

## COMMENTS ON THE PROPOSED FOOTWAY PARKING AND DOUBLE PARKING (SCOTLAND) BILL

---

Jeremy Watson  
01389 752877  
[jeremyatvaleofleven@hotmail.co.uk](mailto:jeremyatvaleofleven@hotmail.co.uk)

November 2015

---

### Credentials :

I am an architect with some experience in roadway and parking design, conservation and disabled access. I am very involved in community issues, predominantly that of built heritage and the urban environment and have submitted to public consultations through various bodies that I belong to. This one is in my personal capacity.

### Motivation :

I have lived in Scotland for over 16 years having had first hand experience in parking issues elsewhere and therefore have a means of comparing the issues here. When I first came to here it appeared to me that parking on pavements / footways was something maverick, perhaps limited to “neds”, but it has turned out to be much more than that.

Outwith the areas well policed by traffic wardens, most yellow lines are completely ignored. A great many double yellow lines are laid out without consideration of their purpose and impact. Single yellow lines are usually meant to be read with associated time limit signs, but these are frequently not in evidence.

For reason unknown, parking up kerbs is almost the norm, even where there is an available parking lane or road width. This occurs around the world, but appears to be more common here in Scotland than in most “western” countries, most noticeably across the central area. Perhaps this indicates a learnt habit.

There are many reasons and I will attempt to cover them below. I have discussed such issues previously in social media and in direct email contact with MSP Sandra White. I wholly concur with the motivations for the Bill, but not with the means of resolving the issues.

My intention is to eventually compile a more comprehensive study on the issues, but for the purposes of the immediate needs of public consultation, this will be much briefer.

Concerns include pedestrian safety, impediment to disabled users, the elderly and parents with children, impeded sight lines when crossing roads, dangers to children cycling on footways and confusion for cyclists in roadways, damage to cars mounting kerbs etc.

---

## COMMENTS ON THE DOCUMENTS :

Quoted text is in italics.

For clarity, footway parking is considered be completely or partially on the footway ie straddling the kerb.

### ***EXPLANATORY NOTES***

***THE BILL 3. The Bill provides for new national prohibitions to tackle problems caused by vehicles parking on footways and at dropped footways etc. and by double parking of vehicles.***

I am not convinced that new prohibitions are required in most instances. Instead, I believe that the problems arise from :

- a) Failure by local authorities to suitably demarcate roadways. Few have comprehensive strategies that involve ongoing reassessments of situations and needs.
- b) Failure by driving schools to teach “road ethics” besides just the techniques of road use.
- c) Failure by driving schools and testing authorities to identify an inability to judge distance.
- d) Naivete by road users.
- e) Rebelliousness by road users.
- f) The tendency to copy the habits of others.

NONE of these require further legislation – only greatly improved application of existing legislation. The Bill as currently proposed appears necessary, perhaps as a shock tactic, although not so much to add further legislation, but to draw attention to weak spots in current legislation and provide leads to its better implementation. It is this latter aspect that I still do not find satisfactorily included. There needs to be a structure to the current Bill that ensures that follow through is achieved through national and local authorities, driving instructors and others.

If the Bill were to go through as it currently stands, thousands of well intentioned if naïve motorists or those with simply bad habits will find themselves as offenders. And there will be an enormous number who are simply confused or even desperate. In many cases, there is little option, but to park up the kerb.

### ***Section 2 – Prohibition of parking on footways***

*13. Subsection (1) provides that a vehicle must not be parked on a footway.*

The use of the word “footway” is supported. “Pavement” ie that beyond the roadway that is paved includes anything beyond the kerb, but that could include valid parking space. “Sidewalk” is apt and could include unpaved surfaces eg gravel or grass, but excludes walkways at tangents from the roads. However while “footway” is thought appropriate, it needs clarification. This does not need inclusion in the Bill if it is suitably covered in supplementary notes for administrative authorities, roads designers and planners. These Explanatory Notes do not go that far.

Any “emergency vehicle” driver would be expected to be able to interpret individual circumstances and park ANYWHERE most appropriate to the event. (Current legislation deems that emergency vehicles need to comply with all normal traffic rules and practice unless the circumstances require otherwise). “Emergency vehicles” do NOT include breakdown recovery vehicles. As in any circumstances, the police or other emergency personnel may direct breakdown vehicles or the public outwith normal areas of passage. As in any unusual circumstances, it becomes acceptable to

not actually ignore the law, but to take alternative best suited actions. Clause 15 therefore may be explanatory, but not necessary. Clause 17 is similar.

