

Response from Pedestrian Safety to the PACTS Transport Safety Commission Inquiry *UK Transport Safety: Who is Responsible?*

About Pedestrian Safety

Pedestrian Safety is a group set up in 2014 to raise the standard in pedestrian safety. The principal author is Ian Campbell (www.iancampbell.co.uk). Reports and comment are published on the website: www.pedestriansafety.org.uk .

About this response to the Commission's Inquiry

The evidence submitted here is very relevant to the Inquiry's first question:

Leadership, responsibility and coordination: Are there clear lines of responsibility for transport safety? How is responsibility structured currently across the different modes and for different system providers? Is national leadership in transport safety evident in all the modes?

The evidence is a summary of a survey carried out in early 2014 entitled: *Who is responsible for pedestrian safety in the UK? A case study on the legality of footway parking*

It had the twin aims of

- making progress in protecting vulnerable pedestrians from an increasing threat to their safety and mobility from footway parking by identifying a consensus on its legality
- throwing light on the structures and functioning of the UK national and local systems of government which ought to be improving pedestrian safety but appear to be failing.

In outline, the survey found that nobody is acting as if they feel responsible for the safety of pedestrians.

Who is responsible for pedestrian safety in the UK? A case study on the legality of footway parking

Introduction: Why the study was done

The question was posed because of

- the requests for help from vulnerable pedestrians who are being affected by footway parking (especially those using wheelchairs, or mobility scooters, or with visual impairment or mobility impairment, and those with buggies)
- the vague, evasive and conflicting responses have been given by police officers and officials over the legality of footway parking in the UK.

Guide Dogs, RNIB, National Federation of the Blind of the UK, Leonard Cheshire Disability and Living Streets are all campaigning for action



Methods

A survey letter was posted in February 2014 to 78 named individuals who (between them) appear to have responsibility for the safety of pedestrians in the author's locality. The list comprised:

- The Prime Minister, seven other Ministers and the Leader of the Opposition
- The Association of Chief Police Officers (ACPO) National Lead for Roads Policing in England and Wales
- Her Majesty's Chief Inspector of Constabulary
- The Chief Executive of the College of Policing
- The Chair and 10 other members of the House of Commons Transport Select Committee
- The Leader, the responsible Cabinet Member, the Chief Executive, and nine other officers of Wirral Council
- The Chief Constable and four other officers of Merseyside Police
- The Merseyside Police and Crime Commissioner
- The Chairperson and 11 other Members of the Merseyside Police and Crime Panel
- The MP for West Wirral
- The three Councillors for West Kirby and Thurstaston Ward

- The Chair of Wirral Council's Regeneration and Environment Policy and Performance Committee
- The Chair and 17 other members of the Merseyside Integrated Transport Authority
- The Chief Crown Prosecutor CPS Mersey-Cheshire
- The Chair of Wirral Magistrates Bench



The full list is given at

http://www.pedestriansafety.org.uk/footway_parking_legality_r.html, together with the responses received from each.

The list was drawn up with the aim of being comprehensive, but it may well be incomplete due to the lack of any readily available guidance for the public on who is responsible for road safety.

The survey form contained just one question: "Is parking like this legal or illegal?", referring to two photographs of vehicles (a supermarket delivery van and a Merseyside Police car - as shown on page 2) parked half way across footways. The mailing also contained explanatory notes as to why a clear answer is needed with photographs of some common problems (see right), a covering letter, and a stamped addressed envelope for reply.

The question was phrased in non-technical language, which might be used by a driver when asking an official where to park, or which might be used by a pedestrian in making a complaint. The approach was designed to be eye-catching in view of many evasive responses and non-responses that have been sent in response to previous queries and complaints.

The response sheet (see below) contained three possible responses: "legal", "illegal", or "don't know"



Is parking like this legal or illegal?

Please tick one box

legal

illegal

don't know

Signed Date

Comments

Please return via the enclosed stamped addressed envelope.

Notes

The question is a general question i.e. about parking by motor vehicles like that in the photographs, rather than the particular cases of the Sainsbury's delivery van and the Merseyside Police car.

The question relates to

- areas outside London
- cars and vans (not HGVs)
- where there are no emergency circumstances
- where there are no signs permitting footway parking.

If you feel that parking like that shown in the photographs is in some circumstances legal and in others illegal, please say in what circumstances you feel that it is legal and in what circumstances you feel that it is illegal.

From

Responses

Of the 78 individuals surveyed, there were four (5%) clear answers of "legal", "illegal", or "don't know". These were all from councillors in various capacities.

There were 31 other responses within 6 weeks. These were that someone else would be delegated to respond (13), a vague response (9), advice to ask someone else (7), a refusal to respond (1), and that the individual had left the relevant post (1). No responses were received from 43 individuals.

In summary:

- The replies from the Prime Minister and the Deputy Prime Minister were that the Department for Transport would reply.
- The Department for Transport gave no clear answer, but indicated that local authorities and the police have responsibility.
- The National Lead on Roads Policing stated that responsibility had been transferred from the police to local authorities.
- There was a refusal to respond from Wirral Council, saying that the issues are beyond their legislative scope.
- No responses were received from the five Merseyside Police officers surveyed.
- No clear answers were received from the members of the House of Commons Transport Select Committee.
- No response was received from the Merseyside Police and Crime Commissioner except for an acknowledgement.

The consensus from the four clear answers received was that footway parking is generally illegal through the prohibition on driving on footways.

The full responses can be viewed at

http://www.pedestriansafety.org.uk/footway_parking_legality_r.html

Review of documents relating to footway parking

As part of the project, a review of relevant documents was carried out. Two key documents are

- The Police National Legal Database indicates that parking on pavements can be an offence either via obstruction or via prohibition of driving on footways.
- The DfT Traffic Signs Manual points out in the context of footway parking, that it is an offence to obstruct the footway and that it is unlawful to drive on the footway, but also that footway parking can be permitted via a Traffic Regulation Order.

Furthermore, the Pedestrians Association campaigned against pavement parking in the 1980s via publicising the offence of driving on a footway in its leaflet.

A document subsequently published is one from the House of Commons Library which states that "driving actually *onto* the pavement or footway (to park or otherwise) is an offence under section 72 of the *Highways Act 1835*".

Comment and conclusions

The most vulnerable road users have been asking for help for some time. Having nowhere safe to walk in the midst of heavy motor traffic can be a frightening experience for anyone, but is even more so for those with disabilities or with responsibilities for children.

The conclusions from the survey are

- The most common outcomes were (a) no response, (c) delegation to someone else, (c) a vague response, and (d) advice to contact someone else. These mirror the anecdotal experiences of people in Merseyside and around the UK who have contacted those in positions of authority about the problem of footway parking.
- There seems to be collective failure of those responsible for the safety of pedestrians to take that responsibility seriously.
- There seems to be a stark contrast between attitudes to pedestrian safety and attitudes to the safety of other modes of travel.
- In the few clear answers given, the consensus was that footway parking is generally illegal through the prohibition of driving on footways, but it can be legalised in particular locations.
- Those who care about pedestrian safety should not rely on those in authority to take action to protect pedestrians.

The conclusion from the document review was that footway parking is generally illegal through the prohibition of driving on footways, but it can be legalised in particular locations via Traffic Regulation Orders.

Several of the responses claimed credit for a fall in road casualties, but none of these addressed the question of whether the fall in reported pedestrian casualties is merely due to people walking less.

Further details are available at <http://www.pedestriansafety.org.uk>