



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

TRANSPORT, INFRASTRUCTURE AND CLIMATE CHANGE COMMITTEE

Tuesday 8 March 2011

Session 3

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TRANSPORT, INFRASTRUCTURE AND CLIMATE CHANGE COMMITTEE

5th Meeting 2011, Session 3

CONVENER

*Patrick Harvie (Glasgow) (Green)

DEPUTY CONVENER

*Cathy Peattie (Falkirk East) (Lab)

COMMITTEE MEMBERS

Jackson Carlaw (West of Scotland) (Con)
*Rob Gibson (Highlands and Islands) (SNP)
*Marlyn Glen (North East Scotland) (Lab)
*Charlie Gordon (Glasgow Cathcart) (Lab)
*Alison McInnes (North East Scotland) (LD)
Shirley-Anne Somerville (Lothians) (SNP)

COMMITTEE SUBSTITUTES

Alasdair Allan (Western Isles) (SNP)
Murdo Fraser (Mid Scotland and Fife) (Con)
David Stewart (Highlands and Islands) (Lab)
Jim Tolson (Dunfermline West) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Jim Barton (Transport Scotland)
Keith Brown (Minister for Transport and Infrastructure)
Frances Duffy (Transport Scotland)
David Lister (BAA Scotland)
George Mair (Confederation of Passenger Transport Scotland)
Ron McAulay (Network Rail)
Steve Montgomery (First ScotRail)
Ralph Roberts (Confederation of Passenger Transport Scotland)
David Simpson (Network Rail)

CLERK TO THE COMMITTEE

Steve Farrell

LOCATION

Committee Room 1

Scottish Parliament

Transport, Infrastructure and Climate Change Committee

Tuesday 8 March 2011

[The Convener *opened the meeting at 14:02*]

Transport (Severe Weather)

The Convener (Patrick Harvie): Good afternoon. I welcome you all to the fifth meeting in 2011 of the Transport, Infrastructure and Climate Change Committee. I remind members, witnesses and everyone else who is present that mobile devices should be switched off to avoid interference with the sound system. We have received apologies from Jackson Carlaw and Shirley-Anne Somerville.

We have three items on our agenda, the first of which gives the committee the chance to hear from transport operators and then from the Minister for Transport and Infrastructure the outcomes of the recent severe weather conditions and future strategies for mitigation. I welcome our first panel of witnesses: David Lister, airside and autonomy director for BAA Scotland; Ralph Roberts, chairman, and George Mair, director, from the Confederation of Passenger Transport Scotland; Steve Montgomery, managing director of First ScotRail; and Ron McAulay, director, Scotland, and David Simpson, route director, Scotland, from Network Rail. Thank you for joining us.

Obviously, it is a packed panel. Members have many questions. If members and witnesses remember to keep questions and answers as direct and to the point as possible, I hope that we will have time to get through everything. Would any panel member like to make some brief opening remarks before we begin our questioning?

Ron McAulay (Network Rail): I have a brief opening statement on behalf of First ScotRail and Network Rail.

Thank you for inviting us to appear before you and for the opportunity to make this short statement. In November and December, the rail network saw conditions that were significantly beyond those that many in the rail industry have ever experienced—they were beyond what can normally be described as a bad Scottish winter. In many areas, the conditions had an impact on the industry's ability to deliver as good a service as passengers have come to expect. I want to say at the outset to those who experienced a less-than-adequate service: we sincerely apologise.

Without doubt, those involved in the rail industry recognise that there are always lessons to be learned after such events. We can do better both at delivering improved services at times of extreme weather and, crucially, at communicating changes in services to customers. Having said that, I believe strongly that despite the conditions, the industry worked hard to maintain a comparatively good service. We managed to run many of the services, albeit sometimes very late or with lower capacity. However, between the two organisations we kept the network open and trains moving.

I would be happy to circulate to committee members copies of a paper and a selection of photographs that you might want to glance at during the evidence gathering, if you are comfortable with that. The paper is a joint report by ScotRail and Network Rail.

The Convener: I suggest that we proceed with questions. Further written evidence can be handed out a little later rather than disrupting things at the moment.

Ron McAulay: I will close my remarks at that then.

The Convener: Okay. I open the questions by asking about the extent of closures across the rail network during the severe weather and in the period afterwards. What were the reasons for closures in particular places and for extended periods?

Ron McAulay: During the period of severe weather, we adopted what was called a key route strategy. My colleague David Simpson will take you through that.

David Simpson (Network Rail): Closures fell into two categories: one was planned closures and the other was unplanned closures. That second category involved situations in which the volume of snow overwhelmed the network, despite ploughing and other activity. For safety reasons, we took the decision to close routes until safety could be put back in place by ploughing and clearing lines. Those situations were few and far between. Routes in the far north of Scotland and one or two in the central belt suffered from those unplanned closures during the cold spell, but largely we were fairly successful in keeping the network open.

We also had what I term planned closures, which were driven by our key route strategy. The strategy recognises that in the conditions that we experienced it is impractical to expect the whole network to be open as normal. Therefore, we took some difficult decisions to focus on the busiest routes and majority flows, knowing that some communities would suffer from the strategy by losing services for some time. That meant deploying staff to key junctions—through the key

route strategy we had staff out 24/7 at 58 key junctions across the network to keep the routes open. We deployed those teams as the conditions changed over the prolonged period of cold weather to try to restore more of the network as time passed by. That strategy, which had been agreed in advance with the train operators, is one of the things that we will review for this coming winter to see to what extent we can extend routes that are open in the severe conditions compared with last winter.

The Convener: How far in advance are you able to make the plans for planned closures? Are they based on forecasts or on actual events as they unfold?

David Simpson: They are based on both. The plans exist; they are agreed way in advance. We spend a lot of time with industry partners preparing for winter. It is fair to say that the conditions that we experienced and their duration were way beyond what we had expected.

One of the features of the disruption throughout November and December was the extent to which conditions varied from day to day and indeed from hour to hour. It was one of those situations in which best-laid plans were often disrupted by events on the day. We were able to communicate in advance a lot of the plans via websites and other channels, but there were occasions when we were simply overwhelmed either by the variability or by the intensity of the severe weather and had to change plans at short notice. That made the challenge of getting information out to passengers greater.

The Convener: Some people have suggested that the possibility of penalties for services that do not run or that run late is an issue that could have contributed to the problem being worse than it needed to be.

David Simpson: No; that is certainly not the case. All the decisions that we took jointly with our customers were based firmly on what was best for the passenger. We took several decisions that we knew would increase the penalties that we would have to pay for disruption; for example, although we knew that putting in more station stops would delay trains and therefore generate a penalty, we felt that that would provide a better service for the communities along a line where road transport was variable. I would instance the Ayr line as an example in that respect. Throughout the period in question, commercial considerations just did not enter into our deliberations about what to run to any extent.

Ron McAulay: The mindset was very much about keeping people and trains moving.

The Convener: Obviously, you cannot predict how severe a winter will be and it would be

strange if there were nothing that with hindsight we might wish to have done differently. What, from Network Rail's point of view, are the key lessons to be learned from this period and are resources available to make use of what you have learned?

David Simpson: In the review we are concentrating on three areas, the first of which is the infrastructure's resilience to the extreme conditions that we experienced. Across the network there are point heaters, which are effective in clearing what I might call normal amounts of snow and ice but which became overwhelmed in the quantities that we saw. We are also seeing whether any lessons can be learned from countries abroad, many of which suffered to the same degree as Scotland, but we are looking at whether we can beef up some of the point heaters and make them more resilient.

The second area to be covered in the review is planning for contingency timetables and getting them out in advance to ensure that passengers know what to expect in given conditions.

The third area is how, on the day, we can effectively communicate to our joint control room and then to passengers what is going on on the ground at the junctions, at the points and at the depots. That third issue will make a big difference to passengers' experience should the severe weather return.

Alison McInnes (North East Scotland) (LD): I am particularly interested in the key route strategy as it seemed to impact quite significantly on my constituents in the north-east of Scotland; it certainly appeared to result in some of the Anglo-Scottish trains coming no further north than Edinburgh and to impact on First ScotRail's Perth route. Obviously First ScotRail had a significant number of cutbacks but, significantly, CrossCountry Trains had 71 planned cancellations and all of its eight services to Aberdeen stopped at Edinburgh.

What discussions did you have with Transport Scotland, regional transport partnerships, community planning partners and indeed the wider community on how to establish that key route strategy? Given that some areas were completely cut off from road and rail transport, I have to wonder whether the prioritisation is correct.

David Simpson: You are quite right to observe that some operators chose not to go west of Edinburgh but I must draw a distinction between the key route strategy, which keeps the network open, and decisions by individual operators about where they run services depending on the resources that they have. East Coast, for example, ran a reduced-speed service to and from London, which meant that there were not enough trains to run west of Edinburgh and serve other parts of

Scotland. Although the company took that decision to serve its own core flow most effectively, it resulted in passengers having to transfer on to other operators in Scotland.

As for your question about discussions on the key route strategy, I think that you are right. We will take on board your point about sitting down with other communities and seeing whether we can tackle these issues a bit more effectively.

Alison McInnes: In correspondence with me, East Coast and CrossCountry cited the key route strategy as the reason for their disruption and did not say that they had made those decisions for themselves. What you have said is useful.

Ron McAulay: It is worth emphasising that the reasoning behind the key route strategy is the need to keep as much as possible of the network open and available for people to use. That means avoiding the use of junctions that are likely to seize up in the snow, ice or whatever and the decisions that are taken centre very much on the location of the bigger numbers of customers and passengers that we have to move around the network. The strategy recognises that and allows us to keep as many trains moving as possible.

Charlie Gordon (Glasgow Cathcart) (Lab): Mr Simpson, you mentioned point heaters. With the severe weather warning, were all your point heaters switched on well in advance? Did they all function continuously throughout the severe weather?

14:15

David Simpson: We have a programme of pre-winter checks, which includes point heater operation. We perform those checks in a variety of ways, including aerial surveys with a thermal camera and surveys on the ground. I can confirm that the point heaters were operational during the cold weather.

There were some exceptions. In recent months, cable theft has been a big issue for the rail industry and other industries. At one or two locations, the cables that operate the heaters were stolen and we had to get out and put them back on to get the heaters working.

Charlie Gordon: Were there any problems with point heaters in the vicinity of Edinburgh Waverley?

David Simpson: Largely speaking, the point heaters were checked and were operational. However, as I mentioned earlier, the volume of snow and ice that we experienced often overwhelmed the heaters. That is not because the heaters could not melt the snow and ice, but because of blocks of ice forming between the

blades and stopping the normal, safe operation of the points.

Rob Gibson (Highlands and Islands) (SNP): How much of the country is covered by heated points?

David Simpson: The whole country. The odd private freight depot or siding may not have them but they are standard on main line routes—the passenger network.

Rob Gibson: Including up to Thurso and Wick?

David Simpson: Yes, although I draw a distinction because on the far north lines, some of the points are hydraulically operated and therefore work by the train, so there is no need for heating. At the Inverness end, though, where there are more services, the points are heated.

The Convener: I have some final questions for Network Rail on the provision of information to passengers. People understand that the weather cannot be wished away and that it will have an impact, but they need to know what that impact will be so that they can adapt around a changing, reduced or cancelled service. There were some severe problems with the provision of information, whether directly, face to face at stations, on the phone or online. Why did that happen and why were the information systems unable to adapt to and cope with the changing circumstances?

David Simpson: We have huge sympathy with that observation. We all use the network frequently, and we all get frustrated if we are trying to get from A to B in those conditions and the information is not there. A planned disruption is easy—we can upload the information into our systems and out on to the websites, the Twitter accounts and so forth.

The problem that we had was the rapidly changing nature of the conditions, getting information about those conditions and about which services were running through to our joint control office, and communicating that out to stations and depots. We are focusing our reviews of the winter on that part of the process to consider how we can smarten it up so that what goes into the public domain is more accurate than it was last November and December. We all recognise that that area is ripe for improvement.

I am conscious that there is more that we can do at Edinburgh Waverley and Glasgow Central to get information to staff and on to the departure boards in a much more timely manner than we were able to do during the recent cold period.

The Convener: The provision of real-time information online—whether people are seeing it at their desk or on their phone—is hugely valuable but only if it is updated with changes arising from delays, disruptions and cancellations. If the

information is available only when everything is working fine, it is not hugely useful. Knowing which platform to go to might save someone a minute, but it is when things are disrupted that that information is of real value. You will appreciate the frustration that people feel when they are trying to get that information and it is simply not available.

David Simpson: That point is fully acknowledged. I am aware how frustrating it is if the board looks as though services are running normally when they are not, and if trains disappear off the board. We are trying to sort that out and to ensure that what people see on the board is reliable.

Steve Montgomery (First ScotRail): I offer a wee bit of context on that point. Obviously, as the train operating company, First ScotRail is responsible for providing a lot of that information to our customers. We have to understand the sheer volume of incidents that were happening at any one time.

We averaged about 75 incidents, from minor disruption through to heavier disruption. However, on the worst days we had more than 400 incidents involving significant delays, cancellations or disruption to the infrastructure and the trains. It was very much a changing situation. For example, we would decide to run a train from point A to point B but then we would lose the train because it had been damaged as a result of the weather, or we would lose the infrastructure because of a change in weather conditions. It was a big challenge, but I like to think that all the staff who were out on the front line were trying their best to provide information.

However, there were certainly weaknesses internally in how we got information from our control areas out to our staff. We must consider how we can make that flow of information easier in order to help the staff who are out there trying to provide the best information to customers.

The Convener: Thank you. We move on to First ScotRail's perspective.

Charlie Gordon: I presume that First ScotRail, as the train operator, buys into the key route strategy.

Steve Montgomery: Yes. We are heavily involved with Network Rail in how that will operate.

Charlie Gordon: Is it catered for in the franchise agreement?

Steve Montgomery: It is, in terms of where we are requested to have contingency plans for all types of event.

Charlie Gordon: Will you be able to leave information with the committee about, for example, what the key routes are?

Steve Montgomery: Yes, we can provide you with that information.

Charlie Gordon: Do you charge slightly higher fares on the key routes?

Steve Montgomery: No. It does not work that way.

