

By: David Beaver, Head of Network Management

To: Environment, Highways & Waste Policy Overview Committee – 16 July 2009

Subject: The Management of Vehicle Obstructions to Private Access (White Access Highlight Markings on the Public Highway [Dog Bone Markings])

Classification: Unrestricted

Summary: This report seeks approval from the members of Policy Overview Committee for Kent Highways Services to introduce a new policy on how the Council carry out the management of vehicle obstructions to private accesses and in particular the process of approving white access highlight markings on the highway.

1. Introduction

- 1.1 Under current legislation, both Kent County Council and the 12 Kent District/Borough and City Councils are responsible for the practical application and management of white access highlight line markings on the public highway. This report summarises the current situation with regard to the management of these white markings.
- 1.2 Historically, white access highlight line markings have been introduced on the highway across private premises to assist the access and egress of vehicles where there has been a perceived problem with obstructive parking. These white line markings are not legally enforceable by either Kent County Council or the district authorities and act only as a visible deterrent for the motorist.
- 1.3 However, obstructive parking can be dealt with by the police force either by the issue of a Fixed Penalty Notice or by vehicle removal and it is recognised that it can be easier for the traffic police to enforce this issue if there is a physical measure on the highway.

2. Information

- 2.1 Prior to the reorganisation of Kent Highway Services the 12 Highway Units located within the District Authorities were responsible for the introduction of white access highlight line markings on the highway. Since reorganisation some district authorities have decided to retain this function whilst others have opted to pass the responsibility to Kent County Council.
- 2.2 Of the 7 district authorities that have retained the function; 1 district makes a charge for the service, 1 district request that customers meet strict criteria and 5 districts introduce a white line with no conditions attached. Kent County Council carries out the function in the remaining 5 districts areas but currently does not support the introduction or maintenance of these highway markings.
- 2.3 There is currently an abundance of white access highlight line markings across the County and this has led to the reduction in awareness taken by the motorist.

There has also been a marked increase to both Kent County Council and the District Authorities for public requests to enforce these non-enforceable lines.

- 2.4 It is recognised that there is currently some confusion for the general public due to the current process where some District Councils carry out this function and others choose not to do so.

3. Financial Implications

- 3.1 To mark a white access highlight line on the public highway, maintain and refresh the line marking over a ten year maintenance period will cost the authority a total sum of £150.
- 3.2 To administer an application for a white access highlight line marking, KCC will need to carry out a desk top analysis of the evidence presented and visit the site to survey the extent and exact location of the proposed line markings. This analysis and survey work will cost the authority a total sum of £115.

4. Consultation

- 4.1 The proposed application process, policy and procedure notes have been referred to the 12 district authorities for a period of 6 weeks in order that their comments and professional advice can be taken into account. Their comments have been incorporated into the attached paperwork.

5. Conclusions

- 5.1 It is considered necessary that Kent County Council take full management of the process for introducing a new white access highlight line marking on the public highway and for refreshing those markings that already exist. Criteria should be met by an applicant to prove that they have a persistent parking problem and that their application is fully supported by the traffic police. This will ensure that any lines that are introduced are necessary to relieve an obstructive parking issue, therefore relieving the difficulties encountered when a prolific number of unnecessary markings are placed on the public highway.
- 5.2 As these lines are generally for the benefit of the property owner/applicant it is felt that the costs incurred by the authority to administer the application and place the line markings on the highway should be borne by the applicant.
- 5.3 Therefore, a standard non-refundable charge of £115 will be made to investigate and administer the process of applying for a white access highlight line marking. If an application is successful following investigations and liaison with the traffic police, an additional cost of £150 will be paid by the applicant to introduce a line on the highway and pay for the maintenance and upkeep of this line over a suitable maintenance period.

6. Recommendations

- 6.1 Subject to the views of this Committee, it is proposed to recommend to the Cabinet Member for Environment Highways and Waste that:

- (i) the recommendation that the management of the introduction and maintenance of white access highlight line markings on the public highway to prevent obstructive parking is carried out in the 12 district areas by Kent County Council be approved;
- (ii) the recommendation that an applicant will be asked to meet certain criteria, as outlined in the attached policy, in order to qualify for a white line and that a charge of £115 administration and then an additional charge of £150 for the placing and maintenance of the lines will be made for this service, be approved.

Background Documents:

The Traffic Signs Regulations and General Directions 2002.

