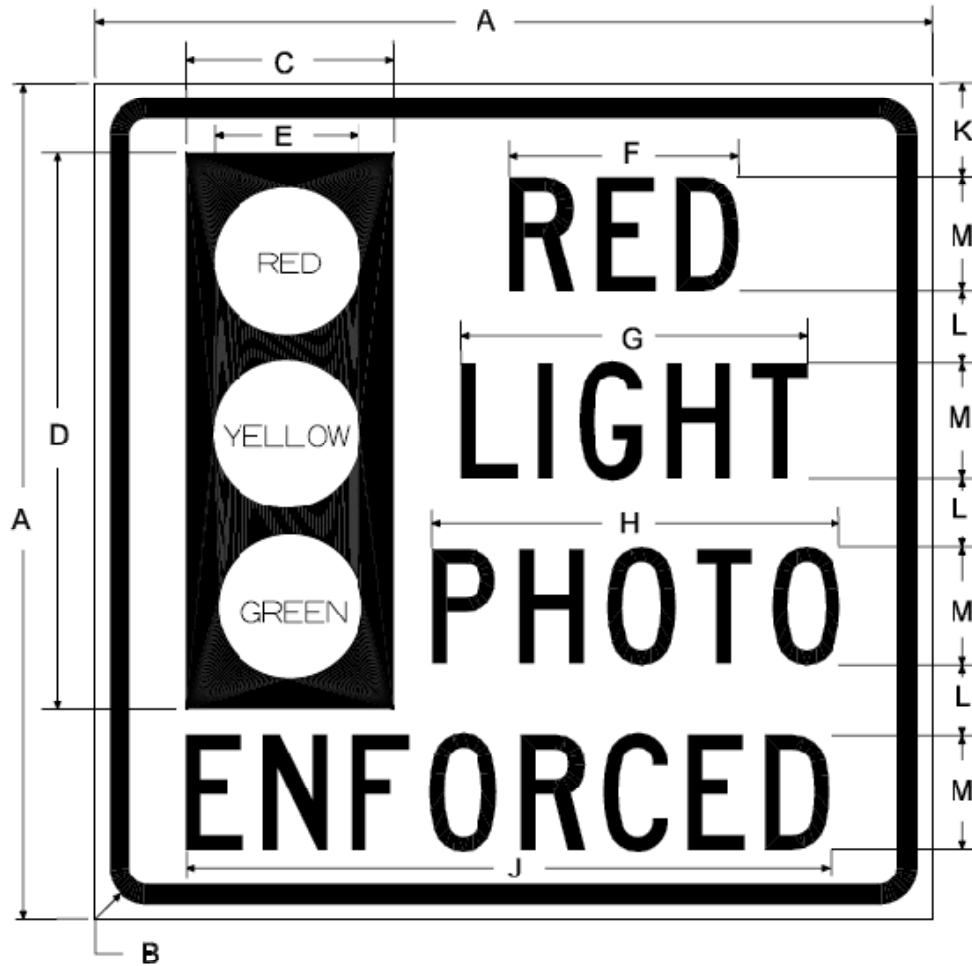
- Summary of accidents for three year period prior to installation.
- Summary of accidents for period after installation.
- Summary of violations prior to installation (from justification report).
- Summary of violations for period after installation.
- Most recent three years of RLR citation data.
- List of days in the last year that equipment failed to operate.
- List of maintenance records and repairs.
- List of reported violations and actual citations.
- List of citations overturned by courts.
- Report identifying reasons for continued operation of equipment.
- Said report will include a signed statement by the local Police Chief concurring with summary.
- Permit Renewal Fee of \$100 (payable by check only)

This form is submitted by (agency, firm or company) \_\_\_\_\_

By (Name & Phone Number) \_\_\_\_\_

**Attachment C**

**Sign Standard R10-I104**



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

**Attachment D**

(625 ILCS 5/11-208.6)

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.

(b-5) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(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.

(c-5) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where the motor vehicle comes to a complete stop and does not enter the intersection, as defined by Section 1-132 of this Code, during the cycle of the red signal indication unless one or more pedestrians or bicyclists are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of Section 11-306 of this Code or a similar provision of a local ordinance.

(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 requirements of any traffic education program imposed and the date by which the civil penalty should be paid and the traffic education program should be completed;
- (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, to complete a required traffic education program, 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;
- (10) a statement that the person may elect to proceed by:
  - (A) paying the fine, completing a required traffic education program, or both; or
  - (B) challenging the charge in court, by mail, or by administrative hearing; and
- (11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(e) If a person charged with a traffic violation, as a result of an automated traffic law enforcement system, does not pay the fine or complete a required traffic education program, or both, 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 complete a required traffic education program or to pay any fine or penalty due and owing, or both, 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 or the completion of a traffic education program, or both, plus an additional penalty of not more than \$100 for failure to pay the original penalty or to complete a required traffic education program, or both, 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.