Charlie Gordon: How about charging slightly lower fares on the routes that are not key and which are liable to severe disruption if we get more severe weather?

Steve Montgomery: When the weather was at its worst, we tried to provide the best type of service for all customers. For example, we were relaxed in how we let people use services. Some people could not use their home station, so we let them use their tickets from other stations.

We accept that we did not provide the best service during that time. As we have said, we are sorry for that. I think that we went a long way to try to provide compensation to customers after the event. Under the passenger charter, we would have been allowed to turn round and say that the problem was just severe weather, but we do not believe that the service that we provided was good enough. That was why we offered compensation on all the lines and routes that were affected.

Charlie Gordon: You will appreciate that on the road equivalent, which is the trunk road and motorway network, there is no key route strategy, as far as the committee is aware, and that best endeavours are expected to try to keep as many parts of the network open as possible. That is a slightly different approach from yours, because you said that you would keep the busier routes open.

Steve Montgomery: When we try to move customers about in severe weather, we try to hit the biggest city centres and move people from the main areas. However, it is much more difficult to operate in rural areas where there are fewer customers but long pieces of infrastructure that we try to keep clear. Network Rail brought out many resources on the day and I brought out a tremendous amount of additional resources. However, we were trying to tackle a type of weather that I had never seen in my 27 years in the industry. We must put our efforts into context in that regard, because the weather was beyond anything that we had had to deal with before.

We put in place a lot of plans that came from last winter's experience and we spent a lot of money to try to make our efforts this winter better. That approach worked and we did everything that we did last winter, but despite that we were overwhelmed because the circumstances were very difficult.

Charlie Gordon: Jumping back to Network Rail for a minute, and staying with the analogy of winter maintenance of trunk roads and motorways, can you clear up some confusion? At an evidence session in December 2010, the Cabinet Secretary for Finance and Sustainable Growth, Mr Swinney, gave the impression that snowploughs on railways were pretty much a thing of the past because of the gubbins that often lie between the rails. Subsequent to that, we have been informed through the clerks that Network Rail has a fleet of 10 snowploughs. So, when do you use—and, crucially, when do you not use—snowploughs on the Scottish railways?

Ron McAulay: Perhaps I can clarify that for you. I have read the evidence that was given and I think that what was referred to was the idea of ploughing down between the rails to where the sleepers are. It is true that there are lots of gubbins there that help the railway to operate safely.

We have snowploughs, which we use—we used them throughout the recent period of severe weather. A snowplough ploughs from the railhead upwards; it does not plough down between the rails. I think that that is where the confusion arose. The snowploughs that we have available are a mixture of small units and fairly large snowploughs. I have some photos that I can leave with members that show the size of some of the snowploughs—they are pretty impressive pieces of kit.

Going forward, we recognise the importance of having more snowploughs. We have come to an agreement with ScotRail whereby we will pay for small snowploughs to be fitted to a number of its trains.

Charlie Gordon: Can you cite any examples from the severe weather operations of the effectiveness of your snowploughs in enabling you to get a route or part of a route reopened? Did they fire a shot in anger? Did they help?

Ron McAulay: Absolutely.

David Simpson: They ran throughout the severe weather. We have miniature snowploughs that patrol routes to keep them open and we have independent snowploughs, the larger of which are locomotives that we use to clear lines that become blocked. We use them frequently on the Highland main line from Perth through to Inverness, and we use them up in the far north on a daily basis. We also have two snow blowers, which we deploy in extreme conditions. They can be used to clear blockages such as the one that occurred when we had the avalanche in the west Highlands last winter. We have a full toolkit of snow clearance equipment that we use regularly, and we can call

in more equipment should the conditions make it necessary for us to do so.

Ron McAulay: The first of the photographs that I have with me is of a fairly large snowplough. It is a perfect demonstration of the kind of equipment that we are talking about. They include photographs of snowploughs in operation. As the plough goes along, it looks as if a cloud of snow is being cleared from the railway. If I may, could I pass round the photographs?

The Convener: We can circulate them during the break.

Rob Gibson: I have two quick questions on that front. It seemed that there was some difficulty with the 125s from the east coast main line using the main line to Inverness. You retreated to using the most ancient vehicles on the railway—the 158s—to get up the brae, so to speak. Is that the case? In future, what conditions will be included in the franchise to get vehicles that can work in all weathers?

Steve Montgomery: As was said earlier, East Coast made its own choice not to run services beyond Edinburgh.

As regards our fleet, the 170 fleet is, predominantly, the one that we normally operate to Inverness but, in the extremely cold temperatures, the 170s' systems started to freeze and we had difficulty maintaining air in the sets, which means that the brakes come on automatically. The 170 fleet has more modern technology than the 158 fleet. We put on the older-style fleet because those trains do not have the same sensitivity around them. Higher air pressures can be maintained in the trains, which makes it possible to keep the brakes off. Our use of the 158s was down to the extremely cold temperatures. We did the same thing last year. It ensured that the units got through and that we did not strand people in many locations, as we did previously.

Rob Gibson: The three-car units that you purport to call expresses and long-distance services are really suburban units.

Steve Montgomery: That is the fleet that we are asked to operate on those routes under the franchise.

The Convener: I have one final question for the railways in general—First ScotRail and Network Rail—before we move on to the other modes. If the coming winter is just as bad, will we be ready?

Steve Montgomery: A number of working parties are under way at ScotRail. We are looking at the fact that we had to bring in huge amounts of additional equipment. Steam lances are a piece of kit that we have, but they were totally inadequate for removing 3 to 4 tonnes of snow and ice

underneath a unit. We had people chipping that off the side of units. We did experiments with poly tents and poly skips around trains. They worked and helped us to defrost units in four or five hours, when it had taken eight to nine hours to do it manually.

We need to look at more advanced equipment. We have been to Finland and Norway, where we picked up some tips. There ain't a huge lot to learn—as Ron McAulay indicated, the Finns and the Norwegians have their own problems. We are looking at different ways of managing the snow and ice and we will be better prepared by bringing in additional equipment earlier and having it on standby.

Ron McAulay: We always learn from any such event and, as a result of it, we will be better prepared than we were before the last event. Perhaps David Simpson can take the committee through some of the detail of the current thinking.

14:30

David Simpson: Again, it is about the three areas that I touched on earlier. We need to make the infrastructure more resilient to extreme conditions, which includes the use of point heaters. We also need to look at the ploughing regimes and other ways of keeping lines open when we cannot do so at the moment; that includes deploying resources to keep more routes open under the key route strategy.

We can make the biggest difference with getting information to passengers, learning from what we did not do well during last winter, and doing it much better during any future cold spell to build on the improvements to the infrastructure.

Cathy Peattie (Falkirk East) (Lab): I would like to concentrate on buses. We know that there was disruption in rural areas and housing estates—it was difficult for people to access buses. Did local authorities and Transport Scotland pay sufficient regard to clearing and gritting routes?

George Mair (Confederation of Passenger Transport Scotland): There is nothing to be gained by coming to this kind of meeting to name and shame. There was excellent practice in some local authority areas, but in some it was not so good. The important thing that we have to learn is that our operator members in the areas that did not work particularly well are in dialogue and are trying to improve things.

When we are trying to encourage people not to use cars unless the journey is essential, a good approach to adopt consistently across Scotland would be to give bus use high priority. In the areas where a lot more could have been done, that was not the case.

Some areas were extremely good and roads were well sanded. At the other extreme, sanding took place but after the buses started running, and the extremities of the routes were not covered and terminal points were not gritted. We need to give the bus the priority that it deserves in such difficult times and we need to adopt policies that will help the bus network to keep rolling.

Cathy Peattie: Can you elaborate on that? You said that in some areas the clearing and gritting worked and in some areas it did not. Are you saying that it worked in cities but not in rural areas? You said that you do not want to single anywhere out, but we are getting mixed reports from the people whom we represent. I am interested by what you mean when you say that it worked in some areas but not in others.

Ralph Roberts (Confederation of Passenger Transport Scotland): Mainly, there were good and bad examples of how people responded to the situation. From a bus operator's perspective, we do not always see why that is. It could be because of the infrastructure within the local authority and its level of preparedness, or it could be down to working practices at grass-roots level within local bargaining agreements with the unions. We do not always have that visibility.

The upshot of all that was how the build-up of snow and the weather affected the roads and road users. The point that we are trying to make is that in some places the situation was good; main roads were clear and a good number of the roads that run parallel to the main routes were fairly clear, so the buses were able to operate. In other places, the work was woefully inadequate. However, it would be remiss of us, as an organisation, to say what the cause was; the picture was sketchy across the country.

Cathy Peattie: I am asking whether you are talking about cities or rural areas. You say "some areas"; what does that mean?

Ralph Roberts: The feedback is that there were good and bad areas in cities and in rural areas. Not all rural areas were bad or good.

Cathy Peattie: What communication did you have with local authorities, Transport Scotland and others?

George Mair: In the good examples that were given to us, communication was a key part of the process. The operator has worked closely with the public transport unit in the local authority area, an open and on-going dialogue was conducted on road maintenance issues, and there was a quick response when a problem was identified.

Where we have that kind of relationship, it works extremely well, but in some areas the relationship has not been like that. That could be partly an

operator issue. Good communication, early and positive working with local authority partners and working well with the public transport unit to co-ordinate school runs so that everything is managed effectively and everybody is working really hard are needed: when we get that kind of relationship—there is evidence that some locations achieve it—things work well. We would like to take that good practice to the areas from which we hear less positive feedback and work with partners there to try to get more consistency across the patch.

Cathy Peattie: That is obviously important. How will you do that?

George Mair: We will, with the operators that have provided feedback to us, work centrally and with their local authority partners to try to address the issues.

Ralph Roberts: At the recent Traveline board meeting, there was a long discussion about how we can best disseminate information. The situation was sometimes changing so rapidly that the individual operator websites and even the Traveline website were out of date as soon as information was on them. A meeting is to be convened shortly, in the coming weeks, to find a better way to collate information.

A lot of information comes in from a lot of different sources and the speed of response is key. With the onset of mobile communications such as BlackBerrys, Android phones and iPhones, people can get information on the road and rail networks via the main sites such as Traveline and thetrainline.com. It is easy to get that information and it is a good help if it is up to date. The problem is that when the situation is changing so fast, it makes things worse rather than better because people get the wrong information.

Cathy Peattie: That is great for people who have a BlackBerry and access to new technology, but some of the people I spoke to who were standing at the bus stop certainly would not have that access. I know that it is difficult, but have you considered what could be done to speak directly to or communicate with bus users? There are some villages in my area where people did not get out for a week and there were no buses at all. How can you communicate with the people who depend on buses?

Ralph Roberts: That is a good question. It is a difficult one to answer, because there is no easy way. If we had information points at every bus stop, that would be the ideal, but given the number of operators that use some of the bus stops it is just not practical to have that sort of infrastructure. It is possible where there is a closed network situation of the type that ScotRail and Network

Rail enjoy, but with the shared infrastructure that bus operators have it is impossible to have that level of input to the customer or bus user. It is a good question. I am not sure that I have the answer, but we are working on it.

Cathy Peattie: I would be really interested in what the answer might be in the future.

Were bus operators sufficiently prepared for the severe winter weather? If not, what other things could be done in the future?

George Mair: In general terms, most operators will have winter procedures that kick in at a certain point in the year to ensure that vehicles are ready for adverse weather. As colleagues have said, this was a somewhat unusual spell of bad weather. I am pretty confident that operators were geared up to get services into operation. Where they did not do so, it was because of traffic delays, congestion and road conditions. It is extremely difficult to get buses through in such scenarios. I am convinced that no operator would set out not to operate scheduled mileage. If it happened, there was a reason for it.

Part of the evaluation that needs to be done is to focus on the winter procedures that companies adopt and to consider whether there are other things that they can do if there is another bad spell. We are conscious that during the last spell of bad weather a number of operators did things that they had not done before, such as hiring four-by-fours and working with schools authorities to go round and assess routes early in the morning so that decisions could be made on whether kids should be picked up and school transport should operate. There is lots that we can learn, and turning that learning into practical improvements in operations will help to deliver mileage.

Marlyn Glen (North East Scotland) (Lab): I will pick up on Cathy Peattie's first point. We are not in the business of naming and shaming—that is fair enough—but the committee might say in its legacy paper that the issue should be followed up. Given that, it might help if you named examples of good practice.

George Mair: One operator mentioned East Lothian Council and Midlothian Council in that regard. Scottish Borders Council was said to be extremely good. Members should not assume that, because I name those councils, all the others are bad—that is not the case. A wide range exists—from extremely good to pretty poor. If we can persuade people to consider bus routes in the context of main roads and as a high priority, and if they can direct their abilities to keeping those roads clear, operators will stand the greatest chance of delivering mileage.

Marlyn Glen: That will help if a future committee wants to follow up the issue.

Alison McInnes: Contingency plans that prioritise bus routes are valuable. In my constituency, many people relied absolutely on the buses—they would not have dared to go out by themselves, but they were happy to take the bus and to put themselves in bus operators' hands, which is good. Do we need to explore more radical proposals, such as winter clearways or parking restrictions on main routes? Is there sense in taking time to review such measures?

George Mair: One or two of our members in different locations gave feedback that said that although local authorities might have done their best to keep roads open, they were hindered by vehicles that had been indiscriminately parked at the side of the road. Often, vehicles were parked on double yellow lines that were covered with snow. Snow clearways would be extremely helpful.

Alison McInnes: That is interesting.

The Convener: I have further questions for the bus sector representatives. Are decisions made coherently on the services that are safe to run in extreme conditions? The major operator for much of Glasgow simply took services off, but one or two other operators' vehicles—which were perhaps smaller and older—were jam-packed full of commuters and skidded all over the place. Whose job is it to decide whether it is safe to run old buses on certain roads?

Ralph Roberts: The issue is extremely difficult. The corporate homicide law is now in place. If vehicles that are clearly incapable of conveying passengers safely are put on roads, operators have a definite liability. However, the overriding objective during the severe weather was to get people to work and from A to B and to keep the wheels turning.

