CBD and South East Light Rail Project – Public Accountability Committee – Peter Egan, Sydney Light Rail Action Group.

Question on notice from committee member David Shoebridge – Peter Egan response

Who do you think made the decision and was responsible for the start of the problems, which was to skip the two mandatory gateway assurance reviews? Was it then Minister Berejiklian, or was it a bureaucrat?

A key gateway review was the November 2013 business case, from which a summary was publicly released. ((Page numbers below refer to CBD AND SOUTH EAST LIGHT RAIL BUSINESS CASE SUMMARY NOVEMBER 2013.))

I assume ministers ask their departments for proposals to achieve their goals. The business case is surely the work of the department, as ministers and their staff do not possess the knowledge to question key assumptions in the business case.

There is a moral hazard in that the time to deliver an operational service – over 5 years – will see many assumptions and staff change, and an election. A more public process around service and supporting infrastructure is necessary to avoid moral hazards – see Appendix B of this paper. Gateway processes are inadequate.

The capacity of DPE, TfNSW and Treasury, and their agencies, to give high quality transport advice is poor, based on the business case, as outlined below. Tram options fall well short of the desired route capacity. The claimed economic benefits are illusory. Only heavy rail (double-, or single-deck) has the necessary capacity. INSW advice to extend the Eastern Suburbs rail Line should have been heeded.

Economic appraisal

The Economic appraisal is very deficient. The following points refer to the economic appraisal summary in the box below. The claimed $4 bn in benefits are illusory. The greatest benefit would result from urban uplift if transport system capacity was increased, however, the project does not achieve this. The urban uplift taking place is occurring for other reasons.

--- The tram service is likely to extend door-to-door journey time for a majority of passengers. A far smaller proportion of passengers will get a seat. Reliability may improve. $2.2 billion in public transport benefits will not arise as the bus service delivers superior service.

--- The loss of 24 lane kilometres of road is most unlikely to lead to decongestion. The $264 million of benefits are unlikely – increased costs are likely.

--- Journey time (door-to-door) savings likely exist for few people as buses offer more direct services for most passengers, have more service points and offer express and all stops services. The amenity improvement to streets will be minor due to the impact of the rails and other equipment on Streetscape – even in the closed-to-traffic portion of George St. $333 million of journey time/amenity savings are likely a small cost. Construction period costs have turned out to be large.

--- Public transport operational savings may not exist due to the higher operation, including maintenance, costs of a tram and their fixed infrastructure, and the fact one 45-metre tram only replaces 3 standard buses – see analysis below. Tram fares are the same as bus fares. Vehicle type does not impact passenger desire to travel. $707 million of public transport savings likely do not exist.

--- Environmental and social benefits are very hard to quantify. Noise is reduced only on a small section of George St. Thirty of the 45-metre-trams per hour replace 90 buses per hour. In the AM peak one-hour, 1010 buses entered the CBD in the peak one-hour. The trams could be said to cause a 9% reduction in CBD buses based on 2011 data – perhaps 6% based on 2021 demand increased. Commercial and private vehicles contribute to air pollution. As with motorway tunnel filtering, air pollution reduction due to tram operation is likely NOT detectable. The $308 million in social and environmental benefits is likely closer to $5 million.

--- Project cost is eventually paid to people. Government claws back a portion in GST and Income Tax. Project employment benefits, as they are a cost to government, perhaps should be valued like welfare payments in the BCR. This benefit appears unquantified in the economic appraisal.

--- The economy is enabled by specialised land use connected by transport. Wider economic benefits will arise if the transport capacity of the city is improved. The CSELR does not have this effect. They also arise if the infrastructure encourages urban renewal. A figure of $222 million appears pulled out of the air.

--- Social benefits have not been quantified. Social and economic access is improved for very few. Any benefits will be small.

Economic appraisal (pages 6 & 7)

"A detailed appraisal of the net economic, financial and sustainability impacts of the project has been undertaken. Expected $1.6 billion project cost and predicted demand over a 30-year period following the start of operations, has identified almost $4 billion worth of benefits to be generated by the project". BCR $4 bn benefits/$1.6 bn costs – BCR 2.5

The majority of the economic benefits ($2.2 billion, or 57 per cent) result from public transport benefits related to faster, more comfortable, more reliable journeys.

Additionally, the light rail project is expected to provide:

• Road users with benefits worth $264 million from decongestion, operating savings and road safety improvements.

