

# YOU, The Motorist

are more likely to be the victim in a work zone crash instead of a worker. On average, there are over 7,000 work zone motor vehicle crashes a year in Illinois resulting in 2,100 injuries and 27 fatalities with an average of 2 worker fatalities.

## Need To Know

### New Laws Effective In 2010

January 1, 2010, two new distracted driving laws went into effect. It is now illegal to email, text or surf the internet while driving on Illinois roadways. Drivers are now also prohibited from talking on a cell phone while traveling through a highway construction work zone or school zone. Fines start at \$75 for either offense.

**Can I receive a ticket for talking on my cell phone or texting in a work zone?**

## Work Zones

Yes. Distracted driving contributes to 25 percent of all police-reported traffic crashes according to the National Highway Traffic Safety Administration (NHTSA). Work zones need our undivided attention. When traveling through a work zone or school zone, hang up your cell phone and keep everyone safe.

**Do workers have to be present to receive a speeding ticket in a work zone?**

Workers do not have to be present to receive a speeding ticket in a work zone. Regulatory construction speed limit signs are erected in construction work zones lowering speed limits, i.e. from 65 mph to 55 mph or from 55 mph to 45 mph, and apply when normal conditions do not exist (narrow lanes, edge drop-offs, lane reduction, etc.) for the motorist. This could also apply when construction equipment or a temporary obstruction is within close proximity to open lanes of traffic. This reduced speed is for the safety of the motorists and **is not limited to the time when workers are present**. Slower speeds give drivers more time to safely negotiate these restricted areas yet only adds seconds to the overall length of a trip. At times, when workers are close to active traffic lanes, further restrictions may be put into place lowering the speed limit to 45 mph or less. On average, over ninety percent of work zone fatalities are motorists. Obey the posted speed limit and arrive safely at your destination.

**What types of signs have to be present to indicate the increased work zone fees apply and where can they be referenced?**

Regulatory speed limit signs (black and white) with the posted speed and also the Work Zone fine are required per legislation. The Illinois Department of Transportation and the Illinois State Toll Highway Authority have established standards and specifications based on legislation which show the type of signs required for the reduced speed limits. Information regarding the Highway Standards, including signs and other traffic control related requirements can be found at: <http://www.dot.il.gov/desenv/hwyspecs.html>

**Do I have to appear in court and what is the fine for speeding in a work zone?**

Yes, court appearance is mandatory. The fines for speeding in a construction or maintenance work zone are a minimum of \$375 for the first offense and a minimum of \$1000 for the second offense. If the second offense is within two years of the first offense, the Secretary of State shall suspend the driver's license for a period of 90 days.

**Are flashing lights required on speed limit signs in work zones?**

Flashing lights are not required. At one time flashing lights and signs indicating "When Workers are Present" were used. Consistent application of these flashing lights was difficult to manage and confusion to motorists occurred. The Governor's Work Zone Task Force recommended removing these flashing lights and using a regulatory speed limit sign for consistency.

**What laws are applicable to motorists regarding work zones and where do you find them?**

These can be found in the Criminal Code and Vehicle Code for the State of Illinois. These can be found and researched on the State of Illinois web sites. <http://www.ilga.gov/legislation/ilcs/ilcs2.asp?ChapterID=53> <http://www.ilga.gov/legislation/ilcs/ilcs2.asp?ChapterID=49>

**When can a person be charged with reckless homicide for a crash in a work zone and what are the penalties?**

Reckless homicide, a Class 3 Felony, is unintentionally killing an individual without lawful justification while performing the action recklessly. If the Class 3 felony offense occurs under the influence of alcohol or drugs it becomes a Class 2 felony with imprisonment from 3 to 14 years.



## Driving Zero Fatalities to a Reality

### Partnering for Illinois

To view the Illinois Strategic Highway Safety Plan (SHSP) and additional safety information go to:

<http://www.dot.il.gov/safety.html>



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# Scott's Law, the Move Over Law

## What is Scott's Law and is it still in effect?

Scott's Law is so named after a fire fighter who lost his life while responding to an accident on one of the expressways in the Chicago area. The law basically requires a motorist to slow down and change lanes if possible for emergency, construction and maintenance vehicles and workers.

## Do I have to appear in court and what are the fines for violating Scott's law, the Move Over Law?

A person charged with this offense can receive a fine for up to \$10,000, must appear in court, have driving privileges suspended; and in cases of property damage, injury and death of another person, additional penalties can apply such as involuntary manslaughter and reckless homicide. If someone kills a person while operating a vehicle they can be charged with involuntary manslaughter and reckless homicide which could result in imprisonment from 3 to 14 years if convicted.

## When would Scott's Law be applied versus being charged with reckless homicide in a work zone?

Scott's law could apply to a moving violation where reckless homicide results in a death.

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# Photo Enforcement

## Why use photo speed enforcement?

Photo Speed Enforcement will be used to increase safety in work zones on Illinois highways and to obtain voluntary compliance by motorists to obey posted speed limits. Motorists on average represent over 90% of the fatalities in work zones. Between 7,000 and 8,000 crashes occur in work zones per year. Slower speeds will allow motorists more time to react to changed conditions.

## When would photo speed enforcement be in use?

Photo speed enforcement by an automated traffic control system may operate only during those periods when workers are present in the construction or maintenance zone, day or night.

## When workers are behind Temporary Concrete Barrier (TCB) can photo speed enforcement be used?

Photo enforcement legislation requires workers to be present. While Temporary Concrete Barriers provide positive protection for workers, they are not impenetrable. Vehicles have hit and broken through TCB, causing injury to workers. Also, lane width restrictions may require reduced speed limits to ensure the safety of the motorists. For these reasons, photo enforcement may be used when workers are present.

## Will a special sign have to be in place for photo speed enforcement to be used?

Yes. Signs indicating that speeds are photo enforced by automated traffic control systems will be clearly posted in the area where the systems may be in use.

## Do I have an opportunity to slow down before the camera takes my picture?

Yes. In addition, the vans will have a speed indicator device that will be triggered by a separate radar and will communicate the vehicle's speed to the motorist. This will give the motorist one last opportunity to slow down before the camera radar is triggered. If the motorist does not slow down, the camera radar will be triggered. A photo of the driver, vehicle, and license plate will be taken. The time of day and speed will also be captured.

## What if the equipment is not working correctly?

Illinois State Police will man these vans with troopers specially trained in photo radar enforcement. They will calibrate the equipment prior to each enforcement detail to make sure everything is working correctly.

**Do I have to appear in court and what are the fines for a violation received with photo speed enforcement?** Yes, a court appearance is mandatory. The fines for speeding in a construction or maintenance work zone are the same when issued by any method of enforcement. There is a minimum fine of \$375 for the first offense and a minimum of \$1000 for the second offense. If the second offense is within two years of the first offense, the Secretary of State shall suspend the driver's license for a period of 90 days.

## What is the ticketing process?

A ticket will be processed by the vendor and will be approved by the on-duty officer. Tickets will be mailed by certified mail to the registered owner within 14 days. The violator will receive the ticket and will be required to appear in court.