

Report to Partnership Meeting 14 September 2018

CONSULTATION

Transport (Scotland) Bill Consultation

Purpose of Report

This report invites Members to consider HITRANS response to the Transport (Scotland) Bill consultation.

Background

The Transport (Scotland) Bill was introduced by the Cabinet Secretary for Finance and Constitution, Derek Mackay MSP, on 8 June 2018. The Bill covers a wide range of different transport topics, including

- Part 1 - low emission zones
- Part 2 - bus services
- Part 3 - smart ticketing and other ticketing arrangements
- Part 4 - prohibition of pavement and double parking
- Part 5 - road works
- Part 6 – (miscellaneous and general) Regional Transport Partnerships: finance and The British Waterways Board.

Rural Economy and Connectivity Committee

The Scottish Parliament's Rural Economy and Connectivity Committee has invited all interested individuals and organisations to submit written views on the Transport (Scotland) Bill.

The Committee has launched a survey and call for views. Details of the Transport (Scotland) Bill can be found at <http://www.parliament.scot/parliamentarybusiness/Bills/108683.aspx>

The Bill intends to make provision for the following:

Part 1 of the Bill enables the creation of **low emission zones** in Scotland which can be enforced, with the aim of improving air quality and reducing greenhouse gas emissions. This would restrict driving in certain areas by road vehicles which fail to meet emission standards.

Part 2 of the Bill - bus services. This Part is intended to provide local transport authorities with options to improve bus services in their areas. This could include partnership working with operators, local franchising or running their own buses. Part 2 also aims to improve the information given to passengers.

Part 3 of the Bill - smart ticketing. This Part would create a national technological standard for smart ticketing to assist the spread of smart ticketing across public transport in Scotland, and provide local transport authorities with further powers for smart ticketing arrangements and schemes.

Part 4 of the Bill - responsible parking. This Part proposes to improve safety for roads users and pedestrians by prohibiting double parking and parking on pavements.

Part 5 of the Bill – road works. This Part would strengthen the role of the Scottish Road Works Commissioner (SRWC) and improve the regulation of road works.

Part 6 of the Bill – Regional Transport Partnerships and Scotland’s canals. This Part gives Regional Transport Partnerships (Transport Partnerships) more financial flexibility. It also allows Scottish Ministers to vary the membership and structure of the Scottish Canals Board.

A copy of HITRANS draft response is attached within Appendix 1 to this report. The deadline for submitting responses is 28th September 2018. Members are invited to consider the draft response with a view to delegating authority to HITRANS Chair and Partnership Director to submit a final response on behalf of HITRANS

Recommendation

Members are invited to;

1. note this report
2. consider the draft response prepared on behalf of HITRANS to Transport (Scotland) Bill consultation and attached as an appendix to this report.
3. delegate authority to HITRANS Chair and Partnership Director to prepare and submit a finalised response to the Transport (Scotland) Bill consultation on behalf of HITRANS

Risk Register

RTS Delivery

Impact - Positive

Comment – The national concession scheme support a number of RTS priorities relating to Public Transport and access to employment.

Policy

Impact - Positive

Comment – This review of the National concession scheme provides an opportunity for it to better support a number of the RTS objectives particularly relating to Improving accessibility and social inclusion in rural areas.

Financial

Impact – Neutral

Comment - There is no direct impact on HITRANS but the outcome of the review may have significant implications for the provision of local bus services.

Equality

Impact – Positive

Comment – The National Concession scheme helps improve access and opens up employment opportunities but a per our response to the consultation HITRANS has highlighted how this could be of more value to communities and individuals in the Highlands and Islands

Report by: Neil MacRae
Designation: Partnership Manager
Date: 15th November 2017

SUBMITTING EVIDENCE TO A SCOTTISH PARLIAMENT COMMITTEE

DATA PROTECTION FORM

Name:	Ranald Robertson
Date:	14/09/2018
Organisation: (if required)	Highlands and Islands Transport Partnership
Topic of submission:	Rural Economy and Connectivity Committee – call for views – Transport (Scotland) Bill

I have read and understood the privacy notice about submitting evidence to a Committee.

