

**TII Responses to Further Information  
Requested by the Public Accounts  
Committee on 19 July 2022**

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**Ref: S0933 PAC33**

**Date of Issue: 25 July 2022**

## Introduction

At the meeting of the Committee of Public Accounts on 30 June 2022, the Committee considered TII correspondence dated 21 June 2022 which provided information requested by the Committee arising from its meeting with Transport Infrastructure Ireland on 3 February 2022.

This document is TII's responses to the request for further information in relation to the following:

1. whether consideration has been given to using the revenue from toll overpayments for community purposes rather than retaining it for operational purposes;
2. clarification if the original 2022 proposal for roads projects to proceed included an allocation of funding for the N2/A5 (Clontibret to the border) project;
3. an information note regarding the feasibility of removing toll barriers on all toll plazas; whether Transport Infrastructure Ireland is aware of the Environmental Protection Agency's position on the matter; and whether any fines have been paid due to NOx emissions (CC D/Transport); and
4. the current status regarding a railway order for the Metro which was due in 2022 Quarter two.

<p><b>Q1</b></p>	<p><b>Whether consideration has been given to using the revenue from toll overpayments for community purposes rather than retaining it for operational purposes</b></p>
	<p>I am not aware of consideration having been given to using the revenue from toll overpayments for community purposes. The matter will be given consideration in the coming months. It is important to note that there is a distinction between TII's two 'public' toll roads (the M50 and Dublin Tunnel) and the remaining eight Public Private Partnership (PPP) toll roads which are operated by PPP companies in accordance with their PPP contracts with TII.</p> <p>In relation to the public toll roads which are managed by TII:</p> <ul style="list-style-type: none"> <li>- The M50 toll operation has no physical barriers and therefore there is no overpayment on the plaza.</li> <li>- For Dublin Tunnel, all money that is collected at the plaza is remitted directly to TII. For the year 2021 the overpayment totalled €19,000 which equated to 0.1% of toll revenues. In compliance with legislative requirements, all tolling revenues collected on the M50 and Dublin Tunnel are used to help meet the operation, protection and renewal costs of the National Road Network.</li> <li>- There is a continued trend towards the use of electronic tag collection and contactless card payments as opposed to cash payments. In March 2022, 90% of all transactions through Dublin Tunnel were either electronic toll collection or card payments. For that reason, it likely that the amount of overpayment will reduce over time.</li> </ul> <p>In relation to the eight PPP toll roads operated by PPP companies:</p> <ul style="list-style-type: none"> <li>- Accounting for any overpayment at the PPP toll plazas is a matter for the respective PPP toll operators as is the use of such money. Similar to Dublin Tunnel, there is an increase in use of cashless technologies such as contactless card payments and tags therefore the amount of overpayment will decrease over time.</li> </ul>

<b>Q2</b>	<b>Clarification if the original 2022 proposal for roads projects to proceed included an allocation of funding for the N2/A5 (Clontibret to the border) project</b>
	In TII's Annual Plan and Budget for 2022, which was approved by the TII Board in December 2021, there was no funding allocation for the N2 Clontibret to the Boarder scheme. It was not possible to allocate funding to the project given the total grant funding available, the competing demands and commitments.

<p><b>Q3</b></p>	<p><b>An information note regarding the feasibility of removing toll barriers on all toll plazas; whether Transport Infrastructure Ireland is aware of the Environmental Protection Agency's position on the matter; and whether any fines have been paid due to NOx emissions (CC D/Transport)</b></p>
	<p><b>Q3 (a) an information note regarding the feasibility of removing toll barriers on all toll plazas</b></p> <p>Transport Infrastructure Ireland operates directly two of the ten tolls on national roads in Ireland, the M50 eFlow and the Dublin Tunnel. The other eight toll plazas are operated under PPP concession.</p> <p>Although it is technically feasible to transition from barrier to free flow tolling at each of the toll plazas on the national road network as is demonstrated by the M50 eFlow system, there are a number of statutory approvals and lengthy complex and commercial negotiations that would be required.</p> <p>In May 2007, the NRA negotiated an agreement with NTR to 'buy-out' the interests of NTR in the then Westlink toll which allowed it to implement an electronic, barrier free tolling system, that commenced operation in August 2008, eliminating toll plaza delays as part of the M50 upgrade project. The barrier free system has operated very effectively since then.</p> <p>In the case of the Dublin Tunnel, TII has retained the barrier tolling system at the southern portal of the tunnel on safety grounds for the purpose of ensuring appropriate control of vehicles entering the tunnel. TII has commenced the upgrade of the tolling system for the tunnel with the option evaluation and design process currently underway. This will improve the flow of traffic from Dublin Port entering the tunnel and will be based upon a hybrid system operating successfully at another major European tunnel.</p> <p>The remaining eight toll plazas on the network are operated under PPP concessions of durations varying from 25 to 35 years. Under the PPP contract provisions TII could not direct the PPP company to change the toll plaza arrangements from the existing barrier tolls to electronic without the State having to pick up the costs of that transition and any ongoing operational costs were such to arise.</p> <p>Risks include those associated with implementation, costs, revenue, collection and enforcement all of which would require complex and lengthy negotiations under existing contracts. In addition, in terms of the legislative framework for tolling in Ireland, any tolling scheme is required to comply with certain legislative provisions and approvals. The main provisions are set out in the Roads Act 1993 (as amended) which establishes the legal framework for charging tolls.</p> <p>This legislation provides statutory powers to charge tolls for the use of national roads and defines the statutory process to be followed to implement a toll scheme or change a toll scheme, in certain circumstances. The introduction of free flow tolling would require the preparation of a new toll scheme which would be subject to public consultation. In addition, there are also other legislative requirements to be mindful of including the Eurovignette directives (primarily relating to the charges applied to Heavy Goods Vehicles), which includes a requirement for European Commission approval of new or modified tolling arrangements and in particular to ensure that the charging regime comply with the rules as laid out in the Eurovignette directives.</p> <p>The PPP companies could themselves decide for operational reasons that they wished to change from barrier to free-flow tolling systems and there is an indication that one of the companies is considering this. In this situation TII would insist on this being cost neutral to the State.</p>

