

ABERDEEN CITY COUNCIL

COMMITTEE Enterprise Planning and Infrastructure
DATE 18 January 2011
DIRECTOR Gordon McIntosh
TITLE OF REPORT Strategic Transportation Projects
REPORT NUMBER: EPI/11/023

1. PURPOSE OF REPORT

The purpose of this report is to advise Members of the progress to date on various strategic transportation projects within Aberdeen City and the wider area. Strategic transportation projects flow from the development of the Regional Transport Strategy (RTS) (produced by Nestrans) and the Council's own Local Transport Strategy (LTS).

2. RECOMMENDATION(S)

It is recommended that Members:

1. acknowledge and agree the contents of this report in relation to all of the projects identified, including the programmes and key milestones;
2. note the contents of the draft Rail Utilisation Strategy (RUS);
3. approve the response, highlighted in this report and agreed by appropriate Members, as Aberdeen City Council's formal response to Network Rail on the consultative draft of the RUS.
4. instruct officers to write to the Traffic Commissioner to advise of the Council's continuing commitment and investment in Public Transport improvement measures.

3. FINANCIAL IMPLICATIONS

The various projects mentioned are being funded through the City Council's non-housing capital budget as well as the Nestrans budget. This report does not contain the detailed breakdown of the capital costs necessary for the delivery of each project. Future reports containing detailed project costs will be referred to this Committee and the Finance and Resources Committee as they become available.

4. OTHER IMPLICATIONS

No further implications have been identified.

5. BACKGROUND/MAIN ISSUES

1. Route Utilisation Strategy – Consultation Response

- 1.1 Network Rail is required to produce strategic plans for their network, known as Rail Utilisation Strategies (RUS). Split into 18 distinct geographic areas, one of these covers Scotland. The original Scotland RUS was published in March 2007 and a consultation draft on a Generation Two RUS was published on 15 October 2010. The RUS covers the period to 2024 in detail and considers high level strategic interventions to 2040.

A copy of the document is available on the Network Rail website at:

<http://www.networkrail.co.uk/browseDirectory.aspx?dir=\RUS%20Documents\Route%20Utilisation%20Strategies\RUS%20Generation%202\Scotland&pageid=2895&root>

1.2 Aberdeen City Council Response

The following is Aberdeen City Council's response to the Scotland RUS Generation Two Consultative Draft and identifies key concerns for Aberdeen City Council and the north east. It reflects the response provided by Nestrans which was subject to a report to the Nestrans Board on 8 December 2010. The response was agreed by appropriate Members and sent to Network Rail by the required deadline of 13 January 2011.

The RUS is comprehensive and includes reference to the schemes that are important to Aberdeen and the north east of Scotland.

However, there are a number of points that Aberdeen City Council would wish to make and would ask Network Rail to take into account in finalising the RUS. The following summarises the main points of the Draft document and identifies key concerns for Aberdeen City Council and the north east.

- *The consultation draft on a revised Scotland Rail Utilisation Strategy (RUS) provides limited scope for improvements in the north east.*
- *The document considers Scotland's rail network to be in four distinct categories: Edinburgh and Glasgow conurbations, the interurban market, the rural market and Anglo-Scottish market. Services to, from and within the north east are primarily considered under the interurban market and it is disappointing that Aberdeen has not been given consideration under suburban market as this would seem to be the focus for many of the improvements being considered.*
- *The document is in the main based on "passenger numbers" and the impact on capacity. It is disappointing that other potential measurements, such as passenger kilometres travelled and service quality, are not given consideration within the report as these factors are much higher priorities for the north east. This focus on passenger*

journeys biases the document towards short, commuter trips with less emphasis on the strategic business and leisure markets which are so important to the north east.

- The RUS is specific regarding growth scenarios for Glasgow (24-38% growth by 2024/5) and Edinburgh (90-115% growth by 2024/5) but does not provide such background for the Aberdeen area or the interurban market. Without this basic statistical background and analysis, it is difficult to respond meaningfully to the options tested and the results which are indicated. The only table that seems to refer to growth in the interurban market is Table 3.3 which shows that the interurban market has achieved the highest level of recent historical growth of all the categories. It is therefore disappointing that this apparent high level of growth has not fed through into significant proposals for improvements to the north east rail network.*
- Whilst the document recognises that “outside of the central belt strong growth is forecast to occur” and that “on some corridors there is anticipated to be a degree of crowding” there is insufficient detail to comment on the impact of growth in the north east and whether sufficient resources are being invested to enable satisfactory levels of service to accommodate demand.*
- The Government’s Strategic Transport Projects Review (STPR) was published in December 2008 following the last RUS and this revision tries to take this into account. Network Rail report, recent experiences of high passenger growth - much higher than previous predictions and they have therefore upped their predicted passenger numbers model. However, the STPR commits to reductions in journey times between Aberdeen and the central belt of around 20 minutes. The RUS considers various options towards reducing journey times and it is disappointing that the conclusions on the major investments which would be required to achieve such journey time improvements to the network in the north east suggest that they are unlikely to be economically viable.*
- Network Rail has considered options for achieving the STPR aspirations, including train lengthening, additional services between Dyce and Aberdeen and improving infrastructure to remove the constraint at Montrose-Usan. It is disappointing that all of these options are discounted on the basis of cost. A further option to speed journey times by recasting Aberdeen-Dundee as an express service is also dismissed on passenger impact at intermediate stations and on freight operations. The bend at Arbroath necessitates the slow train speed there and the RUS concludes that stopping there doesn’t delay the train anyway.*
- On Aberdeen suburban services the document refers to forecasts of crowding by 2019 and that significant investment would be required to bring about even small improvements. It could be argued that overcrowding is already an issue, yet figure 5.9 appears to indicate that even by 2019, just 4 of 12 morning peak arrivals in scenario 1 (low growth) and 5 of 12 in scenario 2 (high growth) are likely to have*

higher than 100% passengers to seat ratio. In the evening peak, 2 of 11 departures from Aberdeen in both scenarios 1 and 2 are forecast to carry more than 100% loadings in 2019. The document states that “high load factors do not extend beyond Stonehaven and Inverurie”, effectively dismissing crowding as an issue of concern, even by 2019 in the high growth scenario.

