

9th August 2010

Ms Roisin Kelly
Committee Clerk
Committee for Regional Development
Committee Office Room 402
Parliament Buildings
Stormont
Belfast BT4 3XX

Dear Roisin ,

Re - Transport Bill

Following a meeting with members of FPT NI to review the Transport Bill, I would advise that with the exception of the following , there were no other comments.

Clause 1

Provision of Public Passenger Transport Services

2(c)

Comments :-

Examples of what is meant by non contracted services would be helpful to understand exactly services are being referred to.

2(f)

Allows the Department to exploit any commercial opportunities which it considers appropriate in securing the provision of public passenger transport services.

Comments :-.

Whilst there is agreement that the Department should be able to exploit commercial opportunities, this should only be under certain conditions and not where there is direct competition with other transport providers or companies who are private organizations and not publicly funded.

It is important that any commercial activities undertaken should be specific to certain activities such as advertising on vehicles or bus depots but not on passenger transport services, otherwise the parameters of what is socially necessary and the exploitation of commercial activities becomes somewhat clouded and could potentially cause problems..

(3)

The Department must, subject to subsection (1) and Regulation (EC) No. 1370/2007, secure that most public passenger transport services continue to be provided by the Holding Company and its subsidiaries.

Comments :-

Obviously this secures Translink's position as the main transport supplier of services and directly awards most of the current services to them subject to mandatory requirements laid down in regulation EU1370/2007.

However, there is no mention made to the other services currently carried out by private sector transport providers. Will these services be included under the same directly awarded contract?. Or will they remain with the original operator?

If they are directly awarded to Translink, then how will this process be handled? Is there an appeal against this decision to award to Translink or a compensation scheme for the loss of livelihood?

Clause 6

Matters to which Department must have regard

(1) In deciding whether to issue or refuse a permit or to attach conditions to a permit, the Department shall in particular, have regard (where appropriate) to the following matters :-

- (a) The suitability of the routes on which the service may be provided under the permit;

Comments:-

What exactly is meant by suitability of a route? And what criteria is applied when considering this?

Clause 25

Powers of entry

(1) The powers conferred on an authorised person by this section are exercisable for the purpose of ascertaining whether any provisions of, or made under, this Act are being complied with.

Comments :-

What constitutes an authorised person? Will authorised persons be specific personnel employed by the Department or can an 'authorised person' also be DVA Enforcement personnel and PSNI personnel?

Clause 32

Approved Capital Expenditure

(1) The Department may pay grants towards approved capital expenditure incurred or to be incurred in—

Comments:-

Will capital grants be available to all transport operators equally as this is not specifically detailed ?

Clause 43

Shared Transport Facilities

Comments :-

(2)

There is the obvious fear based on past experiences that transport facilities will not be available equally to all operators providing public transport services. The new arrangements must ensure that there is both equality of use and access to, transport facilities for all transport operators providing passenger transport services?

I would also advise at this time , that we would be pleased to have the opportunity to provide an oral briefing to the Regional Development Committee.

Yours sincerely

Karen Magill
Chief Executive