

RURAL ECONOMY AND CONNECTIVITY COMMITTEE**TRANSPORT (SCOTLAND) BILL****SUBMISSION FROM ABERDEEN CITY COUNCIL****Low Emission Zones**

Part 1 of the Bill enables the creation, and civil enforcement, of **Low Emission Zones** (LEZs) by local authorities and allows the Scottish Government to set consistent standards for emissions, penalties and certain exemptions from such zones.

The most polluting vehicles would be banned from entering a LEZ during its hours of operation. Any banned vehicles entering a LEZ would be subject to a penalty charge, with enforcement carried out using Automatic Number Plate Recognition (ANPR) cameras - technology currently used for bus lane, red light and speed limit enforcement.

The Bill would grant Scottish Ministers the power to approve all LEZs and to set national rules for their operation. Do you support or oppose these proposals? Please choose the option which most closely matches your opinion.

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No Opinion
Scottish Ministers must approve all LEZ proposals				√		
Scottish Ministers' will have the power to specify certain types of vehicle that will be exempt from any LEZ scheme, e.g. emergency service vehicles		√				
Scottish Ministers' will be able to order a Council to review a LEZ and direct it to implement changes following that review	√					

The Bill would grant Councils the power to set the rules governing the operation of individual LEZs. Do you support or oppose these proposals? Please choose the option which most closely matches your opinion.

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly Oppose	No opinion
Councils must specify a grace period of between 2 and 6 years for residents (1 -4 years for non-residents) following the introduction of a LEZ, during which penalties will not be levied		√				
Councils will be able to suspend a LEZ for an event, held in or near the zone, that it considers to be of national importance		√				
Councils can grant exemptions from LEZ requirements for individual vehicles, or types of vehicle (up to one year)		√				

How might the LEZ proposals in the Bill be improved? Please summarise any suggested improvements that you would like to see made in the box below:

Buses

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.

Part 2 gives Scottish Ministers powers to make regulations setting out what service and timetable information bus operators must make available to passengers and local transport authorities.

The Bill would provide Councils with the following powers, aimed at improving local bus services. Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

	Strongly Support	Support	Neither support nor oppose	Oppose	Strongly oppose	No Opinion
Provide bus service(s) where no commercial service is provided	✓					
Work in a formal partnership with commercial operators to improve services	✓					
Specify all aspects of local bus services, which will be provided by commercial operators following a tendering exercise	✓					

The Bill would require bus operators to share information on routes, timetables and actual running times with third parties - to make it easier for passengers to know when their bus will arrive and how much it will cost.

How best could your Council or bus operator improve the ways it provides timetable and route information? (Please put the following options in an order were 1 is your favourite idea and 5 is your least favourite)

1	Bus operator website
4	Bus operator app
2	Bus stop real-time displays
3	Bus stop paper timetables
5	Paper timetable

Do you think the proposed changes to bus regulation in the Bill could be improved? If so, could you briefly summarise the changes you would like to see made in the box below:

Local Authority Operated Bus Services

While Aberdeen City Council are supportive of the provision of such a power, we do not agree with the provisions as they are currently drafted. As the provision of such services can only be operated where there is unmet need and no commercial operation, this places local authorities at considerable detriment. If a local authority is to invest significantly in such services and grow the services to a sustainable and commercial level, and if a commercial operator was to commence operation on the same route, the local authority would have to cease operations. This is unjust to the local authority and does not protect the public pound or the investment made. We believe the Bill needs to be amended to address this matter to ensure local authorities are not placed in such detriment, and this could be to allow the Local Authority exclusive right to operate that service or the ability to continue such a service in direct competition with the commercial provider.

Aberdeen City Council also does not consider that the provision provides Local Authorities within enough powers, by only permitting such operation where there is an unmet and social need, as such a provision would generally result in such services being loss making and at a considerable cost to the local authority, which given the current financial climate would result in few services ever being operated in such a way. We would welcome consideration of a more ambitious provision which would provide greater flexibility in the services provided, particularly Aberdeen City Council is of the view that a transport authority should be able to operate their own bus services, where there is funding in place to do so, and where there is enough evidence that passengers are not receiving an adequate bus service. These must be deemed as necessary and not operated in direct competition with any adequately operated commercial bus services.