I am happy for my name, or that of my organisation, to be on the submission, for it to be published on the Scottish Parliament website, mentioned in any Committee report and form part of the public record.

I understand I will be added to the contact list to receive updates from the Committee on this and other pieces of work. I understand I can unsubscribe at any time.

Non-standard submissions

Occasionally, the Committee may agree to accept submissions in a non-standard format. Tick the box below if you would like someone from the clerking team to get in touch with you about submitting anonymously or for your submission to be considered but not published. It is for the Committee to take the final decision on whether you can submit in this way.

I would like to request that my submission be processed in a non-standard way.

RURAL ECONOMY AND CONNECTIVITY COMMITTEE

TRANSPORT (SCOTLAND) BILL

SUBMISSION FROM Highlands and Islands Regional Transport Partnership (aka HITRANS)

Introduction

The Highlands and Islands Transport Partnership (HITRANS) is the statutory regional transport partnership covering Eilean Siar (Western Isles), Orkney, Highland, Moray and most of the Argyll and Bute area (Helensburgh and Lomond is covered by SPT).

HITRANS works with Councils, the Scottish Government, Transport Scotland, Highlands and Islands Enterprise, transport operators and other stakeholders to improve transport services and infrastructure in the north of Scotland and on routes to the Highlands and Islands.

HITRANS has recently updated our Regional Transport Strategy. The update of Regional Transport Strategy has been informed by consultation with a wide range of stakeholders including public consultation on the draft Regional Transport Strategy Refresh.

The RTS vision is: *to deliver connectivity across the region which enables sustainable economic growth and helps communities to actively participate in economic and social activities.*

Part 1 – Low Emission Zones

HITRANS through the RTS direction aims to be proactive in setting an approach to reducing carbon associated with transport and travel. One of the six transport objectives for the RTS is to *protect the environment and mitigate adverse impacts of transport and travel.*

All HITRANS local authorities have incorporated electric vehicles into their fleet and have installed charging infrastructure within their area. HITRANS has developed a Regional Electric Vehicle Strategy, and this document outlines the priorities and actions which are needed to ensure the region is at the forefront of the growth in Electric Vehicles across all transport sectors. Ultra-low emission vehicles currently account for less than 0.1% of the total number of cars and vans in the HITRANS region. Encouraging greater uptake will require the necessary infrastructure to be in place for the operation of these vehicles. In terms of Electric Vehicles, Orkney has the highest levels of EVs per head of the population, with 155 registered vehicles (6%) by Quarter 3 2017.

The RTS supports more active lifestyles through maximising the opportunities for walking and cycling as a means of access for local journeys. Similarly, everyone in the region should be able to live without exposure to air quality or noise levels that are detrimental to health or a threat to personal safety associated with transport.

Within the region there is one Air Quality Management Area declared, that is in Inverness City Centre, declared for Nitrogen Dioxide.

HITRANS recognises the benefits of a LEZ, such as, and particularly, reduced emissions and improved air quality, as well as reduced consumer transport costs (from a shift to more efficient modes of transport) and supporting decarbonisation of the road transport sector by 2050 (in Scotland).

While the primary focus of LEZs is in the largest city areas of Scotland there is much we can apply of this good practice in the Highlands and Islands. HITRANS is working with partners to increase the numbers of ULEV taxis, electric buses and lower carbon technology in other modes.

A new generation of trains will be needed in the medium term of Highland rail lines and battery, hydrogen and other technologies could be a good option if full electrification of these lines proves to be prohibitively expensive. HITRANS are investigating such options in the G-PaTRA North Sea region project.

