

**SUBMITTING EVIDENCE TO A SCOTTISH PARLIAMENT COMMITTEE
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Name:	Jennifer Fingland
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Organisation: (if required)	Cycling Scotland
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RURAL ECONOMY AND CONNECTIVITY COMMITTEE

TRANSPORT (SCOTLAND) BILL

SUBMISSION FROM Cycling Scotland

Cycling Scotland welcomes the opportunity to contribute to the Committee's Call for Evidence on the Transport (Scotland) Bill. Our key points are:

- We support the principle of Low Emission Zones and the contribution they can make to improving air quality and encouraging modal shift.
- We welcome the prohibition of parking on pavements and double parking, and, through associated secondary legislation, of dropped kerb parking, recognising the important contribution this will have on improving the safety of vulnerable road users, particularly people cycling and walking.
- Enforcement of parking restrictions must be thorough across the country.
- Tackling parking on mandatory non-TRO cycle lanes/tracks and school zig zags should be added to the Bill, as parking in these areas has significant negative impacts on vulnerable road users.
- Parties undertaking road works must ensure appropriate reinstatement of the road following works of any kind, and vulnerable road users, like people cycling, should be specifically considered, as they are particularly impacted by such works as well as poor road surfaces.
- Large scale utility works or road resurfacing/reinstatement presents an opportunity to take advantage of an alteration of traffic flows to test reallocation of road space and alternative traffic management techniques.

Part 1 - Low Emission Zones

We strongly support the principle of Low Emission Zones (LEZs) and the contribution they can make to improving air quality and encouraging modal shift. Any LEZ introduced (such as a pilot) should be evaluated as thoroughly as possible to establish best practice and share lessons learned.

With regards to a grace period, air quality issues should be addressed in the quickest time possible, although this should not be solely pursued at the expense of ensuring appropriate timescales and mechanisms are in place to ensure a LEZ is a success and will be effective.

In our response to the 2017 Scottish Government consultation on Low Emission Zones, we argued that emergency service vehicles should be exempt¹. It is also important to ensure that equity of access is not compromised, such as for individuals with mobility problems and blue badge holders where it is impossible for them not to access the LEZ area and/or where it would have a negative impact. Other hardship exemptions should be considered using consistent criteria. We support continuous 24-hour operation of LEZs, as this could help reduce the number of journeys undertaken and promote behaviour change and modal shift.

Further, it is important that compliance with LEZs is enforced. If Automatic Number Plate Recognition (ANPR) enforcement, as outlined in the previous consultation on LEZs², is

¹ <https://www.transport.gov.scot/media/41828/analysis-report-february-2018-consultation-on-building-scotland-s-low-emission-zones.pdf>, page 75

² https://consult.gov.scot/transport-scotland/building-scotlands-low-emission-zones/user_uploads/low-emission-zones-consultation-2.pdf

identified as the most cost-effective and efficient measure of doing this, then it should be considered.

In chapter 2, section 6 of the Bill on Prior Consultation, there is no specific reference to active travel delivery partners/organisations, and/or local cycling/active travel groups and organisations. As key stakeholders, particularly in the context of improving air quality, encouraging modal shift, and improving safety, such organisations should be listed as a key group to consult throughout the process.

Part 3 - Smart ticketing

The 2018 Smart and Integrated Ticketing and Payments Delivery Strategy by Transport Scotland highlighted that:

“As active travel becomes more prevalent across Scotland, joining up journeys using bicycles, car clubs and other sustainable transport methods are expected to become increasingly popular and are suited to smart services.”

We believe the legislation should take account of this future growth potential and ensure, for example, that the National Smart Ticketing Advisory Board can identify and address future requirements for bike share, car club and other transformative technologies.

Part 4 – Responsible Parking

We welcome prohibition of parking on pavements and double parking in the Bill and recognise the contribution this can make to improving safety, especially for vulnerable road users. We recognise that the main purpose of the parking legislation is to tackle barriers to pedestrians, especially for the most vulnerable, getting around. Poorly parked vehicles can force pedestrians into the road. They can inhibit the independence of many vulnerable people and be particularly dangerous for older people, for families with pushchairs and for those with visual or mobility impairments. In addition, parking on the pavement damages pavements, creating trip hazards for pedestrians, costing local authorities and thus everyone millions of pounds in maintenance and preventative measures.

