



Minutes of Board Meeting

Held in NTA HQ and via video conference on Friday 16th September 2022

Board Members in attendance

Mr Fred Barry (Chairperson), Ms Anne Graham (CEO), Mr Hugh Creegan (Deputy CEO), Mr Pat Mangan, Mr Owen Keegan (CEO, Dublin City Council), Ms Ann Fitzgerald, Mr Frank O'Connor, Mr Brian McCormick, Mr Iain Docherty, Ms Joyce Loughnan, Ms Eleanor O'Neill, Mr David Gray.

Others in attendance

All Items: Mr Philip L'Estrange, Director, Finance & Corporate Services / Board Secretary; Mr Bernard Higgins, Director of Transport Technology; Mr Declan Sheehan, Chief Information Officer; Ms Wendy Thompson, Director of Transport Regulation; Ms Margaret Malone, Head of Corporate Services; Mr Richard Kelly, HEO (Minutes).

Item 4: Mr Stephen Gallagher, Head of Strategic and Business Planning.

Items 5, 16 & 18: Mr Noel Beecher, Head of Governance; Mr Gerard McBrien, Risk Manager

Item 6: Mr Aidan Gallagher, Head of BusConnects Dublin Infrastructure; Mr Colin Murdock, Project Manager, Mr Anthony Sheehy, Senior Project Manager.

Items 7 & 8: Mr David Clements, Senior Transport Planner.

Items 9 & 10: Mr Joe Seymour, Head of Transport Development; Ms Freda Quinlan, Senior Capital Finance Manager

Items 11 & 12: Mr Eoin Gillard, Head of Public Transport Investment.

Item 12: Mr Liam Griffin, Project Manager

Item 14: Mr Ted O'Brien, Procurement Manager; Ms Niamh Bennett, Procurement Manager; Mr John O'Flynn, Head of Customer Experience.

Item 15: Mr Liam Griffin, Project Manager (Item 15a)

Item 17: Mr David O'Flynn, Financial Controller

Item 19: Mr Jeremy Ryan, Head of Public Transport Contracts

* * * * *

1. Declarations of Interest

Mr Owen Keegan declared an interest on agenda item 10.

2. Minutes of previous meeting

The draft minutes of the Board meeting held on 15th July were approved.

3. Matters Arising & Board Schedule

The Chairperson informed the Board it is expected that the position of NTA Chairperson will be advertised shortly on Stateboards.ie.

The Chairperson noted two board approvals that had been made by correspondence since the last board meeting namely:

- 1) Approval of the Young Adult Fares Scheme for the Commercial Bus Operators
- 2) Award of the contract for the provision of the 310 bus service in Limerick city to Dublin Coach

4. CEO Report

The Chief Executive outlined developments since the last meeting and responded to matters raised by Board members. The Board agreed that the NTA should write to the Department of Transport to express concern regarding outstanding PSO funding required to meet obligations for 2022.

Mr Gallagher updated the Board with a progress report on the implementation of the Authority's Business Plan for 2022 and responded to questions from Board members.

Mr Creegan provided an update on the major projects and responded to questions from Board members.

5. Board Effectiveness Review

Mr L'Estrange provided an overview of the progress to date regarding the Board Effectiveness Review. A discussion amongst Board members ensued and it was agreed that a proposed action list to further improve Board Effectiveness would be brought to a future meeting.

The Chairperson proposed the establishment of the Capital Investment sub-committee of the Board, and that its proposed terms of reference will come before Board for approval at a future date.

6. Lucan to City Centre Core Bus Corridor

Mr Creegan explained that in accordance with the Authority's corporate governance arrangements, Board approval is required for the submission to An Bord Pleanála of the Environmental Impact Assessment Report (EIAR), Nature Impact Statement and Compulsory Purchase Order in relation to the BusConnects Dublin Lucan to City Centre Core Bus Corridor Scheme (the "Proposed Scheme").

Mr Creegan recalled that the BusConnects Dublin Preliminary Business Case (PBC) was approved by the Board for submission to the Department of Transport (DoT) and was provided to the DoT on 4 March 2021 to facilitate Government authorisation (required in the case of projects exceeding €100 million) in respect of Decision Gate 1 under the Public Spending Code. Government authorisation in respect of Decision Gate 1 was provided on 8 March 2022.

As that earlier Board approval was solely for the submission of the PBC to the DoT, a further Board decision is required to approve the submission of the relevant applications for approval of the Proposed Scheme under the Roads Act 1993 (as amended) and confirmation of the associated compulsory land acquisition to An Bord Pleanála.