Rural areas such as much of the Highlands and Islands see a higher prevalence of older buses and coaches servicing rural communities and feeding into the main centres. Equally, many residents can rely upon their older vehicles for access to work, learning and shopping and services. Such factors are relevant in determining the applicability of a LEZ in a given location and the precise nature, content and grace periods of a scheme. HITRANS welcomes the powers granted to local authorities through the bill to determine these aspects in order that they can best match specific local circumstances. However, where air quality issues exist within the region they predominantly relate to the sections of road with the highest traffic volumes of which the majority are on the Trunk Road network or within Inverness city centre. Therefore, addressing the air quality issues and the possible introduction of any LEZ would need to be discussed closely with Transport Scotland as the trunk road authority.

Given the importance of Community and Demand Responsive Transport to accessibility particularly for those who are unable to access conventional public transport services, HITRANS suggests that operators in the area are added to the list of required consultees as part of *Part 6. Prior Consultation*. Some Community Transport operations for example may warrant particular conditions under any grace periods in a scheme's design.

Given that Scotland's major centres will be a key destination for many travelling from neighbouring local authorities and wider areas, it would also be appropriate that these neighbouring local authorities and Regional Transport Partnerships are key participants in the prior consultation. This will give opportunities for these consultees to feed into the process any factors that might not be considered by the authority applying the policy at a local level.

HITRANS welcomes Chapter 3, Part 19, whereby Scottish Ministers may make grants to help towards a person's costs in making alterations to a vehicle in order to reduce its emissions, and to a local authority to meet or help towards meeting its costs in determining, making and operating a LEZ scheme. Often cost can be a considerable barrier for both individuals and local authorities in progressing with innovation. HITRANS has a successful track record in supporting and working with local authorities to innovate across a range of transport aspects. As an RTP, HITRANS would welcome the opportunity to strategically consider the application of LEZs across the area in partnership with the constituent local authorities. Such a partnership approach has proven itself in other applications where HITRANS has a strong track record of collaboration within our region.

Part 2 – Bus Services

In the RTS it is identified that for communities and individuals there should be *“good, affordable access to and around the nearest local centre; this might be by bus, ferry, plane, community transport, on foot or by bike, with generally, for all but some distant communities, a minimum of three return public transport journeys per weekday, allowing for full or part-time employment and attendance at appointments and leisure opportunities.”*

Subsidised bus services form a large portion of the region's local bus network. Many places are served by both local services and longer distance coach routes. However, limited frequencies away from all but the main routes limit opportunities for commuting and other time sensitive trips, and can cause isolation and social exclusion for those without access to a vehicle. Recent research with young people has particularly highlighted this issue.

The requirements for Councils to provide free home to school transport means that buses and coaches, which are also used for public transport, are unavailable for some periods during the day – including in the morning peak - and school contracts dictate the need for typically larger coach style vehicles which are generally less accessible. HITRANS recognise that there are

significant challenges around the region in terms of the (physical) accessibility of the bus / coach network.

Bus service kilometres in the Highlands and Islands (including Shetland) have fallen by 10% in the five years to 2016/17. This reduction represents the greatest in Scotland. Overall, bus kilometres in Scotland have fallen by 3 per cent over the past five years, with the distance covered falling in six of the last eight years. The fall has been similar in both commercial and subsidised services. Bus passenger journeys are also falling in the region, by 10 per cent in the last year, following an increase into 2015/16, while there has been a three per cent decline over the past five years. This compares to a 10 per cent decline in passenger journeys in Scotland as a whole over the past five years.

There have been declining budgets for publicly supported bus services in the HITRANS region. In the RTS, HITRANS highlighted the need to revisit local bus subsidy arrangements to identify opportunities for improving the offer to maximise service provision in our communities.

HITRANS has a proven track record in working closely with the bus industry, and this will continue to be a focus; working with operators, piloting innovative public transport models and to support new ways of managing and delivering services.

