

Citizen Participation and Public Petitions Committee

3rd Meeting, 2024 (Session 6), Wednesday
21 February 2024

PE2059: Ensure pedestrian crossings cannot be disabled without an equivalent safety measure in place

Petitioner	Lachlan McDowall
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation requiring that during road works, or at any other point where a pedestrian crossing is disabled or otherwise bypassed, that measures to allow alternative pedestrian traffic flow are put in place; and any broken down or otherwise disabled crossing be rectified or have an alternative in place within 24 hours of being reported.
Webpage	https://petitions.parliament.scot/petitions/PE2059

Introduction

1. This is a new petition that was lodged on 26 October 2023.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition can collect signatures while it remains under consideration. At the time of writing, 56 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.

Action

The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

Annexe A

PE2059: Ensure pedestrian crossings cannot be disabled without an equivalent safety measure in place

Petitioner

Lachlan McDowall

Date lodged

26 October 2023

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation requiring that during road works, or at any other point where a pedestrian crossing is disabled or otherwise bypassed, that measures to allow alternative pedestrian traffic flow are put in place; and any broken down or otherwise disabled crossing be rectified or have an alternative in place within 24 hours of being reported.

Previous action

I have contacted the local council, MSPs, and Councillors about the disabling of the pedestrian crossing, outside the primary school, on Bonnington Road (B900) in Edinburgh. It took over two weeks to get someone to consider the safety of the children crossing this busy road.

Background information

The pedestrian crossing outside of my son's primary school on Bonnington Road (B900) in Edinburgh was disabled in favour of making traffic flow easier. This decision disregarded the safety of the primary and nursery age children that require to cross this busy road. It took two weeks of reporting to many different people before this was finally fixed.

When a pedestrian crossing is disabled or otherwise bypassed, an alternative safety measure, such as a temporary light with pedestrian button or stationed personnel with traffic controlling powers, should be put in place.

Annexe B

The logo for SPICe, featuring the letters 'SPICe' in a white, sans-serif font on a dark purple background.

The Information Centre
An t-Ionad Fiosrachaidh

Briefing for the Citizen Participation and Public Petitions Committee on PE2059: Ensure pedestrian crossings cannot be disabled without an equivalent safety measure in place, submitted by Lachlan McDowal

Background

Currently, there is no requirement for a temporary replacement to be provided where a permanent light-controlled pedestrian crossing is suspended.

However, there are established processes in place for the maintenance of pedestrian access through road and street works (road works being works to improve the road and street works being works within the road – such as the maintenance of gas, electricity, and telecommunications infrastructure). The UK-wide [Safety at Street Works and Road Works: A Code of Practice](#), which provides guidance to those planning and carrying out such works, states:

“Where footways and pedestrian areas are affected by street works and road works, it is your responsibility to make sure that pedestrians passing the works are safe. This means protecting them from both the works and passing traffic.

You must take into account the needs of children, older people and disabled people, having particular regard for visually impaired people.”

The Code of Practice goes on to state that anyone undertaking works that require a pedestrian crossing to be suspended must “agree with the highway authority what, if any, alternative arrangements will be provided for users of the crossing prior to suspension”. Guidance to those

involved in streets works on the use of temporary pedestrian crossings is set out in [Guidance on the Use of Portable Traffic Signals](#), produced by the Association for Road Traffic Safety and Management (ARTSM).

Away from road and street works, any decision to temporarily suspend or permanently remove a pedestrian crossing is a matter for the roads authority. That is the relevant local authority for public roads and Transport Scotland for trunk roads. In deciding whether to suspend or remove a light-controlled pedestrian crossing, the roads authority must take account of its statutory duties to all road users, such as the duty to manage and maintain public roads under the Roads (Scotland) Act 1984, to manage road and street works under the New Roads and Street Works Act 1991, and equalities duties under the Equality Act 2010. More information on these duties can be found in [Well-managed Highway Infrastructure: A Code of Practice](#), published by the UK Roads Liaison Group.

Scottish Government Action

The Scottish Government has not considered this issue in any detail.

Scottish Parliament Action

To date, the Scottish Parliament has not considered this issue in any detail.

Alan Rehfisch

Senior Researcher

29 January 2024

SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C

Scottish Government submission of 22 November 2023

PE2059/A: Ensure pedestrian crossing cannot be disabled without an equivalent safety measure in place

Bodies undertaking road works are already required to consider the needs of pedestrians when carrying out works, and must agree appropriate alternate provision with the roads authority before works take place.

The form the alternate provision takes is a matter for the roads authority responsible for the road at that location, in line with their duty of care to the road. The decisions on how to deal with situations where pedestrian crossing facilities must be temporarily suspended is a matter for roads authorities, through powers conferred by the Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984. These Acts also establish the duty of care that roads authorities have for the networks they are responsible for, and that specific decisions on operational and maintenance matters lies entirely with Scottish roads authorities.

For those undertaking the works, there is national Code of Practice for safety at road works, “Safety At Street Works And Road Works; A Code of Practice 2013” which outlines the requirements for these situations. This Code has always been mandatory for utility firms working in Scotland, and became mandatory for Scottish roads authorities in 2021. Under this Code, authorities must directly approve the suspension of permanent lights, and agree their requirements for alternate provision before works take place.

Bodies, such as utility firms, undertaking works are required to take specific consideration of the needs of pedestrians and in particular “the needs of those with small children, pushchairs and those with reduced mobility, including visually impaired people and people using wheelchairs or mobility scooters”. The site must also be risk assessed in

line with guidance on the needs of pedestrians and other road users, and are required to provide a 'safe route' around the works. Where a body fails to do so, the roads authority has existing powers to inspect the works, and if required, to rectify the site on a rechargeable basis.

Head of Road Works Policy
Transport Scotland