

Committee(s):	Date(s):
Streets & Walkways Sub-Committee	06/12/2016
Subject: Raised carriageway enforcement	Public
Report of: Director of the Built Environment	For Decision

Summary

Section 86 of the Traffic Management Act 2004 prohibits waiting at all times on raised carriageways, where these have been introduced to assist pedestrians crossing. It is perceived that this prohibition may not be widely known by the general public and some assume that they can wait (park) there if they are not contravening any other existing waiting restrictions. This has led to some motorists being issued with a Penalty Charge Notice which they consider has been issued unfairly. However, following some appeals, an independent Adjudicator has expressed that the City has applied the law correctly and fairly when dealing with these contraventions.

To understand the level of compliance, a parking survey was recently completed at raised carriageway sites where these assist pedestrians crossing and where single yellow lines are present. This indicates that the number of drivers parked in contravention of the Traffic Management Act increases significantly outside of the restricted yellow line operational times.

This suggests that the Traffic Management Act is not widely understood by the general public and that the presence of single yellow lines on raised carriageways adds to the confusion amongst drivers.

The report therefore explores a proposal to implement measures which will better convey this prohibition to the wider public by introducing additional restrictions on the network at raised carriageway sites.

Recommendation

Members are asked to approve:

- The introduction (subject to the resolution of any objections arising from the statutory public consultation) of double yellow lines on raised carriageways at locations where either single yellow or no lines are present, at a total estimated cost of £23,800, which can be funded from the Department of Built Environment's Traffic Management Budget for 2016/17.

Main Report

Background

1. Section 86 of the Traffic Management Act 2004 prohibits parking on carriageways where these have been raised to meet the level of the footway, cycle track or verge for the following purposes:-
 - assisting pedestrians crossing the carriageway, and
 - assisting vehicles entering or leaving the carriageway across the footway, cycle track or verge.
2. The reason for this prohibition is to ensure that the crossing area is not obstructed by parked vehicles. There are a number of exemptions such as if the vehicle is parked within a designated parking place, or is parked outside residential premises by or with the consent (but not for reward) of the occupier of the premises, or is being used for police, ambulance or fire brigade for emergency purposes, for loading/unloading, and etc. An extract of the relevant section of the Traffic Management Act (TMA) 2004 is provided in Appendix 1.
3. This Section is applicable all the time irrespective of whether there are any waiting restrictions (e.g. double yellow lines) or not. This is because the TMA is a separate legislation to the waiting restrictions and there are no requirements or provisions for Local Authorities to provide any signs or markings to define this parking prohibition on raised carriageways.
4. Officers are also not aware of any specific guidance or advice regarding parking on raised carriageways in the Highway Code. It is therefore not obvious to motorists that this prohibition exists. Some motorists therefore may assume that they can park there if they are not contravening any other existing parking restrictions.
5. The City's approach to the application of yellow lines, whether the carriageway has been raised or not, has generally been for the purposes of managing the streets for all road users, particularly to facilitate traffic flow and for road safety reasons, rather than to define pedestrian crossing areas as prescribed under the TMA. Waiting restrictions in the City have been in place for many years and well before the TMA came into force.
6. The City introduces raised carriageways generally for pedestrian convenience such as to aid crossing, for road safety, or enhancement reasons. They are not normally used to assist vehicles entering or leaving the carriageway across the footway, cycle track or verge.

Current Position

7. Excluding the Transport for London Road Network, the City has approximately 186 raised carriageways of varying lengths. 90 of these locations are covered by existing double yellow restrictions, 62 sites have either single yellow lines or a mixture of both single and double yellow lines. The remaining sites are at locations such as on formal pedestrian crossings (zebras and light controlled), or where other 24

hour parking restrictions exist (e.g. pedestrian zones). Sites which are currently under construction or inaccessible due to other reason are currently excluded from this exercise. Appendix 2 provides a location plan of all identified raised carriageways in the City.

8. Raised carriageways in the City vary in length. In some locations, the whole street has been raised, e.g. St Swithin's Lane but the majority of them are generally much shorter and at junctions, such as those at the western end of Gresham Street.
9. Since April 2011, 1,218 Penalty Charge Notices (PCNs) were issued to motorists who had parked on raised carriageways across the City in contravention of this section of the TMA. The vast majority of these PCNs were issued outside the operational hours of the single yellow line waiting restriction, such as on a Sunday or in the evenings.
10. It should be noted that the number of these contraventions has substantially reduced; with only 49 issued since April 2015. It is not clear why this has dropped, but one possible explanation could be due to better understanding of the prohibition amongst some motoring groups, such as taxi drivers, in the City. Another reason could also be due to the withdrawal of CCTV enforcement of parking contraventions (also since April 2015) but this only represents about 22% of the PCNs issued. Appendix 3 provides a breakdown of the enforcement action taken since April 2011.
11. Following a few appeals against these PCNs, the City sought clarification from the independent Traffic Adjudicator over its interpretation of the TMA. The Adjudicator agreed that the City has applied this law correctly and fairly. See Appendix 4 for further details.
12. To understand the level of compliance, a parking survey was conducted in October 2016 at five locations across the City where the carriageway has been raised to assist pedestrians crossing and where only single yellow lines (SYL) exist. The results indicate that the number of vehicles parked in contravention of the TMA prohibition increases significantly outside of the yellow line operational hours. A summary of this is provided in the table below. The maximum period allowed for loading activities is 20 minutes, therefore for this comparison, only those vehicles parked over 20 minutes were included in this table.

