

POLICY SHEET No 8

PAVEMENT PARKING

OBJECTIVES

- Introduction of a ban on pavement parking which would include restrictions on double parking, parking at dropped kerbs, and parking at raised crossings unless there are exceptional circumstances where an exemption is justified. For example in some narrow residential roads with a lack of off-street parking provision.
- The ban should be nationwide and there must be uniformity across the UK.
- Motorists obstructing the pavement should be issued with a penalty fine.

1 BACKGROUND

- 1.1 Disabled Motoring UK was formed in 2005 from the merger of The Disabled Drivers & Motor Club (established in 1922) and The Disabled Drivers & Association (established in 1948).
- 1.2 Disabled Motoring UK is the largest UK charity specialising in the mobility needs of disabled people.
- 1.3 Disabled Motoring UK has approximately 13,000 members across the UK and produces a monthly magazine which is distributed to all members.
- 1.4 Parked vehicles on the pavement can severely impede the mobility of disabled people as it can force wheelchair or scooter users to have to walk on the road, make detours or turn back if they can't get past.
- 1.5 Disabled people with physical and sensory impairments are particularly affected by parking on dropped kerbs as they rely on these to cross the road.
- 1.6 There is also an issue with those who have visual impairments who, when the pavement is blocked, are forced to walk in the road and amongst moving vehicles trying to find a way back onto the pavement and to safety
- 1.7 Emergency services have reported problems in relation to double parking which can impede their vehicles.
- 1.8 Cars and lorries are one of the main contributing factors to damage on the pavements through mounting kerbs and parking. The weight of the vehicles either cracks paving or damages the tarmac surface. This damage can also cause problems to people with mobility impairments.

2 PAVEMENT PARKING RULES

- 2.1 Pavement parking is banned throughout the 32 London boroughs, and the City of London under the Greater London (General Purposes) Act 1974. Rule 244 of the Highway Code also states; %ou must not park partially or wholly on the pavement in London and should not do so elsewhere unless signs permit it.+
- 2.2 In the rest of the UK the law is more complex. Heavy commercial vehicles are banned from parking on the footway (Road Traffic Act 1988 s19 and s20), except when goods are being unloaded and the vehicle is not creating a danger or an obstruction. It is illegal to *drive* a vehicle on the footway (Highways Act 1835 s.72) and to cause an obstruction (Highways Act 1980 s.137). Both the latter carry fines (Road Traffic Offenders Act 1988, s.51 and schedule 3).
- 2.3 Local authorities in England and Wales have powers under the Road Traffic Regulation Act 1984 to restrict or prohibit pavement parking on individual streets by the making of a Traffic Regulation Order (TRO), but this is an expensive, laborious process to go down on a street by street basis. These powers currently don't exist in Scotland.
- 2.4 Section 129 (5) of the Roads (Scotland) Act 1984 states that it is illegal to drive on the pavement but the position is less clear with regards to casual or occasional parking on the pavements. The police have powers under Section 137 of the Highways Act 1986, which make it an offence wilfully to obstruct the free passage of the highway but the police appear reluctant to take enforcement action on cars parked on pavements.
- 2.5 In Northern Ireland, Footway (pavement) parking is not permitted at any time along the length of urban clearways and parking tickets (PCNs) can be issued to vehicles parked in contravention. Apart from urban clearways, there is no general ban on footway (pavement) parking. Where there are no parking restrictions marked on the road, parking tickets (PCNs) cannot be issued to vehicles on the footway (pavement). If, however, a problem of obstruction arises as a result of vehicles parked on a footway, that situation is a matter for, and can be dealt with by, the police (PSNI).

3 DROPPED KERB PARKING RULES

- 3.1 Rule 243 of the Highway Code clearly states: %Do not stop or park where the kerb has been lowered to help wheelchair-users and powered-mobility vehicles.
- 3.2 From 1st June 2009, all councils in England and Wales can penalise vehicles that park at dropped kerbs or double-park, without a requirement to provide specific traffic signs or road markings, following regulations introduced under s.86 of the Traffic Management Act 2004. These regulations have not yet been extended to apply to Scotland.

4 ENFORCEMENT

- 4.1 Although local authorities have the power to make TROs, one of the major difficulties is that the current law requires a Local Authority to promote a separate TRO, for each street or in Scotland for every individual dropped kerb or relevant part of the pavement. This places a major bureaucratic hurdle in the way of a Local Authority universally introducing enforcement procedures. The costs of lining and signing every street or dropped kerb and pavement is prohibitive and the clutter would create additional barriers to disabled people.
- 4.2 The Department for Transport have stated that: %There is currently no national legislation banning the parking of all vehicles on the pavement, due to the wide range of circumstances and locations where pavement parking occurs. For example in some narrow residential roads with a lack of off-street parking provision, drivers have little option but to park on the pavement to avoid causing traffic hazards. The Government has no plans at

present to introduce new legislation specifically aimed at banning pavement parking on a national scale.+

5 OUR POLICY

- 5.1 Disabled Motoring UK would like to see a nationwide ban on parking at dropped kerbs, on the pavement and double parking.
- 5.2 Pavement parking is anti-social, can be illegal and both the highway authority (usually the council) and the police can and should take action in many circumstances. We want to see people being issued with a penalty charge notice (PCN) if they obstruct a dropped kerb or block a pavement.
- 5.3 We appreciate there may need to be exceptions to this ban as is the case in London e.g. where the road layout might require vehicles to park on part of the pavement, while maintaining space for all pedestrians to pass. Local Authorities should be able to make exemptions based on local circumstances. However, we believe that such exemptions should be the exception and each such exemption requires adequate justification.