

Agenda

www.oxford.gov.uk



Delegated Decisions of the Board Member, Cleaner Greener Oxford

Date: **Thursday 16 February 2012**

Time: **5.00 pm**

Place: **Town Hall, Oxford**

For any further information please contact:

William Reed, Democratic Services Manager

Telephone: 01865 252230

Email: wreed@oxford.gov.uk

Delegated Decisions of the Board Member, Cleaner Greener Oxford

Board Member

Portfolio

Councillor John Tanner

Cleaner, Greener Oxford

HOW TO OBTAIN AGENDA

In order to reduce the use of resources, our carbon footprint and our costs we will no longer produce paper copies of agenda over and above our minimum internal and Council member requirement. Paper copies may be looked at the Town Hall Reception and at Customer Services, St Aldate's and at the Westgate Library

A copy of the agenda may be:-

- Viewed on our website – mycouncil.oxford.gov.uk
- Downloaded from our website
- Subscribed to electronically by registering online at mycouncil.oxford.gov.uk
- Sent to you in hard copy form upon payment of an annual subscription.

AGENDA

PART ONE PUBLIC BUSINESS

Pages

1 DECLARATIONS OF INTEREST

Guidance on personal and personal prejudicial interests is attached to these agenda pages.

2 PUBLIC ADDRESSES

Members of the public may, if the Board Member agrees, ask a question of the Board Member on any item for decision on this agenda (other than on the minutes). The full text of any question must be notified to the Head of Law and Governance by no later than 9.30 am two clear working days before the meeting. Questions by the public will be taken as read and, at the Board Member's discretion, responded to either orally or in writing at the meeting. No supplementary question or questioning will be permitted.

The total time permitted for this item will be 15 minutes.

3 COUNCILLOR ADDRESSES

City Councillors may, at the Board Member's discretion, ask a question or address the Board Member on an item for decision on the agenda (other than on the minutes). The full text of any question and the nature of any address must be notified to the Head of Law and Governance by no later than 9.30 am two clear working days before the meeting. Questions by councillors will be taken as read and, at the Board Member's discretion, responded to either orally or in writing at the meeting. No supplementary question or questioning will be permitted. If an address is made, the Board member will either respond or have regard to the points raised in reaching her or his decision. If the address is by the Chair of a Scrutiny Committee or her or his nominee then the Board member will be required to say as part of their decision whether they accept the Scrutiny recommendations made.

4 LOW EMISSION ZONE IMPLEMENTATION

1 - 30

Report of the Head of Environmental Development attached.

The report recommends the Board Member to agree the traffic regulation condition to support the bus based Low Energy Emission Zone (LEZ) for central Oxford from 1st January 2014, and to authorise, for the City's part, submission to the Traffic Commissioners.

The Board Member is also being recommended to ask the Head of Environmental Development to:-

- (a) Review the future emission standards for taxis and private hire vehicles, in line with the LEZ standards;
- (b) Develop and maintain a database for the purpose of certifying compliant vehicles, for as long as the TRC remains in force.

5 MATTERS EXEMPT FROM PUBLICATION

If the Board member wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for the Board member to pass a resolution in accordance with the provisions of Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972.

The Board member may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

This page is intentionally left blank

To: Delegated Decisions of the Board Member, Cleaner Greener Oxford

Date: 16th February 2012

Report of: Head of Environmental Development

Title of Report: OXFORD CITY CENTRE LOW EMISSION ZONE

Summary and Recommendations

Purpose of report: To set out the responsibilities and role of the City Council as part of the proposed application to the Traffic Commissioner by the County Council for a Traffic Regulation Condition (TRC) to enforce a bus based Low Emission Zone in central Oxford from 1st January 2014.

Key Decision: Yes

Executive lead member: Councillor John Tanner
Cleaner, Greener Oxford

Policy Framework: The strategic priority to improve the local environment, economy and quality of life, and the Community Strategy theme of working to create a better living environment.

Recommendation(s): The Board Member, Cleaner Greener Oxford is RECOMMENDED :-

(i) To support the application by the County Council to the Traffic Commissioner for a TRC to enforce the bus based LEZ, declared by the City Council in central Oxford from 1st January 2014.

(ii) To request the head of Environmental Development to:-

(a) Review the future emission standards for taxis and private hire vehicles, in line with the LEZ standards.

(b) Develop and maintain a database for the purpose of certifying compliant vehicles, for as long as the TRC remains in force.

Appendix 1-Report to Cabinet Member for Transport 16th February 2012

Appendix 2a- Draft TRC Application;

Appendix 2b Annotated TRC

Appendix 3-City Executive Report 1st April 2009 Low Emission Zone

Appendix 4-Risk Register

1. Background

- 1.1 Under responsibilities placed on the City Council by the 1995 Environment Act to review and assess local Air Quality, a series of reports to the Department of the Environment Food and Rural Affairs (DEFRA) established an Air Quality Management Area in central Oxford.
- 1.2 An Air Quality Action Plan in 2006 subsequently prioritised the need to consider the feasibility of developing a Low Emission Zone in central Oxford, as a means of improving local air quality, in line with national regulations and European Union Directives.
- 1.3 The City Council and County Council established a joint Low Emission Zone Feasibility Study Group as a means of taking this process forward as a joint venture between both Councils. This group comprised lead Member for Transport for the County Council, lead Member for Cleaner Greener Oxford for the City, plus lead officers from both Councils.
- 1.4 A feasibility study was developed by external consultants, in consultation with officers in both Councils, and reporting to the joint feasibility study group. The final outcome of the feasibility study was a joint recommendation to progress with the implementation of a Low Emission Zone applying to buses operating in central Oxford.
- 1.5 The City Executive Board on 1st April 2009, resolved to:-
 - (1) declare a Low Emission Zone (LEZ), requiring all public service vehicles (PSVs) (*used on registered local bus services*) operating in Oxford city centre to meet the Euro V emission standard by 31 December 2013;
 - (2) in pursuit of the above, to work together with Oxfordshire County Council in the development of an integrated package of transport and bus quality improvements in Oxford – to include: -
 - a. the signing of a draft Bus Quality Partnership Scheme (QPS) by October 2009, that will require, when established, all PSVs operating in Oxford city centre to comply with the requirements of the proposed LEZ;
 - b. work with the Traffic Commissioner to develop a traffic regulation condition (TRC) requiring all PSVs operating in Oxford city centre to comply with the requirements of the proposed LEZ. The TRC will be introduced unless a QPS as described in (2)a. above has been implemented first;
 - (3) note the County Council resolution to “carry out a detailed assessment of the impact of the proposed LEZ on low frequency bus services, particularly subsidised services or services whose commercial viability is uncertain”.

