

PARKING LOTS SAFETY

Recently we have had an influx of cases involving parking lots; trips, slips, loss of balance, vehicle collisions... you name it. While we're not exactly sure why parking lot cases are becoming more popular in our line of work, we can assume that the lack of maintenance, subpar pedestrian-vehicle interfaces, and outdated design flaws we've witnessed are beginning to catch up with the owners of said parking lots. In this article we'll go over the top three reasons a parking lot could be unsafe.

1. Poor maintenance.

As mentioned previously, poor maintenance is one of the deficiencies we see a lot. Things like potholes, worn paint striping, loose pavement, and askew wheel stops can turn a parking lot into a hazardous place for pedestrians to traverse.



Image 1: A pothole in the pavement.

Many parking lots are part of the exit discharge portion of a means of egress, which is defined in section 3.3.90 of the NFPA 101 Life Safety Code as the portion of the means of egress between an exit and a public way. NFPA states that means of egress must be unobstructed and unimpeded at all times (7.1.10.1*). Potholes, changes in elevation, wheel stops obstructing the path, slippery conditions, etc. would all be considered an impediment or obstruction to the means of egress. This code applies in most states, including Florida.

In addition, most municipal codes include a provision which states that the exterior portions of any property must be maintained in a safe condition and in good repair.

The ASTM F1637 Standard Practice for Safe Walking Surfaces (which is a national standard of care) also states similar provisions, as well as having provisions about paint striping and loose pavement. So, if there is an issue with maintenance in a parking lot, these three resources give you a good backbone to win any argument.

2. Poor Pedestrian-Vehicle Interface.

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Many issues in parking lots arise from poor pedestrian-vehicle interface. Look for things like non-compliant accessible routes, sightline obstructions, and lack of delineation between walkways and drive aisles.



Image 2: Accessible route would require pedestrian travel behind parked vehicles into the drive aisle.

Accessible routes are required to connect all accessible elements on a site, such as parking spaces and building entrances, and are even required to connect to public sidewalks and bus stops. Accessible routes are not allowed to pass behind parked vehicles, and if they cross a drive aisle, should be conspicuously marked with a crosswalk or similar. Details about these requirements can be found in section 553.5041 of the Florida Statutes, and within sections 206 and 502 of the Florida Building Code, Accessibility. If you are outside of Florida, you can look at the 2010 ADA Standards for Accessible Design, sections 206 and 502.

Accessible routes, while their purpose being to aid people with disabilities, are in themselves site elements that are required by law. So if a parking lot does not include an accessible route, whether your Plaintiff is disabled or not, it is a building code violation.

Sightlines are also important to consider. While we do not deal with sightlines individually, we can work closely with a human factors expert or biomechanical engineer to determine how sightlines could have influenced the incident.

In addition, marked pedestrian areas are important on a site to delineate the separation between vehicles and pedestrians. We have had a case in the past where the crosswalk in a parking lot was worn down so much that it was barely comprehensible, and a pedestrian got hit by a car in that area. We were able to argue that if the crosswalk striping was more present, the driver would have had more of a visual cue to realize he was driving in a pedestrian area, and thus may have been more cautious.

3. Poor Design.

Some parking lots have a deeper issue—poor design. Things like the depth of parking spaces, width of drive aisles, placement of exits, landscaped areas and signage, and overall layout are things to consider. No amount of maintenance can replace the need for good design.

Image



Image 3: Ample space to back out, low shrubbery to not obstruct sightlines, accessible parking connects to sidewalk.

For instance, say a path was provided for pedestrians to traverse the parking lot, but when the path got closer to the building, a landscaped area was placed right in the middle of the path, without providing an alternative route to take around it. This situation could cause pedestrians to walk into and over the landscaped area, or even walk into the drive aisle, which can lead to unsafe circumstances. The surface of the landscaped area could be uneven, with roots to trip on, etc., and walking into the drive aisle could get them hit by a car. You would think this is an odd circumstance, but we have seen it happen.

All three of the above listed deficiencies go hand in hand with one another, and many parking lot issues are a combination of two or all of them; poor maintenance, poor pedestrian-vehicle interface, or poor design. We are well-versed in parking lot safety and can help you determine the best route for you to go, whether you are on the Defense or Plaintiff's side. Give us a call to discuss the specifics of your case! (813) 226-2220