Removal of Tolls from the Tay and Forth Road Bridges

Consultation on a proposed Bill

“Bridge users pay the piper, but have not been allowed to call the tune … until now.”

Bruce Crawford
MSP for Mid Scotland and Fife
Scottish National Party
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Introduction

Proposal for a Bill to remove the Tolls on the Forth and Tay Bridges by Bruce Crawford JP MSP

Over the past two years the operation of the Tay and Forth Road Bridges has received much consideration through the Scottish Executive’s Tolled Bridges Review. The result of that Review was to remove tolls from both the Skye Bridge and Erskine Bridge. That Review also left the Forth and Tay Road Bridges as the only two bridges in Scotland where users are charged a toll. Since the announcement that the Forth and Tay Road Bridges would retain their tolls the debate over tolling has intensified. The debate has focussed on whether these tolls are fair, given that tolls in other areas have been abolished, and whether tolls on bridges are the most appropriate way of managing traffic flows.

This consultation is on a proposal is to be made to abolish the tolls on both the Tay and Forth Bridges through a Members Bill in the Scottish Parliament.

The proposer of the Bill, Bruce Crawford MSP, argues this would:

- Bring equality to the people of the east of Scotland by removing the tolls on the Forth and Tay Bridges, as has been done recently with the Skye and Erskine Bridges.
- Alleviate congestion in the approach roads to each bridge with the removal of the toll plaza in Dundee (Tay Road Bridge) and at the southern approaches of the Forth Road Bridge.
- Have the Tay Bridge debt removed in the same manner as the Skye Bridge.
- Avoid the Tay Road Bridge debt being compounded with the additional cost of moving the tolls to the south side of the bridge and saving the public purse £13 million in unnecessary costs.
- Recognise the widespread objection by bridge users in having to pay tolls on the Forth and Tay Bridges when tolls on other bridges have been removed.
- Shift the burden of funding future maintenance and improvements for both the Forth and Tay Road Bridges to the Scottish Executive.

A draft Bill with draft Explanatory Notes is attached.

The Tay and Forth Road Bridges are vital to the areas they serve both economically and socially. It is the expectation that the removal of the tolls from the Tay and Forth Road Bridges would boost the economy of the surrounding regions and help focus minds on how some of the cross-firth transportation problems can be solved.

Consultees are invited to review this proposal and consider the benefits in removing the tolls from both the Tay and Forth Road Bridges. We recognise the importance of receiving your knowledge and advice and we invite this consultation.
to be shared with all individuals that have an interest in this issue. Having a thorough understanding of this topic will allow appropriate measures to be taken.

Please note that all responses will be made available to the public unless the individual respondent states otherwise.

Please send responses to Bruce Crawford MSP at the Scottish Parliament, Holyrood, Edinburgh EH99 1SP or by email to mail@bridgesconsultation.org by 30th August 2006 at the latest

**Background**

The Scottish Executive over the past few years has conducted a two-phase consultation and report concerning the toll bridges of Scotland. The first phase of the “Tolled Bridges Review” was a detailed analysis of the Skye, Erskine, Tay and Forth Bridges. The conclusions looked at the traffic patterns, environmental impacts, and tolling regimes. The second phase of the “Tolled Bridges Review” focused on how to manage traffic, environmental impacts and tolling procedures. With the conclusion of the two phases, Ministers were in favour of ending the tolls on the Erskine and Skye bridges.

**Timeline**

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<td>June 2004</td>
<td>White Paper published (outline of Tolled Bridges Review)</td>
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<td>29 October 2004</td>
<td>Toll Bridges Review: Phase One Report completed</td>
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<td>April 2005</td>
<td>Toll Bridges Review: Phase Two Report Initiated</td>
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<td>1 March 2006</td>
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**Tay Road Bridge**

**Background**

The Tay Road Bridge opened in 1966 at a cost of £4.8 million. Today the Tay Bridge faces new challenges. An increased amount of traffic, rising environmental concerns, and the debate over tolling procedures has put current bridge procedures into question.

**Environmental**

Currently the Tay Bridge’s congestion that occurs both in the morning and evening causes traffic to back up into the town of Dundee. The added traffic in the city has caused CO$_2$ and NO$_2$ levels to rise considerably. The City of Dundee is combating the rise of toxins by taking measures to create an Air Quality Management Area.
REMOVAL OF ROAD BRIDGE TOLLS

To help alleviate congestion and added pollution from Dundee, there is a current debate about plans to move the toll plaza to the opposite side of the bridge.

