
PARKING ON FOOTPATHS

1. Purpose of Report

To present a paper for discussion, on the issue of footpath parking, requested by the Committee at its February 2004 meeting.

2. Executive Summary

Footpath parking is an offence under the Traffic Regulations. However, as is the case with many towns and cities both in New Zealand and overseas, parking on footpaths has been taking place for many years and is increasing as more people own more cars. There is greater pressure now on councils to address this as a problem, with pedestrian and disability advocacy groups arguing for action to be taken. Also government transport policies are promoting the health and sustainability benefits of walking.

Officers recommend Council consider adopting a more proactive approach to addressing the problem; specifically that Council develops and implements an education and publicity programme designed to make drivers aware of the difficulties they are causing by continuing to park on footpaths, and also moves incrementally to increase the level of enforcement applied on a priority/needs basis. It is suggested that if the Council agrees to this approach it will be necessary for a significant amount of further work to be carried out by officers to work through the issues and develop an operational plan for proceeding with such an approach. Funding and resourcing issues will need to be addressed as part of the planning task. Also it will be necessary to consider potential District Plan changes increasing the parking requirements for new residential developments as well as a future programme of modifying existing streets to increase parking capacity, where practicable to do so. Other measures to encourage vehicle owners to provide their own on-site parking may need to be considered.

If approved in principle, this should be seen as a long term project to be implemented over say a 5- 10 year period. It is suggested that without a clear effort by the Council to promote practical alternatives to the current widespread footpath parking practices, to go hand in hand with increased enforcement, the initiative is likely to fail.

3. Recommendations

It is recommended that the Committee:

- 1. Receive the information.*

2. *Approve in principle Option (b) in this report; enhanced education/publicity, followed by incremental increase in enforcement.*
3. *Agree that the officers report back on the implications of adopting the above approach. This will include issues of funding and resourcing and an indicative timescale for implementation. Also consideration of potential measures to promote/encourage more on-site parking through District Plan changes or other initiatives, together with a future programme of modifying existing streets to increase parking capacity.*

4. Background

4.1 Present situation

There is extensive evidence of footpath parking on many Wellington streets. Footpath parking tends to be more prevalent in older residential areas where neither properties nor the adjacent streets were designed to accommodate present day levels of vehicle ownership and use. This is particularly the case where residential intensity and/or occupation levels are high, such as the inner city suburbs like Mt Victoria, Mt Cook, and Kelburn. Also in hillier suburbs where roads tend to be narrower due to the cost of construction, and where creating on-site parking is more difficult and costly.

In such situations, some motorists habitually park on the footpath, usually with part of their vehicle on the footpath and part on the roadway. In some instances motorists block the footpath so as to make it unusable by pedestrians. Some drivers believe it is better to park on the footpath than to create an obstruction to other vehicles on the road. Others do so to reduce the likelihood of damage to their vehicles by passing vehicles, where the roadway is narrow. Most drivers seek to park as close as possible to their destination, and will sometimes park on a footpath rather than parking legally and walking further.

Footpath parking, although seen by many drivers as legitimate, can cause significant problems for footpath users. In particular, users who have vision and/or mobility impairment. This includes older people, people in wheelchairs and parents with strollers. Footpath parking can present problems and sometimes genuine hazards as access can be confined to narrow awkward parts of an otherwise adequate footpath. Furthermore, although the Council's programme of footpath extensions and improved maintenance standards are benefiting pedestrians, this is being negated where footpath parking takes place. This can be compounded where damage to the footpath has occurred and broken and uneven footpath surfaces increase the difficulty of walking for less able bodied individuals. In some cases blind or partially sighted pedestrians have been injured by walking into vehicles parked on the footpath.

Parking on footpaths is not confined to residential streets only. In retail and commercial areas, trades vehicles can often be found parking on the footpath because it is more convenient than using a service bay or walking further. In such cases pedestrians can again be disadvantaged and it is especially of concern to those with mobility impairment. Parking of commercial vehicles on the footpath adds a further dimension to this problem. This is the matter of damage caused to the footpath due to the heavier wheel loads of these larger vehicles. Damage to footpaths can also be caused due to

persistent parking by private vehicles in residential streets. The cost of repairing this damage is not specifically recorded but is estimated to be in the order of tens of thousands of dollars a year.

