

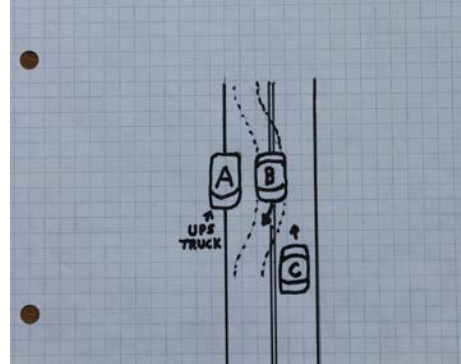
## DID YOU KNOW???

### DRIVER PET PEEVE – HOW DO YOU SEE IT?

I receive numerous emails, letters, and questions from people I see in and around town. I recently received an email from a reader of the weekly “Did You Know” articles from a resident in Lake Clear with a pet peeve, depicted in the accompanying sketch.

The reader describes this scenario:

Delivery truck “A” is stopped along the side of a two lane road, somewhat into the driving lane, perhaps because of snowplow banks, which would force vehicle “B”, traveling in the same direction, to move over the center line to get around the delivery truck. Meanwhile, vehicle “C” is traveling in the opposite direction.



The question here is how does NYS Vehicle and Traffic Law (VTL) treat what vehicle yields the right-of-way to what vehicle? The possible answers are that the vehicle arriving at the delivery truck last yields the ROW to the vehicle getting there first. The second possibility is that the vehicle that has to go around the truck, vehicle B in the sketch, yields the ROW to the vehicle that doesn't have to leave its lane (vehicle C). So, which answer is correct?

If you said vehicle B must yield the ROW to vehicle C, you are correct. It has nothing to do with what vehicle arrives at the delivery truck first.

This is clearly stated in Vehicle and Traffic Law (VTL) section 1120, “Drive on right side of the roadway; exceptions”. Sub-section (3) is the exception applicable to not driving on the right side of the roadway because of an obstruction (the delivery truck) and states: **“When an obstruction exists making it necessary to drive to the left of the center of the highway provided any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard.”**

VTL clearly requires vehicle B to yield the ROW to vehicle C, unless vehicle B can get around the delivery truck without constituting a hazard to vehicle C.

While we're discussing exceptions that legally allow a driver to drive to the left of the center line, sub-section (2) of VTL 1120 allows driving to the left of the center line, even if it is a double solid yellow line, when overtaking or passing bicyclists, pedestrians, animals or obstructions on the right half of the roadway. So this summer, please apply this sub-section and move over, way over, when passing bicyclists and pedestrians, so long as you don't constitute an immediate hazard to oncoming traffic traveling in their unobstructed lane.

For more articles on traffic law and safety, go to the traffic safety board's web site at: [www.franklincony.org](http://www.franklincony.org) and click on “Traffic Safety Board” under departments then look for Did You Know articles under “services”. You may also email me at: [dwerner151@verizon.net](mailto:dwerner151@verizon.net)