2. Development of proposed Traffic Regulation Condition

- 2.1 The reports to both Councils in 2009, highlighted that there were two possible legal mechanisms for implementing a Low Emission Zone, either a Bus Quality Partnership Scheme or a TRC. After consideration a TRC was selected as the BQP approach would not provide adequate enforcement.
- 2.2 The details of the development of the proposed TRC are contained within the County Council report at Appendix 1.
- 2.3 Since 2009 officers from the County Council and City Council have been developing the details of the draft TRC involving consultation with:-
- Department for Transport (DfT)
 - Department of Environment Food and Rural Affairs (DEFRA)
 - Transport for London (TfL)
 - Traffic Commissioner
 - Vehicle and Operator Services Agency (VOSA)
 - Bus Companies
 - Emissions abatement manufacturers
 - Other Local Authorities
- 2.4 It was made clear early on by the Traffic Commissioner that the TRC application would need to consider the local situation, by reference to the issues raised by the bus companies. In the event of a local bus company objecting to the TRC Application, the Traffic Commissioner must hold a Public Inquiry.
- 2.5 A key element of the application relates to the administration of the TRC once in force, particularly with regard to certifying vehicles that have been retrofitted with additional emissions control devices as being compliant with meeting the Euro V emission standard for Nitrogen Oxides.
- 2.6 DEFRA, DfT and the groups listed in para 2.3 above, have been involved in discussions (including commissioning an independent report) with regard to establishing a national certification scheme for NOx emission standards, including retrofitted vehicles.
- 2.7 At the current time a national certification scheme has not yet been established, although it is possible that one will be established in future.
- 2.8 In the meantime, this leaves the Councils with the requirement to put into practice a local certification scheme for addressing which vehicles will comply with the requirements of the TRC.

3. Roles for the local authorities

- 3.1 The TRC will be introduced by the Traffic Commissioner and enforcement is ultimately his / her responsibility. Responsibility for compliance rests with the

bus operators. However, to assist the Traffic Commissioner and bus operators and to ensure the scheme is successful in the longer term; officers have identified some simple processes that would be carried out by City and County Council staff.

- 3.2 The County Council would maintain a database of exempt very low frequency bus services and would investigate any suspected use of non-compliant buses within the LEZ, using existing city centre traffic cameras to gather evidence if necessary.
- 3.3 The City Council would issue and update guidance to bus operators on how to comply with the LEZ requirements, including details of emissions requirements, and maintain a database of all compliant vehicles and vehicle-retrofit combinations as specified in the draft TRC. Officers therefore recommend that the submission of an application to the Traffic Commissioner is conditional on the City Council's formal agreement to carry out the roles described above. If a National Certification Scheme is introduced in future, this role will become considerably simpler.
- 3.4 Dividing these roles between the two authorities will help ensure expertise at both Councils continues to be available to the Traffic Commissioner, bus operators and others during the life of the scheme.

4. Taxis and licensed private hire vehicles

- 4.1 Taxis and private hire vehicles enjoy many of the same benefits as buses in Oxford, such as access to most traffic-restricted streets and use of bus lanes and bus gates. It would be appropriate to review for the emissions standards for taxis and private hire vehicles, in light of the LEZ enforcement.

5. Climate Change and Environmental Impact

- 5.1 The basis of these recommendations as reported within the feasibility study relates to the delivery of significant reductions in vehicle emissions in central Oxford which are expected to contribute to improved air quality, reduced Carbon emissions and health impacts.

6. Equalities impact

- 6.1 It is not anticipated that there will be any differential impact based on race, gender, disability, sex, age, or religion due to this policy.

7. Financial implications

- 7.1 There are no financial implications apart from officer time to administer a database of compliant vehicles. It is considered that once a local database has been established and guidelines issued to bus companies, that no more than one day per month will be required. This is covered by existing budgets.

7.2 The arrangement for maintaining a database of compliant vehicles will take place with the co-operation of the County Council, bus companies, and equipment manufacturers. This arrangement must remain in place for as long as the TRC remains in force, but would become considerably simpler if a national certification scheme were introduced in future.

8. Legal implications

8.1 The main proposals focus on an application by the County Council (as the Transport Authority) to the Traffic Commissioner to implement a Traffic Regulation Condition, applying an emission standard to buses operating on services in central Oxford from 2014. The formal role involving the City Council is that described in para 7.1-7.2 above, relating to the maintenance of a local database of compliant vehicles.

8.2 The City Council will also over time continue to assess the environmental impact and success of the LEZ, in relation to reducing emissions and contributing to achieving the air quality objectives in Oxford.

9. Level of Risk

9.1 The main risk in this process is an objection to the proposed TRC by a bus company, which may result in a public inquiry, which would require input from officers in both councils involved in the application.

9.2 A further risk exists, should a bus company decide to withdraw a service following the introduction of the LEZ. This would be detrimental to the reputation of both Councils.

