

RURAL ECONOMY AND CONNECTIVITY COMMITTEE

TRANSPORT (SCOTLAND) BILL

SUBMISSION FROM TRANSFORM SCOTLAND

Transform Scotland

We are Scotland's alliance for sustainable transport. We campaign for walking, cycling and public transport to be the easiest and most affordable options for everyone. Our diverse membership brings together public, private and third sector organisations from across Scotland. We are a registered charity, politically independent and strictly science-based. We are a registered Scottish charity (SC041516).

Transform Scotland welcomes the opportunity to submit these comments and would be pleased to engage with the Rural Economy and Connectivity Committee further on this subject.

Introduction

Shortly prior to the Bill's introduction to Parliament, Transform Scotland published a report on what we then understood to be the likely provisions of the Bill.¹ The comments in this evidence paper represent an abbreviated version of our report, but updated in light of the contents of the Bill as introduced to Parliament.

We welcome much of the content of the Bill -- although one clear exception to this concerns the provisions on parking, as set out below.

Nevertheless, we would characterise the Bill as a missed opportunity, in particular as regards tackling the underlying causes of decline in bus patronage and in providing Local Authorities with suitable powers for implementing road traffic demand management. This is unfortunate as we envisage that there may not be time for further legislative measures on transport to be brought forward within the current Parliament.

Our submission focusses on our main areas of concern. We do not comment in detail on:

- Low Emission Zones. We strongly welcome the measures proposed.
- Smart Ticketing. The Bill's provisions are largely technical and/or concern the governance of ticketing schemes. The key issue is whether they will deliver a

¹ Transform Scotland (2018) 'Getting the Bill Right'. Available at <http://transformscotland.org.uk/blog/2018/05/29/getting-the-bill-right-transform-calls-for-parking-levies-in-governments-transport-bill/>.

national smart ticketing scheme at an early date, providing value for money and seamless travel on public transport; fully integrated with all public transport modes, including cycle hire; ensuring transport centres are able to sell tickets across Scotland; a national network of agents able to sell tickets, and online purchase; ensuring users can easily choose the best value option.

- Regional Transport Partnership Finance and Scottish Canals. These appear to be largely 'tidying up' measures.

We consider the Road Works provisions of the Bill to be critical. We would urge the REC Committee to consider whether they will deliver the improvements sought by the Scottish Government, and enhance sustainable and active travel modes, which are often disadvantaged by road works, as set out in our previous papers.²

Bus Services

The provisions regarding bus services are a missed opportunity. In focussing on the ownership and control of bus services, they miss the major challenges affecting the stated objectives of the Bill -- that is, declining patronage.

We have no objection to Local Authorities gaining greater powers over bus services in their areas, if they wish. We suspect, nevertheless, that few Local Authorities will make much use of these proposed powers, because:

- The demands placed on them in deploying the powers are extensive. Few, if any, LAs have the resources (notably staff) to fulfill them. The Bill underestimates the loss of transport planning and management experience which has taken place over the past two decades. Theoretically the expertise (staff) could be transferred from operators to Local Authorities, but the complexity, challenges and risks of doing so are substantial.
- Our understanding is that at least the larger Local Authorities do not wish to operate services directly.³ They would need to consider how to ensure any interventions do not squeeze small operators in their area, who may be under pressure from other requirements of the Bill. The risk is that only the large operators will survive, which neither proponents of nationalisation nor privatisation appear to seek.

² Ibid.

³ See, for example, Glasgow City Council Environmental, Sustainability & Carbon Reduction City Policy Committee report 'Transport (Scotland) Bill 2018 Call for evidence' section 3.2.

Conversely, Bus Services Improvement Partnerships do not require Local Authorities to invest in infrastructure (unlike the legislation it replaces), but invite them to introduce supportive measures (e.g. reducing parking).

The Bill allows Local Authorities to set bus service standards if they adopt some of the proposed powers. Transform Scotland strongly supports this in any case, as an alternative to the national targets which we advocated in our previous report. The key point is that bus services should be subject to some kind of published user-oriented standards. We believe the Scottish Government should establish a public database of standards across Scotland.

