

## Comments on the Footway Parking and Double Parking (Scotland) Bill

### 1. What are your experiences of parking on a footway or on a road next to a dropped kerb or double parking?

I have experience of the issues raised by footway parking as a former local authority Chief Officer responsible for road maintenance and road safety; as someone who for many years advised disability organisations on transport related matters; and as a householder who lives in a street where footway parking takes place on a daily basis.

I know from my professional life just how much wear and tear parking on footways causes to the surface of the footway. The effect of footway parking is seen after the vehicle leaves in the form of cracked flagstones and concrete paviors and by the rutting of tarmac surfaced footways. As well as creating dangerous trip hazards for pedestrians and causing localised ponding in wet weather conditions, this poses an unnecessary burden on local roads authority maintenance budgets (not to mention the potential for claims for damages from pedestrians).

When vehicles are parked partly or wholly on footways, the width of footway available for pedestrians is significantly reduced. Again I know, as someone who has pushed children and grandchildren in prams and who has also often assisted colleagues and friends in wheelchairs or accompanied colleagues with guide dogs, that the reduced width can cause real problems for movement along the footway. It often results in the need to walk on the carriageway to get past the obstacle with obvious implications for pedestrian safety. Indeed, when vehicles park even partly on the footway, the increased road width that is then available for vehicles in transit along the road means they tend to travel faster than they might otherwise do, thereby exacerbating the road safety issues.

It seems paradoxical that under Section 91 of the Roads Scotland Act 1984, local roads authorities have immediate powers to deal with overgrown hedges and overhanging vegetation which adversely affect the passage of pedestrians or obscure road signs but they do not have equivalent powers to deal with the even greater adverse effects of inconsiderately parked vehicles unless they promote traffic regulation orders. The promotion of a traffic regulation order is subject to statutory procedures regarding consultation, advertising the proposals and dealing with objections involving a protracted timescale and with no guarantee of a successful outcome.

The attached photographs illustrate some of my comments.

The first two were taken on the street where I live. In the first photograph, the nearer two cars are parked within a lay-by. The other three cars have been driven at right angles over the kerb and are parked entirely on



the footway completely blocking passage by pedestrians. The cracked

paving slabs are the result of vehicles which drove on to the adjacent footway. Photograph 2 shows the same offending vehicles but also some cars parked illegally on double yellow lines. I will return to this later.

The previous photographs showed problems on a residential street that were not caused by the residents themselves but by visitors to adjacent non-residential premises and by commuters using the nearby station.



The next two photographs were taken on the street where my niece lives half a mile from my home. The offending parked vehicles belong to the



residents of the street (not including my niece!). Although the dwellings on this street all have driveways and often garages as well, residents chose to park on street and because there is residential frontage on both sides of a street with limited width, the vehicles are invariably parked partly on the footway. Overgrown foliage exacerbates the situation next to the white van on the right hand side of the road in one of the photographs.



It is quite evident that the remaining width of footway is totally inadequate for the passage of wheelchairs, mobility scooters, prams or guide dogs.

2. **There are a number of exceptions whereby parking on a footpath, next to a dropped kerb or double parking would be permissible. Do you have a view on these exceptions?**

This question asks for views on three discrete scenarios and the issues



are different with regard to each of these.

I start with parking on the footway. My fifth photograph (above) shows a typical daily situation on a different section of the same street as in the first two photographs. By no means does it show the worst weekly scenario. The building top left is a church and most Sunday mornings and when there are major activities in the church hall, a 100-200 metre stretch of both sides of the road will be occupied by vehicles parked partly on the footway. In the case shown in the photograph, the road is 6 metres wide and vehicles tend not to encroach too far on to the footway which is in itself wide enough such that usually wheelchairs, prams and guide dogs can get past. It is therefore possible to envisage a situation where parking could be permitted to encroach on the footway provided the wheels were within an area delineated by a parking bay road marking

- i.e. a designated parking area part on/part off the footway - which maintained a specified minimum width of footway.

However, I could equally instance streets in my local area where the limited width of both the road and the footways is such that pedestrian passage is impossible when vehicles park on the footway - which they do every evening and at weekends. This is demonstrated in photographs 3 and 4 above.

I would also have no difficulty with parking by emergency vehicles. However, bearing in mind my earlier comments about damage caused to footway surfaces, I find it incredible that heavy commercial vehicles with an operating weight exceeding 7.5 tonnes are currently allowed to park on a footway (Section 19 of the Road Traffic Act 1988). Such parking and the placing of skips on footways is, in my experience, the cause of most damage to footways and kerbs and should generally be prohibited on the basis that such parking is normally very short in duration and therefore should not pose a long term obstruction to the passage of other vehicles.

Regarding parking adjacent to a dropped kerb (my second scenario), where this dropped kerb is associated with a pedestrian crossing point there should be no question of parking being allowed except when directed by a police officer. Such dropped kerbs are invariably associated with preferred safe crossing points and it is totally inappropriate to allow any parking over such points.