- On Aberdeen to Inverness, an assessment has been ongoing for around a year. This is scheduled to be reported to Transport Scotland in autumn this year. This includes consideration of options for improvements at Inveramsay and potential for a new station at Kintore. At this stage we are unaware of what the findings are, although the brief appears to have been a two hour end-to-end journey time providing an hourly frequency service. It is a positive step that this option is to be taken to the next level of assessment along with the statement in the RUS that this development is treated as committed.*
- The few positives for the north east include opening up platform 8 (North) at Aberdeen station to improve train pathing for journeys north of Aberdeen. This reduces the need for shunting and is recommended on the grounds that it provides a saving to Government. Also, to plug the gap between Stonehaven-Portlethen-Aberdeen in the morning peak, there is a proposal to provide an additional “shoulder peak” service after 2014. It is also noted that there may be opportunities for linespeed upgrades between Aberdeen and Edinburgh/Glasgow.*

In conclusion, given the assumptions made in determining the outcomes of the RUS, particularly the growth forecasts for the Aberdeen area, our overall view is that it would be better to focus on passenger kilometres rather than merely number of journeys. This would better reflect the objectives of efficiently and effectively operating the rail network to its maximum potential. In such a way, it might be possible to reflect Aberdeen and the north east’s needs in terms of better, more effective local and long-distance services.

Additionally, the view of Aberdeen City Council is that the RUS does not reflect the Government’s aspirations as articulated in the STPR. Many of the Governmental commitments to improve services are now being rejected by Network Rail because in its view they are not cost-effective. Given the Scottish Government’s commitment to the STPR it is disappointing that the RUS does not reflect the national priorities for the north east as set out in that document.

2. Bridge of Dee Capacity Study

- 2.1** A study, funded by Nestrans, has commenced that will investigate capacity issues and potential opportunities relating to the existing transport network in the Bridge of Dee area of Aberdeen.
- 2.2** The study follows on from a previous study, completed in May 2008, to develop options to improve traffic flows on the A90(T) Stonehaven

Road and A956 Wellington Road corridor approaches to Aberdeen from the South in the short, medium and long term. In particular the previous study identified the long term need for additional capacity across the River Dee and investigation of these capacity issues will be the main focus of this present study.

- 2.3 Although a number of studies have been carried out on this issue at various times in the past, the assumptions underlying each of these studies have changed over time. While reference will be made to these studies for background understanding, this study will establish an appropriate present-day starting point.
- 2.4 The study will be carried out using standard Government assessment methods and in particular will adopt the approach set out in the Scottish Transport Appraisal Guidance (STAG). The study will also include full engagement with Stakeholders throughout the process.
- 2.5 A programme has been developed for the initial phase of work with the key milestones indicated as follows:
 - Inception - to identify existing data, traffic modelling, review of relevant policies and strategies – **completed**
 - Problem and Opportunity Analysis – including Stakeholder workshops to discuss, explore and agree problems, issues, opportunities and scheme benefits – **completed**
 - Objective Setting – including Stakeholder workshops to develop a set of project specific objectives – **completed**
 - Option Generation, Sifting and Development – the generation of a finalised set of options which will be developed to a level of detail necessary for this initial assessment – **commenced**
- 2.6 The development of the finalised set of options will include initial consideration of alignment, junction, earthworks, structures and drainage design, together with the development of initial cost estimates for each of the options being taken forward for further assessment.
- 2.7 This initial section of the study, as detailed above will be to the completion of an agreed set of options for consideration and will be concluded by the end of March 2011. Members will be kept up to date on progress of this study through future reports or bulletins to this Committee.

3 Decision of the Traffic Commissioner on First Bus

- 3.1 The Traffic Commissioner had become aware that First Bus had not operated all of its registered services in Aberdeen, in particular immediately following resolution of a trade dispute. Further the published punctuality figures for Aberdeen were below the tolerances acceptable to Traffic Commissioners; and in addition complaints were received from Mr S Delaney, Chairman of Mastrick and Sheddocksley Community Council. First Bus were called to a public inquiry in April 2010 so that the above issues could be considered.

- 3.2 The 'Decision of the Traffic Commissioner' was released on 30th November 2010 and the main decision within the report is as follows.

I have decided that this is a case in which I will not use my statutory powers to restrict this operator's operation in the City for now, nor will I impose a section 39 penalty. I am persuaded in such direction by the evidence of Mr Delaney and Mr Flinn, the former wanting dialogue not penalty and the latter having given me sense that union and management can work together and that active steps are underway to make sure that timetables have sensible running times. I shall conclude this Inquiry with a FORMAL WARNING to the operator that I expect to see a significant improvement in its punctuality.

- 3.3 The Traffic Commissioner also included the following statement within the report regarding the Council's commitment to public transport improvement measures.

I heard much in this Inquiry about the operating environment in which First Aberdeen seeks to run its services. I do not doubt its difficulties and that a want of bus priority measures and past absence of commitment by the City Council to implementing traffic management measures which would assist the flow of public transport have not assisted an operator such as this.

