



CHIEF OFFICERS LIAISON GROUP MEETING

Waverly Court, G.37, 4 East Market Street, Edinburgh, EH8 8BG
Wednesday 20th February 2019 – 2:00pm.

AGENDA

1. **WELCOME AND APOLOGIES FOR ABSENCE**
2. **MINUTES**
 - (a) Chief Officers Liaison Group of 6th November 2018. (For approval)
 - (b) Partnership Board of 7th December 2018 (to follow)
3. **FINANCIAL REPORTS**
 - (a) Financial Planning 2019-20 – Report by Hugh Dunn, Treasurer (to follow)
 - (b) Finance Officer's Report – Verbal report by Iain Shaw
4. **DRAFT BUSINESS PLAN 2019/20** – Verbal Report by Julie Vinders
5. **INTERNAL AUDIT UPDATE** – Verbal Report by Jim Grieve
6. **PROJECTS UPDATE** – Report by Julie Vinders
7. **EMERGENCY AND PLANNED LORRY PARKING** – Verbal report by Keith Fiskien
8. **CYCLE SCHEME ISSUES** – Report by Peter Jackson
9. **REGIONAL WORKING GROUPS** – Verbal update by Jim Grieve
10. **CONSULTATION RESPONSES**
 - (a) Scottish Law Commission – Automated Vehicles
 - (b) George Street and First New Town
 - (c) Transportation Noise Action Plan (TNAP) 2019-2023
 - (d) Restricted Roads (20 mph Speed Limit) (Scotland) Bill
11. **AOCB**
12. **DATE OF NEXT MEETING** – The date of the next meeting is scheduled for **2:00pm on Wednesday 22nd May 2019, Room 3D-34, Victoria Quay, Edinburgh, EH6 6QQ**

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13 February 2019

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Agendas and papers for all SEStran meetings can be accessed on www.sestran.gov.uk

CHIEF OFFICER LIAISON GROUP MEETING
14:00PM TUESDAY 6TH NOVEMBER 2018

Present:

Jim Grieve (JG)	SEStran (Chair)
Elizabeth Forbes (EF)	SEStran
Keith Fiskin (KF)	SEStran
Julie Vinders (JV)	SEStran
Neil Dougall (ND)	Midlothian Council
Graeme Johnstone (GJ)	Scottish Borders Council
Iain Shaw (IS)	Edinburgh Council
Peter Forsyth (PF)	East Lothian Council
John Mitchell (JM)	Fife Council
Graeme Malcolm (GM)	West Lothian Council

Apologies:

Lesley Deans (LD)	Clacks Council
Douglas Proudfoot (DP)	East Lothian Council
Kevin Collins (KC)	Falkirk Council
Scott Prentice (SP)	Scotrail

Ref.		Actions
1.	Welcome and Apologies for Absence	
1.1	JG welcomed the group to the meeting and apologies were noted as above. JG took this opportunity to introduce the Officers to SEStran's new Project Officer, Julie Vinders.	
2.	Update from Scotrail	
2.1	SG informed the Officers that following the change of date for the meeting, SP has offered his apologies. JG advised that going forward it would be useful to have updates from both Scotrail and Network Rail in this forum, as a means of discussing regional rail matters.	
2.2	KF provided a verbal rail update on SP's behalf. Details of this update are attached in these minutes. KF agreed to circulate SP's report to the Officers but at SP's request, asked that it not be widely distributed.	KF
2.3	PF informed the Officers that East Lothian Council is re-instating its Local Rail Forum for the East Coast Main Line. PF agreed to circulate invites when a date is settled.	PF
2.4	JG informed the Officers that an ECMA meeting is taking place on the 14 th November. EF agreed to circulate invites to the Officers.	EF
3	Minutes	
3(a)	Chief Officers Liaison Group – 23 rd August 2018	

	Agreed as a correct record This followed with a discussion about electric vehicle charging points across the region. It was agreed that this topic should be included as an item on the next agenda, in the form of a workshop, with a view to establishing a regional strategy.	JG
	PF agreed to circulate a report that he is drafting for the Members Library, that relates to electric vehicle charging mechanisms, for information.	PF
4.	Agenda for December Board	
4.1	JG presented the proposed agenda for the December Board for discussion. Along with the traditional items, JG highlighted the following additional items: <ul style="list-style-type: none"> • Edinburgh City Centre Transformation – presentation by Daisy Narayanan (Sustrans) • SEStran Policy Review (TBC) • Head of Programmes Report • Climate Change Reporting • Risk Report 	
4.1	PF asked if SEStran had been forwarded a consultation from Sustrans in relation to SCSP, on transforming Edinburgh. JG advised that he had not received the document and requested that PF circulate the document to the Officers for information.	PF
4.2	There was then a lengthy discussion about low emission zones, with focus on the potential challenges.	
5.	Financial Reports	
(a)	Financial Planning 2019-20	
	<p>IS presented the report that provided the Officers with an overview of the financial planning being progressed for the partnership, for the 2019/20 revenue budget.</p> <p>IS advised that the local government finance announcement is due on the 17th December, which will allow more certainty around local authority funding. IS advised that public authority contributions are fully anticipated to remain as a one-year settlement, as in previous years.</p> <p>IS reported that the financial plan assumed no change in income from the Scottish Government and from the partner councils.</p> <p>IS asked the Officers to provide any feedback, ahead of the report being converted into a report to the P&A on the 16th November 2018 and the Partnership Board on the 7th December 2018.</p> <p>IS advised that the final budget will be presented to the SEStran Board in March 2019 for approval.</p>	

(b)	Finance Officer's Report	
	IS provided a verbal update stating that this year's budget is currently on track.	
6.	Projects Update	
6.1	JV presented the report, which informed the Officers of SEStran's project updates.	
6.2	JM asked for more information about the 6 new hubs being developed through the Go e-Bike project. KF fed back that the ambition is to have hubs in each of the local authorities.	
6.3	KF informed the Officers that the information event at COSLA, in relation to the 'Can Do' fund will now take place on the 7 th December, not the 26 th November, as indicated in the report.	
7.	Intelligent Centralisation	
7.1	JG indicated that there are no updates on this item, however, recognised that the suggestion of an item on electric vehicle strategy (as discussed earlier) is a good example of potential collaboration. It was then suggested that intelligent centralisation should remain on the agenda for future discussion.	
8.	HS2 Update	
8.1	JG advised the Officers that he attended a HS2 East Board meeting in Newcastle on the 12 th October.	
8.2	JG stated that the meeting was positive, with discussions about HS2 coming up through the Northern cities, allowing numerous possibilities for economic development. There was also discussion about access into to Scotland via HS2.	
8.3	Studies are underway to establish whether Newcastle station can accommodate 400m trains, which will be necessary to facilitate HS2 going North to Scotland.	
9.	ECOMM Update	
9.1	<p>KF advised the Officers that the upcoming ECOMM event is set to take place at McEwan Hall from the 29th May – 31st May, with 300-350 expected attendees. KF also shared that the overall theme of the conference is "Improving Lives and Communities". The sub themes of the conference are as follows:</p> <ul style="list-style-type: none"> • Mobility Management to improve wellbeing and health in communities • Mobility Management to improve micro/macro accessibility to jobs and services • Mobility Management to improve air quality and climate action 	

	<ul style="list-style-type: none"> • Mobility Management with Freight and Logistics • Mobility Management with a means of increasing the use of active healthy mobility • Smart Mobility Management (new modes/business models) 	
9.2	KF advised that he would be circulating the call for papers shortly and welcomed submissions for papers and presentations for the event.	KF
10.	RTS Monitoring	
10.1	JG advised that SEStran will be going ahead with the circulated monitoring framework, which will aid SEStran in gathering relevant data, allowing for monitoring of the RTS's success.	
10.2	PF asked JG what the other RTP's are doing regarding RTS development. JG provided a summary as follows: SPT and Nestrans are currently rewriting their RTS, HITRANS have recently completed a refresh and SEStran intends to start a re-write process at the end of the year with a main success report.	
11.	Access to Station Fund	
11.1	JV presented this report, which provided the Officers with an overview of the Access for All Programme.	
11.2	JV advised the Officers that the deadline for fund applications to Transport Scotland is the 16 th November 2018.	
12.	AOCB	
12.1	JG raised on LD's behalf, the request that future meetings take place on Tuesday or Wednesday. The Officers were asked to consider this request, and it was agreed that going forward, meetings will take place on Wednesdays in the PM. JG also asked IS whether future meetings could take place at Waverley Court. IS indicated that he would be happy to accommodate this, but rooms would need to be booked now, due to high demand.	
13.	Date of Next Meeting	
13.1	EF will investigate dates in February 2019 for the next meeting. Information about further meetings will be circulated in the Partnership Board Reports under 'Dates of Future Meetings'.	EF

Projects & EU Exit Update

1. INTRODUCTION

- 1.1** The report provides Chief Officers with an update on the current status and progress of the various projects SEStran is involved in and covers the position on the EU exit process.

