

Relevant sections of the  
New York State *Vehicle and Traffic Law*,  
New York State *Manual of Uniform Traffic Control Devices*,  
and the federal (United States)  
*Manual of Uniform Traffic Control Devices for Streets and  
Highways*

**Note:** The original document, VTL-01.Doc, and its summary, VTL-02.Doc, , were last revised on 11/7/2004 and 6/30/2006 respectively. Both have been supplanted by VTL-03.Doc last revised on 4/10/2008.

This document outlines certain requirements of the New York State *Vehicle and Traffic Law*, the New York State *Manual of Uniform Traffic Control Devices*; their relationship to local traffic control devices and the fact the *Manual of Uniform Traffic Control Devices for Streets and Highways* of the United States Department of Transportation is also applicable within the Village.

The following sections of the New York State *Vehicle and Traffic Law* (V.&T.L.) are most pertinent:

- §155 – defines Traffic Infraction as any violation of the V.&T.L. or any provision relating to traffic.
- §1800 – again defines traffic infractions and sets penalties
- §100 – V&TL applies on public roads and private roads and parking lots open to the public.
- §1101 – requires obedience to V.&T.L.
- §1103 – requires public officers and employees to obey V.&T.L.
- §1110 – No provision for which signs are required shall be enforced absent proper signs.
- §1114 – Prohibits unauthorized traffic control devices.
- §1640 – 6 - Permits cities and villages to regulate parking, but specifically prohibits enforcement at broken meters.
- §1680 – Requires NYS DOT to establish a *Manual of Uniform Traffic Control Devices*.
- §1682 – Local authorities must comply with the State *Manual*.
- §1683 (a) Requires signs for the enforcement of certain regulations, including:
  - 8 – parking rules.
  - 10 – Safety zones.
- §1600 – Provides that the provisions of the V.&T.L. shall be uniform throughout the state and specifically forbids local jurisdictions from adopting sections of the

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V.&T.L. as local ordinances or superceding such sections except as specifically authorized in the V.&T.L.

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The following sections of the New York State *Manual of Uniform Traffic Control Devices* (New York State Codes, Title 17, Volume B) are most pertinent:

- 200.1 – Definitions and Purpose of the MUTCD:
  - To promote safe, orderly, and convenient movement of traffic,
  - Uniformity
  - To insure that the driver traveling at normal speed [note: not necessarily the legal speed] time to react,
- §200.2 – Regulations are to be based on sound engineering judgement.
- §200.5 – “Should” means that deviations are permitted if and [only] to the extent that there is a justifiable cause.
- §221.4 – Requirements for posting parking signs:
  - See §201.5 (f) for the posting height ( $\geq 7'$ )
  - See §201.5 (g) for posting direction (30-45 degrees to the direction of travel)
  - Must be posted at the ends of the regulated area, and not less than 200 feet apart)
  - Parking regulatory signs may **not** be posted **only** at the entrance to the Village.
- §260.2 – Where pavement markings are used, they must be maintained to be adequately legible
- §260.6 (b) – Use of white pavement markings
- §269.6 (c) – Use of yellow pavement markings
- §270 – Traffic signals and warrants therefore
- §277.1 – defines clearance distance
- §272.12 – Signals must be clearly visible at the stop line
- §277.3 – Railroad crossing signals must be controlled separately if the crossings are more than 100' apart
- §277.6 – Railroad crossing signal operating times:
  - If the clearance distance is  $\leq 35'$  – 20-40 seconds
  - If the clearance distance is  $> 35'$  – 13-33 seconds + 1 second/5'
- §277.7 – Railroad crossing gate operating times:
  - If the clearance distance is  $\leq 35'$  – 27-47 seconds
  - If the clearance distance is  $> 35'$  – 20-40 seconds + 1 second/5'
- Regulatory signs must have a white background and generally, black text. Signs that permit parking under some conditions may use green text, while signs that prohibit parking may use red lettering instead of black.

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In addition, many common Village signs would appear to be unlawful:

- Those at the entrances to the Village that purport to prohibit certain parking but are written in green letters. Note that even were the signs to be corrected, they are generally not placed at the required height, nor at the required direction to the line of travel, nor repeated at the required intervals to be enforceable.
- Those that fail to use the proper colors, or the proper typeface, both of which are defined in federal law.
- Signs contained within the window of parking meters that purport to inform the motorist of hours of operation, parking limits, and fees.
- Signs placed on meters indicating that it is unlawful to park at a broken meter.

