

# Councillor Brett Herron, MAYCO Member for CPT Transport @ 6 Spin Street Restaurant

## Speech Transcript - Cape Town Press Club

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**Venue:** 6 Spin Street Restaurant, Spin Street (Idasa building)

SPEECH BY COUNCILLOR BRETT HERRON, MAYORAL COMMITTEE MEMBER FOR TRANSPORT, ROADS AND STORMWATER AT THE CAPE TOWN PRESS CLUB, SPIN STREET RESTAURANT

04 NOVEMBER 2011

The invitation to address the Cape Town Press Club came at the height of the City of Cape Town's dispute with SANRAL about the proposed Winelands Toll Road project when there was a lot of media and public interest.

Despite the Minister of Transport's recent announcement that he has instructed SANRAL to put all new toll road projects on hold, that dispute is far from over and I will come back to some of that detail a little later. However, before doing that I believe it is important to consider the toll road debate, and the question of road capacity, in the context of the City's transport objectives.

By many accounts and according to several assessments, we live in one of the world's top 100 livable cities. There is much debate about what makes up a livable city and it is impossible to define a liveable city precisely. No matter the measuring tools, and different tools have been used by different surveys, the liveable city connotes a desirable quality of life. Despite many challenges, including extending this quality of life to all, Cape Town is often ranked as one of the best cities in the world to live in.

One element of a livable city that remains constant, from survey to survey or commentator to commentator and from blogger to blogger, is transportation. Mobility and transportation are basic elements of liveable cities.

An efficient transportation system is absolutely essential to meeting the goals of urban livability. If we are to extend a dignified quality of life to every resident of this city. If those of us who already experience this quality of life wish to continue to do so. If we wish our children and their children to enjoy living in a healthy, great liveable city, then we all need to completely embrace the public transport revolution that is taking place around us.

The City of Cape Town, with professional and financial support from the National Department of Transport, is investing billions of rand to implement an efficient, dignified, quality public transport system. Ultimately it will change the way we move around this city by providing a network that is safe, extensive, universally accessible, integrated, reliable and affordable.

Public transport and transport infrastructure, transport nodes and transport corridors will increasingly bring about a change in how this City works and how this City looks. More importantly, it will change the way this City lives. Transport will become the leading dynamic around which communities will live, work and play. Transport will connect people to economic opportunities and will bring economic opportunities to where people live.

I said earlier that if we are to sustain the livability of this City, and if we are to fully reach our livability potential, then we all need to embrace public transport. It is important for me to make the point that this transformation of our urban mobility is about and for us all - it is not something the City of Cape Town is implementing for the "other".

In years and decades to come public transport is going to become increasingly accessible to all. As this happens so the infrastructure for private car usage will become less accessible.

In implementing a comprehensive public transport system, and in prioritising public transport over private car (as is our objective and the imperative of both provincial and national governments) so we will see the availability of public kerbside parking reduce. We may also see private car road lane capacity reduce, and we could see some public streets become transit malls - strictly accessible to public transport and non-motorised users only.

We are currently rolling out Phase 1A of the MyCiTi service. We have a long way to go before the full MyCiTi service, is implemented across the entire City; before the MyCiTi service is fully integrated with passenger rail and mini-bus taxi transport services to deliver a comprehensive public transport service, as is our objective.

We expect Phase 1A to be fully operational by September 2013 □ this will see communities in Atlantis, Melkbosstrand and Dunoon connected with Blouberg, Tableview, Montague Gardens, Milneron, Century City and the CBD; and onwards within the inner city to the Waterfront, Sea Point, Camps Bay and Hout Bay.

We have announced our intention to roll out the MyCiTi service to the Metro South East, including Khayelitsha and Mitchells Plain by December 2013, and that planning has commenced.

And so, as we roll out this city-wide public transport system and as we install the infrastructure, we need to remind some residents that this is a system for every single one of us.

One day soon we will not need to use our cars. It will be more convenient, more fashionable and more appropriate given the environmental and sustainability issues we will increasingly have to compensate for, to hop onto the MyCiTi network. We will be able to use the MyCiTi card to pay our fares for seamless travel.

This may mean that a MyCiTi bus stop may be placed outside your house or that your usual route of private car travel will now also become a MyCiTi route and that there will be some inconvenience to you, if you wish to continue using your private car. It may mean that a bus stop is outside your business premises and that more shop fronts focus on attracting passing pedestrians. These changes may take a bit of getting used to but we believe they will improve the quality of our urban landscape.

We have recently been awarded the World Design Capital, 2014 and the MyCiTi project with its uniquely designed bus stations, dedicated pedestrian facilities, quality design and changes to the urban landscape was an integral part of our bid submission. The changes in the urban landscape that MyCiTi will bring to Cape Town will continue to be part of our focus for WDC2014.

The Provincial government has set us a target to reduce private car usage by 13% by 2014. Prioritising public transport over private car usage by very definition means that the City will no longer be prioritising capital investment in increasing road capacity for private cars where demand can be met by public transport. It is in this context that I would like to turn to the question of the toll roads. Before discussing the merits of the specific toll road project and the disputes the City has with Sanral and the Ministers of Transport and the Environment, it is necessary to consider the desirability and necessity of increasing road capacity. Our dispute should also be seen in light of the City's commitment to improving public transport and national department of transport's investment in this public transport system.

