



With reference to Report on Public Toll Bye-Law charges Eastlink 2020

Introduction

At the January 2020 meeting of the Transportation SPC, the members agreed that the draft East Link Toll Bye Laws go to the February Meeting of the City Council seeking approval to initiate a period of public consultation. Dublin City Council at the monthly meeting held on 3rd February 2020 approved the initiation of the public consultation process in relation to formulation of the Draft Eastlink Toll Bye-Laws 2020 as outlined in Report 75/2020. The National Transport Authority and An Garda Síochána have also been consulted in relation to these draft Bye-Laws.

It is proposed to update the East Link Toll Bye Laws and to change the toll rates in line with that agreed by the elected members at the statutory budget meeting on the 25th November 2019. The main changes in the Bye Laws are :-

1. Increase in toll rates.
2. The use of the consumer price index rather than the Wholesale price index for the calculation of any future increases.
3. A new class of vehicle which will have five axle or greater has been created.
4. The Five axle vehicle will pay a Nil toll during the hours of operation of the HGV Cordon in the city centre provided the vehicle has not been in breach of the HGV cordon.
5. The Ringsend Toll Bridge DAC a wholly owned company of DCC is the Toll operator on DCC's behalf.

The proposed changes in toll rates are as set out below. :-

Existing	Proposed from May 1 st 2020
Private Motor Cars.....	€1.40 €1.90
Buses & Coaches.....	€2.10 €2.90
Vans.....	€2.10 €2.90
2 axle HGV.....	€2.85 €3.90
3 Axle HGV.....	€3.50 €4.80
4 Axle HGV.....	€4.25 €5.80
5+ Axle HGV.....	€4.25 €5.80

Pedestrians, cyclists, motor bikes , emergency vehicles, specially adapted vehicles driven by disabled persons and marked vehicles used by the Gardai, defence forces and Dublin City Council are all exempt from tolls. In addition 5+ axle HGVs during the hours of operation of the HGV cordon are also exempt from tolls.

Under the Roads Act 1993 (as amended) a period of public consultation has been completed and consultation also has taken place with the Garda Commissioner and the National Transport Authority neither of which raised any objections.

Change of Toll Rate 2017

It should be noted that following a ruling from the Revenue Commissioners that VAT no longer should be charged on the tolls at the East link, DCC removed the VAT element of tolls from the 18th of August 2017 and this reduced the cost of the toll for cars from €1.75 to €1.40, this change did not require any alterations to Bye-Laws.

Submissions:

Notice of the Public Consultation appeared in the Irish Independent on Wednesday 12th February 2020. The Public Consultation commenced on 12th February 2020 and concluded on 25th March 2020. The public were invited to make their submissions either by post or online. A total of 4 online submissions were received. No submissions were received by post.

- Two were in favour of the proposed changes.
- One requested the motorcycle rate continues to remain free and there is no change in the bye laws with motorbikes being free.
- One submission highlighted a number of technical corrections they wished to see made in the Bye-Laws and these have been reviewed by the Law Department.

The purpose of this report is:

- To set out the responses to the issues raised in the submissions and comments
- To make recommendations on amendments/review of the East Link Toll Bye-Laws 2020.

Covid 19:

Due to the Covid 19 pandemic, the report on the consultation and the changes to the bye laws were deferred to a more appropriate time. As traffic on the bridge is now back to 85% of 2019 figures and as the easing of restrictions continues, it is now appropriate that this report be now considered and the elected members be asked to implement the proposed new bye laws. Any toll changes would come into effect from 2022.

Recommendation:

As no objections to the proposed Draft East Link Toll Bye-Laws have been received, it is proposed to request the elected members at the December City Council meeting to consider this report and approve the draft East Link Toll Bye-Laws.

Resolution:

That Dublin City Council notes the contents of Report No. 353/2021 and hereby resolves to make East Link Toll Bye-Laws as outlined in the report.

Brendan O'Brien

A/Assistant Chief Executive.

This report was discussed at the Traffic & Transport SPC on 8th September and it was noted with a request for additional information and answers to queries to be circulated to the elected members. The requested supplementary report is attached below.

Councillor Christy Burke

Chairperson

26th November 2022

Supplementary Report on the Eastlink Toll scheme.

This supplementary report and answers to queries raised at the Traffic & Transport SPC on 8th September, was requested by the Traffic & Transport SPC to be circulated to the elected members.

Background to the Eastlink Toll scheme

Brendan O'Brien Head of Technical Services (Traffic) November 2021

An Application for a Toll scheme on the East Link Facility was made by the Corporation of Dublin on the 6th of October 1980 and subsequently approved by the Minister for the Environment on the 13th of April 1981. Under the legislation a Local Authority could enter into an agreement with other parties to implement the Toll scheme and in this case the Corporation entered into an agreement dated 16th of March 1983 with Ringsend Bridge Company (the Bridge Company) and Dublin Port and Docks Board to build the bridge, including ancillary roads and infrastructure, and to operate the Toll scheme until the end of the concession period at which time the bridge would revert exclusively to the Ownership of Dublin City Council.

