

#### OPTION (1) Preferred

Make grass verge safe by using stone and top soil and grass seed.

This would reduce the possibility of further rutting of the verge but does not prevent further abuse, or the possibility of soil being deposited elsewhere on the highway surface.

#### OPTION (2)

To cultivate the verge area and re-turf it and protect it by means of bollards.

This does not cure the problem of vehicle over-ride but attempts to prevent it, as was done in Gale Lane, Acomb. Bollards, although effective whilst in place, are unsightly, attract dogs and can be a hazard to partially sighted and blind people. They also make grass cutting operations more difficult to carry out and more costly, as more strimming will be necessary. It should also be noted that isolated bollards unless used for a site specific problem e.g. overrun of a corner, only push the problem of verge parking further along the street.

#### OPTION (3)

To serve notice under Section 184, 1980 Highways Act, on the relevant property owner/occupier of our intention to provide them with a properly constructed vehicle crossing point.

This would address only the issue of where a resident is crossing the verge to gain access/egress from their property. It does not address the issue of those vehicles who drive/park on grass verges outside their property. There are no cost implications to the Council.

#### OPTION (4)

To reconstruct the verge in bituminous materials to extend the width of the footpath.

This footway construction will withstand vehicle over-ride, but would probably encourage even more cars to park on this area than do so at present. This practice would present a hazard to partially sighted and blind people and depending on the manner of parking, could cause an obstruction on the footway. It would also lead to any insitu adjacent laid flagstones being over-run and damaged. This would mean giving consideration to replacing any insitu flagstones with a bituminous material.

#### OPTION (5)

To reconstruct the verge in key block paving to extend the width of the footpath.

This footway construction will withstand vehicle over-ride, but would probably encourage even more cars to park on this area than do so at present. This practice would present a hazard to partially sighted and blind people and depending on the manner of parking, could cause an obstruction on the footway and lead to the adjacent newly laid flagstones being over-run and damaged. This option would also mean replacing any adjacent flagstones with block paving.

#### OPTION (6)

To reconstruct the grass verge and protect its structural integrity by placing Geo Scape Ecoblocks within the sub-soil. Geo Scape Ecoblocks are made from recycled polyolefin-based materials and are placed within the top 80mm of soil. They are honeycombed to allow grass to grow through them but are durable enough to withstand vehicle over-ride. These are similar to grasscrete, but the design is such that more grass is allowed to grow through the Ecoblocks.

Officers will continue to discourage parking on the grass verges but accept this is a difficult problem to stop and such a construction will allow vehicle over-ride whilst minimising loss of grass and rutting, which normally follows, when vehicles park on the grass verges. That despite the fact officers will continue to discourage parking on grass verges this solution may actually encourage more parking on verges throughout the City. This solution may also incur an additional annual maintenance liability, as under the new Roads and Street works Act, the Council has an obligation to provide any specialist materials to statutory undertakers, when they effect their Code regulated works within the public highway. We would have to keep a stock of spare Geo Scape Ecoblocks to give to the Utilities, should they break any during the course of their operations. This cost would have to be met out of the basic maintenance revenue or Contingency budget.

#### OPTION (7)

To reconstruct and widen the carriageway by reconstructing the kerblines at the rear of the grass verges and replacing the grass verges with carriageway construction and reconstructing any existing flagged footway in dense bituminous macadam.

This would address the problem but would certainly involve diverting statutory undertakers' apparatus and services, the cost of this option and any statutory undertaker diversions (unquantifiable at this time) may make this option prohibitive. This option would also necessitate the reconstruction of any already insitu flagged footway in bituminous materials in order to withstand any potential vehicle over-ride of the pcc flagstones and be in accordance with our existing paving policy. It may also lead to an increase in traffic speeds as the few cars who lawfully park on the carriageway at present do tend to act on a traffic calming measure.

#### OPTION (8)

Section 1 of the Road Traffic Regulation Act 1984 provides that a Traffic Regulation Authority may make an order where it appears that it is expedient to make it for :

- a) preventing damage to the road
- b) preventing the use of the road by vehicular traffic in a manner which is unsuitable in regard to the existing character of the road or adjoining property
- c) preserving the character of the road in a case where it is specially suitable for use by persons on horseback or foot.
- d) preserving or improving the amenities of the area through which the road runs.

