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Published: May 14, 2012

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I-Team: Questionable traffic tickets

By Jim Taricani



A few months ago, an I-Team investigation revealed that video cameras, called Smart Bus Live, on some school buses in Providence were videotaping motorists on Cahir Street. Once caught on tape, those motorists traveling in the northbound lane received a costly ticket for passing a parked school bus on the other side of the street.

But there's a problem. The I-Team pointed out to Providence police a few months ago that the strip in the middle of Cahir Street -- marked off with solid yellow lines -- was most likely a median. According to state law, if there is a median in a road, a motorist does not have to stop for a school bus that is loading or unloading students on the opposite side of the street.

But Sgt. Paul Zienowicz said at the time that he considered the strip on Cahir Street to be a "decorative turn lane" and not a median. But he was wrong. His own city traffic engineer finally confirmed for the I-Team that the middle lane is, in fact, a median. Hundreds of people paid up to \$500 in fines when they shouldn't have gotten a ticket in the first place.

"I'm not going to say they were wrongly ticketed. A ruling has been made by the judges in Traffic Tribunal court ... So, the judges told us they would not sustain those, so we stopped writing those (tickets) about six weeks ago," Zienowicz said.

That's not much solace for those who paid the \$500 fine and tried to tell the judge about the median. Neither the judge nor Providence police would listen.

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Barbara Gourlay, who paid the fine, said she thinks the system failed her.

"Definitely. Not just me, I think that it failed a lot of other people," Gourlay said.

But Gourlay was told if she pleaded guilty, the fine would be reduced to \$250. The suggestion to plead guilty with the promise of a reduced fine prompted a lot of people to take the plea. But that means getting their money back is probably impossible.

"That bottom line is, is that law has been on the books for years, and if they plead to it, then it's sort of their obligation to understand what the law is and plead their defense in front of the traffic court," NBC 10 legal analyst Mark Dana said.

And the chief judge for the Traffic Tribunal, who was not the judge in the Gourlay case, said at times, he's dismissed some of the tickets on Cahir Street because of the median.

But he admits up until our report aired, and defense attorney started protesting, hundreds if not thousands of tickets had been issued to motorists on the northbound lane of Cahir Street when they shouldn't have been ticketed.

If you didn't plead guilty, you can get your money back.

"They would always be able to file a motion to vacate if the violation was within one year of the date of their adjudication," Traffic Tribunal Chief Magistrate William Guglietta said.

But if you paid your ticket more than a year ago, you're out of luck.

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