

By: Nick Chard, Cabinet Member, Environment, Highways and Waste

To: Policy Overview Committee 15 September 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 provides detail on the introduction of a revised 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.

FOR APPROVAL

1. Introduction and Information

1.1 An original report to request Members approval to introduce a new policy with regard to how the authority carry out the management of vehicle obstructions to private accesses was submitted to the Highways Advisory Board in May 2009.

1.2 Representation from Members were made to the Cabinet Member to request some minor alterations to the new Policy as follows:

1.2.1 Any existing vehicle access highlight markings (those introduced prior to September 2009) to be automatically refreshed with no requirement to meet the new criteria and no charge to be applied. This would include road re-surfacing. There will no requirement for the resident to provide Police evidence to support the renewal of highlight markings

1.2.2 Any unusual and individual circumstances such as 'whole road' schemes to be investigated upon their own merits and not under the current criteria.

1.2.3 Clarification to be made that any works carried out on the highway include for the remarking of any white access marking that has been removed at no cost to the applicant.

2. Recommendations

2.1 Subject to the views of this committee;

It is proposed to recommend to the Cabinet Member for Environment, Highways and Waste that the updated policy on The Management of Vehicle Obstructions to Private Access be adopted.

<p>Background Documents: The Traffic Signs Regulations and General Directions 2002.</p>
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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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APPROVER	D. BEAVER	01/04/2009

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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 new 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 new 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 new 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. There will no requirement for the resident to provide Police evidence to support the renewal of highlight markings

To refresh an existing white 'access highlight' line marking (i.e. a mark that has been placed on the public highway prior to September 2009) will require the householder to complete a straightforward application form to which no charge will be applied. This will allow an inventory of these highway markings to be kept up to date.

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 included on the current inventory is still required and meets all the necessary criteria.

4.6 Any existing white 'access highlight' markings that are altered in any way whilst work is being carried out on the highway will automatically be replaced as per the original mark by the appropriate contractor as part of the ongoing works.

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.

There are some situations (for example 'whole road schemes' where it will be necessary to judge each location upon its individual merits and requirements, These sites will be fully investigated by an Engineer and liaison will be carried out with all necessary partners and interested parties.

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 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.

- 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)

**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**

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THE MANAGEMENT OF VEHICLE OBSTRUCTIONS TO PRIVATE ACCESS

APPLICATION FOR AN EXISTING WHITE 'ACCESS HIGHLIGHT' LINE MARKING ON THE PUBLIC HIGHWAY TO BE REFRESHED.

**AN EXISTING WHITE 'ACCESS HIGHLIGHT' LINE
MARKING IS ONE THAT HAS BEEN MARKED ON THE
PUBLIC HIGHWAY PRIOR TO SEPTEMBER 2009**

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It is necessary for a completed application form to be submitted in order that your vehicle access marking is included on the current maintenance inventory.

**PLEASE READ THE FOLLOWING
NECESSARY CRITERIA WHICH SHOULD BE MET IN
ORDER TO QUALIFY FOR THE REFRESH 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. The existing white access highlight marking must have been originally marked on the public highway prior to September 2009 in order to qualify for the refresh application process.
- *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'.*

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.

Please return completed application forms 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



EXISTING WHITE VEHICLE ACCESS MARKING TO BE REFRESHED

APPLICATION FORM

APPLICANT NAME:

ADDRESS:

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CONTACT TELEPHONE NUMBER:

E MAIL ADDRESS:

LOCATION OF EXISTING WHITE VEHICLE ACCESS MARKING:

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