



## Report to Leader (Transport Portfolio)

<b>Decision Date:</b>	<b>15 September 2020</b>
<b>Reference number:</b>	<b>TR09.20</b>
<b>Title:</b>	<b>Experimental TRO to facilitate participation in e-scooter trials</b>
<b>Relevant councillor(s):</b>	Councillor Nick Naylor
<b>Author and/or contact officer:</b>	Jo Morphet Transport Strategy Lead Officer Jo.Morphet@Buckinghamshire.gov.uk
<b>Ward(s) affected:</b>	(All Wards);

**Recommendations: Approval to advertise an Experimental Traffic Regulation Order to enable participation in an e-scooter trial in Buckinghamshire.**

**Reason for decision:** An Experimental Traffic Regulation Order (ETRO) is required to enable Buckinghamshire Council to participate in an e-scooter trial being facilitated by the Department of Transport. Participating in the e-scooter trial will enable Buckinghamshire to offer a sustainable mode of travel for its' communities whilst access to public transport is reduced due to Covid-19. The trial will enable e-scooters to be introduced in a controlled and safe manner, from which we can provide evidence as to their suitability as a transport mode in Buckinghamshire. This evidence will feed into the evaluation process being conducted by the Department for Transport (DfT) who will consider whether to legalise e-scooters in the future. The trial supports the Councils' ambitions to be a 'living lab' for innovation and fits with the Councils' Climate Change agenda by proactively providing opportunities to promote sustainable transport.

### **1. Content of report**

#### Background to trials

- 1.1 To support a 'green' restart of local travel and help mitigate reduced public transport capacity, the Department for Transport (DfT) is fast tracking and expanding trials of

rental e-scooters. E-scooters offer the potential for fast, clean and inexpensive travel that can also help ease the burden on transport networks and allow for social distancing.

### Aim of the trials

- 1.2 The main aim of the trials is to build robust evidence about the safety benefits, public perceptions and wider impacts of e-scooters in order to inform legal changes that may be necessary after the trial period ends.
- 1.3 Key areas which the Council and DfT will be gather information on include:
  - safety outcomes for e-scooter users and what influences this
  - interaction with, and effect on, other road users
  - public perceptions of these scooters including people with disabilities and related groups
  - nature of modal shift and new journeys that have been enabled
  - characteristics of users and how uptake and outcomes differ for different groups
  - local authority perception of effects on their transport system lessons

### Key elements of the trials as defined by DfT

- 1.4 The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020 came into force on 4th July 2020, to facilitate e-scooter trials.
- 1.5 Only e-scooters participating in the trials will be officially classed as legal. Privately owned e-scooters will still be considered illegal.
- 1.6 The trial is for a maximum period of 12 months.

### The Experimental TRO

- 1.7 Amendments were made to the Traffic Signs Regulations and General Directions 2016, through the legislation detailed in 2.4 to include e-scooters within the definition of vehicles permitted to use cycle lanes.
- 1.8 Regulation 5 The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020, makes amendments to the Traffic Signs Regulations 2016 to amend the meanings, found in Schedule 1 of a “cycle lane”, “parallel crossing”, “pedestrian and cycle zones”, “refuge for pedestrians and cyclists” and “toucan crossing”, and to permit an electric scooter, being used in a trial, to share those types of road spaces. Supplementary amendments have been made to the Schedules to clarify that signs relating to pedal cycles, also represent electric scooters, being used in a trial.

1.9 The ETRO will cover all wards to allow future flexibility in the proposed trial locations.

## 2. Other options considered

2.1 The trials are voluntary, and we therefore could decide not to participate and the need for an ETRO would not be required.

2.2 The advantages and dis-advantages of participating in the trial are detailed below:

Advantages/opportunities	Dis-advantages/risks
<ul style="list-style-type: none"> <li>- Ideal for dispersed settlement patterns and intra-urban distances encountered in Bucks.</li> <li>- Potential to help address first-mile last mile issues and reduce single occupancy car use.</li> <li>- Socially distanced alternative to public transport post Covid-19.</li> <li>- Participation in the trial would align with Buckinghamshire’s ambition to be a ‘living lab’ for innovation.</li> <li>- Cheap and more accessible mode of transport for residents.</li> <li>- Lower fares can be introduced for disadvantaged communities.</li> <li>- Ability to provide local data to support future funding bids to improve our cycling infrastructure.</li> <li>- Additional employment opportunities.</li> <li>- Will support the Climate Change emergency declared in Bucks by providing a sustainable transport option.</li> </ul>	<ul style="list-style-type: none"> <li>- Unclear how shared transport will be managed post covid-19 and the potential effects this will have on uptake.</li> <li>- Potential for road safety issues.</li> <li>- Vandalism and street clutter issues.</li> <li>- Potential for conflicts with pedestrians and cyclists.</li> <li>- Could encourage mode shift from cycling and walking.</li> <li>- Impact on Councils’ reputation if trial not managed effectively.</li> <li>- Public opposition.</li> <li>- May miss out on funding opportunities as not seen as a forward-thinking Council.</li> </ul>

## 3. Legal and financial implications

3.1 An ETRO will be required to facilitate the trial. This will sit outside the current TRO consolidation project and will not impact on the consolidation projects’ timescales or outcomes.