In most of the companies to which I have spoken, the ultimate decision lay in a chain of command, which received feedback from the grass roots that worked its way up. Some vehicles were put into areas that were thought to be safe, but the situation changed and the vehicles were stranded. That was all part of the fast-moving picture, when the weather changed rapidly. Ultimately, the decision is no different from the normal decision about whether a vehicle should go on a particular route. Generally, the decision on whether a place is safe for a vehicle rests with the directors of the business.

The Convener: Is more of an overview needed? If someone drives a bus on a road that is covered in ice and might not be safe, and if so many people are standing up in the bus that the driver cannot see what is behind it, does that not present a case for saying that a constraint is needed in extreme circumstances? Most people

want to get to work, but they also want to get home in one piece.

14:45

Ralph Roberts: The dynamics of buses are distinctly different from those of heavy goods vehicles or cars. A car with a front engine and front-wheel drive has infinitely more traction than a car with a front engine and rear-wheel drive.

Most buses nowadays have the engines at the rear where the drive axle is and they have a lot more traction. When they are driven sensibly with large-diameter wheels, the traction is very good; they can get through in situations where cars and vans cannot get through. One of the things that we saw a lot on trunk roads was jackknifed lorries; articulated lorries that were lightly laden would jackknife because of lack of traction over the drive axle. Buses are lucky in that regard. If they are driven sensibly they can get through quite a lot of ice and snow. Again, it is down to the experience of the driver.

Much of this comes down to how used to the situation we are as a country, even down to area level. I have been in the industry for 32 years. I have operated buses in Denmark, Sweden and Germany, when there has been lots of snow. It is about the attitude that prevails when it happens. When snow is a regular occurrence, people become used to it and learn how to deal with it. We as a country have to learn how to deal with it, if it is going to be a regular occurrence.

My experience this year was that people rallied round and were very sensible. Buses were involved in comparatively few accidents and the accident rate was not that much higher than it would normally be. People acted sensibly. The fact that there were fewer cars on the road certainly helped.

The more you load a vehicle up with weight, the better traction it gets, so it becomes inherently safer.

The Convener: Okay. Maybe it just did not feel safer.

Marlyn Glen: My questions are on air travel. Why were Scotland's main airports, particularly Edinburgh airport, closed for periods during the severe winter weather?

David Lister (BAA Scotland): The reason why we closed was the conditions that we faced. We too have in place plans for a typical Scottish winter—we have our contingency plans. Safety is the priority. We have plans that we agree up front with the airlines, handling agents and the Civil Aviation Authority for how we will deal with particular circumstances.

The weather that we had, particularly in the Edinburgh area, in November and December was far more severe than we would typically experience. If we get severe conditions, we are forced to close in order to be able to clear the runways and taxiways to provide a safe operation.

Marlyn Glen: Have you made comparisons with other airports that suffered similar conditions but managed to stay open?

David Lister: We have done analysis. We have looked to learn how we can improve our ability to stay open and reduce the length of time for which airports are closed. We have done analysis of UK airports and we have been to Scandinavian airports, such as at Oslo and in Finland, to look at what they do. We saw some differences. For example, one of the reasons why Scandinavian airports are able to stay open under more extreme conditions is that they have multiple parallel runways—they can close one runway and keep the other runway operational. Oslo airport closes its runways many hundreds of times, but the airport is able to stay open. Edinburgh does not have a parallel runway, so it does not have the capability to do that.

Secondly, the Scandinavian airports are geared up for more severe winters, which are typical there but are not typical for Scotland, so they have more equipment.

Marlyn Glen: I would not have thought that increasing the number of runways was a solution for Scottish airports. Was there a particular reason why Edinburgh airport closed when other places did not?

David Lister: The reason was purely the amount of snow. The amount of snow that Edinburgh had, particularly in late November and early December, was far in excess of the amount of snow that the rest of Scotland had. That is why Edinburgh airport was forced to close. If we look at where there were similar levels of snowfall at other UK airports, we see that there were closures. There were closures in continental Europe and the United States, too.

Marlyn Glen: Thank you. What engagement did BAA have with Transport Scotland regarding decisions to suspend operations at Scotland's airports and how that could be minimised?

David Lister: The decision to suspend operations at an airport is currently taken at the airport, because it is a decision on safety. That is the prime consideration. It is not a decision that is taken in consultation with Transport Scotland, although we advise Transport Scotland of the situation as it is a key stakeholder.

Marlyn Glen: Can you give us details of the meetings of the airport forum and the outcomes of those meetings?

David Lister: Are you asking about the reviews that we have had with other airport users?

Marlyn Glen: Yes.

David Lister: We have had a number of meetings and reviews with the airlines and handling agents in the airports, to look at how we can work together to reduce the likelihood of closure and to increase the time to closure, as I mentioned earlier, as well as at how we can reduce the impact on passengers, improve communications to passengers and learn any other lessons.

We have worked together on the process for reopening the airport once it has been closed. Clearing of stands where aircraft are parked is time consuming. By co-operating well with airlines and handling agents, we can improve the efficiency of that process by moving equipment away, bringing it back and so on. We have been working on doing that. As the winter progressed, we were able to clear stands more effectively, in partnership with airlines and handling agents. We are continuing to have workshops with them on that.

Internally at the airport, we have reviewed the capability of our equipment. As a result, we have put on order additional equipment. For Edinburgh, we have invested in at least £1.5 million-worth of additional equipment for delivery at the end of this year, so that we are ready for the next winter. We have reviewed our procedures for the entire snow process.

Marlyn Glen: It sounds like you are doing a lot. Are you confident about what BAA is doing to ensure that its airports can remain open during similar weather?

David Lister: I need to sound a note of caution. Because there is only one core runway that we can operate, under extreme snow conditions we will always be forced to close. Any airport that has one runway is unable to guarantee that it can remain open under any conditions. We will be able to increase the levels of snowfall in which we can continue to operate. We will also be able to reduce the length of time it takes to get operational. However, we cannot say that we will not close.

Rob Gibson: I am interested in the effect of winter weather on links to the airports and on whether passengers can get to and from. Have the bits between the trunk road network and the airports been a particular problem, or are both the trunk road network and the more local roads that access airports a problem in the kind of weather that you have experienced?

David Lister: The links to airports have been a problem to a small degree. It is important for us that passengers are able to get to the airport, but it is even more important for our plans that snow-clearing teams are able to do so. One of the significant challenges that we faced was getting our snow-clearing teams to the airport. Their challenge was not necessarily the final part of the journey—it was getting across the Forth road bridge or rural roads in Fife, where a large part of our workforce is based. We had to look at plans either to put people up in hotels, so that we could guarantee that they were available for the next shift, or to send out four-wheel-drive vehicles to collect critical staff and so on.

Alison McInnes: We have explored in detail the difficulties of providing passengers with accurate and up-to-date information, using your services, but there was another, underlying problem. Even if the information had been accurate, people could not have accessed it because of the spikes in interest in your web information, in particular. What has each operator done to ensure that web and mobile information is able to cope with the sudden spikes in traffic that we saw?

Steve Montgomery: We normally average about 26,000 hits on our website per day. On 6 December, that went up to more than 200,000 and our website fell down. However, the next day, using FirstGroup's technology, we put in more resource and it can now take up to 400,000 per day, so we have solved that problem already. There certainly were spikes of people trying to find information on the website on that particularly bad day. I think that that was the day that the M8 and M80 were closed. Many people rightly abandoned their cars because they could not get home and came to railway stations. We carried an extra 5,000 or 6,000 passengers on that day and got them home.

Alison McInnes: Is the website more resilient now?

Steve Montgomery: Yes—it has been fixed.

Alison McInnes: That is good to hear. What about other operators?

David Lister: As far as I am aware, we did not have any issues with the airport website crashing. That side of things is resilient. We have been reviewing the provision of information on that website to ensure that it has the most appropriate information and that we can get it up there as quickly as possible. We have done that through internal reviews and working with our airline partners, who provide the data on what is planned with flights.

Ron McAulay: Network Rail does not operate the customer-facing websites, but I will comment on national rail inquiries. It upgraded its system

following the January 2010 winter and the website largely stood up fairly well to the demand, even though it again experienced massive increases.

Alison McInnes: What about the bus operators' websites?

Ralph Roberts: There were no crashes. Traveline Scotland had a tenfold increase in web traffic. Transport Scotland experienced the same. The information was there. The thing that was pleasing in all that was that there was latent knowledge of where to get the information. If there is a tenfold increase in use, it is obvious that people know where to come to try to get information when they really need it. The technology was there to let the site function.

Alison McInnes: Has there been a growth in web traffic now that people have discovered those ways of accessing information or did it drop back off again?

Ralph Roberts: It tailed off again. However, there was an uplift in usage through mobile devices such as iPhones.

Alison McInnes: The Office of Rail Regulation has announced that it will monitor the provision of passenger information during winter weather. How do FirstGroup and Network Rail intend to support that investigation? What dialogue do they intend to have about it?

Steve Montgomery: We are presently working with the ORR and are involved in the reports that are being put together, so we have input. We are also working closely with Transport Scotland because the franchise goes through it. There is a lot of continuing dialogue, as there was prior to the severe winter weather.

David Simpson: There is a work stream in our industry called passenger information during disruption, which was in place for the severe weather. The Office of Rail Regulation is auditing Steve Montgomery's team and mine jointly to determine to what degree we met the requirement on that, and how we need to improve provision for further spells of disruption. That is going on as we speak.

Ron McAulay: I will make a further point about communication—not so much external communication to passengers but communication between the different agencies. Steve Montgomery and I participated in the regular Scottish Government resilience room and Cabinet conference calls that were held every day throughout the disruption. They were extremely useful for being able to feed in information on the current situation and hearing what was happening on the other modes of transport, such as the roads.

The Convener: I will ask about intermodal provision of information. If a rail service is disrupted or cancelled and somebody who has good local knowledge happens to work at the station, they may be able to refer passengers to bus services—or vice versa if the train is running and the buses are disrupted—but is there a systematic approach to improving that? Real-time information about a single service is useful but, if it is not running, people need to know what their other options are.

Steve Montgomery: Our staff, particularly at the large stations, are provided with alternative bus transport routes in and around the major cities so that people can get home. Obviously, further out, we will not do that unless we are completely at a standstill. However, if there are short-term cancellations because of an incident in and around the main stations, we will divert people on to buses and the staff will have information about that.

The Convener: So there is a process for keeping that information updated with impacts that the weather is having on bus services.

Steve Montgomery: Yes. We try to look at how everybody else is working. During the extreme weather, it was very difficult to gauge that—things were changing on a minute-by-minute basis.

15:00

David Simpson: Another issue for us was trying to keep abreast of the condition of the road network. There were many incidents, for example trees falling across railway lines due to the weight of snow, and our ability to respond quickly to them depended on getting there by road. We found it challenging to keep abreast of all the conditions on the network and to get to such incidents. We picked up information through other websites and the police in making our response as effective and quick as possible.

Ralph Roberts: Through the worst of the weather, it became blindingly obvious that the Traveline Scotland system could not cope with the amount of information that was coming at it. The journey planner was not linked to what was going wrong in the network. Traveline Scotland is currently working with Transport Scotland on a proposal to modify its journey planner system to take account of disruptions on the road network, which would have benefits 365 days a year. The bad weather really showed up the problem.

The Scottish Government at Victoria Quay was given a daily update at 10 o'clock with feedback from bus operators on network coverage and key disruptions. Transport Scotland had that on-going e-mail dialogue for the travel emergencies hotline, so it was getting good-quality information from the

road network. I know that Transport Scotland was pleased about that, because that helped it to gain a picture of what was happening on the ground.

Rob Gibson: I will leave aside the Tweetie generation and turn to steam radio. There was a good example recently of wild information on the radio, which was that there was a disruption between Inverness and Wick, which is a distance of about 120 miles. Who tells the BBC where the disruption is, for example that it is between Brora and Helmsdale, or wherever it was? People who use the network can be mystified by such information.

Steve Montgomery: From ScotRail's point of view, that is done through our control centres working with Network Rail. We update the press, particularly in the morning and evening peaks. We have somebody whose purpose it is to feed in that information. They also have access to our information systems, which give them more detailed information on the location of disruptions. Instead of simply saying that a line of route is blocked, it gives information on the specific area. We update media sites.

Rob Gibson: The information was not very accurate in the case that I cited. We heard only that there was a broken-down train somewhere on the route. As I said, many people could have used the trains that were running on the route—trains were running between those two points—but people could not get information from the BBC.

Steve Montgomery: We do provide that detail. We need to work closely with our media partners on how to get out the information.

Rob Gibson: I turn to people who are disabled in various ways. My question is on access in severe weather situations. Obviously, all modes of transport are a concern in this regard. Did you learn anything from the recent experience that will improve things for disabled people who want to travel in times of difficult weather?

Steve Montgomery: I am not aware of any major problems that ScotRail experienced in respect of disabled or mobility-restricted customers who used our services when they were running. Again, many of the problems that people had were in getting to railway stations. That was an issue. However, we had no difficulty in handling people.

George Mair: The situation was similar for the bus companies. The big challenge for people was in getting to the bus station.

David Lister: Likewise from an airport experience.

Cathy Peattie: Could the issue be highlighted in discussions with local authorities and others? The issue has been raised with the committee and me

that when people cannot get to a bus stop, it is difficult for them to continue to travel, whether to a railway station or airport.

George Mair: You make an excellent point. The main road might be cleared, but if the road into the estate is blocked, how do we get someone to the bus? The issue needs to be examined.

Charlie Gordon: Gentlemen, I gather that more snow is on the way later in the week. Are you all confident that you will do even better when you are faced with the next challenge?

David Simpson: We are aware that snow is on the way. Our plans are in place and we expect to be able to cope with what is thrown at us.

The Convener: I thank the witnesses for taking the time to answer our questions and for the offer of supplementary written evidence, which we can circulate among members.

15:05

Meeting suspended.

15:08

On resuming—

The Convener: We are joined by our second panel of witnesses. I welcome Keith Brown, the Minister for Transport and Infrastructure; Jim Barton, chief road engineer and director of trunk road and bus operations at Transport Scotland; and Frances Duffy, director of rail in the Scottish Government. I invite the minister to make brief opening remarks before we begin questions.

The Minister for Transport and Infrastructure (Keith Brown): Thank you, convener. I welcome the opportunity to speak to the committee on a number of transport issues, the first of which takes us back to the severe weather conditions that we experienced at the end of last year and into the beginning of this year.

