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**Right-turn-on-red: prohibited: Montreal**

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28th December 2010, 20:34

#1

**john.m**  
 Fifth gear

Join Date: Apr 2008  
 Location: Montreal, Canada  
 Posts: 2,515

**Right-turn-on-red: prohibited: Montreal**

I've been researching the right-turn-on-red (RTOR) law for the province of Quebec and I don't think that the existing legal objects (laws, statutes, articles) actually define the restriction of turning red in Montreal.

Furthermore, I believe that our local police force would actually write up tickets that they could not defend in court; and that should be thrown out by a competent judge.

I called the local police station tonight and talked to the officer on duty. I asked what he'd do if I rtoed. He told me that he would write me up for contravening article 359 of the Highway Safety Code of Quebec (CSR).

Article 359 of the CSR prohibits "running a red light". I would be getting a ticket for the wrong offence, considering I was actually contravening some aberration of 359.1. The judge would have to throw the ticket out because it was incorrect, no?

Article 359.1 allows RTOR except where there is a sign or a signal. There are no signs or signals at any intersection in Montreal that prohibit an RTOR. Considering that, I am within my rights to rtor at any intersection in Quebec. So, even if I was written up for 359.1, there is no sign or signal and I am within my rights, no?

Article (unnumbered, labelled "Designated territory") allows territories to disallow RTOR. It refers the "Official Gazette" for details as to which territories have subscribed to the prohibition. My lawyer friend and I have spent hours and hours trying to find the legal object in the Gazette that shows Montreal's opt-out... we can't find it (and the cop never mentioned it, so there's no way that would show up on the ticket).

I'm considering acting in civil-disobedience and collecting tickets to fight in court. Obviously I want to be as well informed as possible before I do this (or hint to others to do it as well).

What are the legal arguments that can keep me out of trouble?

What are the legal strategies the prosecutor might use to beat me on

this?

The articles cited above can be read in the [Highway Safety Code:](http://www.canlii.org/en/qc/laws/sta...-c-c-24.2.html)  
. <http://www.canlii.org/en/qc/laws/sta...-c-c-24.2.html>

=====

Here are the articles for convenience:

=====

Red light.

~~~~~

359. Unless otherwise directed by a sign or signal, when facing a red light, the driver of a road vehicle or any person riding a bicycle must stop his vehicle before the pedestrian crosswalk or stop-line or, if none, at the near side of the roadway he is about to cross or enter, and may proceed only when a signal shows he may do so.

1986, c. 91, s. 359.

Right turn on red light.

~~~~~

359.1. Notwithstanding section 359 and unless otherwise directed by a sign or signal, the driver of a road vehicle or a cyclist facing a red light may make a right turn, after stopping before the pedestrian crosswalk or the stop-line or, if none, at the near side of the roadway the driver or cyclist is about to enter and yielding the right of way to pedestrians, drivers and cyclists crossing the intersection and to road vehicles and cyclists approaching so closely that to proceed would constitute a hazard.

Designated territory.

~~~~~

The Minister of Transport may, by an order published in the Gazette officielle du Québec, designate all or any part of the territory of a municipality as an area where making a right turn on a red light is prohibited.

2000, c. 31, s. 3; 2000, c. 64, s. 12; 2002, c. 62, s. 4.

Right turn prohibited.

~~~~~

359.2. The person responsible for the maintenance of a public highway may, by means of proper signs or signals, determine certain intersections as intersections where making a right turn on a red light is prohibited. In the case of a municipality, that power is exercised by by-law or, where the law so permits, by ordinance.

2002, c. 62, s. 5.

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Turn off these ads?

28th December 2010, 23:19 #2

**bbundy**  
Fourth gear

Join Date: Aug 2001  
Location: Anacortes, WA, USA  
Posts: 1,677




Hear cities have recently found a new revenue source.

They put up red light cameras and hand out tickets to everyone that doesn't come to a complete stop when turning right on red which is a significant number of people. The camera tickets are not considered moving violations and they don't care who is driving the ticket goes to the registered owner of the car. It is treated like a parking ticket by the court so there is almost no way to dispute it They have a video of the event and a picture of your plate. The fine is \$124 I think it is more than a real ticket for the same infraction in some cases.