2. Real-Time Passenger Information (RTPI)

- 2.1** On 17th January 2019, SEStran held an RTPI Project meeting at the WYG Offices in Edinburgh. In attendance were representatives from Stagecoach East Scotland, City of Edinburgh Council, Traveline Scotland, Borders Buses, Borders Council, and WYG.

- 2.2** Requests have been made to include more small operators into the RTPI system. WYG will investigate whether additional operators can be imported into the existing system.

- 2.3** For the short term, INEO agreed to continue providing their service until the end of 2018/19. SEStran will develop a plan to fill the gap until a replacement system comes into place.

- 2.4** Occasionally, incorrect information is displayed at the Galashiels interchange, which is most likely caused by out-of-date timetable information within the system or an incorrect interpretation of the calendar by the system. WYG is currently investigating these issues. In the meantime, WYG will improve the failure message and refer to the timetable or Traveline website when no information is available on the screens.

- 2.5** The City of Edinburgh Council is finalising the preparation for a new content management system (CMS). The Procurement Team of the CEC have determined that a NEC Contract tender should be issued within the next couple of months. It is hoped to have the new system operating early in the new financial year. Bustracker SEStran will be integrated with the new CMS.

3. Regional Cycle Network Grant Scheme (RCNGS)

- 3.1** SEStran's successful bids to Community Links funding have progressed well with studies approaching conclusion. Feasibility reports are due to be completed in the coming weeks with feedback to follow from Sustrans officers.

- 3.2** The study of Buckhaven-Kirkcaldy is due to progress with Fife Council to design subsequent to Sustrans feedback and public engagement.

- 3.3** The BioQuarter Active Travel corridor has progressed through to design along much of the route. Stakeholders were shown initial designs in January with further work to progress in cooperation with City of Edinburgh Council.

4. Regional Active Travel Development Fund – Transport Scotland

- 4.1** SEStran have procured services for the development of a feasibility study of the A701 for improvements to public transport, walking and cycling provisions. Ove Arup & Partners Ltd. have been awarded the contract for the amount of £34, 467.50.

- 4.2** SEStran in collaboration with Tactran will be procuring services to study the A9 corridor between Larbert and Stirling, with connections into the wider active travel network around Larbert.

5. GO e-Bike

- 5.1** In addition to the first four e-Bike hubs (currently operating in Fife, West Lothian and Falkirk), SEStran was awarded £300,000 in funding by the Low Carbon Travel and Transport (LCTT) Challenge Fund to expand on the GO e-Bike project. SEStran is currently in the process of selecting 6 more hubs across the region.

- 5.2** Assets have now been procured for Social Bite Village¹ in Edinburgh and Tweeddale Youth Action in Peebles² to develop two new hub sites. The launch of these two sites is likely to be early spring.

- 5.3** SEStran has been working with East Lothian and Midlothian Councils regarding the placement of the four further hubs. The location of these sites has now been identified with a view to link these hubs with a transport interchange in the town centres of Musselburgh and Dalkeith. Tender documents are currently being prepared to take this forward.

- 5.4** The GO e-Bike website is under construction with content being agreed between hubs.

- 5.5** Funded from the Sustainable Transport budget, SEStran on 9 January 2019, made a grant award of £107,915.00 for the development of two additional e-bike hubs under the Forth Valley Bike Share scheme developed by Forth Environment Link (FEL) for deployment in Falkirk & Clackmannanshire. This is based on an appropriate procurement exercise carried out by FEL and builds on SEStran's earlier investment in e-bike hubs and on support already secured by FEL from other stakeholders..

- 5.6** The decision to award the funding to FEL was taken by the Interim Partnership Director after consultation with the Partnership Chair in

¹ <http://social-bite.co.uk/the-social-bite-village/>.

² <http://tweeddaleyouth.co.uk/>.

accordance with Clause 40 “Items of Urgency” of SEStran’s Standing Orders (as amended August 2017) contained in the Partnership’s Scheme of Delegation. This was necessary to provide sufficient time to ensure that the work could be completed during the current financial year.

Clause 40 requires that should such a decision be necessary between meetings of the Board, then it must be reported to the Board at its next meeting.

6. Cycle Training & Development – Cycling Scotland

- 6.1** As part of trialling a new model for delivering Bikeability Scotland training in schools, a number of pilots are being developed within the SEStran region. One pilot is being explored in the Scottish Borders to support smaller rural schools where resources are more limited to deliver Bikeability training in a central location. A pilot in Edinburgh is also being considered to provide additional support to schools in more deprived areas to enable them to deliver Bikeability. Cycle training will also be offered as part of the development of the Go e-Bike hubs.

7. Smarter Choices Smarter Places

- 7.1** SEStran was successful in a bid to the Smarter Choices Smarter Places Open Fund in November 2018. SEStran was awarded £13,650 as a 50% match for a project to look at travel behaviour in and around Edinburgh.
- 7.2** SEStran will be working with Trivector Traffic AB, which has developed a mobile app to track how people journey, how far, how fast, why, and by what means. SEStran will be conducting a data collection period from the 4th – 31st March 2019.
- 7.3** SEStran will report the findings of this project in June.

8. EU projects - update

- 8.1.1** **SHARE-North**³ focuses on shared mobility modes and their potential to address sustainable transport challenges in the North Sea region. This includes developing, implementing, promoting and assessing car sharing, bike sharing, ride sharing and other forms of shared mobility in urban and rural areas and employment clusters. The planned living labs integrate modern technology with activities to support changes in mobility behaviour. The objectives include: resource efficiency, improving accessibility (including non-traditional target groups), increased efficiency in the use of transport infrastructure, reduction of space consumption for transport, and improving quality of life and low carbon transport.

- 8.1.2** On 12 December 2018, the EU North Sea Region Programme Secretariat announced that the SHARE-North project has been approved for an extension until December 2021.

³ <http://sestran.gov.uk/projects/share-north/>.

- 8.1.3** In the extension application, SEStran planned for the promotion of Tripshare (SEStran's carpool platform) in a region wide campaign and update the logo.
- 8.1.4** SEStran will also be working with Taxistop Belgium to replicate the 'Carpool Addict Label', which is a reward scheme for employers that continue to promote carpooling within the workplace. Earlier in February, SEStran's Project Officer travelled to Brussels to present Tripshare SEStran and exchange good practices at a 'Carpool Addict' event organised by Taxistop.
- 8.1.5** Lastly, SEStran will be working with several project partners to explore the introduction of 'Mobihubs' (mobility hubs) in the region, taking experiences from Bremen, Germany, and Bergen, Norway.⁴ The aim of Mobihubs is to integrate shared mobility modes into one hub, making mobility more efficient and regaining valuable street space. Examples include combining a car sharing station with public transport, easy cycling and pedestrian access. SEStran is now in the process of identifying suitable locations for the implementation of Mobihubs and would welcome any suggestions from Chief Officers.
- 8.2.1** **REGIO-MOB**⁵ aims to promote "learning, sharing of knowledge and transferring best practices between the participating regional and local authorities to design and implement regional mobility plans (or Regional Transport Strategies) bearing in mind the stakeholders with regional relevance and contributing to the sustainable growth of Europe".
- 8.2.2** As part of the monitoring of action plans, SEStran reported the delay in the first active travel audit carried out by Sustrans. SEStran received the final version in November 2018 and concluded the arrangements with Sustrans. Using the PASTA methodology⁶, SEStran will be measuring the health benefits of the GO e-Bike scheme.
- 8.2.3** The next partner meeting will be held in Niepolomice, Poland from 14-15 March 2019. SEStran will be presenting on the progress of implementing the Action Plan.
- 8.3.1** **SURFLOGH**⁷ aims to improve the role of logistics hubs in the network of urban logistics in the North Sea Region. By introducing city labs, a transnational platform is created to promote innovation in city logistics. These platforms will bring together different actors to exchange knowledge, work on innovative pilot projects and implement results within policy strategies and the urban logistics system.
- 8.3.2** SEStran's main role in the project is to work together with Edinburgh Napier University Transport Research Institute (TRI) to develop business cases for

⁴ <https://mobilpunkt-bremen.de/english/>

⁵ <http://sestran.gov.uk/projects/regio-mob/>.