Dropped kerbs are often put in place to help people ride their bike between the carriageway and a cycle track and a parked vehicle can be an unnecessary, inconvenient and potentially dangerous barrier for the person cycling. Lifting a bike over a kerb can be a challenge for younger children and older adults especially and is not practical for trikes or other mobility aids.

Double parking creates an additional hazard for people cycling, in particular for their safety, as they have to move to avoid the vehicle and leave sufficient space as they pass, which can result in them being in the other carriageway. We welcomed the proposed definition of double parking as a “vehicle must not be parked on the carriageway in such a way that no part of the vehicle is within 50 centimetres of the edge of the carriageway”³ outlined in the Footway Parking and Double Parking (Scotland) Bill, and we would like to see this rigorously enforced as part of the Transport (Scotland) Bill. This definition provides clarity and reflects the fact that, the further out into the carriageway a parked vehicle is, the less space there is for someone cycling (or driving) to pass safely. We therefore believe this legislation will help allow all traffic, whether vehicles or bicycles and especially emergency

³ Footway Parking and Double Parking (Scotland) Bill [As Introduced]
[http://www.parliament.scot/S4_Bills/Footway%20Parking%20and%20Double%20Parking%20\(Scotland\)%20Bill/b69s4-introd.pdf](http://www.parliament.scot/S4_Bills/Footway%20Parking%20and%20Double%20Parking%20(Scotland)%20Bill/b69s4-introd.pdf)

vehicles, to travel more freely and safely. The impact on the free passage of emergency services vehicles in tenement areas is particularly worth noting.

We note that the Reported Road Casualties Scotland 2016 statistics highlights that 'crossed road masked by stationary/parked vehicle' is a contributory factor in 13% of pedestrian crashes. While this does not indicate how the vehicle was parked, this legislation's purpose of improving management of parking has clear road safety benefits. We believe that enhanced recording of Contributory Factors in Stats 19, plus greater resources for crash investigations, can continue to help monitor the impact of irresponsibly parked vehicles.

With regards to enforcement, this needs to occur across the country. This will require those Local Authorities who do not currently have Decriminalised Parking Enforcement, often due to financial challenges in developing a business case, to develop a system to deliver effective parking enforcement in their area. The law should be consistent across Scotland. It should be pointed out that existing parking regulations such as at double yellow lines are not currently consistently enforced and it is inevitable enforcement will vary. It is important that local authorities have both the capacity and scope to respond to specific problems in their area and more effective enforcement can happen where the challenges and potential road safety hazards are greatest, such as in the largest cities. We welcome the encouragement for local authorities to have Decriminalised Parking Enforcement (DPE) powers, to ensure consistent and rigorous enforcement of parking legislation. Local authorities are in the best position to identify how particular hot-spot problem areas can be tackled in the most cost and time efficient manner, taking into account location and patterns of existing enforcement activity.

We recognise that some exemptions are appropriate, such as to avoid obstructing the passage of an emergency vehicle. We are not convinced that vehicles being used in connection with utility works should have a blanket exemption to park next to a dropped kerb/raised crossing because people may require those facilities to avoid the utilities work, whether walking or cycling. An update should be made to *Roads for All: Good Practice Guide for Roads*⁴, to ensure that utility work doesn't inhibit access to a route. Local authorities should have the ability to exempt specific streets. A simplified form of TRO is appropriate to allow local consultation, but the focus should be on providing easy to understand information and avoiding excessive clutter and cost of additional signage. There also appears to be an apparent loophole in the Bill, where a delivery vehicle can be parked for up to 20 minutes. We would argue this is not required and could negatively impact on people cycling and walking, as such vehicles are often parked in residential areas on pavements. It is particularly problematic for large HGVs to have this exemption, given the damage caused by the vehicle weight. We believe this clause must be sufficiently revised to provide simplicity and clarity for people driving and for parking enforcement officers.

We would highlight that restrictions/prohibition of parking on mandatory non-TRO cycle lanes/tracks, pedestrian crossings and school zig zags are not included in the Bill and believe that these should be included through an amendment at Stage 2 to enable enforcement by parking enforcement officers. Parking in these areas has significant negative impacts on the safety of vulnerable road users and children travelling to school and presents a barrier to encouraging modal shift towards active travel, as well as

⁴ Transport Scotland (2013) Roads for All: Good Practice Guide for Roads
<https://www.transport.gov.scot/media/30228/j256264.pdf>

contributing to air pollution and poor air quality. Enforcement needs to take place at the moment a parking offence occurs to ensure the safety of all road users, and to provide a sufficient deterrent effect. It is important to provide clarity and the fact that school zigzags without associated signs are not enforceable causes understandable public confusion.