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THE MANAGEMENT OF VEHICLE OBSTRUCTIONS TO PRIVATE ACCESS

POLICY FOR NEW AND REFRESHED WHITE 'ACCESS HIGHLIGHT' MARKINGS ON THE PUBLIC HIGHWAY

THE TRAFFIC SIGNS REGULATIONS AND GENERAL DIRECTIONS 2002
1026.1

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1. INTRODUCTION

- 1.1 The Policy - This policy sets out the processes to be considered when applying for consents to place white 'access highlight' line markings on the public highway. It is intended to act as a guide to applicants to explain why there is a need to control and manage the introduction and refreshment of these markings on the highway.

2. BACKGROUND

- 2.1 General – Common law has established that a highway is a route which all persons can use to pass and repass along as often and whenever they wish without hindrance and without charge. This definition therefore includes the road or carriageway and the footway or pavement. In order to preserve these rights of way it is necessary to ensure that they are not obstructed either wilfully or without due consideration. The Traffic Signs Regulations and General Directions 2002 provides for a white marking to be placed upon the public highway 'outside an entrance to off-street premises or a private drive, or where the kerb is dropped to provide a convenient crossing place for pedestrians, which should be kept clear of waiting vehicles.' (1026.1)

It should be noted that these access highlight line markings, also known as white 'dog-bone' lines, upon the public highway are purely advisory and as such are not legally enforceable.

- 2.2 Historically, white 'access highlight' line markings have been introduced to assist entrance and egress of vehicles and the abundance of these markings have led to the reduction in awareness taken by the motorist. There has, therefore been a marked increase in public requests to enforce these non-enforceable highway markings.
- 2.3 Responsibilities – The responsibility for the enforcement of obstructive parking at locations where there is no legally enforceable marking (i.e. yellow line) lies with the Police Force, who are the only organisation able to issue a Fixed Penalty Notice or alternatively remove the vehicle.
- 2.4 Powers – Although, both Kent County Council (KCC) and the local district/borough authorities have permissive powers to mark the public highway by way of a white 'access highlight' line marking; neither authority has the legal power to enforce these lines which are purely advisory.
- 2.5 Past History – Prior to the reorganisation of Kent Highway Services the 12 Highway Units, located within the District Authorities, were responsible for the introduction of white 'access highlight' line markings on the highway. Some district councils have decided to retain this function whilst others have opted to pass the responsibility back to Kent County Council.

3. INFORMATION

- 3.1 White 'access highlight' line markings are not legally enforceable by any authority despite public perception and obstructive parking can only be enforced by the police force.
- 3.2 It is recognised that some members of the public experience a persistent obstructive parking problem and that it is often easier for the traffic police to enforce this issue if there is a physical measure marked upon the public highway.
- 3.3 It is recognised that there is confusion for the general public due to the current process where some District Councils carry out this function and other choose not to do so.

4. FINANCIAL

- 4.1 To mark a white 'access highlight' line on the public highway and maintain and refresh the marking over a ten year maintenance period will cost the authority a total sum of £150.
- 4.2 To administer an application for a white 'access highlight' line marking, KCC will need to carry out a desk top analysis of the evidence presented and visit the site to survey the extent and exact location of the proposed line markings. This analysis and survey work will cost the authority a total sum of £115.
- 4.3 As these lines are generally for the benefit of the property owner/applicant it is agreed that the costs incurred by the authority to administer the application and place the line markings on the highway should be borne by the applicant.
- 4.4 Therefore, a standard non-refundable charge of £115 will be made to investigate and administer the process of applying for a white 'access highlight' line marking. If an application is successful following investigations and liaison with the traffic police, an additional cost of £150 will be paid by the applicant to introduce a line on the highway and pay for the maintenance and upkeep of this line over a suitable maintenance period.
- 4.5 At the conclusion of the existing maintenance period it will be necessary for the householder to reapply for the continuation of the white access highlight marking. This will ensure that the mark on the highway is still required, meets all the necessary criteria, is still supported by the local traffic police and that a further maintenance and upkeep fee is met by the applicant.
- 4.6 All existing white access highlight markings will no longer be maintained or supported. It will be necessary for the householder or applicant to make an application for the continuation of the existing mark under the new procedure. This will ensure a standard approach is taken across the County and that all access highlight marks on the public highway meet the same standards and necessary criteria. If the householder no longer requires this mark, it will no longer be maintained and therefore left to fade and wear naturally from the highway preventing unnecessary scarring to the road surface.

