

RURAL ECONOMY AND CONNECTIVITY COMMITTEE

TRANSPORT (SCOTLAND) BILL

SUBMISSION FROM THE MOBILITY AND ACCESS COMMITTEE FOR SCOTLAND (MACS)

Introduction

1. MACS is an advisory non departmental public body with a remit to:
 - Give Scottish Ministers advice on aspects of policy, legislation and practice affecting the travel needs of disabled people.
 - Take account of the broad views and lived experiences of disabled people when giving advice.
 - Encourage awareness amongst disabled people in Scotland of developments, which affects their mobility, choices and opportunities.
 - Work closely with Scottish Government and ensure our work programme complements the work being undertaken by the Disabled Persons Transport Advisory Committee (DPTAC), the Equality and Human Rights Commission and other organisations, voluntary and statutory.
 - Promote the travel needs of disabled people with designers including transport planners and operators so that these are fully taken into account in the development of vehicles and infrastructure and delivery of services.
 - Monitor and evaluate the effectiveness of our work against the above aims and objectives in improving travel opportunities for disabled people in Scotland.
2. As such, we welcome the publication of the Transport Bill, which includes a number of provisions, which should improve accessibility and enhance the mobility of disabled people. MACS want to see the goals of improving accessibility and inclusion reflecting in every aspect of transport policy. It must be recognised however that Scotland has a long way to go before the vision in Scotland's 2016 Accessible Transport Framework becomes a reality: "All disabled people can travel with the same freedom, choice, dignity and opportunity as other citizens."
3. In this context, we therefore welcome the opportunity to comment briefly on each section of the Bill as follows.

Low Emission Zones (LEZs)

4. By reducing air pollution, LEZs should benefit some disabled people (with breathing problems such as asthma, emphysema etcetera). But LEZs could also adversely affect some disabled people reliant on using cars to access the four cities, as the Policy Memorandum (paragraph 236) acknowledges. We note that there are currently a

number of proposals to restrict traffic in city centres, whether through 'car free days' (Edinburgh) or in specific locations (Glasgow - George Square project) which have not been subject to rigorous consideration of the impact on disabled people. We appreciate that the need to improve the environment and reduce motor traffic in cities will grow, but **it is essential that assessment of the impacts of such measures on disabled and older people is undertaken at the very outset, with proper involvement of disabled people and disability organisations.**

5. Cars provided under the Motability scheme will generally be less than 3 years old, and therefore meet Euro 6 standards. However, there will be other disabled people heavily reliant on cars (either as a driver or passenger) that are older and may not meet emission standards. Some of these people may be unable to afford to buy newer cars and could be disadvantaged by LEZ unless exempted. **We are therefore pleased that the Bill allows for exemptions or extended 'grace periods' which could mitigate this issue.**
6. We agree that policy across the four LEZ cities should be consistent, so that exemptions do not differ from one city to another.

Bus Services

7. Many disabled people are heavily reliant on buses for their everyday travel. The new powers for local authorities to promote and run bus services are therefore welcome.
8. However, it is not clear how councils will be able to improve bus services by running them directly or franchising unless additional funding is made available. There appears to be significant hurdles for councils that wish to consider franchising to overcome which may deter local authorities from using these powers any more than they have used powers in the 2001 Transport Act for 'Quality Contracts'.
9. Following original exemption of transport from the Disability Discrimination Act in 1995, the Public Service Vehicle Accessibility Regulations (PSVAR) were introduced. These regulations cover buses and coaches separately and set dates for compliance. All buses, both single and double-decker now have to be low floor with capacity to take one wheelchair. Coaches have to comply with the regulations by 2020 but regulations only require them to provide access to one wheelchair and this may be achieved by installing a lift. As many registered local bus services in rural Scotland deploy coaches rather than buses, many services in rural areas continue to have poor physical access for those who have difficulty with steps. There may also be a problem in policing compliance as our understanding is that, up to last year, the UK regulatory authority (DVSA) had taken no enforcement action anywhere in the UK over buses which fail to meet PSVAR requirements. **Unfortunately, we are not confident that the Bill will significantly improve this situation.**
10. The DfT are currently consulting on regulations in relation to the Bus Services Act 2017, which includes a measure to ensure Accessible Information on bus services throughout the UK. This is reserved legislation. As described in (9) above regulations are different for buses and coaches and rather than use the term "bus" it is important that the regulations apply to registered local bus services which may in Scotland be operated with coaches. It will be important that the measures to improve information

on local services ensure that the need for accessible formats for information (digital and print) is properly considered. This includes audio-visual information for people with sight, hearing and intellectual impairments. 'Plain English' and simple to absorb information will benefit everybody.