• Journey time savings and amenity improvements worth an estimated $333 million for pedestrians.

• Around $707 million in public transport operational savings, including increased revenues, reduced bus operating costs and efficiencies from integrating with the existing IWLR.

• Environmental and social benefits worth $308 million, including a reduction in air and noise pollution, a reduction in greenhouse gas emissions and improvements in health.

• Wider economic benefits worth $222 million, including the sustainability benefits associated with improved urban renewal opportunities.

The Environmental Impact Statement for CSELR also estimates the project will help create over 10,000 direct and indirect jobs between 2014 and 2020.

Social Benefits

Social impacts and benefits including social and economic access have been assessed.

The CSELR will improve public transport connections to key cultural, educational, and recreational locations.

Modelling errors informing the Business case

Starting a new transport mode from scratch (reintroducing light rail to Sydney), as part of an attempt to decongest the Sydney CBD, the modelling of the service will be subject to great uncertainties. In this context, computer-based service modelling, such as that used for our main roads and railways, is likely to express results to a level of precision well beyond the reliability of the input data. The line load forecasts were presented with a precision that is far from accurate.

Sydney Metro train and Light Rail tram crushload capacity was compared to the operational capacity of double-decker trams and standard (12-metre) buses. Surely, a few people within DPE, TfNSW and Treasury knew erroneous comparisons were being made. However, perhaps as few as 10 people in Australia understood the comparison at the time, and that number has not substantially increased since. Public transport vehicle manufacturers do not see it as their role to advice on operational capacity.

Demand data drew on population and workforce growth projections – the most reliable portion of demand data.

The wholesale changes proposed surface public transport routes, and the introduction of a potentially faster mode (light rail route cleared of other traffic), makes it very hard to reliably model demand for travel on the route between Central and Circular Quay. "Line load" demand, presented as accurate in the EIS, could easily be out by 100% in the CBD. Between Central and Randwick/Kingsford, line load is more predictable as it is premised on replacing bus services.

It appears the line load modellers worked to constrain Line Load to the crushload capacity, not the service capacity – a major error.

The intent of the Sydney CBD surface public transport reorganisation was to reduce the 1010 buses entering the Sydney CBD in the 8AM-9AM weekday peak (2011 data) by 227 buses (see Figure 1) and introduce the CSELR with a future capacity equivalent to 150 standard buses each way (9,000 passengers per hour each way in 30 trams with a capacity of 300 each). Some of the 227-bus reduction would be achieved by reorganising routes and frequencies to ensure buses are loaded nearer their service capacity. The greater part of the reduction would be achieved by introducing the CSELR. However, the initial plan was 20 trams per hour, increasing to 24 in the future. There was never an intent, at the time of the business case, to maintain public transport capacity, as there was no intent to deliver 30 services per hour.

Error caused by use of crushload capacity rather than operational capacity

As per my submission at the sworn hearings 20 August (see Appendix A to this document),

--- Crushload capacity is "seats + 4 Pax/m^2 in standing areas".

--- Operational capacity is "seats + 1.5 Pax/m^2 in standing areas".

(Page numbers below refer to the CSELR Business Case Summary Nov 2013.)

"One light rail vehicle has the capacity to move 300 people". Page 13 – consistent with crushload capacity calculated from Alstom Citadis 405 data (2014) below.

"Light rail will carry five times more passengers than a traditional bus". Page 13 – consistent when comparing crushload tram with licenced bus capacity.

Traditional bus licenced capacity ~60 passengers of which ~44 seated (comfort ratio 73%)

Alstom Citadis X05 product sheet EN – Citadis 405 2.65 m wide - 43 m to 45 m long – 7 module tram

Max seats 82. Fixed seats 64. Fold-up seats 18, but space for 24.

Max standing 237@4Pax/m^2 - 59.25 m^2 includes space for fold-up seats. **Add 64 fixed seats = 301 pax**

Comfort ratio (seats as proportion of total capacity) – up to 25%.

Alstom Max total 341 – not stated how this figure is arrived at.

Operational capacity at "all seats + 1.5 pax/m^2"

88 seats possible. Reduce standing area by 12 m^2 for 24 fold-up seats (0.5 m^2/seat)

(59.25 – 12) = 47.25 m^2 x 1.5 = 71 standing passengers.

71 + 88 = 159 passengers operational capacity.

Bus operational capacity at seats + 1.5 pax/m^2 standing (12 metre bus standing area 9 m x 0.6 m aisle = 5.4 m^2). Standard 12 metre bus service capacity = 45 seats + 5.4 x 1.5 standing = 53 pax service capacity.

