

REPORT TO: Executive Board

DATE: 2 September 2008

REPORTING OFFICER: Strategic Director Environment

SUBJECT: Mersey Gateway Tolling/Silver Jubilee
Bridge Road User Charging Order

WARDS: All

1.0 PURPOSE OF THE REPORT

- 1.1 This report relates to the order under section 168 of the Transport Act 2000 that is being promoted by the Council in order to secure powers to promote the elements of the Mersey Gateway Project (the "Project") that relate to the Silver Jubilee Bridge ("SJB"), in particular to authorise the imposition of charges upon vehicles using the SJB. It deals with the next steps required to make an order to impose such charges.
- 1.2 On 10 April 2008 the Council, acting by its Executive Board, resolved to promote a scheme for the imposition of charges for the use of the SJB and its associated approach roads by vehicles. It also resolved - in accordance with Section 170 Transport Act 2000 - that it should undertake consultation in relation to the proposed charging scheme.
- 1.3 There is no statutorily imposed procedure for consultation under s170 Transport Act 2000. Therefore, officers discussed the approach with the Department for Transport. It was agreed that a consultation period should be set so as to end at the same time as the objection period for the Transport and Works Act 1992 Application ("TWA Application") for the Mersey Gateway Bridge. Members will recall that the TWA Application also deals with tolling/charging of the Mersey Gateway Bridge.
- 1.4 On 30 May 2008 the Council commenced consultation in relation to the proposed road user charging scheme and the proposed A533 (Silver Jubilee Bridge) Road User Charging Scheme Order. A copy of the proposed order is at Annexe 1 and a copy of the press advertisement announcing the consultation period is attached at Annexe 2.
- 1.5 The consultation period in respect of the SJB road user charging scheme and the objection period for the TWA Application both expired on 18 August 2008.
- 1.6 Road user charging schemes must be imposed by an order made by the Council. Therefore the Council must consider relevant representations before resolving to make the order. This report seeks, subject to the consideration of any relevant representations, the

resolution of the Executive Board that an order should be made in relation to the road user charging scheme and that the order, once made, should be submitted to the Secretary of State for Transport for confirmation.

2.0 RECOMMENDATION:

- 2.1 That the Executive Board note the content of this report and the annexes to this report and have regard to them in considering whether to make a road user charging order in respect of the SJB;
- 2.2 That the Executive Board should consider and take account of the consultation responses received in relation to tolling and road user charging;
- 2.3 Subject to paragraph 2.4 below and such amendments as may be made as a result thereof, that in accordance with sections 168 to 170 of the Transport Act 2000 the Executive Board resolve to delegate to the Operational Director and Monitoring Officer (Legal, Organisational, Development and Human Resources) (the "Operational Director") the power to make the A 533 (Silver Jubilee Bridge) Road User Charging Scheme Order in the form annexed hereto at Annexe 3;
- 2.4 That the Executive Board resolve to delegate to the Operational Director the power to make amendments to the proposed Road User Charging Scheme and the proposed Road User Charging Order to address matters arising from this report, discussions with objectors and other third parties, including Merseyside Passenger Transport Authority and the Department for Transport prior to making the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order;
- 2.5 That when made the A533 (Silver Jubilee Bridge) Road User Charging Scheme Order be submitted to the Secretary of State for confirmation;
- 2.6 That the Executive Board resolve to delegate to the Operational Director the power to make amendments to the proposed River Mersey (Mersey Gateway Bridge) Order, the subject of an associated application under the Transport and Works Act 1992, to achieve a sufficient degree of uniformity between the proposed Road User Charging Order and that other Order; and
- 2.7 That officers be authorised to take such steps as are necessary or expedient for the discharge of the above matters, including settling, agreeing and approving the terms of necessary documentation.