On my appointment as Minister for Transport and Infrastructure, my priority was to tackle the difficulties that the severe weather created. It seems a long time since we had that heavy snowfall and those prolonged, very low temperatures—Mr Gordon has reminded us that we face more snow. The Met Office has confirmed that we experienced the second coldest months in 100 years—beaten only by 1947, or so I am told. The winter tested our preparedness to an unprecedented degree. We have a system in place, which it is fair to say was tested beyond its limits.

We are concentrating our efforts on ensuring that we are as ready as possible, should similar circumstances occur. For my part, I am fully

committed to keeping the transport networks moving under all eventualities, which obviously means that we have to try to foresee circumstances that have not yet transpired. The fact that our transport multi-agency response team—which comprises representatives of Transport Scotland, the operating companies, the eight police forces, First ScotRail and Network Rail—can be activated ahead of predicted severe weather will, in my view, immediately improve communications between the different organisations involved and the public.

At this point, I want to thank the sub-zero heroes, as the newspapers termed them, who worked together tirelessly to keep Scotland's roads open for business and Scotland's transport services going as much as possible during the severe weather. The list includes members of the multi-agency response team, the emergency services, the operating companies, local authorities, BEAR Scotland, Amey, Scotland Transerv, drivers of gritters and snowploughs, and on and on. Indeed, I also thank the organisations whose staff manned the call centre in Airdrie and stayed on without pay during the worst of the weather. All of those people made significant efforts to keep Scotland moving.

Overall, bus operators coped well with the severe weather and adverse road conditions in December. The buses were effective in using their flexibility advantage to respond quickly to changes in circumstances, very often covering gaps in provision on other transport modes. Services continued by varying the route run and the frequency and number of vehicles used, and Traveline Scotland played a vital role, at the call centre that I have just mentioned, in keeping passengers informed of those changes.

On 5 January, MART members were on shift in the traffic Scotland control centre from around 5 am in readiness to monitor traffic flow and incidents and to take operational decisions to minimise disruptions across the network. I was present in the control centre from just after 5 o'clock to see at first hand the preparations that were in place to keep things moving.

Following the events of 6 December, we took immediate action by introducing what is now referred to as the six-point plan, which included putting down additional salt and grit at key locations on the national trunk road network for quicker access; using traffic management resources to enable diversions where necessary, which meant placing equipment in certain locations to ensure that we did not need a blue-light presence to carry out such work; enhancing the operating companies' resources by adapting, for example, landscaping vehicles for clearing snow; using the option of removing central barriers

from trunk roads and motorways to allow access to blocked or broken-down vehicles and to redirect traffic; working with the police on how we could stack heavy goods vehicles on the hard shoulder to keep traffic moving; and, finally, providing the trunk road incident support service—or TRISS—with vehicles and other operating company vehicles with welfare kits of blankets and water to support other emergency responders.

Despite certain well-publicised incidents on 6 December and 5 January, the trunk road network was open and available for more than 97 per cent of the time between 24 November and the end of January, and Transport Scotland and councils worked extremely hard to keep the roads passable. We have also maintained Scottish salt supplies, with around half a million tonnes in stock or on order—around the same amount that has already been used this winter—and have explored new ways of keeping the transport networks open. Three ice-melting alternatives to salt have been trialled to test their effectiveness, and early indications are that they are effective. Those products are added to salt to enhance its effectiveness at temperatures below -7°C; indeed, one of them has been tested successfully on hard-packed snow and ice on a road in Huntly in Aberdeenshire. It provides a new way of clearing roads at temperatures down to -20°C, and strategic stocks will be placed around the country for targeted use when normal salt is not effective. It is also effective in inhibiting the formation of ice and snow on surfaces, which will be useful.

Well-maintained transport networks are vital to the vigour of Scotland's economy and prosperity, and the winter has caused a lot of defects on our national roads. The additional £2 million that was announced yesterday by the Cabinet Secretary for Finance and Sustainable Growth, which follows a previous allocation of an additional £2 million that was made earlier in the winter, will enable the four trunk road operating companies to repair many more potholes and larger areas of damage in the coming weeks, and will be split between those companies on the basis of need, condition and length of networks. Additional works will start immediately.

At his appearance before the committee in December, the cabinet secretary acknowledged that communication with the travelling public could have been better, and we have been working to improve the information that is available to transport users and people who are planning their journeys. In recognising that the existing information services were never intended to deal with the huge volume of calls that were received during the worst of the weather, we took immediate steps to rectify the situation by enhancing traffic Scotland's customer care helpline with an automated message service on

0800 028 1414, which provides frequent messages about conditions in network areas across Scotland. Those updates can also be provided to radio stations. This new service was developed to help cope with peak call periods and expands our current suite of communication tools, which include the traffic Scotland website, an iPhone application and Twitter services. Although we have already taken steps to improve communication, I am sure that we can do more, and we will reflect on and learn from recent events.

On rail, I have asked Network Rail and ScotRail to report on their winter performance with the support of Transport Scotland and the Office of Rail Regulation, to ensure that the lessons from the recent disruption are picked up quickly and result in actions that can be implemented speedily.

Passenger information will be a key part of the review. The committee might be interested to know that the rail regulator is separately reviewing the effectiveness of the passenger information that was supplied at the time, and is in Scotland today and tomorrow working to that end.

15:15

The Convener: You have covered many of the practical issues that members will want to raise in questions. I want to ask about Transport Scotland's internal procedures and policies. Has there been any attempt to look at refreshing those to adapt them to or learn from the lessons of the recent severe weather? What needs to change or what could be improved about the way in which Transport Scotland operates as an organisation during such conditions?

Keith Brown: I will answer first and then ask whether any of my officials has anything to add.

The establishment of the multi-agency response team and the Scottish Government's resilience group, which met at least once a day throughout that time, ensured that changes were made to practice within Transport Scotland, and also in many other organisations. Some changes follow from the changes that we made when establishing the multi-agency response team. I have mentioned some of the on-the-ground initiatives or practical changes, but we are also reviewing generally all the lessons to be learned from that period of severe winter weather. That is an on-going review of Transport Scotland. However, it is not just about Transport Scotland; it is also about how Scottish Water will cope with future severe winter weather.

The main changes were those that came about as a result of changes in the six-point plan, such as the establishment of the MART. Perhaps Jim Barton can add further detail.

Jim Barton (Transport Scotland): I listened to the comments that were made earlier, and we need to put them into context. Last year's weather conditions were unlike anything that anyone who has been involved in this work for many years could recall. I have been director of trunk road operations for 10 years, and I had certainly never experienced anything like it, nor had people with 20 or 30 years of experience.

We need to be prepared for next winter, which is why we have, for example, introduced alternative materials that work to much lower temperatures. Prior to last year, we had not experienced temperatures of less than -7°C on more than two occasions during the previous two years. In December, that happened on 10 occasions, and sometimes the temperature was significantly below that.

We believe that we need to look at where we put our strategic salt stocks. We had good salt supplies last year, but we want to look at where they should be located to best effect. As the minister said, we will link that with the alternative materials to give us strategically based stocks of material, plant and equipment, so that we can handle the worst that the weather can throw at us next year.

We have deployed extra closed-circuit television cameras and we have put mobile sensors on to extra patrol vehicles on the network so that the static sensors that record the temperature and condition of the road are supplemented by mobile sensors that will travel the network and provide much better information.

The Convener: Minister, you mentioned an on-going review. I am sure that our successor committee in the next parliamentary session will take an interest in that. Can you indicate the timescale within which that review is intended to report? Is the Scottish Government considering any form of independent review that is similar to the one that the United Kingdom Government has commissioned?

Keith Brown: It can be confusing, given the number of reviews that are being done. The roads review has arisen out of the Audit Scotland report. The Convention of Scottish Local Authorities is conducting its own review, as is the train operating company and Network Rail.

The review that I am talking about is about preparedness across the transport brief and lessons that can be learned. It will draw on a number of different sources and on-going processes, such as our initiative on winter tyres. That must be addressed first, because we must ensure that we have a sufficient stock of winter tyres.

Of course, it is not necessarily for me to say what will happen in the next session of Parliament, because that will be up to others to decide. However, we must move forward to a stage whereby the review will feed into what I hope will be a national preparedness week, such as happens in Canada, in which we can use the lessons from the review and say to people, "This is how we have to prepare for winter." That is done in Canada through schools and public awareness exercises, whereby people are told to ensure that their domestic heating is ready for winter and that they do what is necessary regarding their cars. For example, they are told about winter tyres and what they must take into account if they travel in wintry conditions.

The review will necessarily have to finish well before giving such information to the public, so it will finish some time in the summer.

The Convener: Is an independent review being considered that is similar to the UK Government's Quarmby review?

Keith Brown: No. The general review of winter resilience and the roads review are not independent reviews, although they draw on independent witnesses. The performance audit group report, which has been mentioned in evidence to the committee, draws on independent witnesses, but our reviews are Government reviews.

The Convener: Okay. In your other answers you probably addressed my other questions, so we will move on to Charlie Gordon.

Charlie Gordon: We turn now to rail, minister. What was the nature of the interaction between Transport Scotland, Network Rail and First ScotRail during the severe weather?

Keith Brown: As well as the regular interaction between those organisations, there are people in Transport Scotland such as Frances Duffy whose job is to maintain relationships with the other organisations. As I said, there was daily liaison. On the first day that I got this job I met you and Andy Kerr, then I went straight from that meeting to meet Steve Montgomery and Ron McAulay, who have just given evidence to the committee. At least once a day there was regular contact with such people. A large number of Transport Scotland officials participated in the Scottish resilience room meetings, as did Steve Montgomery and Ron McAulay. However, a lot of discussion took place outwith those meetings as well. The contact that I know about alone was substantial and daily, but perhaps Frances Duffy can give you more information on that.

Frances Duffy (Transport Scotland): We ensured that we had regular updates for the morning and evening peaks so that we understood

what was happening in the services as far as we could, then we fed that back through the SGoRR meetings. Members of our staff were down in the central control room along with Network Rail and First ScotRail staff during the worst of the weather to ensure that we kept the communication flow going as much as we could so that we could report. That gave us opportunities when we discovered particular problems around rail freight and so on, because we could interact with the operators quickly to try to resolve issues.

Charlie Gordon: You will be aware that we heard from the rail operators during the previous evidence session. Without going over everything that they said, which presumably you support, you will have heard them promise at the end that they will do better. The guiding philosophy that came through was one of key routes, which it is fair to say is a slightly different approach from winter maintenance on the trunk road and motorway network. Minister, are you comfortable with that approach, whereby Transport Scotland effectively decides well in advance that if there is severe weather, it will try to keep the busier routes going, but that other routes may be shut for a longer time?

Keith Brown: That was the first time that that approach had been tried, although I think that it was reflected in practice down south and in some cross-border services. I suppose the analogy is that when you get cold your blood goes to the centre of your body. There was an element of that with the rail service in that it concentrated on core routes.

It was the first time that the approach had been tried, and I do not deny that it caused disruption to passengers whose services were suddenly stopped. It seems a logical way to go about things, to try to give as much certainty as possible, but I think that we will want to include the matter in the review, to ascertain whether it is the best approach. From my fairly new position in the area, I can see the attraction of the approach and I can understand why it was taken.

The system is not completely different from the system in relation to roads, because there is a key route element in relation to the tier 1 network—the triangle between Edinburgh, Glasgow and Perth. The change was well intentioned, but we must examine it further.

Charlie Gordon: Notwithstanding the acceptance of the key route approach, are there sanctions that might apply to franchisees or Network Rail for their performance during the recent severe weather?

Keith Brown: There are sanctions, which are applied by the Office of Rail Regulation. Network Rail was sanctioned prior to the severe winter

weather and I think that I am right in saying that the ORR is currently considering the winter period. I think that the ORR has said that it has concerns about how Network Rail and First ScotRail dealt with the winter weather.

The previous sanction resulted in a substantial seven-figure fine, and I have asked that some of that be reflected in spending in Scotland, because we suffered part of the disruption. We await the ORR's information on the most recent period.

Frances Duffy: Of particular interest is that when we met the ORR and Network Rail recently—we have regular tripartite meetings—we flagged up the key route strategy. We want to ensure that we are adopting a sensible approach and that we are stretching the industry so that it does all that it can do to provide services. The ORR will consider the matter.

The ORR will also consider Network Rail's performance during the past few months against its regulated targets for providing services throughout the United Kingdom. We know that there will be issues to do with Network Rail's achievement of its public performance targets this year. There is a need to consider how much of that will be due to the exceptional weather, so that we can be sure that Network Rail did all that it could do to meet its targets or consider what further improvements we could expect. That is part of the ORR's review of Network Rail's performance during the winter. We will continue to work with the ORR and hear how its work is going on.

On ScotRail, the franchise agreement provides for performance payments and penalties. Financial penalties arose as a result of some of the performance failure during the winter. There is a direct penalty in that regard, whereas the penalties for Network Rail come through the regulatory regime.

Charlie Gordon: I take Frances Duffy's latter point and the minister's point about the ORR being the lead regulator for Network Rail. However, the Scottish Government has powers of direction over Network Rail. I fully accept the minister's point that it would be better to have a devolved sanction that did not send income from fines out of Scotland.

Minister, may I ask you more informally whether you are quite happy with Network Rail's performance during the recent severe weather?

Keith Brown: I do not think that we can be happy with it. As I said, we had a system in place to deal with certain conditions, and in some vital respects it failed to deal with some of those conditions in December, which meant that rail travellers faced substantial disruption.

Some of the issues are long term, such as the quality of rolling stock and infrastructure, but most are to do with the severity of the weather. I really must rely on the ORR, which has the expertise to check the extent to which a service failure or a problem with what Network Rail's infrastructure could deliver was foreseeable and understandable and to check whether the right things were done in response. If the ORR finds that the right things were not done, it will have to take action, but it is for the ORR to do that.

I do not think that we can say that we were happy with the experience for many rail users. We have done a number of things subsequently to ensure that that experience is improved in future.

Perhaps the biggest issue, though—which was an issue not for Network Rail but for ScotRail—was that of rolling stock freezing up with huge accumulations of snow. That may have caused more disruption than anything relating to Network Rail's infrastructure, although there were issues with points and so on.