Operational capacity of Waratah Train using same criteria 894 seats + 320 standing (~213 m^2 stand) = 1214 pax.

Operational capacity of 8-car Sydney Metro train using same criteria – 506 seats + 294 stand (~196 m^2 stand) = 800 pax.

Operational capacity of 8-car automated double-deck metro 976 seats + 377 stand (~251 m^2 stand) = 1353 pax.

True vehicle capacity comparisons

--- one 45 metre tram has 3.0 times the capacity of a standard bus.
--- one Metro train has 5.0 times the capacity of 45-metre tram, and 15 times the capacity of a standard bus.
--- one Waratah train has 7.6 times the capacity of a 45-metre tram, and 22.9 times the capacity of a standard bus.
--- automated double-deck metro has 8.5 times the capacity of 45 metre tram, and 25.5 times capacity standard bus.

Service frequency and hourly capacity comparisons

--- Automated Metro train – 30 services per hour – 24,000 pax/hour
--- Waratah train with 'fixed block' signalling – 20 services per hour – 24,280 pax/hr
--- Waratah train with CBTC signalling – 25 services per hour – 30,350 pax/hr
--- Automated double-deck Metro train – 27 services per hour as ~50% more dwell time required compared to single-deck – 1353 x 27 – 36,530 pax/hr
--- 45-metre CSELR tram

– likely one per traffic light cycle in George St style environment without any traffic or passenger delays

– 2.5 minutes on main roads during peak hour (24 services per hour). George St traffic light cycle time reduced to 2 minutes??

– Initial plan had 20 services per hour, increasing to 24 services per hour in the future.

Service was revised to 15 trams per hour with a possible increase to 18.5 per hour for 67-metre trams.

"The CSELR would have capacity to carry up to 9,000 people per hour in each direction, providing reliable and user-friendly transport services". Page 14

9,000/300 per tram = 30 services per hour – a tram for each traffic light cycle (2 min long).

30 services per hour @ 160 pax per 45-metre tram = 4,800 passengers each way of which 2640 could be seated.

But initial (business case) frequency was 20 services per hour = 3,200 passengers per hour each way, of which 1760 could be seated.

With a future frequency of 24 services per hour = 3,840 passengers per hour each way, of which 2112 could be seated.

The 2036 line-load forecast of 6760 passengers (see box below). The intended capacity of 9,000/hour would have been adequate, but the planned capacity was about 57% of expected 2036 capacity. On this analysis, the 45-metre trams should be abandoned.

--- The 67-metre trams eventually ordered have an operational capacity of 240 passengers. At the initial 15 services per hour, capacity is 3600 per hour with 1800 seated. At the future maximum frequency of 18.5 trams per hour, capacity is 4,440 with 2,220 seated. This option does not satisfy demand.

Extending the truncated Eastern Suburbs Line, as recommended by INSW, should have become the preferred option during the business case analysis.

Broad demand assessment

The following comments relate to business case extracts in the box below.

Expected 50% increase in demand for the CSELR route compared to existing services (Figure 2 of business case).

A 26% demand increase was then expected between 2021 and 2036 – when 32% increase is expected for Greater Sydney.

Combined, the extra route demand combined with the demand increase expected for Greater Sydney, would see demand 100% above the existing public transport demand displaced by the CSELR.

1600 buses enter the CBD during the 2-hr AM peak, with 62.5% of them entering during the 1-hr peak (1010 buses in 2011).

The business case expected ~140,000 public transport passengers enter the Sydney CBD during the 1-hr AM peak 2011 (Figure 2 below). Over 15 years this would rise to 185,000. The 45,000 increase is effectively two rail lines worth. The CSELR would provide less than 10% of the increase.

The truncated Eastern Suburbs rail line carried 7,400 passengers in the AM peak one-hour of 2011. Waratah trains currently have a capacity of 24,000 passengers per hour and 30,000 per hour with a signalling upgrade.

An extended and upgraded Eastern Suburbs Line, combined with Sydney Metro, would easily have capacity for the expected public transport demand increase to 2036.

Business case extracts

ASSESSING DEMAND

The Public Transport Project Model, "which assesses various inputs, such as forecast population and employment, land-use patterns, transport plans and parking availability" was used "to understand the anticipated future demand" Page 6 – 50% growth expected (Business case Figure 2).