In this context HITRANS welcomes the opportunities to consider the provision of local services by local authorities. Across much of the HITRANS region there are examples of local authority provided services including in Moray through their Dial a Ride Service and in the Western Isles where the Council operate Bus na Comhairle. An innovative and flexible approach to provision lays the foundation for improving the accessibility of some of the most remote and rural parts of Scotland. It is vital that such services are worked up in partnership with local communities, and the Empowering Communities principles should be highlighted and considered in these circumstances.

Part 2 of the Bill provides local transport authorities with powers to improve local bus service provision through statutory partnership working with bus operators, the creation of local bus service franchises and the ability to operate services themselves, where these are not in competition with commercially operated services.

The Bill also addresses a perceived powerlessness of local authorities to intervene when there is market failure and commercial bus networks do not meet the aspirations of local communities.

HITRANS experience is that operators are willing to engage with transport authorities to deliver benefits to the traveling public. We base this assertion on past experience of voluntary quality partnership / service enhancements in our area. However, while these vQPs (including latterly a draft SQP covering Inverness) were supported at the outset they did not provide a mechanism for an ongoing process and focus on improvement beyond the initial scope for a one off package of investment.

It is clear that the current sQP model is not working as intended when the only operational sQPs are restricted to one region in Scotland. It is also worth noting that this region is Strathclyde where the RTP is SPT who have continued to benefit from a different financing approach to HITRANS with capital fund still directed to SPT on an annual basis enabling them to lay the foundation for effective partnership working with operators. Had a similar arrangement been maintained for HITRANS after 2008 we would have expected an sQP to be delivered in Inverness as a minimum and other areas including Oban and Fort William would have been strong candidates for this too.

HITRANS agree with many of the provisions in the Bill relating to the introduction of Service Improvement Partnerships including the flexibility on what the transport authority is required to implement and extending the suite of measures to support bus services eg. higher parking charges or improved road works management. However, we do not necessarily feel that the absence of these positive steps was the reason for the failure to date to establish an sQP within

our region and the reduction in finance available to transport authorities particularly the RTP was a bigger factor. Other extenuating factors include the confidence the bus operator can have in making long term commitments in terms of fares and frequency levels where much of their network is contracted by the local authority. Further consideration needs to be given as to how all parties can be incentivised and / or compelled to improve the provision of local bus services. Fundamentally the success of Service Improvement Partnerships requires significant capital and revenue to deliver positive outcomes for the passenger rather than provision within existing or proposed legislation.

Given this evidence of positive progress in respect to service improvements there is potential in respect to bus service partnership plans to consider the full role of RTPs. HITRANS supports the more extensive range of available 'service standards' as part of BSIPs. The Bill highlights also the requirement for the local transport authority to invest in some way (whether through new facilities or taking certain measures to assist the operator). Given changes under Section 69 of the Bill to Regional Transport Partnership funding arrangements, HITRANS highlights the scope here that it may be the RTP that is the funder of investment in new facilities for example. This could support a strategic and targeted regional approach to such investment and would support consistency across a wider area. This is partly covered in Section 47 of the 2001 Act (as amended by paragraph 3(4) of the schedule of the Bill) which requires authorities to co-operate in relation to BSIP arrangements – although it would be helpful if the RTP opportunity was clearly set out at this part.

Similarly, in respect to franchising frameworks, the Bill outlines that the framework may be made in respect of the whole or any part of the local transport authority's area, and where two or more local transport authorities work together to make a franchising framework, the framework can cover all of the combined areas or a part of the combined area. This again sets the basis for a more formalised role for the Regional Transport Partnerships where this could add value and benefit. It would be helpful if the Bill clearly set out this opportunity.

Ticketing Arrangements and Schemes

The updated HITRANS RTS sets out our intention to continue to partner with Transport Scotland, local authorities and operators to deliver for the Highlands and Islands fully multi-operator, multi-modal and multi-journey tickets, including the use of smartcard technology.