### **Section 3 – Prohibition of parking at dropped footways etc**

The proposals under clause 16 regarding kerbs that have been lowered to assist pedestrians or cyclists is supported.

While I agree with the sentiments under clause 17 regarding exception, I am not convinced that wording is required within the Bill. There are too many instances where existing narrow streets, particularly in residential areas would be difficult to apply these restrictions and to administer. Some ambiguity and localised “self administration” may in fact be preferred. Where situations are however very difficult, problem section should be properly and clearly marked.

Clause 17 refers : “ *vehicles parked outside residential premises by or with the consent of the occupier of the premises but not for reward; ..* ” This is problematic. If the dropped kerb is for general use, the occupier may be obstructing other users.

Clause 17 also refers to delivery and collection. There will be many circumstances where delivery and collection vehicles due to their size, lack of available designated loading zones or due to their loads, are not able to avoid parking on the footways. If very brief, this should be tolerated. If long term (eg household removal vans), such vehicles must be obligated to provide suitable warning signage eg cones. If the free passage on the footway is of a width below that of a wheelchair, alternative routes may be necessary. (This becomes similar to during roadworks).

Clause 18 refers to the period deemed as parking. Simply put, a stopped (unparked) vehicle needs to be never left unattended. Where this necessitates fetching an assisted passenger, this may require leaving it for more than a few minutes, but would need to have its parking emergency lights flashing.

### ***FINANCIAL MEMORANDUM***

In the “*POLICY MEMORANDUM, Legislative position 10. Local authorities have powers under the 1984 Act to restrict or prohibit footway parking on individual streets by the making of a TRO, but this can be a costly process.*” A survey of local authorities some years ago reflected concerns about costs and therefore a reluctance to apply and police the legislation. Some councils have little interest at all in traffic policing. But this is where it gets less logical. In my opening bulleted points I referred to failure by local authorities to suitably demarcate roadways combined with public behaviour. I write from West Dunbartonshire, but I see similar issues across the country.

Public behaviour needs changing through a combination of campaigns (costs to authorities and others) and education (costs to motorists). (Noted in the *Policy Memorandum : Education / raising awareness*). But so many road markings are laid out without any thought, are often very unsuitable to circumstances and don't resolve issues. They are therefore ignored by locals and little respect. As they need replacement from time to time the solution is to be found in obliging local and other authorities to fully assess and rethink local situations each time. This should be an integral part of every Local Development Plan. There is NO extra cost in this.

---

## **POLICY MEMORANDUM**

### **BACKGROUND**

#### ***Legislative position***

Clause 11 refers to it being *illegal to drive on footways but the position is less clear with regards to casual or occasional parking on footways*. This need not be ambiguous. The regulations regarding single and double yellow lines are very clear and understood by all motorists. All that is necessary is that they are laid out wherever clarification is required. They do not always need to be applied at dropped kerbs unless problems arise. As noted above, footway parking is often because of limited roadway space and an absolute ban would be problematic.

This puts an onus on the local authority to fully assess each situation carefully. (Clause 32 under *Alternative approaches considered* refers to this). Policing needs to be absolute where double yellow lines occur. But quite frankly, a great many yellow line layouts are simply ill thought out and sometimes daft. An authority needs to be obliged to justify its line layout and to find alternative parking. This starts to tie in with an overall and holistic parking and strategy (with each LDP) that allows easy access for all and free flow of traffic including large vehicles such as buses.

Clear and sensibly applied yellow lines can avoid confusion by motorists, particularly with regard to the numerous exceptions in the Bill's text and in problem areas.

Problem areas occur in :

- Commercial and residential areas developed before private cars were popular.
- Historic areas.
- Under-provided modern developments.

These usually have roads too narrow for currently intended use and lack of provision for parking.