Dropped kerbs associated with entrances to properties are another matter. While they may be used on a casual basis by wheelchair users to facilitate crossing a road, the prime purpose is to facilitate the passage of vehicles into domestic driveways or other premises. Photograph 3 shows that the local authority has chosen to give some protection to the driveways in the street in question by the use of what is alternately referred to as the **I** or **H** road marking (Diagram 1026.1 in the Traffic Signs Regulations and General Directions 2002) and it will noted that this marking is generally understood and complied with by road users. The prime inconvenience posed by parking across such accesses is to the property owner and it would therefore seem acceptable to allow parking associated with deliveries to or pick up of goods from these properties.

I may add that in my experience, dropped kerbs are very often used by vehicle drivers to obviate the need to mount kerbs to allow them to park on the footway without risking damage to vehicle wheels and tyres.

Double parking (my third scenario) is dangerous to other road users including pedestrians and obstructs the free passage of traffic. It should never be acceptable except by emergency vehicles - which will presumably have blue flashing lights deployed because they are dealing with an emergency situation.

**3. What exceptions should be allowed, if any, to allow a vehicle to wait whilst parked on a footpath, next to a dropped kerb or double parked?**

As I have indicated in my comments on 2 above, there should be no question of parking being allowed adjacent to a dropped kerb where this dropped kerb is associated with a pedestrian crossing point - except when directed by a police officer. Such dropped kerbs are invariably associated with preferred safe crossing points and it is totally inappropriate to allow any parking over such points.

Regarding parking at an entrance to residential property, while sympathetic in principle, there are two key issues to be considered. If parking/waiting is permitted, will there still be sufficient width to allow a wheelchair, pram or person with a guide dog to get past. The second concern relates to how along the vehicle will be parked and whether the driver of the vehicle can easily be summonsed to move the vehicle if necessary to allow passage.

There should be no exceptions for double parking for the reasons outlined in the response to question 2 above.

**4. The Bill would allow local authorities to designate areas as being exempt from these restrictions. Do you have a view on what the criteria for exemption should be?**

I have a concern that local authorities may seek to designate streets or indeed whole areas as being exempt from the proposed restrictions to avoid the need to make alternative provision for parking or to avoid the need for enforcement of restrictions.

It is therefore essential that before the proposed powers are brought into force, the Scottish Government should provide detailed advice on issues such as exceptions, Exempt Areas and enforcement to aid consistency - both in the interests of the local authorities responsible for administering the powers and for road users (including pedestrians).

Issues which need to be treated in this advice include questions such as is the parking necessary; is it possible to accommodate the demand for parking in another manner or elsewhere.

It is vital that there should be a requirement for consultation with road user organisations and organisations representing the interests of all disabled and elderly people as well as with local residents and property owners. This should apply before any proposals are considered, while they are being developed and promoted and after they have been implemented. Only in this way is it possible to ensure that the interests of road users are taken fully into account.

**5. Enforcement of the Bill would be the responsibility of the Police (via fixed penalty notices) in areas where parking is criminalised or local authorities (via penalty charge notices) in areas where parking has been decriminalised. Do you have any comments in relation to how the Bill would be enforced?**

As I indicated in my earlier comments on photograph 2, although the local authority responsible for the street in question already has decriminalised enforcement powers, it appears to have few enforcement officers and they have yet to take action against those who abuse the current double yellow line waiting restrictions (no parking/waiting at any time) during the day on weekdays far less in evenings and at weekends.

As may be apparent from the above photographs, many instances of inconsiderate parking on the footway in my local area are associated with church activities which tend to be on Sundays and/or in evenings. Evenings and weekends also tend to be the time when there is the greatest pressure for parking in residential areas. These, however, are the times when local authority are least likely to be able to deploy enforcement resources because of cost implications. I therefore foresee major difficulties in delivering the enforcement of any restrictions on footway parking in line with the expectation of the pedestrians who are inconvenienced by such parking.

It is therefore essential that before the proposed powers are brought into force, the Scottish Government should provide detailed advice on enforcement to aid consistency of application - both in the interests of the local authorities responsible for administering the powers and for road users (including pedestrians). The advice should stress just how important it is that the powers should be adequately enforced in the interests of pedestrian safety and for ease of movement for the most vulnerable sections of the community.



**6. Are there any equality issues that arise as a consequence of the proposals in the Bill?**

There are major equality issues arising from the proposed Bill in as much as the main beneficiaries of the measures would be elderly and disabled people who stand to benefit from enhanced opportunities to use footways for the purpose for which they are intended. Wheelchair users and those who rely on Guide Dogs would no longer be inconvenienced by inconsiderate parking and have their lives put at risk by having to walk along the road instead of the footway.

Comments submitted by Grahame Lawson