3.0 LEGAL PROVISIONS

Transport Act 2000

- 3.1 A "charging scheme" is a scheme for imposing charges for the use or keeping of motor vehicles on roads. In the case of the Mersey Gateway project this means the use of vehicles on roads, specifically the Silver Jubilee Bridge. The Mersey Gateway Bridge itself would not be the subject of a charging scheme because it would be subject to tolls imposed under the terms of a Transport and Works Act 1992 Order.
- 3.2 A charging scheme for a road that is not a trunk road can be made by a local highway authority such as Halton Borough Council. That charging scheme may extend only to roads for which the Council is the traffic authority. In this case the jurisdiction of the Borough Council as traffic authority covers the Silver Jubilee Bridge as the Council is the traffic authority for the A533 as it passes over the bridge.
- 3.3 Under s168 of the Transport Act 2000 a charging scheme is made by order of the charging authority - Halton Borough Council. Under that section the Secretary of State for Transport may make regulations about such orders specifying their form and/or making provision as to publication of such proposals. The Secretary of State has not made any such regulations. Accordingly, officers have consulted and are in consultation with the Department for Transport in respect of proposals for the SJB charging scheme.
- 3.4 Under s169 Transport Act 2000 the order making a charging scheme is not to come in to force unless it has been submitted to and confirmed by the Secretary of State. This provision is set to be removed by the Local Transport Bill. However for the time being - and probably for any transitional provision - the requirement for Secretary of State confirmation remains. Therefore, the proposed charging order will require submission to the Secretary of State as part of the conformation process. This will - in all probability - also result in the calling of a public inquiry into the proposed charging scheme. Such a public inquiry is likely to be conjoined with other inquiries relating to the Mersey Gateway project so that it can be held at the same time, by the same inspector.

Consultation

- 3.5 At s170 of the Transport Act 2000 there is an obligation placed upon a prospective charging authority to carry out consultation about the proposed charging scheme. Either the prospective charging authority or the Secretary of State can cause a public inquiry to be held into the proposed charging scheme before making or confirming the relevant order.
- 3.6 Consultation has been carried out on behalf of the Borough Council in relation to the proposed charging scheme. This is discussed at paragraph 5 below. However, certain legal requirements apply to

consultation and the way that responses to that consultation must be treated.

- 3.7 For a consultation to have been undertaken properly it is important that the product of consultation must be conscientiously taken into account in finalising any statutory proposals. It is very important for members to consider the responses to consultation that are received with receptive minds and in a conscientious manner in deciding whether to make the proposed charging order. The responses to the most recent consultation are to be found in Annexe 4 to this report.

TWA and RUCO linked

- 3.8 Members will be aware that the Mersey Gateway project will be authorised by a number of consents. Of these, the proposed road charging order and the TWA Order are particularly relevant to the specific subject matter of this report. As noted above, the proposed TWA Order will impose tolls/charges on the Mersey Gateway Bridge. The proposed road charging order would impose charges on the SJB. Together these would regulate the two crossings in Halton that would be subject to tolls/charges. As such, although on separate bridges, the Mersey Gateway project can be seen as leading to two, closely related crossings and tolling/charging arrangements.
- 3.9 Just as the proposals for tolls/charges on the Mersey Gateway Bridge and the SJB were the subject of objection periods and consultation periods of the same length officers believe that a representation to tolls or charges on either should be considered at the same time, unless it is clear that it relates only to the tolling or charging of one. For this reason in considering the proposed charging scheme, it is also appropriate to consider representations made in response to the proposed TWA Order's tolling provisions. Accordingly, these are included in the analysis supporting this report and should be considered by members in deciding how to proceed.
- 3.10 Members will have noted from the above that the proper approach to the results of consultation is to be open-minded. As such, it is not appropriate to conclude that simply because the TWA Application has been made on one basis, the charging scheme should not be varied because it must match the tolling provision of the proposed TWA Order. In fact, the opposite is true - if changes are required to the proposed road charging order then similar changes may very well be needed to the proposed TWA Order. Therefore, Officers advise that if as a result of considering this report changes are to be made to the proposed road charging order, then appropriate changes should be made to the proposed draft TWA Order to achieve a sufficient degree of uniformity.