Smooth, seamless and simple ticketing is critical on any journey, and is also particularly important for our island communities. Any journey between islands or from an island to the mainland involves at least two transport interchanges. Investment in the facilities, information and ticketing arrangements and processes on these journeys is vital to enhancing island travel. Multi-modal ticketing and smart ticketing could benefit most those travellers that require using a variety of means of transport to access their destination; often being those travelling to/from the islands. The development of a new ticketing system owned by Transport Scotland for the CHFS network is welcomed by HITRANS. There is an opportunity for this to provide a consistent system across both the NIFS network but also ferry services presently operated by local authorities as well.

The requirement for local transport authorities to co-operate with one another and to consider ticketing schemes that will facilitate travel to adjoining areas or the adoption of similar ticketing arrangements in adjoining areas is welcomed by HITRANS. HITRANS could have a role in supporting this cooperation and joint working, indeed HITRANS could lead such a ticketing scheme on behalf of partner authorities if permissible under the Act and supported by the local authorities themselves.

Pavement Parking and Double Parking

HITRANS agrees that the parking prohibitions as set out will improve accessibility in local areas. Pavement parking and double parking is a problem that causes difficulty and inconvenience for pedestrians, particularly disabled people and those with pushchairs. Such parking is the cause

of regular complaints to local authorities. Parking at drop kerbs is also a concern and challenge for those with reduced mobility, but this does not appear to be covered under the Bill.

The Transport Bill will prohibit parking on pavements which is footways and footpaths and double parking which is defined in the Bill at parking more than 50cm away from the edge of carriageway. The Bill will introduce a national ban on parking on pavements and double parking in Scotland. This will negate the need for each local authority to introduce pavement parking restrictions via TROs. The new duties will require local authorities to assess if necessary, what footways should be exempt from the national prohibition on pavement parking in accordance with directions to be given by the Scottish ministers to local authorities.

Pavement parking prohibits all vehicles excluding emergency vehicles, bikes, electric bikes, grass cutting machinery and shop mobility scooters for disabled people.

The Bill does not apply to vehicles:

- collecting waste
- postal vehicles,
- road works vehicles,
- medical professionals undertaking urgent /emergency health care,
- delivery or collection of goods (no more than 20 minutes),
- parked within an authorised bay / parking place,
- permission of the police,
- saving a life or responding to an emergency,
- providing accident / breakdown assistance,

The Bill defines that if a vehicle is stationary and one or more of its wheels are on the pavement then it would be in contravention of the legislation. The bill also states that a stationary vehicle is parked even though the driver is present and the engine is running.

Enforcement is going to be a very significant issue as the new Bill places an additional burden on the Councils already stretched enforcement teams. In the HITRANS area Highland and Argyll & Bute Councils have Decriminalised Parking Enforcement, while Moray, Orkney and Western Isles do not at the present time.

Miscellaneous and General

HITRANS supports the *Regional Transport Partnerships: finance – section 69* which adjusts the basis on which Transport Partnerships are funded, such that a Partnership will be able to carry surplus funds from one year to the next where its actual costs for a year are less than its estimated costs. This will afford greater flexibility and support strong working relationship with constituent local authorities.

Furthermore HITRANS supports Section 69(2) of the Bill which extends the provision of schedule 3 of the Local Government (Scotland) Act 1975 to Transport Partnerships, such that they can hold and operate capital funds, renewal and repair funds and insurance funds in a similar way to councils, notwithstanding the additional provision that prevents Transport Partnerships from using money held in these funds to meet the costs of any company set up by the Partnership.

Finally, HITRANS is also in support of Section 69(3) of the Bill, which extends the provisions of section 165 of the Local Government etc. (Scotland) Act 1994 to Transport Partnerships, giving the power to borrow and lend money and operate a loan fund.

All of these aspects maximise the flexibility of the Transport Partnerships to work together with their constituent local authorities and other partners in a coordinated, strategic and most efficient and effective manner.