Over 1600 buses enter the CBD during the AM (2-hour) peak, resulting in congestion, lengthy delays for customers and a difficult system to navigate. Page 12.

CSELR to carry "around 17,900 customers boarding during the AM peak in 2021 (5,366 citybound in one-hour peak line load at Surry Hills (EIS)), growing at an average rate of 1.6 per cent per annum to around 22,500 by 2036 (6,760 citybound line load Surry Hills in one-hour peak), and (A 26% increase over 15 years)

around 31.4 million trips annually (86,000/day) in 2021, growing to 39.6 million trips annually (108,500/day) by 2036." – Pag 6 Business Case Summary Nov 2013.

Over the next 25 years, the population of Greater Metropolitan Sydney is forecast to increase from 5.6 million to 7.4 million. Page 10. **32% increase,**

By 2031, the number of trips made around the city each day will **increase by 31 per cent**, from 16 to 21 million trips (440,000/day to 575,000/day. Page 11.

Around 630,000 passenger trips are made into the city centre each weekday, including 180,000 during the AM peak. Page 11.

The transport system does not have the capacity to support growth - Page 12

By 2036 an additional 86,000 residents and 150,000 workers are expected within the CBD. Anticipated growth in south east Sydney is also strong with an additional 37,000 new residents and 17,000 new workers expected.

If not addressed, this forecast growth will exacerbate existing congestion and transport reliability issues.

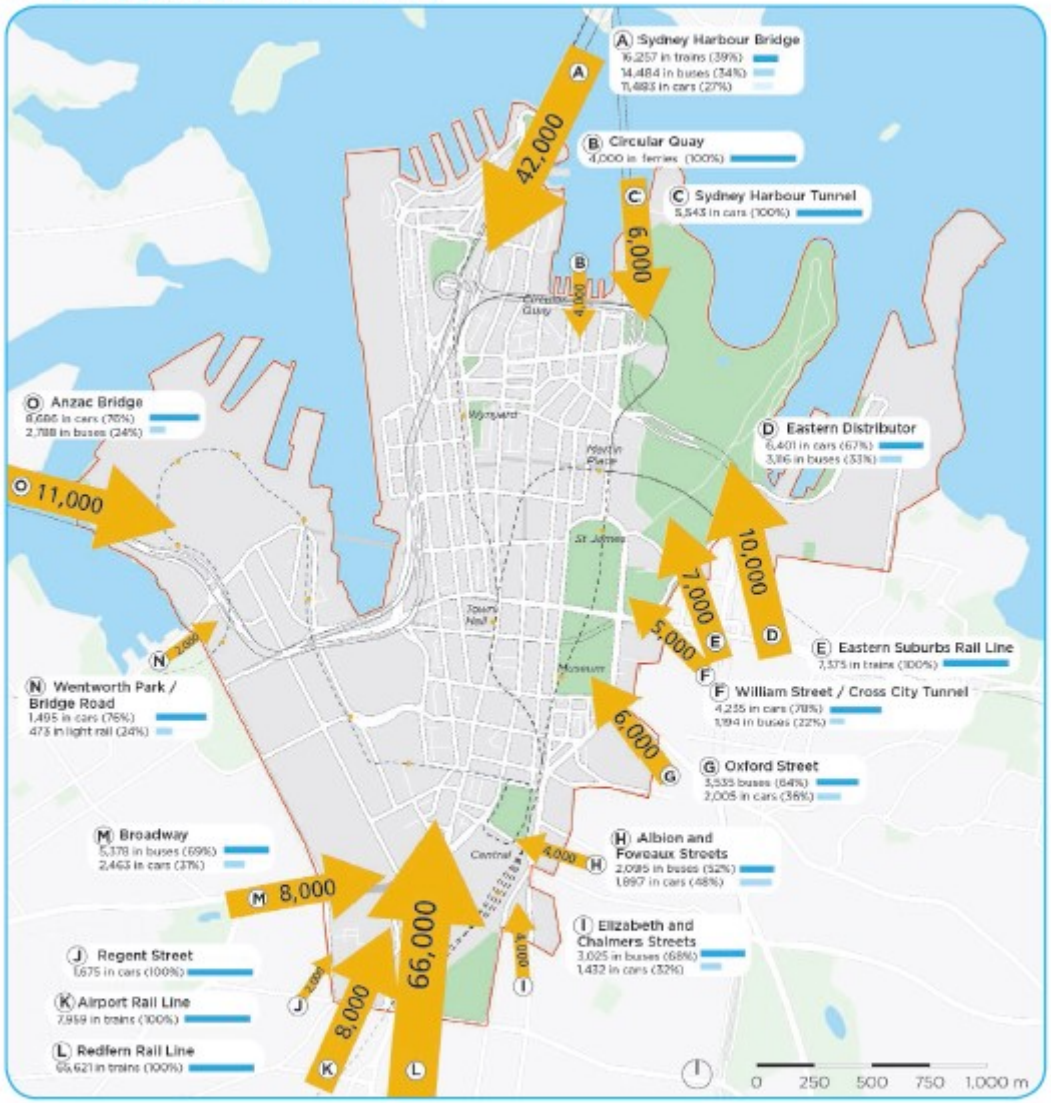
A 30 per cent increase in buses alone would be required just to meet the additional bus demand for travel to the CBD over the next 20 years. The existing CBD transport system cannot accommodate this growth in buses. Page 13

