

Improving Parking in Scotland Consultation

June 2017

Question 1 – Do you think parking, including on pavement, at dropped kerbs and double parking is a problem in your area?

- If yes, how have you, your family or friends been affected by parking problems?
- Where did this occur (e.g. type of street or area) and how often?

Cycling Scotland recognises that the main purpose of this legislation is to tackle barriers to pedestrians, especially for the most vulnerable, getting around. Poorly parked vehicles can force pedestrians into the road. They can inhibit the independence of many vulnerable people and be particularly dangerous for older people, for families with pushchairs and for those with visual or mobility impairments. Pavement parking can also damage pavements, creating trip hazards for pedestrians, costing local authorities, and therefore all of us, millions of pounds in maintenance and preventive measures.

We note that the *Reported Road Casualties Scotland 2015* statistics highlights that ‘crossed road masked by stationary/parked vehicle’ is a contributory factor in 12% of pedestrian crashes¹. While this does not indicate how the vehicle was parked, or provide detail of the impact of the obstruction caused, this proposed legislation’s purpose is primarily to ensure improved management of parking, and we believe that recording of Contributory Factors in Stats 19, can continue to help monitor the impact of irresponsibly parked vehicles.

Dropped kerbs are also put in place to help people ride their bike between the carriageway and a cycle track and parked vehicles can create an unnecessary and inconvenient barrier for the cyclist-lifting a bike over a kerb, which can be a challenge for younger children or older adults. The Traffic Management Act (2004) in England and Wales attempts to tackle this barrier by allowing enforcement action to be taken against parked vehicles and we welcome efforts to bring relevant legislation for Scotland into place.

Double parking creates an additional hazard for people cycling, in particular for their safety, as they have to move to avoid the vehicle and leave sufficient space as they pass, which often results in them being in the other carriageway. We welcomed the proposed definition as a ‘vehicle being parked more than 50cm from the edge of the carriageway’ outlined in the Footway Parking and Double Parking (Scotland) Bill, and we would like to see this more rigorously enforced as part of the new legislation. This provides clarity and reflects the fact that, the further out into the carriageway a parked vehicle, the less space there is for someone cycling (or driving) to pass safely. We therefore believe this legislation will help allow all traffic, whether vehicles or bicycles and especially emergency vehicles, to travel more freely and safely.

Question 2 – Why do you think motorists may choose to pavement park?

N/A

Question 3 – Do you think new legislation is needed?

- If yes, what areas of the legislation need to be amended?

¹ Transport Scotland (2016) Reported Road Casualties Scotland 2015: A National Statistics Publication <https://www.transport.gov.scot/media/20223/j452722.pdf>, page 57

As the consultation paper acknowledges, the variety of laws presently in place concerning parking means that it is often not clear what the law is in relation to parking on pavements. Currently, the decision on what constitutes an obstruction and whether a vehicle is causing an obstruction would be a matter for the individual police officer or traffic warden dealing with the incident in the first place². Therefore, having a clear, legally binding definition helps remove any confusion for drivers and other road users.

Question 4 – If a new law is required, should it cover all roads with footways, including private roads that are not adopted by local authorities or trunk roads?

- If not, why not?

Yes, it should cover trunk roads, especially where the trunk road passes through a village or town. It should be open to include private roads where both the local parking authority and owner of the private road agree.

Question 5 – Do you think any new law should apply to all vehicles (e.g. HGVs, vans, taxis, cars, motorbikes etc.)?

- If not, which type of vehicles should the law not apply to?

It should apply to all vehicles and there needs to be a particular focus on HGVs, given the damage their weight does to the footway while ensuring that they are not penalised unfairly if they park on the carriageway and it is deemed they may be obstructing the flow of traffic.

Question 6 – Do you think there should be exemptions applied to allow pavement parking to take place, particularly due to local concerns about access for vehicles and lack of alternative parking provision?

- If yes, what should those exemptions be?
- If not, why not?

We recognise that some exceptions are appropriate, such as to avoid obstructing the passage of an emergency vehicle. We are not convinced that vehicles being used in connection with utility works should have a blanket exemption to park next to a dropped kerb/raised crossing because people may require those facilities to avoid the utilities work, whether walking or cycling. An update should be made to *Roads for All: Good Practice Guide for Roads*, to ensure that utility work doesn't inhibit access to a route.