Transform Scotland's main concern is that the Bill completely overlooks the critical factors in declining bus patronage. These were set out in research by KPMG:⁴

- Congestion and its impact on journey times, reliability and costs.
- The impact of parking.
- Lifestyle changes e.g. online & out-of-town shopping, and potential future disruptive technologies.
- The relative low cost of car use.
- Declining revenue from government, against a background of rising costs.

It is well established that bus patronage has been declining since at least 1960; this was unaffected by deregulation in the 1980s.⁵ Of approximately 15 publicly-owned operators in the UK which operate multiple routes, only 3 appear to have stabilised or grown patronage. Equally, some privately-owned operators have grown their market. Insofar as common factors have been identified, they appear to be:

- Local highway policies
- High quality management (examples cited in both public and private sectors).

Appropriate local highway policies can be addressed by placing Local Transport Strategies on a firmer footing; many Local Authorities appear to have let them fall into abeyance. Whilst ideally the Bill would make them a statutory requirement, we understand that the issue will now be dealt with by the National Transport Strategy Review.

⁴ KPMG (2017) 'Trends in Scottish bus patronage'.

⁵ See Appendix.

The Bill includes no measures to simplify and facilitate Traffic Regulation or Redetermination Orders. As well as encouraging Local Authorities to establish bus priority measures, this would have cost-saving benefits, and make engagement in the process easier for the public.

The Bill should facilitate enforcement of traffic regulations. We have previously suggested a range of measures, such as streamlining the process for certifying bus model/camera combinations, and extending decriminalised regimes to allow traffic attendants to enforce a range of bus lane and cycle lane parking offences. In the pavement and double parking sections of the Bill, the Scottish Government recognises the need for more decriminalised parking regimes. Therefore it would not, in principle, be difficult to consider measures to widen traffic attendants' powers.

Parking

Whilst we take no issue with much of the Bill, a significant exception is the provisions on parking. Here it is worth going back to first principles. The stated objectives of the Bill include addressing parking on pavements. It reflects previous Private Bills, including those drafted by Ross Finnie MSP and Sandra White MSP, which sought to eliminate the problems caused to pedestrians, and to address the ambiguities and inadequacies of existing legislation. We believe that these objectives gained significant support, and were widely supported in Transport Scotland's pre-Bill consultation.⁶

The Bill largely does so in respect of parking in residential areas. However, in busy urban areas, the Bill achieves the remarkable feat of neutering itself, if not actually making the problem worse.

It sets out to prohibit parking on pavements, with a number of exemptions (many of which are pragmatic), and allowing highways authorities to make others.⁷ However, the blanket exemptions include allowing motor vehicles to park on pavements when loading or unloading for up to 20 minutes. This gives carte blanche to pavement parking in areas of commercial activity. We understand that Transport Scotland intends to 'clarify' this by publishing guidance.⁸ This begs the question of why the Bill was not adequately clarified in the first place; specifically, it bypasses the opportunity for democratic scrutiny of a critical part of the Bill.

Responses to Transport Scotland's consultation⁹ highlighted the wide range of reasons why drivers currently park on pavements. The Bill, which apparently assumes that allowing

⁶ Transport Scotland (2018) Improving Parking in Scotland Consultation Analysis Report.

⁷ Transport (Scotland) Bill, clauses 43 and 46.

⁸ Transport Scotland seminar, Victoria Quay, Edinburgh, 6 August 2018.

⁹ Transport Scotland (2018) Improving Parking in Scotland Consultation Analysis Report.

loading on pavements for 20 minutes will not normalise the practice, is either naïve or inept. We expect that the Bill's provisions, as currently drafted, would have the significant negative unintended consequence of legitimising pavement parking. The proposals here are effectively enforceable -- for example, it is unrealistic to expect traffic attendants to wait for up to 20 minutes to ensure that a vehicle has not exceeded the time limit.

If there is a location where there might be a case for permitting pavement parking in some circumstances, the Bill already allows Local Authorities to apply local exemptions (although the Bill should require an Equality Impact Assessment in such cases, which it currently does not).

This all flies in the face of the consultation.¹⁰ Only 15% of respondents supported any exemption for delivery vehicles. Only 18% favoured such an exemption even on grounds of safety. This is fewer than the proportion of respondents who supported no exemptions of any kind.

