VEHICLE CROSSINGS

Ward(s): All

Summary: The practicalities of carrying out the enforcement to secure properly constructed vehicle crossings are set out in this report.

To Resolve: That legal action to secure a properly constructed vehicle crossing within the footway be undertaken when:-

a) A new vehicle hardstanding/garage is being constructed off-Highway.

b) Damage to the Highway has been caused by vehicles over-riding the existing footway.

c) Public safety could be jeopardised by the use of unauthorised kerb ramps etc.

Introduction

In accordance with the Highways Act 1980, Section 184 the Highway Authority may serve a Notice on a person who takes or permits to be taken a mechanically propelled vehicle across the kerbed footway or verge in order to gain access to their property, whether he/she is an owner or a Tenant. If the person knowingly uses a footway for this purpose, they are guilty of an offence and liable to a fine.

Details

The issue here is that footways are generally constructed to the standards for the use of pedestrians only and there is normally a kerb of a height that makes it awkward for a vehicle to pass over. The Highway Authority has a higher standard of construction for a vehicle crossing using dropped kerbs and greater depth of materials suitable to take a vehicle weight. Where a new crossing is provided this has to be carried out at the cost of the owner/tenant. A typical vehicle crossing construction is about £600.

In many cases this is a straightforward procedure, but there are some occasions where a certain amount of discretion has to be exercised. In the case of old crossings which may not have had the approval of the Highway Authority they are being used without causing any damage to the existing footway and the kerb height may be low due to past carriageway resurfacing. In these cases the action of enforcement may seem to be excessive and not in the public interest. In other cases the driver has placed either temporary ramps or pieces of wood etc. in the carriageway which could be a public hazard if they became displaced.

For many owners or tenants to receive a letter and subsequent Notice informing them of the problem involving unexpected expenditure can be distressing. In many cases the cost of having the work done would be prohibitive and they would have to cease using the crossing. Therefore these matters have to be handled carefully and sympathetically but not undermine public safety by way of damaged footways causing trips and injury.
It is suggested that action to ensure that the proper vehicle crossing is constructed is only carried out where:

1. A new hardstanding/garage off the Highway etc is being constructed.
2. Damage to the Highway has been caused by vehicles over-riding the footway.
3. Public safety could be jeopardised ie the use of temporary ramps etc.

Provision of Vehicle Crossings in conjunction with Footway Refurbishment

The opportunity often exists when a refurbishment of footways within an Estate takes place to include within that programme the rectification of illegal footway crossings. This would be carried out by prior notification to the owners/residents as part of the overall scheme and thus the owners could benefit from the lower prices obtained as part of the normal tendering process. Payment would be requested in advance of the works.

Resource Implications

They are included within the existing budget for the Kent Highways Partnership Agreement. The matter is covered by existing staff carrying out normal inspection duties.

Corporate Plan Implications

Measures to ensure the safe routes to school and public safety are included.

Environmental and Planning Implications

Proposed vehicle crossovers on classified roads are considered as part of the Planning process and require formal approval.
Community Safety Implications

A hazard free footway without trips etc must be secured.

Legal Implications

Formal legal procedures to ensure a properly constructed crossover will be the last resort and under the Kent Highways Partnership Agreement have been delegated to the City Council to carry out. The Highways Management Reference Book details the procedure to follow.

Conclusions

A balance has to be struck here with the upholding of public safety by the removal of trips and other hazards with the obvious sensitive issue of the costs to the owner of carrying out the work. It is essential that a fair and equitable approach is maintained.

Contact Officer:    Tony Parker       Direct Dial: 862406

List of background papers (excluding published works) for this report:-

None.