The Chairperson noted that:

- (a) the Authority is progressing the programme known as “BusConnects Dublin”;
- (b) the BusConnects Dublin programme includes twelve Core Bus Corridor Projects, including the Proposed Scheme;
- (c) in that regard, at its meeting of 18 October 2019, the Authority had resolved in accordance with section 44(2)(b) of the Dublin Transport Authority Act 2008 (as amended) (“**2008 Act**”) in connection with the twelve Core Bus Corridor Projects including the Proposed Scheme that:
 - (i) the conditions specified in section 44(2)(b) of the 2008 Act were satisfied; and
 - (ii) the functions specified in section 44(1) of the 2008 Act should be performed by the Authority; and
- (d) among other things, in accordance with section 44(6) of the 2008 Act:
 - (i) the Authority was empowered to perform the function of securing such public transport infrastructure as a public transport authority, namely, in the case of the Proposed Scheme, a road authority; and
 - (ii) land may be acquired by agreement or by means of a compulsory purchase order made by the Authority in accordance with Part XIV of the Planning and Development Act 2000 where the Authority has made a decision under section 44(2)(b) or where the Authority is performing its function of securing the provision of public transport infrastructure in accordance with section 44(2)(e).

The Chairperson further noted that the following documents were before the Authority:

1. The final draft Environmental Impact Assessment Report (EIAR) as at June 2022 which has been prepared by a team of competent experts (as described in Chapter 1 of the EIAR), for the Proposed Scheme;
2. The final draft Natura Impact Statement as at June 2022 for the Lucan to City Centre Core Bus Corridor Scheme which has been prepared by specialist ecologists; and
3. The “Lucan to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”.

It was noted that all of the lands included in the “Lucan to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022” are necessary and required for the construction and or operation of the Proposed Scheme.

The Chairperson outlined to the Authority that it had to consider whether to:

- (a) authorise the acquisition of the lands the subject matter of the “Lucan to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”;
- (b) proceed to submit the “Lucan to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022” to An Bord Pleanála for confirmation in accordance with section 76 of and the Third Schedule to the Housing Act 1966 (as amended);
- (c) proceed to submit the Environmental Impact Assessment Report and the Natura Impact Statement and any other necessary and/or supporting application documentation to An Bord Pleanála in accordance with section 51 of the Roads Act 1993 (as amended) for approval of the Proposed Scheme; and
- (d) proceed to publish and serve all necessary statutory notices in accordance with the provisions of section 76 of and the Third Schedule to the Housing Act 1966 (as amended) and section 51 of the Roads Act 1993 (as amended).

Having considered the matters, the Authority resolved:

- (a) to acquire the lands contained in the “Lucan to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”;
- (b) that the “Lucan to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022” be submitted to An Bord Pleanála for confirmation in accordance with section 76 of and the Third Schedule to the Housing Act 1966 (as amended);
- (c) that the Environmental Impact Assessment Report and the Natura Impact Statement and any other necessary and/or supporting application documentation be submitted to An Bord Pleanála in accordance with section 51 of the Roads Act 1993 (as amended) for approval of the Proposed Scheme; and
- (d) that all necessary publications and statutory notices as required pursuant to the provisions of section 76 of and the Third Schedule to the Housing Act 1966 (as amended) and section 51 of the Roads Act 1993 (as amended) be published and served.

In addition the Board also resolved as follows:-

- a. to authorise the Chief Executive, in her discretion, to take all measures as she determines to be appropriate in connection with the seeking of all statutory consents for the Proposed Scheme, including, without limitation, in each case, on such terms and conditions as may be determined by her:
 - (i) to settle and approve the final form of the documents referenced above for submission to An Bord Pleanála and any other documents to be submitted to An Bord Pleanála;
 - (ii) to execute the “Lucan to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022” including the Deposit Maps on behalf of the Authority and to have the seal of the Authority affixed, having been authenticated by her;
 - (iii) to authorise such person or persons as she deems appropriate to sign all of the various publications and/or statutory notices that are required to be published and/or served pursuant to the provisions of section 76 of and the Third Schedule to the Housing Act 1966 (as amended) and section 51 of the Roads Act 1993 (as amended); and
- b. to the extent applicable, the matters contemplated by this resolution shall be regarded as an additional function of the Chief Executive in accordance with section 19(2) of the 2008 Act

7. Final Waterford Metropolitan Area Transport Strategy (WMATS)

Mr Creegan provided an overview of the Waterford Metropolitan Area Transport Strategy (WMATS).

Following the discussion that took place, the Board authorised the approval of the Waterford Metropolitan Area Transport Strategy subject to the finalisation of the review process being undertaken by the Department of Housing, Local Government and Heritage.

8. Final Limerick Shannon Metropolitan Area Transport Strategy (LSMATS)

Mr Creegan provided an overview of the Limerick Shannon Metropolitan Area Transport Strategy.

Following the discussion that took place and questions from Board members, the Board authorised the approval of the Limerick Shannon Metropolitan Area Transport Strategy.

9. Strategic Assessment Report for Dun Laoghaire Rathdown Connector Cycle Network

Mr Creegan provided an overview of the Strategic Assessment Report for Dun Laoghaire Rathdown Connector Cycle Network. Mr Creegan outlined that approval was being sought from the Board to grant Public Spending Code (PSC) Decision Gate 0 approval to Dún Laoghaire-Rathdown County Council (DLRCC) in respect of the Dún Laoghaire-Rathdown Connector Project (DLR Connector), permitting DLRCC to proceed to complete a Preliminary Business Case (PBC) for the project.

Following discussion and questions from Board members, the Board authorised the approval of the Strategic Assessment Report for Dun Laoghaire Rathdown Connector Cycle Network.