(j-3) A registered owner who is a holder of a valid commercial driver's license is not required to complete a traffic education program.

(j-5) For purposes of the required traffic education program only, a registered owner may submit an affidavit to the court or hearing officer swearing that at the time of the alleged violation, the vehicle was in the custody and control of another person. The affidavit must identify the person in custody and control of the vehicle, including the person's name and current address. The person in custody and control of the vehicle at the time of the violation is required to complete the required traffic education program. If the person in custody and control of the vehicle at the time of the violation completes the required traffic education program, the registered owner of the vehicle is not required to complete a traffic education program.

(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.

(k-3) A municipality or county that has one or more intersections equipped with an automated traffic law enforcement system must provide notice to drivers by posting the locations of automated traffic law systems on the municipality or county website.

(k-5) An intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms with the Illinois Manual on Uniform Traffic Control Devices (IMUTCD) published by the Illinois Department of Transportation.

(k-7) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an intersection following installation of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable

period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection (k-7) shall be made available to the public and shall be published on the website of the municipality or county. If the statistical analysis for the 36 month period following installation of the system indicates that there has been an increase in the rate of accidents at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the accidents, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the accidents at that intersection.

(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.

(n) The fee for participating in a traffic education program under this Section shall not exceed \$25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

(o) A municipality or county shall make a certified report to the Secretary of State pursuant to Section 6-306.5 of this Code whenever a registered owner of a vehicle has failed to pay any fine or penalty due and owing as a result of 5 offenses for automated traffic law violations.

(Source: P.A. 96-288, eff. 8-11-09; 96-1016, eff. 1-1-11.)

## **Attachment E**

### **RESOLUTION PERMITTING THE ATTACHMENT OF PHOTO ENFORCEMENT EQUIPMENT TO KANE COUNTY HIGHWAY FACILITIES**

WHEREAS, the *(select one)* Village/City of \_\_\_\_\_, herein referred to as the *(select one)* “Village”/“City” requests to construct on and attach to certain County Highway(s) and appurtenances belonging thereto under the jurisdiction of the County of Kane (hereinafter “County Facilities”) red light photo enforcement equipment (hereinafter referred to as the “Enforcement Equipment”) at the intersection of Kane County Highway No. \_\_\_\_, (also known as \_\_\_\_\_ Road) and \_\_\_\_\_ *(select one)* Street/Road, (hereinafter referred to as the “Intersection”); and

WHEREAS, the City/Village and County have considered other corrective actions, including engineering countermeasures, to address red light running crashes at the Intersection and the County has determined that the attachment of Enforcement Equipment to the County Facilities is an appropriate countermeasure to use for a designated period of time to enhance the safety of the motoring public; and

WHEREAS, pursuant to the County’s Policy of Red Light Running (RLR) Camera Enforcement Systems, the County shall allow the construction and attachment of the Enforcement Equipment to County Facilities only upon the *(select one)* Village/City: (i) making application for, and the County issuing, a duly authorized permit for the attachment of the Enforcement Equipment to the County Facilities (hereinafter the “Permit”), and (ii) providing to the County this duly authorized, approved and executed resolution from the *(select one)* Village/City of \_\_\_\_\_ agreeing to fully abide by the terms and conditions of the County’s Permit which shall require, among other things, the select One) City/Village to defend, indemnify and hold harmless the County of Kane for claims arising from or as a result of the design, construction, installation, operation and maintenance of the Enforcement Equipment and enforcement or collection activity relating thereto among other things; and

WHEREAS, the Village/City of \_\_\_\_\_ shall adhere to the County’s Policy of Red Light Running (RLR) Camera Enforcement Systems and agrees to the County’s annual permitting of the Enforcement Equipment with said equipment to be removed upon request by the County or at three (3) years; and

WHEREAS, the Village/City of \_\_\_\_\_ deems it to be in its best interest to adopt this resolution to facilitate the safety of the motoring public.

NOW, THEREFORE, BE IT RESOLVED, by the *(select one)* City Council/ Village Board of the *(select one)* Village/City of \_\_\_\_\_ that it agrees to fully abide and be bound by all terms and conditions of the County’s Permit which shall require among other things that the *(select one)* City/Village it shall indemnify, defend and hold harmless the County of Kane for any and all claims from or against the County of Kane including attorney’s fees and costs incurred by the County of Kane arising as a result of the design, construction, installation, operation and maintenance, operation of the Enforcement Equipment to County Facilities and the enforcement or collection activity relating thereto .

Be It Further Resolved that the *(select one)* Village /City of \_\_\_\_\_ hereby authorizes its *(select one)* President/Mayor to sign the County’s Permit application for the Enforcement Equipment Systems.

Passed by the *(select one)* the Village Board/City Council of  
\_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
*(select one)* Mayor/Village President

ATTEST:

\_\_\_\_\_  
*(select one)* Village/City Clerk