Commercial developments are generally provided with parking to strict formulas. The same is not the case with modern residential areas where parking provision requirements are low eg with presumptions for two vehicles per household, but no delivery or visitor provision within easy reach. This runs concurrent with a tendency to under-provide on road width so that it cannot be used for parking with two vehicles passing alongside. While local authorities may have the power to ban footway parking in such areas, they will find themselves up against the local community are simultaneously the problem and victim.

The Bill does not cover resolution of parking problems in planning standards. While it is not the place to resolve such issues, this must be kept in mind. Where areas are under-provided with parking, application of this Bill will require discretion and a degree of leeway.

#### ***Parking enforcement***

Criminalised and decriminalisation parking offences are discussed in clauses 20, 21 and 22. I agree with this, but suggest a clarification. Special reference may be required where parking obstructs an emergency point such as a fire hose connection, a police, fire station, military, hospital or ambulance driveway etc and these could be annotated with added emergency signage.

---

## FURTHER COMMENTS

### WHAT IS A FOOTWAY ?

The question arises from the vast variety of paved footways / sidewalks / pavements and left over paved areas once roadways and kerbs have been adjusted over time. Many such surfaces are parked on randomly or claimed by residents from abutting properties for their cars. If the objectives of the Bill is to ensure safe and easy passage for pedestrians, particularly the less abled and those with prams and those leading small children, then including such excess surfaces within the definition of the Bill as footways can be considered unnecessary. The principle is simply to provide sufficient and safe passage for the aforementioned pedestrians and wheelchair users. In built up heavily used areas footways will need to be wide. In other areas including suburbs they can be at a minimum width.

I do not find a minimum width for footways (although DESIGN MANUAL FOR ROADS AND BRIDGES <http://www.standardsforhighways.co.uk/ha/standards/dmr/vol7/section2/hd3901.pdf> gives structural guidelines. Recommendations by some sources refer to a recommended minimum width of 2m with 1.5m acceptable and just 1m in extreme cases. I have always used 1.8m which allows two wheelchairs to pass. (This is as referred to in the Disability Discrimination Act).

1800mm on access routes to buildings, from bus stops or car parks with a deregation down to 1200mm around existing obstructions is referred to in the 'Manual for Streets 2' CIHT 2010.

A simple test is for an adult to stretch between a vehicle and the boundary wall or fence with his hands. An average adult can reach 1.6m and this could be considered an acceptable interpretation where proof may be required for free pedestrian passage. Any motorist can check if he meets the minimum clear width by doing this. This is so simple that it could be included in driving tests.

Incorporation of parking in the footway paving where wide enough is sometimes found defined with contrasting material or markings. The motorist is then obliged to drive up the kerb to reach it and may not necessarily park accurately within the above mentioned limits. Some discretion is required .

### KERB PARKING WHERE THERE IS NO FOOTWAY

It is common to see service vehicles parked over kerbs onto grassed areas. They inevitably sink in causing both a partial obstruction into the roadway and damage to the often landscaped surface. If the kerb is demarcated with double yellow lines, the rules need to be applied fully. If a single yellow line (or white), the local situation needs consideration. The risk to the environment needs consideration by the local authority which should really have localised stabilisation of the subsoil.

### APPLICATION OF DOUBLE YELLOW NO PARKING LINES

The principles are well known, but rarely suitably applied in Scotland.

1. Within at least one car parking bay length from any stop or yield line, increasing according to traffic usage levels.
2. All intersections of any kind as above.
3. All bends in roadways leading up to intersections less than, say, 5m radius. Besides inhibited visibility for both motorists and pedestrians crossing, small radii mean more difficult parking and this frequently means parking up the kerb.

## DROPPED KERBS

The need to prevent parking on dropped kerbs is well accepted. Not all such points need traffic lights, zebra crossings etc, but yellow lines at such points will make them more noticeable to motorists. If there is a likelihood of the normal lines being obscured by parked cars, the addition of further markings eg studs or even yellow dots in the roadway would help.

## CYCLING AND PAVEMENTS

This is touching on another subject with its own multiple issues and considerations, but there is one aspect that is very relevant here. Unless otherwise demarcated, cycling on footways and pavements generally (I use that word intentionally here) should be permitted. Children in particular should be expected to only ride on footways for their safety. Vehicles up kerbs restrict their movement and even brings moving vehicles in direct conflict with them.

