Transport Act (Victoria) Review: GAMUT Submission

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Preamble

At the Australasian Centre for the Governance and Management of Urban Transport (GAMUT) we welcome and support the government's initiative in seeking to reform the transport legislation in order to promote greater coordination and integration in the State's transport system and to pursue a sustainable transport future. We consider this problem to be a high priority for the transport system and we wish to express our gratitude at being given the opportunity to participate in this community consultation process. However, we also recognise that addressing the objectives of the transport legislation is but the first step in the lengthy process of transforming the transport system, and we hope to able to provide input and assistance in the medium and longer term activities that will play a role in implementing this reform agenda.

Reforming the transport sector corresponds closely with the mission of GAMUT, which is to conduct research into the governance and management of urban transport with the overall goal of reducing the environmental and social costs of these systems through reforms to governance, institutions, policies, and practices. In this submission, for reasons of brevity, GAMUT offers an overview of key issues but without the full documentary and evidence support of the available research and scholarship in these fields. If requested, we would be able to provide an account of this research and scholarship.

Introduction

Much of the success of these goals to improve the environmental and social performance of the transport system will, in GAMUT's view, depend on issues of governance and political decision-making.[1] Institutional reform to the transport sector will be critical to ensure that the revised objectives of the transport legislation can be effectively implemented. While many institutional models can be envisaged for the transport sector, in this submission GAMUT offers some guidelines and principles to guide future thinking about these issues, rather than proposing a specific institutional model.

In principle, the State needs to bring overall governance of the transport system under the control of a single unit. However, in doing so, it is necessary to take into account the deep institutional divides, and more particularly the resource and power imbalances, that characterise the governance of transport in the State. The political, institutional, and resource inequities that have historically shaped the transport system is exemplified by the contrast in major project approval processes, in which major road projects have been able to come to fruition far more readily and frequently than public transport projects.[2] Ensuring effective transport governance in the State necessitates, therefore, addressing these resource and power issues that continue to exist between the public transport and road institutions.[3]

This submission is offered on the understanding that changing the objectives of the body of transport legislation necessitates corresponding alterations to the contents of the *Transport Act* (1983) and other relevant legislation. Equally importantly, further changes are implied by modifications to the objectives of the Act. Legislative objectives are only as effective as the legislation that supports these objectives, and the effectiveness of legislation as a whole depends upon its implementation, enforcement, and monitoring. We offer this submission in the faith that the government will seek to build the necessary support for these objectives so as to ensure that they bear fruit. It is noteworthy that the Discussion Paper (p. 6) lists the objectives of the current Act and that these include a provision to

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[1] See, e.g., Low, N.P. and Gleeson, B.J. (eds.) (2003). *Making Urban Transport Sustainable*. Basingstoke, UK: Palgrave-Macmillan.

[2] Such as the striking contrast between the fate of the various proposals in Melbourne for freeway constructions in the last decade and those for public transport proposals relating to the suburbs of Aurora, South Morang, and Rowville, for example.

[3] This broad distinction between 'public' and 'road' transport is drawn for convenience; obviously public transport provided by buses is a part of the road transport system, and cyclists also depend on the road networks.

undertake integrated transport planning and provide an integrated transport system linked to the overall planning strategies. At one level, these objectives should have proved sufficient to guide their realisation already, which by implication of this current review, has not occurred or not sufficiently well. Therefore, in the face of this pre-existing failure of the objectives of the existing Act regarding coordination and integration, it follows that the government must be prepared to undertake the necessary reforms that changes to the objectives necessitate.

Ultimately, the effectiveness of any goals to increase the extent of coordination and integration in the transport sector are premised on the qualities of the transport system. In the case of Melbourne and the State's regional centres, any efforts to optimise the transport system with goals of environmental sustainability and social equity will necessitate substantial extension to the public transport services across these urban settlements. In Melbourne particularly, there are substantial deficiencies in both the areal extent and availability of public transport services, such as the paucity of services in the middle and outer suburbs. Put simply, the best legislation in the world to coordinate and integrate the transport system will have little effect where there are no services to coordinate.

Several aspects of the relationship between the transport system and the State's economy and of the economic performance and evaluation of transport policies and practices are raised in the Discussion Paper. While not wishing to pursue these issues in detail, we wish to make the observation that these matters are far more complex than suggested by the Discussion Paper. Inclusion of broad economic performance objectives into transport legislation unnecessarily evokes a number of potential risks and problems. As is now recognised in a number of the government's own policies, the traditional approach to economics has usually neglected social and environmental values, and the pursuit of conventional economic optimality has been shown to be flawed on these grounds. There is often a tendency in forming these types of objectives to suggest that social, environmental, and economic values should all be optimised, when such optimisation are impossible because in practice a trade-off amongst these goals is inevitable. The inclusion of wide and imprecise economic goals as objectives can serve as the rationale for promoting economic values at the expense of social and environmental goals. Additionally, short-term economic gains can be in conflict with longer-term economic considerations, such as highlighted by the problems of discounting and the long-term issue of climate change.[4] Legislative reform to enhance social and environmental objectives can bring an array of economic benefits, so these goals are not always in conflict, but careful consideration is needed on these matters to avoid producing a set of objectives that are detrimental to environmental and social values.