Aberdeen City Council was not invited to appear at the inquiry so was unable to give evidence in its defence. The provision of Public Transport improvement measures by the Council has been considerable, going back over many years. The Council has invested, over a period of time, over £1 million in the TwinTrack initiatives providing bus lanes along many key sections of bus routes and more recently has spent considerable sums of money on kerbside and traffic signal timing improvements to benefit public transport. The Council has also been a member of the Local Authority Bus Operator Forum (LABOF) and recently has signed up to the Bus Punctuality Improvement Partnership (BPIP) to provide bus priority measures along the Buchan-King Street corridor. Further, the Council's commitment to public transport is a key strand of both the Regional and Local Transport Strategies. There is, therefore, clear evidence of both past and continuing commitment from Aberdeen City Council to Public Transport improvement measures. It is, therefore, disappointing that this commitment has not been recognised in the Traffic Commissioner's report. Nestrans has separately written to the Traffic Commissioner expressing concerns about the content of the report.

A full copy of the 'Decision of the Traffic Commissioner' can be found in Appendix A.

4 The Community Cycle Project

- 4.1 Aberdeen City Council has been awarded funding from Nestrans to launch a Community Cycle Project within the City. This will be an

exciting and innovative project whereby a specific area of the City is selected and Council officers, in partnership with the local community, will look at ways in which this area could be made more cycle-friendly, identifying any current problems with, and barriers to, cycling and developing solutions to overcome these problems. The ultimate aim of the project is to deliver an increase in cycling trips for both utility and recreational purposes across the area and to develop local commitment to active travel. This will be a pilot project which, if successful, has the potential to be rolled out to other areas of the City in future years.

- 4.2 As the first stage in the delivery of this project, the Council will be inviting representatives of local communities to submit an application and draft proposals on behalf of their community illustrating why they think their area would be appropriate for analysis and treatment. The closing date for applications is 28 January 2011 and an announcement will be made to the successful applicant or representative of any group applications shortly thereafter.

5. New Aberdeen Link to Dublin and the United States

- 5.1 The following is an extract from a press release by Aer Arann and Aer Lingus announcing new air routes between Aberdeen and Dublin

Aer Arann and Aer Lingus have announced a new Aer Lingus Regional route between Aberdeen and Dublin from next March with onward connection options to the United States.

Aer Lingus Regional, operated by Aer Arann will fly every day except Saturday and the 6 weekly flights from Aberdeen will boost leisure and tourism travel in both directions between Scotland and the Irish capital.

Aberdeen currently has no direct services to the United States and the new Aer Lingus Regional route will offer customers the convenience of flying from Aberdeen with through booking connections to New York Aer Lingus flights onwards throughout the United States with partner airlines.

Connecting passengers from Aberdeen and the Grampian region will also benefit from the new US Customs and Immigrations clearance facilities in Dublin allowing them to arrive in the US as domestic passengers.

A full copy of the press release can be found in Appendix B.

6. Bus Lane Decriminalisation Update December 2010.

- 6.1 Aberdeen City Council, along with Glasgow City Council and Edinburgh City Council, submitted a detailed business case to the Scottish Government in September 2008 for the civil enforcement of bus lane regulations in their respective cities.

- 6.2 Initially a time scale of April 2009 was anticipated to bring these regulations into force. The initial timescale of April 2009 was later amended to December 2009 which has subsequently passed. Scottish Ministers carried out the consultation stages of the introduction of this draft legislation from 28th July 2010 to 28 October 2010. The consultation process generated eighteen responses.
- 6.3 All three local authorities, Aberdeen, Edinburgh and Glasgow Councils, highlighted issues regarding the consultation document and formally responded to the Scottish Government who in turn are currently considering those responses. The consultation document will then be amended accordingly. Nestrans also responded in support of the legislation following its Board meeting on 25 August 2010.

Next Steps from December 2010.

- 6.4 The changes to the consultation document which were highlighted by the local authorities are anticipated to be agreed by the Scottish Government's legal team. Once the consultation document has been amended and agreed the document will be put to the Transport Minister for approval. If the Transport Minister approves the document it will then go to the sub-ordinate committee for review. The review can take up to 40 days.
- 6.5 After the review period is completed the document will then go to the Scottish Government's Transport & Environment Committee for final approval in 2011. The Scottish Government have indicated the earliest dates for implementing the scheme could be in April / May 2011, however it was stressed that this is only a possible date and is not guaranteed. Members will be kept up to date on progress through future reports or bulletins to this Committee.

7. Nestrans Revenue/Capital Programme 2010/11

- 7.1 The Nestrans Board approved the 2010/11 Revenue budget on 8 February 2010 and the Capital budget on 14 April 2010. The following is a list of schemes from the Nestrans Capital programme for this financial year along with scheme progress.

7.2 Nestrans 2010/11 Capital Programme

Segregated left turn lane King George VI Bridge - West Tullos Rd – Allocation £69,000

This is the detailed design and construction of a segregated left turn lane. Construction began on site on 16 August. The bypass lane has been constructed and is now in operation. A new lighting column to cover the widened area of road is also in place and the adjacent shared use path has been widened, with a new pedestrian railing erected alongside it to replace the one which had to be removed.

Some favourable comments/responses have already been received as to the benefit/performance of the new road layout, along with a criticism

that it is not so good for cyclists approaching from the Bridge of Dee direction.

Dyce Drive Corridor – Allocation £35,000

Improvements to MOVA signal optimisation system as identified in the study undertaken in 2009/2010. Work is expected to be completed by the end of this financial year.

Guild Street - pedestrian safety improvements – Allocation £65,000

The November 2010 EP & I Committee approved two pedestrian safety improvement schemes on Guild Street

- 1) an increase of the central reserve at the junction with Market St to allow a great number of pedestrians to cross the road at this crossing.
- 2) an increase of the footway at the Trinity Centre crossing to increase capacity of the crossing and enable more pedestrians to cross in one cycle.

The detailed design is taking place at present with a view to putting the work out to tender in the near future.

King Street Lighting Improvements – Allocation £100,000

There are 4 phases of which 3 phases have now been completed. Depending on the remaining budget, the final phase will be progressed in early 2011.