## ROAD WIDTH

One of the reasons for footway parking is real or perceived need to avoid passing vehicles, particularly larger ones such as buses. While I suggest that many instances are simply due to a complete inability to judge distance, most are justified. Most of our urban roadways were developed before cars and other vehicles were common and are therefore very narrow for their current purposes. What is strange is that opportunities are regularly missed to improve the situation through road widening, alternative road markings and alternative route systems. Many roads remain only suitable for two vehicles to pass. Why this is still being applied in new developments is a mystery. All this leads to kerb and footway parking by sheer necessity and the Bill as proposed will complicate this if applied without numerous exceptions. Making policing a local authority obligation without first obliging local authorities to first resolve their roadways is simply impractical.

While older roads are difficult to resolve, new roads need to meet minimum width standards. Without this footway and kerb parking will be impossible to avoid.

Minimum suburban roads : Two cars passing + 1 car parked. Larger vehicles may need to wait for clear passage. Road widths are not absolute as the usage level and anticipated speed will affect clearance distances between vehicles.

Minimum bus route road widths : Two buses need to pass freely at all times. (Delivery, bin lorries etc do not need the same level of freedom). Buses should never have to wait for each other or negotiate difficult groups of moving or parked vehicles. Such circumstances can be dangerous and occur throughout each day around the country. This in turn obliges motorists to park onto footways and up kerbs. Road markings that ban parking on one side can ease the situation in some cases. This would entail yellow lines to one side with the central line moved to the centre of the passage width rather than the overall road width.

---

## CONCLUSIONS

The solutions to our parking problems are to be found more in sensible planning and inculcation of better habits than further legislation. That puts a greater onus on local planning and roads departments and on driving schools. As I said at the outset, I feel the Bill is well founded, but needs to be structured so these aspects are followed through beyond its core content. The Bill's objectives cannot be met without this.

## GALLERY



Milngavie Library carpark. Sparsely occupied yet the East Dunbartonshire Council van has parked up the kerb, radio blaring music; the driver having a snack.



Miller Street, Glasgow. A car parked on the double yellow line while the single yellow line is unoccupied. The single line is in effect until 6pm. This cul de sac often gets completely parked up on both sides at peak celebration times after that time obstructing any emergency or service vehicles attempting to enter the pedestrianised Argyle Street beyond. The traffic wardens usually only operate until this time.



Dumbarton Road, Yoker. A single yellow line in an otherwise peak time inner lane / sparsely occupied parking lane. The driver has ignored the line and the purpose of the lane.





Dumbarton Road, Glasgow. A taxi parks (see comments on the term) across the zig-zag, double yellow lines, stop street signs and drop kerb so obstructing traffic from behind and approaching pedestrians. No passenger was seen. Yellow lines should not be necessary here. The rules regarding dropped kerbs and at an intersection / stop street should apply.



A delivery van parked unattended over double yellow lines and up the kerb in Glasgow. Several vacant parking spaces were available in close proximity. Some delivery vehicle drivers seem to consider them exempt from regular parking. In this case it would have incurred a meter fee. Instead a drop-off / delivery bay should have sufficed.



Glasgow Road, Dumbarton. Demarcated parking (with material change) on the footway used by a van with a car across the driveway entrance – both perfectly within the current rules although the allocated width is too narrow to avoid spreading into the pedestrian section.





Duck Bay, Loch Lomond. A driver drives up the kerb onto the footway. While most drivers here don't do this, this one may have felt that the road was too narrow for two vehicles to pass simultaneously. Yellow lines here are inappropriate so education would be applicable, but road widening would be better.



Dumbarton Road, Old Kilpatrick. Here the driver has ignored the fact that the road is very wide, sufficient for parking and large vehicles to pass in both directions. The 90° parking immediately beyond may have confused him. Yellow lines here are inappropriate so education would be applicable.



South Street, Whiteinch. Although varying greatly in width along its length, this is one of the widest

streets in Glasgow. In spite of this, this van hire company insists on keeping ALL of its vehicles not within its premises, on the footway. There is almost no space for pedestrians. Under the proposed Bill, these would all be liable to penalties. Yellow lines would be inappropriate. Instead small wall mounted signs would state that the footway needs to be unobstructed.



