ABSTRACT
This report discusses the recommendations made by the Sheriff following the Fatal Accident Inquiry into the tragic death, on 28 June 2001, of a young cyclist at the Abbey Path/High Street Junction, Arbroath.

1 RECOMMENDATIONS

1.1 It is recommended that the Committee agree:-

(i) to note that consideration has been given to all the recommendations for Angus Council made in the Sheriff's determination upon the Fatal Accident Inquiry into the death of a young cyclist on 28 June 2001 at the junction of Abbey Path/High Street, Arbroath;

(ii) to note the findings of surveys carried out to determine vehicle, pedestrian and cyclists' movements at the junction;

(iii) to note that the only practicable means of minimising the risk of accidents involving cyclists travelling illegally southwards on High Street across this junction would be to prohibit all vehicular traffic from travelling on Abbey Path in a downhill (westerly) direction.

(iv) to instruct the Director of Roads and the Director of Planning and Transport to carry out a consultation exercise on the implications of closing Abbey Path to all vehicular traffic travelling in a downhill (westerly) direction.

(v) to note that a further report will be submitted to this Committee following the consultation exercise proposed in (iv) above.

2 INTRODUCTION

2.1 On 28 June 2001 a young male cyclist was tragically killed following a collision with a bus at the junction of Abbey Path/Lordburn/High Street in Arbroath. The cyclist had been cycling at speed the wrong way down the one way section of upper High Street and was crossing the Abbey Path/Lordburn junction when he was struck by a bus coming down Abbey Path.
2.2  A Fatal Accident Inquiry (FAI) was held during May, June and July 2003. The purpose of the Inquiry was to establish the facts of the accident and to see if any reasonable precautions could have been taken "whereby the death and any accident resulting in death might have been avoided" and to establish "the defects, if any, in any system of working which contributed to the death or any accident resulting in the death" As a result the Sheriff made a number of recommendations for Angus Council to consider. These are shown in Appendix A.

2.3  The accident was the first serious accident to occur at the junction, indeed there have only been two very minor "damage only" accidents reported here since 1996 (and these were unrelated to the junction layout). Abbey Path has been used by buses in a downhill direction since 1984.

2.4  Following the FAI, the Sheriff's determination stated that the bus driver "cannot be found to have caused the accident or its tragic consequences."

3  DETAILS

3.1  Careful consideration has been given by Council officers to all the matters raised by the Sheriff and to the wider context. The following is a summary of the results of the investigations carried out.

3.2  Speed of vehicles travelling westwards down Abbey Path

3.2.1  A survey to establish vehicle speeds was carried out by Roads Department staff over a 6.5 hour period taking in the busy am, pm and lunchtime peaks on a single weekday (Thursday 29 May 2003). This survey established that the average speed of vehicles in Abbey Path was 10mph and that the 85%ile (the speed at or below which 85% of the vehicles were travelling) was 12mph.

3.2.2  Sheriff Stein's recommendation was that a thorough survey of the speed of all vehicles travelling westwards down Abbey Path be undertaken. This has been done by an independent transport data collection specialist over a two day period (7am to 2pm on Friday 19 September and 7am to 7pm on Saturday 20 September). Taking the results from both days together the average speed measured was 13mph and the 85%ile speed was 15mph ie slightly higher than the shorter survey previously carried out by Roads Department staff.

3.2.3  The consultants also undertook a video survey of the traffic movements at the junction and inspection of this has shown that all the buses surveyed were crossing the High Street junction with care.

3.2.4  In conclusion it is clear that buses are negotiating Abbey Path at an appropriate and therefore relatively safe speed for the normal pedestrian and traffic movements at the junction.

3.3  Number and type of vehicles travelling down Abbey Path
3.3.1 The Roads Department's survey referred to above indicated that vehicles other than buses were travelling down Abbey Path in contravention of the traffic regulations. Two taxis, a mini bus, a waste disposal lorry, two vans and an HGV were observed during this short 6.5-hour survey.

3.3.2 During the two day video survey undertaken of all vehicle movements at the junction five cars, three HGV's, (two of which were fire engines which are permitted to travel down Abbey Path) and one LGV travelled down Abbey Path. The fire engines were travelling slowly over the High Street junction and were not displaying flashing blue lights (ie they were not on an emergency call).