4.2 Legal position

Under the Traffic Regulations 1976: Section 35 (k), it is an offence to park on a footpath. Councils can however resolve that part of a footpath can be designated for parking. In such cases the area needs to be clearly marked out using road markings and signs. The only example where this has been done in Wellington is on Overtoun Terrace in Hataitai. This was an example of a long narrow residential cul-de-sac street where parking pressures were particularly intense and the Council was under ongoing pressure to create more parking. All the pressure on parking was from residents' own vehicles, as opposed to similar situations in many of the inner residential areas where commuters from other areas take up street parking, and this can be alleviated by introducing resident-only parking areas. The solution in Overtoun Terrace was therefore to create a number of new legal parking areas partially using the footpath, where previously to park legally at these locations would have obstructed traffic movement on the street.

This is not a universal answer but could have some further application in Wellington, in cases where there is an adequate footpath width existing. It should be noted however that a consequence of formalising areas of the footpath where parking is permitted may require strengthening of the footpath and/or increased maintenance expenditure.

Otherwise parking on footpaths remains illegal and the Council can issue stationary vehicle infringement offence notices (SVIONS) as it considers appropriate.

4.3 Enforcement practices

Council's enforcement practice is to respond to complaints from the public, or, where an enforcement officer comes across a footpath parking offence, during normal duties, they may issue an infringement notice. Parking enforcement staff are issued with guidelines to allow them to assess the degree of seriousness of an offence. For example, where a commercial vehicle parks with two wheels on a busy inner city footpath, they will be expected to issue a ticket. However, where a private car parks partially on a footpath in a narrow residential street, and there remains a width of usable footpath available, then the officer is unlikely to issue a ticket. In the case however where a complaint is received and a vehicle is found to be fully blocking pedestrians, then a ticket will be issued.

This practice is an acknowledgement that the issue of footpath parking is not a straightforward one. The reasons for this are:

- Some motorists believe they are acting reasonably in parking partially off the roadway to ease traffic flow. This is especially the case where the footpath is wide enough in the driver's opinion to allow for passage of pedestrians and/or parking on the footpath will avoid potential damage to their vehicle and/or facilitate traffic flow.
- Footpath parking is now entrenched and habitual on many Wellington streets.
- There are few alternatives for many drivers to park their vehicles.

- There is likely to be a strong negative reaction if the Council becomes more assertive in its enforcement.
- The Council has been reluctant to create new street parking areas due to the cost and other projects having a higher priority.
- Increased enforcement is likely to result in more obstructions to traffic movement and more vehicle/vehicle crashes as drivers are moved off the footpath to park legally on the roadway.
- The Council's enforcement contractor is not resourced to significantly expand enforcement in this area.

4.4 Council policies

Parking Enforcement Policies

There is little in the way of recent Council policies in this area. In April 1998 the Transportation and Infrastructure Committee received a report entitled "A Policy Review of Parking Enforcement". This followed an earlier councillor workshop held to discuss the subject.

At the Workshop Councillors' priorities were:

- Safety
- Parking Turnover
- Traffic Flow

All of the above were considered to be of equal priority.

At the subsequent meeting of the Committee, Councillors approved a number of objectives for parking enforcement. These were:

1. To ensure that parking enforcement contributes to minimising vehicle congestion on the City's streets.

Key policy targets that this objective contributes to are:

- a reduction in peak travel times
- Increase in use of transportation modes other than the private vehicle
- reducing congestion during on and off peak traffic times
- to optimise community satisfaction with the availability of short term and off street parking
- to optimise retail shopping activity in the city

2. To ensure that parking enforcement contributes to a reduction in the incidence of traffic related accidents and an increase in public perception that Wellington's streets are safe.

Key policy targets that this objective contributes to are:

- reduction in accidents for private car, bicycles and pedestrians

3. To ensure that parking enforcement contributes to the economic vitality of the City

Key policy targets that this enforcement objective contributes to are:

- the optimum turnover of short stay parking spaces.
- to contribute to the optimisation of retail activity
- to optimise community satisfaction with the availability of short term and off street parking

4. To ensure payment of charges for on and off street parking

It can be seen that there is no specific reference to footpath parking as a priority issue.

