

# Stellenbosch Municipality

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## Draft Policy on Sidewalk Accessibility

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# **POLICY ON SIDEWALK ACCESSABILITY**

## **1. Introduction**

Due to complexities in the use, handling, and management of sidewalks, the Municipality has decided to compile a policy focussing exclusively on the accessibility of sidewalks.

Sidewalks must meet the needs of all sidewalk uses, i.e. of persons of all abilities which includes children, the elderly, parents with prams, pedestrians with vision impairments and people using wheel-chairs and other assistive devices. Sidewalks must be usable and functional since it is utilized for the most basic forms of mobility namely walking, cycling, running etc.

Stellenbosch is a unique town, with landscaped / tree-lined road verges and opportunities for outdoor dining etc. Although the Municipality intends to preserve this unique character, if activities in road verges are not regulated, pedestrian movements could be impeded. The Municipality has therefore decided to introduce a policy and implement guidelines to this effect, so that sidewalks remain accessible and safe for all users.

## **2. Legislative and Policy Context**

### **2.1 National Policies and Guidelines**

The Constitution of the Republic of South Africa, Act 108 of 1996 Section 85 (1) (b) mandates the Department of Transport with the role of developing transport policy. The following policies and guidelines have been developed by the Department of Transport, with relevant extracts that support the Municipality's Policy on Sidewalk Accessibility:

#### **White Paper on Transport Policy:**

- To encourage, promote and plan for the use of Non-Motorised Transport (NMT) where appropriate.
- Infrastructure and maintenance standards will be developed and must recognize NMT as an essential mode of transport.

#### **Draft White Paper on Roads Policy:**

- Integration of NMT as a recognised mode in the transport system and ensure appropriate infrastructure is provided for safe NMT usage.
- All authorities must strive to maintain the integrity of the road reserve in order to ensure that future network development is not compromised, and that services can be located and accessed appropriately.
- Services installed in a road reserve must be installed with the approval of the local authority, in the form of a wayleave.
- Ensure that safer road networks are provided for that appropriate infrastructure is provided for and that safe NMT usage and road safety audits are conducted.

### **NMT Facility Guidelines:**

- Aims to enhance integrated transport, to ensure that the proper movement (or mobility) of people, to increase safety, reduce fatalities and produce universally designed infrastructure to improve the physical environment of all NMT users.

## **2.2 Municipal By-laws and Policies**

The Constitution also makes provision for a Municipality to make and administer by-laws and policies for the effective administration of Local Government Competencies, the following are extracts of relevant Municipal by-laws and policies

### **The Municipality's By-law on Roads and Streets:**

- The by-law assists the Municipality to regulate functions on roadways, walkways and other spaces within road reserves and aims to promote a safe environment for the benefit of all road and sidewalk uses and provides procedures, methods and practices to manage the use of roads, streets, sidewalks and road verges.

### **The Municipalities Draft NMT Policy:**

- Stellenbosch Municipality will strive to develop walkable and cycle-able environments that are safe for all to use and contribute to the mobility needs, economic vibrancy and social health of communities.

### **The Universal Access Policy**

- The rights of people with disabilities are protected by the country's Constitution, which stipulates that governmental departments and state bodies have a responsibility to ensure that concrete steps are taken so that people with disabilities are able to access the same fundamental rights and responsibilities as persons without disabilities.
- The Universal Access Policy aims to create conducive environment to address issues affecting people with diverse needs/ requirements including persons with disabilities.

### **The Municipality's Draft Wayleave Policy**

- Sets out the procedure internal departments, external departments, private parties etc.. to obtain approval for any of the following works carried out in the road reserves, digging of trenches, tunnelling, erection of signboards, erection of structures, street shaping, planting of trees, and any other Work that may affect motorists, cyclists, pedestrians etc..

### 3. Objectives

The objectives of the policy are:

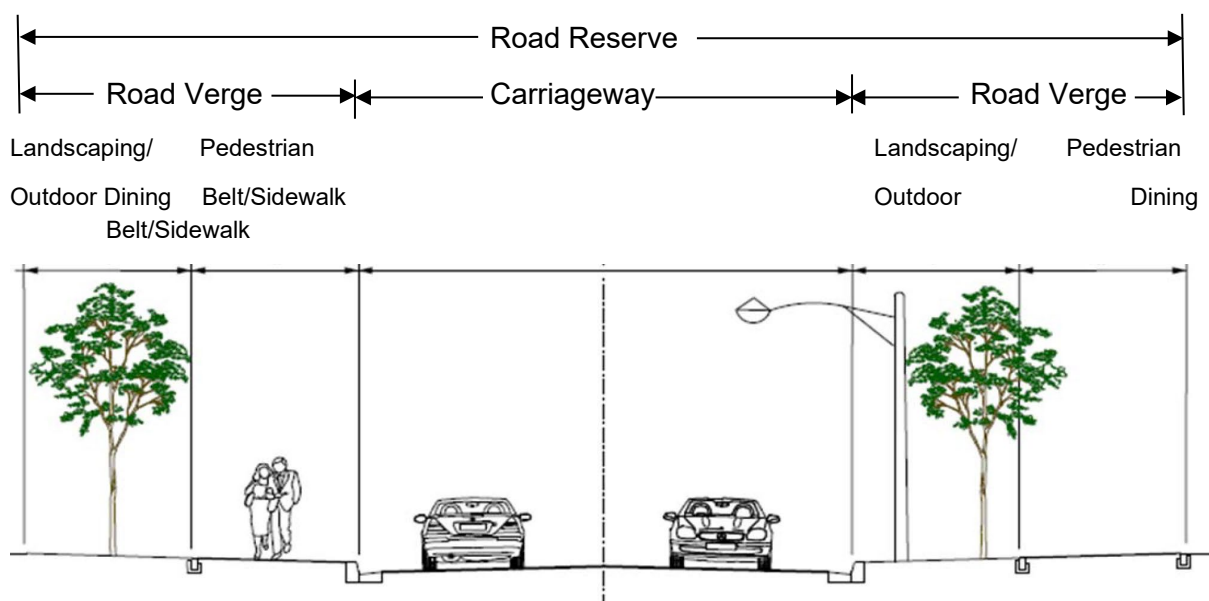
- a) To improve sidewalk management, ensuring a safe environment for all roadway and sidewalk users.
- b) To introduce guidelines that would make sidewalks more accessible for pedestrians, minimizing obstructions on sidewalks and ensuring that continuous pedestrian belts are maintained.
- c) To set out the general administrative procedure for compliance with this policy.

### 4. Functions and Components of the Road Reserve

The Road Reserve (which includes the Sidewalk Area or Road Verge) has the following functions:

- Connects and links communities and serves all transportation needs of residents, commuters, businesses etc..
- Provides space for required services, such as pipelines and cables for electricity, water, sewer, telecommunication, stormwater services etc.

#### Typical Cross Section of Municipal Roads:



The Road Reserve comprises the following:

- **The Road Verge:** utilized by pedestrians (and cyclist where applicable), and can consist of constructed sidewalk as found in CDB, industrial areas and along priority routes in residential areas. Unconstructed / natural sidewalks are found on certain roads in residential areas. Services such as pipelines and cables for electricity, water, sewer, telecommunication, stormwater etc. are normally located within this area.
- **Carriageways:** also referred to as the roadways and are utilized by motor vehicles and cyclist.

In residential areas, where formal sidewalks have not been constructed, obstructions are often found in the form of landscaping. Where the sidewalk is natural ground, space must be

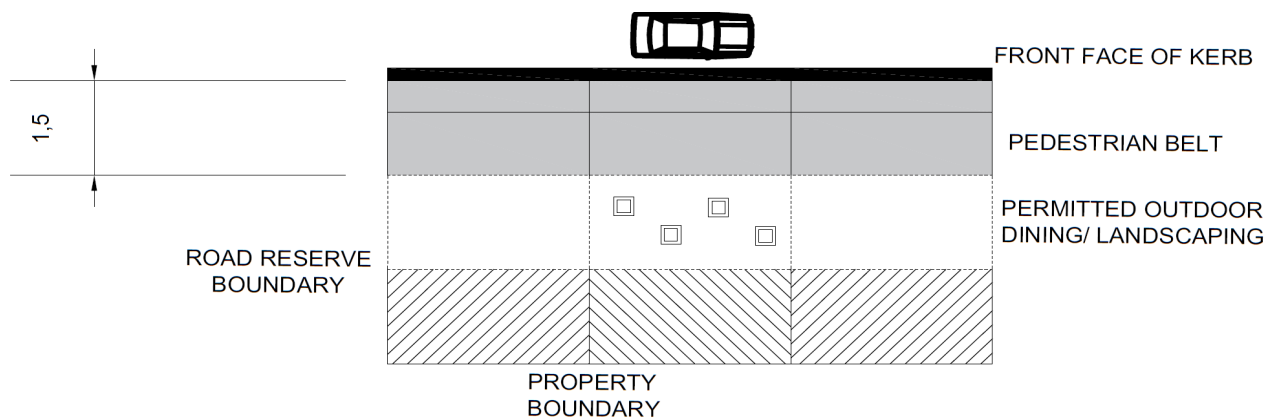
reserved and be kept clear from obstructions to ensure safe and continuous pedestrian movements. The surface should be suitably firm, and level so as not to create a tripping hazard. A suitable surface may comprise natural ground, laterite gravel, grassing or paving as approved by the municipality.