Traffic

The elimination of tolls and the tollbooths will help alleviate congestion and thereby lessen the impact to the environment. Some reports have shown that traffic could rise, complicating environmental issues if the toll were removed. Additional studies have also shown the removal of tolls from the Tay Bridge would cause a minimal increase in traffic. The closure of the toll plaza on March 28, 2006 coincides with the latter predictions. On the 28th traffic congestion was lifted in the city centre with the toll plaza not in operation due to the public worker’s strike (Morkis, Bowman and Robertson, Courier, 2006).

Further research was conducted via the second phase of the Tolled Bridges Review. These conclusions showed that the Tay Bridge causes congestion in the town of Dundee. The report also mentioned that congestion of the bridge affects local traffic not affiliated with the bridge.

Financial

Lord Provost John Letford, chair of the Tay Bridge Joint Board in Dundee in an interview with the BBC stated, “Scottish drivers pay £4m a year in Tay bridge tolls on top of £4bn a year in road taxes, so it is a mystery how a bridge that cost less than £5m to build 40 years ago, is still to be paid off” (BBC 2006).

The Tay Bridge tolling was designed to help pay for construction costs. Over the past four decades bridge users have paid for the construction costs of the Tay Bridge. To remove the tolls would remove an unnecessary burden from the surrounding communities.

If the tolls are not removed all costs would continue to be funded by the toll payers and the current organisation. All remodelling procedures to the tollbooths, to help alleviate congestion, would also be added to the pre-existing loans. In particular, the moving of the tollbooths to the south side of the bridge would increase the debt by a minimum of £13 million. The compounded debt from the toll plaza improvements would still be liable to the payment date of 2016/17.

With the removal of the tolls it is anticipated that the overall debt of £16.6 million would be written off by the Scottish Executive. The £16.6 million estimate came from the 2004 predictions of outstanding loans. The removal of the tolls will also require the Scottish Executive to absorb ongoing maintenance and improvement costs. The tolls currently raise £3.5 - £4m per annum.
Forth Road Bridge

Background

Building of the Forth Road Bridge commenced in 1958 and was completed in 1964. The Bridge at its time of completion carried 4 million vehicles and has increased its yearly travel to 11,781,378 vehicles. On average the Forth Road Bridge exceeds its estimated capacity of 30,000 vehicles per day.

Environmental

Currently the standing traffic from the toll booths creates more pollution than free flowing traffic. If the tolls were removed pollution could be eased with the removal of the toll booths.

Traffic

The future of the Forth Road Bridge is not certain. Currently the Bridge is operating above its capacity load serving approximately 3,550 cars per hour. Studies have shown the bridge already experiences congestion during peak traffic times. It is also true to say that problems of access to the A8000 cause traffic to back up across the Bridge at times of peak traffic causing considerable congestion and levels of standing traffic back to Fife. The proposed upgrade of the A8000 should do much to deal with this peak traffic congestion.

Financial

The Forth Road Bridge paid its construction debt in 1993. From 1993 all proceeds collected from the tolls have gone to maintain the bridge or to support other transport projects in the Lothians / Fife area. The recurring revenue expenditure for 2006/07 for the Forth Bridge stands at £5.4m and the projected income from tolls at £13.4m. The proposed non recurring expenditure level for 2006/07 is a total of £18.1m. The level of reserves is projected at £10.2m. The capital plan from 2006/7 to 2020/21 is estimated at a cost of £134 m.

One respondent to the Tolled Bridges Review said of the Forth Road Bridge tolls:

“In summary, tolls are unjustified as the cost of bridges have been met a long time ago. Their continuance is merely to raise revenue. Their collection damages health, environment and bridges. Therefore collections may actually cost more that the revenue generated”

It is understood that the Forth Road Bridge will need continued maintenance. The removal of the tolls will require the Scottish Executive to absorb the financial implications.

In addition FETA has been involved in the contracting and funding for other road projects, such as the A8000 which links the M9 with the bridge. The cost of this project has risen dramatically and now stands at £39.5 million. Original estimates suggested a figure nearer £25m in 2003. Much of the cost of this project was
expected to come from an increase in tolls. Given that this is no longer a prospect the Scottish Executive will be required to help finance the upgrading of the A8000.

FETA are also upgrading the Toll Plaza at South Queensferry at a cost of £5 million.