⁶ <http://www.pastaproject.eu/home/>

⁷ <http://sestran.gov.uk/projects/surflogh/>.

environmentally friendly transport. It is also working with local SME's to trial deliveries of goods by cargo-bikes, in and around the city of Edinburgh. Zedify (formerly Outspoken Delivery) has been identified as pilot delivery partner to deliver the e-cargo bike pilot scheme. The Edinburgh pilot was formally launched at the SEStran Freight Forum in November 2018.

8.3.3 The last partner meeting was held in Mechelen, Belgium from 5-6 February 2019. SEStran provided the project partners with an update on recent activities.

8.4.1 In December 2018 Funding was approved for a new Interreg North Sea project: **BLOCKchainINGovernment (BLING)**⁸: Blockchain is a key enabling technology that will underpin efforts to deliver innovative services under the Digital Agenda for Europe. The BLOCKchain IN Government (BLING) project focuses on providing one of the first dedicated platforms to bring these tools and approaches into local and regional services. SEStran will be working with thirteen project partners to deliver the project. SEStran will be developing a pilot with the University of Edinburgh, which will showcase innovative use of the technology in a transport environment.

8.4.2 The kick-off meeting was held in Zwolle in the Netherlands from 7-8 February 2019.

9. Proposed projects

9.1 PURSUITS: In September 2018, the project partners submitted the second stage proposal for the Pursuits project under the EU Horizon 2020 programme. In January 2019, the Innovation and Networks Executive Agency of the European Commission announced that the project application was unsuccessful.

10. Further Initiatives

10.1 ECOMM: SEStran is no longer hosting the European Conference on Mobility Management due to the high financial risks associated with it, which is exacerbated by the latest Brexit position and emerging pressures on the 2019/20 budget.

10.2 Hate Crime Charter: SEStran is involved in a working group, along with Transport Scotland, Police Scotland and Disability Equality Scotland, to develop a regional hate crime charter on public transport. Police Scotland and Disability Equality Scotland have taken ownership of the first draft. Once the draft version is finalised, SEStran will trial the Charter in Fife, Clackmannanshire and West Lothian. Based on the learnings from this trial, SEStran hopes to roll out the Charter nationally.

10.3.1 Can do & Thistle Card App: SEStran has been working with Scottish Enterprise Can Do to develop an intermodal journey planner and Thistle

⁸ <https://northsearegion.eu/bling/>

Card App, which will make it easier for people to use the Card when using public transport.

10.3.2 The tender competition run by Innovate UK for applications has taken place, closing in January 2019 with 39 very interesting entries received. From these 39, 5 will be taken forward into Phase one of the project. The assessment process will be completed by end February 2019.

10.4.1 Electric Vehicle Strategy: Following the last Chief Officers meeting, it was proposed that SEStran should develop an Electric Vehicle Strategy for the region. This strategy is to address barriers to the uptake of electric vehicles and challenges for local authorities to support electric vehicle infrastructure.

10.4.2 SEStran's Project Officer planned an initial meeting with available Chief Officers earlier in February to discuss the outline, strategic objectives and scope of an electric vehicle strategy for the region. Learnings will be taken from the draft electric vehicles shared with SEStran by TACTRAN and HITRANS.

11. SEStran Forums

11.1 The Equalities and Access to Healthcare Forum will be hosted by SEStran on 2 April 2019.

11.2 The Integrated Mobility Forum will be hosted by SEStran on 16 April 2019.

11.3 The Logistics and Freight Forum will be hosted by SEStran on 29 May 2019.

12. EU Exit update

12.1 The UK is due to leave the EU at the end of March 2019. Following a 'meaningful vote' in the House of Commons on 15 January 2019, the Prime Minister's deal with the EU was rejected by 230 votes. As a result, the risk of leaving the EU without a deal has increased substantially. The Prime Minister is engaging in talks with various MPs in an attempt to secure a majority in Parliament for her deal.

13. Recommendations

13.1 It is recommended that the Chief Officers take note of the contents of the report.

13.2 Furthermore, the Chief Officers are invited to submit any suggestions for the introduction of Mobihubs as mentioned in paragraph 8.1.5.

Julie Vinders
Project Officer
8 February 2019

Policy Implications	None
Financial Implications	None
Equalities Implications	None
Climate Change Implications	None

Project outputs

Real-Time Passenger Information	<p>In the short term, SEStran is exploring options with INEO to keep the service going until the agreement comes to an end. It is hoped that the new system operating will be in place early in the new financial year. Bustracker SEStran will be integrated with the new CMS.</p> <p>Timeframe: financial year 2019/20</p>
Regional Cycle Network Grant Scheme (RCNGS)	<p>3 feasibility studies are being undertaken by Aecom worth £90,248.93 using 100% funding from Community Links.</p> <p>Timeframe: spring 2019</p>
Regional Active Travel Development Fund	<p>SEStran has awarded funding to Arup to carry out a feasibility study for the A701 corridor</p> <p>Timeframe: financial year 2019/20</p>
GO e-Bike	<p>2 new GO e-Bike hubs will be launched early spring at Social Bite Village in Edinburgh and Tweeddale Youth Action in Peebles.</p> <p>Timeframe: spring 2019</p>
Cycle Training & Development – Cycling Scotland	<p>As part of trialling a new model for delivering Bikeability Scotland training in schools, a number of pilots are being developed within the SEStran region.</p> <p>Timeframe: ongoing until summer 2019</p>
Smarter Choices Smarter Places	<p>SEStran was awarded £13,650 as a 50% match for a project looking at travel behaviour in and around Edinburgh. SEStran is working with Trivector Traffic AB to conduct data collection through a mobile app which tracks how people travel, how far, how fast, why, and by what mode.</p> <p>Timeframe: March 2019</p>
SHARE-North	<p>With the project extension being approved by the EU North Sea Region Programme Secretariat, SEStran will be working with project partners to promote Tripshare and replicate the carpool addict label. SEStran will</p>

	<p>also be looking at introducing 'Mobihubs' (mobility hubs) to the SEStran region.</p> <p>Timeframe: ongoing until December 2021</p>
REGIO-Mob	<p>Sustrans provided SEStran with first Active Travel Audit. Moving forward, SEStran will be using reports prepared by CoMoUK to report on the health benefits of the GO e-Bike project.</p> <p>Timeframe: ongoing until March 2020</p>
SURFLOGH	<p>SEStran is working with Zedify to deliver the e-cargo bike pilot scheme. This pilot scheme will inform the development of a business case for first/last mile delivery solutions in sustainable urban freight logistics.</p> <p>Timeframe: ongoing until October 2020</p>
BLING	<p>SEStran will be working with various project partners, including the University of Edinburgh, to develop and implement a transport focused trial pilot that aims to deliver Blockchain in government.</p> <p>Timeframe: ongoing until December 2021</p>
Hate Crime Charter	<p>SEStran is developing a Hate Crime Charter aimed at reporting and preventing hate crime incidents. After a regional trial, SEStran hopes to roll out the Charter nationally.</p> <p>Timeframe: financial year 2019/20</p>
Can Do & Thistle Card App	<p>Can Do funding will be used to develop a intermodal journey planner and Thistle Card App</p> <p>Timeframe: financial year 2019/20</p>

Active Travel Funding Update

1. INTRODUCTION

- 1.1 This paper is to update Chief Officers on active travel developments and to raise the discussion on utilising funding opportunities.

2. SUSTRANS SCOTLAND FUNDING

- 2.1 Sustrans is the sole body for delivering funds for infrastructure projects associated with placemaking, walking and cycling routes, and safer routes to school. The Scottish government's 2018/19 programme doubled the committed funding for active travel projects to £80M, the largest proportion of this being directed to Sustrans. Sustrans funding operated on a 50% match funding basis for all projects, while the new programme for 2018/19 was provided on a 100% funding basis for feasibility and design studies.
- 2.2 SEStran has been awarded a parallel fund from Sustrans to utilise on the development of the regional cycle network with a particular focus on cross-boundary routes. This funding has been available to other RTPs to use in this way since 2014.

3. ONGOING CHALLENGES

- 3.1 SEStran understands that it has been increasingly difficult for local authorities to find match funding for these projects with an emerging risk of no resource to add new routes to existing maintenance schedules.
- 3.2 SEStran in turn has faced difficulties in implementing routes that are strictly cross-boundary, whether this is due to limited resource from authorities or the fact that local strategies do not cater for these routes.

