

38. BUS STOP ENFORCEMENT

Officer responsible Parking Operations Manager Team Leader Enforcement	Author Maurice Smith, DDI 371-1738 Kay Hazlett-Brown, DDI 371-1741
---	---

The purpose of this report is to brief the Committee on options for enhancing the policing of illegal parking on bus stops, with the emphasis on stops within the central city.

BACKGROUND

During the course of the 5 July meeting of the Bus Stops and Shelters Subcommittee the subject of enforcement of illegal parking on bus stops was raised.

As a result the Chairman of the City Services Committee requested the Parking Operations Manager to bring a supplementary report to the Committee's 10 July meeting, covering the following points:

- The basis for more strict enforcement of bus stops, especially in the CBD (concern was expressed in relation to the stops near the Arts Centre, particularly after 5.00pm).
- To concentrate on the hours between 9.00am to 8.00pm Monday to Thursday, extending to 11.00pm on Fridays and Saturdays.
- The appointment of a dedicated person to enforce this.
- The ability to have vehicles illegally parked on bus stops towed away from them.
- Any budget implications/considerations.

THE 'BASIS'

With the recent opening of the "Bus Xchange" and consolidation of bus stops on Colombo Street and Rolleston Avenue the need to discourage illegal parking on bus stops within the central city has become increasingly important in order to minimise adverse impacts on the public transport system.

The potential impacts of illegally parked vehicles was acknowledged as a significant issue during a recent meeting between the Chief Executive and Operations Manager of 'Redbus', and the Parking Operations Manager and Team Leader Enforcement. As such the Parking Unit undertook to step up the level of enforcement between 8am and 5pm Monday to Friday, which has achieved a significant decrease in the incidence of illegal bus stop parking during these times.

At the same meeting the Parking Unit also undertook to review the operating hours of the Enforcement Team with the aim of enhancing the enforcement coverage of bus stops, particularly up to 8pm Monday to Friday. This review is underway with an implementation target date of 1 August 2001.

There has however been no intention of extending the enforcement hours past 8pm, primarily due to the long-standing arrangement that the Police accept responsibility for parking enforcement outside of the Parking Unit's normal enforcement operating hours, for which it is understood they receive SAP funding.

EXTENDED OPERATING HOURS

As mentioned above it is intended that as of 1 August Parking Wardens will regularly be rostered to enforce bus stops up to 8 pm Monday to Friday.

However at this point the Parking Unit does not have adequate staff resources to extend this to cover Saturdays to 8pm, nor to extend enforcement through to 11pm on Fridays and Saturdays, other than on a random basis.

LEGALITY OF TOWING VEHICLES FROM BUS STOPS

Section 68BA of the Transport Act 1962 empowers Council's Parking Wardens to action the towing of vehicles, ie:

"...Any Parking warden in uniform or in possession of warrant or other evidence of authority as a Parking Warden may –

... If the Parking Warden believes on reasonable grounds that a vehicle on a road causes an obstruction in the road or to any vehicle entrance to any property, or that the removal of the vehicle is desirable in the interests of road safety or for the convenience or in the interests of the public –

- (i) *Enter, or authorise another person to enter, the vehicle for the purpose of moving it or preparing it for movement; and*
- (ii) *Move, or authorise another person to move, the vehicle to any place where it does not constitute a traffic hazard...*

This empowering legislation clearly covers and enables the towing of vehicles from bus stops. Moreover it is well tested in the courts and is used on a daily basis by Council Parking Wardens as the basis for effecting the towing of vehicles in a variety of situations, including at times towing from bus stops.

In summary there is no legal impediment to preclude towing illegally parked vehicles from bus stops as standard operational practice/policy.

APPOINTMENT OF DEDICATED BUS STOP ENFORCERS & BUDGET IMPLICATIONS

Options

Set out below are a number of possible options that could be adopted in order to both increase the current level of enforcement during the course of most days, and at the same time extend the current enforcement hours:

1. Increase the staffing level of the Enforcement Team of the Parking Unit.
2. Contract a security company to provide staff for specific periods each day/night to carry out bus stop enforcement. *Note: Staff so employed would be warranted by the Council, which would in turn be legally responsible and liable for their actions.*
3. Bus companies hire additional staff, or re-assign staff, to carry out the function. This could for example include warranting selected bus drivers as Parking Wardens for the sole purpose of enforcing illegal parking on bus stops.
(Refer to the note in 2. above)
4. The Police commit to rigorously enforce illegal parking on bus stops within the CBD.
Note: The Police do presently carry out some parking enforcement in the CBD, especially at night. The level of this is however dependent upon their other priorities with this activity generally being accorded an understandably low priority.