Existing bus network am peak hour (8:00 to 9:00am) bus volumes

Light rail and redesigned bus network am peak hour (8:00 to 9:00am) change in bus volumes

Figure 1 - City Centre access strategy 8AM to 9AM bus inflow/outflow

Entries into city centre (location and current passenger volumes entering the city centre through key gateways 8:00am – 9:00am)



Notes:

Some corridors such as the Eastern and Western Distributors, Cahill Expressway and Cross City Tunnel carry significant volumes of passengers through, under and around the city centre.

WestConnex will link Sydney's west and the city centre via Anzac Bridge (through a connection to the City West Link at Haberfield) and via Broadway (through a connection to Parramatta Road in the Camperdown area). It will provide high quality access for a wide range of daily freight, commercial and business trips essential for serving economic activities in the city centre. WestConnex will also mean that traffic that does not

Figure 2 – Entries into Sydney CBD 8AM-9AM 2011)

Appendix A – document presented at committee hearing 20 August 2018

Comparison of public transport capacities to aid understanding of the operational capacities of the Sydney Metro, Sydney Light Rail and other transport projects

Peter Egan – peteregan2001@hotmail.com

20 August 2018

Summary

Sydney Buses and Sydney Trains have focused on seating passengers in forward facing rows as these maximise comfort, safety and security while minimising vehicle volume required for service delivery.

Using measurements obtained from TfNSW and manufacturer websites, and by direct measure of vehicles, the area available for standing in buses, trams and trains has been calculated, and vehicle capacity determined for a range of standing passenger densities (tables over page).

Within a margin for error, the capacities correlate well with reported maximum capacities (crush capacity, manufacturers/engineers safe load capacity) based on seats plus four passengers per square metre (4P/M^2) in standing areas. Standing area is all space available to passengers not used for seating.

The operational experience of Sydney Trains and Sydney Buses has been applied to determine operational capacities of various trains, buses and trams. The operational experience equates to a maximum individual train/tram capacity (operational capacity) of seats plus 1.5P/M^2 of standing room – a figure which allows for comfort and social factors like the desirability of bringing people of every age, size and gender, who are strangers to each other, in close proximity.

Sydney Trains now bases short distance commuter capacity on 'seats + 15 passengers per vestibule + 5 passengers per aisle of the upper and lower decks' – for an 8-car double deck train 'seats + 320 passengers'. For a Waratah train '894 seats + 320 = 1214 pass – 1.52P/M^2.

Seating densities for Sydney public transport vehicles are:
--- Row seating buses: 3.0 passengers per square metre
--- Reversible row seating trains: 2.5 pass/sq.m – a lower figure due to thicker seat backs
--- Fixed forward/rear-facing seats in trams: 2.0 pass/sq.m
--- Side facing seating all vehicles: 2.0 pass/sq.m - allowing for leg space

The government quotes a capacity of 450 for the trams based on the Alstom crush load capacity of 466. The operational capacity is 240 – 53% of the government capacity.

The government quotes a capacity of 40,000/hour for 30 Metro trains – 1,333/train with 506 passengers in side-facing seats. 827 must stand at a density of 4.25P/M^2 (Side-facing passengers require more space that than passengers sitting in rows as they have no seat to stick their feet under.) The operational capacity is 800 – 60% of the government capacity. This is two-thirds the Waratah capacity.

The 10% higher service frequency for the single-deck trains, compared to otherwise similar double-deck trains, does not make up for the one-third lower capacity of each train. Single deck capacity is approximately 75% of double-deck capacity.

