

**Response by Chartered Institution of Highways & Transportation, CIHT Scotland
Scottish Policy Forum**

The Chartered Institution of Highways and Transportation (“CIHT”) is a membership organisation representing over 14,000 people who work in the highways and transportation sector. We have over 1,200 members in Scotland. CIHT members plan, design, build, operate and maintain best-in-class transport systems and infrastructure, whilst respecting the imperatives improving safety, ensuring economic competitiveness and minimising environmental impact. CIHT Scotland embraces both public and private sectors across the whole geography of the nation and welcomes the opportunity to comment on the consultation on The Transport (Scotland) Bill. The consultation proposes changes in six areas of relevance to our members and we offer proportionate comments on each of the topics.

Bus Services

The Institution welcomes the proposals in the Bill since they go some way to dealing with concerns about current legislation, the limited scope for local authority influence and lethargy within the commercial bus sector.

However, we remain concerned that the initiatives outlined in the Bill, whilst providing opportunity to improve the service offer to the travelling public, do not in themselves provide the step change needed to address the continued significant decline in bus patronage in many areas and the resulting over-dependence on car usage. With the most recent figures (TATIS, 2017) showing a decline of 22% over 10 years (from 487m down to 380m passenger journeys), this ongoing trend merits serious attention to reverse the decline of bus patronage which, for context, exceeds rail carryings (98m passenger journeys) by a factor of four.

The Bill’s proposals for partnerships and franchising do not really confront the key problem that local authorities will struggle to provide the necessary funding due to ongoing financial constraints. The proposed Bus Services Improvement Partnerships are welcomed in principle as providing a more practical and flexible form of partnership, although the proposals appear administratively cumbersome and will demand financial commitments for the necessary improvement plan. The Franchising proposals are welcomed as a potentially simpler and more attractive proposition than Quality Contracts. However, the administrative steps appear challenging and may only be considered feasible and worthwhile by the larger local authorities.

The proposed amendment to the 1985 Transport Act to allow Councils to introduce bus services where there is an ‘unmet requirement’ is also welcomed, although there is an inherent risk from commercial operators including the emergence of a commercial registration once the Council-owned service starts operating. This, along with funding constraints, may discourage uptake of this proposed measure.

Parking

The Institution confirms its previous support for the proposed ban on pavement parking and also double parking. The measures should help roads authorities to better comply with the Equalities Act 2010 and practically improve matters from the viewpoint of “equalities” for all road users including those who are mobility impaired, encumbered or vulnerable. If properly enforced, the new measures should also reduce surface repair costs and damage to utilities equipment, whilst improving pedestrian safety.

Enforcement will, as ever, be crucial to the success of the measures. The granting of powers to Local Authorities carries clear responsibility but this may prove challenging for Councils that do not already have decriminalised parking schemes.

The delegation of power to local authorities to exercise exemptions is a sensible suggestion as they are already skilled in assessing specific impacts of new parking controls, especially where boundary adjustments are introduced. Local knowledge and professional expertise can both anticipate and ameliorate any displacement impacts with safety or congestion effects. Councils and the Police are also experienced at introducing new road layouts and regulations with good advance publicity and a (strictly limited) initial settling-in period when PCN issuing could be relaxed.

In support of the new legislation, the Institution would recommend that the new parking legislation is reflected in the development of future designs underpinned by national, regional and local planning and transport policies and practice, and in the management and enforcement of existing networks. Also, proposed exemptions should be monitored to ensure that the exemption description are concise enough to facilitate enforcement without dubiety.

Low Emission Zones

Consultation is an important feature when change is proposed and while this is specified in the Bill, the consultation requirements do not make clear the basis on which a Local Inquiry would be triggered.

The Institution is broadly supportive of the LEZ proposals whose fundamental aim is to improve air quality. Across Scotland there is several Air Quality Management Areas which have been in place for at least 10 years. Current action plan measures do not appear to be reducing pollutant concentrations enough to result in the revocation of AQMAs. We understand that this Bill is to support Scottish Government and the Clean Air for Scotland Strategy (CAFS). It is not clear how this Bill and the National Low Emission Framework and the National Modelling Framework (NMF), currently being developed as part of CAFS, will tie together.

We welcome the proposed rationale that a low emission zone scheme must specify the scheme's objectives so that the public are aware of the reasons for developing such a zone. The Bill further specifies the inclusion of an objective of contributing towards meeting the air quality objectives prescribed under section 87(1) of the Environment Act 1995. While this should bring about some consistency in approach between local authorities, no other parameters are specified in relation the setting of objectives. The Bill states at 9(5) 'A scheme may make different provision for different purposes or areas'. The Bill should require that the primary objective of LEZs is the achievement of Scottish Air Quality Objectives, and that all scheme objectives should clearly support this. The evidence-base to ensure that an LEZ would result in air quality benefits would be extremely important but could be an expensive process should each Council have to undertake a feasibility study. Who would fund this? Has Scottish Government set aside a funding?

It is also important that (any) displacement effects of scheme objectives and the proposed LEZ are tested in the NMF (which is still be developed), and through local traffic modelling. Where there is an impact, suitable mitigation should be delivered otherwise the air quality problem may simply be displaced to a neighbouring Council area where there is no LEZ. The Bill should also require that stated scheme objectives be tested for compatibility with relevant transport strategies/mobility plans, parking strategies, development plans, committed

development, equalities impact and economic impact. The objectives of the LEZ must be clear prior to commencement to allow annual progress to be measured. This should be related to key objectives, ultimately the improvement in air quality. This has implications for Councils to deploy additional air quality monitoring, at additional cost. Funding for this and the potential requirement for retro-fitting buses to enable them to travel in the LEZs needs to be considered by Scottish Government.