When I watch intersection around most areas I count less than half of drivers making a right turn on red are not doing so in a manner that wont result in a ticket. The company that runs the cameras gets paid \$4,900 per camera per month typically the cameras can rake in more than double that amount for the city so you get the Idea how many tickets they write. For profit automated law enforcement focused on running red lights. The interesting thing is many studies show more accidents after cameras are installed at an intersection.

Imagine if they outlawed turning right on red entirely in a given city and didnt tell anybody or post signs! \$\$\$\$\$\$\$\$

Bob




28th December 2010, 23:35 #3

**john.m**  
Fifth gear

Join Date: Apr 2008  
Location: Montreal, Canada  
Posts: 2,515

Sorry Bob, that's off-topic and I don't understand the relevance. Can we keep this on right-turn-on-red and the published laws about it. Thanks.

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28th December 2010, 23:54 #4

**CalypsoBean**  
Fifth gear

Join Date: Mar 2009  
Location: Boston  
Posts: 2,301

"Article 359.1 allows RTOR except where there is a sign or a signal. There are no signs or signals at any intersection in Montreal that prohibit an RTOR. Considering that, I am within my rights to rtor at any intersection in Quebec. So, even if I was written up for 359.1, there is no sign or signal and I am within my rights, no?"

The Code is very clear that right turn on red is not allowed in Quebec. If you visit Transport Quebec's website you will find this:

<http://www.mtq.gouv.qc.ca/portal/pag...oite feu rouge>

"Right turns is permitted on red lights throughout Québec, except on Montréal Island and at intersections where road signs prohibit such turns."


This explicitly lists right turn on red as forbidden on the island of Montreal. Furthermore, signs as you enter the island explicitly state that right turn on red is not allowed on the island of Montreal. These two facts do not allow you to mount the defense you mention.

I am curious as to why you would mount any kind of civil action or fight against right turn on red tickets - why do you care so much? legal proceedings are long, tedious, expensive and time consuming.

Another point to consider - officer on duty should not be considered any kind of resource when it comes to citations. I would not take their word that this is exactly what you would be cited for. Officers are not lawyers, and frequently make mistakes when writing citations.

Finally - if you would like to speak to a very good traffic lawyer in Montreal, who has been helpful to me in the past, I can put you in touch with him. He can probably explain the code much better than anyone else to you, but he is not inexpensive.

Quote:

Originally Posted by **Greasyman**   
*The only car that is a step up from a Miata is a 65 Rambler Marlin, and to tell the truth, I don't think most of us are worthy of one. I know I'm not.*



29th December 2010, 08:10

#5

**john.m**

Fifth gear

Join Date: Apr 2008  
 Location: Montreal, Canada  
 Posts: 2,515

The Transport Quebec web page is not a legally binding device.

And a sign that is posted 20 miles away from where I'm facing a red light can't possibly be legally binding either.

[www.toplessmontreal.com](http://www.toplessmontreal.com)



29th December 2010, 08:38


#6

**john.m**

Fifth gear

Join Date: Apr 2008  
 Location: Montreal, Canada  
 Posts: 2,515

Quote:

Originally Posted by **CalypsoBean**   
*... officer on duty should not be considered any kind of resource when it comes to citations.*

But they are circulating officers, no?  
 So my chances must be in line with what they tell me on the phone, no?  
 The one I spoke to last night said explicitly he would cite me on 359.  
 If I fight the ticket in court, he has to defend his citation, no?  
 My defense is that he ignored the privilege I have under 359.1 in the same code he cited.



[www.toplessmontreal.com](http://www.toplessmontreal.com)



29th December 2010, 09:35 #7




**john.m**  
Fifth gear

Join Date: Apr 2008  
Location: Montreal, Canada  
Posts: 2,515

Definitely yes, please send the lawyer's contact information.

