



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