

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

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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.

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