

A nighttime aerial view of a city skyline, likely New York City, featuring numerous illuminated skyscrapers. The Empire State Building is prominent on the left, glowing with blue light. The city lights create a dense, vibrant pattern against the dark sky.

BLOCKING THE BOX

"obstructing traffic at an intersection"

THE RULE

Obstructing traffic at intersection.

"When vehicular traffic is stopped on the opposite side of an intersection, no person shall drive a vehicle into such intersection, except for the purpose of making a turn, unless there is sufficient unobstructed space beyond the opposite side of the intersection to accommodate the vehicle in the lane in which the vehicle is being driven, notwithstanding the indication of a traffic control signal which would otherwise permit the vehicle to proceed"



THE DEFENSES

- I was making a turn
- There was sufficient unobstructed space beyond the opposite side of the intersection to accommodate your vehicle in the lane in which your vehicle is traveling
- The traffic was moving beyond the opposite side of the box when I entered the intersection on a green light



Larry's Top 10 Tips

- Tell your story. We are hard wired to love stories, including the judges from the NYC_DOF Adjudication Unit
- The tone of your Defense Affidavit matters. Do not rant, tell the judge you'd never break a parking rule, haven't been issued a parking ticket since Hector was a pup, chide him for the ills of the parking ticket system, or insult the parking ticket warrior, or the judge's intelligence. Stick to your story. Be nice
- Be persuasive by providing the judge with details; but not minutiae. Facts, not opinions. Everyone loves to draw their own conclusions. No one likes to be told what to think
- You've got one sentence to capture the judge's attention. Possibly 2-3 sentences to make the judge look for a way to find you NOT GUILTY. I once started a winning appeal by saying, 'Twas the week after Christmas and all through our house...
- The judge knows the law. But, I suggest gently letting him/her know you understand the law, too. See how I did it in the Operator's Affidavit

Continued

- There is much truth to the old bromide, “A picture is worth 1000 words.” Use photographs, or Google Maps Street View, to tell your story. Check out how we told our story with the enclosed affidavits
- Witnesses are wonderful people, and will help you win. If you have a witness, make sure you gain his/her cooperation. Present his/her story to supplement your story; not parrot it.
- A parking ticket is a sworn statement by a warrior. You must trump his sworn statement with one of your own
- If a parking ticket warrior makes an obvious misrepresentation of fact, such as you were 4 feet from a pump, when you were really much farther away and can prove it; talk about CREDIBILITY in your affidavit. If the warrior is willing to misrepresent the truth on this issue, why should a judge believe anything the warrior writes
- Always, every time, check first for omitted, misdescribed, or missing required elements. It is your get out of jail free card, upon application. But, still assert any other defenses you may have. There is victory in numbers!

DRIVER'S AFFIDAVIT

Dear Judge

Kindly enter a plea of "not guilty" to the above violation for the following reasons:

[Your name], of full age, being duly sworn, according to law, upon his/her oath, deposes and says:

The Law

34 RCNY 4-08 (e) (12) states:

"Obstructing Traffic at Intersection." When vehicular traffic is stopped on the opposite side of an intersection, no person shall drive a vehicle into such intersection, except for the purpose of making a turn, unless there is sufficient unobstructed space beyond the opposite side of the intersection to accommodate the vehicle in the lane in which the vehicle is being driven, notwithstanding the indication of a traffic control signal which would otherwise permit the vehicle to proceed."

DRIVER'S AFFIDAVIT-CON'T

My Defense:

When the light turned green and I entered the intersection of Watts and Thompson, the traffic was moving beyond the far crosswalk of the intersection; and there was sufficient unobstructed space in the lane in which I was traveling for my car to fit beyond the opposite side of the intersection.

The Facts:

I make the following trip on weekdays. The times inserted were the times for my trip on the date I received this parking ticket:

- I-278 (BQE) to Williamsburg Bridge towards Manhattan to Delancey St
- At about 4:40 PM made left on Bowery
- At about 4:42 PM made right on Broome St.
- Traffic jam on Broome Street
- Went through about 11 intersections without blocking the box
- Reached Watts/Thompson St that took more than 1 hour 20 minutes (normal travel time in light traffic is about 5-7 minutes)

DRIVER'S AFFIDAVIT-CON'T

I was driving on Watts Street towards 6th Ave. There are 4 lanes of traffic. My car is in 2nd lane from left. When the light turns green, the car in front of my car starts moving forward. Before I entered the intersection on the green light, I observed the traffic moving beyond the opposite crosswalk. I drove into the intersection, and crossed to the far end of the box, with a green light in my favor.

The car in front of me passed completely through the box and stopped, due to a back up of traffic from the next intersection, Watts and 6th Avenue. This action prevented my car from completely clearing the far crosswalk. My car absolutely did not obstruct any traffic from Thompson. I was barely in the box and there was no traffic on Thomson Street that I was obstructing when the light turned red for me.