Question 7 – Should there be consistent approach to parking enforcement across Scotland?

- If yes, how should this be taken forward?

The law should be clearly understood across Scotland but it is important to state that existing parking regulations such as double yellow lines are not enforced consistently at the moment. Enforcement must ensure all road users are treated and protected proportionately across the whole of Scotland. Within this, however, it is important that local areas/authorities have both the capacity and scope to respond to specific problems in their area.

Question 8 – Local authorities in some parts of Scotland have DPE powers and are responsible for parking enforcement. In other areas Police Scotland retains responsibility.

- What are your views on rolling out Decriminalised Parking Enforcement regimes across Scotland?

² Transport Scotland (2017) Improving Parking in Scotland: A Consultation, https://consult.scotland.gov.uk/road-policy/improving-parking-in-scotland/user_uploads/695337_v8_20170605.pdf, page 9

- What is your views about the proposal to share services to provide some access to a “traffic warden service” in areas without DPE?
- What should Police Scotland’s involvement be in future?

The Decriminalisation Parking Enforcement (DPE) transfers the enforcement of all parking restrictions and waiting loading restrictions powers to a local authority, which includes the following waiting and parking restrictions: double yellow lines; single yellow lines; clearways; disabled bays; loading bays; bus bays; taxi ranks; permit holder bays (e.g. residents / doctors); and school keep-clear zig zags. We welcome proposals in the consultation to roll-out Decriminalised Parking Enforcement (DPE) and traffic warden service across all local authorities in Scotland. All of these parking restrictions should be being enforced at the moment in order to ensure the safety of all road users.

Parking control is one of the most effective measures available to a local authority in controlling traffic movement through the area. The cost of parking and parking supply are tools that can be used to manage parking demand within an area and promote alternative travel choices to the private car. By controlling the number of parking spaces and the way in which these spaces are utilised, the number and purpose of journeys into a particular area can be directly influenced. This is only successful if there is regular parking enforcement, which DPE will bring to the local authority area. DPE also helps to improve road safety while at the same time encouraging increased use of more sustainable and healthier forms of transport, like cycling.

Police resources are under pressure and it is essential that enforcement of such parking offences is carried out to deter the behaviour. The enforcement should be prioritised where there are particular known local hotspots. We note and welcome the response of Police Scotland to the Footway Parking and Double Parking (Scotland) Bill consultation which states: *“where parking issues of this nature are a significant problem and pose a risk to the safety and wellbeing of local communities then this would be addressed. The new legislation provides both Police Scotland and Local Authorities, where appropriate, with the necessary legislation to take action, supporting local community concerns and addressing road safety issues”*³.

Since early 2014, Police Scotland have removed their traffic wardens from a number of local authority areas, and we welcome the consultation’s proposals to provide local authorities with DPE powers, to ensure consistent and rigorous enforcement of parking legislation across the country. Local authorities are in the best position to identify how particular hot-spot problem areas can be tackled in the most cost and time efficient manner, taking into account location and patterns of existing enforcement activity. Granting DPE and/or traffic warden service powers to local authorities will ease pressure on Police resources, and fundamentally, will help to improve the safety of more vulnerable road users, namely people cycling and pedestrians, and also for all other road users, by ensuring enforcement is carried out rigorously and uniformly where necessary.

Question 9 – Currently moving traffic violations are a matter for the police, however, do you think local authorities should be able to use CCTV and/or Automatic Number Plate Recognition (ANPR) systems of enforcement of:

- parking in areas where safety benefits can be delivered to all road users, around schools for example?
- some moving vehicle contraventions like banned turns?
- If not, why not?

³ Police Scotland (2015) Written Submission to Footway Parking and Double Parking (Scotland) Bill consultation http://www.parliament.scot/S4_LocalGovernmentandRegenerationCommittee/General%20Documents/009_PoliceScotland.pdf, page 2

Yes, these powers exist in England and there is a strong case for providing these powers to local authorities in Scotland. Moving vehicle contraventions can increase hazards to all road users and should be enforced.