It is clear that the V. & T. L., makes each sign a separate violation of §1103, 1114, 1682 and 1683. Further, I believe that each unlawful summons issued for purported violations constitutes violations of §1110 and 1640.6.

It is imperative that all jurisdictions within the state work speedily and diligently to resolve these matters so that the jurisdiction will be in compliance with the laws of our state and of the United States. Failure to do so may even endanger federal highway aid money to the state.

1034 Dickens Street  
Far Rockaway, NY 11691-2407  
July 9, 2002  
718/ Far Rockaway 7-6370

Mr. Michael Perone, Assistant Village Administrator  
Incorporated Village of Lawrence  
196 Central Avenue  
Lawrence, NY 11559  
516/CE9-4600

Dear Mr. Perone.

As you requested in our telephone conversation this morning, I am providing specific information about some of the improper traffic control devices within the Village of Lawrence. This letter should be read in conjunction with the letter to Mr. Overs that I sent yesterday for citations to appropriate sections of the law.

The improper signs cited below generally serve to regulate parking, stopping, or standing of motor vehicles and motorcycles. Please note that, rather than cite the regulations of how the sign should appear each time, allow me to recite the requirements once, and then indicate the deficiencies in each instance.

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- Regulatory signs must have a white background and generally, black text. Signs that permit parking under some conditions may use green text, while signs that prohibit parking may use red lettering instead of black.
- Parking regulatory signs must be posted 7' to 10' above the ground, at 30 to 45 degrees to the direction of travel, and every several hundred feet. I.e., they may **not** be posted **only** at the entrance to the Village.
- Parking regulations **must be posted** by **appropriate signs**; that is, signs meeting the requirements discussed above, otherwise they are not effective and enforcement absent such signs is a traffic infraction.

Unlawful parking regulations in the Village of Lawrence, New York:

- 1) Signs at the entrances to the Village:
  - D. The two hour limit and the early morning restrictions fail to meet the requirements of traffic regulations:
    - i) They serve no valid public purpose.
    - ii) They are unsupported by valid traffic engineering studies as required by the Manual.
    - iii) Arguments that they are necessary for street cleaning are specious since the Village does not clean every street in the Village every night, and there is no reason to suppose that, except in the business district, there would ever be any significant number of cars parked on the street. Further, such street cleaning as does occur only begins between 4:30 and 5 am and does not appear to be hindered by vehicles which are then legally parked on the Village's streets.
    - iv) The regulations inhibit the ability of citizens to freely use the public highways for lawful purposes.
    - v) The regulations limit the ability of citizens to exercise their first amendment rights by entering the Village, parking, and then demonstrating, giving out political literature, etc.
- 2) "Signs" contained within the window of parking meters that purport to inform the motorist of hours of operation, parking limits, and fees. In fact, there are no signs (within the meaning of the law) that advise motorists when meters are in effect, how long one may park, and the fees therefor. Again, note that the Manual specifies, in addition to rules as to the placement of signs, minimum sizes. The "business card" "signs" in the meters don't come close the law's requirements.
- 3) Signs placed on meters indicating that it is unlawful to park at a broken meter. These are:
  - A. Without sanction in the Manual.
  - B. Specifically contrary to the declared law of this state.
  - B. What is the Village's authority to limit parking to permit holders? How does one get a permit? How did the Village acquire the lot? Was it acquired pursuant to

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- regulations of the Interstate Commerce Commission and or the Federal Railway Administration?
- A. "Permit Parking Only" signs use white lettering on a green background instead of green letters on a white background.
  - B. What is the Village's authority to limit parking to permit holders? How does one get a permit? How did the Village acquire the lot? Was it acquired pursuant to regulations of the Interstate Commerce Commission and or the Federal Railway Administration?
- 6) "No Parking Here To Corner" signs, where placed 20 feet from a corner, should read: "State Law No Parking Here To Corner" where "State Law" may be in reverse colors. The Manual prohibits posting regulations contained within the V.&T.L. as though they are mere regulations. They must be identified as law.

VTL-03.Doc