9.3 Consultations with the bus companies have taken place throughout the development of the LEZ process, with exemptions being made for operators of low frequency services, and time limited exemptions for operators of Euro IV buses that cannot be retrofitted. It is considered that these mitigation measures significantly reduce the risks described above.

Name and contact details of author:-

Name Roger Pitman

Job title Environmental Development Officer

Service Area / Department Environmental Development

Tel: 01865 252380 **e-mail:** rpitman@oxford.gov.uk

List of background papers: None

Version number: 6

This page is intentionally left blank

CABINET MEMBER FOR TRANSPORT – 16 FEBRUARY 2012

OXFORD CITY CENTRE LOW EMISSION ZONE

Report by Deputy Director for Environment & Economy (Highways & Transport)

Introduction

1. This report seeks approval to make an application to the Traffic Commissioner for a traffic regulation condition (TRC) to limit emissions from buses in Oxford city centre. The report also suggests a way forward for bringing taxis and licensed private hire vehicles up to the same standards as buses.
2. This work is being carried out in partnership with Oxford City Council and accordingly city council officers are reporting on the scheme to the city council's Executive Member for a Cleaner Greener Oxford on 16th February 2012.
3. In March 2009 the Cabinet Member for Transport agreed to support Oxford City Council's declaration of a low emission zone (LEZ) for buses operating in Oxford city centre as part of the county council's ongoing work in partnership with the city council to tackle the high levels of nitrogen dioxide in many city centre streets. This work is part of the council's area strategy for Oxford in its third Local Transport Plan. Road traffic is the main source of nitrogen dioxide in the city centre, and of all traffic sources buses and coaches are the single largest contributor. The LEZ declared in 2009 requires buses to meet the Euro V standard by 1st January 2014.
4. Since 2009 the city's major bus operators have invested millions of pounds in new low emission buses, including diesel-electric hybrid buses on many routes. Officers estimate these investments will have reduced emissions of oxides of nitrogen (NOx) from buses by almost 60%. This voluntary investment is extremely welcome, but many older and more polluting vehicles remain in use. Furthermore, the bus market is open to competition and there is currently no legal impediment to a new or existing operator starting a new service in competition with existing services using older and more polluting buses. "Legal implementation" of the LEZ for buses is therefore very important.
5. In March 2009 two possible legal implementation mechanisms were approved by the Cabinet Member for Transport for further investigation – a bus quality partnership scheme or a TRC.

6. In June 2010 the Cabinet Member for Growth and Infrastructure agreed that a TRC was the best way to proceed, for various legal and practical reasons. Since then officers of the city and county councils have been developing a draft TRC in consultation with the bus companies, relevant government departments and others, and have prepared a draft TRC for submission to the Traffic Commissioner.
7. Traffic Commissioners are appointed by the Secretary of State for Transport and have responsibility for, amongst other things, the registration of local bus services. A TRC is a condition which must be met in the provision of registered local bus services (which, within Oxford, includes London and airport coaches) in the area to which it applies. A TRC can only be introduced and enforced by the Traffic Commissioner, but must be initiated by a request from a local transport authority.

Proposed TRC

8. The draft TRC is at Annex 1. An annotated version of the draft is at Annex 2, with brief explanations of all the requirements and exemptions. **The Cabinet Member's attention is drawn in particular to this annex**, which sets out the terms of the scheme and the reasons for them in detail and forms the main substance of the proposal.
9. The draft TRC sets two requirements. The first is that buses operating in the city centre must achieve the LEZ target of Euro V for oxides of nitrogen (NOx) by 1 January 2014, either by retrofitting existing engines with an exhaust treatment device or by replacing the engine or bus. The second is that bus engines must be switched off when buses are stationary at city centre bus stops and stands for more than one minute.
10. Some limited exemptions to the first requirement are proposed, probably the most significant of which is that Euro IV buses already operating in Oxford would be allowed to operate within the LEZ until 31 December 2015. These will have to be replaced by Euro V buses by 1 January 2016. This recognises that Euro IV buses, most of which are relatively new, cannot be retrofitted to achieve the Euro V standard and already perform very well against a range of emissions, not just NOx.
11. A permanent exemption is proposed for very low frequency bus services, along with a temporary exemption for commercial services withdrawn very close to the compliance date.
12. These exemptions are designed to make the proposal fair and reasonable for bus operators and to strike a balance between the county council's duties to provide bus services and its duties to improve air quality.

TRC setup process

13. The draft TRC has been sent informally to the Traffic Commissioner for any initial comments. At the time of writing no comments had been received. If

the Cabinet Member for Transport gives approval for a formal application to be made and if Oxford City Council's Executive Board Member for a Cleaner Greener Oxford agrees to operate a certification scheme in support of the application on 16th February 2012, officers would finalise the draft TRC and submit it formally to the Traffic Commissioner as soon as possible.

14. The Traffic Commissioner will be responsible for introducing the TRC. This will include publishing the proposed TRC and inviting comments from all relevant bus operators. If there are objections to the TRC, the Traffic Commissioner must hold a public inquiry to try to resolve those objections, at which the county council will be required to give evidence.
15. Bus operators have been consulted throughout the development of the scheme and the draft TRC has been designed to address as far as possible the concerns raised during this process to minimise the risk of objections and a consequent public inquiry.
16. Once the Traffic Commissioner is content that the proposed TRC is necessary and reasonable, the TRC will be applied to all existing and future local bus service registrations to which the LEZ requirements apply. The engine switch-off requirement will have immediate effect; the emissions standards will take effect from 1st January 2014.