15:30

Charlie Gordon: On that last point, minister, the new rolling stock did not perform well but the old stuff that was in mothballs did rather better.

Alison McInnes: Minister, you said that on the whole you were happy with the key route strategy, which significantly disadvantaged some of the rural areas. I understand the thinking behind it, especially over short periods of disruption, but will you look again at prolonged periods of disruption? At what point do you say, "Actually, we need to start serving the rest of Scotland as well"?

Keith Brown: What I said was that I saw the logic of the key route strategy—I think that it was well intentioned. It is not just about favouring one area over another, although, as the title suggests, the strategy favoured the areas in which the greatest volumes of traffic were to be found, which is understandable. However, you are right to say that the strategy caused disruption. People found themselves on a railway that would have worked fine but had no trains running on it because they were running elsewhere. That presents challenges. Those challenges might have been becoming apparent the previous winter, because there were issues with rolling stock then, but they were never as bad as they were this winter. Trains had up to 3 tonnes of accumulated snow and ice underneath—which was unheard of in many people's experience.

I would not say that I was happy with the strategy because most people would not be happy if, suddenly, they did not have the expected service. I have said already that we will look to review the strategy. The policy was there when I

came into the job. I can see the logic of it but I can also see the implications, so it is only right that the various parties consider whether the strategy is the best way to go in future.

Alison McInnes: I find that reassuring.

What discussions have you had with East Coast and CrossCountry about their decision to drop trains north, from Edinburgh to Aberdeen, to improve running times elsewhere? That led to the loss of many services north and left ScotRail to pick up the pieces, leading to further crowding on ScotRail trains at a time when that was not helpful.

Keith Brown: The communications usually arose as and when we were told what was going to happen. We made our feelings known about the implications for us. I am not sure that the matter has been followed up in any great detail since then. Frances Duffy may know a bit more about those communications than I do, but mainly they were when we were told what was going to happen. To be honest, our main concern was to see what we could do to fill the gaps, as you have suggested.

Frances Duffy: We had discussions with the Department for Transport, which has responsibility for those franchises, to ensure that it fully understands the implications of such decisions. Some of the steps that the cross-border services took were disappointing. Although we try to impress upon the DFT, where possible we look to ScotRail to pick up the implications for Scottish passengers.

Keith Brown: When there were problems at Heathrow, I raised with the Secretary of State for Transport the point that it seemed as if traffic to Scotland was one of the first services to fall off the end. I encouraged him to use London City airport for Scottish travellers. He said that what the airlines tended to do was to take off passengers who had alternative means of getting to their destination. At that point, the east coast and west coast main lines were in trouble, and at one point buses could not pass through the north of England to come to Scotland. He and I had what was perhaps a bit of an educational discussion about the problems that we have in Scotland.

Rob Gibson: The performance audit group found that BEAR Scotland performed at a level that was in accord with contract requirements. The group noted that a smaller amount of snow was forecast on 5 and 6 December than was actually experienced. The coincidence of the increasing amount of snow and the morning rush hour created a huge problem. Has Transport Scotland reviewed the terms of BEAR Scotland's contracts for winter service duties?

Keith Brown: It has reviewed them in the sense that, as different things have come up, some of the

working practices that are implicit in the contracts have been changed to adapt to the winter that we have just had. That has been done in collaboration with the trunk road operating companies.

The contracts come up for renewal at different times. For one, that is fairly imminent, so of course it is being reviewed, but it is probably fair to say that all the contracts will have to be reviewed because there have been changes. For example, I mentioned the tier 1 road network and some of the changes that we have made to vehicles, and those things will have to be reflected in the new contracts so, in practice, the review is starting now. To a certain extent, it has already happened because, although the contracts themselves—the legal documents—might not have changed, the practices that are implicit in them have changed to take account of new circumstances. The new contracts will have to take account of the circumstances that we have just gone through.

Rob Gibson: With regard to changes in contracts and some of the specific things that happened, there seems to have been no contractual obligation on BEAR Scotland to patrol the M8. Why is that?

Keith Brown: As you will appreciate, motorways have very high traffic volumes and, generally, they are well covered by sensor equipment. For that reason, patrols were removed from motorways in the last round of contracts. A lack of patrols in itself does not mean that the winter service is inefficient, but we have decided that, especially on the tier 1 network, new patrol routes would further enhance the service to the travelling public. The role of the vehicles is not just to patrol, because we recently fitted some of them with ice-sensing equipment.

We are trying to adapt and improve things as we go along, and the patrol service is now there on that part of the network. At present, drivers have to stop and feed back the read-outs from the ice sensor to the control room, even though it is on a display on the dashboard. In future, we hope to use information technology to have that information fed straight back. We are adapting things as we go forward, and the instigation of patrols again was part of that adaptation.

Rob Gibson: I am told that the road surface temperature sensor on the M8 near Whitburn was out of action before 5 December. How long did it take to repair?

Keith Brown: It was certainly until well into January, partly because of the very bad weather itself and the disruption that replacing the sensor would cause, but also because the materials that would be used to replace it would not have set in those cold temperatures. Perhaps Jim Barton can

give a more precise date for when it was eventually done.

Jim Barton: The contractual requirement is for the sensor to be repaired within one month of it being found to be defective, and it was just on the limit of that. Under normal circumstances, we would want it repaired much more quickly than that in the winter but, as the minister said, given the amount of snow at the side of the road, it was deemed to be a safety hazard for vehicles to stop and repair it. In any case, as the minister also said, it is not possible to fix the sensor when the temperature drops below a certain temperature.

Rob Gibson: Okay. On weather forecasting, BEAR Scotland receives a service from Vaisala and the Scottish Government receives a service from the Met Office. When those two forecasts were provided, were there any differences between them?

Keith Brown: Do you mean on a particular date?

Rob Gibson: Yes—on 5 and 6 December.

Keith Brown: I think that you have the materials from the trunk road operating companies—the log and read-out from the PAG. I do not think that they were different in significant respects that would have led us to do something differently, but there were differences. Maybe that is part of the virtue of having different providers, because we can pick up those differences. It is true to say that other trunk road operating companies use the Met Office, as we do, but there were no significant differences that would have led us to do something differently.

Jim Barton: I make it clear that Vaisala makes the ice sensors. The information goes from the ice sensors to the operating companies. I am pretty sure, but I can check for certainty, that Meteo—rather than the Met Office—provides the weather forecast information for BEAR Scotland.

Such information is more precise. As well as receiving general information, the operating companies receive predicted road surface temperatures, which are compared with the actual temperatures from Vaisala.

Rob Gibson: I did not catch the name of the other weather company.

Jim Barton: It is called Meteo.

Rob Gibson: Just Meteo?

Jim Barton: Yes.

Rob Gibson: I thought that I heard a word before that.

Jim Barton: No. One operating company receives information from Meteo and another receives it from the Met Office. I am pretty sure

that BEAR receives forecasts from Meteo. However, the forecasts are based on similar systems.

Rob Gibson: There has been quite a debate about how the technical information that the people who keep the roads clear require is translated into simplified information for the public on the radio, television and so on. Did the need to translate specialist information into more general information create a problem? How were the public affected by what was on offer?

Keith Brown: The Met Office, which provides information through most major media outlets, is well used to presenting information to be understood by the public. The trunk road operating companies—some of which use the Met and some of which use other firms—require more specialist and precise information.

We all became a bit more educated as time went on. On the Met and weather forecasting in general, other people in the room have far more experience than I have, but the closer forecasters are to an event, the more certain they can be.

The challenge of providing information in an easily understood way is not outwith our control in a sense, but most people receive their diet of weather information through the media—through the Met on media outlets—which we do not control. We must ensure that we have the best possible information and the specialist information that is required. People who are watching TV probably do not want to know the differences between ground and air temperatures, but those differences are vital for trunk road operating companies, so they receive information at that level. It is probably more difficult to make the information as simple as possible to understand, but the Met and other weather information providers do so regularly.

Jim Barton: The extra resilience report that ministers have asked us to produce deals with communication. The three important elements are communication, decision making and the treatments that we undertake.

On communication, we want to provide much more information to the travelling public. For example, we are considering how to transmit the weather conditions and the predicted temperatures that Vaisala provides to the operating companies route by route to the traffic Scotland website and how to put the treatments that operating companies propose to undertake on that website. If we can do that—I think that we will—we will need the information to be fairly simple, so that people understand it, as the minister rightly said. The aim is to get across the message that the travelling public have a responsibility to understand the predicted

conditions if they are going to make a long journey.

Rob Gibson: That is helpful.

Have discussions with road hauliers and freight companies reached any conclusions about stacking HGVs on trunk roads and how to ensure that goods reach their destinations during severe winter weather?

Keith Brown: The discussions with the Road Haulage Association and the Freight Transport Association have been constructive. Initially, they were concerned about whether HGVs or other goods vehicles would be penalised to benefit other traffic—about whether those vehicles would be pulled to one side while the rest of the traffic went merrily on its way. However, we have successfully engaged with the industry on the number of incidents that caused major problems, particularly on 5 and 6 December. One such incident involved a vehicle that jackknifed—I am told that that is no longer the proper term, but we all know what it means.

There was a particular issue, but a subsidiary issue existed. For example, on the M8, some goods vehicles could not go up the incline around Harthill. That is one reason why we have provided that grit should be permanently located in that area, so that we have easy access to it, and that removing the central barrier should be easier, so that we can take traffic that is causing congestion straight out and allow gritters in. The same principle of taking vehicles to one side applies to gritting.

We have had the RHA in at Transport Scotland's room to see all the pressures that apply on the road network. Now that we have explained those pressures and have had the association explain to us some of the pressures on road hauliers, we have reached a fairly good position with it. I think that the FTA is about to go through the same process. It has been a constructive dialogue. Not the least of those organisations' concerns was the fact that Christmas deliveries that people were expecting did not arrive on time for weather-related reasons. We have had constructive engagement with them.

15:45

Rob Gibson: There was, of course, an issue with Christmas deliveries far south of your jurisdiction, which has yet to be explained.

Have the hauliers expressed to you concerns about the way in which car drivers behaved, which may have affected what we are no longer allowed to call the jackknifing of HGVs? Was there other bad driving that led to the roads getting clogged up?

Keith Brown: It is fair to say that the RHA thinks that that is the case. If a driver of an HGV commits a misdemeanour, there is no reason why drivers of other vehicles will not also do so. The RHA has said that it feels that that is the case.

The Convener: Charlie Gordon has a supplementary.

Charlie Gordon: Minister, in your opening statement, you mentioned the development of the multi-agency response team. I am not clear how often that meets—you can tell us in a minute. It has on it eight police officers from the different police forces, who I presume are all traffic officers. During the recent severe weather, I was aware that, across different police boundaries, police officers might have made slightly different operational judgments. Mr Barton's team might have had a view that a trunk road that was closed should have been open or vice versa. Has it been made clear to the police through the multi-agency response team that, given the cross-boundary nature of trunk roads and motorways, it would be in everyone's interest if there was greater consistency of operational decision making?

Keith Brown: To the extent that, rather than representatives of the eight forces, we have a representative for the eight forces, usually the Association of Chief Police Officers in Scotland—

Charlie Gordon: I see. I had misunderstood that.

Keith Brown: That person will speak to each of the eight authorities, and that has happened. If issues arise overnight in a certain part of the country that that officer does not know about, they can quickly get on to the right person in the right force to get that information out. It would probably be impractical to have representatives of all the eight forces on the team.

All of us have learned from the severe weather, and I am sure that the police will have done, too. In any event, the idea that different forces might do things differently might be less of a problem in future, given the proposed new configuration of police forces. There was a consistency in that we dealt mainly with Kevin Smith, who is the relevant chief constable on such matters, and he was extremely useful in ensuring that the police officers that we have in MART—it is usually just one officer but sometimes two—were fully briefed on the situation across the country. We found that to be quite effective.

Cathy Peattie: The committee took evidence from the Mobility and Access Committee for Scotland, which raised real concerns about people with disabilities accessing public transport. I think that it felt that their problem was exacerbated by people clearing snow from cars and driveways on to pavements. There were also issues for other

pedestrians, such as older people and people with young children.

Do you feel that sufficient priority is given to clearing footways and footpaths to allow access to public transport, shops and services? Will that be reviewed in future?

Keith Brown: The vast majority of footways will be the responsibility of local authorities, which does not apply in relation to trunk roads, by and large. A number of people have made the point that if a road is cleared, but a pensioner, for example, cannot get down the pavement to where the bus stops, that is not much good. In my experience, most authorities have priority routes that they want to clear first. Some are able to get round to the pavement network more quickly than others.

I have two points to make. First, the materials that we have looked at for improving the thawing of ice and snow will work just as well on pavements as they do on roads. Those materials are expensive, but the cost might be driven down if authorities place large orders, so we have made it clear to the Society of Chief Officers of Transportation in Scotland that that is a possibility. It may want us to trial the arrangement for a bit longer, as we have had only the one trial that I mentioned. One problem was that hard-packed snow and ice on the pavements, which sometimes defeated even able householders, was replaced quickly or stayed for a long time because of the low temperatures. Some of the new materials might help to deal with that problem.

Quite separately, the roads review that we have announced, which will take place over the coming months, will also look at footpaths, as they have suffered the same degradation as some road surfaces. However, by and large, pavements are a matter for local authorities.

Cathy Peattie: Should the Government consider changing the information that people have to do with clearing driveways, keeping vehicles off footpaths and so on? There is a bit of ambiguity about what is right and wrong and about whether people are at risk if they clear their pathways. Should the Government issue some guidance on that issue?

Keith Brown: As I recall, we issued some guidance, mainly to try to avoid the confusion that had been created by some statements—I must be careful here—that suggested that, if a householder cleared their pathway and it became slippery, they could become liable. If we issued guidance on the general issue that you raise, we would have to do so in conjunction with our local authority partners, because by and large this is an issue for them. However, we should consider such a measure as part of the review of the severe winter weather.

You are right to say that this was a big issue for many people. It took some time for us to get a clear legal position for the statement that we were able to make—Jim Barton may be able to say more about that—but we should look at the matter.