Replacement of roundabouts on Wellington Road at Souter Head Road and Hareness Road with signalised junctions – Allocation £80,000

Aberdeen City Council has developed 3 options at the Souter Head junction and recently carried out a public consultation between 12 July to 3 August with information available online for stakeholders and the public and a public event held at Altens Community Centre on 28 July between 11am and 8pm.

Latest predicted future year traffic models have been created for the access from the south modelled network now that the scale and distribution of development levels contained within the Structure Plan are being defined through the Proposed Local Development Plans. An economic benefit analysis has been undertaken on options, but was not favourable, and alternative options are now being considered. This information has been verbally reported to the Nestrans Board at its meeting on 8 December 2010.

Ellon Road Carriageway resurfacing – Allocation £290,000

A partial reconstruction and resurface of the northbound carriageway of Ellon Road, from Balgownie Crescent to the Parkway, including the roundabout at North Donside Road was completed in July 2010, 4 days earlier than anticipated.

Queen Elizabeth Bridge Refurbishment – Allocation £100,000

Waterproofing and drainage improvements, including micro drainage and fixing points was completed in July 2010.

SCOOT signals - George St/John St/Charlotte St/St Andrew's St – Allocation £40,000

Validation and review of signal SCOOT timings. Works which started on site 16 August 2010 were completed at the end of September.

Bus Punctuality Improvement Partnership (BPIP): Buchan - King St – Allocation £100,000

The bus priority proposals are part of a wider Bus Punctuality Improvement Partnership Corridor study being funded by NESTRANS and supported and delivered by staff of each of the LABOF (Local Authority and Bus Operator Forum) partners. NESTRANS will consider a financial bid for 2011/2012 for implementation, subject to other priorities and their overall funding for next financial year as this becomes known, depending on the conclusion of the necessary legislation.

This proposal seeks to

1. Create a peak time bus lane on King Street / Castle Street

Introduce a peak time south bound bus lane from south of the King Street / East North Street junction, within the existing kerbline to Castle Street, then localised widening as the bus lane turns into Castle Street, terminating on Union Street prior to the junction with Broad Street.

The existing road layout on this section consists of one lane heading southbound. The introduction of the proposed bus lane would improve journey times for vehicles permitted in the bus lanes and would therefore have no detrimental impact to other road users.

The proposed operational times for this bus lane would be 7.30 am – 9.30 am and 4.00 pm – 6 pm Monday – Saturday inclusive.

2. Reduce the existing bus lane on Union Street / Market Street section

Reduce the existing westbound bus lane on Union Street / Market Street section by approximately 25 metres eastwards towards The Adelphi. This is to provide more capacity for lane interchange which is perceived to cause inefficiencies at the junction for all traffic, including buses, trying to get into the appropriate lane.

The Traffic Regulation Order Initial Statutory Consultation process is underway and will be completed by 17 January 2011. The Public Advert stage will commence shortly afterwards and be reported to the March 2011 E P & I Committee.

Core Paths – Allocation £120,000

Provision / upgrade of various Core Paths. Design and installation are at various stages on all 10 previously identified core paths.

Works of total value of around £60,000 are about to commence or have just been completed. Due to prices received being lower than expected and because some projects are unlikely to go ahead, the spend profile is being reviewed and any underspends are being reallocated to extend other ongoing jobs, or take forward reserve projects.

Aberdeen to Blackburn Cycle Path – Allocation £15,000

This is design work following on from the previously funded feasibility study, linking in with the Blackburn to Kintore cycle path being designed by Aberdeenshire. Preliminary design is underway and will be completed by the end of the financial year.

National Cycle Network Route 1 upgrade – Allocation £130,000

Upgrade of the route from Seaton Park, and construction of a "missing link" through the Donside Paper Mill site to form a continuous high quality walking and cycling shared use surface.

Agreement has been reached with the developer with regards to changes to include bridge and gabion walls. Work was due to start October and finish in December 2010, however there have been delays to this and it has not yet started. It is still anticipated to be completed by March 2011.

Car Club – Allocation £10,000

The report on the Car Club was approved at the November 2010 E,P&I Committee. The initial statutory consultation process for the Traffic Regulation Order was completed on 5th December 2010 with the public advertisement stage being carried out in December 2010 and January 2011. The scheme is still expected to be completed on time and the full allocation to be spent.

7.3 **Nestrans 2010/11 Revenue Programme**

Contribution to Dyce Shuttle Bus – Allocation £100,000

Nestrans' contribution to the contract costs.

CARE North (yr 2 funding) – Allocation £23,500

2nd year of funding contribution for CARE North (Carbon Emissions)

Results from the scoping report from the Low Emission Zone (LEZ) study have now been received. This proposes that the next stage should be detailed assessment a choice of a bus focussed LEZ or an HGV LEZ.

We are shortly to go out to initial consultation with the bus companies and freight operators. Interviews have been held with various car club providers and we are hopeful of appointing a company by Summer 2011.

A Conference hosted by Aberdeen City Council with the CARE North Partners in attendance (Bremen, Malmo, Gothenburg, Metro, Fryslan and RGU) also took place on the 12th October. This was a best practice sharing event and included information on LEZs, Car Clubs, electric car infrastructure, freight distribution and public transport. The event was well attended by local stakeholders, community representatives and modal groups and demonstrated Aberdeen's progress in the field of active travel and cleaner transport. Aberdeen was also cited in the national press as an authority others in Scotland should be emulating: through Planning and the Council Travel Plan we

have established more electric vehicle points than any other authority in Scotland. Further information can be found from the Scotsman website.

Bus Lane Extension feasibility (Holburn St) – Allocation £15,000

- To change the operational times of the existing bus lanes on Holburn Street, in the AM peak period from 0830-0930 to 0800-0930 on the approach to Garthdee roundabout (southbound), and the approach to Great Western Road (northbound).
- To extend the southbound bus lane on Holburn Street on the approach to the Bridge of Dee by around 120 metres, with the associated parking and loading restrictions to mirror the existing bus lanes (including the proposed AM operational time of 0800-0930).

The Initial Statutory Consultation stage for the Traffic Regulation Order is taking place currently and will finish on Monday 17 January 2011. The Public Advert stage will commence shortly afterwards and be reported to the March 2011 E P & I Committee.

Bus link improvements to Anderson Drive – Allocation £15,000

Feasibility study to be carried out to determine possible options to improve bus links to Anderson Drive.

The study, which recently commenced, will consider the junctions with Great Western Road and Ashgrove Road.

Cycling Demonstration Project within City – Allocation £15,000

Work is on-going to identify a location / area and it is anticipated to spend the allocation by the end of this financial year.

Bridge of Dee - Project Feasibility & Development – Allocation £150,000

A programme has been developed for the initial phase of work and the study has now commenced. The study is the subject of a separate item within this report.

6. IMPACT

The contents of this report link to the Community Plan vision of creating a 'sustainable City with an integrated transport system that is accessible to all'.

All of the projects and strategies referred to in this report will contribute to delivery of the transport aims of Vibrant, Dynamic and Forward Looking – **'Improve Aberdeen's transport infrastructure addressing other pinch points Work to improve public transport encourage cycling and walking'**.

The projects identified in this report will also assist in the delivery of actions identified in the Single Outcome Agreement (SOA), in particular the delivery of both Local and Regional Transport Strategies which will contribute directly and indirectly to 14 out of the 15 National Outcomes described in Aberdeen City Council's 2009/10 SOA.

The Local Transport Strategy (LTS) and Regional Transport Strategy (RTS) from which the transportation schemes within this report are an integral part have been subject to Equalities & Human Rights Impact Assessments.

7. BACKGROUND PAPERS

All background papers are referenced within the main body of the report.

8. REPORT AUTHOR DETAILS

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TRAFFIC COMMISSIONER FOR SCOTLAND

PUBLIC PASSENGER VEHICLES ACT 1981

TRANSPORT ACT 1985

FIRST ABERDEEN LTD – PM0000631

DECISION OF THE TRAFFIC COMMISSIONER

Background

1. First Aberdeen Ltd of 395 King Street, Aberdeen has held a standard international public service vehicle operator licence since 1991. Current authority is for 214 vehicles with 197 discs in issue and there are 70 local registered services.

Entity

2. As at 6 April 2010 the directors were Messrs Duncan Cameron, Robert Dorr, William Law, Sir Moir Lochhead, Joseph Mackie, and Iain Ferguson. The current Transport Manager is Mr Duncan Cameron. I am aware that there have been subsequent changes in that inter alia Mr Dorr has moved on.

Public Inquiry

3. Following my becoming aware that the operator had not operated all of its registered services I directed that the operator be called to Public Inquiry such that I could consider the failure to operate services and in particular immediately following resolution of a trade dispute; the published punctuality figures for Aberdeen which were below the tolerances acceptable to Traffic Commissioners; and in addition complaints which my office received from Mr S Delaney, Chairman of Mastrick and Sheddocksley Community Council.

4. The Public Inquiry was held at Aberdeen on 6 April 2010. First Aberdeen was represented by Mr R Dorr, Director, with Mr D Chant, Solicitor, Leeds instructed. Mr Stephen Delaney of Mastrick and Sheddocksley Community Council was present. In addition evidence was taken from Mr Michael Flinn, Unite shop steward, Mr Brian Masson, consultant, and Mr David Kaye of First Group.

5. The usual Public Inquiry brief had been issued, supplemented by further information in relation to the Community Council representations. I made it clear to the operator's agent that I fully took that some of the matters raised by the Community Council were out with my jurisdiction and that when reaching any decision I would only have regard to those within my jurisdiction.

6. I observe here as I have done in many cases which relate to punctuality and compliance with local registered service particulars that whilst most cases will be brought with evidence from public officials such as VOSA Bus Compliance Officers, I am not willing to discount the experience of the individual passenger or intending passenger for it is just such a passenger that both I and the operator are here to serve in our respective roles.

7. The operator's agent helpfully lodged a folder of productions including a witness statement from Mr Dorr and a skeleton argument and I have had due regard to these.

The industrial dispute and the registered services

8. On 10 July 2009 Mr Dorr advised my office (Mr Flower) that the Unite trade union had balloted drivers for strike action and that a strike was in prospect for 16/17 July. The operator hoped to run a skeleton service. Additionally the industrial action included an overtime ban and the operator intimated that the overtime ban made it that they had no realistic prospect of running the registered timetables and intended to lodge emergency timetables to cover existing services at lower frequency.

9. On 14 July details of emergency timetables were sent to my office. The changes were to 11 services plus the cessation of 6 night services. 5 services would operate normally. Mr Dorr wrote to me to say that the reduced timetables would only persist for the duration of the trade dispute. He apologised that this was necessary but thought it preferable that customers be aware of how their local service would be affected. There was e mail contact Mr Dorr: Mr Flower. On 31 July Mr Flower acknowledging a previous e mail noted that the dispute appeared to be reaching resolution and that I had agreed to the emergency timetables until full resumption on 9 August. On 1 August Mr Dorr e mailed Mr Flower that the drivers had agreed to return to normal working and that he would advise further on Monday and will ask the TC to resume the full registrations from 9 August.

10. On 3 August Mr Dorr wrote to Mr Flower to advise that the trade union action had been suspended for talks to take place. Mr Dorr wrote “in order that we can properly communicate to customers and other stakeholders the situation, I would ask that the Traffic Commissioner gives dispensation to us to maintain the special timetables introduced on 17 July to be replaced by the full registrations effective at 13 July as deposited with your office on Sunday 9 August 2009.” He expressed his gratitude to me for my understanding during “this difficult time and give every assurance that a long term solution will be sought to prevent further disruption to our customers.”