3.2 It is expected that the scooter service will be provided on a cost neutral basis to the Council. DfT have confirmed that additional revenue costs incurred by the Council can be funded through Tranche 2 of the Emergency Active Travel Fund. A preliminary

bid has been included in the proposed Tranche 2 programme to cover any potential costs arising from the requirement for the ETRO.

#### **4. Corporate implications**

- 4.1 Participating in the trial fits with the Corporate Plan priority of “Improving our Environment”.
- 4.2 It also supports the Climate Change motion approved by Cabinet on 15 July 2020 by proactively providing opportunities to promote sustainable transport.
- 4.3 There could be a significant impact on the protected characteristics as detailed in the Equality Act 2010 and therefore an Equality Impact Assessment is being undertaken for all trial elements.
- 4.4 The need for a Data Protection Impact Assessment is not required for an ETRO, as the legal consultation will be undertaken in accordance with established processes and legislation, which already has due regard of GDPR. A separate assessment is underway for the other elements of the trial.
- 4.5 All potential costs arising from the ETRO process should be covered by Tranche 2 of the Active Travel Fund.

#### **5. Consultation and communication**

- 5.1 A legal consultation period of six months will commence as soon as the ETRO is implemented via YourVoice Bucks and/or the new TraffWeb system. The purpose of the consultation period is to allow residents and others to comment on their experiences and concerns about the trial. This will gauge the level of support and objections to the trial and to allow for amendments to the trial if necessary and the ETRO.
- 5.2 As part of the legal process of implementing an ETRO it will be necessary to formally consult with the police and relevant bodies as outlined in regulation 6 of The Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996. Road safety professionals at Thames Valley Police have been contacted and have indicated that Milton Keynes and the city of Oxford also plan to introduce the e-scooter trial. The police have greater concerns about unlicensed e-scooters at this stage and do want to be actively engaged with during the trial.
- 5.3 Early Informal engagement about the trial has been undertaken with some stakeholders to gauge interest and identify any concerns. These include:
  - Active Travel Steering Group
  - Aylesbury Garden Town
  - Chiltern Railways

- BTVLEP
- Transport for Buckinghamshire
- Buckinghamshire Road Safety Team
- Buckinghamshire NHS Trust

5.4 Feedback has generally been positive, with some groups such as the road safety team wanting more detail so they can provide informed feedback.

#### Member Engagement

5.5 More detailed engagement has begun with relevant Community Boards, Town and Parish Councils and Wycombe Town Centre Committee. Background information was shared with Community Boards covering Aylesbury and High Wycombe and those neighbouring Boards where parts of their communities may be suitable for the trial. The adjacent Boards are:

- Beaconsfield & Chepping Wye
- North West Chiltern
- Wing and Ivanhoe
- Haddenham & Waddesdon
- Wendover

5.6 Meetings and discussions have been held with Community Board co-ordinators to ensure relevant Parish Councils and other group members of the Boards are also aware of the proposed trials and the background information has been shared with all. The initial presentations and Q & A sessions are scheduled for the week beginning 7<sup>th</sup> Sep 2020.

5.7 This engagement is occurring before we finalise the trial zones, so we can take into consideration and action any concerns or suggestions raised by Members. Engagement will continue throughout the trial, with monthly reporting, so we can ensure it meets the needs of our communities as it progresses, and we can make adjustments where required.

5.8 Disability groups are key stakeholders and BuDS, Bucks Vision and the RNIB have been contacted.

5.9 All stakeholders, including the police, council road safety team, other statutory bodies, RNIB and Active Travel Steering Group will be able to influence the geographical areas the trial takes place in and can even limit sections of road and pavements within a trial area with the use of geofencing technology.

5.10 The corporate Communications team and the communication team at TfB will take a lead on ensuring an effective consultation and communication with the public and road users.

## **6. Next steps and review**

- 6.1 Following formal consultation with the police and statutory bodies, the ETRO will be brought into force, and an e-scooter trial will be able to operate within Buckinghamshire.
- 6.2 There will be an open consultation for six months from the start of the trial. The trial and ETRO will be monitored and reviewed throughout the trial and changes may be brought about at any time.
- 6.3 The trial is initially intended to last for 12 months, but the ETRO may be revoked at any time if desired. The DfT will be assessing the results of all the trials and will then indicate next steps.

## **7. Background papers**

- 7.1 The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020 came into force on 4th July 2020, to facilitate e-scooter trials can be found here: <https://www.legislation.gov.uk/uksi/2020/663/made>
- 7.2 The E-scooter trials: guidance for local areas and rental operators can be found here: <https://www.gov.uk/government/publications/e-scooter-trials-guidance-for-local-areas-and-rental-operators/e-scooter-trials-guidance-for-local-areas-and-rental-operators>

## **8. Your questions and views (for key decisions)**

- 8.1 If you have any questions about the matters contained in this report, please get in touch with the author of this report.