GAMUT's Vision for Victoria's Transport System

The GAMUT vision is one of seamless public transport networks even for dispersed urban areas, a reduced role for the private car for routine city trips, greatly improved facilities for walking and cycling, and integration of land use and transport planning. In this vision, the main issue is seen as the impact of transport on climate change, increased oil prices and eventual reduction in oil supply. The growing public demand is for better public transport and its connection with foot and bicycle paths.

The purpose of transport legislation is to facilitate this vision.

We offer the following comments on the objectives listed in the Discussion Paper.[5]

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[4] As is clear from the Stern Review on the economics of climate change produced for the UK government, a finding which we anticipate will be reinforced by the current Garnaut Review in Australia.

[5] Victoria, Government of, Department of Infrastructure (2007). *Towards an Integrated and Sustainable Transport Future: A New Legislative Framework for Transport in Victoria*. Discussion Paper. Melbourne.

1. An Integrated and Coordinated System

1.1 Critique of the Current Transport System (Including Responses to the Discussion Paper)

At present, Victoria's urban transport system exists in name only--such is the extent of its fragmentation and incoordination. There is minimal integration between the public transport modes, an absence of public transport network planning, effectively no coordination between private and public transport, few formal or functioning linkages between government agencies with transport and land use planning responsibilities, and a widespread failure to implement existing policies that promote transit-oriented-development and other coordinated land use and transport planning practices.

Many of the high environmental, social, and economic costs of the transport system stem from poor coordination and integration. One result of this poor coordination is our 'dispersed cities', which are characterised by an urban form of low density, dispersed services and functions, and car dependency. Many commentators have described our cities as 'sprawling', a condition enabled by government policy at both State and Commonwealth levels that has encouraged reliance on private motor cars.

The results of this legacy are many and varied. As has been well documented and described, Melbourne has low public transport usage in comparison to best practice cities around the world.[6] Australia's per capita greenhouse gas emissions are amongst the highest in the world and our urban transport sector has a continually growing emissions profile.[7] Melbourne's total car use continues to rise and this mode dominates journeys-to-work, as shown by a recent report by GAMUT.[8] There are severe socio-economic differences across the city. Those living in middle and outer suburbs receive few public transport services with the result that mobility opportunities for the young, elderly, disabled, and non-English speaking are notably restricted.[9] Provision of transport services based on private motorised transport requires high levels of energy consumption from fossil fuels at low levels of energy efficiency. Although there are many variables influencing these environmental, social, and economic problems, it is widely recognised that an essential and significant response is to reduce car dependency in Australian cities and to greatly increase the use of public and active transport modes. This increase needs to be considerably greater that the Government's 20% of trips by public transport by 2020 (see *Melbourne 2030*).

Several specific failures in coordination and integration are noteworthy for their role in contributing to the problems of the State's transport system. Firstly, there is the poor level of public transport modal integration in Melbourne (and of service integration in other cities). The European Commission defines passenger intermodality as ". . . a policy & planning principle that aims to provide a passenger using different modes of transport in a combined trip chain with a seamless journey".[10] It is clear that in Melbourne such 'seamless' journeys are rare. Seamless public transport journeys in Melbourne are now facilitated by the Metlink ticket and marketing facilities, but without coordinated timetables, planned interchange facilities, and network planning, substantial improvements in intermodal trips remain highly unlikely.

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[6] See, e.g., Scheurer, J., Kenworthy, J. and Newman, P. (2005). *Most Liveable and Best Connected? The Economic Benefits of Investing in Public Transport in Melbourne*. Melbourne: Metropolitan Transport Forum.

[7] Australia, Government of, Australian Greenhouse Office (2005). *National Greenhouse Gas Inventory 2003.* Canberra.

[8] Mees, P., Sorupia, E., and Stone, J. (2007). *Travel to Work in Australian Capital Cities, 1976-2006: An Analysis of Census Data.* Melbourne: GAMUT.

[9] See, e.g., Dodson, J. and Sipe, N. (2006). *Shocking the Suburbs: Urban Location, Housing Debt and Oil Vulnerability in the Australian City*. Research Paper 8. Brisbane: Urban Research Program, Griffith University.

[10] European Commission (EC) (2004a). *Towards Passenger Intermodality in the EU: Report 1: Analysis of Key Issues for Passenger Intermodality.* EC.

Secondly, urban transport has failed to be governed, planned, resourced, managed, and operated as a single system, most noticeably in Melbourne. A fundamental division is the government's institutional split between roads and the public transport sector, even though both receive public funding. The extent of this division is so profound that it passes largely without notice. In Victoria it now extends to Ministerial responsibilities, with a Minister for Roads and Ports and a Minister for Public Transport. Administrative logic and the experience of other cities around the world indicates that fundamental reform to the transport sector cannot succeed when the transport responsibilities in a city cannot be considered as a single portfolio. Victoria's largest transport system (Melbourne) is divided into many separate areas such that there are no common strategic goals, there is no single institution with responsibility for transport in government, there is no common or unified budget for transport in government, there is no common governance over the different transport modes, there is no common governance for passenger and freight transport, and so on.