11. The trade dispute had not reached resolution and further action ensued and was the subject of further correspondence my office:Mr Dorr in early September. It was only on 7 September that Mr Dorr could advise that the dispute was over and that a two year pay deal had been agreed with the union. He asked that the services resume to the registered services on Sunday 13 September. On 8 September I responded that I was pleased that at long last he had resolved matters with his work force. I continued “I am less than impressed that you will not restore services to the people of Aberdeen until Sunday. This is completely unacceptable and makes me wonder as to your attitude to the regulatory regime. You must now revert to the registered services without delay.” By another e mail of that day I advised him that I considered it serious that he was planning to delay the resumption of normal services in Aberdeen and that he had a duty in law to operate the services and that I required that in terms of the operator licence and the registrations that the services operate forthwith. He responded to say he and his team had immediately commenced work to comply and on 9 September he said that with much hard work he had been able to arrange changes to the drivers work patterns from 10 September and the full timetable would return 3 days ahead of what he had previously advised customers.

12. Press clippings included in the Public Inquiry brief gave a flavour of how the dispute was being reported locally.

First Group punctuality statistics

13. First Group publishes punctuality performance information on its web site – including the performance of First Aberdeen. From that public information it was noted that in October to December 2008 start of journey punctuality was 83.7% and in the equivalent period of 2009 was 77.2%. Intermediate punctuality for those periods was 73.6% and 66% respectively. Given that these figures appeared to demonstrate that the operator was not operating punctually as is expected of operators when a service is registered, and that its performance appeared to be worsening I decided that I must hear from the operator at Public Inquiry.

Complaints by Mastrick and Sheddocksley Community Council

14. By letter of 1 March 2010 I was contacted by the Chairman of the Mastrick and Sheddocksley Community Council. That letter narrated the Community Council's concerns in relation to bus services operated by First Group including the Community Council's views on changes which had been made to the routes and timetables. Of particular concern was the 23 but also the 13/13A. Much of the content of the letter fell out with my jurisdiction – for example I do not have the power to direct what routes an operator runs or on what days or times. These are commercial and operational decisions for the bus companies and as long as the law is not being broken I have no role. Thus my interest in the Community Council's letter was in the references to the services not running to their timetables and attendant inconvenience and problems for the public. This letter was copied to First Aberdeen and they were advised that I would consider those matters relevant to me. I was also aware that the complaints were lacking in what lawyers would term "specification" i.e. detail but I also recognised the strength of feeling in the letter.

15. Mr Delaney gave evidence at the Public Inquiry including through a prepared statement. Changes made in 2008 had affected the reliability of services. The 23 is poor and had been made worse by the loss of the 22. There had been instances of the 25 departing early from its Mastrick terminus. The 13/13A expected as a 15 minute service is unpredictable. He gave instances of difficulties in other areas and examples of the difficulties for passengers who had to allow much more time for their journeys. The community wanted to be listened to by First and consulted and heard. The Community Council was not seeking for the operator to be penalised or disqualified – they wanted improved reliability. There was a fear for the future in that First had been awarded the Olympics 2012 contract and there might be detriment to other First services in the UK and he hoped the viability of First's local services in Aberdeen would be protected during the Olympics.

Evidence for the operator

16. Mr Robert (Bob) Dorr came to First Aberdeen in June 2009 as a stage in a long career in the bus industry and headed an operational team based at King Street from where all services operate. His evidence was in written form supplemented by oral evidence.

17. The industrial action began with a strike on 16 July and reduced services without fares being charged were operated. There followed a work to rule and over time ban. The pay claim was large in his opinion and was made against a background of difficult economic circumstances, falling passenger numbers and so falling revenue.

The effect of the overtime ban was that they did not have enough drivers to do the services. Aberdeen is a challenge given that there is low unemployment. Contact was made with the Commissioner's office including the e mails of 14 July and reply from Mr Flowers of 31 July which allowed the emergency timetables to operate with resumption on 9 August. On 3 August another e mail was sent to Mr Flower to say industrial action was suspended from 1 August and to ask for a dispensation to stay on the special timetables until 9 August to which the response was that the Commissioner had agreed in the circumstances that the emergency timetables can operate until 9 August. On 18 August the drivers re-instated the work to rule and overtime ban and two hour stoppages. Again the Commissioner was asked to allow the emergency timetables and allowed that.

18. He wrote again on 27 August to advise of a ballot and should it approve the offer he asked that there be a return to the timetables from 6 September. He did not receive a response to that e mail. He wrote again on 1 September. On 7 September he learned that the drivers had agreed a two year pay deal and that the action was over. He wrote asking that a return to the timetables be allowed from 13 September and on 8 September received a reply from the Commissioner that it was completely unacceptable to wait to 13 September to get back to the normal timetable. They then took considerable steps to get the drivers back to work at short notice including overtime payments and bringing in five drivers from elsewhere with the result there was no loss of mileage due to lack of staff on the Thursday and Friday. 420 drivers had to be back to work and he had to be fair and balance their feelings with the responsibilities to the public. He did not want to jeopardise the harmony which had been achieved with the drivers. He did want the services back to normal for the public and for revenue.

19. First Group is the only Group to be open about its punctuality and reliability. The information comes from the GPS on the vehicles. There are problems with the raw data. Thus accuracy cannot be guaranteed. Further there were difficulties in Aberdeen at this time with the opening of the new Union Square shopping centre and car park for 1000 cars but no improvements to the traffic infrastructure which affected performance in the period to Christmas. Snow from 18 December disrupted services. They have made route changes to more than half the services and they had to implement the changes to the Almex ticketing machines. They have added in running time to services. For the week commencing 21 March 2010 they are showing a start time adherence of 86.43% and intermediate of 75.25% - thus an improvement.

20. They have a bus punctuality improvement partnership with Aberdeen City Council and consultancy work is underway and data collection e.g. of variable journey times in Union Street and King Street, the same journey in the city centre ranging from 4mins 4 secs to 12 mins and 39 secs.