4. SCOTS ACTIVE TRAVEL GROUP

- 4.1 In January 2019, SEStran was represented at a meeting of the SCOTS Active Travel working group to discuss concerns arising from the Sustrans funding. This followed themes on match funding, design criteria, staff resourcing, with representation from Transport Scotland and Sustrans.
- 4.2 Discussions revealed that Transport Scotland is seeking to rationalise funding streams within the sector having identified a range of 21 available streams. Transport Scotland stated that there have been delays in refreshing Cycling by Design, with no date on publication. In the interim, Sustrans is going to produce an accepted design guide to update the previous guidance from 2014.

- 4.3 A number of authorities raised concerns about staff resource availability relative to the time required to apply for Sustrans funding. While Sustrans have offered to assist, a further resource commitment is often required.
- 4.4 A point to note is that from April 2019 onwards, three Sustrans funds will be combined (Community Links, Community Links Plus, & Safer Routes to School). This will increase the funding pot but also make the funding more competitive with more school estates, hospital trusts, and community development trusts eligible to apply for funding.

6. RECOMMENDATIONS

- 6.1 The report asks the Chief Officers to note and discuss the content of the report.

Peter Jackson
Active Travel Officer
8th February 2019

Policy Implications	Funding has implications on RTS.
Financial Implications	New competitive market could reduce awards to Local Authorities.
Equalities Implications	
Climate Change Implications	Projects seek to promote innovative actions to increase use of sustainable mobility.

Scottish Law Commission – Automated Vehicle Consultation

Response by SEStran, February 2019

Link to Consultation Paper:

https://www.scotlawcom.gov.uk/files/8315/4166/7851/Joint_Consultation_Paper_on_Automated_Vehicles_DP_No_166.PDF

CHAPTER 3: HUMAN FACTORS

A new role in driving automation: the “user-in-charge”

Consultation Question 1 (Paragraphs 3.24 - 3.43):

Do you agree that:

- (1) All vehicles which "drive themselves" within the meaning of the Automated and Electric Vehicles Act 2018 should have a user-in-charge in a position to operate the controls, unless the vehicle is specifically authorised as able to function safely without one?
- (2) (2) The user-in-charge:
 - a. must be qualified and fit to drive;
 - b. would not be a driver for purposes of civil and criminal law while the automated driving system is engaged; but
 - c. would assume the responsibilities of a driver after confirming that they are taking over the controls, subject to the exception in (3) below?
- (3) If the user-in-charge takes control to mitigate a risk of accident caused by the automated driving system, the vehicle should still be considered to be driving itself if the user-in-charge fails to prevent the accident.

- (1) SEStran agrees that all vehicles which drive themselves within the meaning of the Automated and Electric Vehicles Act 2018 should have a user-in-charge in a position to operate the controls, unless the vehicle is specifically authorised as able to function safely without one. In addition, it is essential that clear rules are set out for the authorisation of vehicles that can safely function without a user-in-charge. The threshold for such authorisation would need to be sufficiently high to protect road safety. It is SEStran's view that it is better to err on the side of caution than to potentially compromise road and passenger safety.
- (2) SEStran agrees that the user-in-charge must be qualified and fit to drive to safely take back control as a driver when required to do so. The user-in-charge would not be a driver for the purposes of civil and criminal law while the automated driving system is engaged, but will assume responsibilities of a driver after confirming that they are taking over the controls. It is necessary to have this clear distinction to avoid the lines of responsibility becoming blurry.
- (3) SEStran agrees that in such a situation, the vehicle should still be considered to be driving itself if the user-in-charge fails to prevent the accident, because the responsibility of driving lies with the vehicle using the automated driving system.

Consultation Question 2 (Paragraph 3.45):

We seek views on whether the label “user-in-charge” conveys its intended meaning.

SEStran believes that the label ‘user-in-charge’ properly conveys its intended meaning of describing the person who is responsible for taking over the control of the vehicle when the automated driving system stops. The label reflects the appropriate level of responsibility as being ‘user-in-charge’ reflects a higher level of responsibility than being a mere ‘user’ of the automated vehicle. At the same time,

however, the 'user-in-charge' should not be considered as the 'driver' for the purposes of civil and criminal law while the automated driving system is engaged. The term 'user-in-charge' therefore best reflects the role of the person who will be in charge to take over from the automated driving system when required to do so.

Consultation Question 3 (Paragraphs 3.47 - 3.57):

We seek views on whether it should be a criminal offence for a user-in-charge who is subjectively aware of a risk of serious injury to fail to take reasonable steps to avert that risk.

It would be desirable for it to be a criminal offence for a user-in-charge who is subjectively aware of a risk of serious injury to fail to take responsible steps to avert that risk. However, it would likely be extremely hard to establish whether someone was indeed subjectively aware of a risk of serious injury. It raises the question of whether someone could and should have known of a potential risk, and whether it had a duty or responsibility to act. It blurs the lines between driver who is responsible in civil and criminal law and user-in-charge, and manufacturer who is responsible for vehicle and automated driving system. For that reason, it would seem necessary to strictly distinguish responsibilities between the driver, the user-in-charge, and the manufacturer who is responsible for the well-functioning of the automated driving system. Again, high standards should be put in place for the authorisation of vehicles that are able to safely function without a user-in-charge. While it is desirable that the user-in-charge interferes when he becomes aware of a risk of serious injury, it is the automated driving system as the 'driver' that holds the responsibility of averting such a risk.

When would a user-in-charge not be necessary?

Consultation Question 4 (Paragraphs 3.59 - 3.77):

We seek views on how automated driving systems can operate safely and effectively in the absence of a user-in-charge.

No comment.

Consultation Question 5 (Paragraphs 3.59 - 3.77):

Do you agree that powers should be made available to approve automated vehicles as able to operate without a user-in-charge?

SEStran agrees that powers should be made available to approve automated vehicles as able to operate without a user-in-charge. While today's technology might not allow for the safe operation of an automated vehicle without a user-in-charge, it is important that regulation is sufficiently flexible to accommodate for technological improvements that could lead to the safe operation of automated vehicles without a user-in-charge. If regulation is too strict and does not allow for automated vehicles to operate without a user-in-charge unless the regulation is amended, it might stifle technological development. This essentially comes back to the challenge of regulating new technologies and finding the right balance between under-regulation, which might compromise safety standards, and over-regulation which could stifle innovation.

When should secondary activities be permitted?

Consultation Question 6 (Paragraphs 3.80 - 3.96):

Under what circumstances should a driver be permitted to undertake secondary activities when an automated driving system is engaged?

When an automated driving system is engaged, the driver becomes the user-in-charge and the responsibility for the dynamic driving task shifts onto the automated driving system. The user-in-

charge would only have the responsibility to take over from the automated driving system, and would not have any direct responsibilities in relation to the driving itself. The user-in-charge should be allowed to engage in secondary activities to the extent that he/she is able to promptly and adequately respond to a request to take over driving responsibilities from the automated driving system when requested to do so.

Consultation Question 7 (Paragraphs 3.80 - 3.96):

Conditionally automated driving systems require a human driver to act as a fallback when the automated driving system is engaged. If such systems are authorised at an international level:

- (1) should the fallback be permitted to undertake other activities?
- (2) if so, what should those activities be?

With a conditionally automated driving system, the human driver is required and expected to respond when the automated driving system fails or requests the human driver to take over. This means that the human driver would still carry the responsibility of driving and should not be permitted to undertake secondary activities. It is recognised, however, that it can be challenging for someone to remain engaged in the driving when he/she is not actively performing the dynamic driving task.

CHAPTER 4: REGULATING VEHICLE STANDARDS PRE-PLACEMENT

A new safety assurance scheme

Consultation Question 8 (Paragraphs 4.102 - 4.104):

Do you agree that:

- (1) a new safety assurance scheme should be established to authorise automated driving systems which are installed:
 - a. as modifications to registered vehicles; or
 - b. in vehicles manufactured in limited numbers (a "small series")?
- (2) unauthorised automated driving systems should be prohibited?
- (3) the safety assurance agency should also have powers to make special vehicle orders for highly automated vehicles, so as to authorise design changes which would otherwise breach construction and use regulations?

SEStran agrees that for the general purpose of road safety, a new safety assurance scheme should be established for the authorisation of automated driving systems which are installed as modifications to registered vehicles or in vehicles manufactured in limited numbers. SEStran also agrees that unauthorised automated driving systems should be prohibited by law.

Consultation Question 9 (Paragraphs 4.107 - 4.109):

Do you agree that every automated driving system (ADS) should be backed by an entity (ADSE) which takes responsibility for the safety of the system?

SEStran agrees that every automated driving system should be backed by an entity (ADSE) which takes responsibility for the safety of the system. It would seem to be the most effective way of protecting the safety standards of automated vehicles and seems to be best practice across various countries.

