

Chartered Institution of Highways & Transportation response to the Transport Committee Pavement Parking Inquiry (May 2019)

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CIHT is a charity, learned society and membership body with over 14,000 members spread across 12 UK regions and four international groups. We represent and qualify professionals who plan, design, build, manage and operate transport and infrastructure networks. Our vision is for world-class transportation infrastructure and services. Our values are to be Professional, Inclusive, Collaborative and Progressive.

1. The potential impact of parking on footways is widely recognized, however it is vital that we understand why the practice occurs, what users want from our highways and how those competing claims are managed. Achieving a 'best case' outcome will require evaluating what can be accommodated by our highways and making decisions about the legitimate use of public space that can only come from political leadership.
2. Surveys show that 54 per cent of drivers¹ park on the pavement, with more than a quarter of those doing so at least a few times a month and it is arguably becoming more normalised as vehicles become larger and the number of vehicles per household increases. There is though, an increasingly powerful pushback from those contesting that streets should be used for more than vehicle transportation, making this an appropriate time to examine the relationship between highway design, enforcement and user behaviour.
3. The most efficient system would be one that maximizes the social benefits resulting from people's use and enjoyment of space and minimises the enforcement costs.
4. CIHT argues that we must move from a 'predict and provide' transport planning model to one that embraces 'decide and provide', and that parking provision plays a major part in this. Previous attempts to regulate pavement parking have failed as it is seen as an inevitability that must be accommodated but these norms can be challenged, as with diesel car usage or smoking, especially when there is new knowledge about the costs and potential benefits.
5. CIHT also recognises that there are inequalities between regions, wealth and gender in transport² that need to be understood, as people use footways in different manners that need to be understood. This will require national regulation, local government, police and technology to work together.

The impact of pavement parking;

6. The consequences of parking on footways and how they change the way they are used for transport and social activities are well known in the industry but are difficult to prove statistically;
7. Asset management: most footways are not built to cope with the weight of vehicles and this frequently leads to pavement cracking, damage to kerbs and damage to grass verges. This is a cost borne by local authorities with some such as Cambridgeshire County Councils estimating extra costs of £3 million a year caused by the extra wear and tear.³ Private sector utilities are also affected as shallow equipment such as fibre optic cables, water service pipes or electric cables can be damaged by the weight- although these costs are more difficult to estimate. Upgrading footways to take the load across the country would cost a significant amount.

¹ CIHT (04/07/2017) "Charity calls for an end to footway parking" Found [at this link](#).

² Department for Transport (26/07/2018) "Travel by car access, household income, household type, NS-SEC and mobility status NTS0702" Found [at this link](#)

³ The Hunts Post (02/01/2011) "Pavement parking hazards for Huntingdonshire motorists" Found [at this link](#)

8. Safety and wellbeing: it can cause pedestrians and wheelchair users to walk on the carriageway which exposes them to danger from vehicles however there is some evidence that on narrow roads on street parking (including on footways) reduces speeds by 2 to 5 mph due to perceived danger (York et al 2007). This may be weighed up against the increased risk to specific populations such as the elderly, visually impaired or those with dementia because pavement parking can make pavements, difficult to navigate or threatening. There is no available data on how pavement parking correlates with traffic incidents, this would also be difficult to disentangle from the below.
9. Sustainable transport and urban design: parking on the footway prioritises car storage over walking for recreational and utility purposes, wheelchair users, those walking with children and prams, groups and couples. If these journeys are made uncomfortable we are likely to see more people rely on cars for short journeys causing increased congestion, air pollution and public health issues.
10. Network Management: parking on the footway can allow space for greater movement of motor vehicles in various combinations. This could be parking on both sides of the street while not obstructing traffic or allowing two-way traffic. This provides greater convenience and utility to motor vehicle users to the detriment of footway users.
11. CIHT would like to be clear that this is not simply an issue on older roads, many newly built housing developments are built without access to public transport, safe cycling or walking routes which ensures that residents need cars. Yet, sufficient internal or external parking is often not considered, creating similar problems to what is seen in older places. CIHT's forthcoming advice on 'Better Planning, Better Places, Better Transport' will seek to address the issue.

Enforcement of pavement parking offences

12. Currently outside of London, parking partially or fully on a footway is not an offence so it cannot be enforced except against Heavy Goods Vehicles (Sect.19, RTA 1988), on Cycle Tracks (Sect.21, RTA 1988) or where a TRO exists.
13. There are however, related offences of driving on the footway under section 72 of the Highways Act 1835 (also prohibited by rule 145 of the Highway Code), obstructing the highway is an offence under section 137 of the Highways Act 1980 (wilfully obstructing the free passage of a highway) and Section 28 of the Town Police Clauses Act 1847, as amended (wilfully causing an obstruction in any public footpath or public thoroughfare).
14. In the experience of our members these offences are irregularly enforced, expensive to enforce and widely misunderstood by the public. Certain offences relating to TRO's are enforced by local authorities but others only by the police, and these have different availabilities, priorities and levels of training.
15. The police in the UK have recently made progress in receiving footage of crimes from the public and acting on them by sending out Penalty Charge Notices (PCN) to registered keepers but most local authorities are not able to do the same. Jurisdictions such as New York City allows residents to record traffic offences such as idling and will take action based upon that evidence.
16. There must also be consideration of different types of footway parking, as residential parking will take place mainly in the evenings, nights and weekends, commuter parking on work days and delivery parking throughout the day but for far shorter periods. These will require different types, if any, of parking enforcement.

Enforcement and, if necessary, reform of traffic regulation orders need to deal with pavement parking

17. CIHT argues that traffic regulation orders are costly; a single one can cost £15,000 and a CIHT survey in 2010 found that Highway Authorities in England alone are estimated to be spending

£22.3million per annum on statutory advertising (Nottinghamshire County Council alone spent £156,000)⁴; time consuming (a simple TRO can take 14 weeks, but a complex one over 12 months) method of regulating pavement parking that delivers suboptimal outcomes.

18. There are also situations where the Secretary of State's consent is required but in general it is a statutory process that includes;
 - a. Pre-consultation and feasibility work
 - b. Amendments and preparation for statutory processes
 - c. Statutory consultation which can include many affected organisations, including emergency services, road haulage associations, parish councils and more
 - d. Consideration of objections (and attempts to resolve them)
 - e. Traffic Regulation Order Committee (if unresolved objections)
 - f. Making of the TRO including sealing
 - g. Implementation of the TRO (making physical changes on site)

19. To ensure a TRO can be legally enforced there are high standards of signage required, which places an additional burden on local authorities' asset management capacity and may have an adverse impact on visual amenity.

20. Enforcement has also been hindered by the government by limiting the use of CCTV to enforce restrictions, which was advertised as a 'victory for motorists' in government press releases.⁵

Conclusion

21. CIHT believes that those best placed to make decisions about what their highways should be used for are local communities through their local councillors. National legislation should enable these authorities to be responsive to community concerns in a way that is affordable, quick and effective.

⁴ J. Ward, UKRLG (01/04/2011) "Traffic Regulation Order Advertising: A need to review the regulations" found at [this link](#).

⁵ DfT, (21/06/2014) "Government bans use of CCTV 'spy cars' for on-street parking" found [at this link](#)