10. Strategic Assessment Report College Green Dame Street Project

Mr Owen Keegan declared an interest in this agenda item and abstained from discussion on the matter.

Mr Creegan provided an overview of the Strategic Assessment Report for the College Green Dame Street Project. Mr Creegan outlined that approval was being sought from the Board to grant Public Spending Code (PSC) Decision Gate 0 approval to Dublin City Council (DCC) in respect of the College Green Dame Street Project, permitting DCC to proceed to complete a Preliminary Business Case (PBC) for the project.

Following discussion and questions from Board members, the Board authorised the approval of the Strategic Assessment Report for the College Green Dame Street Project.

11. Metrolink Railway Order Application Approval

Mr Gillard provided an overview of the Metrolink Railway Order application and sought approval from the Board to authorise a Railway Order Application to be submitted by Transport Infrastructure Ireland to An Bord Pleanála in respect of the project.

Following discussion and questions from Board members, the Board authorised the approval of the Metrolink Railway Order application for submission to An Bord Pleanála for its determination.

12. DART+ Programme – Drogheda Charging and Depot Changes (Public Spending Code Decision Gate 2)

Mr Gillard and Mr Creegan outlined the main points of the DART+ Programme – Drogheda Charging and Depot Changes. They indicated that approval was being sought to grant authorisation to Iarnród Éireann to commence procurement processes for the provision of infrastructure to support the operation of Battery Electric train fleet (BEMU) to include overhead charging equipment, ESB substation, energy storage units, modification to stabling lanes and modification of the Drogheda maintenance depot.

Following discussion and questions from Board members, the Board authorised the approval of the DART+ Programme – Drogheda Charging and Depot Changes under Decision Gate 2 of the Public Spending Code.

13. SPSV Maximum Permissible Age – Public Consultation Commencement

Ms Thompson provided an overview of the public consultation process being undertaken by the National Transport Authority in respect of the SPSV Maximum Permissible Age for SPSV vehicles. An

extensive discussion took place on this and Ms Thompson responded to questions from the Board members including noting a request from the Board that a provision should be made in any new regulations for a staggered change to maximum permissible vehicle age limits.

14. Procurement

a) Provision of Creative Advertising Services

Mr L'Estrange presented the report on the procurement of Creative Advertising Services. Following discussion and questions from the Board members, the Board approved the awarding of the contract for the Provision of Creative Advertising Services to Connelly Partners Integrated Europe Limited (Connelly Partners) for a maximum contract term of four (4) years.

b) SPSV Legal Prosecution Services

Mr L'Estrange presented the report on the procurement of the SPSV Legal Prosecution Services. Following discussion and questions from the Board members, the Board approved the awarding of the contract for the Provision of Legal Services to Coughlan, White and Partners, Solicitors for a contract term of two (2) years with an option to extend by two (2) additional years.

15. Office Accommodation

a) Amendment to Heads of Terms Agreement – Smithfield Location

Mr L'Estrange presented the report which sought approval to amend the Heads of Terms Agreement for the NTA's proposed office space in Smithfield.

Following questions from the Board members, the Board approved the amendment to the Heads of Terms Agreement.

b) Extension of short-term accommodation at WeWork Charlemont

Mr L'Estrange presented the report on the proposed extension of short-term accommodation at WeWork Charlemont noting that approval was being sought to extend the rental agreement by a period of eighteen (18) months until the end of March 2024.

Following questions from the Board members, the Board approved the extension of the rental agreement for short-term accommodation at WeWork Charlemont.

16. Risk Matters

Mr Beecher provided an overview and update to the Board in respect of a number of matters related to risk, including;

a) Technology Risk Update

Mr Sheehan provided a comprehensive update on Technology Risks associated with the National Transport Authority. A detailed discussion took place on this and Mr Sheehan responded to questions from the Board members.

b) Risk Report

Mr Beecher provided an outline of the main points of the Risk Report. The Board noted the report.

c) Approval of Risk Policies

Mr Beecher provided an overview of the main points of the following policy documents;

- i. Risk Management Policy
- ii. Risk Management Framework, and;
- iii. Risk Appetite

Following the discussion that took place, the Board noted and approved the Risk Management Policy, Risk Management Framework and the Risk Appetite policy documents.

In addition, the Board requested that ARC review the IT Cyber Security Risk appetite rating in the NTA.

17. Finance Update

Mr O'Flynn presented the financial report on the Authority's current financial position and responded to questions from Board members.

18. ARC Matters

a) ARC Report

Mr Beecher provided an overview of the ARC Report and responded to questions from Board members.

b) ARC Chairman Appointment

The Board approved the re-appointment of Mr David Gray as Chairman of the Audit and Risk Committee (ARC).

19. National Bus & Rail Fares Strategy

Due to time constraints the Board decided to defer this agenda item to Octobers Board meeting. It was agreed that the board paper would be updated for the next board meeting.

20. PSO Operator Performance

Due to time constraints the Board decided to defer this agenda item to a future board meeting.

21. AOB

22. Meeting without Executive

None

Next Meeting: Friday 21st of October 2022 @ 10.30am.

Signed: _____
Chairperson

Dated: _____