Consultation Question 10 (Paragraphs 4.112 - 4.117):

We seek views on how far a new safety assurance system should be based on accrediting the developers' own systems, and how far should it involve third party testing.

For the general purpose of protecting road safety, independent third-party testing would seem preferable. This seems to be the most transparent manner of scrutinising the automated driving

system. Alternatively, self-certification would be appropriate if the safety standards a manufacturer should meet are sufficiently high and appropriately controlled.

Consultation Question 11 (Paragraphs 4.118 - 4.122):

We seek views on how the safety assurance scheme could best work with local agencies to ensure that is sensitive to local conditions.

In this context, it would again seem most appropriate to have third-party testing in order to protect road safety. That would allow local or regional agencies to establish region-specific standards which an automated driving system should meet, and take into account local conditions.

CHAPTER 5: REGULATING SAFETY ON THE ROADS

A new organisational structure?

Consultation Question 12 (Paragraphs 5.30 - 5.32):

If there is to be a new safety assurance scheme to authorise automated driving systems before they are allowed onto the roads, should the agency also have responsibilities for safety of these systems following deployment?

If so, should the organisation have responsibilities for:

- (1) regulating consumer and marketing materials?
- (2) market surveillance?
- (3) roadworthiness tests?

We seek views on whether the agency's responsibilities in these three areas should extend to advanced driver assistance systems.

SEStran believes that it needs to be established from the outset what the scope of responsibilities is of such a new safety assurance scheme. If it is to cover all aspects of automated vehicles, the scheme should indeed extend to regulating consumer and marketing materials, market surveillance and roadworthiness tests. It is acknowledged that such a specialised body is most likely to be best suited to regulate all aspects of automated vehicles.

Driver training

Consultation Question 13 (Paragraphs 5.54 - 5.55):

Is there a need to provide drivers with additional training on advanced driver assistance systems?

If so, can this be met on a voluntary basis, through incentives offered by insurers?

It is pertinent that human drivers know what their responsibilities are while using an automated vehicle. Given the fact that there are many different types of automation, training would seem necessary to appropriately inform drivers of their responsibility before using any particular type of automated vehicle. The responsibility of driving safely does not only refer to the safety of the driver itself and potential passengers, but extends to other road users. It would seem necessary for the purpose of general road safety that drivers are appropriately made aware of their responsibilities when driving an automated vehicle, meaning that additional training on a merely voluntary basis would not be sufficient.

Accident investigation

Consultation Question 14 (Paragraphs 5.58 - 5.71):

We seek views on how accidents involving driving automation should be investigated.

We seek views on whether an Accident Investigation Branch should investigate high profile accidents involving automated vehicles? Alternatively, should specialist expertise be provided to police forces.

No comment.

Setting and monitoring a safety standard

Consultation Question 15 (Paragraphs 5.78 - 5.85):

- (1) Do you agree that the new safety agency should monitor the accident rate of highly automated vehicles which drive themselves, compared with human drivers?
- (2) We seek views on whether there is also a need to monitor the accident rates of advanced driver assistance systems.

SEStran agrees that the accident rate of highly automated vehicles which drive themselves compared to human drivers should be monitored for the purpose of protecting road safety and continuous improvement of the technology.

The technical challenges of monitoring accident rates

Consultation Question 16 (Paragraphs 5.86 - 5.97):

- (1) What are the challenges of comparing the accident rates of automated driving systems with that of human drivers?
- (2) Are existing sources of data sufficient to allow meaningful comparisons? Alternatively, are new obligations to report accidents needed?

No comment.

CHAPTER 6: CIVIL LIABILITY

Is there a need for further review?

Consultation Question 17 (Paragraphs 6.13 - 6.59):

We seek views on whether there is a need for further guidance or clarification on Part 1 of Automated and Electric Vehicles Act 2018 in the following areas:

- (1) Are sections 3(1) and 6(3) on contributory negligence sufficiently clear?
- (2) Do you agree that the issue of causation can be left to the courts, or is there a need for guidance on the meaning of causation in section 2?
- (3) Do any potential problems arise from the need to retain data to deal with insurance claims?
If so:
 - a. to make a claim against an automated vehicle's insurer, should the injured person be required to notify the police or the insurer about the alleged incident within a set period, so that data can be preserved?
 - b. how long should that period be?

No comment.

Civil liability of manufacturers and retailers: Implications

Consultation Question 18 (Paragraphs 6.61 - 6.116):

Is there a need to review the way in which product liability under the Consumer Protection Act 1987 applies to defective software installed into automated vehicles?

No comment.

Consultation Question 19 (Paragraphs 6.61 - 6.116):

Do any other issues concerned with the law of product or retailer liability need to be addressed to ensure the safe deployment of driving automation?

No comment.

CHAPTER 7: CRIMINAL LIABILITY

Offences incompatible with automated driving

Consultation Question 20 (Paragraphs 7.5 - 7.11):

We seek views on whether regulation 107 of the Road Vehicles (Construction and Use) Regulations 1986 should be amended, to exempt vehicles which are controlled by an authorised automated driving system.

No comment.

Consultation Question 21 (Paragraphs 7.5 - 7.11):

Do other offences need amendment because they are incompatible with automated driving?

No comment.

Offences relating to the way a vehicle is driven

Consultation Question 22 (Paragraphs 7.14 - 7.19):

Do you agree that where a vehicle is:

- (1) listed as capable of driving itself under section 1 of the Automated and Electric Vehicles Act 2018; and
- (2) has its automated driving system correctly engaged;

the law should provide that the human user is not a driver for the purposes of criminal offences arising from the dynamic driving task?

SEStran agrees that the law should provide that the human user is not a driver for the purpose of criminal offences arising from the dynamic driving task where a vehicle is listed as capable of driving itself and the automated driving system is correctly engaged. The user-in-charge would have the responsibility to respond to request to take over dynamic driving task when requested to do so while the automated vehicle should be able to return to a safe stop.

Consultation Question 23 (Paragraph 7.21):

Do you agree that, rather than being considered to be a driver, a user-in-charge should be subject to specific criminal offences? (These offences might include, for example, the requirement to take reasonable steps to avoid an accident, where the user-in-charge is subjectively aware of the risk of serious injury (as discussed in paragraphs 3.47 to 3.57)).

As mentioned in question 3, SEStran believes it would be desirable for a user-in-charge to be required to take reasonable to avoid an accident. However, this would significantly blur the lines of responsibility between the automated vehicle and the user-in-charge. It would be extremely difficult

to establish whether someone was aware of a risk and could have avoided an accident, given the fact that the user-in-charge would not be considered a driver for the purpose of civil and criminal law. If a user-in-charge is permitted to engage in secondary activities to the extent that he/she is able to respond to a request to take over controls of the vehicle, he might not be in the position to take reasonable steps to avoid an accident.

Consultation Question 24 (Paragraphs 7.23 - 7.35):

Do you agree that:

- (1) a registered keeper who receives a notice of intended prosecution should be required to state if the vehicle was driving itself at the time and (if so) to authorise data to be provided to the police?
- (2) where the problem appears to lie with the automated driving system (ADS) the police should refer the matter to the regulatory authority for investigation?
- (3) where the ADS has acted in a way which would be a criminal offence if done by a human driver, the regulatory authority should be able to apply a range of regulatory sanctions to the entity behind the ADS?
- (4) the regulatory sanctions should include improvement notices, fines and suspension or withdrawal of ADS approval?

SEStran agrees with the points above. No further comment.

Responsibilities of “users-in-charge”

Consultation Question 25 (Paragraphs 7.37 - 7.45):

Do you agree that where a vehicle is listed as only safe to drive itself with a user-in-charge, it should be a criminal offence for the person able to operate the controls (“the user-in-charge”):

- (1) not to hold a driving licence for the vehicle;
- (2) to be disqualified from driving;
- (3) to have eyesight which fails to comply with the prescribed requirements for driving;
- (4) to hold a licence where the application included a declaration regarding a disability which the user knew to be false;
- (5) to be unfit to drive through drink or drugs; or
- (6) to have alcohol levels over the prescribed limits?

SEStran agrees with the points above. The user-in-charge must be qualified and fit to drive, like any other driver, because the user-in-charge must be able to assume full responsibilities of a driver when requested to take over the dynamic driving task from the automated vehicle.

Consultation Question 26 (Paragraphs 7.37 - 7.45):

Where a vehicle is listed as only safe to drive itself with a user-in-charge, should it be a criminal offence to be carried in the vehicle if there is no person able to operate the controls.

