

Relevant sections of the
New York State *Vehicle and Traffic Law*,
New York State *Manual of Uniform Traffic Control Devices*,
including the federal (United States)
*Manual on Uniform Traffic Control Devices [for Streets and
Highways]* as modified by the *New York State Supplement*

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Introduction

Note: The original documents, 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.Docx last revised on 5/30/2023.

This document outlines certain requirements of the New York State *Vehicle and Traffic Law*, the New York State *Manual of Uniform Traffic Control Devices* (hereafter *MUTCD*) which is made up of the *Manual on Uniform Traffic Control Devices [for Streets and Highways]* of the United States Department of Transportation as modified by the *Supplement* issued by the New York State Department of Transportation.

This document also discusses the relationship of the *MUTCD* to local traffic control devices and the fact that it is also applicable within and on every road open to public travel in the state regardless of whether it is publically or privately owned, whether a state, county, town, city or village road.

There are links to the New York State *Vehicle and Traffic Law*, the New York State *Manual of Uniform Traffic Control Devices* which consists of the federal (United States) *Manual on Uniform Traffic Control Devices [for Streets and Highways]* as modified by the New York State *Supplement* on the web site <http://solutionsny.nyc/trafficregs.html>.

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Relevant Sections of the NYS *Vehicle and Traffic Law*

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* based on the U.S. *Manual on Uniform Traffic Control Devices* plus a NYS *Supplement*.
- §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 V.&T.L. as local ordinances or superceding such sections except as specifically authorized in the V.&T.L.

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New York State *Manual of Uniform Traffic Control Devices*

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:

- §1A.01 – Definitions and Purpose of the MUTCD:
 - To promote safe, orderly, and convenient movement of traffic,
 - Uniformity
- §1A.02 – To insure that the driver traveling at normal speed [note: not necessarily the legal speed] has time to react.
- §1A.09 – Regulations are to be based on sound engineering judgement.
- §1A.13 – “Should” means that deviations are permitted if and [only] to the extent that there is a justifiable cause.
- §1A.03 – “Any change to a word message sign that can be considered more than a minor modification (see next Option) shall be approved by the New York State Department of Transportation before it is implemented.”
- §1A.12, 2A.10 – Colors of traffic control devices shall meet FHWA specifications. (23 CFR Part 655, Appendix to Subpart F)
- §2A.06 – The regulatory authority’s name on a sign shall not be in letters not more than ½” high.
- §2A.07 – Reflectivity of signs must be maintained.
- §2A.18 – The bottom of signs shall be mounted at least 7’ above their base.
- §2A.21 – Retroreflective material on the sign support shall be at least 2” wide, extend from the sign to within 2’ of the ground, and the same color as the sign.
- 2B. – 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.
- §2B.01 – Application of Regulatory Signs.
 - They shall inform road users of selected traffic laws or regulations and indicate the applicability of the legal requirements.
 - They shall clearly indicate the requirements imposed by the regulations.
 - They shall be retroreflective or illuminated. Street lighting does not meet this requirement.
- §2B.02 – Regulatory signs shall be rectangular.
- §2B.03 – Sizes or signs.
 - Bus stop signs (R7-107) shall be 12” high x 30” wide
 - Lane use regulatory signs (R3-5) shall generally be 30” or 36” high x 30” wide.
- §2B.48 – Requirements for posting parking signs:

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- See §2A.18 for the posting height ($\geq 7'$ in populated areas such as the NYC metropolitan area).
- They shall be posted at 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 a Village.
- §3A.02 – Standardization of Application
 - “Each standard marking shall be used only to convey the meaning prescribed for that marking in this Manual. When used for applications not described in this Manual, markings shall conform in all respects to the principles and standards set forth in this Manual.”
- §3A.05 – Colors.
 - “When used, yellow markings for longitudinal lines shall [only] delineate:
 - The separation of traffic traveling in opposite directions,
 - The left-hand edge of the roadways of divided highways and one-way streets or ramps, or
 - The separation of two-way left-turn lanes and reversible lanes from other lanes.”
- §3B.11 – Raised Pavement Markers – General
 - “The color of raised pavement markers under both daylight and nighttime conditions shall conform to the color of the marking for which they serve as a positioning guide, or for which they supplement or substitute.
 - When used, internally illuminated raised pavement markers shall be steadily illuminated and shall not be flashed.”
- §3B.12 – Where lane changes are prohibited, a double white line shall be used.
- §3B.13 – Stop lines shall be at right angles to the road.
- §3B.15 – Transverse markings shall be white.
- §3B.16 – Stop lines should not be more than 30’ from the edge of the intersecting road.
- §3B.21 – “Parking space markings shall be white [or blue for handicapped].”
- §3B.20 – Pavement Word, Symbol, and Arrow Markings
 - “Word and symbol pavement markings shall not be used to inform motorists of mandatory messages, except as a supplement to standard signs. Where a movement that would otherwise be legal is to be prohibited, such as when through traffic lanes approaching an intersection become mandatory turn lanes, lane-use arrow markings (see Figure 3B-21) shall be used and accompanied by standard signs.”
- §3B.23 – “A colored curb shall not be used to convey parking regulations.”
- §3B.27 – Lanes use markings for mandatory turns shall be accompanied by signs.

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- Items numbered from the previous NY State manual
- §260.2 – Where pavement markings are used, they must be maintained to be adequately legible
- §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'
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Typical Unlawful Village Signs

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.

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The improper signs cited below generally serve to regulate parking, stopping, or standing of motor vehicles and motorcycles.

- 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:

- 1) Signs at the entrances to the Village:
 - a) Overall village hour limits and 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, they are not 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 sizes of signs. 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.
 - 4) Permit Parking
 - a) The Village is not granted authority by the V.&T.L. to limit parking to permit holders.
 - b) How does one get a permit?
 - c) How did the Village acquire the permitted area?

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- d) Was it acquired pursuant to regulations of a government agency such as the Interstate Commerce Commission and or the Federal Railway Administration?
- e) "Permit Parking Only" signs use white lettering on a green background instead of green letters on a white background are generally prohibited.
- 5) "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.

Commented [Ma1]: