



Minutes of Board Meeting

Held by video conference on Friday 17th December 2021

Board Members in attendance

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

Apologies from Board Members

None.

Others in attendance

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

Items 4 & 8: Mr Stephen Gallagher, Head of Strategic and Business Planning.

Item 5: Mr John Fleming, BusConnects Infrastructure Director; Mr Aidan Gallagher, BusConnects Senior Project Manager; Mr Anthony Sheehy, Senior Project Manager – BusConnects.

Item 6: Mr Joe Seymour, Head of Transport Investment; Mr Oliver Dalton, Senior Programme Manager.

Item 12: Mr Herman Errico, IT Security Manager.

Items 10 – 14: Mr David O'Flynn, Financial Controller; Mr Noel Beecher, Head of Governance; Mr Gerard McBrien, Risk Manager.

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1. Declarations of Interest

Mr Keegan advised that he would not be participating in the discussions on Agenda Item 6 (Clontarf to City Bus/Cycle Scheme Business Case) due to a conflict of interest.

2. Minutes of previous meeting

The draft minutes of the Board meeting held on 19 November 2021 were approved without amendment.

3. Matters Arising & Board Schedule

The Chairperson advised that the status of the filling of Board vacancies remains unchanged. He noted that the filling of the existing vacancy on the Audit and Risk Committee could be addressed once the vacancies at Board level had been filled.

It was agreed to make a change to arrangements for reporting progress on matters arising from previous meetings.

The Chairperson noted that it is planned to have a joint meeting of the Board and the ARC in advance of the Board's February meeting to discuss strategic issues and risk management. He asked the Board members to submit their views on the issues to be covered at that joint meeting to the Board Secretariat.

The Chairperson noted that the Authority's Corporate Governance arrangements permit the making of decisions by written procedure between Board meetings and that decisions taken in this way must be recorded in the minutes of the subsequent Board meeting. The Chairperson directed that the minutes record that the Board took a decision in early December to grant Decision Gate 3 consent to Iarnród Éireann in respect of the award of a Fleet Framework Agreement for electric and battery/electric fleet plus the placement of an initial fleet order at an overall cost of €317.9 million inclusive of VAT. He noted that the decision was taken following receipt of Government authorisation to the awarding of this contract and the placement of the initial order.

4. CEO Report

The Chief Executive outlined developments since the last meeting and responded to matters raised by Board members.

Mr Gallagher outlined progress on the implementation of the Authority's Business Plan for 2021 and responded to questions from Board members.

5. BusConnects Core Bus Corridor Planning Application

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 Clongriffin to City Centre Core Bus Corridor Scheme (the "Proposed Scheme").

Mr Creegan recalled that the BusConnects Dublin Preliminary Business Case 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. As the original Board approval in respect of this case was solely for its submission to the DoT, a further Board decision, which will be subject to receipt of Government authorisation, 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. This approval would allow the submission of the application for approval of the Proposed Scheme and associated Compulsory Purchase Order at the earliest possible date following receipt of Government authorisation.

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 December 2021 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 December 2021 for the Clongriffin to City Centre Core Bus Corridor Scheme which has been prepared by specialist ecologists; and
3. The “Clongriffin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”.

It was noted that all of the lands included in the “Clongriffin 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 “Clongriffin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”;
- (b) proceed to submit the “Clongriffin 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, subject to receipt of the Government authorisation in respect of Decision Gate 1 related to the Proposed Scheme:

- (a) to acquire the lands contained in the “Clongriffin to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022”;
- (b) that the “Clongriffin 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 Impacts 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 “Clongriffin 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.

Finally, the Chairperson asked the Chief Executive to inform the Department of Transport of the Board’s strong view that the implementation of camera based enforcement of bus lanes is a critical element of the successful delivery overall Core Bus Corridor programme.

Mr Keegan left the meeting at this point.

6. Clontarf to City Bus/Cycle Scheme Business Case (C2CC)

Mr Creegan explained that the Clontarf to City Centre route through Fairview represents the second busiest radial cycling route approaching the city centre, surpassed only by the Rathmines to City Centre route. In relation to bus services, this corridor represents the busiest PSO bus route in Dublin, with 152 Dublin Bus vehicles recorded travelling inbound along the corridor in the November 2019 Canal Cordon Count during the same 3 hour morning peak. Currently cyclists and buses (plus taxis) all share a singular bus lane inbound and a singular bus lane outbound, along the sections with bus lanes. With the volume of buses and cyclists using this route, this arrangement causes problems and difficulties for both modes. The core aim of the project is to resolve these issues by providing segregated cycling facilities which separate the cyclists from the bus traffic, benefitting both modes. Mr Seymour also noted that the project would deliver significant benefits through reduced road deaths and injuries along the route.

Mr Creegan recalled that the Clontarf to City Centre project received Part VIII planning consent in October 2017. Following finalisation of the design process, Dublin City Council (DCC) tendered for the construction of the project and a Preferred Tenderer has now been selected by DCC. Subject to the Authority's approval, DCC propose to conclude the contract award process with the 24-month construction period commencing during Q1 2022.

In line with the requirements of the Public Spending Code, DCC prepared a Final Business Case (FBC) reflecting the current status of the project. An independent review of the FBC was performed to support the Authority in respect of its role as Approving Authority for the C2CC project. Additionally, in accordance with the Authority's corporate governance arrangements, the approval of the Board of the Authority is required for Capital Projects and Programmes which exceed €20 million in projected capital costs in respect of Decision Gates 0 - 3 under the Public Spending Code.

Following discussion the Board granted approval of Decision Gate 3, Final Business Case, to permit DCC award the contract for construction of the C2CC scheme and proceed with the implementation of the project subject to agreement from DCC that the minor recommendations and items raised in the assessment are addressed in an updated FBC to the satisfaction of the Authority as Approving Authority for the project.

Following the conclusion of this agenda item, Mr Keegan re-joined the meeting.

7. Transport Security Update

Mr Gaston outlined details of anti-social behaviour being experienced across the public transport network and outlined the work being undertaken by the Authority in conjunction with transport operators to build on the existing coordinated approach to the issue through improved data collection, increased use of technology, greater deployment of security patrols and improved liaison with An Garda Síochána.

During the discussion that followed, the Board welcomed the progress that has been made and expressed its full support for the planned measures. The Board agreed to keep this matter under review and identified some issues for consideration, which Mr Gaston undertook to address in conjunction with transport operators.

8. Business Plan 2022

Following introductory remarks by Mr Gallagher and subsequent discussion, the Board approved the Authority's Business Plan 2022 as presented subject to the addition of a new item relating to demand management.

9. Next Generation Automatic Vehicle Location (AVL)

Mr Higgins explained that AVL systems are essential for the delivery bus services. They enable bus operators to track their fleet in real time, interact with their drivers, monitor adherence to schedule or headway parameters, allocate buses to routes, drive information displays and voice announcements on buses and feed external systems primarily Real Time Passenger Information (RTPI) on-street displays and the TFI National Journey Planner.

He recalled that in January 2021, a Strategic Assessment Report for the Next Generation AVL (NG AVL), was presented to the NTA Board in respect of the Public Spending Code (PSC) Decision Gate 0 and was approved. In April 2021, the Preliminary Business Case (PBC) for the NG AVL project was presented to the NTA Board in respect of PSC Decision Gate 1 and was granted approval enabling the Authority to proceed to complete a Project Brief and Procurement Strategy in respect of Decision Gate 2 of the

PSC. This was completed and approved by the NTA Board in July 2021. In September 2021 the public procurement competition was initiated with the publication of a competition notice and Pre-Qualification Questionnaire.

Mr Higgins explained that the public procurement competition utilises the Invitation to Negotiate (ITN) procedure. It is a two stage procurement process comprising pre-qualification and negotiation leading to the identification of a preferred tenderer at which stage the Board of the Authority will be requested to approve the final contract award. Mr Higgins noted that the contract is due to be issued to the five shortlisted candidates as part of the second stage of this procurement in February 2022.

Following discussion, the Board approved the main terms of the Contract for Next Generation Automatic Vehicle Location system and services as presented.

10. Finance Update

Mr O'Flynn summarised the main points of the Management Accounts for November 2021 and the financial outlook for the remainder of 2021. The Board noted the position on these matters.

11. Treasury Policy

Mr O'Flynn outlined some proposed changes to the Authority's Treasury Policy, which had been reviewed by the Audit & Risk Committee and recommended by it for approval by the Board. He also outlined a proposed addition to the list of authorised signatories to one of the Authority's bank accounts.

Following discussion the Board approved the proposed changes to the Authority's Treasury Policy as presented and also approved the addition of [REDACTED] to the list of authorised signatories in respect of the Authority's bank account with [REDACTED].

12. ICT Security Update

Mr Errico updated the Board on the Authority's Cyber Security Strategy 2022.

The Board noted the position in the matter and requested information on an ICT security issue.

13. Audit & Risk Committee (ARC) Report

Mr Gray outlined the main issues considered at the ARC meeting held on 3 December 2021.

He also drew attention to an issue concerning the appointment of external members of the Audit and Risk Committee.

14. Risk Update

Mr Beecher summarised the up-to-date position on risk management issues and responded to questions from Board members.

15. AOB

None.

16. Meeting without Executive

None.

Next Meeting: Friday 21 January 2022 @ 10.30am.

Signed: _____
Chairperson

Dated: _____