SEStran believes that it should be a criminal offence to be carried in a vehicle if there is no person able to operate the controls when the vehicle is listed as only safe to drive itself with a user-in-charge.

Responsibilities for other offences

Consultation Question 27 (Paragraphs 7.48 - 7.65):

Do you agree that legislation should be amended to clarify that users-in-charge:

- (1) Are “users” for the purposes of insurance and roadworthiness offences; and

- (2) Are responsible for removing vehicles that are stopped in prohibited places, and would commit a criminal offence if they fail to do so?

SEStran agrees with the above comments. In addition, users-in-charge should only be considered users for the time that the automated driving system is engaged. When it is not or no longer engaged, the user-in-charge assumes responsibilities of a driver. When the automated vehicle stops in a prohibited place, the user-in-charge would assume responsibilities of a driver and have an obligation to remove the vehicle.

Consultation Question 28 (Paragraphs 7.59 - 7.61):

We seek views on whether the offences of driving in a prohibited place should be extended to those who set the controls and thus require an automated vehicle to undertake the route.

No comment.

Obligations that pose challenges for automated driving systems

Consultation Question 29 (Paragraphs 7.71 - 7.88):

Do you agree that legislation should be amended to state that the user-in-charge is responsible for:

- (1) duties following an accident;
- (2) complying with the directions of a police or traffic officer; and
- (3) ensuring that children wear appropriate restraints?

It should be considered that the automated driving system stops following an accident. The user-in-charge should take over responsibilities of a driver following the accident, while the accident may have happened when the automated vehicle was carrying the responsibilities of a driver.

The automated vehicle is only considered 'driver' in relation to the performance of the dynamic driving task. The user-in-charge is not only 'user' of the automated vehicle, but is also 'in charge' of the safe use of the automated vehicle and is therefore responsible for all other duties related to the use of the automated vehicle, such as duties following an accident, ensuring that children wear appropriate restraints.

As for complying with the directions of a police or traffic officer, this relates to the performance of the dynamic driving task and should be the responsibility of the automated vehicle while the automated driving system is engaged.

Consultation Question 30 (Paragraphs 7.71 - 7.88):

In the absence of a user-in-charge, we welcome views on how the following duties might be complied with:

- (1) duties following an accident;
- (2) complying with the directions of a police or traffic officer; and
- (3) ensuring that children wear appropriate restraints.

No comment.

Consultation Question 31 (Paragraphs 7.71 - 7.88):

We seek views on whether there is a need to reform the law in these areas as part of this review.

No comment.

Aggravated offences

Consultation Question 32 (Paragraphs 7.92 - 7.123):

We seek views on whether there should be a new offence of causing death or serious injury by wrongful interference with vehicles, roads or traffic equipment, contrary to section 22A of the Road Traffic Act 1988, where the chain of causation involves an automated vehicle.

No comment.

Consultation Question 33 (Paragraphs 7.113 - 7.123):

We seek views on whether the Law Commissions should review the possibility of one or more new corporate offences, where wrongs by a developer of automated driving systems result in death or serious injury.

No comment.

CHAPTER 8: INTERFERING WITH AUTOMATED VEHICLES

Consultation Question 34 (Paragraphs 8.1 - 8.58):

We seek views on whether the criminal law is adequate to deter interference with automated vehicles. In particular:

- (1) Are any new criminal offences required to cover interference with automated vehicles?
- (2) Even if behaviours are already criminal, are there any advantages to re-enacting the law, so as to clearly label offences of interfering with automated vehicles?

SEStran believes that it should be a criminal offence to interfere with automated vehicles and ‘hack’ the automated driving system. SEStran has no further comment as to whether this would fall within the scope of existing criminal offences or whether there is a need for a new offence.

Tampering with vehicles

Consultation Question 35 (Paragraphs 8.28 - 8.31):

Under section 25 of the Road Traffic Act 1988, it is an offence to tamper with a vehicle’s brakes “or other mechanism” without lawful authority or reasonable cause. Is it necessary to clarify that “other mechanism” includes sensors?

No comment.

Unauthorised vehicle taking

Consultation Question 36 (Paragraphs 8.32 - 8.39):

In England and Wales, section 12 of the Theft Act 1968 covers “joyriding” or taking a conveyance without authority, but does not apply to vehicles which cannot carry a person. This contrasts with the law in Scotland, where the offence of taking and driving away without consent applies to any motor vehicle. Should section 12 of the Theft Act 1968 be extended to any motor vehicle, even those without driving seats?

No comment.

Causing danger to road users

Consultation Question 37 (Paragraphs 8.6 - 8.12):

In England and Wales, section 22A(1) of the Road Traffic Act 1988 covers a broad range of interference with vehicles or traffic signs in a way which is obviously dangerous. In Scotland, section 100 of the Roads (Scotland) Act 1984 covers depositing anything on a road, or inscribing or affixing something on a traffic sign. However, it does not cover interfering with other vehicles or moving traffic signs, even if this would raise safety concerns. Should section 22A of the Road Traffic Act 1988 be extended to Scotland?

No comment.

CHAPTER 9: "MACHINE FACTORS" – ADAPTING ROAD RULES FOR ARTIFICIAL INTELLIGENCE DECISION-MAKING

Rules and standards

Consultation Question 38 (Paragraphs 9.6 - 9.27):

We seek views on how regulators can best collaborate with developers to create road rules which are sufficiently determinate to be formulated in digital code.

No comment.

Should automated vehicles ever mount the pavement?

Consultation Question 39 (Paragraphs 9.6 - 9.37):

We seek views on whether a highly automated vehicle should be programmed so as to allow it to mount the pavement if necessary:

- (1) to avoid collisions;
- (2) to allow emergency vehicles to pass;
- (3) to enable traffic flow;
- (4) in any other circumstances?

SEStran believes that it is necessary to programme highly automated vehicles in such a manner that it mounts the pavement when necessary, for example to avoid collisions, to allow emergency vehicles to pass, and to enable traffic flow. Nevertheless, the automated vehicle should only be allowed to do so when mounting the pavement is safe to do so and does not create a risk of injury to other road users, such as cyclists, and pedestrians.

Consultation Question 40 (Paragraphs 9.6 - 9.37):

We seek views on whether it would be acceptable for a highly automated vehicle to be programmed never to mount the pavement.

SEStran believes that there can always be certain traffic situations in which a highly automated vehicle would be required to mount the pavement for the general purpose of road safety. Therefore, it would not be acceptable for a highly automated vehicle to be programmed to never mount the pavement.

Should highly automated vehicles ever exceed speed limits?

Consultation Question 41 (Paragraphs 9.40 - 9.47):

We seek views on whether there are any circumstances in which an automated driving system should be permitted to exceed the speed limit within current accepted tolerances.

SEStran believes that automated vehicles should be allowed to exceed the speed limit (within reason) if it is to protect road safety, for example to quickly overtake a vehicle to avoid collision. The automated vehicle should in principle be able to anticipate speed limit changes but some tolerance might be necessary to prevent overly sharp breaking which could compromise road and passenger safety.

Edging through pedestrians

Consultation Question 42 (Paragraphs 9.49 - 9.55):

We seek views on whether it would ever be acceptable for a highly automated vehicle to be programmed to “edge through” pedestrians, so that a pedestrian who does not move faces some chance of being injured. If so, what could be done to ensure that this is done only in appropriate circumstances?

SEStran believes that a highly automated vehicle should only be allowed to edge through pedestrians if the vehicle is able to detect whether or not a pedestrian is actually moving. It is possible that a child, (or anyone for that matter) fails to move. An automated vehicle should only be allowed to edge through pedestrians to the extent that it can identify whether someone has not moved and is able to come to a stop in time to avoid a risk of serious injury.

Avoiding bias in the behaviour of automated driving systems

Consultation Question 43 (Paragraphs 9.68 - 9.74):

To reduce the risk of bias in the behaviours of automated driving systems, should there be audits of datasets used to train automated driving systems?

SEStran believes that there should be audits of datasets used to train automated driving systems to reduce the risk of bias in their behaviours. While it is acknowledged that it might be extremely challenging to avoid any bias in algorithmic decision making and machine learning, audits of the datasets will be able to identify areas of bias which can help inform further research and development.

Transparency

Consultation Question 44 (Paragraphs 9.76 - 9.88):

We seek views on whether there should be a requirement for developers to publish their ethics policies (including any value allocated to human lives)?

SEStran believes that there should be a requirement for developers to publish their ethics policies for the purpose of transparency. This opens the general debate about Artificial Intelligence and the ethical challenges associated with it. This debate can again inform the further development of the technology and the ethics policies as these evolve overtime.

