

BLOCKING SIDEWALKS WITH PARKED VEHICLES

From the Florida Driver's Handbook:

Where Parking is not Allowed

- On the roadway side of another parked vehicle (double parking).
- On crosswalks.
- **On sidewalks.**
- In front of driveways.
- By curbs painted yellow or where "No Parking" signs are posted.
- Within intersections.
- Within 15 feet of a fire hydrant.
- Within 20 feet of an intersection.
- Within 20 feet of the entrance to a fire, ambulance or rescue squad station.
- Within 50 feet of a railroad crossing.
- On the hard surface of a highway where parking spaces are not marked.
- On any bridge or overpass or in any tunnel.
- Within 30 feet of a rural mail box on a state highway between 8 a.m. and 6 p.m.
- Within 30 feet of any flashing signal, stop sign or traffic signal.
- In such a way that you block or create a hazard for other vehicles.

316.1945 of the chapter of the state statutes that deals with motor vehicle law says regarding stopping, standing, or parking prohibitions in specified places: "Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall: stop, stand, or park a vehicle on the roadway side of any vehicle stopped or parked at the edge or curb of a street; **on a sidewalk**; within an intersection; on a crosswalk."

The question of legality regarding blocked sidewalks comes up frequently, and as trifling as it may seem to some, it's a significant safety issue. It's also a liability concern for motorists who think nothing of blocking a sidewalk, so it's well worth devoting some time to understand.

The short answer is no, it's not legal in Florida to park in such a way that a sidewalk is blocked, however, literalists may want to argue the language in the state statute, which defines a sidewalk as "that portion of a street between the curblines, or the lateral lines, of a roadway and the adjacent property lines, intended for use by pedestrians."

Although blocking a sidewalk or parking across a sidewalk is not explicitly referenced in the law, parking a vehicle "on a sidewalk" is. Specifically, here's what section 316.1945 of the chapter of the state statutes that deals with motor vehicle law says regarding stopping, standing, or parking prohibitions in specified places: "Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall: stop, stand, or park a vehicle on the roadway side of any vehicle stopped or parked at the edge or curb of a street; **on a sidewalk**; within an intersection; on a crosswalk."

Obviously, from a safety perspective, a blocked sidewalk is problematic for all pedestrians, bicyclists and people who rely on motorized vehicles to get around. Too often they find themselves forced from the relative safety of the sidewalk into the street because sidewalk access is blocked due to a vehicle parked overtop the sidewalk. The Doc recently witnessed such an incident in which a visually impaired pedestrian using a cane to navigate was forced to step into a busy street because a parked delivery vehicle was blocking the sidewalk.

By the way, it's also not legal to stop overtop a sidewalk when waiting to pull out into traffic, no matter if a motorist is entering a roadway from private road or private driveway, or emerging from an alley or the parking lot of a business. Motorists must stop short of a sidewalk — this means no creeping onto a sidewalk area that extends across the alley, building entrance, road or driveway. Even if there is no apparent sidewalk, vehicles have to stop at the point nearest the street that allows the driver a view of approaching traffic and pedestrians.

The bottom line is that parking a vehicle on a sidewalk constitutes a noncriminal traffic infraction in Florida, which is punishable as a nonmoving violation.

Florida laws permits each municipality or county to adopt ordinances regarding the specifics of parking rules as long as they aren't in conflict with state laws, and the clerk of the court or the designated traffic violations bureau collects and distribute the fines, forfeitures, and court costs assessed. **Citizens may report vehicles that are parked on sidewalks by contacting the local law enforcement agency's non-emergency phone number.**