<p><b>Q3</b></p>	<p><b>An information note regarding the feasibility of removing toll barriers on all toll plazas; whether Transport Infrastructure Ireland is aware of the Environmental Protection Agency's position on the matter; and whether any fines have been paid due to NOx emissions (CC D/Transport)</b></p>
	<p>TII is currently assessing the long-term future of the various PPP concessions as part of the Project Bruce initiative. We anticipate that as the toll concessions return to public ownership, TII will transition the tolling arrangements to electronic, if this hasn't already been done by the PPP companies in the intervening period.</p> <p><b>Q3 (b) Whether Transport Infrastructure Ireland is aware of the Environmental Protection Agency's position on the matter</b></p> <p>In 2019, the Environmental Protection Agency (EPA) published a report on indicative monitoring and modelling in Dublin, Urban Environmental Indicators – Nitrogen dioxide levels in Dublin. It should be noted that this report focuses on nitrogen dioxide (NO<sub>2</sub>) rather than nitrogen oxides (NO<sub>x</sub>) in the Dublin area. This report presented evidence from dispersion modelling and monitoring using NO<sub>2</sub> measurement tubes which indicate that NO<sub>2</sub> may exceed the annual EU limit value in the following areas:</p> <ol style="list-style-type: none"> <li>1) Certain city centre streets</li> <li>2) The M50 motorway</li> <li>3) The entrance to and exit from the Dublin Port Tunnel.</li> </ol> <p>The EPA undertook indicative NO<sub>2</sub> monitoring at various locations in Dublin city centre. The EPA did not undertake indicative NO<sub>2</sub> monitoring at any locations in the vicinity of the M50 or the entrance and exit to the Dublin Port Tunnel. Findings in relation to the M50 and the entrance and exit to the Dublin Port Tunnel are based on a dispersion modelling assessment using computational modelling to produce the city wide map shown in the report.</p> <p>Transport Infrastructure Ireland (TII) is currently undertaking indicative nitrogen dioxide (NO<sub>2</sub>) monitoring at nine locations in the environs of the Dublin Tunnel. This monitoring commenced in July 2019 and indicative NO<sub>2</sub> concentrations are being determined using passive diffusion tube samplers, similar to those used by the EPA in undertaking monitoring in Dublin city centre.</p> <p>In order to assess NO<sub>2</sub> concentrations at the tunnel entrances and exits, five "roadside" monitoring stations were set up within the vicinity of the portal entrances/exits and approximately 3m from the roadside. Annual Average concentrations since 2019 range between 34 – 109 µg/m<sup>3</sup>.</p> <p>Four additional NO<sub>2</sub> monitoring stations were set up at nearby sensitive residential and business receptors in order to ascertain whether the ambient concentrations of NO<sub>2</sub> complied with the limit value for the protection of human health. Annual Average concentrations since 2019 range between 23 – 37 µg/m<sup>3</sup> and all values recorded are below the annual average NO<sub>2</sub> limit value of 40µg/m<sup>3</sup> for the protection of human health.</p> <p>NO<sub>2</sub> monitoring data in relation to the assessment of human health impacts is available to the general public and other stakeholders through a dedicated website, <a href="https://tii.sonitussystems.com/">https://tii.sonitussystems.com/</a>, launched by TII in August 2019.</p>

<p><b>Q3</b></p>	<p><b>An information note regarding the feasibility of removing toll barriers on all toll plazas; whether Transport Infrastructure Ireland is aware of the Environmental Protection Agency's position on the matter; and whether any fines have been paid due to NOx emissions (CC D/Transport)</b></p>
	<p><b>Question 3 (c) and whether any fines have been paid due to NOx emissions (CC D/Transport)</b></p> <p>TII is not aware of Ireland having received any fines in relation to NOx emissions. The four Dublin Local Authorities have published the Dublin Region Air Quality Plan 2021 - <i>Air Quality Plan to improve Nitrogen Dioxide levels in Dublin Region</i>. <a href="http://dublin_region_air_quality_plan_2021.pdf(dlrcoco.ie)"><u>dublin_region_air_quality_plan_2021.pdf (dlrcoco.ie)</u></a></p>

Q4	The current status regarding a railway order for the Metro which was due in 2022 Quarter two
	<p>Under the Public Spending Code, the submission of a Railway Order requires approval of the Preliminary Business Case by Cabinet.</p> <p>Government approval was received on 4th July 2022 and Transport Infrastructure Ireland is finalising the documentation with the target of submitting the Railway Order to An Bord Pleanála in September 2022.</p>





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