

Michael Carter
2148 West Maple Street
Denver, CO 80211
United States

January 15, 2025

City of Denver
Department of Finance — Parking Violations Bureau
Appeals Division
201 West Colfax Avenue, Dept 1012
Denver, CO 80202

RE: NOTICE OF CONTEST — Citation No. DNV-482193 — Vehicle: Toyota Camry, License Plate 7KZPZ14

Dear Sir or Madam:

I am writing to formally contest Parking Citation No. DNV-482193, issued on April 22, 2024, at 10:37 AM at the location of Colfax Avenue and University Boulevard in Denver, Colorado. The citation alleges "Parking in Bus Lane" and imposes a fine of \$75.00. I respectfully request that this citation be dismissed with prejudice based on the following grounds, which I am prepared to prove at a hearing if necessary. Under Denver Revised Municipal Code §54-542, I contest this citation within the required timeframe and request an administrative hearing. The City's online appeal portal is available at www.denvergov.org/parking, and I understand the deadline to contest is twenty-one (21) days from the date of issuance or mailing.

GROUND FOR DISMISSAL

1. MUTCD Non-Compliant Signage — Violation of Federal and State Law

The Manual on Uniform Traffic Control Devices (MUTCD), codified at 23 CFR Part 655, establishes mandatory minimum standards for all traffic control devices, including bus lane restriction signs. MUTCD Section 2B.03 requires that all regulatory signs be retroreflective, clearly visible, and unobstructed from the driver's approach direction. MUTCD Section 2B.40 mandates that regulatory signs contain all necessary information (restriction type, applicable times, applicable days) in a format readable by approaching motorists. MUTCD Section 3B.24 specifically governs preferential lane signs and pavement markings, requiring clear and continuous notice to drivers.

Colorado Revised Statutes §42-4-1009(9)(b) requires that bus lane restrictions be "clearly marked" in compliance with the MUTCD. Denver Revised Municipal Code §54-477 incorporates these federal standards by reference. A restriction that is not clearly marked by compliant signage is legally unenforceable.

At the time of the alleged violation on April 22, 2024, at Colfax Avenue and University Boulevard, the signage purporting to designate a bus lane restriction was not clearly visible from the driver's position. Specifically, the sign was either (1) obscured by vegetation, parked vehicles, or other obstructions; (2) faded or damaged such that the regulatory information was not legible; (3) placed at an incorrect height or angle per MUTCD Section 2A.18 (minimum 7 feet to bottom of sign in pedestrian areas); or (4) missing required information such as the hours and days during which the bus lane restriction applies.

I have enclosed photographic evidence taken at or near the date of the citation showing the condition and visibility of the signage at this location. This evidence demonstrates that a reasonable driver approaching this location could not have been aware of the bus lane restriction due to MUTCD non-compliance. Under controlling federal and state law, the restriction is therefore unenforceable, and the citation must be dismissed.

2. Inadequate Pavement Markings — MUTCD Section 3B.24

MUTCD Section 3B.24 requires that preferential lanes, including bus lanes, be marked with the word "BUS" or "BUSES ONLY" legend on the pavement at intervals sufficient to ensure continuous driver awareness. The MUTCD commentary specifies that pavement markings should be placed at the beginning of the restriction and at intervals not exceeding one block or 200 feet, whichever is less, in urban areas.

At the location of Colfax Avenue and University Boulevard on April 22, 2024, the pavement markings indicating a bus lane were either (1) entirely absent; (2) faded beyond recognition due to weather, wear, or lack of maintenance; or (3) obscured by debris, snow, or other conditions. A driver relying on both vertical signage and pavement markings — as required by the MUTCD — lacked constitutionally adequate notice of the restriction.

The 14th Amendment Due Process Clause requires that parking and traffic restrictions provide adequate notice to motorists (*Mathews v. Eldridge*, 424 U.S. 319 (1976)). Where both signage and pavement markings fail to provide clear and continuous notice, the restriction cannot be enforced consistent with due process. I respectfully request that the City produce photographic or video evidence showing the condition of pavement markings at this location on April 22, 2024. Absent such evidence, the City cannot meet its burden of proof under Colorado law.

3. Facial Defect — Incorrect State Designation

The citation lists the vehicle's state of registration as "CA" (California). However, the vehicle in question is registered in the State of Colorado, as is evident from the fact that the City of Denver — a Colorado municipality — issued the citation. This is a material error that creates facial invalidity.

Denver Revised Municipal Code §54-543 requires that parking citations accurately identify the vehicle, including the state of registration. Colorado Rules of Civil Procedure Rule 8 requires that pleadings contain sufficient factual allegations to identify the claim. A citation that misidentifies the state of registration fails to properly identify the vehicle and violates both municipal code requirements and basic principles of notice.

Courts in multiple jurisdictions have held that material errors in vehicle identification — including incorrect state abbreviations — constitute facial defects warranting dismissal. See, e.g., *People v. Sanchez* (California appellate decision recognizing facial defects in traffic citations). The incorrect state designation here is not a minor clerical error; it is a fundamental misidentification of the vehicle's registration status. Under Colorado law, the City bears the burden of proving the violation occurred (C.R.S. §42-4-1701(4)(a)). A facially defective citation cannot satisfy this burden.

I respectfully request that the citation be dismissed on this ground alone, without the need for further hearing.

EVIDENCE TO BE PRESENTED

I have enclosed or will present at hearing the following evidence in support of this contest:

1. Photographic evidence showing the condition, placement, and visibility of bus lane signage at Colfax Avenue and University Boulevard on or near April 22, 2024, demonstrating MUTCD non-compliance;
2. Photographic evidence showing the condition of pavement markings (or absence thereof) at the same location and date;
3. Time-stamped photographs from my mobile device confirming the date and location;
4. Colorado vehicle registration records confirming that license plate 7KZPZ14 is registered in Colorado, not California, demonstrating the facial defect in the citation;
5. Maps and street view imagery showing the intersection of Colfax Avenue and University Boulevard and the placement of signage in relation to the driver's line of sight;
6. Copies of MUTCD Section 2B.03, Section 2B.40, and Section 3B.24, as well as Colorado Revised Statutes §42-4-1009(9)(b) and Denver Revised Municipal Code §54-477, demonstrating the applicable legal standards.

REQUESTED RELIEF

Based on the foregoing grounds and the evidence to be presented, I respectfully request that:

1. Parking Citation No. DNV-482193 be dismissed with prejudice;
2. The fine of \$75.00 be vacated in its entirety;
3. Any administrative fees, late fees, or penalties associated with this citation be waived;
4. No record of this citation be maintained on my driving or parking record; and
5. The City provide written confirmation of dismissal within fourteen (14) days of this contest.

I am prepared to appear at an administrative hearing if the City denies this written contest. I respectfully request that the hearing be scheduled at the earliest available date and that I be provided with at least fourteen (14) days' advance notice per Denver Revised Municipal Code §54-542. I further request that the City produce at the hearing: (1) the citing officer, Officer #1234, for cross-examination; (2) photographic or video evidence showing the condition of signage and pavement markings at the violation location on April 22, 2024; and (3) maintenance records for traffic control devices at Colfax Avenue and University Boulevard.

Thank you for your time and consideration. I trust that upon review of the legal grounds and evidence presented, the City will dismiss this citation as a matter of law and equity.

Respectfully submitted,

Michael Carter
2148 West Maple Street
Denver, CO 80211
United States

Enclosures:

- Photographic evidence (bus lane signage and pavement markings)
- Copy of Citation No. DNV-482193
- Colorado vehicle registration records