

## Photo Narrative for Parking Situation

It is illegal to park on a footpath.

### **6.14 Parking on footpaths or cycle paths**

(1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a footpath or on a cycle path.

If the verge is part of the footpath, Auckland Transport can ticket cars parked on the verge under 6.14.

RUR 1.6 defines:

*footpath means a path or way principally designed for, and used by, pedestrians; and includes a footbridge*

Table 14.2 in the NZTA's Pedestrian Planning Guide describes the different zones of the footpath. The zone called the "Street Furniture Zone" includes verges. The diagrams show verges and trees, and the words say:

“Can be used for soft landscaping / vegetation”

Table 14.2 – Zones of the footpath	
Area	Purpose
Kerb zone	<ul style="list-style-type: none"><li>• Defines the limit of the pedestrian environment.</li><li>• Prevents roadway water run-off entering the footpath.</li><li>• Deters vehicles from using the footpath.</li><li>• Is a major tactile cue for vision impaired pedestrians.</li></ul>
Street furniture zone	<ul style="list-style-type: none"><li>• Used for placing features such as signal poles, lighting columns, hatch covers, sandwich boards, seats and parking meters.</li><li>• Can be used for soft landscaping/vegetation.</li><li>• Creates a psychological buffer between motorised vehicles and pedestrians.</li><li>• Reduces passing vehicles splashing pedestrians.</li><li>• Provides space for driveway gradients.</li></ul>
Through route (or clear width)	<ul style="list-style-type: none"><li>• The area where pedestrians normally choose to travel (this should be kept free of obstructions at all times).</li></ul>
Frontage zone	<ul style="list-style-type: none"><li>• The area that pedestrians naturally tend not to enter, as it may contain retaining walls, fences, pedestrians emerging from buildings, 'window shoppers' or overhanging vegetation.</li></ul>

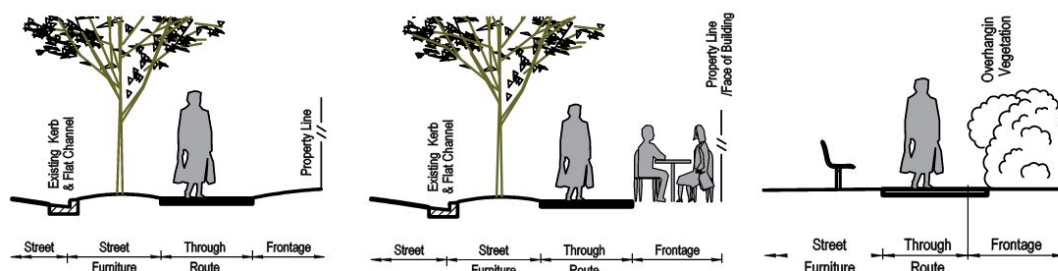


Figure 14.1 – Examples of footpath zones

Verges are part of this pedestrian realm. Section 14.8 says:

*“Permanent planting should be sited within the street furniture zone and consist of trees, flowers, shrubs or grass”*

The Local Government Act 1974 includes this definition (s315(1)):

*“**footpath** means so much of any road as is laid out or constructed by authority of the council primarily for pedestrians; and includes the edging, kerbing, and channelling thereof”*

### **Road Margins:**

The Road User Rule interpretation says

*a **road margin** includes any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any)*

The definition for road margin specifically excludes the area of the road that is the footpath. We have established above a prima facie case that the verge is part of the footpath.

Here are some examples. The captions are above each photo.

1. A rural road margin where it is clear to drivers that the margin is solid enough to park on, and a line delineates the space:



2. A road where it is harder for drivers to know whether any engineered margin exists or if it's soft. Section 6.2 applies here, putting the onus on the driver to park off the road if possible, but not if it causes damage.



3. A location where there is a rural-style road margin on one side of the street, and an urban-style footpath with kerb and verge on the other.





4. Urban roads usually don't have margins. Wherever there is a kerb, it divides the space intended for vehicles from the space intended for pedestrians. If there is any confusion about whether the blue car parked in the following photograph is on the roadway or in a road margin, there is no confusion that the kerb marks the boundary between vehicle and pedestrian space.



5. Similarly for the red car here:



6. Here is a typical urban road with a centreline, showing standard parking behaviour.



7. Here is a typical urban road without a centreline, showing standard parking behaviour.





8. Here is a photo from 1999 of a footpath that has since been relandscaped to include a grass verge.



9. Here is the same location taken recently. The footpath space has been modified to improve the suburban environment by converting some paved footpath to verge - it doesn't mean it has been reallocated from pedestrian realm to road margin and become fair target as parking space.



## Unpaved Footpaths

The kerbline is important. It delineates the area where vehicles are allowed from the area where they are not. See Figure 14.1 and Table 14.2 above. Within the kerbline the area is footpath, whether it is paved or not.

10. An unpaved footpath behind a kerb. Note the pedestrian refuge and pram crossing providing access for pedestrians, indicating that the area on the north side of the road (right side of the photo) is clearly provided as pedestrian space, despite the lack of pavement.



**Treating verges as “road margin” rather than as “footpath” is absurd.**

RUR 6.2 **requires** drivers to park off the roadway on the road margin where possible.

If Auckland Transport’s advice is that the verge is part of the road margin, then every car parking on the roadway and not parking on the adjacent grass verge should be ticketed under RUR 6.2. That means the parked cars in the next three photographs should be ticketed. **AT would never do this, suggesting they should not actually believe the advice they have been given.**



11. If the verge is “road margin”, then applying RUR 6.2, these cars should be ticketed for parking on the roadway instead of on the verge.



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This notion would be absurd, and Auckland Transport do not, and would not, proceed on that basis.

There is no historical or support by general usage for this proposition. AT do not ticket vehicles parked this way. They would not seriously consider doing so as the idea of upending decades of established behaviour would be considered absurd. Yet that is the consequence of the advice that they claim to have been given.

If there are two possible ways of interpreting the place of verges according to the RUR, and one gives absurd results that contradict decades of driver education, it should be treated with suspicion. If the other one is at least as plausible, and is consistent with decades of driver education, and with all the other evidence, it should be preferred.

14. Here is an example of a vehicle that should be ticketed for parking on the footpath, but which Auckland Transport would not currently ticket:





15. Here is an example of vehicle that should be ticketed for parking on the footpath, but which Auckland Transport would not currently ticket:



16. Here is an example of vehicle that should be ticketed for parking on the footpath, but which Auckland Transport would not currently ticket:





17. This is the same location as in picture 10 - a pedestrian area where the parked vehicles have made walking impossible, yet AT will not ticket the vehicles.



18. Vehicles on verges, parked next to vehicles on the roadway. If the point of parking off the roadway is to leave the roadway clear for traffic, the vehicles parked next to them should be ticketed for not doing so. One of these vehicles must be in the wrong.





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