It may be arguable as to whether or not any of the above and in particular (d) give us good grounds for making such an order. However Section 2 of the same Act provides that a Traffic Regulation Order (TRO) may make any provision for prohibiting, restricting or regulating the use of a road or any part of the width of a road by vehicles generally or of a particular class.

A highway verge constitutes (in strict legal terms) "any part of the road" and a TRO would be targeted on those lengths of verge subject of parking density/damage. Enforcement would, in such circumstances, create displacement of parking which may well lead to serious carriageway obstruction/congestion.

After a TRO has been made the Authority has to place warning signs at suitable intervals which give adequate information of the Order to persons using the road.

The effect of this would be to secure the grass verges covered by the Order from vehicle abuse. This option means that local residents effected by it will have been consulted via their Neighbourhood Forum. This means local support or otherwise will be known before deciding on whether or not to make a TRO.

However the proliferation of signs would clutter the streetscape, may be considered unsightly and be a potential hazard to partially sighted and blind people. The sign posts would also attract dogs and would impede grass cutting operations making the task more costly as strimmers would have to be used around the base of the posts. There is also the problem of enforcement and the associated costs this would have for the Council following decriminalisation of parking. At present it is unlikely the Police or Traffic Wardens would consider enforcement of such a TRO high on their priority.

#### OPTION (9)

Consider the verge as part of a future footway Resurfacing Scheme. Consult with Neighbourhood Forums, Ward Committees, Residents Associations and Parish Councils as to whether or not they would like to fund Options 2, 4, 5, 6, 7 or 8, as part of the scheme subject to the option chosen being appropriate for the local area.

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If no external source is forthcoming then Option 1 will form part of the scheme if the verge is considered dangerous.

This option will address the problem in localised and widespread areas, subject to external source of funding being found.

It also has a time lag and no guarantee of ever gaining funding.

Ext

Our Ref: FI/RC/36/1

Date:

Dear Sir or Madam

**Use of the verge/footway by vehicles**

It has been brought to my attention that the verge/footway at the above address has been used for parking or gaining access to your premises.

It may be that the vehicle misusing the verge or footpath is not under your control or the control of your visitors. If so, I apologise for any inconvenience this letter may have caused you. Please let me know if this is the case.

If, however, you do have control over the vehicle please stop this practice immediately. It is against the law and could involve you in legal proceedings and substantial costs for making good any damage.

Vehicles should gain access to private property over verges and footpaths by means of a properly constructed vehicle crossing which must be approved in advance by this Directorate.

If you do not have such a crossing you may obtain an application from this address or by telephoning York 613161 ext 1361 and asking for Mr Partington.

I do hope you will feel able to co-operate with the City of York Council in this matter.

Yours faithfully

Fred Isles  
**Principal Engineer - Highway Infrastructure**

HIUVFBV

The Occupier

cc Area Highways Inspector  
NY Police FAO M Hemenway (Martin, can you or one of your colleagues  
please call and ask this resident not to park on the grass verge - Thanks,  
Fred)

Ext 1444 - Fred Isles  
Our Ref: FI/DGC/ /89/6A & 19/5  
Date

Dear Sir or Madam

**Unauthorised use of grass verge**

Further to the Council's letter to you dated \_\_\_\_\_ I note you are still driving/parking on the grass verge. As was indicated to you it is illegal and a very unsociable practice which may lead to someone having an accident.

In view of this I regret that unless you comply with our request I will have no option but to put the matter in the hands of the Council's solicitors. The Council does have powers under Section 184 of the 1980 Highway Act (copy enclosed) to construct a vehicle access point on your behalf and charge you all reasonable costs incurred in doing so. It may be that as well as considering a prosecution our solicitors recommend we take this action.

I would say that as an alternative to driving/parking on the grass verge you earnestly consider having a properly constructed vehicle crossing point put in. It would surely be cheaper than the Council constructing one on your behalf and charging you the additional administration/supervision and costs.

I am sorry if the tone of my letter sounds officious but in this case I am very concerned about the damage being done to the grass verge and the potential for an accident occurring.

I trust that now you are fully aware of the consequences of continuing to drive/park on the grass verge you will feel able to co-operate with the Council and act accordingly.

Yours faithfully

Fred Isles  
**Principal Engineer - Highway Infrastructure**

The Occupier

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