Under the agreement the provisions of the concession agreement are to remain in place until the 31st of December 2015. The City Council report 283/1980 states *"that it is intended that the entire management and control of and the full proceeds of the Tolls of the Toll road should revert to the Dublin Corporation on expiration of the agreement"*

This return of the Toll Bridge and all associated items took place on the 1st of January 2016.

Legal Status

The Status of the Toll scheme is that it shall remain in place until such time as the Elected Members of Dublin City Council decide otherwise. This matter was debated at the March 2014 monthly city council meeting and the members voted to continue with the collection of Tolls at the Eastlink post 1st January 2016.

The city council set up the Ringsend Toll Bridge DAC as a wholly owned subsidiary to operate the toll scheme. It is now proposed to confirm new bye laws including the proposed toll rate changes below to come into effect in January 2022.

Existing	Proposed from January 2022	
Private Motor Cars.....	€1.40	1.90
Buses & Coaches.....	€2.10	2.90
Vans.....	€2.10	2.90
2 axle HGV.....	€2.85	3.90
3 Axle HGV.....	€3.50	4.80
4 Axle HGV.....	€4.25	5.80
5+ Axle HGV -----	€4.25	5.80

Transportation SPC queries 08th September 2021

A number of queries were raised at the Transportation SPC on the 8th of September and answers are given below to these queries.

Q. What does DCC spend the funding received from the Toll on?

Income received from the Toll is used to fund the following;

1. *The operational cost of the Ringsend Toll Bridge DAC*
2. *The 5 axle toll refund*
3. *The Roads capital Programme*

Q . Questioned public consultation?

The public consultation was in line with all statutory requirements,

Q. How much does the Private Company operating the toll bridge received?

There is no private company operating the toll bridge. Ringsend Toll Bridge DAC is a 100% wholly owned subsidiary of DCC.

Q. How much money has been taken in Toll Fees – breakdown of projects where this money was used? – Circulate to members.

To Year end 2020 a total of €7.7m of Toll Income was distributed to the following projects.

Capital Project	Total
TRANSPORT ASSET MANAGEMENT SYSTEM	631,377
REFURBISHMENT OF FOOTPATHS	1,996,178
REFURBISHMENT OF CARRIAGEWAYS	4,710,716
POINT PEDESTRIAN AND CYCLING BRIDGE	10,350
LIGHTING INFRASTRUCTURE UPGRADE PROJECT	103,993
FIBRE OPTIC NETWORK PROJECT	133,334
BE GOOD PROJECT	151,208
	7,737,156

Per the Capital Programme 2021 to 2023 the following projects are budgeted to receive funding from Toll income.

Capital Project	€ Amount
Public Lighting Infrastructure Project	11,360,000
Liffey Boardwalk Upgrade	4,000,000
Tom Clarke Bridge System Upgrade	1,500,000
Fibre Optic Network Project	1,185,000
Refurbishment of Footpaths	1,000,000
Refurbishment of Carriageways	1,000,000
Replacement of Aviation Light on Spire	400,000
HGV Software Upgrade	225,000
Traffic Control Room Upgrade Works	150,000
Fibre Transmission	73,749
Be Good Project	48,234
	20,941,983

Q. Roads in area in very bad condition

R. Road maintenance will be undertaking works at the bridge.

Q. How much goes to Community Groups?

R. €123,900 is set aside annual for Community Groups. This scheme is administered by Housing & Community. All grants are approved by Council.

Q. Will toll increase result in traffic diverting to other roads – any assessment of impact?

R. The Toll for cars had reduced from 1.75 for cars to 1.40 as a result of the ruling to remove VAT for the Toll Bridge. The 1.90 fee therefore will be close to where it was before.

Q. plans to extend tolls to other roads?

R. *There are no plans to extend tolls to other roads.*

Q. Why are 3 axle vehicles not free?

R. *The rebate only applies to HGVs who are excluded by the HGV cordon, this currently only applies to 5+ axle Trucks.*

Q. Improvements to footpath and bridge required/Bridge needs upgrading/no safe cycling facilities?

R. *There is a new walking and cycling bridge in design to the immediate west of the existing bridge which will provide these facilities as the existing bridge is too narrow to accommodate additional walking and cycling measures.*

Q. If traffic diverted as a result safe cycle routes should be provided Tara Street in particular.

R. *Cycle tracks are being looked at across the city at present including Tara Street.*

Q. What analysis done on impact of traffic flows on previous changes to price structure and projections for impact on traffic flow with proposed increase?