Continued roles for the local authorities

17. The TRC will be introduced by the Traffic Commissioner and enforcement is ultimately their responsibility. Responsibility for compliance rests with the bus operators. However, to assist the Traffic Commissioner and bus operators and to ensure the scheme is successful in the longer term, officers have identified some simple processes that would be carried out by city and county council staff.
18. The county council would, for as long as the TRC remains in force, maintain a database of exempt very low frequency bus services and would investigate any suspected use of non-compliant buses within the LEZ, using existing city centre traffic cameras to gather evidence if necessary.
19. The city council would issue and update guidance to bus operators on how to comply with the LEZ requirements, including details of emissions requirements, and maintain a database of compliant vehicles and vehicle-retrofit combinations. In the absence of any other method of certifying vehicles and retrofits it is vital that the city council agrees to carry out these roles. Officers therefore recommend that the submission of an application to the Traffic Commissioner is conditional on the city council's formal agreement to carry out the roles described above for as long as the TRC remains in force.
20. Dividing these roles between the two authorities will help ensure expertise at both councils continues to be available to the Traffic Commissioner, bus operators and others during the life of the scheme.

Taxis and licensed private hire vehicles

21. The city council is investigating options for applying to taxis and licensed private hire vehicles the same emissions standards proposed for buses. Taxis and private hire vehicles enjoy many of the same benefits as buses in Oxford, such as access to most traffic-restricted streets and use of bus lanes and bus gates. It would be appropriate for the same emissions standards to apply to all vehicles enjoying those benefits. Although the county council has no direct control over taxi and private hire licensing, the city council is the taxi licensing authority and has powers to set and enforce emissions standards for taxis and licensed private hire vehicles.

Equality implications

22. An equality impact assessment of this proposal is at Annex 3. In summary, there is a risk that the proposals may adversely affect people who are unable to use a car for transport, particularly those living in rural areas. However the proposals contain several features specifically designed to minimise this risk.

Financial and staff implications

23. The application to the Traffic Commissioner can be accommodated within existing staff levels and budgets. Likewise, on the basis of the proposed workload sharing between the two authorities as described above, the continued roles for county council officers are not expected to require any additional resources.
24. If a public inquiry on the TRC is held, the county council will need to be represented. This will require staff time and possibly also external legal and/or technical advice for which fees will be incurred. This is difficult to quantify but given the narrow scope of the TRC, staff time and fees for an inquiry are unlikely to exceed £20,000.
25. Previous reports to Cabinet Member Decisions on this scheme have acknowledged that the introduction of emissions standards for buses could increase the county council's costs in supporting bus services. This cannot be quantified because it depends to a great extent on the commercial viability of different kinds of service in 2014, which is impossible to predict. The draft TRC seeks to allow operators to comply with the emissions requirements in a cost-effective way (for example, by retrofitting), which will help minimise the risk of commercial bus services being declared commercially unviable as a result of increased vehicle costs. Similarly, the proposed exemption for very low frequency services will help protect the most vulnerable services. However it is nevertheless possible that the introduction of the TRC could contribute to bus services becoming commercially unviable. If this happens, the county council would need to consider any actions to address this.

RECOMMENDATION

26. The Cabinet Member for Transport is **RECOMMENDED** to:
- a) **Agree to making a formal application to the Traffic Commissioner for a TRC based on the draft at Annex 1, subject to formal agreement by Oxford City Council that it will operate a certification scheme for vehicles and retrofitted equipment for as long as the TRC remains in force;**
 - b) **Agree to the approach being taken for maintaining a database of very low frequency services and the monitoring and investigation of suspected non-compliance for as long as the TRC remains in force; (paragraph 18)**
 - c) **Formally ask Oxford City Council to apply emissions standards equivalent to those in the draft TRC to taxis and licensed private hire vehicles by 2014.**

Steve Howell
Deputy Director for Environment & Economy (Highways & Transport)

Background papers: Report to Cabinet Member for Transport, 26 March 2009
Report to Cabinet Member for Growth & Infrastructure,
3 June 2010

Both are available on the county council's website or on request.

Contact Officer: Martin Kraftl – 01865 815786
martin.kraftl@oxfordshire.gov.uk

February 2012

This page is intentionally left blank

Draft Traffic Regulation Condition

An annotated version of this draft with explanations of the requirements and exemptions is at Appendix 2b.

Botley Road east of Earl Street, Frideswide Square, Hollybush Row, Park End Street, Hythe Bridge Street, Worcester Street, George Street, Gloucester Green Bus Station, Beaumont Street, Magdalen Street West, Magdalen Street East, Broad Street, St Giles, New Road, Queen Street, Castle Street, Old Greyfriars Street, Speedwell Street, Thames Street, St Aldates, High Street, Longwall Street, the Plain, St Clements Street and Cowley Road north of Circus Street (in the City of Oxford) constitute the Oxford City Centre Low Emission Zone.

Requirement 1: All registered local bus services which enter, leave or operate within the Oxford City Centre Low Emission Zone must, from 1 January 2014, be operated exclusively by buses whose engines have been either Type Approved as meeting at least the Euro V standard for all emissions or certified by Oxford City Council as being fitted with an exhaust treatment device which ensures that, in urban operating conditions, the emissions of NO_x are reduced to a level comparable to Euro V, save that:

(exemption 1a) a service, at least 50% of the operating mileage of which is covered by no other registered local service of the same company, and which passes no point within the Oxford City Centre Low Emission Zone in any one direction more than 25 times per week and also no more than 6 times in any one day, shall be exempt from this requirement, and;

(exemption 1b) a service which is operated without any subsidy from Oxfordshire County Council throughout the month of July 2013 (or July 2015 for services temporarily exempted under exemption 1c), but is operated (in whole or in part, and whether by the same operator or a different operator) solely by virtue of subsidy from Oxfordshire County Council throughout the period from 1 January 2014 until 31 May 2014 (or 1 January 2016 to 3 June 2016 for services temporarily exempted under exemption 1c), shall be exempt from this requirement until (and only until) 31 May 2014 (or 3 June 2016 for services temporarily exempted under exemption 1c)

(exemption 1c) a bus which has been certified by Oxfordshire County Council as having been regularly used on local services within the Oxford City Centre Low Emission Zone during the three month period immediately preceding publication of this Condition and has an engine which has been Type Approved as meeting the Euro IV standard for all emissions, may be used on local services which are subject to Requirement 1 until no later than 31 December 2015.