Question 10 – Do you think it is a good idea in principle to allow local authorities to exempt specific streets or areas from national restrictions for pavement parking?

- If so, what is the best mechanism for doing this (e.g. TRO or other form of local resolution)?

Yes, local authorities should have the ability to exempt specific streets. A form of TRO is appropriate to allow local consultation but the focus should be on providing easy to understand information and avoiding excessive clutter and cost of additional signage.

Question 11 – Do you think controlling pavement, dropped kerbs and double parking could have unintended or negative consequences in your area?

- If so, what would the effects be?
- Who would be affected?
- What type of street or area would experience these consequences?

This will have positive consequences of managing parking better to allow better movement of pedestrians, cyclists and drivers.

Question 12 – Do you think controls on parking are likely to increase or reduce the costs and impact on businesses in town centres?

- If yes, what should we be doing to reduce any impact on businesses in town centres?
- What other arrangements should be considered to deliver parking improvements that help support town centre regeneration?

Tighter controls on parking are likely to reduce the costs and impact on businesses in town centres. As discussed, controlling parking may encourage more people to uptake more sustainable and healthier forms of transport, such as cycling and walking, and these transport modes are known to offer economic benefits to town centres where provision is made for them. Parking controls are also likely to result in a town centre being viewed as a safer place to be for both people cycling and walking, and all other road users, and again this in turn is likely to lead to increased footfall.

Evidence shows that the giving more space in cities to active modes of transport and less to individual motorised transport will improve urban design as a whole by making cities more accessible to everyone, connecting neighbourhoods and creating meeting places. This in turn leads to multiple other benefits such as better social cohesion or more revenues for shop owners⁴, where designated cycle lanes can increase retail sales by as much as a quarter⁵. People who cycle also tend to visit town centres more than car users⁶, and the annual economic impact of people cycling is almost nine times as much as the one-off public investment to construct cycling infrastructure. In the UK, in particular, cycling projects and infrastructure were shown to increase both employment

⁴ Department for Transport (2010) Value of Cycling
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509587/value-of-cycling.pdf, page 14

⁵ British Cycling (2014) Benefits of Investing in Cycling
https://www.britishcycling.org.uk/zuvvi/media/bc_files/campaigning/BENEFITS_OF_INVESTING_IN_CYCLING_DIGI_FINAL.pdf, page 2

⁶ <http://www.cyclingscotland.org/wp-content/uploads/2013/08/Architecture-and-Placemaking-2012.pdf>

and visitor numbers, each by 300%⁷. Therefore, controlling parking is likely to have a positive impact on town centres, and provides an opportunity to promote and encourage a shift towards cycling, and other modes of active travel.

Question 13 – Do you think that on-street disabled persons’ parking places are being enforced in your area?

- If not, how could this be done better?
- Do you think members of the public should report misuse where it is observed?

N/A

Question 14 – Have you witnessed misuse of disabled persons’ parking spaces?

- If so, did you report it?
- If not, did anything prevent you from reporting it?
- Should disabled persons’ parking places be enforceable at all times?
- Do you think the level of penalty for misuse of local authority disabled persons’ parking is acceptable?
- If not, what level would you consider to be acceptable?

N/A

Question 15 – Do you think off-street disabled persons’ parking spaces, including private car parks, are being enforced in your area?

- If not, how could this be done better?

N/A

Question 16 – What impact do you think disabled persons’ parking space misuse has on Blue Badge holders?

N/A

Question 17 – Are you supportive of local authorities’ trialling or introducing parking incentives (such as discounted, free or preferential parking) for ULEVs?

- If yes, what should these incentives be?
- If not, why not?

