

## Our voices ■ Our choices

### **Scottish Parliament Local Government and Regeneration Committee: Stage 1, Footways Parking and Double Parking (Scotland) Bill**

Inclusion Scotland is a national network of disabled people's organisations and individual disabled people. Our main aim is to draw attention to the physical, social, economic, cultural and attitudinal barriers that affect disabled people's everyday lives and to encourage a wider understanding of those issues throughout Scotland. Inclusion Scotland is part of the disabled people's Independent Living Movement.

Disabled people have told us that inconsiderate parking can severely restrict accessibility and safety, making it difficult to get where they want to go and therefore limiting their right to independent living and to participate in society. It can prevent them from getting to work, to shop or to health appointments. They may be effectively trapped in (or out) of their own home when there is no accessible route available.

Our evidence includes real life stories told to us by disabled people.

Inclusion Scotland is a member of the Responsible Parking Alliance, and has supported previous Members' Bills proposals from Ross Finnie and Joe Fitzpatrick. People with restricted mobility, wheelchair users, those with visual impairments and parents with young children have been waiting too long for this simple measure to become law.

**It is for this reason that Inclusion Scotland supports the general principles of this Bill, and we urge the Scottish Parliament and Scottish Government and UK Government to work together to overcome any competence barriers that may prevent this Bill becoming law.**

#### **1 Have you had any problems with a vehicle parked on the pavement?**

- 1.1 Footway parking presents both an obstacle and a safety hazard for people with restricted mobility and visual impairments. Where the pavement is effectively blocked the person may have to go onto a busy road to get past the vehicle, which presents a safety hazard. For those in wheelchairs or unable to manage steps, it may not be possible to get on and off the footway if there are no convenient dropped kerbs or the ones there are blocked. People with a visual impairment may not see the vehicle and therefore may walk into it.

"I have a visual impairment. There are loads of problems with this. I can be walking along then come across a car or van, etc. parked on the pavement. I've sometimes had to get on to the road to get past it. On some occasions when I have accidentally hit the vehicle, the person has come out of their vehicle and gave me such a big row for it. I had to explain that I am blind but I'm not really sure it helped."

"Throughout my life, I've grown increasingly fed up with unnecessary obstacles on pavements. Inconsiderately parked vehicles are particularly dangerous, not only because individuals risk physical injury walking into anything from bumpers to raised boot lids and tailboards, but because we often have to go out into the traffic to get round them"

"I deal with parked cars and vans every day I am walking with my guide dog. I am a totally blind guide dog owner and have to walk around parked cars and vans nearly every day I am out and about. A lot of the roads are quite quiet to do this but one of the roads is quite busy and it is not safe to go around parked cars and vans. So if a bill could be put through I would be grateful."

"Every Sunday, in my street there is always 4-6 cars parked on the pavement. This is with a multi-story car park across the road. Me and my guide dog are forced onto the road at least twice".

## **2 Have you had any problems with a vehicle parked in front of a dropped kerb?**

- 2.1 Dropped kerbs are essential aids to mobility for people in wheelchairs or restricted mobility. Without them they would literally be unable to get off the footway and cross the road, meaning they may not be able to access work, shops, education, community centres, leisure facilities, health facilities or family and friends.

"Since I have some difficulty in walking, we decided to have a driveway built over our front garden. Since its completion we have been plagued with people parking over the edge making it difficult to get out as I am unable to swing the car. Just a few days ago a man parked right cross my driveway stopping me getting back in and refused to move.

"I can tell you about one incident which occurred about two years ago when I was being taken to a doctor's appointment. I was heading for the lowered kerb ... when a woman drove up and parked there. I called her out on it and she did move her car but treated me as if I was rude for protesting. If I'd arrived a few minutes later and she hadn't been around, I would have had to go right around the block to find a place where I could cross the road, and I would likely have been late for my appointment despite the fact that I always allow extra time for dealing with obstructions."

"I would like to offer up the attached photographs [one attached] of vehicles which block footpath users from crossing the road from one footpath to another. It is an endemic problem in this area and many others. The corners are not clearly marked by double yellow lines even though it is against the Highway Code. This is an unsafe practice for normal pedestrians, wheelchair users and pram walkers."



"My friend gets quite annoyed when he goes up the town by people parking both on and very close to the dropped pavements. Luckily he has not had an accident due to this issue as he is careful and just goes to another part of the pavement to cross where there is not someone parked on the lowered part of the pavement."

### **3 Have you had any problems with a vehicle parked too far away from the pavement?**

3.1 We have no specific evidence on this part of the Bill.

### **4 Emergency vehicles**

4.1 Inclusion Scotland recognises that there may be occasions when emergency vehicles have no option but to park on a footway or across a dropped kerb whilst attending an incident.