Requirement 2: The driver of any bus in use on any registered local bus service, which stops to pick up and/or set down passengers and/or to await its

Appendix 2a

next scheduled departure anywhere within the Oxford City Centre Low Emission Zone shall, if it is apparent to him or her upon coming to a stop that the bus will be stationary for one minute or more, switch off the engine upon arrival and not restart it until ready to depart.

EXPLANATORY NOTE: Requirement 1:

Prior to Requirement 1 coming into effect (or, if later, prior to first use of a bus on an affected service) bus operators must supply details, with supporting evidence, to Oxford City Council that any bus which they propose to use on any service which is subject to Requirement 1 either:

- (i): has an engine Type Approved to Euro V standard; or
- (ii): is fitted with a retrofitted exhaust abatement device which, in conjunction with the engine fitted, satisfies the City Council's requirements as to emissions level [in the event of a national certification scheme for such devices being introduced, an installation which meets the Euro V standard for NOx under the national scheme shall be deemed to have met the City Council's requirements, but evidence of having met that national standard must still be supplied prior to use of the bus within the Zone]; or
- (iii): has been previously certified* by Oxfordshire County Council as having been regularly used on services within the Zone during the period specified in Exemption 1c, and is fitted with an engine Type Approved to Euro IV standard.

Evidence from traffic enforcement cameras or manual surveys may be used to monitor the buses used on these services. Any bus in respect of which these details have not been supplied to Oxford City Council but which is found, from evidence gathered in these ways, to have been used on a local service which is subject to Requirement 1, will be held to have broken this condition unless the operator can demonstrate to the Traffic Commissioner either that the bus has been Type Approved to Euro V standard or that its use was restricted solely to an exceptional circumstance which could not reasonably have been predicted.

*Operators intending to use Euro IV buses in the Oxford City Centre Low Emission Zone after 1 January 2014 must, within one calendar month of the publication of this Condition, submit to Oxfordshire County Council details of all such buses which were regularly used on local services during the three months preceding publication. All buses so notified shall be deemed to be certified for the purposes of exemption 1c unless the operator has been advised to the contrary by the County Council within two calendar months of publication. Oxfordshire County Council reserves the right to require further evidence of bus use in Oxford before certification; in any such cases certification may be delayed to allow evidence to be collated and considered.

EXPLANATORY NOTES: Requirement 2:

The driver must make a judgement upon arrival at any stopping point in the Low Emission Zone about how long the stop is likely to take, and, if either the bus is arriving at a timing point more than one minute before scheduled departure, or there is a large number of waiting passengers which can reasonably be expected to take over a minute to board, the engine must be switched off. It is recognised that sometimes buses can be delayed at a stopping point for reasons which could not have been predicted upon arrival, such as passengers taking longer to board or alight than usual, a group of intending passengers arriving after the bus has come to a stand, or obstruction by other vehicles; in such circumstances the bus will not be considered to have broken this requirement even if the engine remained running whilst stationary for over one minute. In monitoring compliance with this condition, the scheduled departure time and the number of clearly visible waiting passengers will be recorded, as well as actual arrival and departure times; the service shall be considered to have broken this requirement if (and only if) the circumstances upon the arrival of the bus at the stop were such that a stop of over one minute could reasonably have been expected at that time, yet the engine was not switched off.

All local bus services operating within Oxford City Centre Low Emission Zone shall be subject to Requirement 2 from the date of publication of this Traffic Regulation Condition. The delay until 2014, and the exemptions for selected services, which apply to Requirement 1, shall not apply to Requirement 2.

This page is intentionally left blank

Annotated version of draft TRC requirements and exemptions

1 – Definition of low emission zone extent

Botley Road east of Earl Street, Frideswide Square, Hollybush Row, Park End Street, Hythe Bridge Street, Worcester Street, George Street, Gloucester Green Bus Station, Beaumont Street, Magdalen Street West, Magdalen Street East, Broad Street, St Giles, New Road, Queen Street, Castle Street, Old Greyfriars Street, Speedwell Street, Thames Street, St Aldates, High Street, Longwall Street, the Plain, St Clements Street and Cowley Road north of Circus Street (in the City of Oxford) constitute the Oxford City Centre Low Emission Zone.

The zone covers the city centre streets where the national health based limits on nitrogen dioxide are regularly exceeded, with the addition of Broad Street. Broad Street is the only core city centre street accessible by bus without passing through another part of the zone, so Broad Street has been included to prevent services diverting there to avoid the LEZ requirements. The map below shows the extent of the zone – the purple shading shows the streets where health-based targets are exceeded; Broad Street is shown in green.



2 – Requirement to comply with Euro V standard for NOx

Requirement 1: All registered local bus services which enter, leave or operate within the Oxford City Centre Low Emission Zone must, from 1 January 2014, be operated exclusively by buses whose engines have been either Type Approved as meeting at least the Euro V standard for all emissions or certified by Oxford City Council as being fitted with an exhaust treatment device which ensures that, in urban operating conditions, the emissions of NOx are reduced to a level comparable to Euro V.

By definition a TRC can only apply to “registered local bus services”. This does not include private coaches or other buses or coaches not registered with the Traffic Commissioner, which cannot legally be subject to a TRC. All but a tiny proportion of bus and coach mileage in Oxford city centre is on registered local bus services. Within Oxford, the London and airport express coach services and some other scheduled coach services to other parts of the country are registered local bus services and would therefore be subject to the TRC. Only registered local bus services are allowed to pass through most of the “bus gates” that restrict access to the city centre.

This section also sets the emission standard to be achieved from 1st January 2014 and explains that compliance may be either by operating a bus with a Euro V engine, or retrofitting an exhaust treatment device to a bus with a lower standard of engine.