Consultation Question 45 (Paragraphs 9.76 - 9.88):

What other information should be made available?

No comment.

Future work and next steps

Consultation Question 46 (Paragraphs 9.91 - 9.93):

Is there any other issue within our terms of reference which we should be considering in the course of this review?

No comment.

George Street and First New Town Design Project – Consultation Response

Response by SEStran, January 2019

Link to consultation document:

<https://consultationhub.edinburgh.gov.uk/sfc/george-street-and-first-new-town-design-project/>

'World Class' Street Setting

The concept design aims to enhance the environmental and heritage quality of the streets in the First New Town.

Views down George Street are enhanced through the removal of street clutter and central parking. The setting around the First New Town statues is designed to make their presence in the streets more prominent. Changes to the layout at junctions aim to make it easier to enjoy key views from the area back to the Old Town and over the Second New Town (north, towards the Firth of Forth).

4. To what extent do you agree with including the following elements of the concept design:

- Creating 'plaza' areas in the middle of each block of George Street to reinforce the views of key buildings and allow for informal crossing of the street mid-block.

Neither agree nor disagree.

- Changes to the layout of junctions to enhance the setting of statues within the First New Town.

Strongly agree.

- Changes to the layout at junctions to improve key views from the First New Town area

Strongly agree.

5. Is there anything that you wish us to consider, regarding the street setting of the area? Please comment in the box below.

While SEStran supports the idea of creating places to reinforce views of key buildings and allow for informal crossing of the street, SEStran would prefer to see that George Street is completely pedestrianised along with dedicated cycle provision. That way, public space is truly given back to the people, views of key buildings are reinforced, and pedestrians will be able to stroll around at their leisure. The creation of merely informal crossings means that cars will still have priority over pedestrians. If George Street is pedestrianised, however, buses would have to be diverted off George Street and (most likely) onto Hanover Street, Frederick Street, Princes Street and Queen Street, to keep the impact of such a diversion to a minimum. Regarding blue badge and resident parking, this could be provided on Hanover Street and Frederick Street, keeping easy access onto a pedestrianised George Street in place for those who need it most. There are numerous examples across the UK and beyond where pedestrianisation has worked and has boosted the economy. See for example Living Streets (2018) 'The Pedestrian Pound: The business case for better streets and places' available at <https://www.livingstreets.org.uk/media/3890/pedestrian-pound-2018.pdf>. See also Future Place Leadership (2015) 'The effect of pedestrianisation and bicycles on local business: Case studies for the

New Seating Areas With Small Scale Planting

Currently there is one public street bench in George Street, and feedback from prior consultation has suggested people would like more places to relax within the street. One of the new elements proposed in the concept design is the introduction of seating areas, set within small scale planted borders and hedges. These 'dwell zones' could also include some informal 'play' elements. These are designed to allow people to sit, rest, relax in the street.

6. To what extent do you agree with including the following elements of the concept design:

- Providing significantly more outdoor seating for people of all ages and abilities to use

Strongly agree.

- Using small scale planting (greenery) to create attractive, sheltered and human-scale setting for seating spaces

Strongly agree.

7. If you disagree, or would like us to consider anything further, please write in the box below.

N/a.

Street Trees

Prior consultation has shown support for greening within George Street. There are currently over 150 individual, uncoordinated elements of street greening in planters from flowers and shrubs to small trees on George Street. The draft concept design aims to bring more continuity to the approach to greenery on the street, and proposes the introduction of trees of an appropriate scale, species and density. This is important, so as not to detract from the heritage of the street or hide the historic skyline. It is proposed that the final choice of tree would be small, with small leaves and require minimum maintenance.

8. To what extent do you support the inclusion of some tree planting on George Street?

Strongly agree.

9. If you disagree, or would like us to consider anything further regarding trees, please write in the box below.

N/a.

Walking

The concept design aims to prioritise the movement of pedestrians. Wider, unobstructed footways are introduced, to make it much easier to walk in and through the First New Town. The design for the junctions of Charlotte and St Andrew Square, and Castle, Frederick, Hanover Streets with George Street aim to make pedestrian crossing safer, more direct, and easier.

The plaza spaces on George Street are also designed in a way that aims to support informal crossing in the middle section of blocks.

10. To what extent do you agree with including the following elements of the concept design:

- Proposed increases in pavement widths

Neither agree nor disagree.

- Significantly improved crossing facilities for pedestrians at junctions

Strongly agree.

Access by Bicycle

George Street and the First New Town area is a key destination for cycle trips. It is also a crucial 'connector' in Edinburgh's developing network of cycle routes.

National Cycle Route 1 runs along most of George Street. George Street also forms the central connection in the City Centre West East Cycle Link route, which connects Roseburn and the northern/western cycle network to Leith Walk and routes to Portobello and the east of the city. It also forms the end point of the developing Meadows to George Street project, connecting to the south of the city.

The concept design aims to provide safe and attractive cycling space that enhances the area's connecting role for cycling in the city, in a way that also enhances the overall environmental quality of the streets.

11. To what extent do you feel that the following elements of the concept design can improve the experience of accessing the area by bike?

- Dedicated, bi-directional cycleway on the south side of George Street adequately meets the needs of people on bicycles

Strongly agree.

- Continuing the defined cycleway space through junction areas will support safe interaction between all road users.

Strongly agree.

12. If there are other ideas, or things we should consider regarding accessing the area by bike, please tell us in the box below.

It is noted that the cycleway will be separated from the pedestrian zone by tactile paving. SEStran strongly welcomes the provision of segregated cycle paths. However, the delineation between the cycleway and pedestrian zone should be made extremely obvious to allow for safe and pleasant cycling, as well as to minimise the risk of accidents between cyclists and pedestrians. Tactile paving on its own is not enough to distinguish a cycle path from a footpath. A kerb would be the most effective way to delineate between the cycle path and the pedestrian zone. However, if tactile pavement is used instead of a kerb, this should be accompanied with other street elements, such as a different colour for the cycle path and logically placed street furniture and trees, to appropriately distinguish the cycle path from the pedestrian zone.

Access, Parking and Servicing

The concept design proposal focusses on ensuring the area remains accessible for those who need it most.

Servicing and access requirements for customers and businesses has been maintained as much as possible.

Bus stops throughout the First New Town have been retained in or close to their current locations, preserving public transport access within the streets.

Prioritised blue badge parking and shared loading and taxi bays at appropriate times of day allows for the provision and use of these spaces to be maximised, with a priority on blue badge parking on George Street and resident parking in side streets.

13. To what extent do you feel that the following elements of the concept design can improve the experience of accessing the area?

- The principle of prioritising blue badge parking on George Street, with resident and pay and display parking located in side streets.

Neither agree nor disagree.

- Removing central parking on George Street, to allocate more space for pedestrians within the street.

Strongly agree.

- Creating dedicated delivery and servicing areas on the north side of the street to retain an overall level of space that supports business activities

Neither agree nor disagree.

14. If there are other ideas, or things we should consider to balance access requirements, please tell us in the box below.

SEStran believes all cars should be removed from George Street. Blue badge parking and resident parking could be provided in side streets. Having dedicated parking bays for residents and blue badge holders on the side streets of George Street removes the need for road access through George Street itself. At the same time, residents and blue badge holders will still have easy and guaranteed access onto George Street. While loading services for businesses should still be allowed at appropriate times of the day, this can be provided without the need for a designated route for motor vehicles through George Street. The bottom section of Castle Street in Edinburgh (on the side of Princes Street) is a perfect example of a pedestrianised street where loading services are still allowed at certain times or where this is provided from side streets such as Rose Street South Lane.

15. What impacts on fairness and equality, if any, might result from introducing any of the ideas discussed previously?

SEStran believes the impact of pedestrianising George Street can be kept to a minimum by moving bus routes onto Princess Street, Queen Street, Hanover Street, and Frederick Street. Blue badge parking can be provided on the side streets of George Street, allowing for appropriate access to these pedestrianised areas by those who need it most. The maximum displacement for pedestrians would be limited to one block, such as from George Street to Hanover Street, which is a maximum walking

distance of around 300 metres. This is still within the recommended distance between bus stops of 400 metres.