It is important that where there is provision for charging electric vehicles that this can be readily accessed by electric bikes. It should also be ensured that it can be accessed safely by people using electric bikes, and is appealing to them. Electric bikes are of interest as they provide a credible alternative for local or short journeys, where a car may currently be the only option. They also allow for longer distances to be cycled, and enable users to more easily overcome obstacles like hills and headwinds⁸, thus making cycling appealing to more people which in turn could lead to a decrease in the number of car journeys in a local authority area. It is therefore important that policies to

⁷ Designed to Move: Active Cities report - <http://e13c7a4144957cea5013-f2f5ab26d5e83af3ea377013dd602911.r77.cf5.rackcdn.com/resources/pdf/en/active-cities-full-report.pdf>

⁸ European Cyclists’ Federation (2016) Electromobility for All: Financial incentives for e-cycling https://ecf.com/sites/ecf.com/files/FINAL%20for%20web%20170216%20ECF%20Report_E%20FOR%20ALL-%20FINANCIAL%20INCENTIVES%20FOR%20E-CYCLING.pdf, page 5

improve transport and access to electric vehicle charging infrastructure account for electric bikes to ensure that these benefits can be fully realised.

Question 18 – Are you supportive of local authorities trialling or introducing specific measures to help people who live in flats or tenements (with no dedicated off-street parking) charge their vehicle?

- If yes, please say why.
- If not, why not?

N/A

Question 19 – Do you think the use of ULEV-only charging bays should be monitored and enforced by local authorities?

- If yes, please say why
- If no, how should they be enforced and who should be responsible for this enforcement?

Yes because the growth in electric vehicles will inevitably increase competition for these bays unless they are managed.

Question 20 – Are there any likely impacts the proposals contained within this consultation may have on particular groups of people, with reference to the ‘protected characteristics’ listed above?

Better enforcement of parking will improve accessibility for disabled people

Question 21 – Do you think the proposals contained within this consultation may have any additional implications on the safety of children and young people?

- If yes, what would these implications be?

Better enforcement of parking will improve the safety for children and young people crossing the road at dropped kerbs, cycling in streets without double parking and walking along the footway without vehicles driving on the footway.

Question 22 – Do you think the proposals contained in this consultation are likely to increase or reduce the costs and burdens placed on any sector? Please be as specific as possible.

We recognise the challenges faced by local authorities in taking the time to audit streets. We believe legislation can be developed to give local authorities additional powers without substantially increasing the burden. We would also highlight that less parking on footways will reduce damage to footways and underlying utilities, especially where HGVs are concerned.

Question 23 – Are there any likely impacts the proposals contained in this consultation may have upon the privacy of individuals? Please be as specific as possible.

N/A

Question 24 – Are there any likely impacts the proposals contained in this consultation may have upon the environment? Please be as specific as possible.

As previously outlined, controlling parking may encourage more people to uptake more sustainable and healthier forms of transport, such as cycling and walking, and this can have a significant positive impact on the environment.

Using bikes to replace short car journeys and for city trips gives the greatest savings in greenhouse gas emissions. Stop-start driving and short-trips (where the engine does not have time to warm up properly) result in more fuel being burnt less efficiently and thus a higher level of emissions⁹. In Scotland, the latest figures show that 65.4% of car journeys are less than 5 km^{10 11}, offering the greatest possibility to switch to cycling. A switch from carbon-intensive, motorised transport to cycling (and walking) makes a positive contribution to lowering carbon and other greenhouse gas emissions and therefore positively contributes to conserving and enhancing biodiversity and the natural environment.

Cycling is also highly space efficient, positively contributing to reducing congestion and competition for parking spaces. Cycling saves around a third of road space compared to driving, thus helping to cut congestion. Cycle parking also takes up eight times less space than car parking i.e. for every car parked, eight bikes could be parked in the same amount of land-space. On average, vehicles are parked more than 80% of the time which places significant demand on space¹².

Question 25 – Do you have any other comments that you would like to make, relevant to the subject of this consultation that you have not covered in your answers to the previous questions?

This Bill will clearly benefit equalities as it ensures the needs of people with visual or mobility impairments are properly taken into account in parking management.

⁹ ibid

¹⁰ Transport Scotland (2016) Travel and Transport in Scotland 2015, page 61

http://www.transport.gov.scot/sites/default/files/documents/rrd_reports/uploaded_reports/j450918/j450918.pdf

¹¹ Car journey includes both driver car and passenger car journeys

¹² British Cycling (2014) Benefits of Investing in Cycling

https://www.britishcycling.org.uk/zuvvi/media/bc_files/campaigning/BENEFITS_OF_INVESTING_IN_CYCLING_DIGI_FINAL.pdf, page 2