The word “comparable” is important as this allows for a degree of reasonableness in applying the Euro V standard to retrofitted buses. The performance of retrofitted devices varies from one vehicle to another. Some may fall slightly short of the Euro V standard but will still be very much better than Euro IV. The city council will issue guidance on retrofits to give operators certainty about what will be acceptable.

There is currently no national standard for retrofits, so one of the city council's on-going roles will be to maintain a list of approved vehicles and vehicle-retrofit combinations that meet the Oxford standard. Should a national certification scheme come into operation in future this will be used in place of the city council's own system.

3 – Exemption for very low frequency services

(exemption 1a) a service, at least 50% of the operating mileage of which is covered by no other registered local service of the same company, and which passes no point within the Oxford City Centre Low Emission Zone in any one direction more than 25 times per week and also no more than 6 times in any one day, shall be exempt from this requirement

This section exempts very low frequency registered local bus services from the emissions standard. Very low frequency services are normally rural routes where each individual bus used on the service visits the city centre very infrequently. The impact of these services on air quality is very small but the cost of compliance per visit to the city centre would be very high. These services are commercially marginal in many cases. This category for exemption includes services such as staff buses and school coaches transporting students to and from private schools, some of which are registered local bus services. The services exempted under this provision account for just over 1% of total city centre bus mileage.

4 – **Temporary** exemption for commercial services declared non-commercial close to the compliance date

(exemption 1b) a service which is operated without any subsidy from Oxfordshire County Council throughout the month of July 2013 (or July 2015 for services temporarily exempted under exemption 1c), but is operated (in whole or in part, and whether by the same operator or a different operator) solely by virtue of subsidy from Oxfordshire County Council throughout the period from 1 January 2014 until 31 May 2014 (or 1 January 2016 to 3 June 2016 for services temporarily exempted under exemption 1c), shall be exempt from this requirement until (and only until) 31 May 2014 (or 3 June 2016 for services temporarily exempted under exemption 1c)

This temporary five month exemption is designed to mitigate a low likelihood but high impact risk. Unlike the other exemptions the county council does not expect it to come into effect, but it is nevertheless required as “insurance”.

The exemption is designed to prevent a gap in service where bus services that were previously operating commercially using non-Euro V buses are withdrawn only 56 days before the 1st January 2014. If the county council wishes to keep these services operating, it will need to set up a subsidised bus service contract with an operator. It is unlikely to be possible to procure LEZ-compliant buses at short notice, so rather than have a break in service while a suitable vehicle is found, this exemption allows the council time to find a compliant vehicle while operating a non-compliant vehicle in the interim. The exemption will last a maximum of five months and will only apply to any commercial services withdrawn shortly before the LEZ requirement comes into effect.

5 – **Temporary** exemption for *existing* Euro IV buses, which cannot be retrofitted

(exemption 1c) a bus which has been certified by Oxfordshire County Council as having been regularly used on local services within the Oxford City Centre Low Emission Zone during the three month period immediately preceding publication of this Condition and has an engine which has been Type Approved as meeting the Euro IV standard for all emissions, may be used on local services which are subject to Requirement 1 until no later than 31 December 2015.

This temporary two year exemption has been included to be fair and reasonable to operators currently running Euro IV buses. For technical reasons Euro IV buses cannot be retrofitted to achieve the Euro V standard. Operators of Euro IV buses would therefore be faced with replacing modern and relatively low-emission buses very prematurely if Euro IV buses ceased to be allowed on 1 January 2014. Euro IV buses account for approximately 11% of city centre mileage at the time of writing. They meet relatively high standards for all pollutants (not just NOx). This exemption therefore allows **Euro IV buses already operating in Oxford** to operate within the LEZ until 31 December 2015. These will have to be replaced by Euro V buses by 1 January 2016

6 – Requirement to switch off engines when stationary

Requirement 2: The driver of any bus in use on any registered local bus service, which stops to pick up and/or set down passengers and/or to await its next scheduled departure anywhere within the Oxford City Centre Low Emission Zone shall, if it is apparent to him or her upon coming to a stop that the bus will be stationary for one minute or more, switch off the engine upon arrival and not restart it until ready to depart.

This section requires buses to switch off their engines within the LEZ when it is apparent to the driver that the bus will be stationary for more than one minute. This is designed to reduce engine noise and emissions at bus stops, where waiting passengers and passing pedestrians are particularly exposed. This requirement will apply with immediate effect rather than from 1st January 2014, and there are no exemptions.

This requirement gives legal force to a long-standing informal agreement between the county council and bus operators. The engine-switch off requirement is also already a condition of contract for all subsidised bus services.

Report of: Head of Environmental Development
To: City Executive Board
Date: 1st April 2009 **Item No:**
Title of Report: Local Air Quality Management – Low Emission Zone

Summary and Recommendations

Purpose of report: To ask the City Executive Board to consider the findings of the final report of the Low Emission Zone Feasibility Study, carried out in conjunction with Oxfordshire County Council

Key decision? Yes

Executive lead member: Cllr John Tanner

Report Approved by: Head of Environmental Development

Legal: Lindsay Cane

Finance: Paul Shepherd

Policy Framework: This work reflects the Council's Vision of improving performance and working with others to deliver shared goals. It specifically contributes to the strategic priority to improve the local environment, economy and quality of life, and the Community Strategy theme of working to create a better living environment.

Recommendation(s)

1. To declare a Low Emission Zone, requiring all Public Service Vehicles (PSV) operating in Oxford city centre to meet the Euro V emission standard by 31st December 2013
2. In pursuit of the above, to work together with Oxfordshire County Council in the development of an integrated package of transport and bus quality improvements in Oxford.

