



**Department of
Transportation**

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May 17, 2019

Re: Notice of Violation and Demand to Cease and Desist Unauthorized Work in the Highway Right of Way

Idon Media LLC, as contractor for the Shinnecock Indian Nation, is erecting unauthorized advertising signs within the highway right of way along both the eastbound and westbound lanes of New York State Route 27 near Mile Marker 27-0707-1511. This work is in violation of New York State Highway Law Section 52 and Vehicle & Traffic law Section 1220-c, both of which bar work in a state highway right of way without a work permit issued by the New York State Department of Transportation (the "Department").

The Department previously issued Stop Work Orders on March 30, 2019 and April 14, 2019. Additionally, the State Police ticketed workers conducting unauthorized work on the site on multiple occasions. While work stopped temporarily, in all instances the Shinnecock Indian Nation or its contractors subsequently resumed work.

The Department met with representatives of Idon Media and the Shinnecock Indian Nation on April 10 and April 15, 2019. In both meetings, the Department made clear that work in the Route 27 right of way could not be performed without a highway work

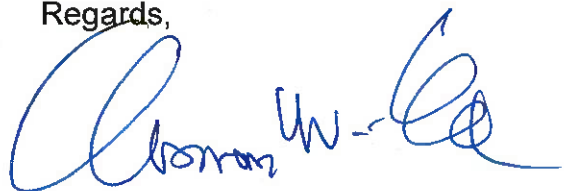
permit. Furthermore, the Department stated that the construction of commercial advertising in state highway right of ways is barred under state and federal law. Lastly, the Department addressed our concerns regarding the safety of the traveling public should the sign construction continue, both during construction of the signs and upon completion. At both meetings, the Department requested that the work stop immediately.

In both meetings, the Shinnecock Indian Nation asserted, without basis, that the Department does not have jurisdiction over the Nation generally and at this location specifically. Representatives of the Nation also stated that the permanent easement that comprises the relevant portion of the Route 27 right of way was illegally obtained. Additionally, the Shinnecock Indian Nation stated that it does not need a highway work permit, would not seek one, and warned that the Department should not attempt to issue any further Stop Work Orders.

The Shinnecock Indian Nation and Idon Media have continued to work without authorization in the right of way of Route 27. Neither entity has submitted a complete application for a highway work permit. Both the Nation and Idon Media have ignored the Department's concerns about violations of state and federal law regarding commercial advertising in the highway right of way. Moreover, the work in the area has been conducted with insufficient regard for the safety of the traveling public, despite guidance offered by the Department.

The Shinnecock Indian Nation and Idon Media are in violation of New York State law including Highway Law Section 52 and Vehicle & Traffic law Section 1220-c. Both entities must immediately cease all operations on Route 27.

Regards,



Norman W. Kee,
Assistant Counsel