Road Works

The Institution is supportive of the range of additional powers proposed for the Scottish Road Works Traffic Commissioner (SRWC). There is reference to variance in powers (including reporting non-compliances to the Procurator Fiscal) and clarification of the legal status of the SRWC would be helpful.

There is some concern, however, that Local Authorities and Utility companies would be treated equally in relation to qualification standards. Also, the rationale for the SRWC approving quality plans on local roads is not entirely clear. There is a suggestion that some utilities deploy contractors (often with cascaded sub-contracting) that results in sub-standard reinstatement work, and when some Local Authorities could assist by undertaking reinstatement work under agreement? It is hoped that compliance would act as a deterrent to utility companies sub-contracting this work to contractors that do not produce satisfactory quality. We welcome the requirements to notify actual starts and works closed within specified timescales to improve the accuracy of information relating to road works on the Scottish Road Works Register and through syndication channels including Roadworks.org which should permit better monitoring. Traffic management planning and scheduling relies on data from multiple parties and clear responsibilities for input and performance in the outputs (the works themselves) which ensure the safety of road workers, minimise impact to road users and enforce re-instatement standards.

The Institution is pleased to see the proposed re-introduction of quality plans which should help to focus the mind at the outset and give roads authorities the opportunity to comment/modify in advance of the works but would also provide a benchmark against which subsequent actions can be measured and justified. It would be helpful if these plans could be developed by Authorities or their contractors, shared, reviewed, amended approved or rejected using the latest technology platforms or applications available in the market today. Hopefully this process would also result in the identification of good practice and the ability to share good work outcomes (“lessons learned”) without incurring increased administration costs. The real test of effectiveness of new measures needs to be strongly focussed on outputs of proper quality of reinstatements and reduced delays to road users. The Institution would recommend the development of a performance regime, KPIs and consideration of a lane rental scheme to ensure the impacts of works to road users are minimised.

The Institution also welcomes the requirement to place details of all utility apparatus onto the Scottish Road Works Register: the register is a technical tool designed for use by the industry, not for general public consumption beyond the high-level information already available. We understand that RUAC(s) have arranged for plant data to be stored in VAULT and would suggest this is kept to registered users for security purposes. The question relating to the currency of plant information stored on the Register would need to be defined, identifying whose responsibility it would be to ensure this was accurate, with the suggestion that utility companies should be obligated to provide this assurance. Timescales for uploading and ensuring data currency and validity would need to be considered to provide a level of confidence in the information contained on the system.

Smart Ticketing

The Institution welcomes the proposals to improve the consistency of service information and integrated travel offer through the introduction of a national smart ticketing standard and a national advisory board. Too often services are inadequately promoted and confidence lacking in connectivity, therefore, the plan to encourage multi-operator smartcards should promote integration and reliability of journeys in the multi-operator transport network. It should also bring equitable treatment as there are many cases where smaller operators are ignored in publicity issued by a dominant operator to the detriment of the travelling public. Also, in recognition of the importance of tourism to Scotland's economy as well as Scotland's multi-cultural population, the provision of basic information in languages other than English should also be considered.

In further developing the integrated ticketing offer, it is of importance to ensure the consumer is integral to considerations. Accordingly, consumer representation on the national advisory board is important alongside representatives who operate services. While the ticketing proposals are supported, care must be taken to avoid over-reliance on smartcards as the only way forward. Other options such as contactless payment, mobile phones and other smart wearable travel IDs offer a viable alternative to off-bus fare payment, supporting increased boarding times, improved service reliability and reduced operating costs. Care must though also be taken so that future payment mechanisms and ticket options ensure that our public transport network remains accessible to all the travelling population.

It is not clear if a single brand for the national smartcard is proposed and this should be confirmed. A one-brand approach would aid the objective of consistency allowing users and operators to readily identify cards that can be used for travel across Scotland as would reciprocating the requirement that bus operators must link to train and ferry tickets. Consideration should be given to the additional administrative burden falling onto local authorities to respond to directives from Scottish Ministers and having to provide annual reports at a time when council budgets and resources remain constrained. Overall the proposed measures should help to boost customer confidence to undertake integrated journeys thereby encouraging modal shift away from the private car.

Regional Transport Partnerships

The Institution supports the proposals in the Bill to allow RTPs to carry over surplus funds from one financial year to another. This will undoubtedly assist RTPs in the management of their finances and facilitate the establishment and maintenance of funds for capital and revenue projects. The facility to ensure against risks is also welcome.

However, all of this does little to enhance the strategic ability of RTPs to maximise improvements to transport while they remain constrained by restrictions in finance. This needs to be addressed as a matter of priority if improvements to strategically significant regional transport projects that also enhance national connectivity are to be made.

Scottish Canals Board

While these proposals appear to be purely administrative, it is worth commenting that the value of Scottish canals as a transport resource may be under-valued. Apart from water-borne traffic, the associated towpaths and footpath/cycle track linkages offer a significant resource and opportunity to further promote the Scottish Government's stated ambitions for Active Travel.

End.