This to include :-

- (i) the establishment of Bus Quality Partnership Scheme (QPS), by October 2009, that will require all public service vehicles (PSVs) operating in Oxford City Centre to comply with the requirements of the proposed LEZ; **AND**
- (ii) work with the Traffic Commissioner to develop a traffic regulation condition (TRC), requiring all PSVs operating in Oxford city centre to comply with the requirements of the proposed LEZ. The TRC will be introduced unless a QPS as described in 2(i) above has been implemented first.

Background

1. Levels of nitrogen dioxide in parts of Oxford city centre exceed national air quality objectives. In response to this, an Air Quality Management Area (AQMA) was designated in September 2001 covering part of the city centre. The designated area was extended in September 2003. In February 2009 City Executive Board proposed to extend the city centre AQMA further and consolidate it with AQMA's in other parts of the city into a single city-wide AQMA.
2. In 2006, the city and county councils jointly agreed an Air Quality Action Plan for Oxford city centre. Road traffic is the main source of nitrogen oxides (NOx) in the city centre, so the plan is focused on reducing emissions from traffic. One of the measures in the plan predicted to deliver a substantial reduction in traffic emissions is the introduction of a low emission zone (LEZ) – a defined area that vehicles may not enter unless they meet certain emissions standards.

Low emission zone feasibility study

3. The city and county councils have been working on a feasibility study for a low emission zone since 2007. The aim of this study has been to establish: a) whether a low emission zone would deliver sufficient air quality benefits to justify the considerable investment required by those needing to comply with it; b) to which vehicle types the low emission zone should apply; c) what emission standard would be effective and reasonable; and d) from what date that standard should apply.
4. The LEZ feasibility study has considered a range of options. Detailed reports have been produced at each stage of the study. Those with a direct interest in the implementation of an LEZ have been consulted at each stage. A joint steering group, comprising city and county council officers and councillors, has considered the recommendations at each stage of the study and narrowed down the options.
5. The study has taken into account the effects of other factors affecting air quality in the city centre. These factors include trends in vehicle emissions that would continue with or without an LEZ, planned developments such as the Westgate shopping centre, and planned transport schemes that are expected to affect traffic flows. Bus routing changes resulting from Stage 1 of Transform Oxford - the county council's proposals to transform the transport and pedestrian experience in Oxford city centre – have been included in the assessment.
6. The study has considered the compliance costs borne by individuals and companies operating vehicles in the city centre. This has focused primarily on the costs to the bus companies, because significant increases in their costs are likely to be passed on at least in part to passengers.

Low emission zone study – overall conclusions

7. The LEZ study has concluded that an LEZ for Oxford city centre should:

- (a) Apply only to public service buses and coaches, (including Tourist Coaches and National Express Coaches)

The main source of NOx in most streets in central Oxford is buses and coaches.

An LEZ applying to vehicles other than public service buses and coaches would need to be established using a traffic regulation *order* (TRO).

Such a scheme would involve establishing points on the roads leading into the city centre through which vehicles not complying with certain requirements would be prohibited from passing. Any non-compliant vehicles passing these points would be fined. The implementation, administration and enforcement of this would be highly complex and expensive, and would have to be undertaken by the county council. Income from fines would be low, given the relatively low number of non-compliant vehicles involved, and would not significantly contribute towards the scheme operating costs.

Considerable signage and enforcement equipment (e.g. cameras) would be needed at various locations, many of which would be sensitive for conservation reasons.

Alternative routes would need to be available for non-compliant vehicles to by-pass the restricted zone. In Oxford's constrained historic streets, this would be difficult or impossible to achieve without environmentally unacceptable and expensive infrastructure changes.

This option (i.e. LEZ via a TRO) is not recommended.

An LEZ applying only to public services buses and coaches could be established using a traffic regulation *condition* (TRC) or under the provisions of the Local Transport Act 2008. Using either method, implementation administration and enforcement would be achieved through the system of bus service registration, rather than on-street enforcement of traffic restrictions.

The extra benefit of an LEZ applying to all vehicles would be small, and limited to a few streets, so the considerable extra cost, complexity, environmental harm and enforcement difficulties associated with an all-vehicles LEZ cannot be justified.

This option (i.e. LEZ via TRC and/or Bus Quality Partnership Scheme QPS) is recommended.

- (b) Apply to ALL public service buses and coaches operating in the city centre

Public transport operators compete in a commercial environment for business, so any LEZ applying to some operators and not others would give an unfair competitive advantage to those operators to which it did not apply.

- (c) Set a standard for NO_x emissions only (not NO_x and particulate matter)

Although both nitrogen dioxide and particulate matter affect health, the main problem in Oxford city centre is nitrogen dioxide pollution. LEZ options setting a standard for both pollutants were assessed, but rejected because i) a particulate matter based standard could *worsen* NO_x emissions; ii) a NO_x-based standard would also improve particulate matter emissions.

- (d) Be achieved through a traffic regulation condition (TRC) or statutory quality partnership scheme (QPS)

Various implementation methods have been considered. A traffic regulation condition (TRC) or statutory quality partnership scheme (QPS) are considered to be the most appropriate. The two main alternatives (at either end of the scale in terms of level of regulation) are voluntary agreements and bus quality contracts.

Voluntary arrangements would give the councils no guarantees that the required emissions reductions would be delivered. They would also leave bus operators who complied with the voluntary agreement vulnerable to unfair competition from non-compliant operators (e.g the ability to offer lower fares by running older, cheaper vehicles).

Bus quality contracts require the local transport authority (in Oxfordshire the county council) to take a direct role in the running of bus services. This would involve letting contracts for the operation of buses in a defined area for fixed periods. The county council would incur significant additional on-going costs in administering such an arrangement, and it would very likely take many years to establish. Bus quality contracts are not, therefore, considered to be the right model for achieving emissions reductions in Oxford, primarily because equally effective methods (a TRC or QPS) are available and can be implemented more quickly and without major on-going costs.