Thirdly, land use planning and transport planning have been largely separate activities throughout Victoria, with the greatest consequences for Melbourne. Recent government initiatives have recognised this historical deficiency, however many problems remain and the historical trends are still in place with transport planning and land use planning in Melbourne remaining the domains of separate State government departments. The consequence is that *strategic urban planning* does not occur and contemporary urban growth continues to exacerbate the condition of the 'dispersed city' in Melbourne and increasingly in regional centres. The 'dispersed city' can only occur where transport is provided. It is widely known that whilst the road system has greatly expanded over the last decade or so, the reach and extent of the public transport infrastructure is almost unchanged. Therefore an increasing proportion of the city has become dependent on private motor vehicles for mobility. One obvious measure of this phenomenon is the trend of increasing car ownership by households and long-term proportional decline of public transport use for commuting. While we acknowledge urban growth is a complex process which involves factors such as the increasing employment opportunities in outer suburbs, it is evident that transport and land use planning are not being coordinated. Instead of contributing to the greater goals of an environmentally sustainable, socially fair, and economically successful transport system, they are actively worsening many of the current trends.

Fourthly, the current transport system and its governing legislation makes no provision for its integration with other social and environmental goals, in particular environmental planning the issue of climate change.

1.2 Examples of the Role of Transport-Related Legislation in Current Transport Problems

The *Transport Act* (1983) omits a definition of several key terms and concepts and we believe this is indicative of the lack of recognition of the role and importance of key issues in transport system integration and coordination. For example, there is no definition of:

- 'Transport system', and
- 'Integrated public transport'.

It is noted that the concept of integrated public transport planning is articulated quite well under Part VI, Division 10, s197(2) which defines those elements to be included in a public transport plan for major events.

> (2) Without limiting the generality of subsection (1), a public transport plan must address the following issues arising from the event to the extent that they contribute to the impact of the event on public transport—
>
> (a) the management of vehicular traffic;
>
> (b) the management of the movement of pedestrians;

(c) the provision of public transport services;

(d) the safety of people in relation to public transport services;

(e) the provision of access by emergency services to, or through the area affected by, the event;

(f) the maintenance of access to public transport services from properties in, or next to, the area affected by the event;

(g) the existence, or provision, of parking facilities.

With this sole exception, the legislation creates a system of agencies which reinforces the 'silos' between the different components of the transport portfolio. Accordingly, Victoria's transport portfolio is fundamentally divided between two ministries, that for public transport and that for roads.

The current legislation also reinforces the very different institutional power relations enjoyed by the roads corporation in contrast to the Director of Public Transport, as shown in the following features of the Act:

- The difference between the wide-ranging powers of the roads corporation (s38) and the constrained and highly-articulated powers of the Director of Public Transport (s9 through s9J)

- That the objective of the roads corporation is to maintain, upgrade, vary, and extend the roads system (s16(1)(a)), which precludes any *limitation* of improvement and extension of the roads system

- That the board of the roads corporation is advisory only and is mainly composed of representatives of road lobbyists, rather than those effected by roads, trucks and cars (s30(4))

- That the roads corporation CEO is also chair of its board, seemingly compromising the independence of the latter

- That in contrast to for example the director of safety, the Corporation is not required to subject its decisions to cost benefit analysis – and certainly not to a system of analysis designed by parties other than the corporation, and

- That although the roads corporation CEO is subject to the direction of the Minister, he/she may publish any such direction in the government gazette (s31(2)) (effectively limiting any directions the Minister can give) and is nominally subject only to regulations created by the Governor in Council (s56).

It is noted also that the Act is prescriptive at a fine level of detail (for example directions for the management of the roads corporation under S16(3)), rather than providing guidance and encouragement which is essential to reform through legislative means.

1.3 GAMUT's Vision for a Revised Transport System

There have been several international reviews of best practice in this area, including a study under the aegis of GAMUT which specifically studied international best practice and lessons for Australia's major cities, and we draw on these studies in offering the following vision.[11]

GAMUT holds that there are four different levels of integration within transport systems.

[11] Glover, L. (2007). *Integrated Management of Sustainable Urban Passenger Transport Systems in Dispersed Cities: A Review of Successful Institutional Interventions*. GAMUT Working Paper. Australasian Centre for the Governance and Management of Urban Transport: Melbourne.

Public Transport Modal Integration

Many studies and reports from Europe and North America have explored and described modal integration. For convenience, we reproduce the findings of the highly-regarded Hi-trans report[12]; we consider these general provisions as also being applicable to Melbourne and other regional centres in the State (p.8):

- An integrated network of all public transport modes and different types of operations, with easy and comfortable transfer opportunities at several places in the city region, not only at the main station or in the city centre

- Exploiting the different quality and capacity aspects of the various modes and services of public transport by putting the right mode and type of service in the right place in relation to customer demand and efficiency of operations

- A simple network with a clear line structure that is easy to learn and remember for all citizens partly due to a well thought-out long-term planning strategy for the urban structure of land use, public transport and road network of the region

- Direct route alignment and the fastest possible speed of vehicle operations with reliable timetables

- High-frequency services where and when the demand is reasonably high

- Coordinated pulse timetables where demand is weaker

- Efficient pendulum lines running through city and suburban centres and major public transport interchanges, that connect major housing and working areas of the region to the city centre, suburban centres and public transport modes, and

- Supporting soft measures such as fare structure, ticketing systems, information and marketing, preferably combined with restrictive policy measures towards car use that can significantly influence public transport demand and the success of all the other measures.

GAMUT considers that the best-practice institutional model for operating, planning, and managing this type of integrated public transport system is the *Verkehrsverbund* which has been widely adopted in European cities.[13]

Transport System Formation

In ideal form, the model for State government's governance of the transport system is through a single body and preferably under the primary authority of a single Minister. Although there are many components to the transport portfolio, the case for a unitary approach to managing the transport portfolio control has become more marked in recent years.

Addressing the key issues facing urban transport requires a coordinated approach, including the issues identified in the Discussion Paper (i.e., economy, environmental protection, social equity, safety and security). Although such a goal can conceivably be achieved regardless of the number of units, groups, and managers involved, management theory and the history of government in Australia clearly suggests that the prospects for successful coordination diminish proportionally with greater numbers of groups involved. Reform of the existing institutional arrangements will be fundamental to the success of any goals for coordination and integration.

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[12] Nielson, G. (2005). *Public Transport – Planning the Networks*. Hi-Trans Best Practice Guide. Hi-Trans: European Union.

[13] See, e.g., Pucher, J. and Kurth, S. (1996). Verkehrsverbund: The success of regional public transport in Germany, Austria and Switzerland. *Transport Policy*, Vol. 2 (4): 279—291.

Accordingly, the functions of the transport portfolio, notably planning and financing, should be centralised with one institution. Melbourne, in particular, requires an integrated and strategic transport plan to take the city's transport system towards a condition in which it will have greatly reduced its environmental impacts.

Transport Planning and Land Use Planning

GAMUT considers that the successful realisation of the goals of improving the environmental and social performance of the transport system depends largely on successful integrated strategic planning of both the transport and land planning portfolios. This dimension of coordination and integration requires institutions and practices to facilitate this goal. Examples of successful practices from around the world, such as transit-oriented-development, have demonstrated the benefits of such integration for promoting public and active transport modes. Despite Melbourne's own *Melbourne 2030* containing several important initiatives for concentrated and higher-density development around designated railway stations, the general trend of the city's urban expansion has urban fringe settlements reliant on use of the private car for urban mobility with distant activity, service, and employment centres.

Despite the familiarity of the theme of coordination between transport and land use planning in urban planning literature and as recognised in key planning polices for the State (including *Melbourne 2030*), devising governance arrangements to achieve this goal has broadly failed to occur and what is required amounts to a revolutionary change to this aspect of governance. As stated above, there is a need for a strategic planning process to address Melbourne's transport system and this needs to include land use planning.

One model that has attracted considerable interest is in Perth where a State government Department of Planning and Infrastructure undertakes both land use planning and transport planning.[14]

Environmental, Economic & Transport Policy Integration

Victoria needs to recognise the critical place of the State's transport system in the future environmental performance of the State. Without a far greater improvement in the environmental performance of the transport sector, the State will not be able to make progress towards its commitments in environmental sustainability, most notably the commitment to reduce greenhouse gas emissions (as discussed in Section 8 below). Effective action will require adopting a strategic approach for whole-of-sector approach to environmental sustainability and placing this approach into the context of other relevant government policies and programs.

1.4 Framing Revised Transport System Objectives for Transport-Related legislative Reform

This legislative objective should seek to promote coordination and integration in the transport sector for the purpose to 'strengthen and improve the State's levels of liveability, sustainability, social inclusion and productivity'.

GAMUT supports the Discussion Paper's identification of the need for integrated land use and transport planning, for integration and coordination between all land transport modes and between transport service providers. The objective should also provide for recognition of the role of intergenerational equity, the need to respond to the challenges of climate change, undertake transparent decision-making, and conduct community participation.

[14] One of the GAMUT research partners, Prof. Carey Curtis, has described the Perth model in: Curtis, C. and James, B. (2004). An institutional model for land use transport integration. *Urban Policy and Research*, Vol. 22 (3): 277—297.

2. A Safe and Secure System

2.1 Critique of the Current Transport System (Including Responses to the Discussion Paper)

GAMUT agrees that the transport legislation should include the objective of a safe and secure transport system, not just for users but for workers in the industry as well. We agree that substantial benefits will occur by reducing road and other transport accidents. There is no doubt that concerns for personal safety on public transport, particularly at night is a major factor in reducing the use of public transport, especially at the outer edges of the metropolitan public transport system.

Much of the traditional transport safety agenda has focussed on motor vehicle technology, motor vehicle operators, and road and traffic infrastructure, and on-going efforts have reduced annual road deaths and injuries, despite an increasing number of drivers, vehicles, and vehicular use. However, one of the costs has been to privilege private vehicles over active forms of transport with a substantial decrease in this mode. We believe there is a role for policies and programs directed at coordination and integration in the transport system in addressing transport safety.

The energy intensity of road vehicles is reflected in their effects on health. Motorised transport, with high levels of kinetic energy can and do result in serious injury. The seriousness of injury is directly related to the kinetic energy of the vehicle at impact (speed) and the mass of the vehicle. The present dominance and increasing use of motorised transport and 'car dependency' in urban areas creates these dangers. Activities which encourage higher speeds for motorised transport, such as reduction of congestion on major arterials, increase the danger from this form of transport.[15]

It is not feasible to completely separate active and public transport users from motorised vehicles on roads. Although the use of Copenhagen-style bike lanes can significantly reduce the risk to cyclists, cyclists invariably come into contact with motorised transport at intersections. The use of corrals to contain pedestrians, control variant pedestrian and cyclist behaviour, and ensure formal road crossings are used, discourages active transport. Variant behaviour is often worse under these conditions and accidents, when they do occur, increase in severity.

The concept of safety also includes the notion of workplace safety and that accidents between transport vehicles are reduced. In the public transport system this element is very important. The current system is apparently constrained because of insufficient signalling capacity and control systems, so that trains cannot be run close together, and cannot run quickly. Similarly, tram speed is limited due to concerns over interaction with other road users. Safety systems improvements in these areas are needed if we are to obtain a fast, frequent and reliable public transport system.

2.2 Examples of the Role of Transport-Related Legislation in Current Transport Problems

A key issue with the current safety elements in the *Transport Act* (1983) is that there is a distinction between the Director, Public Transport Safety, and the person with responsibility for road safety.

Also, the Director, Public Transport Safety is obligated to ensure that recommendations made balance societal costs and benefits (Part II, Div 4, S.9V). This is later reduced to a requirement to conduct a cost-benefit analysis, which must follow the design specifications set by the Minister only after consultation with the Treasurer and Premier. This seems to be intended to create a system where safety standards are to be determined in accordance with economic affordability above actual safety requirements.

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[15] Woodcock, J., Banister, D., Edwards, P., Prentice, A.M., and Roberts, I. (2007). Energy and transport. *The Lancet*, Vol. 370 (9592): 1078–1088.

A further point on the matter of the development of guidelines for this cost benefit analysis. The legislation seems to accept the inherently political nature of the development of guidelines for cost-benefit analysis on these sorts of matters through the possible requirement for the Safety Director to obtain independent advice on methodology used, however it falls short of requiring a community consultation on this matter.

GAMUT questions the efficacy and appropriateness of cost-benefit analysis for issues such as these and considers that such narrow technical evaluations should not be specified in transport legislation.

2.3 GAMUT's Vision for a Revised Transport System

GAMUT proposes that the case for providing safe mobility for the State's citizens can best be served through the realisation that through the provision of a highly integrated and coordinated urban transport system, public and active transport modes can replace many of the journeys presently made by car, and thereby foster a system with higher levels of safe mobility.

Improved safety procedures and system control should be implemented in public transport to support faster, more frequent and reliable public transport.

2.4 Framing Revised Transport System Objectives for Transport-Related legislative Reform

Achievement of greater active transport has been demonstrated to be inversely correlated to road accidents and pedestrian and cyclist fatalities[16]. Not because pedestrian and cyclists cease their variable behaviour, but because larger numbers of them force a change in behaviour of motorists (who drive more carefully). To encourage greater use of active and public transport a greater share of road space needs to be available for these uses.

Safe functioning of the public transport system also needs to be dramatically improved to allow for increased frequency of services, higher public transport speeds and more reliable services.

3. An Efficient and Reliable System

Questioning Efficiency as an Objective

In the existing objectives and within the Discussion Paper, there is frequent use made of the term 'efficiency'. This term has both a common and specific application; as a general term, 'efficiency' connotes an intangible set of desirable attributes, such as in the sense that services are to be provided in an 'efficient manner', which in itself is a largely meaningless term. Applied as a specific term, efficiency denotes the ratio between the inputs and outputs of a system, and therefore requires an expression of both what is being assessed as these outputs and outputs. In drafting policy documents, regulations, and legislation care must be taken to avoid casual use of terms such as 'efficiency' as oftentimes these become a form of code to represent more specific meanings, such as reducing economic costs. GAMUT would advocate avoiding terms such as efficiency if a particular meaning is intended and instead expressing exactly what is specifically intended.

Possible Alternatives to the Term 'Efficiency'

GAMUT supports the idea that active transport modes should be supported so they are safe, and people can take up active transport opportunities easily. Public transport needs to occur frequently and reliably and deliver passengers to destinations quickly. Such a frequent, reliably and fast service could be achieved through coordinated operations throughout the transport system (including road, public and active transport), and through appropriate transport system planning.

[16] Jacobsen, P. (2003). Safety in numbers: More walkers and bicyclists, safer walking and bicycling. *Injury Prevention*, Vol. 9: 205-209.

4. A System that Provides Value-for-Money

4.1 Critique of the Current Transport System (Including Responses to the Discussion Paper)

GAMUT accepts that government involves choosing between competing priorities, and that delivery of projects (in particular those with high public profile) which provide palpable benefits, on time and on-budget is important for maintaining public confidence in government spending. Transport services that are fit-for-the-purpose (to use the language of the Discussion Paper) they are designed for are critical.

We agree that at present different modes of transport are funded from different sources, and that costs are borne differently between government funds and direct payments by private citizens for different modes. However we reject the notion that transport planning should be limited by current funding models, or cost benefit analysis which does not, and cannot reasonably be expected to, take into account externalities generated by the current modal split such as health, environment, climate change and social impact.

As has been identified by the UK Government and European Union, a major problem with the idea of *value for money* (VfM) is that it has been closely aligned with concepts of efficiency and this has led to the notion that it equates to 'get the most for the least' which generally devolves to 'pay the least'. In procurement involving private providers, VfM is often seen as encouraging the least-cost quote, which leads to a bidding war, and selection of the worst service possible rather than the best service, for a price that can be afforded. Thus procurement has been beset by issues of increasingly low standards of service and safety, poor build quality and high maintenance costs.[17]

This problem of VfM is reinforced in transport in Australia because there is a perception that private citizens pay more of the share of the cost of provision of motorised transport (through paying for the car for example), than public transport users do (through the cost of fares). Thus the direct cost of public transport to the government seems higher (although GAMUT is currently working to achieve an accurate estimate of the actual cost of road provision) and therefore it looks like VfM is achieved best through provision of roads in preference to loss making public transport. This perception is achieved through disregarding those costs and externalities which are not borne by the organisation proposing the infrastructure upgrade. Therefore the costs to the health system of increased mortality and morbidity from air pollution is not considered a cost to government in calculation of the cost of road provision, nor is the cost of the environment, climate change, and other externalities such as social amenity and equity.

In the area of transport infrastructure projects, research points to endemic under estimating of costs and over estimating of benefits. It is estimated that this problem occurs in nine out of ten projects. This indicates that the concept of evaluation of the relative benefits of transport projects versus other projects (such as schools and hospitals) on the basis of project estimates is likely to be inaccurate, because cost overruns will occur on the order of 20--100%.

4.2 Examples of the Role of Transport-Related Legislation in Current Transport Problems

VfM does not seem to have be brought into the *Transport Act* (1983) in its current form, with the possible exception of the requirement that the Director. Public Transport Safety is required to undertake, see section 2.2 of this report.

4.3 GAMUT's Vision for a Revised Transport System

Transport planning must lead the way toward a change in the modal split between motorised, public and active transport, which privileges public and active transport. In this

[17] Sturup, S. (2006). *Contracting/ Outsourcing in the UK: A Question of Accountability and Transparency*. Unpublished M.Sc. Thesis, School of Geography, University of Oxford.

context GAMUT would support an objective of value for money if it was clearly understood as:

> The provision of high quality transport services, which reduce motorised transport dependence, without paying the builders and suppliers of such services exorbitant fees for that service.

4.4 Framing Revised Transport System Objectives for Transport-Related legislative Reform

In framing this objective for the provision of services the legislation needs to provide for clear delineation of the meaning of VfM, including:

- That VfM is not relevant in determining the need for a service, nor the scope of the service
- That application of VfM is limited only to criteria against which different possible provision models might be evaluated
- That VfM does not mean 'least cost' if it effects the provision of services, and
- That procurement should encourage to development of innovative and further services, rather than a bidding war.

5. A System that Supports Economic Growth

Use of this goal, we believe, is problematic in that it tends to 'trump' all other objectives and distorts the policy debate against social and environmental objectives.

In practice, the limit of this particular objective is that it is effectively impossible to optimise transport on the basis of its net contribution to the State's economy. We are not aware of any research that has shown that there is a correlation between any particular transport system and any particular level of economic growth. What has tended to happen in the discourse over transport policy is that narrow definitions of economic benefits of transport choices are used as rationales. A concern GAMUT has with this objective is that it has formed a sort of 'shorthand' for policy which equates greater use of transport axiomatically with economic growth. In cities that are dependent on motorised transport, the promotion of economic growth becomes an unquestioned case for greater expenditure of roads and associated infrastructure which is at odds with the strategic intent of this reform to transport legislation.

6. An Equitable, Accessible and Socially Inclusive System

6.1 Critique of the Current Transport System (Including Responses to the Discussion Paper)

GAMUT supports the objective of an equitable, accessible and socially inclusive transport system, and agree that the dimensions of this objective go beyond transport planning, indeed this is a key ingredient for integrating land use planning and transport planning. However, we note that transport inequity affects not just those how are physically and financially restricted, but also transport and lifestyle choices.

The current mode balance in Victoria, with its heavy dependence on cars, limits choices with regard to mode share. For many, including those financially disadvantaged in outer suburban and rural areas, the choice to reduce motorised transport equates to a choice of restricted movement and social isolation. This forced choice affects about one-third of the population who cannot drive due to age, mobility restrictions or not owning a car.[18]

[18] The Coalition for People's Transport (2007). *Transport and Liveability: The Path to a Sustainable Victoria*. Available at: http://www.vcoss.org.au/documents/vcoss%20docs/transportDOC:0601-transport_livability_statement.pdf

An absence of the options to use public and active transport in car-dependent cities reinforces the use of private cars to provide the bulk of the urban mobility task. Car-dependency results in conditions where this mode of transport absorbs public and private capital, urban space, and other resources. Sunk investments into private transport are often used as a rationale by households and governments to continue to use and invest in private cars and the associated infrastructure. Yet this very dependency creates the conditions whereby the inequity in mobility becomes institutionalised because the transport system is oriented towards the needs of car-users, effectively 'leaving behind' those without access to car transport.

Finally, the current mode balance increases the social isolation of car drivers and attendant levels of fear of the other, inability to use public transport and lack of engagement in community activity. Hence, "… the socialization of children-especially well-to-do children-into fear of the other contributes to their increasing need to be separate, which in turn, leads the next generation of adults to engage in higher levels of destruction to the physical and social fabric of society to maintain their separateness" (p.242)[19].

6.2 Examples of the Role of Transport-Related Legislation in Current Transport Problems

The legislation is designed to support the separation within government management of modes of transport. This is explored fully under section 1.2 of this report.

6.3 GAMUT's Vision for a Revised Transport System

At heart, transport is about access for people to the places they need to get to. The transport system should provide easy access for all people to all the places and services which are provided, and which are necessary to carry out a fulfilling and productive life. This need for access begins with the young and extends to the very end of life. The transport system therefore needs to orient itself to planning for access for the large portion of the population who due to age, disability, lack of training, or lack of finance, do not drive a private car.

6.4 Framing Revised Transport System Objectives for Transport-Related legislative Reform

The focus of this objective needs to be as broad as possible to include not just discussion of a transport system which serves the disadvantaged, but discussion of the equity, accessibility, social inclusiveness, and social amenity which is possible through an integrated system which privileges active and public transport.

7. A Healthy System

7.1 Critique of the Current Transport System (Including Responses to the Discussion Paper)

GAMUT broadly supports the inclusion of a *healthy system* objective in the new legislation, for the reasons outlined in the paper, and also because a mode shift to active transport is mutually reinforcing of the objective of an *environmentally sensitive* system and an *equitable, accessible and socially inclusive* system.

7.2 Examples of the Role of Transport-Related Legislation in Current Transport Problems

The current legislation and policy, where it focuses on road sharing, privileges the position of motorists over active transport users. Examples can be found in the increasing use of 'corrals' to control pedestrian movement across roads, and the recent focus on fines for 'j' walking in metropolitan Melbourne. As noted under the heading *'A Safe System',* these

[19] Sutton, S.E. (1997). 'Creating landscapes of safety,' in Ellin, N. (ed.) *Architecture of Fear*, Princeton, NJ: Princeton Architectural Press: 241—252.

elements are designed to reduce pedestrian and cyclist variations in behaviour and make them more predictable for cars. The result of this focus is increased speeds of motorised traffic, with increased danger for active transport modes. This leads to increased numbers of cars, and decreases active transport.

Congested roads also lead to increases in air pollution. With an estimated 2,400 Australian deaths linked to air quality, and cars and trucks the most significant source of air pollution, something must be done to reduce pollution from cars.[20] Research shows however that building more roads has little or no effect on congestion, and rather, due to high car ownership in Australia, simply leads to greater car use with attendant increases in overall air pollution. Tunnels, with their attendant smoke stacks serve to increase the intensity of pollution at the exit points leading to even greater risks to residents living closer to them. The solution to air pollution created by congestion is to reduce the number of cars and trucks on the road.

7.3 GAMUT's Vision for a Revised Transport System

A healthy transport system would be one in which short trips would be conducted on foot or cycle, and longer trips by an environmentally responsible public transport system. This would place more people on the street which would improve overall safety in communities, reduce the adverse health effects of air pollution, road traffic injuries, physical inactivity, environmental degradation and climate change, and improve accessibility to necessary community facilities for everyone, especially women, children, the elderly and the disabled.

7.4 Framing Revised Transport System Objectives for Transport-Related legislative Reform

The focus of road legislation and policy needs to be turned on its head. Road policy must be put in place which privileges the needs of active transport users over motorised transport users. The legislation needs to provide for the eventual reduction in motorised transport and reclamation of road space for other users/uses. Traffic (rather than pedestrian) calming measures should be privileged, and speed limits reduced.

Following these improvements, land use and transport policy needs to be integrated to reduce the need for long trips, ensuring those with special needs have appropriate access to necessary community facilities.