NZ Disability Strategy

The Council is committed to move towards implementing The New Zealand Disability Strategy (NZDS). The following objectives contained in the NZDS are relevant to the issue of footpath parking:

- Objective 1: Encourage the emergence of a non disabling society that respects and highly values the lives of disabled people and supports inclusive communities
- Objective 2: Uphold and promote the rights of disabled people
- Objective 4: Enable disabled people to work in the open labour market (in accordance with human rights principles) and maintain an adequate income.
- Objective 6: Ensure that government agencies, public funded services and publicly accountable bodies (such as Territorial Authorities) are aware of and responsive to disabled people.
- Objective 8: Provide opportunities for disabled people to have their own homes and lives in the community
- Objective 9: Create and support lifestyle choices for disabled people within the community and promote access to recreation and cultural opportunities

This links to the Community Services business plan by identifying accessible resources, encouraging the participation of disabled people in the daily fabric of the city and raise awareness of disability related issues.

4.5 Experience in other cities

Although Wellington has particular difficulties due to its topography, narrow streets and high density residential areas, other cities face similar problems. For example in Christchurch, there is a firm line taken in the CBD and suburban retail/commercial areas where pedestrian levels are higher and footpath parking particularly by commercial vehicles can result in both significant obstruction and asset damage. In their small number of hillier suburbs they take a more lenient position. In these areas their operational guideline is similar to Wellington's in that they are normally prepared to tolerate parking if there is sufficient footpath width remaining for a wheelchair or pram.

Overseas, it is clear from UK and Australian references that footpath parking is a continuing source of concern and debate. In both countries the practice is against the law yet it takes place extensively and has done for many years. Pedestrian and disability

advocates continue to press for the law to be enforced while local road controlling authorities grapple with the difficulty of a situation which is well entrenched and it is widely accepted by many in the community as practical and reasonable. It is noted that a number of cities are trialling schemes similar to this Council's approach on Overtoun Terrace, but there seems a general reluctance to engage in draconian measures to remove cars off the footpath, especially where there is no alternative parking on offer.

5. Discussion

As detailed in section 4 of this report, parking on footpaths is a long standing habit on many Wellington streets. Although not legal, it has long been recognised that footpath parking would be difficult to eliminate. Previous decisions by Councillors on parking enforcement policies would indicate that there is a general acceptance that the operational practices employed by the enforcement officers have been appropriate, recognising the wide range of enforcement areas which have to be policed, the resources available and the practical problems involved in the changing the status quo.

The position is however not stable or static. As car ownership in New Zealand continues to grow at between 3% and 4% annually, there is increasing pressure in residential areas for owners to find new places to park. Frequently this pressure translates into parking at the road edge at places where this conflicts with pedestrians. In the inner city and suburban centres, new apartment developments are being built where no parking is provided. A number of new student apartments are being built with no on-site parking but nonetheless clear evidence of students owning cars and attempting to park on local streets most of which are under parking stress already. This can often lead to parking in places where vehicle flow is obstructed unless the owner resorts to partial use of the footpath. This trend is taking place in areas where, unlike some more suburban locations, pedestrian activity can be quite high and therefore vehicle/pedestrian conflict more likely.

This is a result of a decision taken by Council in the early 1990's that in the inner city, there would be no minimum parking requirement for residential developments, unlike the position in other residential zones where one parking space is normally required, per residential unit. This was done as an incentive to encourage the development of inner city residential units, and it is likely that were this option not available, then this could have the effect of reducing the number of inner city apartments being developed.

5.1. Enforcement options

If Councillors wish to consider changing the current operational practice in this matter, then there are a number of options that could be considered, as follows:

a) "Hard line" approach

The Council could decide to adopt a new approach, taking a much harder line than at present. This would require a substantial education/publicity campaign to start the process. This would be followed by enforcement action targeting areas where footpath parking is most prevalent. There would need to be a significant increase in enforcement funding and a well organised programme of enforcement activity designed to achieve maximum effect while managing public fallout from disgruntled motorists.

It is suggested that this approach, to be politically acceptable would need to be accompanied not just by extensive promotion and education, but by an equally extensive, parallel programme of investment in creating more parking spaces on-street. This could include where practicable, applying the “Overtoun Terrace” solution and encouraging the maximum number of residents to provide parking on their own property. This would also require consideration of inducements such as Council grants or loans, tightening of District Plan standards etc.

Any move in this direction would therefore need further substantial detailed work and reporting back to Committee with more information.