On certain roads within the CBD, outdoor dining other commercial activities are allowed. Where these are allowed, space must be reserved and kept clear from obstructions to ensure safe and continuous pedestrian movements.

## 5. Guidelines

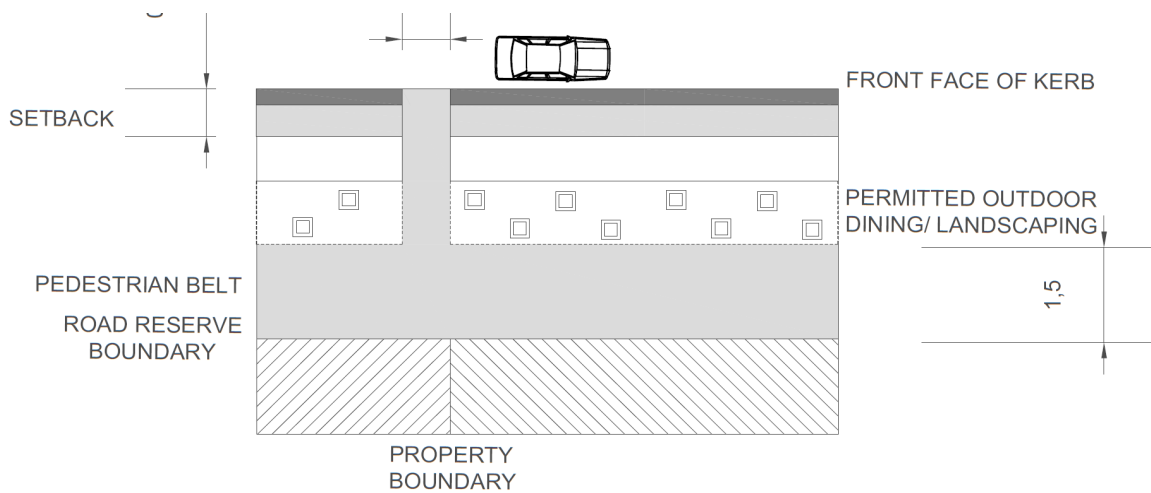
The following minimum guidelines are applicable where constructed and natural sidewalks occur. The preferred option is a pedestrian belt located near the front face of the kerb. A pedestrian belt of at least 1.5m must remain free from obstructions, see **Option 1** below:

### OPTION 1:



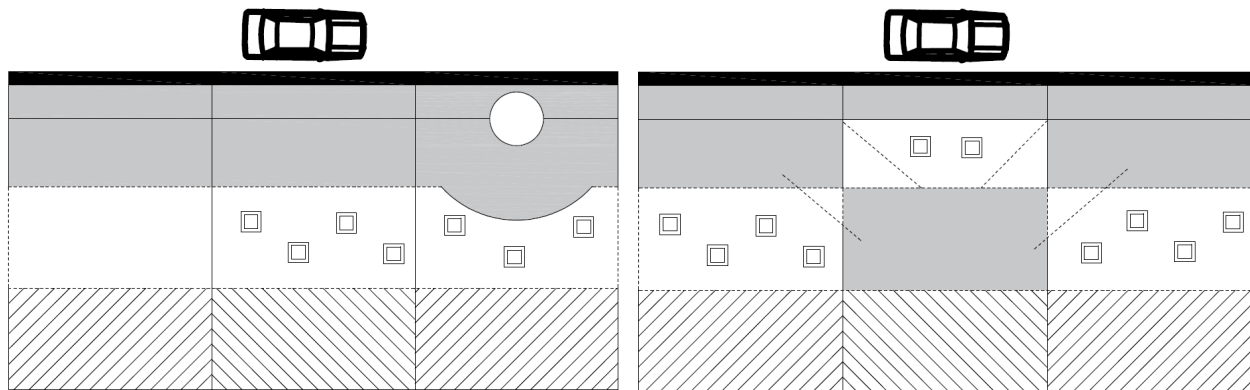
In instances where the position of existing landscaping or other features prohibits the implementation of Option 1, the pedestrian belt may be located away from the roadway. In this instance a 750mm setback from the front face of the kerb edge must be in effect. An additional passage (on the extension of the cadastral boundary) between the setback and pedestrian belt should be maintained. No obstructions are therefore allowable within the pedestrian belt, the setback line, the passage between the pedestrian belt and setback line, as shown in **Option 2** below:

**OPTION 2:**



Variations to Option 1 and 2 are allowable and will be dependent on the outcome of the safety audit. The diagrams below show how an obstruction can be accommodated and how a continuous pedestrian belt can be maintained:

**VARIATIONS:**



The above are minimum guidelines, certain locations may require wider pedestrian belts to accommodate higher pedestrian volumes. In such instances wider pedestrian belts will be required by the Municipality.

## **6. Application Processes**

### **6.1 Way-leave Application Process**

A way-leave application must be submitted for any proposed construction work, temporary use of sidewalk, landscaping on sidewalk, outdoor dining or other commercial activity allowable within the road reserve. The wayleave application process grants rights / approval for proposed works / activities and comprises site inspections, assessments as well as a Road Safety Audit. Where it is found that the proposed works/activity will have a detrimental impact on the Municipality or any of its services, the application may be declined. The Municipality's draft Wayleave Policy outlines the procedures and processes when submitting a wayleave application. Proposals for any construction work, temporary use of sidewalk, landscaping on sidewalk, outdoor dining or other commercial activity must follow the wayleave application process (which includes the compilation of a drawing), applications must be submitted to Infrastructure Services Directorate.

#### **6.1.2 Landscaping**

Landowners that have frontage onto to the Road Reserve, may submit applications for proposed landscaping within the Road Verge. Permission may be granted for landscaping outside of the pedestrian belt. The Wayleave Application process as described above must be followed. Landscaping in the road reserve should be maintained by the applicant, the landscaping will however be deemed the property of the Municipality.

#### **6.1.3 Outdoor Dining**

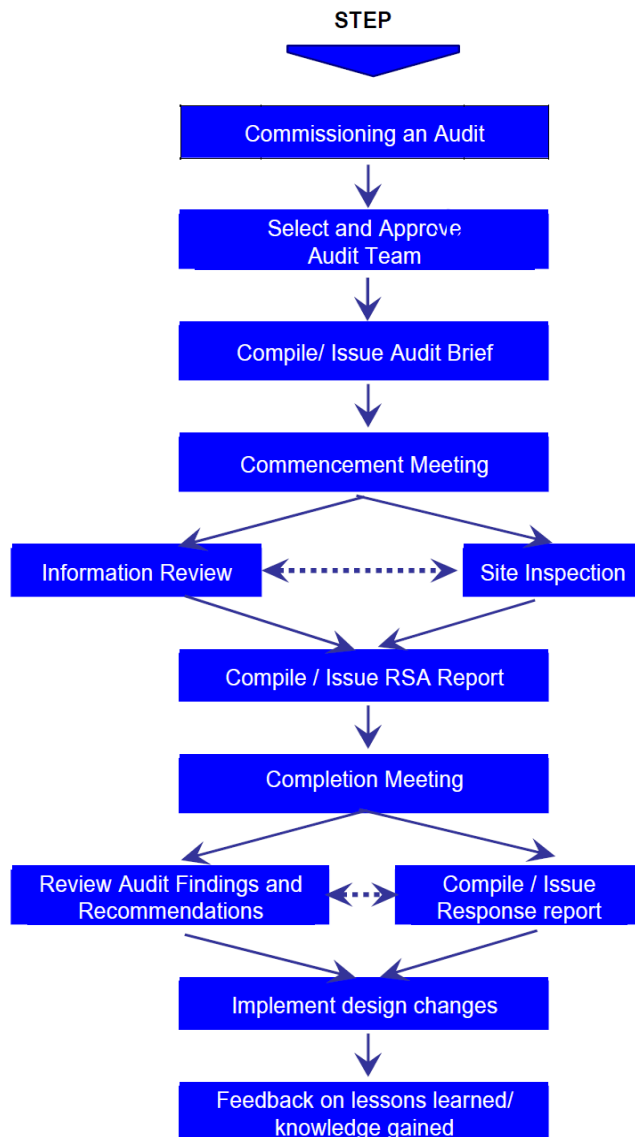
On certain roads within the Municipality, Outdoor Dining or Trading and Events are allowed if approved in terms of the relevant Policy. Business that have frontage onto the Road Reserve, may submit applications for proposed outdoor dining or trading and events withi. To commence the process for applications for Outdoor Dining or Trading, a site plan detailing the proposals must be prepared and processes followed in terms of the relevant policy. For example, applications for Outdoor dining, including layout plans, must be submitted to the Corporate Services Directorate. Additional processes required for Outdoor Dining or Trading and Events on sidewalks may also include the following:

- Wayleave Application (as described above)
- Building plan Application for any proposed structure
- Land Use Planning Application
- Lease Agreement
- All relevant approvals



## 7. Road Safety Audit Process

A Roads Safety Audit will be carried out to determine the impact of the proposed construction work, use of sidewalk, landscaping, structures, outdoor dining or other commercial activity allowable within the road reserve. Road Safety Audit will also be carried out on existing scenarios, for alignment and compliance with Policy. Road Safety Audits will determine impacts on the safety of pedestrians, cyclist drivers etc. The road safety audit methodology is prescribed in the South African Road Safety Audit Manual, Chapter 4 refers to proposed interventions and Chapter 5 makes reference to Roads Safety Audit on existing scenarios.



Aspects to consider when conducting the road safety audit:

- Is the minimum width for the pedestrian belt sufficient for the prevailing conditions?
- Will pedestrian facilities be satisfactory for visibility, the disabled, the elderly, children etc?
- Will cyclist or other road users be affected?
- Are tripping hazards present?
- Will vehicle sight distances and visibility be affected by the proposed intervention?
- Will the proposed intervention negatively affect neighbouring properties?

- Will the accessibility / maintenance of services be affected?
- Will existing traffic operations be negatively affected?

The following process should be followed when carrying out a road safety audit:

### Step 1: Estimate the Frequency of Possible Incidents

FREQUENCY	DEFINITION
Frequent	One or more per month
Probable	One or more per year (but less than one per month)
Occasional	Once every one to three years
Remote	Less frequent than once in three years

### Step 2: Estimate the Severity of Possible Incidents

SEVERITY of OUTCOME	EQUIVALENT CRASH OUTCOME
Catastrophic	Likely multiple deaths
Serious	Likely death or serious injury requiring hospitalization
Minor	Likely minor injury
Negligible	Likely trivial injury or property damage only

### Step 3: Determine the Level of Risk

		FREQUENCY			
		Frequent	Probable	Occasional	Remote
SEVERITY	Catastrophic	Intolerable	High	High	Medium
	Serious	High	High	Medium	Medium
	Minor	High	Medium	Medium	Low
	Negligible	Medium	Medium	Low	Low

#### Step 4: Course of Action

RISK	
Intolerable	Proposed Landscaping or Outdoor Dining can-not be allowed.
High	Proposed Landscaping or Outdoor Dining can-not be allowed.
Medium	Proposed Landscaping or Outdoor Dining may be allowed, on condition that mitigation measures be effectively implemented.
Low	Proposed Landscaping or Outdoor Dining may be allowed.

Where the impact of proposed landscaping, structures, outdoor dining or other commercial activity is determined as being Intolerable or High, the application will be declined. Where a risk is determined as Medium, the application may be approved on condition that mitigation measures be introduced. Where the risk is designated as Low the application may be approved, along with any condition stipulated by the Municipality.

#### 8. Aligning Existing Scenarios with Policy

Landscaping and other structures located within the road reserve that is not in compliance with Municipal processes, will require rectification. Rectification will also be required for outdoor dining or other commercial activities that has not been approved by the Municipality.

The rectification process will in general include liaison with the relevant landowner(s) providing time frames for rectification. The Municipality will communicate to residents and businesses the procedures for the rectification and regulation of landscaping, outdoor dining and other commercial activities.

Where there is non-compliance with time frames provided, or an unacceptable risk of danger to motorists, cyclists or pedestrians (as assessed and determined by the Municipality), the Municipality may remove landscaping and other structures located within the road reserve that is not in compliance with Municipal processes, in terms of the provisions made in the Municipality's By-law on Roads and Streets.

This ensures an acceptable level of risk to both the users of the sidewalks as well as to the Municipality.

The Municipality appreciates the acknowledgement and support from the citizenry, private sector and all sidewalk users in ensuring that the risk to pedestrians and road users is mitigated, and that all parties are collectively contributing towards a safer community in Stellenbosch Municipality

#### 9. SHORT TITLE AND COMMENCEMENT

This policy is called the Stellenbosch Municipality's Policy on Sidewalk Accessibility and will commence on the date of publication.