- (e) Require buses and coaches to meet the Euro V standard

The study assessed the impacts of both a Euro IV and Euro V standard on emissions and bus operators' compliance costs.

A Euro V standard, applying to all buses and coaches, would deliver the required NOx reductions in central Oxford. A Euro IV standard would not deliver the required reductions.

A Euro V standard results in the most equitable distribution of compliance costs for the main commercial bus operators in Oxford; i.e. the compliance costs they each would bear is roughly proportionate to the size of their fleets. Other options are less equitable in this respect.

Low emission study – conclusions on Transform Oxford Stage 1

8. The LEZ study has concluded that the bus routing changes associated with Transform Oxford Stage 1 would deliver some major improvements in air quality in those streets where buses are reduced or eliminated. However, air quality will, as would be expected, worsen in those streets where the number of buses increases as a result of the routing changes. The overall effect of Transform Oxford can be considered positive.
9. These improvements are not sufficient to remove the need for further action to improve air quality in Oxford city centre, so the study recommends that an LEZ is still progressed.

LEZ compliance date

10. The city and county councils must specify a date by which they expect bus operators to comply with Euro V standard. Some operators already have some vehicles that comply. To meet the standard across their entire fleet, the bus companies must close the gap between their current compliance level and the target compliance level of 100%.
11. The LEZ steering group has considered various options for closing this gap, and has assessed the impact of these options on bus operators' future vehicle replacement costs. On the basis of these assessments, the group has decided to set a target compliance date of 31st December 2013.

Integration with other transport initiatives

12. It is vital that proposals for a low emission zone are not progressed in isolation from other transport initiatives. Two major initiatives that are currently particularly relevant are Transform Oxford (county council proposals to transform the transport and pedestrian experience in Oxford city centre) and the county council's related work with the bus operators to establish a new statutory quality partnership scheme which would only allow access to certain bus infrastructure if certain constraints are met (including new initiatives such as joint ticketing arrangements). It is envisaged that the LEZ proposals would be developed as a fully integral part of a single quality partnership scheme.

13. This content and recommendations of this report have been agreed with Oxfordshire County Council, through the LEZ feasibility study Steering Group. An equivalent report is being presented to County CMD on 26th March 2009.

Climate change / environmental impact

14. Improving air quality is consistent with contributing to reducing emissions that contribute to climate change. The recommendations are with the objective of reducing transport emissions in order to improve air quality in central Oxford.

Equalities impact

15. The declaration of a Low Emission Zone, is part of a joint initiative with Oxfordshire County Council to implement an integrated package of transport and bus quality improvement measures, for improvement of the city centre air quality and environment.

Financial Implications

16. There are no financial implications of the recommendations on the City Council

Legal Implications

17. There are no legal implications of the recommendations on the City Council

Recommendations

18. The Executive is RECOMMENDED to:
1. To declare a Low Emission Zone, requiring all Public Service Vehicles (PSV) operating in Oxford city centre to meet the Euro V emission standard by 31st December 2013
 2. In pursuit of the above, to work together with Oxfordshire County Council in the development of an integrated package of transport and bus quality improvements in Oxford.

This to include :-:-

(i) the establishment of Bus Quality Partnership Scheme (QPS), by October 2009, that will require all public service vehicles (PSVs) operating in Oxford City Centre to comply with the requirements of the proposed LEZ

AND

(ii) work with the Traffic Commissioner to develop a traffic regulation condition (TRC), requiring all PSVs operating in Oxford city centre to comply with the requirements of the proposed LEZ. The TRC will be introduced unless a QPS as described in 2(i) above has been implemented first.

Name and contact details of author:

Roger Pitman
Scientific Officer
Tel: (25)2380
rpitman@oxford.gov.uk

List of background papers:

LEZ Stage 1 and Stage 2 Reports, AEA Technology

Glossary

AQAP: Air Quality Action Plan

AQMA: Air Quality Management Area

LEZ: Low Emission Zone

PSV: Public Service Vehicle

TRC: Traffic Regulation Condition

TRO: Traffic Regulation Order

QPS: Quality Partnership Scheme

Version number: 6

This page is intentionally left blank

RISK REGISTER for TRC APPLICATION to create LEZ for buses in central Oxford from 1st January 2014

Risk ID	Risk	Opportunity/ Threat	Risk Description	Risk Cause	Consequence	Date raised	Corporate Objective	Gross Risk	Residual Risk	Current Risk	Owner	Date Risk Reviewed	Proximity of Risk (Projects/ Contracts Only)
Category -000- Service Area Code	Risk Title						1 to 6	I P I	P I P	I P			
CEB-051-ED	TRC refusal	T	Council Reputation	Bus Company Objection	Public Inquiry	19/01/2012	3	3 4 3	3 3 3	3 3 3	RP	19.01.12	
CEB-052-ED	Bus Service withdrawal	T	Council Reputation	Failure to meet emission standard	Bad publicity Loss of service Additional costs to County	24/01/2012	3	3 4 3	3 3 3	3 3 3	RP	24.01.12	
CEB-053-ED	Vehicle Compliance	T	Council Reputation	Bus Company Objection	Local dispute	19/01/2012	3	3 2 3	3 2 2	3 2 2	RP	19.01.12	

Risk ID	Risk Title	Action Owner	Accept, Contingency, Transfer, Reduce or Avoid	Details of Action	Key Milestone	Milestone Delivery Date	%Action Complete	Date Reviewed
CEB-051-ED	TRC refusal	RP	Accept	No Action	Submission of TRC	February 2012	n/a	19.01.12
CEB-052-ED	Bus Service withdrawal	RP	Contingency	The County Council as Transport will be required to consider alternative service provision Liaise with emissions equipment suppliers and bus companies	Deadline for start of LEZ	1 st January 2014	n/a	24.01.12
CEB-053-ED	Vehicle Compliance	RP	Reduce		Production of local guidance	May 2012	50%	19.01.12