DRIVER'S AFFIDAVIT-CON'T

The next intersection from Watts/Thompson Streets is Watts St / 6th Ave. At this intersection there were NYPD – Policemen Stopping the traffic flow approaching from Watts Street when the light is green to make room for the 6th Ave. traffic flow as there are lots of buses on 6th Ave. The traffic flow on Watts Street is brought to a halt even when the light is green.

This action of the NYPD police is what caused the cars to stop suddenly in front of my car.

Evidence

- My Affidavit
- Two (2) Witness Affidavits
- Google Map Screen Captures showing exactly the route I took and street views of important points during my trip

DRIVER'S AFFIDAVIT-CON'T

Summary

The rule clearly prohibits a member of the driving public from entering an intersection on a green light when traffic is stopped beyond the far crosswalk, and there is not insufficient space for his/her car to fit outside the box. I explained my trip, my observations, and my actions in detail; and have provided my sworn testimony as well as the sworn testimony from two of my passengers. I entered the box properly. Traffic was moving outside the far crosswalk when I entered the box on a green light, and there was sufficient space for my vehicle to fit in the lane in which I was traveling.

DRIVER'S AFFIDAVIT-CON'T

The law does not penalize a driver for being caught in the box because of an unexpected event that causes a back up of traffic after entering the box properly. The Agent issued tickets to all vehicles stuck in the box at the red light. The penalty was imposed because I couldn't make it through the box before the light turned red, this contradicts the plain language of the rule. I had only one vehicle to control and keep track of, and I acted in accordance with the rule.

Due to these circumstances, I respectfully request Your Honor dismiss my parking ticket
Thank you.

Your Name

[Your name]
Sworn & Subscribed before
Me on this the _____ day of
[Month], [Year]

WITNESS AFFIDAVIT

[Your witness], of full age, being duly sworn, according to law, upon his/her oath, disposes and says:

- [Insert a description of your witness' relationship to you, i.e., business, social, family member, etc.]
- I presently reside at [Insert the home address of your witness]
- I was a [State your witness' location in the car, i.e., front passenger seat, rear seat behind driver, etc.] when [your name] received a NYC parking ticket for blocking the box
- [Insert your name] asked me to testify under oath about what I observed at the intersection of Watts and Thompson
- We were on our way home to New Jersey
- We stopped for a red light at Watts and Thompson
- We stopped behind another vehicle at the intersection waiting for the light to turn green

WITNESS AFFIDAVIT-CON'T

- I had a perfect view of the traffic light, and can say with absolute certainty that when the traffic signal turned green, [Insert your name] entered the intersection while traffic was moving outside the far crosswalk and there was enough space for our vehicle to fit beyond the far crosswalk in the lane we were traveling.
- Traffic backed up from the next intersection (Watts and 6th Avenue) all the way to the intersection of Watts and Thompson. We later learned there were several police officers directing traffic in the Watts and 6th Avenue intersection
- The police officers were allowing a lot longer for traffic (lots of buses) on 6th Avenue to pass through the intersection. They were not following the normal traffic signal cycle. This is what cause the traffic to back up on Watts

WITNESS AFFIDAVIT-CON'T

- When we came to a stop before exiting the box, the car in front of us totally cleared the intersection
- A small portion of the rear quarter panel of our car was left in the box
- We did not obstruct any traffic traveling from Thompson through the intersection with Watts. Traffic easily passed behind us
- I am positive [Insert your name] entered the box on a green light. I clearly observed traffic moving beyond the far intersection. There was enough space for [Insert your name] to clear the intersection and fit beyond the far crosswalk.

[Insert the name of your witness]

Sworn & Subscribed before

Me on this _____ day of

[Month], [2010]

Notary Public

Name of your witness



I am traveling on Watts Avenue, heading towards the Avenue of Americas, and approaching the intersection of Thompson

The Blue arrow indicates the far crosswalk, outside the box. I was issued a parking ticket for VC 9 after passing through the box with only a tiny portion of the rear quarter panel of my car slightly in the intersection. I absolutely did not block any traffic traveling on Thompson



I am on Watts. The blue arrow points to the far crosswalk line beyond the intersection of Watts and Thompson





I am looking back from the Avenue of Americas in the direction of the intersection of Watts and Thompson. The blue arrow points to the far crosswalk of Watts and Thompson.

I attest that only a small portion of the rear quarter panel of my car was left in the box; and absolutely did NOT block any traffic traveling on Thompson



Intersection of Watts and Avenue of Americas

Need help with a NYC parking ticket?

NEW YORK PARKING TICKET

Larry Berezin
newyorkparkingticket.com