With all spheres of government prioritising public transport over the private car, investing billions of rand to deliver on this commitment; and with our common objective of moving freight from road to rail, the suggestion that there is a need to increase the capacity of the N1 & N2 roads is anachronistic.

This is not surprising given that the idea was first suggested publically in 1998 when the consortium, that has very recently been identified by Sanral as the preferred bidder to build and operate the toll roads, first made this unsolicited proposal to Sanral.

Whilst we regard some of the planned upgrades to sections of the N1 & N2 as beneficial, we do not regard these as urgent or necessary. In fact some of the road upgrades or network improvements have already been implemented in the period since

the proposal was originally made. Traffic on most sections of the N1 & N2 currently moves in free flow most of the time with some peak period congestion on some sections of the roads. The traffic flow projections used by Sanral to support their motivation for this toll road project have turned out to be inflated and exaggerated. In fact, all sections of the N1 & N2 experience reduced traffic flows.

In our view, therefore, the road capacity improvements that are proposed by this toll project are not necessary and any delay in upgrading the N1 & N2 would not cause any appreciable harm to the public.

The City declared an intergovernmental dispute, in terms of the Intergovernmental Relations Act, with Sanral in July this year.

The basis of that dispute is consistent with the objections the City has repeatedly raised over the past eight years that the Minister of Environment's environmental authorisation, finally given in 2008, was fatally flawed because he failed to take into account the socio-economic impacts of tolling.

Our objections were also based on the fact that the Minister of Transport's decision to declare the roads toll roads, as part of the Intent to Toll process, was also fatally flawed. Firstly, he was unable to take the City's objections into account because the City's full response was not presented to him by Sanral. Sanral did not include a letter which set out the City's objections written by then Mayor Helen Zille in the documents put before the Minister. Secondly, he failed to give the City and the public an adequate hearing.

When the City met with Sanral for our first intergovernmental dispute meeting we asked Sanral to give us an undertaking that they would not proceed with the project, specifically they would not award the tender, whilst we were engaged in the dispute resolution process. Sanral refused to give us that undertaking. Subsequent to that meeting Sanral announced that they had identified the consortium that first made the unsolicited proposal to toll the roads, as their preferred bidder.

Thereafter, Sanral's CEO announced during a radio interview that he expected construction on the N1 & N2 Toll Road Project to commence in February 2012. Given these announcements, despite Sanral's assurances that they were committed to participating in the dispute resolution dialogue, the City briefed senior counsel to prepare a high court application to interdict Sanral from proceeding any further with the project whilst the parties are involved in the intergovernmental dispute process.

The City's application was issued out of the Cape High Court on 07 October and the application is set down for hearing for 06 December 2011. The 6 respondents have until 08 November 2011 to file their responding affidavits.

The City's application indicates that in the event that intergovernmental dispute process fails then it is our intention to commence proceedings to review the environmental authorisation granted by the previous Minister of Environment and to review the subsequent declaration of the N1 & N2 as toll roads by the then Minister of Transport.

In both cases we regard the decisions as legally fatally flawed.

The basis for our objections on the merits of tolling are that: firstly, the project is not necessary; secondly we are concerned that the socio-economic impacts of tolling the N1 & N2 have not been fully considered; and thirdly the additional costs to the City of the diversionary traffic will be substantial.

It is our view, supported by the opinions of consultants we appointed, that the toll roads would be inequitable since they would burden some road users, especially commuters, with costs that other road users would escape and they would add to the impoverishment of the communities obliged to bear the tolls.

Many lower-income, historically black, townships and suburbs along the toll routes, would be further impoverished. This would mean that the economic inequalities, expressed spatially as a legacy of apartheid, would be exacerbated.

The City has also assessed the likely impact of tolling on our secondary roads which we project will have to accommodate the diversionary traffic. Our projections are that there will be a high impact diversion of traffic onto a number of roads, including the M15, Bottelary Road, R101, M12, R102, Hindle Rd, Old Faure Rd and the R304 north.

This diversionary traffic will result in additional road maintenance estimated to cost between R71m and R100m (in today's terms); as well as the need for increased road capacity which we estimate will cost an additional R200m to R400m.

The City also claims that the tolling project amounts to indirect racial discrimination – the reports we have solicited from a number of experts which deal with the social impact show that the tolling of the N1 & N2, as proposed, will have a disproportionately adverse impact on low income sectors of the community – the vast majority of them are historically disadvantaged, and almost exclusively black. There will be a large increase in the cost of commuting thus impeding access to the City's employment opportunities, resources and amenities. This will reinforce social imbalances in Cape Town that are caused by apartheid. There is also the risk of job losses in rural areas – which already suffer from high unemployment..

Since the Minister of Transport's announcement that he has instructed Sanral to put the toll road projects on hold I have written to him to welcome this decision. I have also asked that he confirm that this means that Sanral have been instructed not to proceed with the Winelands Toll Road project; and that should he decide to lift this moratorium that he will give us three months' notice of that decision so that our legal rights are not compromised. I have also written to the Minister of the Environment and asked her to consider rescinding the environmental authorisation.

If we do not get the Minister of Transport's confirmation and undertaking we will have to proceed with the interdict application on 06 December. And if the disputes with the two Ministers and Sanral are not resolved through the Intergovernmental Dispute processes we will proceed with our review applications.

The City is opposed to the imposition of tolls and in particular route specific tolling as a mechanism to fund road maintenance and upgrades. We regard this as economically inefficient, costly and socially inequitable.

We instead support the collection of a user charge by way of fuel levy or shadow toll.

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