The Government claimed that this Bill would address the issues identified in Sandra White MSP's Bill in the previous Parliament. That Bill included no provision for loading/unloading on pavements. Neither, as far as we are aware, did the Local Government and Regeneration Committee, which scrutinised that Bill, raise it as an omission.

Interestingly, the Bill allows the same exemptions for double parking as for pavement parking (thereby undermining these provisions as well). This raises the question whether double parking is a 'reasonable' alternative to the pavement.

Managing demand

A key component of any set of policies which aim to reduce emissions, discourage inconsiderate parking, and encourage bus use, is, or should be, limiting demand for travel by modes which pull against these aims. The Bill fails to bring forward any measures to assist Local Authorities in this task, and as such represents another significant missed opportunity in the Bill.

Transform Scotland has previously presented the case for permitting Private Non-Residential Parking Levies in the Bill.¹¹ This would bring the legislation in line with that which exists in England and Wales. The best known of these is the Workplace Parking Levy (WPL).

WPLs have been proven to reduce the use of private cars in urban areas, whilst increasing the use of public transport and active travel. The charge is levied on premises, not

¹⁰ Transport Scotland (2018) Improving Parking in Scotland Consultation Analysis Report.

¹¹ Transform Scotland (2018) 'Getting the Bill Right'.

individuals. Nottingham Council's WPL has resulted in a significant increase in modal shift to public transport, walking and cycling; a 33% reduction in carbon emissions; and has raised over £25 million of revenue which has been reinvested in the city's transport infrastructure.

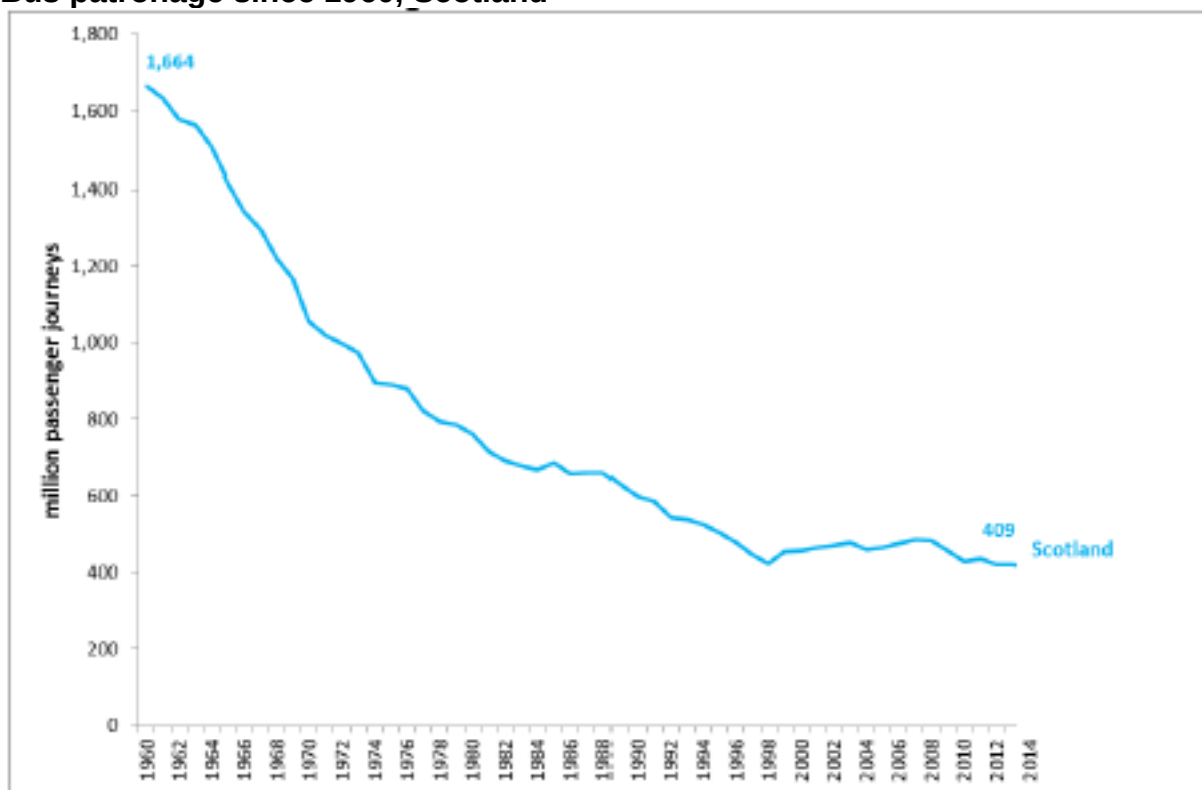
Summary

We recommend the following amendments to the Bill:

1. Include a requirement, possibly in clauses 36 (and 37 in the remit of the National Smart Ticketing Advisory Board) setting out the aim of delivering a national smart ticketing scheme that provides value for money and seamless travel on public transport; is fully integrated with all public transport modes; ensures transport centres are able to sell tickets across Scotland with a national network of agents able to sell tickets and online purchase; and ensures users can easily choose the best value option.
2. Require the Scottish Government to establish a public database of bus service standards across Scotland.
3. Require Local Authorities to adopt, and update regularly, Local Transport Strategies.
4. Introduce measures to simplify and facilitate Traffic Regulation or Redetermination Orders, in order to encourage bus priorities, and make engagement in the process easier for the public.
5. Facilitate the enforcement of traffic regulations, e.g. by streamlining certification of bus model/camera combinations, and allowing traffic attendants to enforce a range of bus lane and cycle lane offences.
6. Delete clause 47(6) from the Bill (parking exemptions referred to above)
7. Add provisions to allow Local Authorities to introduce Private Non-Residential Parking Levies.

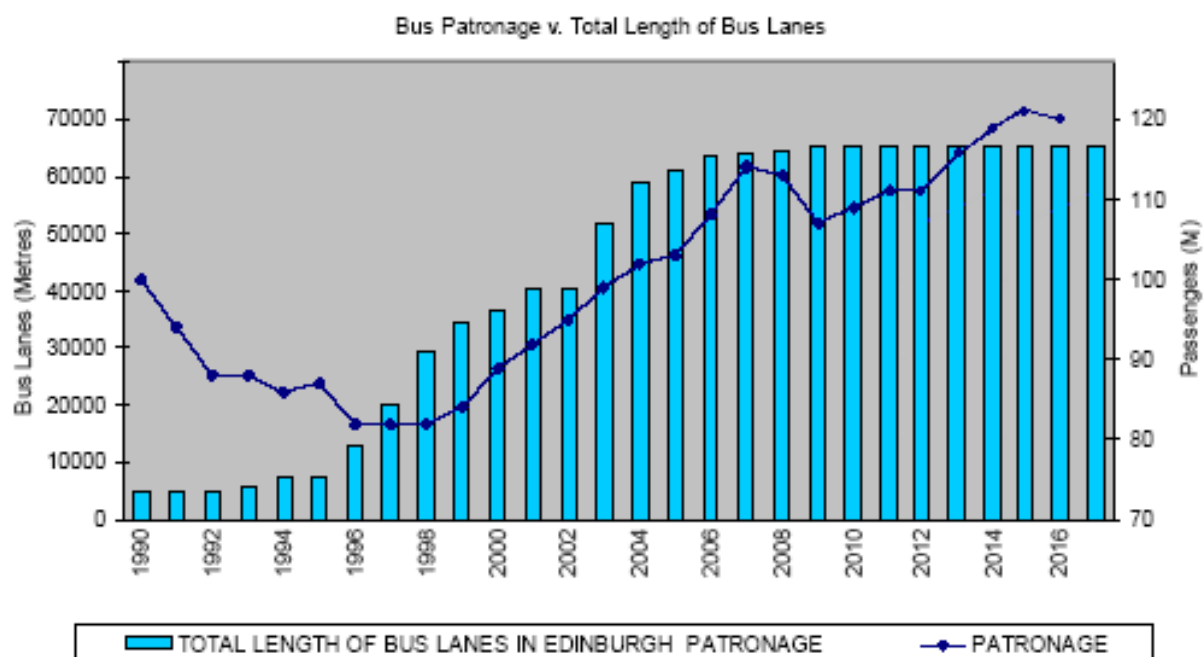
Appendix

Bus patronage since 1960, Scotland



Source: Scottish Transport Statistics 2016

Correlation between bus lanes and patronage, Edinburgh



Source: original City of Edinburgh Council, updated by Transform Scotland.