Social Impacts

Many citizens have voiced their concerns regarding current and proposed tolling procedures. Some of these responses came in regards to a recent consultation that discussed tolling procedures.

A respondent to the Tolled Bridges Review wrote the following:

"The problem is that people who are causing the congestion and all the consequent damage are only trying to get to work, do their 8 hours on the treadmill and get home. We need to be thinking about what alternatives we can give them. If cost of living and quality of life drive them out of the city, who can be surprised if congestion is the result? Also, families can’t afford the cost and disruption of moving home every time one person changes his or her job: to minimise big capital costs, they just drive further”

Another states:

“...tolls are unjustified as the cost of bridges have been met a long time ago. We will be further penalized due to the fact there is not an alternative transport method”

A regular user describes her attempts to find transportation alternatives

“...despite numerous attempts at trying to find someone in St. Andrews I can share with I have been unable to do this. To get to work from St. Andrews I would have to get two buses and it would cost me around £7 a day so car travel is the most economical way to get to and from work. I would have to review my employment status in Dundee, and I dare say a number of other people would have similar reservations about continuing their employment.”

Economic Impact

When tolling procedures are considered the economic impact needs to be considered along with the community and social perspective. The success of the local economy will be affected to the greatest degree when tolling procedures are changed or remain the same. To keep the tolls establishes a concern that the local economies will be disadvantaged. Organizations such as the Freight Transport Association and Road Haulage Association have responded with concern regarding tolled bridges. The Freight Transport Association stated the following:
“If charges for goods vehicles were to be raised by large percentages the result would be increased costs to the economy as a whole which is not in the interests of fragile economies. FTA would prefer to see all bridges to be toll free particularly for goods vehicles since the UK Government is currently proposing the introduction of Lorry Road User Charging. Unless Bridges were to be removed from the charging database operators would incur both a charge for using the bridge as a road and also paying a fee for crossing.”

The Road Haulage Association voiced similar concerns by stating,

“We believe that consideration should be given to the wider economic issues when setting tolls. Freight movers provide an essential service to the whole Scottish Economy…”

Fife Council, along with the City of Dundee Council, have already recommended that tolls be abolished on both bridges as has Fife Chamber of Commerce.

Conclusions

Scotland is a country striving for equality. To ensure equality exists requires the correction of any circumstance that diminishes this ideal. Removing the tolls on the Tay and Forth Road bridges would increase equality and give a sense of fairness to how bridge users are treated across Scotland.

This Bill, as proposed, contends that tolls from both the Forth and Tay Bridges, which exist under similar circumstances as the Skye and Erskine Bridges (which had tolls removed), are unfair and their continued collection is having an adverse economic impact on East Scotland and Fife and Dundee in particular.

The Skye Bridge, with a debt of £23.64 million plus corresponding maintenance costs, were absorbed by the government.

The Tay Bridge has a debt of £13 million. The repayment of that debt is placed upon the individual bridge user through tolls.

We see no reason for these debts to be treated differently - if one can be absorbed why can’t the other?

The Erskine Bridge forms a key link for the west of Scotland economy and helps maintain social links between communities north and south of the Clyde - tolls removed.

The Forth Road Bridge is the roads network lynch-pin for the east of Scotland economy and plays an important role in maintaining social links between communities north and south of the Forth - tolls retained.

There are 3500 Kms of trunk roads in Scotland. They carry 40% of all Scotland’s road traffic and 60% of heavy goods traffic. They are designed, built, improved and maintained though government funding. What is so different about the few
kilometres of road on the Tay and Forth Road Bridges? Why should a kilometre of road on a bridge be funded and maintained any differently from any other kilometre of road in Scotland?

A recent poll showed that 92.2% of the people are in support of removing the tolls from the bridges (The Courier, 2006). The Courier also mentioned that their campaign team received 150 petitions a day regarding the tolls (The Courier, 2006).

Bridge users pay the piper, but to date have not been allowed to call the tune - until now.
Questions for Consultees

Please return this consultation document by 30th August 2006 to

Bruce Crawford MSP
The Scottish Parliament
Holyrood
Edinburgh
EH99 1SP
Questions

1. Do you agree that tolls on the Forth Road Bridge should be removed?
   A. Yes    B. No

2. Do you agree that tolls on the Tay Road Bridge should be removed?
   A. Yes    B. No

3. If tolls are removed how should the maintenance and improvements for the Forth and Tay Road Bridges be funded?

4. Should the Scottish Executive pay for the outstanding debt on the Tay Road Bridge? If not, how should the debt be paid?