Ticketing

11. Measures to improve joined up ticketing may benefit disabled people (and others) by allowing for better integration of travel modes (for example, from train to ferry, or bus to bus). However, consideration should also be given to the impacts on people who are not used to electronic payments and use cash, to ensure that they are not inadvertently disadvantaged. This may disproportionately affect older people, for example. **It will be important that well thought through Equality Impact Assessments are carried out involving the potential users including older people and disabled people and/or their representatives.**

Pavement Parking and Double Parking

12. Pavement parking has long been recognised as a significant hazard for many disabled people including, but not only, visually impaired people. Damage to pavements caused by vehicles parking on them also causes disabled people significant problems. **The provisions to ban pavement parking throughout Scotland are therefore warmly welcomed.**
13. However, the blanket exemptions to this ban proposed in Section 47 of the Bill seriously undermines the policy intent and would effectively legalise much short-term pavement parking. They would signal that pavement parking is still acceptable and we want to foster a culture that recognises that pavement parking is not acceptable. Waste vehicles (typically 26 tons) can also cause significant damage to pavements, adding expense to roads authorities and making pavements more difficult for pedestrians (especially if disabled and/or elderly) to navigate. **MACS therefore opposes the proposed exemptions to the pavement parking ban for loading and for waste collection in particular.**
14. We are also concerned how the provisions will be enforced in the 11 council areas that do not currently have Decriminalised Parking Enforcement (DPE). It is our understanding that in most of these areas, the local councils say that a business case for DPE does not add up. **We therefore welcome the powers in Section 49 (2) for ministers to authorise devices to monitor/enforce parking (e.g. cameras) as this may will help enforcement/compliance** inexpensively and therefore enhance local business cases. However, although we recognise that the Bill allows councils to share DPE resources, **we are sceptical that this provision will be widely used in those areas where the business case for DPE is currently weak.** Disabled people living in these council areas need to have an equal right to navigate streets and enforcement of new pavement parking laws will need to be monitored thoroughly.
15. We recognise that some provision is required to exempt particular streets or areas from the responsible parking provisions, where particular local circumstances dictate. However, **any process to exempt specific areas or streets must involve a robust Equality Impact Assessment (EqIA)** by the local council and involve local people.

We can foresee legal challenges under the 2010 Equality Act if disabled people's mobility is hindered by inappropriate local exemptions.

16. We note that 'Blue Badge' administration does not form part of the Bill. For many disabled drivers/passengers a private car can be the only available accessible mode of transport and parking charges levied on these individuals can be a significant barrier to daily living. While public car parks do currently allow blue badge holders to park for free, not all private car parks do likewise. **We would welcome additional measures to address this.**

Roadworks

17. Roadworks are often a significant obstruction and hazard for disabled pedestrians in particular; the provisions to strengthen and harmonise the inspection and regulation of roadworks are therefore generally welcomed. Failure to provide for disabled pedestrians adequately at roadworks is a serious problem and an all too common occurrence on streets throughout Scotland. Typical problems include inappropriately sited road signs on the pavement, lack of useable drops onto kerbs and insufficiently wide pedestrian access routes.
18. We note that the Bill gives powers for ministers to issue codes of practice (S64). However, good guidance is already available and endorsed by Scottish ministers in the form of the Safety at Street Works and Road Works Code of Practice 2013. This Code includes a number of helpful and sensible requirements such as the need to provide ramps, provide clear access and to consider the needs of visually impaired people in placing signage. **We are therefore unsure what additional benefits this clause will bring.**
19. Compliance with this code is currently weak, as most roadworks are not inspected while they are actually taking place on the street. Our understanding is that roads authorities (usually councils) can only recover £36 from the roadworks undertaker for a site inspection. We believe that this cannot recover the full cost of a "Category A" on-site inspection and therefore councils are deterred from policing roadworks effectively while they are in operation.
20. Similarly, while we welcome the new powers proposed for the Scottish Road Works Commissioner (SRWC) to undertake its own inspections, **we are sceptical that they may not be used sufficiently as there is no provision to allow for the SRWC to recover inspection costs.**

Concluding remarks

21. Following these comments on specific aspects of the Bill, we would like to conclude by emphasising some more general points which we believe are necessary in order to advance accessible and inclusive transport.

Equality Impact Assessments

22. Many of the clauses in the Bill (and potentially other clauses added as a result of future amendments) will need to be accompanied by robust Equality Impact Assessments

(EqIAs). These clauses include, for example, proposals to create Low Emission Zones, franchise bus services, launch new types of smart ticketing or exempt streets from responsible parking laws. This will not only meet obligations of the 2010 Equality Act but will also achieve better local outcomes. **It is vital that local disability groups and/or disabled people are involved in such EqIAs to ensure the assessments are meaningful and use the lived experiences of disabled people in defining solutions that will provide equity of access for all.**

Guidance

23. There are a number of areas in the Bill where new guidance is proposed (for example on ticketing and roadworks). We wish to emphasise the need for guidance to be supported by effective enforcement and also by training. MACS frequently hears of instances where good guidance is misunderstood, or simply ignored. **Guidance is therefore insufficient and needs to be accompanied by effective enforcement measures and by appropriate training.**
24. **We advocate disability awareness training designed and delivered with the involvement of disabled people** to support measures in the Bill in order to have a positive impact for disabled people travelling.

Digital exclusion

25. While welcoming the opportunities that digital and other developing technologies bring (for example with regard to bus information, or ticketing) it is important to recognise that not all people have access to computers, smart phones, internet access and such like. This may be especially the case among older people, who can be isolated and disadvantaged by presumptions that everyone will use 'smart' communications. There is now considerable evidence that isolation can, and often does, lead to deterioration of a person's mental health. Again, **this aspect of any initiative should be considered in an EqIA.**

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National Convener

On behalf of the Mobility and Access Committee for Scotland (MACS)