

Who put that there!

The barriers to blind and partially sighted people getting out and about

Parking on Pavements

Research undertaken by RNIB shows that people with sight loss most commonly collided with cars parked on pavements more than any other pavement obstruction [1].

Drivers that use the pavement for parking, often think they are doing the right thing by keeping the road clear, but fail to realise the consequences of their vehicle now blocking the footpath. The impact is that people with sight loss cannot see the obstruction until it is too late, and collide with the parked vehicle. Often there is insufficient space for pedestrians to get past and they are forced to walk out into the road. This puts blind and partially sighted people at much greater risk from traffic.

- Sarah's experience – "Often with cars parked on pavements, I can't squeeze past. To get around, I have to go into the road around the car. On busy, main roads this can be quite scary."

The Law

There is a significant amount of legislation, regulations and guidance which are relevant to blind and partially sighted people's access to the street environment.

Keeping the streets clear

Under the Highways Act 1980 it is the duty of the highway authority to assert and protect the rights of the public to use and enjoy the highway (the term 'highway' in this instance meaning pavements). They also have a duty to prevent obstruction to the highway (again this means keeping streets clear!).

It is a criminal offence under the Highways Act (and the Town and Police Clauses Act) to wilfully obstruct free passage along the highway and to deposit anything on the highway which causes an interruption to, or obstruction of, the highway.

So streets should be kept clear of obstacles and clutter, enabling people to walk along them without any problems.

Providing accessible information to all

The Equality Act 2010 makes it unlawful for public authorities, including highways authorities, to discriminate in the exercise of a public function. They also have a duty to make reasonable adjustments including changing practices, policies and procedures which have a discriminating effect and to take reasonable steps to enable disabled people to avoid substantial disadvantages caused by physical features. The Act also requires local authorities to provide information that is accessible for everyone.

Inclusive Mobility

The Department of Transport have published "Inclusive Mobility - A Guide to Best Practice on Access to the Pedestrian and Transport Infrastructure". The aim of this guidance was to provide advice on best practice to assist professionals working in this field and enable them to meet their responsibilities under the Disability Discrimination Act 1995 (DDA) (now the Equality Act - see above). There is much in it for Highways Authorities to note. For example:

"Apart from roadworks and scaffolding, there are many other, sometimes temporary, obstructions that can cause problems for disabled people, particularly those with visual impairments. **A-frame advertisement boards placed outside shops, ladders, overhanging tree branches, dustbins, vehicles and bicycles parked on pavements** are all potential hazards.

Wherever feasible, obstructions of this kind **should be kept to a minimum** and should not encroach on the clear space (horizontal and vertical) needed to provide safe passage for pedestrians [**emphasis added**]."

Under the Equality Act Public Sector Equality Duty (PSED), public authorities, including highways authorities are also required to have due regard to the need to eliminate discrimination under the Equality Act and to achieve equality of opportunity between disabled and non disabled people. This means anyone responsible for looking after the street environment has a responsibility to eliminate and tackle problems that make a highway inaccessible for disabled people. It is simply not an option to leave things as they are.

Under section 72 of the Highways Act 1835, it is an offence to:
"wilfully ride upon any path or causeway by the side of any road made or set apart for the use or accommodation of foot passengers or shall wilfully lead or drive any carriage of any description upon any such footpath or causeway."

Regulation 103 of the Road Vehicles (Construction and Use) Regulations 1986 states that:

"No person in charge of a motor vehicle ...shall cause or permit the vehicle to stand on a road so as to cause unnecessary obstruction of the road."

This includes vehicles parked on footpaths. Contravention of this regulation is a criminal offence and the police can require removal of the vehicle.

Rule 244 of the Highway Code states:

"You **MUST NOT** park partially or wholly on the pavement in London, and should not do so elsewhere unless signs permit it. Parking on the pavement can obstruct and seriously inconvenience pedestrians, people in wheelchairs or with visual impairments and people with prams or pushchairs."

What we think should happen

Local authorities should explore the following options, with blind and partially sighted people:

- Review their policy in relation to pavement parking. A postcode lottery approach to policy and decision making by those who have an impact on the design and enforcement of the street environment is having a negative impact on blind and partially sighted people. Local authority staff, residents and businesses would all benefit from more clarity, and policy statements would help inform decision making at a local level. It would also help to address some of the inequality due to local authorities taking differing approaches to some of the most common problems.
- Ban pavement parking (as it is in London) and support national legislation to do this.
- Use existing powers such as Traffic Regulation Orders (TROs) to introduce bans where practical, as in London.
- Work with the police to use their existing powers under the Highways Act and other legislation to keep the pavement clear of obstructions caused by parked cars.
- Work with police, local authorities and other stakeholders to raise awareness of the issue with the general public.

For more information contact

Please visit www.nib.org.uk/onmystreet for access to more information and resources.

RNIB have Regional Campaign Officers all over England (and campaigns teams in Northern Ireland, Scotland and Wales).

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References

[1] Who put that there! – RNIB Campaign Report, February 2015

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