5. What is your view on the economic impact of removing the tolls?

6. What is your view on the environmental impact of removing the tolls?

7. What is your view on the social impact of removing the tolls?

8. Do you have any comments on the Draft Bill and the Explanatory Notes?
Forth and Tay Road Bridges
(Removal of Tolls) Bill
PRE-LEGISLATIVE DRAFT

An Act of the Scottish Parliament to abolish the tolls on the Forth and Tay Road Bridges

1 Forth Road Bridge
   (1) Part V Tolls of the Order contained in the Schedule to the Forth Road Bridge Order Confirmation Act 1958 (c. vi) shall be repealed.
   (2) The Forth Road Bridge Order Confirmation Act 1947 (c. iv) shall be repealed.
   (3) Article 11 of The Forth Estuary Transport Authority Order 2002 (SSI 2002/178) shall be revoked.

2 Tay Road Bridge
   In the Order contained in the Schedule to the Tay Road Bridge Order Confirmation Act 1991 (c. iv) there shall be repealed—
   (a) Part VI Tolls; and
   (b) Paragraph (f) of Section 57 (Power to make byelaws).

3 Short title and commencement
   (1) This Act may be cited as the Forth and Tay Road Bridges (Removal of Tolls) Act 2006.
   (2) Sections 1 and 2 of this Act shall come into force on 1st April 2008 or such earlier day as the Scottish Ministers may by order appoint.
   (3) Different days may be appointed under subsection (2) above for different purposes.
INTRODUCTION

1. These Explanatory Notes have been prepared by Scott Martin, Solicitor, on behalf of Bruce Crawford MSP, the member in charge of the Bill. They have been prepared in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

2. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section, or a part of a section, does not seem to require any explanation or comment, none is given.

SUMMARY OF THE BILL

3. The Bill abolishes the tolling regime on the Forth and Tay Road Bridges. This is achieved by the removal of the right to toll, contained in the legislation for each bridge.

COMMENTARY ON SECTIONS

Section 1 – Forth Road Bridge

4. The Forth Estuary Transport Authority administers the Forth Road Bridge. The authority was established by an order made under the Transport (Scotland) Act 2001 (asp 2). The Forth Estuary Transport Authority Order 2002 (SSI 178/2002) (“the FETA order”) dissolved the Forth Road Bridge Joint Board, transferred the property, rights and liabilities of the Board to the new authority and repealed most of the earlier legislation on the bridge.

5. Subsection (1) removes the right to demand, take and recover tolls in respect of traffic using the bridge as well as further sections dealing with the revision of tolls.

6. The order contained in the Forth Road Bridge Order Confirmation Act 1947 (c. iv) gave the statutory authority for the construction of the bridge and established the Forth Road Bridge Joint Board. The 1947 Act was amended by the Forth Road Bridge Order Confirmation Acts 1950 (c. xxiv), 1958 (c. vi) and 1960 (c. iii). Article 14(2) and Schedule 4 of the FETA order repealed the remainder of the 1947 Act, with a small number of exceptions. The main provisions left after these repeals are section 69 (penalty for failure to pay tolls) and section 101 (local inquires).
legislative provisions on local inquiries are made redundant by the abolition of the tolling regime. Subsection (2) therefore repeals the 1947 Act in its entirety.

7. Article 11 of the FETA Order allows the authority to establish discount schemes for use of the bridge. As this is no longer necessary with the removal of the tolls, subsection (3) revokes this article.

Section 2 – Tay Road Bridge

8. The legislation on the Tay Road Bridge is contained in the Tay Road Bridge Order Confirmation Act 1991 (c. iv). The 1991 Act repealed the Tay Road Bridge Orders 1962 to 1985 and re-enacted some of their provisions.

9. Part VI of the Order confirmed by the 1991 Act gave the Tay Road Bridge Joint Board the power to demand, take and recover tolls. Subsection (1) removes this power from the Joint Board and repeals the associated sections on the collection and revision of tolls. The ability to make byelaws on the collection of tolls is repealed by subsection (2).

Section 3 – Short title and commencement

10. Subsection (2) contains a “sunrise provision”. The Act will come into force on such day as the Scottish Ministers may appoint. If the Scottish Ministers do not to make an order commencing the Act, it will come into force under subsection (2) on 1st April 2008.

11. Subsection (3) gives the Scottish Ministers the power, if they wish to exercise it, to end the tolling regime on the bridges on separate dates.