

McCANN FITZGERALD



# The Ten-T Regulation, the Core Network and Protected Roads

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## Ten-T

- An EU Regulation → therefore “binding in its entirety”
- Member States “shall take appropriate measures” to complete core network by 2030 (art 38)
- Ten-T relates to sustainable multimodal transport network
- Focus here is Core network
  - those parts of comprehensive network of highest strategic importance (eg cross-border sections, major bottlenecks) (recital 13 & art 38)
  - completion date: 2030 (art 38(3))

## Ten-T – Core road network

- Must comprise either:
  - Motorways (art 17(3)(a)), or
  - Express roads (art 17(3)(b))
- Motorway route not always possible/justified
  - *eg* no alternative route, traffic volumes not justifying same, *etc*
- Alternative to using motorway under Ten-T:
  - **Express road**



## Express road – What is it?

### **Definition of express road (Art 17(3) of Ten-T)**

- Designed for motor traffic
- Accessible primarily from interchanges or controlled junctions
- Prohibits stopping and parking on the running carriageway
- Does not cross at grade with any railway or tramway track

## Express roads – The Key Features

- Prohibit *stopping*
- *Prohibit parking*
- Access primarily via “interchanges or controlled junctions”
  - so cannot have multiple access points
  - need to prohibit means of direct access

### **Additional Features**

- Prioritise the following (in all road infrastructure development):
  - improvement and promotion of road safety (art 19)
  - mitigation of congestion on existing roads (art 19)

## What's the Solution in an Irish Legislative Context?

Take for example the M28 Cork to Ringaskiddy

- Motorway not justifiable for entire route and also alternative route would have to be available given the automatic restrictions that apply to use by certain categories of vehicle and driver on a motorway
- Non-Motorway roads do not provide in the scheme approval for the prohibition, closure, stopping up, removal, alteration, diversion or restriction of any specified or all means of direct access to such a road
- Consider using a “**Protected Road Scheme**”

## Protected roads – A workable option?

- Answer lies in a:
  - “Protected Road Scheme” (s45 Roads Act 1993) **Plus**
  - some minor legislative changes
- Introduced in 1993 as “halfway house” between motorway and ordinary public road
- May provide for “the prohibition, closure, stopping up, removal, alteration, diversion or restriction of any specified or all means of direct access to the protected road ...” (s45(2) Roads Act 1993)
- May provide for prohibition on specified classes of vehicles and types of traffic (s45(3) Roads Act 1993 & SI No 49/2008)

## Protected roads – Limitation & Solution

### Limitation

- No power to prohibit stopping or parking



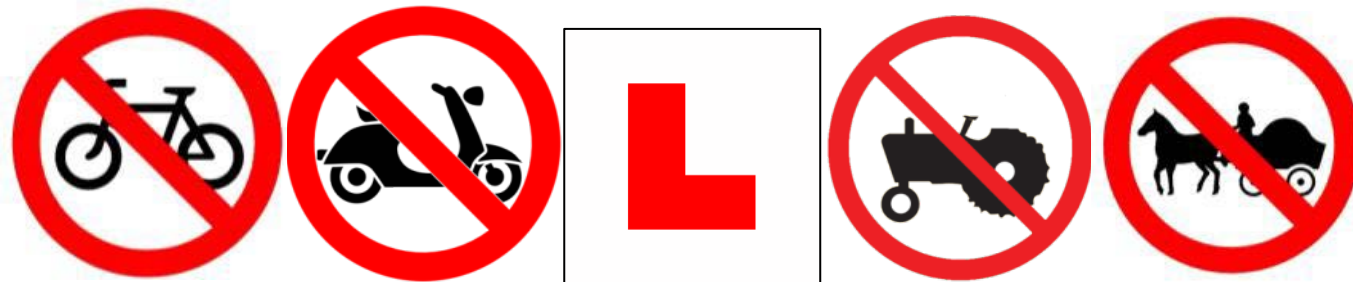
### Solution

- Extend existing prohibition on stopping and parking on motorways to protected roads
  - Roads Traffic Act 1994 (sections 3 and 35)
  - SI No 182/1997 Road Traffic (Traffic and Parking) Regulations article 33
  - SI No 181/1997 Road Traffic (Signs) Regulations articles 29 & 30



## Protected roads

- If necessary, TII/local authority has power under the Protected Road Scheme approval process to prohibit or restrict on a *scheme-by-scheme* basis:
  - specified *types* of traffic
  - specified *classes* of vehicles
- Possible examples of types of traffic and classes of vehicles based on how its used for motorways includes:
  - vehicles under 50cc (mopeds), cyclists, slow vehicles (tractors), learner drivers, horse-drawn carts, *etc*