8. An Environmentally-sensitive System

8.1 Critique of the Current Transport System (Including Responses to the Discussion Paper)

In describing several of the most pressing environmental costs of the State's transport system, the Discussion Paper correctly identifies a number of major issues as assessed by the State's Greenhouse Strategy, Commissioner for the Environmental sustainability, CSIRO, and other groups. To this listing further detail could be added, but this would not alter the basic parameters of the understanding of these problems. GAMUT would, however, add a number of comments on the issues of the environmental costs of the transport sector.

Although the Discussion Paper correctly identifies these themes, it is devoid of the urgency and importance of this task. There may be no stronger rationale for reform to the transport sector that the goal of addressing climate change.

[20] The Coalition for People's Transport (2007). *Transport and Liveability: The Path to a Sustainable Victoria*.
Available at: http://www.vcoss.org.au/documents/vcoss%20docs/transportDOC:0601-transport_livability_statement.pdf

Greenhouse gas emissions in Victoria continue to rise (from 104 $MTCO^2e$ in 1990 to 125 $MTCO^2e$ in 2005, excluding land use, land use change and forestry)[21], including transport sector emissions, and that BAU forecasts have a continuation of these trends.[22] Victoria's greenhouse gas reduction target of 60% of the year 2000 total by 2050 implies a reduction in the transport sector of a similar magnitude.[23] Under current circumstances, the most obvious policy option available in the transport portfolio for maintaining current levels of urban mobility and greatly reducing emissions is switching from private car transport to public and active transport modes. Indeed, a number of studies examining a range of policy options lead to the conclusion that this option is only known choice available at this time.

Large-scale mode switching from private to public transport faces several serious economic, institutional, political, and social obstacles. Amongst these issues is the current state of car-dependency in the major urban centres, particularly Melbourne. As described above, the State government must accept a large part of the blame for the creation and continuation of this problem and for the extant trends in the worsening environmental performance of the State's transport system. Foremost in the public policy settings and infrastructure decisions that have promoted growing use and dependence of the private motor vehicle has been the following broad features:

- Minimal public investment in the expansion of public transport services
- Continued expansion of Melbourne's freeway system
- Urban expansion without provision of public transport services or for active transport modes, and
- Urban planning practices that have promoted the settlement pattern and land uses of dispersed cities.

While there are many causes and dimensions to these issues, the government has not endorsed a clear policy position on this issue, but rather has followed a contradictory set of policy directions, so that within existing legislation and policies, there are both prescriptions for building new freeways and major roads and for encouraging greater public transport use, policies and plans for transit-oriented development and for dispersed settlements and separated land uses, and so on. Its not the case that *Meeting Our Transport Challenges, Melbourne 2030, Linking Melbourne – Metropolitan Transport Plan*, and other government initiatives are without important concepts and proposals for responding to these environmental issues in the transport sector, its that the sum effect of these is to work in contradictory ways. Further, because Melbourne is a car-dependent city, all those policy measures and prescriptions that foster and encourage greater car use

8.2 Examples of the Role of Transport-Related Legislation in Current Transport Problems

GAMUT notes that the Transport Act (1983) does not explicitly address:

- Greenhouse gas emissions reduction from the transport portfolio as a portfolio objective

[21] Victoria, Government of (n.d.). Victorian Greenhouse Strategy, *Victorian Greenhouse Gas Inventory 2005*. Information Sheet. Available at: www.greenhouse.vic.gov.au

[22] See, for example, Bureau of Transport and Regional Economics, Commonwealth of Australia (BTRE) (2002). *Greenhouse Gas Emissions from Transport: Australian Trends to 2020.* Report No. 107. BTRE: Canberra.

[23] No sectoral targets are set in the *Victorian Greenhouse Strategy* or other policy documents, but the distribution of the sectors within state's emissions profile is such that significant cuts will be required across all sectors and there is no compelling logic that the transport sector would be set a significantly easier target than competing sectors.

- Greenhouse gas emissions reduction from the public transport sector

- Promotion of public transport and active transport modes on the grounds of their contribution to reducing the environmental impacts of the transport sector as a whole

- Containment and reduction of private car use within the transport system as being necessary to reduce the environmental costs of the transport system

- Environmental protection as an objective of the transport system

- Recognition of the precautionary principle as a means to guide decision-making in the portfolio where social and environmental values are at stake

- Reference to other relevant legislation and regulations, in particular those involving land use planning and local government responsibilities

8.3 GAMUT's Vision for a Revised Transport System and Revised Transport System Objectives

Victoria's transport system should have as its objective the provision of mobility at the lowest overall environmental costs. Environmental protection should be a guiding principle of the transport system. Explicit recognition needs to be given to the climate change and the responsibility of the transport portfolio to reduce greenhouse gas emissions from the state's transport system. Transport policies should seek to promote those transport modes with the lowest environmental costs and discourage those modes with high environmental costs. In broad terms, GAMUT's vision for an urban transport system in the immediate future is one that seeks to minimise the role of the private motor vehicle and maximises the use of public transport and active transport. Use should be made of the precautionary principle where decisions involve social and environmental values.