Implications

The following are assessed as being the most significant implications associated with the options outlined above:

Financial

(a) ADDITIONAL PARKING UNIT STAFF

The estimated operational cost of increasing Parking Unit staffing is approximately \$65,000 to \$70,000 pa, (excluding one-off training and equipment costs) based upon two FTE staff. (Say \$70,000.)

In order to ensure adequate enforcement coverage, inclusive of covering leave/sickness, and for staff safety reasons, it is considered the appointment of 2 FTE staff would be necessary. From the safety aspect it would be unwise to have a lone officer patrolling at night, especially if towing vehicles is to be a normal expectation.

(b) CONTRACT STAFFING

Based upon the present hourly contract rate charged to the Council by security companies it is estimated the cost of contracting 2 FTE staff to carry out bus stop enforcement is likely to be similar to that in (a), ie in the range of \$50,000 to \$70,000. (Say \$60,000)

(c) BUS COMPANY STAFF

Provided this option was geared around re-assigning staff, rather than employing additional staff, there should only be marginal additional costs incurred, these being primarily training related. (Say \$5,000 to \$10,000)

(d) POLICE

On the assumption that Police staff who would in any case be on duty would carry out this work there should be little if any additional funding required.

Operational

(a) PARKING UNIT

Assuming additional staff were employed to cover the extended hours of operation there would be few if any operational implications, given parking enforcement is one of the Parking Unit's core roles/capabilities.

(b) CONTRACT STAFFING

The key operational considerations associated with this option revolve around the following:

- Staff selection
- Training
- Supervision (Particularly around quality control, legal compliance and public relations)

Supervision will be especially important to ensure the Council's interests (particularly its legal liability – see below) are protected and therefore were this option to be adopted we would need to ensure the contract is tightly supervised.

(c) BUS COMPANY

If the option of 'warranting' bus drivers were to be adopted there are likely to be significant operational issues for bus companies. For example in a best case scenario it would take an average of around two minutes for a driver to issue an offence notice against a vehicle illegally parked on a bus stop, with attendant impact on keeping to the bus time-table.

However, the reality is that in most cases issuing an offence notice will take considerably longer as amongst other things the driver of the illegally parked vehicle is likely to return, which in most cases will result in some dialogue between the parties. Further, if the bus company employee wishes to have a vehicle towed this typically takes a minimum of 15 minutes from the time the tow company is engaged.

The fact the issuing of offence notices can (and not infrequently does) lead to highly 'charged' situations requiring special skills and training to handle must also be considered.

The question must therefore be asked as to whether bus companies will be prepared to accept delays and also place their staff in situations that have the potential to escalate to the point of violence.

In light of the above a better option may well be for bus drivers to be issued with pro-forma complaint forms designed to be filled in with the details of offences and then forwarded to the Parking Unit for actioning via the posting of offence notices to the registered owner(s) of offending vehicles.

(d) As for (a), with the addition that the Police will undoubtedly need to provide back-up for whoever is actually employed to carry out bus stop enforcement, especially on Friday and Saturday nights.

Legal

As far as legal considerations are concerned the Parking Unit and Police options are clear-cut in that both organisations already operate within the requisite legal framework.

The legal aspects of both other options, ie: warranting contractor staff or bus company staff to enforce bus stops are also clear as under the provisions of section 7 of the Transport Act 1962 Council may appoint persons to hold the office of Parking Warden.

There is however a 'tag' that comes with the power of appointment, namely that the Council is **liable** for the **actions** of any person so appointed, as laid out in S.7, namely:

"... Every local authority that appoints any person under this section shall be liable for the actions of that person as a parking Warden in all respects as if that person were an officer or employee of the local authority (whether or not that is the case) and as if any directions given or control exercised by any other person over the Parking Warden in that capacity were directions given or control exercised by the local authority..."

CONCLUSION

On balance the preferred options for extending bus stop enforcement are:

1. Employing additional staff within the Parking Unit to carry out the work; or
2. Contracting a security company or similar organisation to do it.

An interim means of achieving the aim of discouraging illegal parking on bus stops at night would be to employ only one additional Parking Warden and adjust the hours of work of other staff. This approach has the benefit of reducing the cost in the current financial year to the order of \$35,000, whilst at the same time providing adequate coverage.

A similar arrangement and cost structure could also be adopted under the contract option, with only one FTE being sourced via the contracting company.

Either way no budget provision has been allowed for this initiative.

Recommendation: For discussion.

Chairman's

Recommendation: That the Committee decide what option it wishes to recommend to the Council.