R. *The pricing was set by the elected members at the budget meeting in November 2019.*

Dublin City Council
Draft Bye-Laws
Made under Part V
The Roads Act 1993
(as amended)

Bye-Laws made by Dublin City Council on the XX Day 2020 under
Part V The Roads Act 1993 (as amended)
affecting the Toll Road over the River Liffey known as the East Link.

PART 1

Definitions:

1. In these Bye-Laws except where expressly stated to the contrary the following words have the meaning hereby respectively assigned to them, that is to say:

“the Act”	means the Roads Act 1993 as amended.
“Ambulance”	means a mechanically propelled vehicle which is outwardly identifiable as and is used exclusively for the carriage of sick, injured or disabled persons.
“Appropriate Toll”	is the toll calculated by the reference to the First Schedule hereto or increase in accordance with Bye-Law 12 hereof payable in respect of a vehicle.
“the base Tolls”	means the tolls set out in the First Schedule hereto.
“the Bridge Company”	means the Ringsend Toll Bridge Designated Activity Company
“Bus”	means a mechanically propelled vehicle which is Constructed or adapted to carry 12 or more passengers and their effects and which is not substantially constructed or adapted for the use for the conveyance of goods or burden of any description whether in the course of trade or otherwise with an unladen weight not exceeding 6 tonnes.
“Commercial Vehicle”	means a mechanically propelled vehicle which is substantially constructed or adapted for the use for the conveyance of goods or burden of any - description whether in the course of trade or otherwise.
“the Council”	means Dublin City Council.

“Driver”	means the person in charge of a vehicle
“ETC”	means electronic toll collection where the liability to pay a toll in accordance with the acts and these Bye-Laws is recorded by electronic means
“Fire Brigade Vehicle”	Means a mechanically propelled vehicle for the purpose of the firefighting or rescuing persons or property from danger or for both such purposes.
“Motor Car”	means a mechanically propelled vehicle not being a motor cycle or commercial vehicle and which is primarily constructed or adapted to carry less than 12 passengers and their effects.
“Motor Cycle”	means a bicycle mechanically propelled or motor assisted with or without a side car attached.
“Pedal Cycle”	means a bicycle or tricycle foot pedal operated.
“Pedestrian”	means a person on foot.
“ Toll Booth”	means the fixed or mobile installation erected on the Toll Road for the collection of tolls.
“Toll Collecting Equipment”	means such equipment, machine or system designed to receive and /or record tolls by mechanical, electrical, electronic or other means and shall include any machine or system used in ETC.
“Toll Collector”	means a person appointed and authorised by the Council or the Bridge Company to collect tolls on the Toll Road and to issue and inspect receipts and to do ancillary works in connection with the running of the Toll Road and shall include any authorised Official of the Bridge Company or the Council
“The Toll Road”	means the Toll Road crossing the River Liffey Dublin from the junction of North

Wall Quay and East Wall Road on the north side to York Road on south side and includes the roadway, bridge and ancillary works comprising an opening span two lane bridge road extending from the bridge on the south side to link up with South Link Road, Irishtown, Ringsend, Dublin.

“Toll Year”

means the 12 month period commencing on the 1st day of January and ending on the 31st day of December in any year.

“Trailer”

means a vehicle attached to another vehicle (including attached by way of partial Superimposition) for the purpose of being drawn thereby or actually drawn thereby.

“Vehicle”

means any vehicle, conveyance or mode of transport using the Toll Road and shall include a trailer.

PART II

USE OF THE TOLL ROAD

1. All classes of traffic including pedestrians, pedal cycles and motor cycles, motor cars, buses, Goods vehicles ambulances and fire brigade vehicles may use Toll Road on payment of the appropriate toll unless exempted from payment under these Bye-Laws.

RIGHT TO DEMAND TOLLS

2. The Council or the Bridge Company acting with its consent, may demand, take and recover tolls as set out herein.

PAYMENT OF TOLLS

3. The driver of a vehicle listed in the First Schedule shall pay the appropriate toll in respect of the vehicle on using the Toll Road and such toll becomes payable on entering any part of the Toll Road.

TOLL BOOTH

4. The driver of a vehicle listed in the First Schedule shall pay the appropriate toll when Using the Toll Road.

TRAILERS

5. Where a trailer is towed by a vehicle, it shall be treated with the vehicle as one composite vehicle and the class of traffic to which such composite vehicle belongs shall be determined by aggregating the unladen weights of the vehicle and the trailer and by aggregating the number of axles whether axles are in contact with the ground or not; provided that this shall not apply to a trailer towed by a motor cycle, pedal cycle, a motor car, bus or any other vehicle the unladen weight of which does not exceed one tonne.

