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Right-turn-on-red: prohibited: Montreal

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Automotive Legislation, Law, Politics, and Safety Enter at your own risk! This section can get highly controversial. Discussions must be car related.

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30th December 2010, 08:42 #26

<p>bsozoku Overdrive</p> <p>Join Date: Nov 2003 Location: East coast Posts: 10,531</p>	<p>Quote:</p> <div style="border: 1px solid #ccc; padding: 5px; margin: 5px 0;"> <p>Originally Posted by john.m ▾ <i>Would you be happy if they banned RTOR where you live?</i></p> </div> <p>They did. I live in NYC 😊</p> <p>And NYC also has plenty of quiet, residential areas where RTOR is banned by default. (It isn't only Manhattan island.)</p>
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[Quote](#)



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30th December 2010, 09:20 #27

<p>WOOO Overdrive</p> <p>Join Date: Nov 2006 Location: NS Canada Posts: 14,163</p>	<p>Quote:</p> <div style="border: 1px solid #ccc; padding: 5px; margin: 5px 0;"> <p>Originally Posted by john.m ▾ <i>... Here is a draft of a letter that I'm working on: ...</i></p> </div> <p>Why are you getting righteous and opinionated with the lawyer?</p> <p>I would state simply that I wanted his opinion on the legality of the anti-RTOR law with a view to mounting a civil disobedience challenge to it.</p> <p></p> <hr/> <p>2007 Copper Red NC GT PRHT 6AT; 2007 Ranger XLT Supercab 4x4; 2007 Bombardier RXP fluid drive; 2010 Skandic Tundra Sport with CVT.</p>
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[Quote](#)

30th December 2010, 09:57

#28

john.m

Fifth gear

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

Help me with it please?

I'm not trying to rub anyone the wrong way... am looking for help, that's why I've reached out to you guys.

I'm not just ranting, I'm looking for a relatively safe way to challenge this.

www.toplessmontreal.com



30th December 2010, 10:11

#29

wooo

Overdrive

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

Quote:

Originally Posted by **john.m**
Help me with it please?

They say "think of your audience".

In this case it's the lawyer. Is he money hungry and will meet with you no matter what, just for the fee? Or do you have to convince him to meet with you?

If it's the latter then the more you do to convince him that you are level headed, and not an aggrieved nut job, and that the case is worthy of his time and not trivial, the better.

If it were me I would leave out the "tired of having our rights stripped away from us by illegal signage " bit. It's opinion. Something like "who are unsure of the legality of ... " seems more factual and unemotional.

The next para. attempts to set out the basis of your challenge. I'm not sure that is needed at this point. But if it is I'd try "... does *not appear* to satisfy the "Designated Territory" clause ...".

Also you need to allow room for him to come up with a completely different basis for a challenge. Perhaps the reg. was passed without a quorum. So don't box him in. Give him room to give his opinion that you will pay for.

There's also the question of is "running a red light" the appropriate ticket for the offence, and can the ticket be challenged on that basis?

Just some thoughts.

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



30th December 2010, 11:09

#30

Rich Wilkman

Wheels flew off

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

If the 'we' in your letter is not at least 50 people with a real willingness to participate, go to the lawyer as an individual and get guidance as to what is really available to you under the laws of your locale. You probably need another zero or two to the count to qualify as a 'class' but I don't know what the limits are for that type of tort in Canada.

Lawyers love it when lay people try to use legal terms; it's an excuse to charge more hours to educate your client that the words don't really mean what they think as well as having to dig out *all* of the related statutes from the larger text of the code instead of the small set cherry picked.

It really is okay to tell the lawyer the simple truth. You don't understand how this law applies, you found some stuff that may or may not contradict it and then pay the person for their time to properly look into it and give you a legal opinion. It may cost you more than the ticket to find out the answer is "you really don't understand the law, you don't have a legal leg to stand on and the judge is going to tell you to pound sand", but you'll at least have an answer. Alternately the answer could be "there may be a case, we need X hundred like minded individuals to form a class and we'll go for it".

Until you know what forms of recourse are actually available, that letter is putting the cart well before the horse. Heck, you don't even know the appropriate bodies to serve on this one yet.

But the approach you cite doesn't seem to be an issue for most citizens and is well known and not exactly new. You're going to need to be able to prove actual damage/loss of some form; you'd be the plaintiff in this situation. Hard not to come off as someone trying to do the right thing since the first question you'll be asked is 'why weren't you doing anything about this horrible violation before you got a ticket'. 😊

I don't know about Canada, but down here I'd still have to pay the ticket on time while investigating my legal options. If you change the meaning of the law and get a finding that the law didn't apply you would get it back at that point.

-Rich

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



31st December 2010, 08:20

#31

john.m

Fifth gear

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

Thanks woo and Rich. There are good suggestions in what you wrote last... I'm going to do some work on this again as soon as the new year rolls around and I find some time for it. I'm not in a big hurry.

OT: I hope that you guys have a great start to 2011 :^)

www.topssmontreal.com



5th January 2011, 17:06

#32

Gort

Sixth Gear

Not trying to hijack the thread, but I'd like to offer up a similiar vaguely-documented law in Maine: On the Maine Turnpike, on both the two and three lane sections (each way), there are signs posted every now-and-again that say "KEEP RIGHT EXCEPT TO PASS". If a state trooper sees you passing on the right in any lane, they will likely ticket you, based on those signs. And win. Who'd think some slowboat in the far left lane



Join Date: Aug 1999
Location: CrabApple Cove,
Maine
Posts: 9,987



governs the speed of all three?

We also have the law that says if your wipers are on your headlights must by law be on. That's announced on a sign entering Maine at Kittery.