3.3.3 This information has been passed on to the police.

3.4 Survey of cyclists, skateboarders and roller bladers accessing the pedestrianised High Street from the upper High Street

3.4.1 The independent video survey referred to above has been analysed and a count has shown that in the 24-hour period surveyed twenty pedal cycles travelled into the pedestrian precinct from the upper High Street ie in contravention of the one way order. The Council's survey on 15 May 2003 noted eight cyclists undertaking a similar illegal movement.

3.4.2 In total sixty three cyclists were observed either entering or leaving the precinct. These cyclists were all riding in contravention of the traffic regulation order which only permits service vehicles in the precinct within certain times. From the video evidence it was apparent that people cycling both in and out of the precinct paid little heed to the traffic signals and were therefore at risk from vehicles legitimately crossing the High Street with a green traffic signal. Although some of the riders appeared to take care and did check before crossing towards the precinct a significant number were observed crossing the junction at relatively high speed and these riders would certainly be at considerable risk from vehicles driving down Abbey Path.

3.4.3 In general the cyclists travelling towards the precinct tended to favour the left hand side of the road (in the direction of travel) thus making it more difficult for them to see up Abbey Path and of course vice versa.

3.4.4 Clearly there is a major problem of abuse of the regulations in the precinct area of the High Street and the one way upper High Street. Cyclists continue to defy the cycling ban in the precinct and the one way order in the upper High Street despite the presence of the appropriate signing.
3.4.5 This information has been passed on to the police.

3.4.6 Some evidence was presented at the FAI that skateboarders and roller bladers were also a road safety problem at the junction. The video survey identified 15 skateboarders but no roller bladers in the two day period with the majority of the skateboarders being on the Saturday. Most of the skateboarders appear to be using the footways rather than the carriageway so the potential danger was to pedestrians rather than from traffic. Again this information has been passed on to the police. They have however pointed out that skateboarders are not committing any specific offence.

3.5 **Angus Council and Tayside Police to consider how the existing regulations should be better enforced**

3.5.1 This has been discussed with the police at the regular Traffic Co-ordinating Group meetings and the results of the surveys carried out have been passed to the police.

3.5.2 Clearly it is simply not practicable for the police to have a constant presence at the junction to ensure compliance with the regulations 24 hours a day. Other means of deterring drivers and riders from carrying out illegal manoeuvres have therefore been investigated.

3.5.3 Although there was no criticism at the FAI of the existing signing some minor improvements have been identified. Because of the unusual circumstances of the accident, extra "belt and braces" signing directed specifically at cyclists in the precinct area and improved signing of the recommended route through the Abbey arch has recently been ordered.

3.5.4 In addition to this the education of drivers and riders is obviously very important. When the police are carrying out road safety and cycle training in the Arbroath schools specific reference is being made to the difficulties at Abbey Path/High Street/Lordburn.

3.5.5 It is hoped that the above measures along with a greater level of police enforcement, subject to availability of resources, will go some way towards reducing the incidence of illegal cycle movements at the junction. However, given the number of cyclists apparently unconcerned about breaking the law at this junction at present, it is unrealistic to expect that all cyclists will be deterred from cycling down upper High Street against the one way system in the future.

3.5.6 Pedestrians at the junction regularly disobey the red man signal at the traffic lights and although this in itself is not an offence they do create a danger to themselves.

3.6 **Seven other proposals were placed before the Inquiry and detailed consideration has been given to these as follows:**

3.7 The erection of a barrier between the footway and Abbey Path on the pet shop side of the junction
3.7.1 During the design of the signalised junction layout the possibility of pedestrian guard rail had been considered. However the additional restriction to an already narrow footway width and the likelihood of pedestrians simply walking around the limited possible length of barrier meant that this was not a practical proposition.

3.8 The white hatched area could be built up into a kerbed surface

3.8.1 Service vehicles are permitted in the pedestrian precinct and require to drive north to exit the area. Any kerbing would therefore cause an obstruction to this traffic as well as creating a danger to pedestrians who would think they were on a pedestrian island.

3.8.2 This is therefore not a practical option.

3.9 The installation of a stop or give way sign at the foot of Abbey Path

3.9.1 This is not a practical proposition. Such a stop line for traffic travelling down Abbey Path would, because of the narrow width here, also act as a stop line for traffic travelling up the hill. Given that the traffic using the junction has already been directed by a green traffic signal to proceed the stop line would cause confusion to drivers. It is also likely that it could be confusing for pedestrians who might think that they had right of way thus making the situation more rather than less dangerous if the pedestrians decided to cross against the red man signal.

