

## **DID YOU KNOW???**

### **FUNERAL PROCESSION NEEDS RESPECT OF OTHER MOTORISTS**

In 2015 I wrote a “Did You Know” article about funeral procession protocol being vague in Vehicle and Traffic Law (VTL). Since then, I have had several requests, including an inquiry from the St. Lawrence County Traffic Safety Board, to again do an article on this subject. So, here is a review of what to do or what not to do when a funeral procession passes.

To begin, consider this scenario: while driving your car, you are waiting at a red traffic signal in a city or village and a funeral procession is passing on the cross street. Meanwhile, the traffic signal changes to green for you and red on the street with the funeral procession. Do you wait at the green light for the procession to end or do you proceed on the green light, interrupting the procession? Similarly if you are part of the funeral procession and the traffic signal changes to red on your street, do you continue through the red light or do you stop?

Because many drivers do not know what to do, here are two examples of what can result. First, a car in a funeral procession was hit leaving the funeral home in route to the church or cemetery because the driver thought other traffic would stop for him as it had for other cars before him. In the second situation, a woman was waiting at a red light for a funeral procession when the light changed to green. As she continued to wait as the procession continued through the red signal, a driver behind her was beeping at her to go.

Unfortunately, VTL is very vague on this issue and does little to define proper protocol. The only part of VTL specifically addressing funeral processions is under section 1129(c), which exempts funeral processions from the “following too closely” laws, but doesn’t address what should take place by the vehicles in the procession and by other vehicles that come upon a procession.

I previously contacted DMV counsel in Albany for assistance on how to address the posed scenarios. Counsel’s response was that VTL section 1640(12) for cities and villages and section 1660(6) for towns allow municipalities to regulate processions, so a community can adopt an ordinance to give the right-of-way to funeral processions. In upstate New York, this would be an exception rather than the norm. I am not aware of any upstate municipality that has enacted such an ordinance. And if they did, how would it be enforced? How would non-local drivers know of the ordinance?

Counsel said the more usual and arguably safer means to allow a funeral procession to stay together unimpeded is through the use of a police officer in key intersections, who has authority to control traffic regardless of the traffic signal.

To summarize, unless a local government has passed a law saying drivers must yield to funeral processions, they don’t legally have to do so. But, it’s not all about the law – it’s about doing the right thing, about being helpful and respectful to a group of people who are already dealing with a sad and stressful situation. Therefore, drivers should yield – not because the law says so (it doesn’t), but because it’s the right thing to do.

I might add one last consideration for drivers in the procession – if you are intending to proceed through a red light or stop sign, be sure the other drivers are giving you the courtesy you expect before just forcing your way through.