((The 10% higher frequency comes at the expense of a one-third reduction in dwell time with doors open.))

The value of public transport services is roughly proportional to operational capacity. This principle can be applied to the value of both the Sydney Metro and Light Rail projects.

Table – Comparison - Double- & single-deck trains with metro train features with the Waratah and light rail

Standing density	Train/tram	Capacity seated	standing	total	% of driverless double-deck capacity
4P/M²	**Driverless double-deck***	**976**	**1005**	**1981**	**100%**
	Waratah	**894**	**838**	**1732***	**87.4%**
	Driverless Bombardier OMNEO style*	**802**	**1082**	**1884**	**95.1%**
	Alstom Metropolis (Sydney Metro)	**506**	**774**	**1280**	**64.6%**
3P/M²	Driverless double-deck	976	754	1730	100%
	Waratah	894	629	1523	88.0%
	Driverless Bombardier OMNEO style	802	812	1614	93.3%
	Alstom Metropolis (Sydney Metro)	506	581	1087	62.8%
2P/M²	Driverless double-deck	976	503	1479	100%
	Waratah	894	419	1313	88.8%
	Driverless Bombardier OMNEO style	802	541	1343	90.8%
	Alstom Metropolis (Sydney Metro)	506	387	893	60.4%
1.5/M²	**Driverless double-deck**	**976**	**377**	**1353**	**100%**
	Waratah	**894**	**314**	**1208****	**89.3%**
	Driverless Bombardier OMNEO style	**802**	**406**	**1208**	**89.3%**
	Alstom Metropolis (Sydney Metro)	**506**	**290**	**796**	**58.9%**
1P/M²	Driverless double-deck	976	251	1227	100%
	Waratah	894	210	1104	90.0%
	Driverless Bombardier OMNEO style	802	270	1072	87.4%
	Alstom Metropolis (Sydney Metro)	506	194	700	57.0%
4P/M²	Alstom Citadis 'Sydney 67M'**	102	364	**466*****	
3P/M²	Alstom Citadis 'Sydney 67M'	102	273	375	
2P/M²	Alstom Citadis 'Sydney 67M'	102	182	284	
1.5P/M²	**Alstom Citadis 'Sydney 67M'**	**102**	**137**	**239**	
1P/M²	Alstom Citadis 'Sydney 67M'	102	91	193	

Notes

--- Table was developed for comparison purposes and is not intended to serve as the exact capacity of the vehicles described.

* Indicative train based on layout and dimensions – 162 M long, 3.035 M wide (internal 160.0 Mx2.89 M). Bombardier OMNEO style has 6 double-deck carriages alternating with five single-deck carriages on just 12 bogies – has 22 doors per side – compared to 16 for Waratah and 24 for Sydney Metro Alstom trains.

** Compares to 1214 (with 320 standing) capacity for the Waratah based on Sydney Trains information.

*** Capacity as stated in Alstom Citadis brochures.

Table Bus capacities

Standing passengers in available standing area (based on Sydney Buses fleet)

Standing density	~10.7M*	~11.0M*	~12.0M*	~14.0M*	~17.5M*
4P/M²	21	22	24	**29**	**58**
3P/M²	16	17	18	22	43
2P/M²	11	11	12	15	29
1.5P/M²	**8**	**8**	**9**	**11**	**22**
1P/M²	5	5	6	7	14
Area available for standing	5.3M²	5.5M²	6.1M²	7.3M²	14.4M²
Licenced standing passengers	**??**	**??**	**18**	**30**	**63**

Licenced bus capacities – observation at Wynyard Nov 2014

	Seats	Standing	Total
Sydney Buses articulated bus	52	63	115
Forrest Lines double-deck bus	96	20	116
Rigid single-deck dual axle	61	34	95
Rigid single-deck	44	18	62
Rigid single-deck	47	18	65
Rigid single-deck	47	22	69
Rigid single-deck dual rear axle	56	30	86

Notes

--- Marg Prendergast at Budget Estimates (2017 ??) – plan based on a standard bus having a capacity of 50 passengers. Roughly equates to 1.5P/M² for standing areas.

--- Measure of rear section late model 'standard' bus –

-- Internal width 2.35M. Wall to seat edge 0.875M. Aisle 0.60 M.

-- Seat pitch 0.75M. Average area per seat = 0.33M². 3.0 seats/M² average.

* A measure of bus lengths at Mona Vale, Brookvale, Neutral Bay, Randwick and Botany bus depots via Google Earth.