[www.toplessmontreal.com](http://www.toplessmontreal.com)

29th December 2010, 11:00 #8

**Zooming**  
Supporting Member



Join Date: Sep 2010  
Location: Montreal  
Posts: 32

**RTOR**

I don't see mention of this; As you come onto the island of Montreal there are signs illustrating NO RTOR ON THE ISLAND. I believe the meaning to be that it is banned island wide. Then you reply - if I live on the island and commute downtown, I never see those signs. It would be the same as pulling onto a road inside a speed limit area, but you entered between signs.

You are expected to know what regulations you are operating under!

There are lots of rules/laws/regulations that apply but are never shown on signs.



*Chased, but seldom caught.*

29th December 2010, 11:11 #9




**wooo**  
Overdrive

Join Date: Nov 2006  
Location: NS Canada  
Posts: 14,163

Isn't there someone, some department, apart from a policeman, on the guvmin side that you can question about this?



2007 Copper Red NC GT PRHT 6AT; 2007 Ranger XLT Supercab 4x4; 2007 Bombardier RXP fluid drive; 2010 Skandic Tundra Sport with CVT.


29th December 2010, 11:20 #10

**LittleRed96**  
Third gear

Join Date: Mar 2008  
Location: SoCal, USA  
Posts: 432

Quote:

Originally Posted by **john.m** 

*The Transport Quebec web page is not a legally binding device.*

*And a sign that is posted 20 miles away from where I'm facing a red light can't possibly be legally binding either.*

While true the transport page is not legally binding the (20 mile away) sign IS! That's how it is done in NYC - when entering any borough of NYC there's a (quite small actually) sign that says "Right turn on red prohibited in NYC except where indicated". That is the same type of "sign" referred to in your code too. It says "except where prohibited by sign" correct? Well, there's the sign - exactly where you must encounter it (when entering the jurisdiction). At that point you've been warned and any tickets you receive are legally binding. That's the way it works in NYC and, logically (and likely legally) it is exactly the same up your way.

Of course since we're talking about the law here I feel I need to include this disclaimer : Laws of States/Countries may vary and any advice given here is non legally binding and the reader is on their own. 🌐



29th December 2010, 11:32

#11

### **Rich Wilkman**

Wheels flew off

Join Date: Jul 1999  
Location: Scotts Valley, CA  
Posts: 20,536

I don't know if it's similar, but here you would have to look at not only the State (Provincial) laws but those for a given city. While at the top level ROTR might not be illegal a city \*can\* pass an ordinance making it that way.

Decades ago, Burbank was like that. No signs required. You had to just know that, when you were in Burbank, CA, you didn't make a right on a red.

-Rich

Is this the year Google finally comes out and changes their name to Cyberdyne Systems?



29th December 2010, 13:02

#12

### **john.m**

Fifth gear

Join Date: Apr 2008  
Location: Montreal, Canada  
Posts: 2,515

Quote:

Originally Posted by **LittleRed96** 🗨️

*While true the transport page is not legally binding the (20 mile away) sign IS! That's how it is done in NYC - when entering any borough of NYC there's a (quite small actually) sign that says "Right turn on red prohibited in NYC except where indicated". That is the same type of "sign" referred to in your code too. It says "except where prohibited by sign" correct? Well, there's the sign - exactly where you must encounter it (when entering the jurisdiction). At that point you've been warned and any tickets you receive are legally binding. That's the way it works in NYC and, logically (and likely legally) it is exactly the same up your way.*

*Of course since we're talking about the law here I feel I need to include this disclaimer : Laws of States/Countries may vary and any advice given here is non legally binding and the reader is on their own. 🌐*

Attached is the sign that is closest to my house.

Is anyone aware of any legal defences that have won against this type of indirect signage? I can see that local overnight parking laws would possibly be subject to the same defence.

Attached Thumbnails



[www.toplessmontreal.com](http://www.toplessmontreal.com)

29th December 2010, 13:06

#13

**john.m**

Fifth gear

Join Date: Apr 2008  
 Location: Montreal, Canada  
 Posts: 2,515

Quote:

Originally Posted by **wooo**

*Isn't there someone, some department, apart from a policeman, on the guvmin side that you can question about this?*

It's been suggested that I call the clerk at each munipality on the island of Montreal to find out which local bylaw governs this in their jurisdiction.