Advantages:

- Significant improvement for pedestrians, in particular the disabled and elderly.
- Council seen to be enforcing the law
- Consistent with national and local policies to acknowledge the needs of disability groups and encourage walking as a healthy and sustainable transport mode.

Disadvantages:

- Expected to generate strong reaction from many residents/motorists
- Does not provide an answer to the lack of convenient available on-street parking in parts of the city.
- Could adversely affect more people than it benefits.

b). Enhanced education/publicity followed by incremental increase in enforcement

This approach would be an acknowledgement that the current status quo is no longer acceptable and that without some action by the Council, the situation can be expected to worsen as more intense housing development and increasing car ownership take effect. This would be a more moderate approach and would be expected to take a number of years to achieve its objectives.

As for option (a) it can be expected that the Council will need to consider parallel investments in provision of more parking spaces on-street and possible inducements to residents to provide their own parking. This could include revising the District Plan to require increased parking provision in new developments

More work will be required to develop the strategy, and define the timescale and outcome to be achieved.

Advantages:

- Works towards improvements for pedestrians in particular the disabled and elderly.
- More manageable than option (a)
- Council seen to be enforcing the law
- Consistent with national and local policies to acknowledge the needs of disability groups and encourage walking as a healthy and sustainable transport mode.

Disadvantages:

- Expected to generate adverse reaction from some residents/motorists
- Does not provide an answer to the lack of convenient available on-street parking in parts of the city.
- Could adversely affect more people than it benefits

c) Retain the status quo

The simplest option would be to retain the current operational enforcement practices. This option has a number of deficiencies however, the most obvious being that the needs/rights of some pedestrians are increasingly being traded away in favour of motorists. Further, it does not address the likelihood that footpath parking will become more widespread in the future, with more intensive housing development and increasing vehicle ownership.

Advantages:

- Represents the easiest option for the Council
- May be argued to have been relatively effective historically in steering a path through a number of conflicting legal and community requirements
- Does not prevent Council taking specific initiatives where a clear need is established e.g. footpath parking outside schools and on (safe) routes to schools.

Disadvantages:

- Does not address the need for general improvements for pedestrians, in particular the disabled and elderly.
- May be argued not to fit well with current national and local policies to acknowledge the needs of disability groups and encourage walking as a healthy and sustainable transport mode.
- Council could be seen to be condoning an illegal practice.

6. Conclusion

It is timely for the Council to consider a more proactive approach along the lines of Option (b) in section 5 of this report i.e. the Council develops and implements an education and publicity programme designed to make drivers aware of the difficulties they are causing by continuing to park on footpaths and moves incrementally to increase the level of enforcement applied on a priority/needs basis. If the Council agrees to this approach it will be necessary for significant further work to be carried out by officers to work through the issues and develop an operational plan for proceeding with such an approach. Funding and resourcing issues will need to be addressed as part of the planning task. Also it will be desirable to consider potential District Plan changes to increase the parking requirements for new residential developments, as well as a future programme of modifying existing streets to increase existing parking capacity, where practicable.

If approved in principle, this should be seen as a long term project to be implemented over say a 5- 10 year period. It is suggested that without a clear effort by the Council to promote practical alternatives to the current widespread footpath parking practices, to go hand in hand with increased enforcement, the initiative is likely to fail.

Contact Officer: *Steve Spence, Chief Transportation Engineer, Infrastructure Group*

Supporting information

a) **Strategic fit**

This project supports the following outcomes and objectives as set out in the 2004/05 Council Plan:

Outcome 8.1 Transport Effectiveness

A well planned/comprehensive transport network supports a compact and highly liveable city where people move about easily and safely

Outcome 8.2 Transport Accessibility

Transport options allow people to easily fulfil their work and lifestyle requirements

Outcome 8.3. Transport Efficiency

Efficient transport contributes to the economic viability and growth of the city.

Outcome 8.4 Transport Sustainability

Transport solutions ensure the wise use of resources and cater for the long-term needs of the community

b) c) **Long Term Council Community Plan reference**

No specific reference. This will be a new initiative if approved.

c) **Long Term Council Community Plan financial implications**

None identified. This will be a new initiative if approved.

d) **Treaty of Waitangi implications**

None identified

e) **Consultation**

If this project is approved in principle then this will involve consultation with stakeholders as part of the project development

f) **Legal Implications**

These are discussed in the report