16. Please use this space below for any other comments you would like us to consider.

George Street offers a great opportunity to follow the trend in other towns and cities worldwide of giving back public space to the people and disincentivising car use in urban areas. Pedestrianisation encourages active travel, such as walking and cycling, and promotes use of the public transport system. On top of that, there is plenty of research that shows the positive effects of pedestrianisation on businesses (see the reports referred to in question 5). Section 6.1 of the Regional Transport Strategy¹ (RTS) for the SEStran region also emphasises that “Good urban design can encourage more walking and cycling by creating a more favourable environment for these forms of travel and reducing the need to use cars in urban areas to access all types of activity. This complements specific policies for and provision of walking and cycling infrastructure, reflected in the policies and actions set out elsewhere in this RTS.” SEStran would therefore like to see more ambitious commitments to realising the key design objectives of the George Street and First New Town Design Project, such as suggested in this response.

¹ https://www.sestran.gov.uk/wp-content/uploads/2017/01/SEStran_Regional_Transport_Strategy_Refresh_2015_as_published.pdf

Consultation Response to Transportation Noise Action Plan (TNAP) 2019-2023

Response by SEStran, January 2019

Link to Transportation Noise Action Plan (TNAP) 2019-2023:

<https://www.transport.gov.scot/media/43657/transportation-noise-action-plan-2019-2023-december-2018.pdf>

Link to consultation document: <https://www.transport.gov.scot/media/43665/consultation-transportation-noise-action-plan-2019-2023-december-2018.pdf>

Question 1

The overall approach of the TNAP is as follows:

- Firstly to continue to ensure noise management is incorporated into all transport-related activities, across the spectrum of design, construction, maintenance, policy, and point-to-point transportation activities.
- Secondly, to further seek to manage noise levels where necessary and practicable at Noise Management Areas (NMAs), and aim to preserve environmental noise quality where it is good.

What are your views on this overall approach?

SEStran supports the overall approach to the incorporation of noise management into all transport-related activities and the management of noise levels where this is necessary. However, it would need to be established who is responsible for this work and what the role is of relevant stakeholders in this regard.

Question 2

The TNAP prioritisation process, including the Building Prioritisation Score (BPS), Source Prioritisation Score (SPS), and Candidate Noise Management Areas (CNMAs), is defined in Section 4 of the TNAP.

What are your views on the prioritisation process?

SEStran supports the prioritisation process as defined in section 4 of the TNAP. In addition, it is recommended that more clarity is given regarding the type of actions that are available and the criteria against which these actions will be prioritised. Examples would be proportionality and effectiveness of proposed intervention or measure, and availability of resources.

Question 3

The TNAP has 4 key objectives, with a series of actions (16 in total) ascribed to these.

What is your view on the TNAP Key Objectives and actions?

The TNAP objectives and actions could be better aligned with existing transport strategies and should recognise that certain transport interventions will have an impact on transport-related noise. The prioritisation of active and sustainable travel, for example, will have a positive impact on noise reduction. Also, the implementation of Low Emission Zones and the promotion of electric vehicles will help reduce noise in NMAs, and should therefore be incorporated in action plans.

Question 4

The options for managing noise within the TNAP were developed using the source, pathway, receptor model.

Do you consider there has been anything left out of the action plan using this approach? If so, what do you consider has been omitted?

SEStran supports this approach.

Question 5

Action 1D of the TNAP is committed to establishing and operating a Noise Inspection Panel (NISP) to assess issues on Transport Noise from a source, transmission, receptor perspective to support delivery of the TNAP, and report yearly on progress.

What are the key issues you consider should be discussed at the Noise Inspection Panel?

The key issues for the Noise Inspection Panel to consider are whether the actions described in the TNAP are being carried out and to what extent the objectives of the TNAP are being achieved. It is also for the Panel to ensure that all relevant stakeholders are represented and involved in the delivery of the TNAP. The Panel should play an active role in reviewing and updating the prioritisation process to ensure appropriate action is taken and the objectives of the TNAP can be achieved as best as possible.

Question 6

There are no Quiet Areas within the TNAP, however the actions within the TNAP will take account of any defined Quiet Areas and related actions.

Do you consider enough is being done to protect Quiet Areas?

While the TNAP recognises the importance of identifying and preserving Quiet Areas in line with the Environmental Noise Directive (END), more clarity should be given regarding the extent to which these Quiet Areas are guaranteed protection, and what approaches/measures will be taken to protect these areas.

Question 7

Our approach in TNAP delivery will be to work collaboratively in partnership with others.

How can other stakeholders play their part in supporting delivery of the TNAP?

It is important that relevant stakeholders work collaboratively to incorporate and promote the TNAP in their work. It is recommended that Transport Scotland clarifies who is responsible for the implementation of the TNAP, and what role Transport Scotland will play in bringing all relevant stakeholders together in working towards the objectives set out in the TNAP.

SUBMITTING EVIDENCE TO A SCOTTISH PARLIAMENT COMMITTEE

DATA PROTECTION FORM

Name:	Beth Harley-Jepson
Date:	28/01/2019
Organisation: (if required)	South East of Scotland Transport Partnership (SEStran)
Topic of submission:	RESTRICTED ROADS (20 MPH SPEED LIMIT) (SCOTLAND) BILL

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

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

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

Non-standard submissions

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

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

RURAL ECONOMY AND CONNECTIVITY COMMITTEE

RESTRICTED ROADS (20 MPH SPEED LIMIT) (SCOTLAND) BILL

SUBMISSION FROM **SEStran**

Is reducing the speed limit to 20mph the best way of achieving the aims of the bill?

In line with SEStran's objectives laid out in our Regional Transport Strategy (RTS)¹, SEStran believes that the available evidence demonstrates that a change to the default speed limit to 20mph on restricted roads will improve safety for road and transport users and as such achieve the aims of the bill.

The aims of the bill align strongly with SEStran's key objectives relating to safety and health for the South East of Scotland including:

- Improve safety
- Reduce accidents
- Increase trips by walk/cycle
- Improve air quality
- Reduce transport noise

As outlined in our submission to the initial consultation on this bill, the reduction in the speed limit to 20mph could help to meet the above objectives and equally the aims of the bill. In summary:

- the Royal Society for the Prevention of Accidents' Road Safety Factsheet² demonstrates a fatality risk of 1.5% at 20mph versus 8% at 30mph. Clearly, a link exists between average speed limits and the number and severity of collisions. It is therefore likely that changing the default speed limit from 30mph to 20mph on restricted roads will reduce accidents and improve safety.
- SEStran encourages active travel as a mode of transport. From the 2014 Steer Davies Gleave Report 'Research into the impacts of 20mph speed limits and zones'³, it is noted that 20mph schemes may encourage walking and cycling by positively affecting safety and perceptions of safety.
- A 2018 Department for Transport report⁴ found that 20mph limits result in small increases in the number of people reporting travelling on foot or by bike. The proposed Bill would improve the perception of active travel as a safe and healthy

¹ <http://www.sestran.gov.uk/wp-content/uploads/2017/01/Regional-Transport-Strategy.pdf>

² <https://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/20-mph-zone-factsheet.pdf>

³ <http://www.roadsafetyknowledgecentre.org.uk/downloads/20mph-reportv1.0-FINAL.pdf>

⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757307/20mph-headlinereport.pdf

alternative to the private car. SEStran fully supports measures which increase levels of active travel within our Region.

- The City of Edinburgh Council reported from their South Edinburgh 20mph pilot that reducing the speed limit to 20mph calms traffic noise and improves the environment for local communities. There is also evidence from a City of London report⁵ that particulate emissions through tyre and brake wear are lower with a 20mph limit.

Further to the benefits arising from the reduction to 20mph outlined above, a national approach as opposed to an area by area approach will support a clearer message for the public toward expected speeds in urban areas. A national approach could also address inequalities in casualties from road accidents between deprived and non-deprived areas that could arise through an area-based approach.

SEStran supports lowering the speed limit to 20mph on restricted roads however we also recognise that this change would pose a cost for local authorities. The ease with which Local Authorities can implement proposals, along with the need for monitoring and enforcement of the speed limit are likely to be key characteristics for success. Proper consideration should be given to the resource implications and practicality of delivery for Local Authorities.

It is proposed that a national awareness campaign is required to introduce a 20mph speed limit. Do you agree with this? And if so – what shape should any campaign take?

SEStran agrees that a national awareness campaign is required to introduce a 20mph speed limit. A national awareness campaign should focus on creating a change in social and cultural attitudes towards road safety as outlined in the aims of the bill. Such a change will require a strong campaign with targeted delivery to both local and national audiences. The wider societal benefits outlined in response to the previous question should be central to the campaign. There was a largely supportive response to the initial consultation, which suggests that the public will be receptive to the implementation of a 20mph speed limit on restricted roads.

⁵ <https://www.cityoflondon.gov.uk/business/environmental-health/environmental-protection/air-quality/Documents/speed-restriction-air-quality-report-2013-for-web.pdf>