RIGHT TO USE TOLL ROAD

6 On paying the appropriate toll to a toll collector or into a Toll Booth Collecting machine or in any other manner the driver shall be entitled to use the Toll Road.

RECEIPT.

7. On payment of a toll to a Toll Collector, the driver shall be entitled to a receipt for the toll paid at his request.

EXEMPTIONS

8. A toll shall not be payable in respect of the

categories of users of the Toll Road as set out in the Second Schedule hereto.

OBLIGATION TO PAY TOLL

9. Subject to any exemptions under these Bye-Laws, no one may use the Toll Road Without paying the appropriate toll.

DRIVER REFUSING TO PAY TOLL

10.1 Where a driver refuses or neglects to pay any toll or part thereof lawfully due under these Bye-Laws, a Toll Collector may refuse to permit the driver to pass through the Toll Road or by any Toll Booth or other place where such toll might be paid and may by himself or with assistance, as he shall think necessary, stop and prevent the driver so refusing or neglecting from passing through or over the same.

10.2 No person shall operate or attempt to Operate Toll collected equipment By insertion of objects other than Current coins of the state appropriate denomination or otherwise interfere with the toll collecting equipment with the intent of dishonestly obtaining for himself a pecuniary advantage.

LIST OF TOLLS TO BE EXHIBITED

11. A list of the tolls authorised by these Bye-Laws shall at all times be exhibited in a conspicuous place at or near the entrance to the Toll Road.

AMOUNT OF TOLLS

12a The tolls set out in the First Schedule hereto are the base tolls calculated as of Mid-august 2019. At that date, the Index for the Consumer Price Index (All Items) as published by the Central Statistic Offices was 102.8

b. The actual tolls payable in any year shall be the base tolls multiplied by the current Consumer Price Index for Mid-August in the previous Year (being the first published Index for that period) divided by the opening Index of 102.8.

c. In the event that the Consumer Price Index is not published in any one year then the

most recent index shall continue to be used.

- d. Such revised tolls shall be calculated to the nearest 10c.
- e. in the event of the appropriate Index remaining static in any year or showing a decrease from the previous year's figures, the tolls shall be as fixed in the previous year.
- f. Such increased tolls shall become due and payable as and from the 1st day of January following the said Mid-August in any year.
- g. a list of the tolls for each year so calculated shall be displayed on the Dublin City Council website.

OBSTRUCTIONS

- 13a** no person in charge of a cycle, cart, carriage, motor car, bus, vehicle or conveyance of any description shall permit it be left on the Toll Road so as to cause an obstruction to traffic using the Toll Road or to the operation of the opening span of the Toll Road.
- b.** The Toll Collectors, either themselves or with assistance as they think necessary may remove or cause to be removed such obstructions from the Toll Road and neither the Council, the Bridge Company nor their servants, agents or employees shall be liable for any damage caused to such obstruction in its removal.
- 14.** The Bye Laws made under the Public Health (Ireland) Act 1878 and the Local Government (Toll Roads) Act 1979 affecting the toll road over the river Liffey known as East Link made by the Council on the 13th day of January 1983 and confirmed by the Minister for the – Environment on the 29th day of March 1983 are hereby revoked.
- 15** In accordance with Section 61(8) of the Act these Bye-laws shall come into effect on the XXX date.

PART III

FIRST SCHEDULE

AMOUNT OF BASE TOLL
With effect from the 1st day of May 2020

CLASS OF TRAFFIC

1	Categories of users listed in the Second Schedule hereto:-	Nil
2	Motor Cars	€1.90
3	Buses (unless exempt under Schedule 2)	€2.90
4.	Commercial Vehicles not included in any other class with an unladen weight not exceeding 2 tonnes	€2.90
5	Commercial Vehicles over 2 tonnes unladen weight and with not more than 2 axles	€3.90
6	Commercial Vehicles over 2 tonnes unladen weight and with not more than 3 axles	€4.80
7	Commercial Vehicles over 2 tonnes unladen weight and with not more than 4 axles	€5.80
8	Commercial Vehicles over 2 tonnes unladen weight and with 5 or more axles.	€5.80

Note except during the hours of operation of the DCC HGV cordon as currently set out and where the vehicle has not been in breach of the HGV cordon requirements, then a Nil charge shall apply.

PART IV

SECOND SCHEDULE

NO Tolls shall be payable in respect of the following:

- (1) Pedestrians
- (2) NTA Licenced public transport buses
- (3) Fire brigade vehicles
- (4) Ambulances
- (5) Marked vehicles being used in the course of their duties by the Defence Forces, Garda Síochana, and Dublin City Council
- (6) Pedal Cycles and motor cycles
- (7) Specially adapted Vehicles driven by disabled persons.
- (8) Mechanically propelled vehicles used exclusively for the carriage of sick, injured or strayed animals and outwardly identifiable as such.