21. The Group has sponsored research by Aberdeen University and cited a discussion paper by Professor Nelson and Mr Masson on a future transport strategy for city and region. Research was commissioned on average speeds in the network. The discussion paper makes some recommendations for example on bus priority measure which the operator supports.

22. Mr Michael Flinn is the local Unite branch secretary and has long service in the trade union role. As a branch they try and negotiate locally with management and only if no results do they bring in the full time officer. They had come to a pay deal most years with management but latterly were in dispute with Mr Mair, the previous MD.

Mr Dorr arrived into that difficulty. Industrial action was called and there were a couple of ceasefires when normal services were back. Previous disputes had not been like this one. When the dispute ended drivers had to be contacted and hours and family care sorted out and days off allowed. That's why the emergency timetables were continued. It had caught them unawares this having to get people back. However when the Commissioner said that they had to get the services back running, he knew the Commissioner and that it had to be done and the union worked jointly with management to have drivers available.

23. Commenting on the timetables within Aberdeen, he said that some had been tight in the time available and with no recovery time but this was being rectified especially by Mr Dorr and things were improving. He gave general evidence in relation to drivers' experiences of working and the problems of the City Centre. They do want the bus to arrive on time.

24. Mr B Masson works with Professor Nelson. His c.v. was available. Mr Masson does not believe First can meet the Senior Traffic Commissioner's Guidelines for 95% within the tolerances (not exceeding 1 minute early/5 minutes late) and that such could only be achieved through bus priority measures being implemented. Much of the rest of Mr Masson's evidence concerned the discussion paper and suggestions for radical changes to the Aberdeen infrastructure such as tunnelling under Union Street.

Submissions

25. A helpful skeleton argument referring to statute was lodged much of it being the relevant statutory references and the legal tests from case law as to reasonable excuse. It served the purpose of the Inquiry and oral re-iteration was minimal and sensibly confined.

Consideration of the evidence and my decision

26. In summer 2009 First Aberdeen was engaged in a difficult trade dispute with driver members of the Unite trade union. The withdrawal of labour and working to rule impacted on the operator's obligation to operate the local services registered with my office. It was a dispute of greater severity than previously experienced and there was much tension. A flavour of that can be taken from the contemporaneous newspaper reports as well as the witnesses. Mr Dorr communicated some of that in the e mails to my office. Keeping services running was not helped by the operator being dependant on voluntary over-time arrangements. There were many weeks that summer when the public were deprived of bus services. Bus services are not luxury items, they are necessary services for a high percentage of the urban population and great inconvenience and lost opportunities are caused when services do not operate. This explains why there remains an element of statutory regulation of bus services. So whilst operators are for the most part free to decide where they want to operate and when, when they do take the decision to run services then those services have to be predictable in time and route and the public are entitled to plan their lives accordingly and with an expectation of the confidence to travel.

27. In a free society such as ours it is long established that trade disputes can be lawfully engaged in and that was what happened last summer. I do not intervene in trade disputes but I expect them to be resolved in the interests of the travelling public such that operators and drivers revert to serving the travelling public in terms of their

legal responsibilities so to do. Thus whilst the dispute was ongoing I took a light touch approach and did not take any sides, not least because of the heat reflected in the press reports. However the dispute being over, I expected the buses to run again. It did not occur to me that anything else would happen but that normal services would be resumed. The dispute being over it did not appear to me that there was any reasonable excuse available to the operator. On my making my view clear, the services did resume on the Thursday which was much better for the public than Sunday. I was mindful of the very considerable disruption already suffered by the Aberdeen public. Mr Flinn – who charmingly called me the Iron Lady in his evidence – the leader of the drivers leapt to work with management to get the buses back. Management and union proved it quite possible when the will was there to get the buses on the go again.

28. The operator feels that my having allowed a slower return to normal services in August led to an expectation that I would sanction such in September. There are distinctions to be made – in August the dispute was unresolved; by September it had settled and further the Aberdeen people by then had had rather too much disruption to their lives. I remind the operator of the heavy responsibilities it has to the travelling public – that is what makes a bus company so very special. That is why the public – in this case represented by the Community Council – gets so involved and emotional, buses matter because of people's dependence on them. The relationship of a bus company to the community it serves is very special.

29. There has been complacency about this in First Aberdeen. I commend First Group for publishing its figures not least because that can show public policy makers and infrastructure providers just where punctuality and reliability stand. I was asked not to take action against First Group on the basis of these figures as that would penalise them for an open-ness not demonstrated by other operators large or small. I see some force in that but it does not get round the harsh reality which is that the buses are not running to time in too many instances. I have to come to a view on that. I cannot ignore the information.

30. I heard much in this Inquiry about the operating environment in which First Aberdeen seeks to run its services. I do not doubt its difficulties and that a want of bus priority measures and past absence of commitment by the City Council to implementing traffic management measures which would assist the flow of public transport have not assisted an operator such as this. However I consider that the operator has been complacent and has allowed itself to hide behind the omissions of others. The operator and drivers need to focus on punctuality. That may mean that drivers have to confine the chat to when they know they have time in hand – I have the friendly Mr Flinn in mind when I say this. (Mr Flinn has a garrulous aspect to him! Listening to him I had a very jolly image of much nattering getting on his bus. What a welcome sight he will be to passengers but for me even more welcome if running to time.) Looking at Firsts' own published data, that so high a percentage of services do not even start on time, should have set off alarm bells long before I convened this Inquiry. It is too easy to look out of the windows of King Street and blame the City Council.

31. I am pleased that there is a better concordat between this principal, indeed near nigh monopoly provider (Stagecoach serving those coming into the City from the hinterland) of public transport and the City. As I stated above the relationship of public to bus services is a special one and no modern City can operate without

efficient and well networked public transport. In Aberdeen for the long foreseeable future that is only the bus.

