

QUESTION NO 5

**By Councillor Rust for answer by the
Convener of the Transport and
Environment Committee at a meeting
of the Council on 10 February 2022**

In the "Potential retention of Spaces for People measures" report to Transport and Environment Committee on 24 June 2021, it stated the following:

4.64 The Road Traffic Regulation Act 1984 provides that the roads authority can make temporary orders (TTROs) to introduce restrictions or prohibitions on a road if the roads authority is satisfied that there is a likelihood of danger to the public. The SfP TTROs were made on the basis that the incidence and transmission of COVID-19 presented a likelihood of danger to the public; this was in line with the Transport Scotland guidance; Coronavirus (COVID-19) Guidance on Temporary Traffic Regulation Orders and Notices (April 2020).

The justification of the Lanark Road and Longstone scheme when it was installed a year ago was *"to provide a safe, protected cycling route as an alternative to the canal towpath and Water of Leith shared use path."*

- Question** (1) Please can the Convener confirm the "likelihood of danger to the public" this scheme is currently addressing?
- Answer** (1)

In the Lanark Road and Longstone scheme, council data on dates chosen by the council, has shown declines in cycling both actual and real terms when seasonality is taken into account, combined with simultaneous increase in cycling on the Water of Leith of 65%. No signage was ever placed on the Water of Leith or Canal towpath asking cyclists to divert to the on-road scheme to facilitate social distancing in these locations.

Road cycling levels hit a daily maximum in peak summer working weekdays of 137 journeys at the bottom of Lanark Road, 114 at the top and only 86 on Longstone. In comparison, there are around 12,000 bus seats on each route every day.

It is clear the Spaces for People scheme is not being used as an alternative to off-road paths or buses.

Also, a number of collisions have occurred, some clearly not related to driver behaviour. Some may have "poor driver behaviour" as a contributing factor, but these are types of collision that have never been seen on this road before Spaces for People, when statistically, there will have been poor drivers on this road every day. Three of the collisions did cause injury or had the potential to cause serious injury to pedestrians on pavements or traffic islands, or cyclists in "protected" cycle lanes.

Therefore, the scheme seems to be increasing the number and potential severity of the impacts for cyclists and pedestrians that have been caused by "poor driver behaviour".

- Question** **(2)** Please can the Convener confirm the legal basis and justification for this scheme currently being in place under a TTRO when the council's own data shows the scheme has had the opposite of its intended effect to provide a safer alternative to buses and off-road paths during the pandemic?
- Answer** **(2)**

Question (3) Could the council be facing avoidable legal risk, either in relation to this use of a TTRO, or personal injury claims relating to any accidents which may happen while the scheme is in place under this TTRO?

Answer (3)

Question (4) As the council failed to signpost the Spaces for People scheme as an alternative to the Water of Leith walkway or Canal Towpath, is the council at risk of a compensation claim from anyone who believes they caught Covid from lack of social distancing in these locations?

Answer (4)