Back on thread, in Cambridge, MA, nearly every (if not every stinking one) intersection has a sign saying NO RIGHT TURN ON RED, on every corner. I guess they didn't know they didn't have to print all of those signs.

There, but for the grace of Mod, go I...

1999 Black, 2001 header, FM sways, **KYB shocks**, Rota PDC 16x8s & 215/40s ,**HDSDD**, na SEAT, 155k miles



5th January 2011, 17:21

#33


bosozoku

Overdrive

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



Quote:

Originally Posted by **Gort** 
Not trying to hijack the thread, but I'd like to offer up a similiar vaguely-documented law in Maine: On the Maine Turnpike, on both the two and three lane sections (each way), there are signs posted every now-and-again that say "KEEP RIGHT EXCEPT TO PASS". If a state trooper sees you passing on the right in any lane, they will likely ticket you, based on those signs. And win. Who'd think some slowboat in the far left lane governs the speed of all three?

Weird -- the signs don't prohibit passing on the right according to their wording. If anything, they should be used to ticket the slow turds in the left lane, since they're failing to keep right when not passing.



5th January 2011, 18:13

#34


LittleRed96

Third gear

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



Quote:

Originally Posted by **bosozoku** 
Weird -- the signs don't prohibit passing on the right according to their wording. If anything, they should be used to ticket the slow turds in the left lane, since they're failing to keep right when not passing.

Yeah, not sure where they'd win on that one. "Passing" on the right means you've exited your lane to go around the car in your (old) lane and then immediately returning to that initial lane. That's pretty much illegal in most places (for safety reasons). If you're already IN a lane to the right of a slowpoke then you HAVEN'T "passed on the right" you've merely passed (by) on the right of someone in another lane. BIG difference! PLUS I agree that the language on its' face says you can't go slow in the left lane(s) and that begs the question again....any real-world examples of where anyone actually was ticketed for that (violation of the rule on the sign), went to court and lost (other than for the reason I've stated above which would be for actual passing)?



jpre

Fourth gear

Join Date: Feb 2004

Location: Norcal

Posts: 1,935

Quote:

Originally Posted by **Rich Wilkman**

*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.

Double apologies for the further attempted hijack.

Rich, when you say "here" do you mean CA? I've been watching a conversation on another list where people are questioning the right of local jurisdictions making laws different than state laws. There is discussion local jurisdictions are not allowed to make different laws than state laws and perhaps has been a recent strengthening of that fact:

On 1/3/2011 9:57 AM, Mike wrote:

A Strange source, but apparently a loop-hole that may have made El Cerrito's ordinance enforceable has been closed.

"Banning a growing practice by local jurisdictions that choose to ignore the state laws governing traffic violations, known as the Vehicle Code, and instead cite drivers for traffic violations under vague local ordinances with varying penalties."

Visalia Times-Delta (found on MTC's website).

CVC 21 has long banned local jurisdictions from ignoring state laws governing traffic violations. Apparently the changes were intended to strengthen the law.

It is interesting that a single parks district is exempted in this law. Other districts are covered by CVC 21113.

=

<<http://www.dmv.ca.gov/pubs/vctop/genprov/vc21.htm>>
 CVC 21. */(a)*/ Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the ()^1 */state*/ and in all counties and municipalities therein, and ()^2 */a*/ local authority shall */not*/ enact or enforce any ordinance */or resolution*/ on the */matters covered by this code, including ordinances or resolutions that establish regulations or procedures for, or assess a fine, penalty, assessment, or fee for a violation of,*/ matters covered by this code, unless expressly authorized ()^3 */by this code*/.*

**/(b) To the extent permitted by current state law, this section does not impair the current lawful authority of the Mountains Recreation and Conservation Authority, a joint powers authority, or any member agency constituted therein as of July 1, 2010, to enforce an ordinance or resolution relating to the management of public lands within its jurisdiction.*/*

Amended Sec. 1, Ch. 616, Stats. 2010. Effective July 1, 2011.

The 2010 amendment added the **/italicized*/* material, and at the point(s) indicated, deleted the following:

1. "State"
2. "no"
3. "herein"

White 1991A, KYB AGX, FM sways, Trak Lites, RA1s, Hawk HP+, HDHCHTDD, FM shock tower brace, Moss stainless muffler, stock engine & intake



5th January 2011, 19:42

#36

bosozoku

Overdrive

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

^^^

I say allow towns to make whatever traffic laws they want, but force penalties for those laws to be strictly local. i.e., no points on the license, and if you don't pay the fine but don't visit the town anymore, your car can't be towed or impounded. It would make people avoid those towns very quickly.



5th January 2011, 21:42

#37

Rich Wilkman

Wheels flew off

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

In CA, and other places, cities or counties can often make laws from "higher" more restrictive. Penalties are added all the time. I don't think you can make a general case of "allowed or not" but you can certainly find many examples well enforced and well tested in court. Now, they can't do something like pass a law saying "we're not following that State law" but they can use the law as a basis and extend it.

So you'd have to take it on a case by case basis.

There's a lot more of this delegation/modification between cities and counties.

-Rich

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



Today, 17:00

#38

john.m

Fifth gear

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

I called the Assistant City Clerk in my municipality today to ask her where the official notice that our city has opted out of RTOR can be found. She had no idea.

She's promised to find it and call me back. Hopefully, she can't.

I wonder what I'll learn as I call more City Clerks.

The island of Montreal is currently divided into 15 separate municipalities. From my reading of the statutes, I think that each of those municipalities has to have its own Notice Of Opt-out in the Official Gazette. The island of Montreal is not a legal entity.

Thoughts anyone?

The 15 municipalities on the island of Montreal:
http://ville.montreal.qc.ca/pls/port...006_mairie.pdf

www.toplessmontreal.com



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All times are GMT -5. The time now is 17:02.

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