Jim Barton: The minister is right. We issued advice on behalf of the Scottish salt group, which covers COSLA, SCOTS and the Society of Local Authority Chief Executives and Senior Managers, so the advice was collaborative.

Cathy Peattie: A number of organisations have expressed concern about the fact that it is difficult to cycle on an icy road. You spoke about materials that may be useful in the future. We are keen to hear about those. You also said that they were expensive. I wonder about the costs and availability of such materials, if we find ourselves in the same situation in the next two or three weeks.

Keith Brown: One material that will be of particular interest to you is a by-product that is made at Grangemouth. There is no problem with supplies of that material. I do not want to give the names of such materials, because they are proprietary names. I think that the one that we tested is from Holland. It is around 12 times more expensive than salt, but it is mixed with salt, which reduces the price. It worked extremely effectively on a road on which there was packed ice and snow. The material was laid down and left for some time; afterwards, it could be ploughed straight off. However, at a cost 12 times that of other materials, it will be prohibitive, unless more people want to access it and the price is driven down or we place an order that allows us more supplies.

Although we have tested one material, we have still to test the others, to see which is the most effective. Jim Barton has a lot of information on the materials. We have been keen to share that with our local authority partners, which can decide, based on cost, whether they want to use them. In addition, in Perth and Kinross the innovative step was taken of mixing salt with other materials—from Grangemouth, I think—to produce a lower-cost material that was just as effective on some roads. We are anxious to pass on to local authorities information about the experience that we have, so that they, too, can use it.

Jim Barton: The salt to which the minister referred was refined salt that we received from INEOS down in Cheshire, with linkage through the Grangemouth operation. That was mixed with grit to provide an effective combination. The people who produce such alternative materials have made some interesting claims. They suggest that, as well as being more effective at lower temperatures, the materials stay on the road better and, in one case at least, are more ecologically

acceptable. We want to test all of those claims. As the minister mentioned, the materials might be better at staying on the road in wet conditions and preventing problems such as hoarfrost. We want to establish which materials offer best value for money and how much of them we should use.

Cathy Peattie: All of that is good news, but I am interested in how quickly we can react. Is there a timescale for tests to take place? How long will those take? Do local authorities have the resources to be able to purchase or use such materials?

Keith Brown: On the timescale, we placed that material on the tier 1 road network at strategic locations after we carried out the initial test, but I do not think that we have had cause to use it since then. Even for the trial that we carried out, it took us some time to find a road that still had those ice and snow conditions; the trial took place up in Huntly. The ability to test the material in real conditions depends on having that weather there.

At each stage we have been very keen to speak to local authorities. If we placed an order and managed to reduce the price because of the bulk, we could make it even cheaper if local authorities wanted to add to the order. That might be a cost-effective solution for local authorities, particularly given their responsibility for footpaths. They might not want to use it on roads, for which they have materials, but they might want to use it on footpaths. As we get the information on price and effectiveness, we will certainly share that with our partners.

The Convener: As there are no final questions for the witnesses on that theme, I thank them all for their time in answering questions. I suspend the meeting briefly for a comfort break before we move on to agenda item 2 with the same witnesses in place.

15:56

Meeting suspended.

16:02

On resuming—

Transport (Major Issues)

The Convener: Item 2 is a further evidence session with Keith Brown, Minister for Transport and Infrastructure, and his colleagues Jim Barton and Frances Duffy, on a range of transport issues. I invite Charlie Gordon to kick off.

Charlie Gordon: I will start by asking about high-speed rail, on which we last heard ministerial evidence in September. Will you update us on how the Scottish Government's representations to the UK Government are going in relation to the current proposals for high-speed rail?

Keith Brown: Most recently, I had a conversation with the Secretary of State for Transport on this issue. I made it clear to him that, in Scotland's view, Scotland must be a fundamental part of high-speed rail if we are to get real benefits from it. Successive reports have shown that the economic case is significantly stronger when it includes Scotland. We have said that we are very disappointed that the UK Government has excluded Scotland from the first stage of its plans for high-speed rail.

The discussion that we had before on alternative methods of transport when Heathrow was experiencing problems underlined that point—I made that point to the secretary of state. I made the same point in the context of the recent withdrawal of bmi services from Glasgow airport. High speed 2 could have helped that situation, but its absence—and the absence of any immediate prospect of it; obviously, the timescales for it are long—would be a major factor if we were to have airport disruption, too. We have continued to press the UK Government, not least through the conversation that I had with the secretary of state.

I have subsequently written to Philip Hammond, saying that, as we need to plan in the interim for the continuation of high-speed services to Scotland on high-speed and classic lines, it would be helpful to have a more detailed estimate of London to Scotland journey times. When I had my conversation with him, we seemed to have different journey times in mind. Times are crucial in achieving modal shift. Until HS2 has completed its appraisal of the likely route of the phase 2 extension to Manchester and until it has identified the location of the line's interface with the west coast main line, it is unclear to us, at least at this stage, whether a three hour 30 minute journey time can be delivered. Those points have been made to the secretary of state and have been followed up in writing as well as verbally.

Charlie Gordon: Some time ago, the committee took evidence from campaigners against the proposed third runway at Heathrow airport, who made the point that cancelling the runway makes sense only if high-speed rail goes all the way from London to Scotland. Is the present Secretary of State for Transport aware of that view?

Keith Brown: I think so, although he has not said as much to me. The issue of a third runway at Heathrow is a matter for the UK Government but, like you, airport operators still feel very strongly about it and have raised its importance not only with me but with the secretary of state. Its link with HS2 is pretty obvious and I do not think that the secretary of state will be unaware of it.

Charlie Gordon: Like you, I am sure, I noticed that, very recently and in advance of any formal consultation on HS2 construction, Philip Hammond announced more than £200 million for mitigation measures in areas of England that might be affected by the project. Do you, like me, see that as a sign of serious intent on his part?

Keith Brown: I think that you have to. I cannot imagine why anyone would spend that kind of money speculatively. I know that certain people in the industry remain sceptical of the project.

I should perhaps mention something of interest in my conversation with the secretary of state. Previous correspondence and publicity seemed to suggest that Scotland would have to bear the costs of HS2 down to Manchester—I believe that the most recent estimate was £15 billion—but he made it clear that that was not the case. He did not go into much more detail other than to make the welcome clarification that the UK Government would be responsible for taking the line up to the border. That sort of funding which, as you say, amounts to £200 million just now, shows serious intent.

Charlie Gordon: You said that you are pressing the UK minister on end-to-end journey times, which could improve incrementally as each stage of high-speed rail, including HS2, is built, and you also mentioned the running of high-speed trains on classic or conventional lines, presumably north of HS2 or any other section of high-speed infrastructure. Could any gauge clearance issues inhibit Scotland from benefiting from improved journey times in such a scenario?

Keith Brown: The fact that you have asked the question suggests that there might be, although I am not aware of any. Perhaps Frances Duffy might be better able to answer that.

Frances Duffy: That is a good question and we are pressing HS2 for more detail on—and to carry out more detailed consideration of—how the first phases will link back into the classic line. I do not think that it has carried out a significant amount of

work in that respect. Given its indications that, with the first phase to Birmingham, we should begin to see improvements in journey times all the way up to Scotland, it is key for us to understand how exactly that will be delivered and to be able not only to see how the high-speed line fits back into the classic line but to find out what rolling stock will be in place. After all, the UK Government has committed to high-speed trains going all the way north from the beginning on the new and classic lines so we must ensure that we have the right trains to make what are quite ambitious improvements to journey times. Ministers have discussed getting more detail from HS2; it is carrying out some consultation work in Scotland over the month and we will be pressing it on these matters.

Charlie Gordon: In addition, the UK Government appears to be proposing a Y-shaped network in which high-speed rail on its way to the west side of the country would branch over in the direction of Yorkshire and link to the east coast main line. Are there any potential issues for Scotland and its service from the east coast main line and, for that matter, the west coast main line, given what we have just said about high-speed trains running on classic lines on the west coast? Could there be a downside to high-speed trains travelling on conventional sections of the west coast and east coast main lines?

Frances Duffy: I cannot immediately see a downside. I cannot see the point of introducing high-speed rail if it is going to mean a decrease in service, but we need to press the UK Government on that so that we can understand the potential impact on the west coast main line and, in a later phase, on the east coast main line.

Charlie Gordon: What I have in mind is any trade-off that might not necessarily meet with our approbation. We have already heard that East Coast has made some rather strange decisions about Scotland lately.

Frances Duffy: We have recently had a commitment from East Coast that it will continue its throughput of services all the way up the east coast from Edinburgh. One of our continuing priorities will be to ensure that the development of any new services does not weaken the position of cross-border services. We are looking for better services and more of them rather than fewer.

The Convener: Would I be right to suggest that, given that the majority of the capacity problems are in the south of the UK, the HS2 proposal offers the possibility of increased services rather than simply swapping a service on the existing line for one on the new line, albeit that many of us would like it to come all the way to Scotland sooner rather than later?

Frances Duffy: There is a potential for that and we have to make sure that we capture it.

The Convener: I turn to the minister to ask about the relationship with the UK Government. You have indicated that there is an on-going dialogue. Has that been easy to maintain? On the parliamentary side, we have found that it is pretty difficult to engage with the UK Government on these issues. We have repeatedly asked the secretary of state to come to give evidence and take part in a discussion with us, but we have had no joy as yet. Do you have a view on why that might be? Could the Scottish Government impress on the UK Government the importance of parliamentary engagement?

Keith Brown: I would be happy to do that. So far, our conversations have been fairly courteous and helpful, although they tend to be quite rushed because we are trying to squeeze a lot into a short time. A number of phone conversations have not taken place because of pressures on one side or the other. My discussions with the secretary of state have been quite relaxed, not just on high-speed rail but on winter resilience when COBRA was brought into effect at the same time as we had the SGoRR meetings.

I have made the point to the secretary of state that a cost of £15 billion for HS2 is about half our current budget. Also, the Chinese minister for railways told me that his latest high-speed rail link, for the 1,250km from Beijing to Shanghai—the trains travel at more than 300km an hour—cost £5 billion. That is for 200 trains leaving each end each day. I accept that different pressures apply in China, but £15 billion for Scotland is a very large sum for whoever has to spend it, and I have made that point to the secretary of state.

The secretary of state seems to be willing to take such points on board. Our discussions on Network Rail have also been quite useful, but more engagement would certainly help. I am more than happy to put to the secretary of state the convener's point about parliamentary engagement, which would also be useful.

The Convener: As there are no further questions on high-speed rail, we will turn to Network Rail.

Marlyn Glen: What involvement has the Scottish Government had with the UK Department for Transport and Network Rail on the restructuring of Network Rail?

16:15

Keith Brown: The most recent involvement was a discussion with the secretary of state in which I made clear to him that the forthcoming ScotRail franchise renewal and the extent to which Network

Rail in Scotland is currently devolved could be considered as opportunities for us to go further—that touches on matters to do with the continuing rail value for money study. I suggested that we should push that process as far as it can go and that we should leave ourselves open to exploiting the opportunities that are presented by the fact that the franchise in Scotland is coming up for renewal in the next couple of years. We could perhaps do something quite different here.

Those are the discussions that I have had with the secretary of state. Frances Duffy might want to add something about any further or previous discussion.

Frances Duffy: We have had a number of discussions on the proposals at official level, not only with the Department for Transport but with the Office of Rail Regulation and Network Rail itself, so we have been made aware of their thinking. That is part of a process that partly came out of Sir Roy McNulty's rail value for money study. Over the past couple of years, the regulator has also considered capacity within Network Rail to adapt and respond to local pressures and have a better understanding of the costs of running the railways in different parts of the country.

Marlyn Glen: Does the devolution of power to Network Rail's regions have any policy or financial implications for the Scottish Government?

Keith Brown: The policy implication is simply that there is more discretion for the route manager—I think that that is the right term; Ron McAulay, from whom you just heard, has a different title, but I think that Network Rail is to be organised in relation to routes—to take on projects that are not of a huge scale without reference to the centre.

The administrative functions will be more centralised. Although there is generally a move towards decentralisation, some of the back-office services are being centralised in Milton Keynes.

The changes mean that Network Rail Scotland will have more discretion so that the Scottish Government will be able to have direct discussions with it and agree certain projects within certain constraints without reference to Network Rail at a UK level. Some of that ability existed already, of course. Scotland was probably the most devolved part of the UK because of the decision that was taken under the previous Administration, so the changes pursue that further and give more discretion to the local Network Rail.

However, as the proposals stand, a major project would have to go back to the centre for approval.

Marlyn Glen: Are there any financial implications?

Keith Brown: It is the same thing. Financially, Network Rail would be able to move more quickly to agree projects if they had agreement from us. The further devolution would not have a dramatic effect on the regulated asset base or some of the big capital constraints and opportunities but would mean that Network Rail would be more fleet of foot. If the Scottish Government agreed to take forward a particular initiative in a particular location, it should be able to happen more quickly, which will have a financial benefit as well.

Marlyn Glen: You talked about how far the devolution of Network Rail could be taken. Would the Scottish Government consider vertical integration of train and infrastructure operations in the future?

Keith Brown: In Roy McNulty's rail value for money study, there was a simple diagram that showed that, the closer we get to vertical integration, the more efficient it becomes. That was very interesting. It is not the only kind of integration that we could have but, should that be decided on, the ScotRail franchise provides opportunities for much more integration in future. It is tied up with other factors, such as the length of the franchise.

I asked officials—Frances Duffy in particular—to produce a number of scenarios that we could consider. We started off with 26, but we are reducing them rapidly because that is more than I am able to understand. That goes to show that the number of variations of what we could do is huge. Vertical integration is one of the options that we are considering.

Frances Duffy: In the short term, devolving greater accountability to the route manager in Scotland will provide them with an opportunity to work more closely with the franchise operator on ways to ensure greater efficiencies and better ways of working, with an effort to ensure that we derive better value for money from our railways in Scotland as well as improving passenger service.

The Convener: I see that there are no further questions on Network Rail. Before we leave railways, I will ask one further question. In written answers, I have been told that the Government has had some discussions with potential stakeholders about the viability of a not-for-profit bidder for the franchise. Can you give us an update on that?