Main Street, Alexandria. Double yellow lines on both sides. The full length of the yellow lines are ignored at all times. There are parking areas behind the shops on both sides. Buses can pass, but only with difficulty. A solution would be to remove the restrictions completely on one side and move the central line to the centre of the remaining space. This could be alternated half way down. Absolute application of the parking regulations would then be needed to ensure it works OR to install bollards or barrier fencing. This would enable better movement of buses and other large vehicles while still allowing some parking. That parking could be limited to disabled vehicles and taxis. This may not be footway parking, but inhibits pedestrian crossing except at the traffic lights (in the distance).



Glasgow Road, Old Kilpatrick. In spite of the road being amply wide enough for both parallel parking and a bus to pass, this driver chooses to parking up the kerb. The fact that there is indented parking immediately beyond may have confused him, but this is the usual method here. Suitable road markings leading up to the change in parking should resolve this. Double parking across the inner cars occurs intermittently throughout the day as customers pop in to the shop. This is unlikely to stop, but clarification of the nearer parking should help.



Right opposite the instance in the preceding example in Old Kilpatrick. In spite of there being ample road width for parked cars and buses to pass, most motorists aiming for the shop across the road park up the kerb. The remaining footway is wide enough when included with the grass for wheelchairs etc, but obviously not at all suitable. There is a playpark beyond the wall. A possible reason for some such parking is the concern about large vehicles catching them as they come around the roundabout. This is unnecessary concern that could be resolved with road markings.



St Mary's Way / Church Street, Dumbarton. As this is outside the community centre and theatre, this corner gets very busy with cars parked up the kerb for the whole length even though parking within easy reach is ignored nearby. There is no indication of restrictions applicable to the single yellow line so it is useless. The road is too narrow to pass if the cars are parked normally off the kerb. The problem has arisen from the council not preventing parking on the sharp corner. The remaining road length should either be widened or parking barred on one side or at the intersection itself. There is sufficient space on one side for road widening and it is noted that much of this is fairly new. It is noted that West Dunbartonshire does not police its road use and parking.





Dumbarton Road, Old Kilpatrick. This section of footway is used for parking. While not ideal, it should not fall within the restrictions proposed in the Bill as it is wide and pedestrians walk within the limited tarred section as well.



Titwood Road, Glasgow. Kerb parking even though there is a parking lane (see car beyond) and it is within clear sight of the speed camera ! This appears to be a case of the motorist feeling that he or she should not be parking in a lane. The difference between an un-demarcated parking lane that can be used for transit too needs to be covered by driving instructors. Such lanes often also include bus stops.



Arrochar. A new road surface without markings. Motorists park up the kerb. Road markings and a ban on such parking would complicate matters here. Being the main through road, it takes a constant stream of mixed traffic including large coaches. The road is fairly narrow and there is very limited other parking. There is little scope for widening it. An absolute ban would be devastating to

local businesses.



Dumbarton High Street. After years of debate, the majority of this street has been made one-way with much improvement of traffic flow although many motorists still drive up the kerb or ignore demarcations. This section with two-way traffic is marked with double yellow lines, but still parked on (access to a popular fish-and-chips shop, so of limited stopping time). I include it here as, when traffic is heavy, it is common to see conflicts between buses and cars with some mounting the kerb to get past. Here perhaps only policing would help, although a railing would prevent *some* cars doors from opening so limiting its use.

---

## ASSESSMENT OF PHOTOGRAPHIC EXAMPLES

It can be seen from these examples that circumstances and motivations are very varied. I worries me that simply legislating against footway parking will only complicate the matter unless local authorities come to terms with their own roadway layout. Footway parking in most instances remains a mystery to me. There is perhaps a psychological aspect to it and that needs campaigning and better instruction. But many instances are due to real or perceived needs to park out of the roadway to allow free passage past and this needs a planning resolution.

I trust that this is useful. There are a great many more variations to be found on these and local solutions may need to be found. If the Bill is adopted, but its application is for each local authority, perhaps this will both enable and oblige them to sort out local circumstances - before imposing penalties. This means that I see no impediment to taking the Bill through, although I remain very concerned that the mechanism for following through to roadway planning needs to be included. And that also needs complementary support through public awareness campaigns and driving instructions.

I have hardly touched on double parking, but that is a clearer issue.

Jeremy Watson  
November 2015