4.0 BACKGROUND AND HISTORY

- 4.1 Although members will already be aware of the history of tolling/charging proposals associated with the Mersey Gateway project it is necessary to have these in mind. The first point to consider is that prior to being granted programme entry for the project it was intended that the new Mersey Gateway proposal and the new bridge should be free to use. However, Government funding would not have been available for the project on that basis.
- 4.2 When the Borough Council sought funding for the project from Central Government it was asked to carry out an exercise known as a "major scheme appraisal" ("MSA"). This included a thorough examination of alternatives to the project and certain other matters. Among these was a requirement to consider if instead of constructing a completely new crossing of the River Mersey in Halton it would be possible to influence demand for travel such that congestion would be lessened on the SJB and that longer distance traffic might make greater use of the Strategic Route Network (the Trunk Roads).
- 4.3 One of the approaches that the Borough council was required to consider as part of this exercise was the imposition of charges for the use of the Silver Jubilee Bridge without constructing a new crossing at all.

Charging for Using Existing Bridge or Other Roads

- 4.4 The theory behind charging on its own as a means to reduce highway vehicle trip demand is that a proportion of users will be deterred from making trips by having to pay a stated level of charge for access to the road network generally or a specific section of the road network.
- 4.5 The most straightforward method for charging for the use of highways to reduce congestion would be the provision of barrier tolls. In order to implement this alternative a barrier would need to be placed across the affected route, in this instance the approach roads to the SJB.
- 4.6 The physical process of collecting payments in itself would impose an additional delay on travellers and further reduce demand. The efficiency with which charges can be collected varies according to the mix of traffic and the method of payment, but a predominately manual system would not typically cater for more than 400 vehicles per hour / per lane. On this basis at least 10 lanes in each direction would be required to service two lanes in each direction across the SJB. Each lane would be at least 5m wide and perhaps 150m long between extended tapers to / from the two running lanes.
- 4.7 The SJB and its approaches are generally elevated, barely catering for the main running lanes, and it would not therefore be possible to accommodate tolling facilities on the necessary scale on the immediate bridge approaches. If the tolling facilities were to be located more remotely, additional approaches would then require tolling facilities,

and it would become increasingly difficult to maintain independent routes for both crossing and local traffic.

- 4.8 The engineering requirements for toll facilities and the increased delays in passing through those toll points work against the general and Mersey Gateway-specific objective of reducing congestion. The imposition of tolls will influence demand and may do so to the extent that traffic that can take alternative routes will do so. However, for traffic that cannot, particularly local traffic additional delays will be experienced as well as the toll charge and this goes against the objective of improving cross-river movement within Halton.
- 4.9 In addition, with this alternative, it is difficult to provide improvements to public transport and to non-motorised pedestrian and cycle modes. Even if an alternative to barrier tolling was available and suitable, the requirements of these modes (reliability, segregation, safety) could not be addressed without increases in capacity or significant reductions in demand. Other important considerations would also not be addressed such as:
- a. Robustness of the highway link (resilience to incidents such that a reasonable level of service is maintained); and
 - b. Opportunities for maintenance without major traffic disruption.
- 4.10 Thus, for reasons including those outlined above, this solution was not considered to be feasible.

Tolling introduced to Mersey Gateway project

- 4.11 Original proposals for the Mersey Gateway project, involved the development of an untolled scheme. Therefore, all assessment work undertaken, as summarised above proceeded on this basis. Following the submission of the MSA in 2003, the DfT requested additional information on a number of issues, including the consideration of funding proposals by means of tolling. Studies undertaken concluded that without the tolling of both bridges (i.e. both the SJB and the Mersey Gateway Bridge) transport distribution would be distorted i.e. that traffic with a reasonable choice of either crossing would choose the crossing without a toll. The clear benefits associated with congestion relief i.e the locking in of capacity on the SJB to provide for public transport and cycling and the ability to manage demand on the new bridge in the future could not be realised. It was therefore concluded that both bridges should be tolled. The MSA was re-submitted in 2004 providing detail of a tolled option for the preferred route. In March 2006 the DfT granted Programme Entry approval for the Project, along with conditions which were based on a tolled scheme. Effectively, at this point, unless the project itself was not to be pursued, the project had to include tolling/charging and, it was

considered, such tolling/charging had to relate equally to the SJB and the Mersey Gateway Bridge itself.