## Compliance with Ten-T

- *Once legislative changes enacted:*
  - compliance with Ten-T
  - Protected Road = Express Road
  - can complete core network using combination of:
    - Motorway schemes, and
    - Protected Road schemes



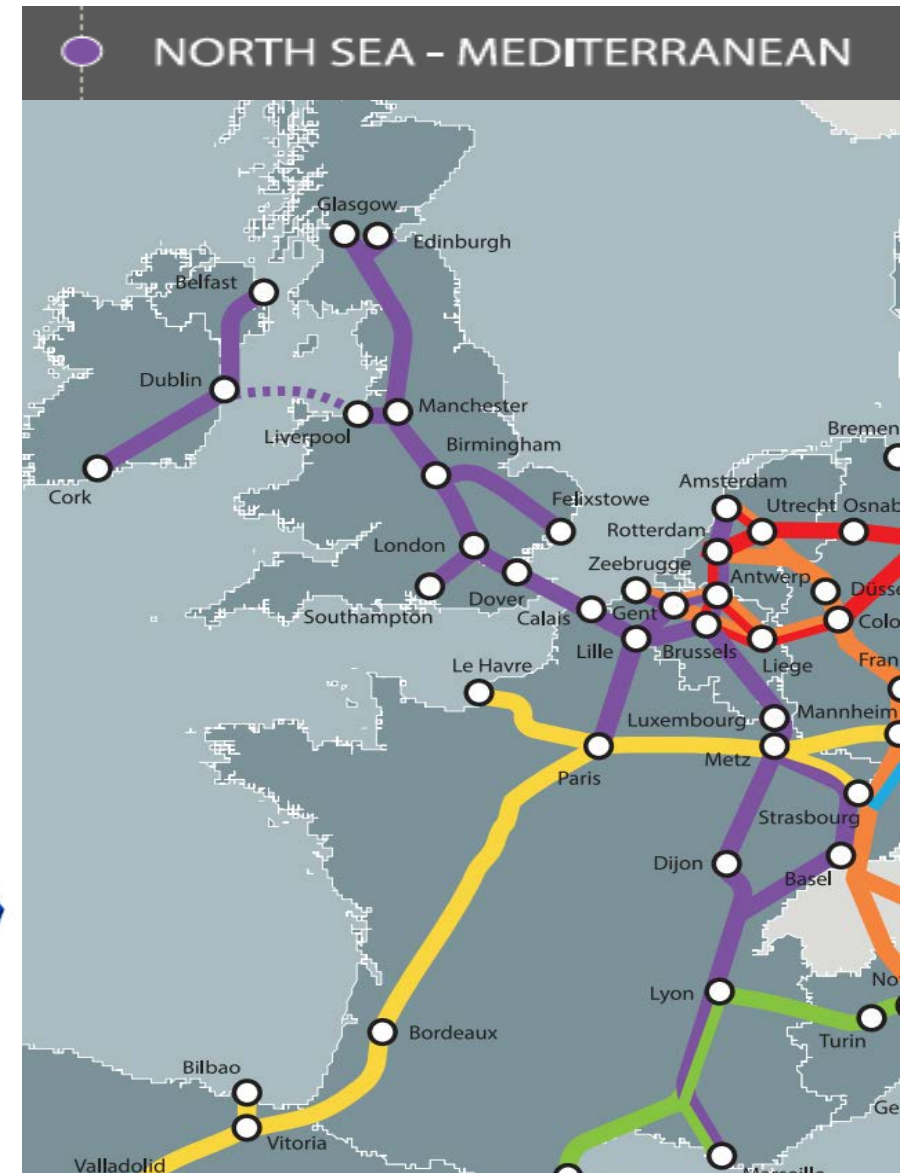
# Application for Approval

- Protected Road Scheme
  - novel
  - never an application before An Bord Pleanála previously
  - important to explain Ten-T concept and national obligation in that regard to ABP but at same time recognise the multi-modal nature of Ten-T
  - keep application process as clear and simple as possible
  - show ABP have necessary legislative changes to comply with express road requirements under Ten-T



## Further Thoughts – Impact of Brexit?

- Possible Brexit in 2019??
- Any Impact on North Sea–Mediterranean Corridor (Purple road network on map)?
- Ireland’s connectivity to rest of EU?





Thank you