The police officers don't know what the local bylaws are, they will write me up for 359-running-red. I think that I just have to defend myself against what they cite me for on the ticket they present to me, no? If that is the case, how does it help me to know each of the dozen bylaws that have been enacted by the varying governments on the island?

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29th December 2010, 13:14

#14

**john.m**

Fifth gear

Join Date: Apr 2008  
 Location: Montreal, Canada  
 Posts: 2,515

Can anyone find a sign on [this bridge \(the Lachapelle\)](#)? I don't see one. Isn't that negligence?

<http://maps.google.ca/maps?oe=utf-8&...0.027595&z=15>

I forget how to get the date-stamp from the Google images, but I'm pretty sure that those pictures have been taken since 359.1 was enacted in 2003.

[www.toplessmontreal.com](http://www.toplessmontreal.com)

29th December 2010, 15:25

#15

**Dartboy**

Sixth Gear

Join Date: Jul 2001  
 Location: Stratford CT black 98/99 #630-15" rota slipstream-no visors  
 Posts: 6,979

Get a little closer, it's on the right hand side of the road just before the bridge, it looks to be about 2 feet square

<http://maps.google.ca/maps?oe=utf-8&...0.038581&z=15>

"In like a gentleman, out like an animal"-Juan Montoya on driving @ Martinsville

the only thing faster than cubic inches is rectangular dollars



29th December 2010, 15:36

#16

**Dartboy**

Sixth Gear

Join Date: Jul 2001

here's another one posted on Route 15

<http://maps.google.ca/maps?oe=utf-8&...0.038581&z=15>

"In like a gentleman, out like an animal"-Juan Montoya on driving @

Location: Stratford CT black  
98/99 #630-15" rota  
slipstream-no visors  
Posts: 6,979

Martinsville

the only thing faster than cubic inches is rectangular dollars



29th December 2010, 16:12

#17

### **LittleRed96**

Third gear

Join Date: Mar 2008  
Location: SoCal, USA  
Posts: 432

Well those signs are FAR larger than the ones entering NYC (don't know how to link to exact coordinates in GoogleMaps or I'd show you the approx 2 ft square - if that - sign) so I'd say that would be fair warning to all passing it that you cannot "right on red" in Montreal. Pretty blatant actually (did you expect a sign at every single intersection?).



29th December 2010, 16:30

#18

### **wooo**

Overdrive

Join Date: Nov 2006  
Location: NS Canada  
Posts: 14,163

Quote:

Originally Posted by **john.m**

*... how does it help me to know each of the dozen bylaws that have been enacted by the varying governments on the island?*

That's up to you.

In a situation like this I find the more you know, the more likely you are to be able to make a good counter argument.

It's like all the tools in your tool kit. Not every tool is needed every time, but there comes a time ...

2007 Copper Red NC GT PRHT 6AT; 2007 Ranger XLT Supercab 4x4;  
2007 Bombardier RXP fluid drive; 2010 Skandic Tundra Sport with CVT.



29th December 2010, 17:47

#19

### **john.m**

Fifth gear

Join Date: Apr 2008  
Location: Montreal, Canada  
Posts: 2,515

You're right Woo. Thanks. I'll dig into it before I plunge (if I do).

[www.toplessmontreal.com](http://www.toplessmontreal.com)



29th December 2010, 17:48

#20

### **john.m**

Fifth gear

Join Date: Apr 2008  
Location: Montreal, Canada  
Posts: 2,515

Thank you Dartboy, I see it now.

[www.toplessmontreal.com](http://www.toplessmontreal.com)



29th December 2010, 17:50

#21



**john.m**

Fifth gear

Join Date: Apr 2008  
 Location: Montreal, Canada  
 Posts: 2,515



It really seems like a "hidden law" to me, and I really can't believe that is legal, constitutional, moral, binding etc, etc.