Previous consultation on tolling

- 4.12 A Consultation Action Plan was prepared in March 2007, initiating the work required for the consultation exercise in relation to the Mersey Gateway project as it had evolved by that point. A request to undertake major consultation was approved by the Mersey Gateway Executive Board on 18th June 2007 and, in accord with the Communications Strategy, the public consultation exercise was implemented between June and September of 2007.
- 4.13 On 18th June 2007 a briefing for the press at the Catalyst Museum in Widnes took place and leaflets and questionnaires were distributed to residents and businesses within the Borough. Consultation leaflets and questionnaires were available for the launch of the consultation.
- 4.14 In addition, a number of articles publicising the proposals were printed in the local and regional media – specifically Liverpool Daily Post, Liverpool Echo, Runcorn World, Widnes World, Runcorn & Widnes Weekly News between 19 June 2007 and 5 July 2007. The Project was also covered by the BBC and commercial radio and TV stations in the North West.
- 4.15 These activities ran from 18th June to 21st September 2007 in line with the Consultation Strategy. In addition to the principal activities noted above the following consultation activities were undertaken. Fifteen separate exhibitions throughout the Borough, editorial coverage in Halton Borough Council publications, a new website, information campaign in local media, monthly e-newsletter, briefing events for local/regional businesses and groups, gateway newsletter, postal/phone/text feedback system and letters to general stakeholders, statutory consultees and regional MP's and MEP's.
- 4.16 In early July 2007, a wide range of stakeholders at a local, regional and national level were provided with the consultation leaflets and questionnaires. A total of 747 stakeholders were contacted.
- 4.17 Overall, stakeholders were positive about the Project. Only one of the stakeholders (North West Transport Activists Round Table) strongly opposed the proposals. There were no other objections. Over half of the consultees agreed with the implementation of the Project, twelve remained neutral, a further twelve were supportive and five were strongly supportive (mainly local authority and regeneration agencies). Nevertheless, issues were identified in association with the local communities by the new infrastructure or the imposing of a tolling system. It was assumed by the majority of respondents that the Project would encourage segregation between Widnes and Runcorn residents. The segregation of work patterns was also mentioned.

- 4.18 Whilst illustrating support for the Project, in relation to tolling one stakeholder said “it will be important to have some form of regular user discount to minimise the financial impact for such employees,” including employees of Liverpool John Lennon Airport.
- 4.19 Respondents were asked to consider the type of discounts they would prefer for both the SJB and the New Bridge. Respondents were able to choose a maximum of two options from a list provided by the Project team and were also provided with space to state another option.
- 4.20 Respondents stated that they would prefer discounts for local people (2,268), discount for regular users of the bridges (1,055) and discounts for elderly or disabled travellers (124). Less preference was shown for discounts for specific types of vehicles e.g. taxis, cyclists (38), limited charging plans for car sharing (23), discounts for Halton businesses (15) and restrictions for Heavy Goods Vehicles (11). The least preferred option was for all users to pay the same rate (130). Respondents were also able to offer their own suggestions, the most popular being not to have a toll (733).

Results of previous consultation

- 4.21 The requirement for tolling/charging had been brought about as a necessity for securing funding for the Mersey Gateway project that would include improvements for non-motorised modes across the SJB. Although a free to use crossing may be preferable, this would not be capable of being constructed because finance would not be available. The results of consultation reflect that a free to use crossing would be preferred by the majority of respondents.
- 4.22 Although a free to use crossing was no-longer available support remained for the Mersey Gateway proposals.