### **5 Pulling up to wait**

5.1 Inclusion Scotland accept the limited exemption for purposes as outlined in the bill, for example for the purpose of boarding or alighting from a vehicle.

### **6 People parking outside their own house**

6.1 Inclusion Scotland questions whether this exemption is necessary or advisable. Access to the dropped footway may be necessary for the safe crossing of the road, even if the dropped footway is in front of a residential property. In many streets, this could result in all dropped footways being blocked by residential property occupiers, defeating the purpose of the legislation.

"Yet another issue in the town concerns the parking directly on the pavement in front of their own home by the residents of [...]. The council have removed safety barriers that once were placed there and now at a dangerous junction of two trunk roads there are two cars parked on the pavement. This is obscuring the pavement and means that pedestrians including those with young children have to walk on the road at this busy junction. There are several houses past this point where young children live and it's an accident waiting to happen."

6.2 Unless the person has a specific access need to park immediately in front of the dropped footway (eg a blue badge holder who is resident at that address), it would not seem unreasonable that the occupier parks at another part of the footway. It is an established principle that residents do not have a specific right to park in the road adjacent to their property, and it would seem odd to allow a resident to park where the footway is dropped but not where there is no dropped footway.

6.3 The provision may be difficult to enforce, as how would a parking attendant or police officer know if the person parking was, or had the permission of the occupier of the residential premises.

## **7 Delivery trucks and vans**

- 7.1 Inclusion Scotland accept the exemptions as outlined in the Bill. It is important that the “cannot unreasonably be carried out” aspect is stressed, and that delivery drivers are willing to temporarily move their vehicle where they are obstructing safe access to a person who needs to cross the road or footway.

## **8 Bin lorries**

- 8.1 Inclusion Scotland accept the exemptions as outlined in the Bill. It is worth noting the related problem caused to people with restricted mobility, wheelchair users, those with visual impairments and people with young children caused by wheelie bins obstructing the footpath. Often the bins are “abandoned” after being emptied, rather than being put as safely and out of the way as practical, and can be there for many hours until the occupier returns home to take the bin in.

## **9 People working on the road**

- 9.1 Inclusion Scotland recognises that there will be occasions when roads and utilities vehicles will have to park across a dropped footway when undertaking works, particularly when undertaking emergency or urgent repairs. However, wherever possible these vehicles should be required to park away from dropped kerbs, particularly when undertaking planned works.
- 9.2 These vehicles are likely to be present for extended periods, and this could severely restrict access and safety for disabled people.

"I am a blind guide dog owner. I have today walked along the road I live on to find a Scottish Water van parked fully on the pavement. I was able to pass it due to the help of a passing pedestrian but bumped my shoulder and badly bruised it while passing the vehicle. Without the help of the passer-by I would have had to cross the busy carriage way and cross back again to my home - a dangerous and potentially life threatening manoeuvre jeopardising my safety due to thoughtlessness!"

## **10 Disabled parking spaces**

- 10.1 Inclusion Scotland agreed that designated disabled parking spaces be exempt. These will often be spaces provided outside the home of a blue badge holder to enable them to access.

## **11 Some roads where the law would not apply.**

- 11.1 It is correct that Councils will have to make the case to exempt, rather than include, roads covered by the provisions in the Bill. However, Inclusion Scotland struggles to see circumstances where it would be appropriate to exempt a road without undermining the purpose of the Bill.

## **12 Do you think the new law will make things better for you?**

- 12.1 Ensuring safe a free access to footways, including dropped footways, will give people with restricted mobility, wheelchair users and people with visual impairment the

freedom of movement as others, enabling them to fully participate in their communities. In this way it will support independent living.

### **13 Do you think this is a good way to make people follow the law?**

13.1 It is clear that the present legislation - which relies on the police taking action because the vehicle is causing an obstruction, or local authorities promoting a road traffic order to prohibit parking at each specific location - is both impractical and ineffective.

"We approached the local council to have lines painted and they no longer do that, saying it is a police matter. When I have called out the police they take hours to come, leaving me stranded in my car or unable to get out to pick up my young granddaughter or attend appointments.

My elderly disabled neighbour is also plagued with cars blocking the boxed off back of her disabled bay and parking right up against the front of her car in an effort to squeeze into a small space not suitable for parking. This has been mentioned to the local council, but nothing done."

13.2 The police will retain the powers under the Road Traffic Acts to deal with obstruction, but the Bill will enable parking attendants or police officers to issue fixed penalty notices to offending vehicles. This will, hopefully, act as a deterrent to those parking irresponsibly.

13.3 When the Bill comes into force, it will need to be backed by a strong publicity campaign, together with effective enforcement action in each Council area.

If you have any questions on this submission, or for further information, contact:

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