5. CONCLUSION

- 5.1 Under this policy the Highway Authority (Kent County Council) is responsible for the function of the provision and maintenance of white 'access highlight' line markings on the public highway across the entire County of Kent, excluding Medway.
- 5.2 Kent County Council will therefore only support, introduce and maintain white 'access highlight' line markings that are provided at locations where there is a persistent obstructive parking issue. In order for an applicant to prove a persistent parking problem, various criteria must be met as per the attached application pack in Appendix A and the application must receive full support from the local traffic police who will remain the enforcement authority.

REFERENCES

The Traffic Signs Regulations and General Directions 2002

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THE MANAGEMENT OF VEHICLE OBSTRUCTIONS TO PRIVATE ACCESS

**APPLICATION FOR A NEW OR
REFRESHED WHITE 'ACCESS
HIGHLIGHT' LINE MARKING ON THE
PUBLIC HIGHWAY**

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**PLEASE READ THE FOLLOWING
NECESSARY CRITERIA WHICH SHOULD BE MET IN
ORDER TO QUALIFY FOR THE MARKING OF A WHITE
'ACCESS HIGHLIGHT' LINE ON THE PUBLIC HIGHWAY**

1. The applicant must be the registered owner or keeper of a vehicle which is kept permanently at the address of application.
2. The address of application must have a Kent County Council approved dropped vehicular crossing installed.
3. There must be a proven persistent obstructive parking problem of at least 3 months at the address of application. This issue must not be a transient issue.
4. Each individual application must be approved by the relevant traffic management division of the traffic police.
5. Please note that the application process for a white dog-bone marking is subject to a non-refundable administration fee of £115 which must be included when returning this form and supplementary information.
6. If your application is successful, the cost of introducing and maintaining a white 'access highlight' line marking on the highway is currently £150. This amount will include for the maintenance of the highway marking over a maintenance period of at least ten years. You will be invoiced for the full amount prior to any work being carried out.
7. At the conclusion of the ten year maintenance period it will be necessary for you to make a new application for the continuation of the access highlight marking. This will ensure the mark is still required and that it meets the necessary criteria. A maintenance fee will be applicable at this time to reflect the continued maintenance over a further 10 year period.

8. EXISTING ACCESS HIGHLIGHT MARKINGS

If you have an existing white access highlight marking, it will no longer receive continued maintenance from Kent Highway Services. It will be necessary for you to apply through the attached process for your line marking to be supported. This will ensure continuity of the required criteria and a standard maintenance procedure. Any existing marks that do not meet the necessary criteria will be left to fade naturally from the public highway.

- It is possible to make an application in joint names if you are requesting a mark to cover a shared access. However, the application must give a 'lead

name'. This name will be the applicant who takes full responsibility for the application form and the payment of any charges.

- The following Application and Traffic Monitoring Record Form must be completed for a period of time of no less than 3 months in order to provide evidence of a persistent parking problem.
- When you are satisfied that you have made a record of a persistent parking problem, please forward all necessary information including any supplementary evidence (e.g. photographs) to:

Mrs. L. Day, Kent Parking Manager, Network Management, Kent Highway Services, First Floor, Invicta House, Maidstone, Kent ME14 1XX

Email: lorna.day@kent.gov.uk

Telephone: 08458 247 800

- A cheque made payable to Kent County Council for a sum of £115 must be included with your application. This is an administration fee and is non-refundable.
- All information will be verified with your local Traffic Police prior to any further investigation taking place.
- NB: If your application is successful there will be a charge of £150 to introduce, maintain and refresh the white 'access highlight' line marking for a suitable maintenance period. This will include at least 2 no. refreshments of the marking on the public highway.

PLEASE INCLUDE A COPY OF YOUR VEHICLE REGISTRATION DOCUMENT. YOUR APPLICATION WILL NOT BE PROCESSED WITHOUT SIGHT OF A COPY OF THIS DOCUMENT. PLEASE DO NOT INCLUDE THE ORIGINAL DOCUMENT.



APPLICATION AND TRAFFIC MONITORING RECORD FORM

APPLICANT NAME:

ADDRESS:

| DATE | TIME | REG. NO. OF VEHICLE CAUSING ALLEGED OBSTRUCTION | POLICE INCIDENT NUMBER | FURTHER INFORMATION (e.g. Photographic evidence, etc) |
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Please photocopy or print further copies as necessary

Form to be completed by applicant and returned to: Network Performance Team, Kent Highway Services, Invicta House, County Hall, Maidstone, Kent. ME14 1XX