5.0 FORMAL CONSULTATION ON THE CHARGING SCHEME

- 5.1 As described above the formal consultation on the details of the proposed charging scheme began at the same time as the applications for powers to construct the Mersey Gateway Bridge and other elements of the project.
- 5.2 The proposed charging scheme and its content was publicised by
- 5.2.1 Notice in local newspapers ;
 - 5.2.2 Notices posted on the SJB, being the road that would be the subject of the proposed charging scheme;
 - 5.2.3 Notice being given to a range of stakeholders, the identities of which are set out in Annexe 5. The consultation included a draft of the proposed road charging order, a copy of the accompanying plan, a copy of the Statement of Aims and

Reasons and an explanation of the proposed tolling/charging proposals;

- 5.2.4 Deposit of the draft charging scheme, draft charging order, a plan showing the roads to be the subject of charges and a Statement of Aims and Reasons relating to the project as a whole.

It is important to note that in addition to the proposed charging scheme the TWA Application, explaining and supported by numerous documents, including a Statement of Aims and Reasons that refers to the proposed charging scheme, was also publicised at the same time. Thus, attention was drawn to the project as a whole, including the proposed charging scheme at the same time.

List of responses and comments

- 5.3 A table setting out the responses to consultation on the proposed charging scheme and the representations in relation to the TWA Application, together with the comments of officers on those representations where comments are appropriate is set out in Annexe 4. Members are reminded of the comments at paragraph 3.7 above.
- 5.4 To the extent that a specific reference is not made to the representation of any person, the representation made is similar in nature to those set out in the Annexe.

Merseytravel

- 5.5 Merseytravel/The Merseyside Passenger Transport Authority (together, "Merseytravel") is the operator of the Mersey Tunnels. It is a stakeholder because it operates a tolled crossing of the River Mersey. As such, whether or not it will be affected by the Mersey Gateway project on a direct or indirect basis, it is able to provide constructive support. Indeed on 14 July 2008 the Passenger Transport Authority resolved to support the Mersey Gateway project.
- 5.6 It is considered prudent to maintain consultation and communication with Merseytravel. This relates to questions such as interoperability, which may be of relevance to the future operation of both the tunnel and the Mersey gateway undertakings.
- 5.7 Preliminary discussions have already been undertaken between Merseytravel and officers of the Borough Council. As a result, some of the matters that they have raised are already reflected in proposed revisions to the draft charging order. However, as set out in paragraph 2.4 above, officers seek a delegated power to make further amendments to the proposed charging order and charging scheme to allow those discussions to continue.

Department for Transport

- 5.8 Officers have consulted the DfT throughout the project in relation to funding matters, the proposals for tolling and (prior to applications) the TWA Application. The area of road charging is in a state of rapid development. The Local Transport Bill, which is expected to become law this Autumn, will change the regime for seeking road user charging powers. The European Union is seeking to impose uniformity in relation to interoperability matters and the DfT itself is continuing to develop its own policy. It is, of course, responsible for a number of tolled crossings itself, notably the Queen Elizabeth Bridge and tunnels at Dartford.
- 5.9 Officers expect to meet DfT in the first week of September 2008. At this point they will receive comments from DfT on the proposed scheme and order. It is anticipated that this may result in some further changes to the proposed scheme and proposed order. Therefore, officers seek a delegated power to make further amendments to the proposed charging order and charging scheme to respond to those discussions.