Keith Brown: I can certainly tell you about the options that I am aware of. I have had a number of discussions with trade unions in which the not-for-profit model has been raised as an option. It is, in any event, being examined as one of the possible options for the franchise.

There was some confusion initially about a publicly owned option and a Scottish Government

option. Scottish Government ownership is not an option: legally, we cannot do that. Public ownership and not-for-profit trusts are options, and a number of other options are being considered. Those options came up in my discussions with trade unions, but there may be other options that I am not aware of.

Frances Duffy: There have been no specific discussions with other stakeholders. We are aware that, as the minister said, there are about 26 different ways in which we can align the rail service in Scotland, whether those involve vertically integrated, public sector, private sector or not-for-profit models. There are a variety of options, which we are pulling together and expect to be included in any consultation.

We must move forward for 2014 onwards. We are setting out not just the new franchise for rail services but the high-level output specification for Network Rail. That is very much an opportunity to bring all those ideas together and to look at the other options for driving up value for money and improving rail services in Scotland.

The Convener: Does the Government place a priority on developing a public or not-for-profit model as an option, to the point at which that could become a realistic possibility?

Keith Brown: We want to see what the options are first, before we place a priority on it, but it is quite clearly a possibility. More or less anything is possible, with the exception that I have mentioned of the Scottish Government owning the service, as it is not permissible for us to do that. The things that you mention are possible, and we are not just mentioning them as a line. Work is being done on that option.

The Convener: We will move on to talk about the condition of the road network. According to Audit Scotland, the proportion of trunk roads in Scotland that are in an acceptable condition has fallen from 84 per cent to 78 per cent. Is that principally due to things freezing and thawing? Is the weather the main issue, or is it also to do with the amount of expenditure that local authorities and Transport Scotland are putting in place?

Keith Brown: Both things are true. Expenditure has increased, but not in line with inflation, so you could say that there has been a reduction, as I think Audit Scotland's report makes clear. Our hope had been that the improved practices and technology would help to make up that gap for trunk roads, although not for local authority roads. I make no allegations about any particular local authority, but it was a truism when I worked in local authorities that, in extremis, you could look at the roads budget if you needed to fill a gap elsewhere. That was fairly widely practised in local

authorities; perhaps Charlie Gordon would be able to tell us whether that is his experience, too.

The report makes the case that it is a false economy to do that. Huge amounts have been spent: £600-odd million has been put into the roads network. Obviously there are budget pressures for local authorities and for us, so expenditure has not increased in line with inflation. That is bound to have had an effect on the quality of the roads, as have the past two severe winters.

The Convener: How does Transport Scotland intend to respond to the issues that the report has raised? You have talked about what has been done, but what is going to be done?

Keith Brown: We have announced the roads review, which accepts the report's central recommendation that there should be such a review. What we think is most important to the review, which takes some of its cues from the report, is the need for more collaborative working by authorities. The only example of that being formalised is Tayside Contracts, and that has been the case since reorganisation in the mid-1990s. However, collaboration in other councils has not gone down that route. It is clear to us that further efficiencies can be achieved by councils doing that, so we want to look at that area.

It is also clear to us that the Scottish Government can collaborate better with local authorities. For example, if a trunk road meets what is called a surface road—a non-trunk road—and the lighting on the trunk road is under a different contract from that for the local authority road, there are obvious ways in which we can make savings. In addition, if we know from our planned programme of works that we are carrying out work in a particular area, there are bound to be synergies that we could tap into with local authorities so that the same people carry out the road works in that location. When I appeared before the committee previously, I mentioned three projects around the M8 that had been bundled together. There is great scope to achieve efficiencies by bundling projects together. The idea of councils working more effectively with each other and the Scottish Government working more effectively with the councils is one strand.

I am regularly inundated with suggestions about how things can be done more efficiently, but I am not that able to tell which ones are runners. For example, my uncle, who is a roads engineer, was on the telephone today trying to tell me about the latest way of dealing with potholes and so on. Dozens of similar suggestions have come to me, and Transport Scotland gets them regularly as well. There are also technological advances driving efficiencies in other countries that we want to consider as well. It is generally recognised that, whatever scenario we try to paint, resources will

be severely constrained going forward. We must therefore consider other ways of driving efficiencies in the system.

It is right to review the possibilities, and that will be done over the coming months. There will be a summit in autumn so that everyone can have their say.

The Convener: We did not quite get the detail of the review's remit and timescale, or who would conduct it. It is due to report by the autumn, then.

Keith Brown: Yes. The terms of remit are being considered just now and we are having discussions with one or two stakeholders before we finalise it. I have given you the broad outlines of what I would like to see, but we want to agree the remit. Jim Barton is in the process of doing that just now.

Jim Barton: We have had preliminary discussions with SCOTS, which is a key agent in the process, and with COSLA, and we are talking to SOLACE. Those organisations are the same ones that constitute the Scottish salt group, so we want to get them together to consider areas of synergy and whether better ideas may come from new products.

The Convener: Whether we consider the trunk road network or the wider Scottish road network of local roads and so on, the condition of the roads impacts on everybody, whichever mode of transport they use on a daily basis. Is there not a case for shifting some of the Scottish Government's spending priorities from new projects into maintaining and repairing the road network on which people depend on a daily basis?

Keith Brown: You can make that case, and we can offer the defence that we try to find a balance in that regard just now. Whether it is the right balance is open for judgment, but £640-odd million currently goes to roads maintenance. That is a huge amount of money, which is more than for any project other than the new Forth crossing.

Engineers will tell you that, whenever a road is excavated, it is weakened. The point is to try to drive more efficiency from the money that we currently spend. I will meet with the Scottish road works commissioner shortly to discuss that issue. Some of the roads attrition is due to public utilities excavating a road for a particular service. They rightly pay to restore an excavation, but it will have weakened the entire road. It is worth examining whether we should try to ensure that what we get from public utilities is enough to cover the eventual resurfacing of a road to restore its original integrity.

16:30

We always have to keep under review what we are spending on new projects. I know that we disagree on the Forth crossing, but we consider it to be essential. With what we have done on the M74 and M80 and what we are about to do on the M8, all of which are large projects, and with the completion of the Forth crossing—which is probably the largest of all—large parts of the road network will be near completion. There are still major issues on other roads such as the A96 and the A9 but, once those major projects are complete, we will be able to see whether we can spend more on maintaining what we have. At that point, the balance will inevitably shift.

Part of the aim of the new projects is sustainability. Today, I opened the Airdrie to Bathgate railway line, which has a new cyclepath along its entire length. I also recently met representatives of the active travel groups, which are interested in having other forms of transport on the existing road network, and I took their points on board to the extent that the roads review will also cover footpaths. We are mindful of the different interests of different road users.

The Convener: I am sure that the minister understands that I was not calling for the cancellation of footpaths and cycleways, but he has also mentioned not just some of the most expensive roads projects but some of the most expensive capital projects of any kind. As for the £600 million figure that he referred to, the Audit Scotland report suggests that the cost of the backlog is nearly four times that. Is he suggesting that we are simply not going to spend that money until the existing capital projects are built and that only then will we come back to repair a road network where every day between now and then people will be damaging their vehicles or be at risk of falling off their bikes because of potholes? Even the buses are getting damaged because of the state of the roads.

Keith Brown: We will continue to spend money on maintaining the roads, by which, of course, I mean the trunk roads. As I have said, we have managed to find additional moneys in our budget for that work. In that respect, the Scottish Government is no different from a council, which has a fixed budget and must allocate resources according to priorities. I think that, as far as potholes and other such matters are concerned, we will see a substantial improvement in the trunk road network. We are not expecting people to wait five or six years until we complete the Forth crossing before we improve the roads; all I was saying was that some of the larger projects, which have to be financed in an almost absurd way by paying for them as they are done, put pressure on budgets. I am not denying any of that. As with our

approach to the £800 million cut to this year's capital programme, we have had to make choices. However, from this vantage point, it looks like those pressures might be alleviated in 2015-16, by which time the Parliament might have different borrowing powers or, indeed, something more that would open up opportunities for more substantial work to be carried out. However, we are not going to forget about maintaining the roads in the meantime; £647 million is a huge amount of money but, regardless of that, I think that we can drive out more efficiencies to ensure that we improve whatever we do.

The Convener: Is there any requirement to look again at the allocation of investment in the road network in different parts of the country as a result of the damage that has been done by the weather and other factors? Do we have to look again at where the urgent need is, or are we using the same funding formula for different parts of the country?

Keith Brown: We are using the strategic transport projects review as the basis for investment. If your question is whether the level of investment in maintenance is being looked at again, my answer is that we will want to examine that. Local authorities will answer for themselves but, as far as we are concerned, all of our work on trunk roads is based on where the need is. In the worst weather, we were sometimes responding within 15 minutes to the report of a pothole on a trunk road because, given the speed of the vehicles using those roads, such a matter is very serious. Of course, that is not to say that everything was dealt with in the same time. The principle is that we deal with such matters in the places of most importance and where the need is greatest.

The Convener: Different local authorities will make the case that they are not getting all the local authority funding that they need from the Scottish Government. However, given the current backlog of repairs, should such allocations be based not just on mileage or types of road but on the current condition of roads?

Keith Brown: When we allocated the additional £15 million, we asked COSLA how it would like it to be allocated—COSLA is a representative group. We anticipated that it would use the traditional allocation formula and that is how it turned out. I do not think it would be right for us to go past COSLA and to say to particular authorities that they should get more or less. That would be a tricky minefield.

The Convener: Indeed.

Alison McInnes: You made it clear that the additional trunk road funding would be allocated on precisely that basis—length of road and need

or road condition. That was it. Why would you allow other, extraneous factors such as the number of people over 75 or the number of school pupils in an area to influence that allocation, when it is clearly targeted at one particular thing—fixing potholes?

Keith Brown: The simple reason—which is not an extraneous factor—is local democracy. That is the basis on which we allocate funding. If COSLA wants to tell us that it does not think that we are doing that in the right way and that it has a different proposal, it can do so. We said that to COSLA when we allocated the funding. We believe that it is right that local choices are made by local authorities. If it is the case that the funding formula is wrong in some respect—that would apply to all sorts of headings, such as social work and housing—COSLA has the right to say so. We asked COSLA that question fairly recently. In the meantime, we have worked with COSLA to allocate the money on the basis of the current funding formula.

If you are saying—as I think you are—that some councils have longer road networks and smaller populations, that can be reflected in how they spend their money. Instead of spending money that they would spend on another area, they can spend it on roads if they want to do that. It is a question of individual priorities. I am not saying that there are not pressures, but the councils can make that choice themselves.

The Convener: As there are no more questions on the road network, we will move on.

Cathy Peattie: I have a few questions on the Edinburgh trams. I will not revisit the work of the Auditor General for Scotland or the Public Audit Committee, but could Transport Scotland offer technical assistance to TIE in delivering the Edinburgh trams project, as has been suggested by Audit Scotland?

Keith Brown: In principle, there is nothing wrong with that, but there could be practical implications. TIE has legal responsibility for the project, so if it were to do something on the basis of advice from another party, there may be an issue of legal obligations.

Given that today is the first day of the mediation process, now is not the best time to consider an expansion of Transport Scotland's involvement in the project or any change to the governance arrangements. We should let that process go ahead and—we hope—deliver a positive solution before we look at changing the governance arrangements, which would include the provision of technical advice by Transport Scotland.

Cathy Peattie: You might give the same answer to my next question, which is on the implications of phased delivery of tramline 1A for Scottish

Government grant funding for the Edinburgh trams project.

Keith Brown: I think that those matters were covered fairly extensively by the committee that you mentioned. All I say in response is that there has been continuing investment of £45 million from the City of Edinburgh Council. We signed up to provide £500 million, part of which has been paid in phases. We have been asked whether we should have withheld payment because of a lack of progress. To be honest, we think that that would not have been in anyone's interests and that it is right that the funding continues.

It is worth restating that although my party and the Scottish Government did not support spending £500 million on the trams, we want to see the project completed. On the phasing of the contract or other issues that might intrude, day 1 of the mediation process is not the best time for the Scottish Government to stick its oar in. We want to give that process a fair wind so that we can achieve what we all want to see.

Cathy Peattie: That is fine. I would not want to go through all of Audit Scotland's report, as we would be here all night.

The Convener: As there are no further questions on the trams, we will move on to the Forth replacement crossing.

Rob Gibson: Why was contingent liability not discussed during the passage of the Forth Crossing Bill?

Keith Brown: The issue has been discussed confidentially in another committee and has found its way into the public domain. The contingent liability did not feature as part of the budget and, strictly speaking, it is not a budget figure for expenditure that we expect to incur.

A commitment was given for a provision should an incident occur that might affect the likely end cost. To that extent, the measure is like an insurance policy. The provision was made against the annually managed expenditure budget for the relevant year.

For those reasons and for security reasons—which I do not want to rehearse, unless the committee presses me—the contingent liability was not previously made explicit.

Rob Gibson: Is the Scottish Government likely to have to pay out under the agreement?

Keith Brown: That is extremely unlikely, but please do not ask me to quantify that. I do not know whether Jim Barton wants to say more. I have experience of a similar situation near where I live, which involves T in the Park. I have seen the health and safety predictions for that event, which

are always a theoretical possibility but have a very low probability.

Jim Barton: What the minister says is right. We do not expect the scenario to materialise.

Rob Gibson: If the situation did materialise and if a payment had to be made, where would the funds come from?

Keith Brown: As I have said, the Government must stand behind the provision—that is the whole point of the liability. The Government would have to find the funds from its resources.

Rob Gibson: Does the minister wish to bring to the committee's attention any other contingent liabilities or other issues that relate to the Forth crossing?

Keith Brown: There are certainly none of that scale. However, I am happy to check for any other substantial liabilities and to give that information to Rob Gibson.

The Convener: Are there any that the minister does not wish to bring to the attention of the committee? [*Laughter.*]

Keith Brown: No. I am not aware of any others. If, on closer examination, I find any, I will be happy to pass them on.

The Convener: I have to admit that I am a wee bit puzzled about the minister's first answer to Rob Gibson, on the reasons why the contingent liability was not dealt with during the passage of the Forth Crossing Bill. The pipeline's existence is no surprise to anybody. People who live in the area or who use the river know where it is. I am a little puzzled about the timing. Why could the matter not be considered in private or in public when the Parliament debated the bill?