The intent of this table is a comparison. There is considerable variation in bus layouts to be found in Sydney and thus in the size and quality of standing areas. The table does indicate that the licenced standing capacity of 63 for the articulated buses is grossly excessive from a human perspective. RMS prime capacity concern is vehicle axle weights.

Appendix B - Enablers for infrastructure delivery – early public consultation on service and during the project

Our problems with poorly conceived infrastructure projects, and the changing contexts of major infrastructure projects over their inevitably long delivery time, are not new to Australia or the world. France and Italy have developed processes to ensure their projects are better conceived. Italy has also developed processes to ensure their projects are well-managed as circumstances change over the project lifetime.

Public consultation

The French pioneered public debate on service demand and options for service delivery, the supporting infrastructure required by the options and likely social, economic and environmental impacts.

The French public consultation is led by an independent authority (Appendix B1). The Authority appoints independent debate commissioners. Debate commissioners have authority to demand proponents provide information in standard format and not proceed with debate until information provided. Outcome is a report on options and impacts, but no recommendations made. Proponent/government has 3 months to express its preference of the options.

Debates are conducted where service specific infrastructure over a certain value, or large quantity of land is required – examples include water supply and energy storage dams, major hospitals, major education institutions, gaols, roads, railways, ports, airports, national parks.

Advantage to government is not committing to an option before knowing public response to service options.

Italy adopted a similar approach (Appendix B2).

Managing infrastructure projects as circumstances change over time

To deal with the changing circumstances (new environmental information, changed economic circumstances, project changes, more detailed information on local impacts), the Italian approach is to appoint a government project commissioner to lead the interagency project control group and manage public engagement during construction (Appendix 2).

The commissioner reports detailed information on project progress, and environmental and other impacts, to the community through the commissioner's project website. The commissioner commissions periodic reviews of project need, economic and social benefits and impacts and the business case.

Advantage to government is greater community trust that project issues that impact the community are addressed, and that the service demand and business case are updated on a regular basis. As infrastructure is built, service and business opportunities generally expand.

A book has been written on the process "Come fare, cosa fare" – "How to do, what to do" by Iolanda Romano, government commissioner for A$10 billion Terzo Valico 53 km railway project in northern Italy.

Appendix B1 - Commission nationale du débat public - National Commission for Public Debate (France) - processes

http://www.debatpublic.fr/

2014 Annual Report extracts

THE CNDP, THE INSTITUTION OF A GUARANTEE FRENCH PUBLIC PARTICIPATION

The CNDP meets in plenary session, on the 1st Wednesday of each month.

Roles and missions the CNDP

Article L 121-1 of the Environmental Code provides the CNDP several roles and missions.

1 Ensure compliance with public participation in the process of developing development projects of general interest or equipment.

2 Determine the public participation procedures for all projects that are the subject of a saisine[1] (referral).

1 Participation can take the form of a public debate or consultation with guarantor.

3 Ensure, to the acceptance of work, good public information requirements on projects before it.

4 Advise relevant authorities and project owners at their request on any matter relating to consultation with the public throughout the development of a project.

5 Issue any notice and recommendation of a general or methodological nature likely to promote and develop consultation with the public.

6 Organize a public debate on general environmental options, sustainable development or development from a referral by the Minister of Ecology and the Minister concerned.

7 Follow the public debate until after the public inquiry.

The values of the CNDP

Independent and neutral institution, the CNDP embodies a number of essential values which are all principles required for the proper organization of public debates and consultations.

Independence

The CNDP is independent of both the government, local authorities, project leaders who have taken her, and all stakeholders.

Neutrality

The CNDP, as the special committees and sponsors, expresses no opinion or recommendation on the projects.

Transparency

The CNDP ensures that, through special commissions and guarantors, the owner makes available to the public all available information and studies on the project.

Equivalence

The CNDP uses all means to everyone, whatever their status, representativeness, they can express their opinion freely.

The argument

The CNDP guarantees the conditions for a fruitful and constructive public debate. The public debate is neither a survey nor a referendum, it is the expression of controversial and argumentative viewpoints.

Chart of ethics and professional conduct of members of special committees of public debate and guarantors

It must remain clear that the role of the CNDP as CNDP and guarantors is to organize the debate or consultation and to allow the expression of opinions without ever taking sides on the project background. To this end, a Code of Ethics and Professional Conduct was adopted by the CNDP[1]: it concerns the commitments of members and guarantors in favor of the debate, their independence, their duty of neutrality and reserve. Members of the PDCC, the guarantors of recommended and post public debate consultations, undertake to respect them.