Bus Service Improvement Partnerships

Aberdeen City Council are generally supportive of the provision, but concern remains on the ability of operators to object to a plan and scheme and prevent such progressing and we would welcome further input when the defining of the matter is built into Regulations.

Local Service Franchising

Aberdeen City Council is supportive of this provision; but are acutely aware that most models for franchising result in significant ongoing public investment. To ensure a local authority can fully consider the implementation of a franchising arrangement and prepare a robust business case, the local authority will need to fully understand the financial implications. In order to do so, the provision of commercial data from the bus operators would be essential in terms of patronage and revenue on a service by service basis and we would welcome consideration in the Bill ensuring powers are in place for this information to be provided by bus operators, in circumstances where an authority is considering a franchising arrangement.

Information on Services

Aberdeen City Council are supportive of the provisions with regards information and open data, and with regards to any central depository for information, we would continue to suggest that there is already a form of central hub through Traveline Scotland and this should be built upon rather than any replication. We would also like to ensure data continues to be provided to the local authority in a timely manner, so that duties can be conducted appropriately i.e. preparation of at bus stop timetables. Aberdeenshire Council currently successfully provide information services on behalf Aberdeen City Council and the local bus operators and we would want to ensure any changes do not negatively impact on this work.

With regards to how information is disseminated while online and app-based services are undoubtedly growing and are right to be developed, there must be continued provision and importance placed on paper timetables and at bus stop timetables. Anecdotally from what we hear from our local bus passengers these are the most important forms of information still, so will continue to be of importance for years to come.

Smart Ticketing

Part 3 of the Bill would create a national technological standard for **smart ticketing** and provide local transport authorities with further powers for smart ticketing arrangements and schemes.

Smart ticketing is the name given to a system where an entitlement to travel (or ticket) is stored electronically rather than being printed on a paper ticket. Most smart ticketing schemes store payment and ticket data on a smartcard, such as London's [Oyster card](#).

Do you support or oppose the following? (which are all proposed in the Bill)

	Support	Oppose
National technological standard for smart ticketing	✓	
National Smart Ticketing Advisory Board	✓	
Requirement for local authorities to produce annual reports on use of ticketing powers		✓
Power for Scottish Ministers to direct local authorities to implement ticketing schemes	✓	

What are the reason(s) behind your answers above?

National Technological Standard for Smart Ticketing

Aberdeen City Council is supportive of this provision to ensure interoperability and

consistency and to improve the attractiveness of smart ticketing.

Requirement for local authorities to produce annual reports on use of ticketing powers

Aberdeen City Council is opposed to this requirement and believe this to be an unnecessary burden on authorities. While such reports seek to '*...identify any obstacles they have encountered and to share models and approaches that have been successful as well as any learning points...*' it is considered this information can be gathered without the need to instruct each local authority to provide an individual and annual report.

Power for Scottish Ministers to direct local authorities to implement ticketing schemes

Aberdeen City Council has some support for this provision; but would also want to ensure that Ministers have fully appraised the position before making a direction and that their decision is well evidenced, as local authorities are best placed to understand their local context and what arrangements should be in place. As such, even if Ministers are to make a direction this should be done with considerable input from the local authority they are directing, so that it can be developed in conjunction and not a one size fits all directive.

Pavement parking and double parking

Part 4 of the Bill would prohibit **double parking and parking on the pavement**, subject to a number of exemptions.

Do you support or oppose the proposed prohibitions on:

	Support	Oppose
Pavement parking	x	
Double parking	x	

What are the reason(s) behind your answers above?

Aberdeen City Council supports the proposals made within the Bill.

The presence of footway and double parking creates road safety issues which can impact on the most vulnerable pedestrians i.e. the elderly, those with walking and mobility issues, and the very young.