[www.toppessmontreal.com](http://www.toppessmontreal.com)



29th December 2010, 22:15

#22

**Rich Wilkman**

Wheels flew off

Join Date: Jul 1999  
 Location: Scotts Valley, CA  
 Posts: 20,536



You can try that logic approach if you like. You're likely to get the standard 'ignorance is no excuse' reason. I know it's been tried down here and tossed out.

I can drive almost the entire way across my town without seeing a speed limit sign but it doesn't mean the sign just outside my route doesn't apply. If the "slow for the school zone" sign is taken down by a tree I still can get nailed for going more than 25mph as well. As the driver, you fall under "pilot in command" type rules; it's your responsibility to be aware of the regs.

I honestly don't think you've got a legal leg to stand on and that's probably the worst situation to go spouting regs off to a judge. If you really want to make a go of it, spend a hundred bucks for some time with a lawyer to get valid legal advice for your area.

-Rich

Quote:

Originally Posted by **john.m**

*It really seems like a "hidden law" to me, and I really can't believe that is legal, constitutional, moral, binding etc, etc.*

Is this the year Google finally comes out and changes their name to Cyberdyne Systems?



29th December 2010, 22:27

#23

**bosozoku**

Overdrive

Join Date: Nov 2003  
 Location: East coast  
 Posts: 10,531



I'm normally against excessive laws, but even I don't see the big deal about banning RTOR. Actually as a frequent pedestrian in NYC, I kind of like the idea.



30th December 2010, 07:52

#24

**john.m**

Fifth gear

Join Date: Apr 2008  
 Location: Montreal, Canada  
 Posts: 2,515

Quote:

Originally Posted by **bosozoku**

*I'm normally against excessive laws, but even I don't see the big deal about banning RTOR. Actually as a frequent pedestrian in NYC, I kind of like the idea.*

The big deal is that the island of Montreal is about 90% residential and quieter than many of the core hubs that surround it. The rest of my province can benefit from the RTOR law and behave as adults, making safe stops and then continuing on their way... but I'm forced to sit idle in my car at 11 o'clock at night while there's absolutely no one sharing the road with me.

I know it sounds petty, but it's demeaning to be treated like a child like this.

They could at least turn the red lights into flashing reds in the middle of the night.

I understand that there are safety issues involved. There have only been five deaths attributed to the change to RTOR over the last 8 years.

Montreal is =nowhere= near as busy as NYC.

Would you be happy if they banned RTOR where you live?

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30th December 2010, 07:57

#25

**john.m**

Fifth gear

Join Date: Apr 2008  
Location: Montreal, Canada  
Posts: 2,515

Quote:

Originally Posted by **Rich Wilkman** *If you really want to make a go of it, spend a hundred bucks for some time with a lawyer to get valid legal advice for your area.*

I'm working towards that.  
Here is a draft of a letter that I'm working on:

=====  
=====

Recipients:  
. SOS Ticket (<http://www.sosticket.ca>)  
. Abie See, Lawyer specializing in Traffic Law

Dear Sir, Madam,

We are a small group of citizens who are tired of having our rights stripped away from us by illegal signage regarding article 359.1 of the Highway Safety Code (CSR).

Our position is that the CSR grants us the right to right-turn-on-red (RTOR) at any intersection that does not have a sign or signal prohibiting the manoeuvre. The island of Montreal's (not a legal entity) decision to post signs on all of the bridges leading on to the island do not satisfy the "Designated Territory" clause... the signs are 20 kilometres away from the intersections where we want to take privilege of our published rights.

Considering that you've been involved with many court cases involving traffic violations, we expect that you have probably witnessed defences mounted in regards to RTOR and we'd like to meet with you to learn from your experiences.

We are considering launching a quiet civil-disobedience campaign and, obviously, want to make sure we can protect our membership to the fullest degree as we pressure the governors to re-think their policies on the RTOR issue vis-a-vis the island of Montreal.

May we count on you to meet at your convenience and gather your knowledge in our quest?

Respectfully,

[www.toplessmontreal.com](http://www.toplessmontreal.com)



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1/18/2011

Right-turn-on-red: prohibited: Montreal...

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