6.0 ANALYSIS

- 6.1 Members attention is drawn to the representations table at Annexe 4 and officers comments in response. The responses can be broken down into a number of broad types, which include: support; opposition to charges/tolls in general on the Silver Jubilee Bridge and/or Mersey Gateway Bridge; questions as to the legality of the proposals; suggestions that the Silver Jubilee Bridge should not be the subject of charges; and suggestions for discounts or exemptions for tolls for certain groups. There is a wide range of evidence offered to support the representations ranging from impact on business, disadvantaged groups, transportation questions and financial matters. However, aside from the question of exemptions/discounts from tolls/charges there are few, if any, comments that lead to a need to vary the proposals that have already been placed before the Council. Accordingly, aside from relatively mechanistic changes to the proposed road charging order the question before Members is whether to proceed with this measure or not.
- 6.2 The short point is that without charges/tolls the Mersey Gateway project is not deliverable. Furthermore, as set out in the table at Annexe 4, the option of tolling the Mersey Gateway Bridge but leaving the Silver Jubilee Bridge without charges is not a viable option either. This would mean that the toll/charge revenue required to fund the Mersey Gateway project as a whole would not be secured and the project would not be able to go ahead. Without the imposition of charges by this means (and tolls under the proposed TWA Order) the benefits of the Mersey Gateway project and the achievement of its aims would not be accomplished.

- 6.3 In making the Order certain matters are worth revisiting. Particular matters that require particular consideration (including in light of consultation and the relative absence of representations on these matters) include:
- 6.3.1 The roads to which charges apply - It is proposed that the roads to be subject to charges should remain unchanged. No representations have suggested changes in this element of the project.
 - 6.3.2 The event which triggers liability for a charge;
Again, it is proposed that this element remains unchanged
 - 6.3.3 How charges are to be made, collected or paid;
This matter is the subject of continued discussion as to practicality. However, as things stand the terms of the proposed order requires no additional alteration save those discussed below.
 - 6.3.4 Definitions of classes of vehicles to be charged and the levels of charges
This is the subject of discussion with the DfT and Merseytravel. It is recommended that officers be given delegated powers to advance discussions and make such changes to the draft order as are expedient to secure flexibility in this area.
 - 6.3.5 The times when charges will apply;
It is proposed that the tolls will apply at all times. No changes to the proposed order are required to address this.
 - 6.3.6 The levels of penalty charges; and
No representations were received in relation to levels of penalty charges. Therefore, it is not proposed that changes be made to this aspect of the proposals.
 - 6.3.7 Whether there are local exemptions or concessions.
This matter has been the subject of a number of comments received from members of the public. The comments of officers based upon the Borough Council's policy on this matter are set out in Annexe 4. It is recommended that the possibility of discounts be addressed at the stage at which the concession for the construction and operation of the Mersey Gateway project is let. At that point the scope for and extent of any exemptions and concessions - as well as their affordability - will be known.
- 6.4 Members will note that changes are recommended to the proposed charging order and charging scheme. These are shown on the draft order at Annexe 3. Members will also note the recommended delegations to make additional changes to the draft road charging order and charging scheme.

7.0 SUPPORTING INFORMATION

- 7.1 Details of the Project and the reasons why the Council is promoting this major transport initiative were reported to the Council on 23 April 2008. There have been no changes to the Project since 23 April.
- 7.2 The decision to promote the road user charging scheme and to carry out consultation was made on 10 April 2008. A copy of the relevant report is at Annexe 6.

8.0 POLICY IMPLICATIONS

- 8.1 The project is a key priority for the Council which will deliver benefits locally and across the wider region.

9.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 9.1 The implementation of Mersey Gateway will have significant benefits for all Council priorities.

10.0 RISK ANALYSIS

- 10.1 The specific risks are reported in a detailed project risk register linked to the Council's corporate risk management regime.

11.0 EQUALITY AND DIVERSITY ISSUES

- 11.1 Mersey Gateway provides an opportunity to improve accessibility to services, education and employment for all.

12.0 REASON(S) FOR DECISION

- 12.1 The recommended decisions are required to support the delivery of Mersey Gateway.

13.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 13.1 Alternative options for securing the powers to construct, maintain and operate, including tolling, the MG project have been assessed and rejected.

14.0 IMPLEMENTATION DATE

- 14.1 The recommended decisions are required to be made as soon as possible in order to enable all relevant applications, orders and other processes relating to the Mersey Gateway project to be conjoined. This requires the charging order to be made.

15.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

- 15.1 Files maintained by the Mersey Gateway Project Team and by the Highways and Transportation Department.