Within Aberdeen several areas of footway parking bans have been installed. These have improved the environment for pedestrians and, by rationalising parking within the area, they have improved road safety for all.

Aberdeen has areas of residential development which were built up before high car

ownership existed. These areas are now subject to pressure for kerbside space and vehicles have taken to parking on footways on one or both sides of the road to maximise the remaining road width for other vehicles. This does not account for the needs of vulnerable pedestrians and can lead to pedestrians being forced onto the carriageway or restricted from the network entirely where they cannot access dropped kerbs with wheelchairs.

Footway parking can also restrict the remaining carriageway width making access for emergency or refuse vehicles difficult.

Parking on footways can cause long term damage of the footway construction and potentially the public utility services underneath. This creates an additional burden for the Council in its maintenance of the network and an unpleasant walking environment as the condition of footway surfaces and kerbs deteriorate.

The Bill could clarify the instance where a pedestrian route passes an access, i.e. break in the pavement. Having installed footway parking bans within Aberdeen City we have instances where vehicles will continue to park in accesses in such a way as to divert pedestrians into the carriageway. This has been resolved to a degree by the installation of a white line to demark an extension of the kerblines. It would be helpful to confirm that the width of the pavement should remain clear where accesses or crossings exist along a pedestrian route.

Double parking is also evident within Aberdeen and the Bill will support the removal of this issue. Double parking impacts on the flow of vehicles around the network by narrowing the available carriageway.

Verge parking is not addressed within the Bill and Aberdeen City Council seeks confirmation that this will also be included within this Bill or other legislation.

The Bill proposes a number of exceptions to the prohibition on pavement parking and double parking. These are:

- Emergency service vehicles responding to an incident
- Vehicles used in undertaking road works
- Bin lorries
- Postal service vehicles
- Vehicles used by medical practitioners responding to an incident
- Vehicles being used for deliveries
- Vehicles in a parking place
- Vehicles parked at the direction of a police officer
- Vehicles parked for the purpose of saving a life/similar emergency
- Vehicle parked to provide roadside assistance

It is worth noting that the Bill requires vehicles that benefit from an exception to only use it where it is unavoidable and for the shortest time possible to complete the task in hand (with a limit of 20 minutes on vehicles being used for deliveries).

Overall, do you support or oppose the proposed exceptions? Please choose the option which most closely matches your opinion.

	Strongly support	Support	Neither support or oppose	Oppose	Strongly oppose	No opinion
Overall view of proposed exemptions	x					

Do you have any concerns about the proposed exemptions or wish to see additional exemptions added? If so, please briefly summarise what change(s) you would like to see made and why you think these are necessary.

Whilst it is desirable that no vehicles use the pedestrian infrastructure it is recognized that exceptions are inevitably required.

The allowance of 20 minutes may be used to the advantage of companies who wish to keep a company vehicle in close proximity to their business. Without continuous observation they may argue a PCN by saying that they were away from the site and have now returned. A limit on the return period may assist in the enforcement of this exemption.

The use of the term “actively loading” would help enforcement officers to determine if the vehicle is there for genuine reasons.

The Bill would allow local authorities to exempt any footway from the prohibition on pavement parking, as long as it has had regard to any guidance issued by Scottish Ministers. Do you support this proposal?

x	Support
	Oppose

What are the reason(s) behind your answer above?

Aberdeen City Council supports the proposals however it should be noted that this could have significant resource and some policy implications for the city.

In instances where the presence of footway parking, whilst less than ideal, can be accommodated, allowing a pedestrian route to be maintained along with general and emergency traffic on the carriageway, the Bill proposes that these exemptions go through a consultation process similar to a TRO but do not require a TRO. Guidance is available for the lining and signing of footway and verge parking exemptions and it is expected that marked bays will be required at all exempt locations requiring initial installation and maintenance.