32. I do think that in the friction and anxiety of the industrial dispute the players in that looked inwards and underestimated the inconvenience and difficulties caused to passengers let alone overlooking the legal requirement that the services must be operated. Drivers are professionals too and they have to be fit by reason of their conduct. That has to do with serving passengers. There is a point at which reasonable excuse wears thin. It wore thin with me when yet again the operator sought to delay resumption of services. I treaded warily with the operator at earlier stages of the dispute when my sensitivities were all towards avoiding any risk of my becoming a pawn between operator and drivers. The press reports within the Public Inquiry brief gave a flavour of the heightened emotions and confrontational atmosphere of the time. I did not want to fan those flames. That is why at earlier stages the judgment of the operator as to how the services could be maintained to some degree was accepted in my Office. A Traffic Commissioner is entitled to trust an operator's MD when he represents to her how he is managing operational difficulties such as an industrial dispute. However reasonable excuse wore thin and there is a learning point in all of this and that is that the passengers must be served and that both sides must work together to secure the interests of the passengers. Both sides depend on passengers for their livelihoods and on passengers having the confidence to travel. Bus drivers deserve the utmost respect from the public for being there day in day out, at the expected times. Bus drivers at their best make other peoples' lives more certain. I hope Mr Flinn and his members and their colleagues never forget this.

33. I record that it is a requirement that operators advise of changes in Directors. In this case the change did not impact materially on control or any issues touching repute but the point still is that intimation must be made. I accept the operator's apology in that respect.

34. I regard this Public Inquiry as having been a massive jolt to First Aberdeen. It is the first time at Public Inquiry for this operator, though not for First Group. First Aberdeen is now on my radar so to speak. It has its own tools to track its punctuality and it must work with its drivers to get to the standards of reliability that I expect. Start time adherence of 86.43% is not good enough.

35. However I have decided that this is a case in which I will not use my statutory powers to restrict this operator's operation in the City for now, nor will I impose a section 39 penalty. I am persuaded in such direction by the evidence of Mr Delaney and Mr Flinn, the former wanting dialogue not penalty and the latter having given me sense that union and management can work together and that active steps are underway to make sure that timetables have sensible running times. I shall conclude this Inquiry with a FORMAL WARNING to the operator that I expect to see a significant improvement in its punctuality.

36. To some this may seem lenient. To them I say watch what happens if a Traffic Commissioner's trust in an operator is not matched. A second appearance at Public Inquiry is well worth avoiding and compliance is the way forward.

Joan N Aitken
Traffic Commissioner for Scotland

30 November 2010

Appendix B - Aer Arann and Aer Lingus Press Release

AerArann 



New Aberdeen link to Dublin and the United States

14th December 2011: Aer Arann and Aer Lingus have announced a new Aer Lingus Regional route between Aberdeen and Dublin from next March with onward connection options to the United States.

The next phase of the franchise agreement between the two airlines will see the addition of a sixth Aer Arann ATR 72 aircraft to the Aer Lingus Regional fleet and new services between Ireland and the UK including the new Aberdeen to Dublin link.

Aer Lingus Regional, operated by Aer Arann will fly every day except Saturday and the 6 weekly flights will boost leisure and tourism travel in both directions between Scotland and the Irish capital.

Aberdeen currently has no direct services to the United States and the new Aer Lingus Regional route will offer customers the convenience of flying from their home airport with through booking connections to New York Aer Lingus flights onwards throughout the United States with partner airlines.

Connecting passengers from Aberdeen and the Grampian region will also benefit from the new US Customs and Immigrations clearance facilities in Dublin allowing them to arrive in the US as domestic passengers.

Commenting on today's announcement Aer Arann Chief Executive Paul Schütz said "the additional aircraft and routes demonstrate the confidence of Aer Arann and Aer Lingus in the franchise flying model that matches capacity and frequency requirements to demand".

"This new route will extend the successful cooperation between our two airlines and will benefit both business and tourism by stimulating the Scotland-Ireland point to point market with excellent business timings and leisure travel options as well as new easy US connections from Aberdeen", Mr. Schütz concluded.

Welcoming the announcement the Chief Commercial Officer of Aer Lingus Stephen Kavanagh said "Aer Lingus is delighted to be extending our network into Aberdeen. This new route marks an expansion of the partnership between Aer Lingus and Aer Arann and we look forward to welcoming customers on board our Aberdeen to Dublin service and our transatlantic services in 2011."

Aberdeen Airport Managing Director Derek Provan said "What a great announcement for the people of the North-east. This route has a whole list of benefits attached, not only does it provide another connection to Dublin, but being able to clear US customs before you arrive on American soil really speeds up the process. It provides a terrific new hub choice for our passengers and opens up North America in a whole new way. Business, leisure, this connection will appeal to a whole spectrum of passengers and for that we wish Aer Arann and Aer Lingus all the best with the new service, and welcome them to Aberdeen airport."

Denise Hill, Head of International Marketing at VisitScotland said "With Ireland one of our biggest overseas markets into Scotland, the new Aer Arann service into Aberdeen will be a welcome development for Scotland's route network. Moreover, the excellent connection it provides in partnership with Aer Lingus, transferring passengers from New York's JFK airport via Dublin and swiftly on to Aberdeen will make it even easier for high spending leisure and business visitors from the US to access the home of the Malt Whisky and the Castle trails. With VisitScotland bringing over 400 international tour operators to Aberdeen for the VisitScotland EXPO in April, the timing will be perfect to showcase the new service to the North American travel trade".

Flights will be operated by Aer Arann ATR 72 aircraft and crew with the first flights on March 27th 2011. Aberdeen Dublin flights are on sale from today on aerlingus.com and through travel agents with fares to Dublin starting at just £29.99 one way including taxes. Connecting flights to the United States are also on sale from today through travel agents and from January 6th 2011 on aerlingus.com.

...ends

Further Information

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