Keith Brown: The discussion with BP has taken place mainly in the past 18 months and much of it has happened latterly. At stage 2, the detail was not available to pass on to the Forth Crossing Bill Committee. The engagement with BP has been detailed.

You say that the pipeline's location is well known, but people always try to avoid raising the profile of such matters, although I am by no means saying that that justifies not providing information to a committee. Information was produced when John Swinney gave evidence, but not enough meaningful information was available at stage 2 to be presented. John Swinney has provided the information at the first available opportunity.

The Convener: Would it have been appropriate at least to flag up the fact that the contingent liability would be dealt with later, so that the MSPs who scrutinised the bill were aware of that known unknown?

Keith Brown: I return to the point that it is fair to say that the Government was not keen to flag up the issue, for the reasons that I have mentioned. I was not involved in the detailed process, as I did not take up my post until recently.

John Swinney has acted in good faith. When the commitment was about to be entered into, he brought it to a committee's attention. That was the right way to deal with that. For the reasons that I mentioned, the liability had—initially at least—to be dealt with confidentially.

Cathy Peattie: I find this very strange. The minister will be aware that I represent Falkirk East and live in Grangemouth. It is said locally that if you want to put a hut anywhere near the pipeline, you will not get planning permission. I would have assumed that there would have been discussion about the pipeline, because the minister will be aware of the issue around planning and local authorities. For example, Falkirk Council could not put a housing development near the pipeline. I am therefore surprised that the pipeline is suddenly an issue and that it had not been considered or flagged up earlier.

16:45

Keith Brown: The issue was recognised. I know exactly the situation that Cathy Peattie is talking about. On the north side of Bo'ness, for example, the ability to carry out any development is obviously hindered by the pipeline there. I mentioned T in the Park in that regard as well. So, the issue is well known about. What I am saying is that the discussions with BP on contingent liability happened within the past 18 months. They were detailed discussions, which were affected by worldwide changes in the insurance market.

On the point that people should have been aware of the pipeline, they were aware of it. However, there was a conscious decision not to be as public about the issue as with other issues, for the obvious reasons that I have mentioned already. However, at the first point when the Government was engaging in a commitment on contingent liability, that was reported to the Parliament's Finance Committee on, I think, 22 February.

Cathy Peattie: It is a bit disappointing that things took so long. I understand how delicate such matters can be, but anyone locally can probably give you a map of where the pipeline is. It is no mystery.

Keith Brown: I am not saying that it is a mystery; neither is it a mystery where the pipeline is at the T in the Park location or in Bo'ness. For the best of reasons and with the best of intentions, it was deemed best not to raise the profile of the pipeline issue.

Charlie Gordon: Is the £100 million contingent liability contained in the range of costs that were previously made known to the committee for the main project?

Keith Brown: No, it is not part of the project's costs. It is a contingent liability, so it would not form part of the costs for that reason. We are undertaking the contingent liability as a result of an agreement with BP in order to carry out the works. We fully expect that the project's costs will remain within the previously agreed range of between £1.75 billion and £2.25 billion. However, the contingent liability cost is not included in that.

The Convener: I accept that the contingency is an unlikely one. I am sure that everyone would hope that an incident of the kind that is possible does not happen. Can you confirm that £100 million would be the liability for each such incident? Whose responsibility would it be to put right any environmental damage from a discharge from the pipeline if the cost exceeded that figure?

Keith Brown: I ask Jim Barton to respond to that.

Jim Barton: My understanding is that £100 million is the liability that is required to be made as a result of an incident. I understand that the liability will cover any environmental issues, but we will need to come back to you on that.

The Convener: So, the suggestion is that nothing could happen that would cost more to put right than the liability amount.

Jim Barton: We will need to come back to you on that.

The Convener: That would be appreciated. There are no more questions on the new Forth bridge, so we move on to the final issue.

Alison McInnes: The European Commission's investigation into Scottish ferry services ended in December 2009. We were told by your predecessor that the Government was moving to begin the tendering process on 31 December 2009. In fact, the tenders were not issued until 18 February 2011, so an inordinate amount of time has been lost in that regard. I am interested in getting to the bottom of why that happened. Did Transport Scotland lose its way on the tendering? Did a political imperative drive the delay? What exactly is behind the prevarication on the tenders?

Keith Brown: First, it is worth saying that although the tenders were issued only recently, the tendering process started quite some time before that—a number of months before that, in fact. However, it has been made public that we sought to engage with the European Commission on a number of issues that mainly arose from concerns over possible anti-competitive outcomes from the tendering process. We were unable to

speaking too much publicly about that discussion with the Commission, but it caused us to hold off until it was dealt with, which happened only recently. As soon as that was the case, we moved to issue the tenders.

Alison McInnes: Do you genuinely believe that the tenders can be awarded within such a short period? It is only about three months before there could be infraction proceedings from Europe.

Keith Brown: Yes, I do believe that. I have asked officials that question on a number of occasions, and have been assured that it can be done within that time.

Alison McInnes: Is the Government confident that the process will secure a vehicle and passenger service on the existing route?

Keith Brown: It is possible, but I would not want to pre-empt the tendering process. You will know that the European Union has ruled that one of those services cannot be subsidised. That introduces an element of doubt.

I think that it has been announced today—I hope so, or I will be speaking out of turn—that there is now one fewer tenderer, as one has withdrawn. It will be for the tenderers to bring something forward. We have sought to encourage the possibility of both services being tendered for by community enterprise, with our putting some money behind that. We want to help to sustain the vehicle service alongside the passenger service. I hope that that can happen, but it is not possible to say at this stage.

Alison McInnes: We all know how difficult it is to build capacity within communities, and this is a very short timescale for a community to rally itself and become involved. Would it not have been more useful to start discussions with the community earlier?

Keith Brown: We had to go through the process of talking to the European Commission, and we highlighted some of our fears in relation to competitiveness on the routes. We are aware—perhaps Alison McInnes is, too—that a large number of local people have been interested in the issue for some time. We have sought to provide financial backing, not to provide the service, but to help the community enterprise model to get off the ground. We have tried to enable, rather than to prescribe.

Alison McInnes: Is there a plan B? What if appropriate tenders do not come through?

Keith Brown: We are obliged by the European Commission to go through a tendering process, and we are doing so. Obviously, we cannot determine the outcome of that process. We have lifted the restrictions on the current service, which we think will help in the tendering process and

could provide a better service to local people. We are also examining closely the idea of having a ferry regulator, because of our concerns about competition on the route.

Alison McInnes: When would the ferry regulator be established? What is the thinking behind it?

Keith Brown: As I have suggested, our thinking derives largely from our concerns about competition on the route. When there is no choice, with only one supplier, that supplier can then prescribe the price and people can be bound to it. Obviously, the same thing can happen with many forms of transport. That is not to say that one or more of the tenderers would act in that way, but we have been sufficiently concerned to ask officials to look into the establishment of a ferry regulator that would examine the issue for us. It was unfortunate that we were unable to convince the European Commission about that point during our discussions.

Alison McInnes: The ferries review has been going on for some time now: when this committee took evidence as part of our own inquiry into ferry services, we were aware that the review was running in parallel. Can you tell us the timetable for publication of the results of the review?

Keith Brown: We are still involved in discussions, and we are still evaluating some of the responses. As you said, the review has been going on for some time. However, such things never stand still. Dialogue continues among stakeholders, and we are keen that that should lead to further progress. Responses to the review have come back to us, but other conversations are still feeding in to it. For example, there are discussions on single routes, unbundling and bundling.

The election will intervene, but I imagine that we will come to conclusions on the ferries review in the coming months. However, that will be for whoever sits in this seat afterwards. I hope that it will be me.

Alison McInnes: The need to come to a conclusion is increasingly pressing, as the new tendering process will start in the near future.

Keith Brown: We are considering a number of issues—not least of which is the route between Gourock and Dunoon. We hope to resolve that without having to wait for the result of the ferries review.

In addition, we recently announced the purchase of a new ferry, and we are trying to deal with one or two other route-specific issues. The ferries review is not holding up resolution of some of the other issues, but the review will be the basis for the future provision of ferries. We are therefore

committed to continuing with the review as quickly as possible.

Rob Gibson: I heard you mention a new ferry. I understand from councillors and others that Caledonian Maritime Assets Ltd will bring forward proposals for a large ferry to sail between Ullapool and Stornoway. Given that questions about design and modern applications of speedier potential have been asked in the ferries review, is it appropriate for CMAL to discuss that route with harbour authorities and councils when there is controversy about whether two smaller ferries could be a better option than the suggested one large ferry that would be run in a conventional fashion?

Keith Brown: We have to try to stick to what is appropriate for me, and it is appropriate that I should not get involved in those discussions. I have heard of the discussions that are taking place, not least from Rob Gibson, but I want to ensure that we properly explore the available options. The single-vessel option has obvious efficiency and improved service attractions, but it also has disadvantages. For example, what if it were to be out of commission for whatever reason? It is right that we keep our minds open to that. There are conversations going on between Transport Scotland and Highland Council, and between Transport Scotland and Western Isles Council, which is how things should be. People should not close off options before a decision is taken. Of course, CMAL may simply be preparing the ground—or the water, I suppose—but we are still examining both options.

The Convener: As there are no more questions, I thank the minister and Mr Barton for their time in answering questions on our agenda items.

Subordinate Legislation

Ayr Road Route (M77) (Speed Limit) Amendment Regulations 2011 (SSI 2011/67)

M8 Motorway (Junction 10 Westerhouse Slip Roads) (Speed Limit) Regulations 2011 (SSI 2011/68)

Glasgow Renfrew Motorway (Stages I and II) (Speed Limit) Amendment Regulations 2011 (SSI 2011/69)

Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2011 (SSI 2011/89)

Road Works (Inspection Fees) (Scotland) Amendment Regulations 2011 (SSI 2011/91)

Road Works (Fixed Penalty) (Scotland) Amendment Regulations 2011 (SSI 2011/92)

Roads (Scotland) Act 1984 (Fixed Penalty) Amendment Regulations 2011 (SSI 2011/98)

British Waterways Board (Forth and Clyde and Union Canals) (Reclassification) Order 2011 (SSI 2011/118)

Edinburgh Tram (Line One) Act 2006 (Extension of Time for Land Acquisition) Order 2011 (SSI 2011/126)

Edinburgh Tram (Line Two) Act 2006 (Extension of Time for Land Acquisition) Order 2011 (SSI 2011/127)

CRC Energy Efficiency Scheme (Amendment) Order 2011 (SI 2011/234)

16:57

The Convener: Agenda item 3 is consideration of 11 negative instruments. Those instruments are set out in the agenda that has been circulated to members, which is available on the Parliament website. No motion to annul any of the instruments has been received. I invite members to comment on any of them.

Charlie Gordon: I would like to comment on SSI 2011/89. Paragraph 2 of the Executive note

on the regulations states, under the heading "Policy Objective":

"A reform of the Blue Badge Scheme in Scotland is necessary to reflect the significant social changes that have taken place over the past 40 years".

The document is therefore quite significant, and I find it surprising that there is no equality impact assessment, for example. I would have thought that changing something that has been around for 40 years is a major thing to do.

Paragraph 4 of the business and regulatory impact assessment says:

"We wish to ensure that all applications"

for blue badges

"should be assessed in the same way in order that the process is consistent",

and Department for Work and Pensions definitions are referred to. The people involved would be eligible for the higher rate of disability living allowance, for example. The focus is on applicants who are "unable to walk" or are "virtually unable to walk".

Over the page, the note deals with the public consultation, which involved questionnaires. I have a copy of one of the questionnaires with me. Question 2.3 in it says:

"Do you agree that we should extend eligibility to those with severe forms of autistic spectrum disorder and very advanced forms of dementia?"

I know that some people are concerned about the language there, especially in relation to autism, but that is not my point. My point is that those who responded to the consultation agreed by a majority of two to one that the focus should very much be on eligibility based on "inability to walk" or "virtual inability to walk". However, questionnaires such as the one to which I referred raise expectations among some people with autistic spectrum disorder who are perfectly able to walk from a physical point of view but may not, for reasons to do with their complex needs, be able to make a consistent transition to other means of transport.

17:00

My concern is that the consultation gave rise to the impression that the eligibility criteria may indeed include people who are not physically disabled per se, but have other complex needs. However, paragraph 13 of the Executive note indicates that the majority of responses agreed that the focus should be on "inability to walk" or "virtual inability to walk", which are the DWP criteria and which I think was the real intention in the first place.

I do not think that this was a model consultation. It is too late for me to move a motion to annul, but

I know that my comments are now on the record. It is up to colleagues to decide whether the committee should add a rider or whatever to those comments.

The consultation was a major piece of work that was, on the face of it, extensive, but there should not just be, in effect, a show of hands for criteria such as those I have described. In this case, that means that by a majority of two to one people with an interest in physical disability have, in effect, outvoted people who responded in good faith to the possibility that some people with autism, for example, might be able to access a blue badge. I think that I have made my point.

The Convener: Do other members want to comment on the issue?

Cathy Peattie: Charlie Gordon is right about equality proofing. Surely that should automatically be done for something as important as this. However, it is not apparent from the papers that it was done. Equality proofing should be standard.

Rob Gibson: The question on autism is interesting, given that for the first time the national census, which is being done before the end of March, will attempt to assess the numbers of people who consider that they would fit that definition. So, the question on autism was not a perfect question, but it is a first. Given the long debate about the issue, I can understand why the question was asked in the consultation about blue badges. It is an interesting subject; we could do with a further explanation of it from the Government, because I suspect that it is trying to provide an equality gloss to the matter that goes beyond the DWP definition.

On the point about people being outnumbered, quite a number of people might respond in the census to questions about autism, but that would not necessarily mean that they would form the majority of those who have disabilities. Asking such questions is a complex area, so I think that guidance would be helpful in that regard.

The Convener: If there are no further comments, I suggest that we produce a short report based on the comments that have been made on the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2011 and invite the Government to respond as soon as possible given the timescale we are on.

Are we agreed that we do not wish to make any formal recommendations in relation to the 11 instruments?

Members indicated agreement.

The Convener: Thank you.

Meeting closed at 17:04.

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