Part 5 – Road Works

Re-instatement of road surfaces is the responsibility of the party undertaking the works. Roads authorities have powers to inspect road works to ensure that utility companies meet their obligations. This should form the basis of a code of practice which must outline the responsibility of all parties in the road works. Reinstatement is also an area where vulnerable road users require specific consideration. Of course, if works are undertaken to a cycle lane or other designated cycling infrastructure, these should be returned to at least the same state as before the works were undertaken (e.g. adequate lining and colour). Some finishing of road works may not have an impact on motor vehicle users but have a huge impact on those travelling by bike. For example, resurfacing around access hatches that, when reinstated, result in the cover not being flush with the carriageway creates a dangerous hazard for those on a bicycle.

Notification of works is important and should be actioned as a priority. This is particularly the case if a cycling network or Core Path is impacted by roadworks. Adequate notification is important for all road works if possible, but specific consideration of notification for key cycling and walking routes should take cognisance of how best to relay information to those cycling and walking. This may differ from current methods of notification. Given modern communications, it is reasonable to expect notifications to be communicated, regardless of office hours. In our response to Improving Quality of Road Works consultation, we supported the recommendation that communication should be within 2 hours where possible.

We believe that the full costs and noticing requirements of the roadworks should be borne out by those carrying out the roadworks to help ensure that the roads are recognised as a public asset.

It is important that all road operatives, from both road authorities and utility companies, are fully qualified when undertaking work on the roads, and have a strong knowledge of how the work will impact on road users. Practical Cycling Awareness Training⁵ is a one-day course, delivered by Cycling Scotland, which aims to raise awareness among HGV and Bus drivers of people cycling by asking them to get on their bikes to gain a greater understanding of how those on bikes and other vulnerable road users behave on the road. As this consultation is reviewing the qualifications of operatives and supervisors, it would be opportune to consider a modified form of this type of training to be extended to those working on road works with the aim of improving safety for vulnerable road users. This course will be able to support Continuous Professional Development in the sector as it is CPC (Certificate of Professional Competence)- approved, regulated by JAUPT (Joint Approvals Unit for Periodic Training).

Ensuring there are enough people on site with formal qualifications is important. There should be more than one person with the required level of qualifications, in the case of illness or injury, for example, to that person which prevents them from being on site.

⁵ <https://www.cycling.scot/our-programmes/training/practical-cycle-awareness-training>

Indeed, there is scope to revise the qualifications of road works operatives to ensure that suitable attention is given to people cycling and other vulnerable road users and that operatives are properly trained in order to carry out works in the appropriate fashion. Given an apparent increase in the number of vehicles driving dangerously in the vicinity of roadworks, it is particularly important to have qualified staff and to ensure that the safety of all roadworkers is taken seriously by all agencies, including the police and courts. We welcome reference in the Bill for the Scottish Road Works Commissioner to have ability to exercise enforcement power with regards to non-compliance, which could have a deterrent effect and bring about behaviour change.

Cycling Scotland notes that there is a lack of dedicated infrastructure for cycling in many areas. As such, if works that are road works are being undertaken, particularly to existing infrastructure designed to facilitate cycling, there could be a significant impact on those who travel by bicycle as a safe diversion is often not clear. In addition to stress and frustration, there is a particularly negative impact on journey times and journey time reliability for those cycling, particularly if they are unable to find a diversionary route. Therefore, it is important that cycling routes (particularly cycle paths and segregated infrastructure) due to undergo works are treated in the same fashion as on-carriageway roadworks, complete with a process ensuring proper notification, diversion and reinstatement is in place and subject to the same requirements for contributions, inspections, guarantees, and charges as other road works. In particular, opportunities to implement filtered permeability to allow people to continue to cycle or walk on the most direct route should always be sought.

We would like to highlight that, for longer term and larger programmed work, for example large scale utility works or road resurfacing/reinstatement, there is an opportunity to take advantage of an alteration of traffic flows to test reallocation of road space and alternative traffic management techniques. For example, if a lane is taken out by utility works, the route could be designated for cycling and walking only, with a diversion made for vehicular traffic. This could allow for testing of potential reallocation of road space and traffic management for the short term – similar to a ‘pilot’ - and would assist in assessing any impacts on general traffic flows and accessibility across the wider area, which would have a positive impact on the environment by helping to reduce congestion and improve air quality.