3.10 The installation of a further set of traffic lights at the foot of Abbey Path

3.10.1 To provide another traffic signal within the junction layout would, as above, cause confusion for pedestrians. Drivers of vehicles coming down Abbey Path would also be confused by the conflicting messages from two sets of signals close together. In particular in the situation where the first signal was at red but the second was at green to allow a vehicle to proceed a driver’s eye would be drawn to the second signal and he might travel through the first red light.

3.10.2 This solution is therefore not a practical or safe proposition.

3.11 The installation of a speed hump in Abbey Path

3.11.1 The average speed of buses travelling down Abbey Path is some 10 to 13mph so a speed hump in Abbey path would serve very little purpose for vehicles travelling down Abbey Path. A speed hump might have been effective for some vehicles travelling up Abbey Path as there are occasions when a vehicle seeing a green light ahead may push through the junction at greater speed. There was no evidence of this however from a visual inspection of the video survey carried out at the junction.

3.11.2 The other factor to be considered is that speed bumps can prove hazardous for bus passengers. Seated passengers can experience discomfort and more importantly passengers standing in preparation for alighting can suffer falls as a result of the
vehicle traversing the speed hump. This is a particular problem for elderly passengers or parents/carers with prams and children.

3.11.3 These arguments are academic however in light of the road hump regulations which do not permitted road humps within a signalised junction.

3.11.4 Road humps cannot therefore be installed in Abbey Path.

3.12 The Prohibition of Westbound Traffic on Abbey Path

3.12.1 The closure of Abbey Path to traffic travelling westwards towards High Street/Lordburn would obviously prevent the recurrence of a similar accident. If such a proposal was to be implemented however there would clearly require to be significant changes to the public transport routes in the centre of Arbroath. There could also be implications for the response times for emergency vehicles (police, fire and ambulance) with consequential increased risk to victims of accident and illness.

3.12.2 Arbroath is well served by buses operated in the main on a commercial basis by Strathay Scottish Ltd. Abbey Path is currently used in the westbound direction by a number of Arbroath local town services operating on a cross-town basis linking estates on each side of the town centre. In addition, Abbey Path is also used by services operating on the ‘Tayway corridor’ between Arbroath and Ninewells Hospital and also by services to Brechin and Stracathro Hospital. These bus services all operate via Arbroath Bus Station where they offer passengers connections and in many cases through fares.

3.12.3 Details of the existing bus service routes using Abbey Path which would be affected by its westbound closure and number of buses per day are detailed in Appendix B to this report.

3.12.4 A meeting has taken place between Roads Department staff, the Planning and Transport Department's Transport Team staff and officials from Strathay Scottish Omnibuses Ltd to discuss the issue. Following this meeting Strathay Scottish prepared a report outlining the difficulties they saw as a result of banning buses from Abbey Path.

3.12.5 At this point it should be pointed out that during the FAI there was no evidence led about the use by buses (or indeed other traffic) of Abbey Path in an uphill direction. Although the volume of traffic travelling in this direction is very much greater, the layout of the junction means that there are not the same risks or problems associated with this movement. Pedestrians crossing the junction into or out of the precinct can see or be seen more easily when traffic is travelling eastwards up Lordburn. The video survey carried out did not show any particular problems despite the reluctance of most pedestrians to make use of the formal crossing points. Cyclists illegally riding towards the precinct from the upper High Street are also better able to see traffic from Lordburn and of course to be seen by drivers.
3.12.6 It is therefore recommended that all traffic be allowed to continue to travel up Lordburn into Abbey Path.

3.12.7 The bus involved in the fatal accident was travelling westwards down Abbey Path and it is this movement which was discussed at length at the FAI.

3.12.8 Although, as was stated at the Inquiry, the layout of the junction is not ideal, there was no evidence of any previous accidents involving either pedestrians or cyclists.

3.12.9 From the speed measurements taken and from the video evidence it is clear that bus drivers do take care as they enter the junction.

3.12.10 The difficulties at this junction are created by cyclists illegally travelling against the one way system in upper High Street compounded by the poor visibility at the "pet shop" corner. Pedestrians on the footway at this corner have to take care and need to be aware of what is happening around them. From the video evidence it is clear that pedestrians do cross into the precinct carefully although a substantial number of them choose to ignore the “red man” signal.