Duration of Stay (minutes)	No. of Vehicles Parked	
	During SYL hours	Outside SYL hours
20+	39	145
Percentage (%)	21%	79%

Options & Proposals

13. From the above table, it is clear that many motorists are either not aware of the TMA parking prohibition or are parking there deliberately.

The results also indicate that the presence of single yellow lines on raised carriageways can mislead drivers into believing that they can park there outside of the yellow line operational times.

14. To ensure that that this prohibition is clearer and more widely understood, additional measures could be introduced. The most widely understood parking prohibition is the use of the double yellow line waiting restrictions. These are operational at all times without the need for additional signage. Other options to prohibit parking are also available such as the use of zig-zag markings, 24 hour operational pedestrian zones and clearways, etc. However, these are normally used for other reasons and are not appropriate for use in this case.
15. It can be seen that there are two potential options.
 - Option 1: Do nothing. Given the Independent Adjudicators views that the City has applied the law correctly and fairly, there would appear to be limited need for making any change. Under this option, the current arrangements and enforcement regime would therefore continue as existing. However, this option would not improve the level of compliance or awareness of Section 86 of the Traffic Management Act and therefore some motorists will continue to consider that they have been issued with a PCN unfairly.
 - Option 2: Introduce double yellow lines on raised carriageways at locations where parking is not prohibited all the time. This would mostly be in locations with existing single yellow lines, but also include raised carriageways in some pedestrian zones or public realm enhancement areas. As the TMA refers to raised carriageways where it is intended to assist pedestrians crossing, double yellow lines would be introduced to cover these locations only, but in some cases it may be logical to extend them to link into existing layouts such as parking bays, road junctions, etc. Appendix 5 provides a plan of these locations.
16. Deterring this type of parking is important as it will deter obstruction caused by motor vehicles to pedestrians crossing. It will also reduce the risks of pedestrian collisions because of the improved visibility of the crossing area. It is not yet known whether there could be impacts for example on people with mobility issues who could be subject to additional parking restrictions, but officers conclude, subject to the results of the consultation on the proposal to introduce additional measures, that any adverse impacts would be outweighed by the public benefits of the additional restrictions.
17. To ensure better compliance, consistency and clearer understanding of the parking prohibition, Option 2 is therefore recommended for approval

Corporate & Strategic Implications

18. There are no corporate or strategic implications arising from these proposals. However, they do contribute to providing modern, efficient and

high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes.

Implications

19. There are no implications associated with Option 1.
20. Option 2 would require the City to exercise its powers under Section 6 of the Road Traffic Regulation Act 1984 to make an order to prohibit waiting at any time (double yellow lines) in the specified locations. This will include carrying out a statutory public consultation and attempting to resolve any objections to the proposals that arise. Any outstanding material objections would be reported to committee for resolution.
21. If there are no material objections arising from the statutory public consultation, and subject to weather conditions, the measures can be implemented by the end of February 2017.
22. If Members are minded to approve this Option 2, the estimated cost to implement the double yellow lines is £23,800, which can be funded from the Department of Built Environment's Traffic Management Budget in 2016/17. A breakdown of this is provided in the table below.

Activity	Estimated cost
Statutory consultation	£9,000
Works	£5,800
Staff costs	£9,000
Total estimated costs	£23,800

Conclusion

23. Under the Traffic Management Act 2004, parking on raised carriageways, where these assist pedestrians crossing, is prohibited. However, as there are no requirements for signs or road markings to convey this prohibition, it is not always clear to some motorists, especially at locations outside of any existing parking restrictions such as on single yellow lines.
24. A parking survey completed recently indicates that there are a significant number of drivers who have parked in contravention of the TMA prohibition. This contravention increases significantly outside of the yellow line operational times. This suggests that Section 86 of the Traffic Management Act is not widely understood by the general public and the presence of single yellow lines on raised carriageways adds to the confusion amongst many drivers.
25. The most effective way to convey this prohibition would be to introduce double yellow lines. This would make it visibly clear to motorists that parking at these locations are prohibited 24 hours per day, all year round (subject to meeting the statutory exceptions).

Appendices

- Appendix 1 – An extract of section 86 of the Traffic Management Act 2004
- Appendix 2 – Map of raised carriageways on City streets
- Appendix 3 – Breakdown of PCNs issued
- Appendix 4 – Independent Adjudicators decision
- Appendix 5 – Map of raised carriageway with proposed double yellow lines

Sam Lee
Acting Group Manager,
Department of the Built Environment

T: 020 7332 1921

E: sam.lee@cityoflondon.gov.uk