


11. POLICY OF VEHICLE ENTRANCES AND FOOTPATH REVIEW



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PURPOSE OF REPORT

1. The purpose of this report is in response to the Council's resolution passed at the meeting of 13 March 2008 *"that the Council undertake a review of the existing policy of vehicle entrances and footpaths"*.

EXECUTIVE SUMMARY

2. The current Council policy "That the Council will maintain vehicle entrances on roads with a footpath" was adopted on 25 May 2001. The reasons for the policy are:
 - (a) Vehicle crossing adjacent to footpaths is recognised as an integral part of the footpath system and thus registered as a footpath asset.
 - (b) Vehicle crossing where there is no footpath is directly attributable to the property owner rather than to the public good.
3. The Council's Traffic and Parking Bylaw 2008 Part 4 Vehicle Crossing and Section 335 of the Local Government Act 1974 requires owners of properties to form vehicle crossings.
4. A review of the policy was carried out in 2004 and the Council at its meeting of 23 September 2004 resolved *"that the current policy be confirmed"*. The reports of May 2001 and September 2004 are **attached**.
5. The maintenance and resurfacing of vehicle entrances, not adjacent to footpaths, was raised by the Riccarton/Wigram Community Board as well as the Fendalton/Waimairi Community Board in 2007. A seminar on the policy was carried out on 28 September 2007. The views of elected representatives on the policy matters were mixed and staff did stress that any increased level of service would require additional funding.
6. As part of this review external consultant Montgomery Watson Harza (MWH) was commissioned to report on the cost implications of changing the level of service associated with the footpath re-surfacing programme. "Where there is a footpath on only one side of the road the current level of service is to only resurface driveways on the footpath side of the road. The driveways on the opposite side of the road do not get resurfaced."
7. In this review the footpath resurfacing programme 2008/09 excluding the rural area was used to estimate the additional funding required to resurface driveways on the opposite side where there are no footpaths. An estimated cost of \$250,000 was attributed to resurfacing of these vehicle crossings. No cost estimates were made for pipes, culverts, bridges and retaining walls replacements. The 2008/09 programme has no footpath resurfacing work programmed along the frontages of properties adjacent to waterways or in the older hill areas where long vehicle entrances are frequently encountered on legal roads.
8. There are a number of property accesses across waterways and the existing structures e.g. pipes, culverts, or bridges that will require some maintenance works or their replacements prior to resurfacing and likewise for hill properties' accesses with retaining structures within the road reserve. It is estimated that at least \$150,000 per annum will be required for upgrading these structures.
9. If there is a change to the existing policy that includes resurfacing of all vehicle entrances on legal roads there will be a need to increase the current resurfacing budget. The current resurfacing budget to resurface approximately 90km of footpath annually is \$4.45M and this would need to be increased by \$400,000 per annum.

10. For any change to the existing policy there will also be a need to review the current footpath operational maintenance budget of \$1.45M p.a. Currently it is estimated that \$500,000 of the \$1.45M is attributed to maintaining the vehicle crossings that formed the footpath network. If there is a change of policy to include resurfacing vehicle entrances as stated in paragraph 9 an increase of \$300,000 p.a. will be required for the maintenance budget. Currently these stand alone vehicle entrances i.e. without footpath adjacent to them are not considered to be the Council's infrastructural assets to maintain and hence are not included in the Council's asset register. Any change of policy will require these "new " assets to be identified. Depreciation cost for these assets will need to be included for any increase to the current level of service.
11. The change of service level without any increase in funding will lead to a decreased level of service increasing the current resurfacing cycle from 23 years to approximately 26 years and this option is not supported by staff.
12. The current policy has satisfied the majority of the city residents. However, from time to time staff do receive some complaints from residents, but by and large the majority of them reluctantly accept the staff's explanation of the policy.
13. It must be noted that if the change of policy was agreed there will be a significant change to the management of this section of the Council's asset. The safe use of the entrances over waterways and supports to driveways will become the Council's responsibility. The management of these new assets will be complex, in particular the responsibility of structural integrity of timber bridges across waterways, 'dry rock 'walls supporting driveways on legal roads. There will also be a need to review staff resources to manage these structures.
14. The responsibility of maintaining vehicle entrances on legal roads has always been a contentious issue and it is for this reason that the Council formally adopted its practice as policy in 2001.
15. Any change of policy will potentially generate additional requests to maintain vehicle entrances from residents residing on roads that have no footpath.
16. In the consultant's review it included a survey of five other councils' policies and the findings were:
 - (a) Waimakariri, North Shore and Wellington Councils have similar policies as Christchurch's existing policies.
 - (b) Napier has a policy to maintain driveways on legal roads for visual appearance.
 - (c) Auckland City Council is replacing asphaltic concrete footpaths with exposed aggregate concrete and will be replacing the old driveways to achieve uniformity.
17. It must be noted that any change of the present policy will require changes to both Operation and Capital Works budget for footpath resurfacing. Without appropriate budgets staff will not be able to deliver the change of level of service required.

FINANCIAL IMPLICATIONS

18. If the Council is to increase the current level of service to include resurfacing of all vehicle entrances on legal roads there will be a need to increase the annual capital budget for footpath resurfacing of \$4.45M by \$400,000 and the footpath maintenance of \$1.45M by \$300,000 and provide for additional depreciation costs of \$200,000.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

19. The projected increased costs for the change of the current footpath resurfacing policy to include resurfacing of all vehicle entrances on legal roads have been included in the aspiration list in the LTCCP process.

LEGAL CONSIDERATIONS

20. The Council received the following legal opinion in 1975:

“The Council has no legal obligation to maintain the surface of the access track any more that it has an obligation to maintain any other part of the public highway.”

Have you considered the legal implications of the issue under consideration?

21. Yes.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

22. This review is to consider the change of level of service.

Do the recommendations align with the Council's strategies?

23. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Council confirm the existing Footpath Policy.