3.12.11 Unfortunately the results of the surveys indicate a significant number of cyclists (twenty over the two 12 hour periods surveyed) riding illegally down the upper High Street in contravention of the One Way Order. From the video evidence some of these cyclists do take reasonable care as they cross into the precinct. However a number of cyclists cross into the precinct heedless of any traffic which might be using Abbey Path. There is therefore every chance that another serious accident could occur involving one of these riders.

3.12.12 If buses were to be banned from using Abbey Path in a downhill direction then the risks involved from this movement would obviously be eliminated. The buses would of course have to use an alternative and much longer route (see Appendix C) and this alternative would involve other risks.

3.12.13 Strathtay Scottish provided a double deck bus to allow council officers and the police to be driven round the alternative route and this exercise has confirmed that the route is a practical alternative to Abbey Path.

3.12.14 Buses would require to travel along West Abbey Street and across into Hill Place. The stop line at the end of West Abbey Street has already been moved forward slightly to improve visibility down towards Kirk Square so this manoeuvre can be carried out safely. The route then follows Hill Street and Commerce Street before turning right into Gravesend. Some minor alterations to the road markings would be required to facilitate this right turn.

3.12.15 The location of new bus stops (which will involve some loss of on street parking) would require to be agreed if the alternative route is to be used. Ideally, new stops in Gravesend would require lay-bys to allow other vehicles to safely pass buses stopping to pick-up and set-down passengers at this locus. However this will not be possible to achieve within the existing road boundary.
Although the alternative route is approximate 750 metres longer than the direct route down Abbey Path and Lordburn there are advantages as buses would be able to serve parts of the Town Centre not currently accessible by public transport, with the exception of Service 27’s College bus and one journey routed via Gala Bingo in the afternoon. These include the Library and Medical centre on Hill Place and the banking area around Brothock Bridge.

Given the extended journey times required to operate the alternative route, an additional bus and driver would be required on Mondays to Saturdays between 08:00 and 18:00 in order to maintain the current level of service provision on the Town Service network. This would also involve providing cross-town links currently operated by the ‘Tayway’ Dundee to Arbroath services which could not be accommodated within their current schedule. Without an additional bus and driver the current bus timetables on the Town Service routes affected and indeed connections at Arbroath Bus Station could not be maintained. The alternative would be that the Company would reduce service frequencies in order to maintain schedules i.e. from every 20 minutes to every 30 minutes or every hour. Bearing in mind the very high use of local bus services in Arbroath this would cause a serious problem in accommodating the current level of passenger usage and the Council would have to consider increasing frequencies through subsidy provision in order to meet passenger demand. Strath Tay Scottish Ltd has informed the Council that the cost of this additional vehicle would be approximately £60,000 per annum.

The estimated cost of providing new bus shelters at Hill Street and Gravesend is £15,000.

The prohibition of emergency vehicles travelling westwards on Abbey Path would have implications for response times for the police, fire and ambulance services. While the increase in journey times might not appear significant, any delay in an emergency situation can have serious consequences for the victims of accident or illness.

Under the terms of the current Traffic Regulation Order, cyclists are not permitted to travel westwards (downhill) on Abbey Path. While cyclists travelling westwards on Abbey Path are unlikely to pose a significant risk to other road users, their use of Abbey Path if all other westbound traffic was to be prohibited would expose them to risk from the otherwise totally dominant eastbound flow of traffic. While there are alternative routes for cyclists (via Abbey Street/Hamilton Green/Guthrie Port/Burnside Drive/Lordburn and West Abbey Street/Hill Place/Hill Street/Commerce Street/Gravesend/Lordburn) these are again longer than a direct route via Abbey Path. Given the revelation from the surveys detailed above that some cyclists appear to be prepared to run the risk of travelling against the flow of traffic on a one-way street, the possibility of similar illegal movements on Abbey Path cannot be ruled out. These potential risks would however have to be weighed against the known risks related to the currently permitted westbound traffic movements at the Abbey Path/High Street junction.

The Installation of a bus stop in Abbey Path
Although in theory it might be possible to achieve this there are a number of practical difficulties. The control of the junction signalling would require that vehicles travelling up Lordburn were held until a bus heading down Abbey Path had deposited all its passengers. This would clearly cause lengthy delays to this traffic.