It is acknowledged that the footway parking ban is proposed to address inappropriate driver

behaviour that is currently going unchallenged. This is likely to push action in areas which have proven difficult to address historically. Changes to existing and construction of new infrastructure may be required i.e. new car parking/ loading areas or kerblines changes. This may also take up local amenity and greenspace, in conflict with local planning and environmental policy and aspirations.

Road Works

Part 5 of the Bill would strengthen the role of the Scottish Road Works Commissioner and improve the regulation of **road works**.

The [Scottish Road Works Commissioner](#) is an independent public official who aims to improve the planning, co-ordination and quality of road works throughout Scotland. The Commissioner monitors performance and promotes and encourages good practice across both utility companies and roads authorities. The Commissioner has powers to impose financial penalties on roads authorities who systematically fail in their duty to co-ordinate roadworks and on utility companies who systematically fail to co-operate when undertaking road works.

The Scottish Road Works Commissioner is NOT responsible for works being undertaken in roads on Scotland - which rests with local authorities, utility companies and their contractors.

The Bill would give the Scottish Road Works Commissioner, and Commission staff appointed as inspectors, the power to inspect roads works, documents etc. to establish the facts in possible cases of non-compliance with road works related legislation that falls within the Commissioners remit.

The Bill would grant the Commissioner, and Commission staff, new powers to investigate and take enforcement action against organisations that failed to comply with statutory road works requirements.

Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

	Strongly support	Support	Neither support of oppose	Oppose	Strongly oppose	No opinion
Inspection power		x				
Power to issue compliance notices		x				
Power to issue fixed penalty notices for non-compliance		x				

Requirement to provide annual reports to Scottish Ministers on use of powers		x				
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Do you have any comments or concerns about these proposed powers? If so, can you briefly summarise them below?

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The Bill would create place new duties/requirements on those undertaking road works on behalf of a local authority. Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

	Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	No opinion
New statutory duty on local authority road works to meet fencing and lighting requirements		x				
Ministers can issue a code of practice for safety at local authority road work sites		x				
New statutory requirement for local authority road works to be supervised by a suitably qualified person	x					

Do you have any comments or concerns about these proposed powers? If so, can you briefly summarise them below?

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The Bill would create place new duties/requirements on those undertaking road works. Do you support or oppose these powers? Please choose the option which most closely matches your opinion.

	Strongly support	Support	Neither support nor oppose	Oppose	Strongly oppose	No opinion
New requirement for actual commencement and completion date notices to be placed in the Road Works Register within a prescribed period	x					
Anyone undertaking road works, or works to a road (except roads authorities) must have either a site specific, or general road reinstatement quality plan in place	x					

Do you have any comments or concerns about these proposed powers? If so, can you briefly summarise them below?

Clarification should be given as to what the prescribed time periods are likely to be.

Scottish Canals/Regional Transport Partnership finance

Part 6 of the Bill would give Regional Transport Partnerships more financial flexibility and allow Scottish Ministers to vary the membership and structure of the Scottish Canals Board.

The Bill would allow a Regional Transport Partnership to establish:

- A capital fund
- A renewal and repair fund
- An insurance fund

Do you support or oppose these proposals?

√	Support
	Oppose

What is the reason for your answer

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The Bill would expand the size of the Scottish Canals board, increasing the number of members appointed by Scottish Ministers from "between one and four" to "at least 4 but no more than 9". The aim being to allow the appointment of members with a wider range of skills and experience than at present. Do you support or oppose this proposal?

√	Support
	Oppose

What is the reason for your answer?

Anything else

Do you have any other comments about the Bill, particularly any changes you would like to see made. If so, please briefly summarise these in the box below.

Currently LAs do not have the express authorisation to use ANPR as an approved device for the enforcement of any public on and off street parking compliance. This Bill makes reference to approved devices in relation to the double and pavement parking but does not specify what devices. The revised Bill should include express authorisation for all LAs to use ANPR as approved devices for the detection of contraventions of all current and proposed on and off street parking regulations.

ACC would request the opportunity to consider the detail of any new legislation regarding charging schemes as may be added to future versions of this Bill before making any further comment.