



Ross Finnie MSP Proposed Regulation of Dropped Kerbs and Pavement Parking (Scotland) Bill ¹

Response from Transform Scotland

Tuesday 25th January 2011

1 About Transform Scotland

- 1.1 Transform Scotland is the national sustainable transport alliance. We campaign for a more sensible transport system, one less dependent on unsustainable modes such as the car, the plane and road freight, and more reliant on sustainable modes like walking, cycling, public transport, and freight by rail or sea. We are a membership organisation bringing together rail, bus and shipping operators; local authorities; national environment and conservation organisations; local environment and transport campaign groups; and individual supporters.

2 General observations

- 2.1 We welcome the opportunity to respond to this proposal, which we strongly support. This issue of vehicles parking and blocking pavements and/or dropped kerbs is yet another example of how our cities have been prioritised in favour of road users rather than citizens using more people-friendly modes of transport such as walking or cycling.
- 2.2 Our view is that local authorities should be 'required' rather than 'encouraged' to introduce widespread restrictions on parking on pavements or blocking dropped kerbs and that the police should enforce these requirements with vigour because lack of enforcement in the past has led to the current abuse by many members of the motoring public. The London practice, whereby it is normally illegal to park on the pavement should be adopted because the pavement is, after all, designed to reduce risk to walkers and wheelchair users.
- 2.3 We believe that Fixed Penalty Fines should be used in the same way as existing parking fines and that repeated breaches should lead to allocation of points to the driving licence with eventual disqualification. An initial fine of £50 would seem appropriate for a first offence, increasing by a further £50 for subsequent breaches until the disqualification level is reached. Unless there is some serious sanction, such as loss of licence, at the end of the process then there will always be a group who will pay out on a repeat basis.

3 Comments on Specific Questions

- 3.1 The benefits from enforcing parking at dropped kerbs and on pavements are clear. These facilities have been introduced to allow the safe passage of walkers and to facilitate road crossing by pram or wheelchair users. The need to make parking an offence is a requisite for such infrastructure.
- 3.2 As stated above, the London model should be followed whereby it is illegal to park on any pavement or to obstruct a dropped kerb. In addition, there should be an obligation for owners to provide dropped kerbs on access driveways where these cross pavements to remove unnecessary obstructions to wheelchair users.

¹ <http://scottish.parliament.uk/s3/bills/MembersBills/documents/20103009RegulationofdroppedkerbsandpavementparkingScotlandBillFINAL.pdf>

- 3.3 TROs, as currently employed, seem a cumbersome way of preventing parking over wide areas. A new blanket approach would be better with TROs used only to provide exemption under exceptional circumstances.
- 3.4 The Fixed Penalty Fine seems a reasonable mechanism for enforcement providing there is an ultimate sanction for repeated abusers of the system (e.g. licence removal).
- 3.5 As stated above we feel, we believe that Fixed Penalty Fines should be used in the same way as existing parking fines and that repeated breaches should lead to allocation of points to the driving licence with eventual disqualification. An initial fine of £50 would seem appropriate for a first offence, increasing by a further £50 for subsequent breaches until a disqualification level is reached.
- 3.6 There should be little costs associated with this proposal because it is only seeking to extend legal protection to already existing infrastructure. The police will be required to enforce these regulations more strictly but that is, after all, their job and they should be doing this anyway. Perhaps Traffic Wardens could be given powers to enforce these proposed new regulations along with existing parking fines.
- 3.7 One main equality issue will be the restoration of some equality for pedestrians from the road lobby. The main issue here lies in making our streets safer for people with children on foot or in prams and making access easier for wheelchair users, who often suffer horribly from adverse access issues.
- 3.8 We think this an excellent and long-overdue proposal and hope that it will enjoy cross-party support and have a smooth passage through Parliament. We think that this proposal for easier and better enforcement deserves to be linked with better enforcement of cycle lanes, which are also widely abused by vehicle users either parking on and blocking them or driving along them to the danger of a vulnerable group.

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Transform Scotland is the national sustainable transport alliance, campaigning for a more sustainable and socially-just transport system. Our membership includes bus, rail and shipping operators; local authorities; national environment and conservation groups; consultancies; and local transport campaigns. Transform Scotland Limited is a registered Scottish charity (SC041516).

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