It would be necessary to have detector loops at the bus stop and in the event of any failure of these loops then the lights for traffic coming up Lordburn would change after a pre-set maximum time thus causing even greater delays.

To try and drop passengers off within a junction as proposed is therefore not a practical proposition.

### Junction Improvements

One option which was not raised in the Sheriff's determination was the possibility of a major improvement to the junction. It would be possible to acquire property and by demolishing this to widen out both Abbey Path and the junction to create a safer layout. Such a proposal would have significant cost implications however and would destroy the character of the area.

This option is therefore not considered further.

### OPTION APPRAISAL

The FAI into the death of the cyclist at Abbey Path required the Council to examine various aspects of the junction layout.

From the investigations carried out it is clear that cyclists continue to cycle illegally down the upper High Street against the one way restrictions and that there is a risk that another serious accident could occur.

Whilst all the suggestions made during the FAI have been investigated the number of options available to eliminate or minimise this risk are limited to the following:-

(a) Retain the status quo but with more rigorous enforcement of the existing traffic regulations by the police.

(b) Prohibiting all westbound vehicular traffic on Abbey Path traffic (i.e. in the downhill direction).

Option (a) does not entirely remove the risk of another serious accident occurring as it relies on police enforcement combined with a change of attitude by those currently using the junction illegally. The only practical means of minimising the risk of accidents involving cyclists travelling illegally southwards on High Street across this junction would be to promote a traffic regulation order to remove all traffic from Abbey Path in a downhill direction (Option (b)).
The prohibition of all westbound traffic on Abbey path is, however, not without its own consequential risks due to:-

- increased response times for emergency vehicles
- road safety implications on the alternative routes for buses
- the risks to cyclists travelling against the flow of one-way traffic on Abbey Path
- possible increased vehicle speeds across High Street for vehicles travelling eastwards from Lordburn up Abbey Path.

These increased risks have to be balanced against the reduced risks to cyclists travelling illegally southwards on High Street.

There are also possible cost implications associated with re-routing bus services discussed above.

It is therefore proposed that the Director of Roads and the Director of Planning and Transport carry out a consultation exercise with the key stakeholders - the emergency services, Strathay Scottish Omnibuses Ltd, and CTC - to further investigate the balance of risks and costs associated with both options set out in section 4.3 above.

Following this consultation exercise a further report will be submitted to this committee recommending the preferred option.

5 FINANCIAL IMPLICATIONS

The cost of the minor signing improvements already ordered has been contained within the Roads Department's revenue budget.

The costs of carrying out the proposed consultation exercise can be contained in the Revenue Budgets for Roads and Planning and Transport in the current financial year.

The financial implications of the preferred option (whether (a) or (b)) will be fully detailed in the next report.
6 HUMAN RIGHTS IMPLICATIONS

6.1 There are no human rights implications under the terms of the Human Rights Act 1998 arising from the proposals in this report.

7 CONSULTATION

7.1 The Chief Executive, the Director of Law and Administration, the Director of Finance, the Director of Planning and Transport and the Chief Constable have been consulted in the preparation of this Report.

Ronnie McNeil
DIRECTOR OF ROADS

NOTE:

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

NJ/JSG
8 December 2003
REPORTS/abbey.path.fai
APPENDIX A

Recommendations For Angus Council To Consider
(From Sheriff Stein’s Determination Upon The Fatal Accident Inquiry)

1 Angus Council should carry out a thorough survey of:-
   (a) the speed of all vehicles travelling westwards down Abbey Path;
   (b) vehicles travelling westwards down Abbey Path.

2 Angus Council should carry out a thorough survey of cyclists, skate-boarders and roller-bladers using the upper arm of High Street as a means of access to the pedestrian area of the High Street and Lordburn.

3 Angus Council and Tayside Police should forthwith consider any means by which existing traffic regulations governing the junction and its approaches may be more effectively enforced with particular reference to:-
   (a) the use by cyclists, skate-boarders and roller-bladers of the upper arm of High Street as a means of access to the pedestrian area of the High Street and Lordburn;
   (b) the westbound use of Abbey Path by vehicles contrary to those regulations.

4 Angus Council in consultation with Tayside Police and any other bodies having a relevant interest should consider all the proposals placed before the Inquiry for the improvement of safety at the junction.
### Buses using Abbey Path towards Abbeygate

#### Mondays to Fridays

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**Total** 93

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