1 New charter approved unanimously by the members present or represented the CNDP in early 2015

Each special committee member or guarantor agrees to:

Commitment to debate

1 Implementing the general guidelines, instructions and methodological recommendations of the CNDP;

2 work, as appropriate, under the responsibility of the president of the special commission, with impartiality, fairness and integrity

3 Book in the work of the special commission or guarantor time required for the preparation, conduct, and conduct a successful conclusion of the debate or consultation;

4 Ensure that all public information is complete, objective, honest and accessible;

5 Encourage the expression of the public and help them to obtain answers to questions;

6 Ensure compliance with each and refuse incivility;

7 Collaborate to sound management of human, material and financial resources used; Independence, impartiality, neutrality

8 Having no interest, personally or because of family ties or marriage or because of their duties, subject to the operation of public debate or consultation with the guarantor;

9 Porter without delay to the President of the national public debate any change in status or function capable of undermining its independence Commission;

10 Have taken over the past three years, no individual position in public on topics directly related to the subject under discussion or consultation, may create doubt on his impartiality. Refrain in debate or consultation and beyond, to express any opinion on the project background, for discussion or consultation;

11 Demonstrate, by his attitude and speaking out, of independence from the various stakeholders;

12 Abstain grant, solicit, accept any benefit, direct or indirect, for or on behalf of any organization or person involved in one way or another, by the project subject to debate or consultation; Reserve Duty

13 Do not speak publicly about the debate, including in the media and on social networks, without the agreement of the President of the Special Committee (for committee members);

14 Do not wear unduly as a member of a particular committee or guarantor.

CHARACTERISTICS OF THE PUBLIC DEBATE AND DIALOGUE

The public debate

The important difference with the traditional consultation conducted by the client is the organization of public debate is entrusted to an independent authority: the National Public Debate Commission.

Opening time and dialogue in a neutral and impartial framework, public debate gives assurance of public participation in the development of the project.

It takes place before the project principal characteristics are set and before the public inquiry stage.

On the opportunity, objectives and characteristics of a project presented by a client, the public debate is to:

1 to inform the public in its diversity,

2 to establish a dialogue between the audience and the client,

3 to provide all necessary light on the subject and before the client reaches its decision.

These are (les maîtres d'ouvrage) the contracting authority (public or private) captured by the CNDP. If it decides to organize a debate on a particular project, it delegates the animation to a CPDP (commission particulière du débat public - special committee of public debate), ephemeral emanation, composed of members whose origin and experience are sufficiently diverse to that neutrality and independence from the contracting authority or any other part of the project is guaranteed.

The special commission of the public debate is the guarantor of balance, honesty, transparency of public debate; it ensures the proper organization of the various phases of the debate, ensures the smooth, being attentive to all, ensuring the regular dissemination of information. Its role ends there, because as stated in the law, CPDP will not decide on the merits, it does not issue an opinion on the project.

Consultation under the aegis of a guarantor

If the CNDP recommends the project owner consultation, the mission of the guarantor is a variation of the missions of a president of CPDP.

The role is not that of a referee nor that of a conciliator.

It is that of a watchdog, responsible for ensuring compliance with the rules of consultation that give everyone an equal right to speak on the basis of a sincere and most **complete information possible**.

It is also responsible for ensuring that the positions exposed as the responses by the client are argued.

Finally, it ensures that the answers may be made to all matters within the limits of project knowledge at this stage.

The public debate, a privileged tool for information and public participation

ENRICH, DEMOCRATISE, LEGITIMIZE, THE FINAL DECISION

Inform the public about the project submitted for debate in an objective manner, complete and accessible to all, on its opportunity, its challenges, its technical aspects, impacts.

The owner informing within three months after the public debate, the owners decision on the project (surrender, suspension, modification or continuation).

Assuming continuation of the project, it must learn from the debate, identify stakeholders and the public to associate a result of the conciliation process.

Allow the expression of the public about the project he has the right to ask questions and the right answers; can comment, criticism, suggestions on all aspects of the project.

The decision-making process of the CNDP: organization of a public debate, procedures and maximum periods

The CNDP appreciate, for each project exceeding 300 million euros, if a public debate must be organized according to the national interest of the project, its territorial impact, its socio-economic issues and its impacts on the environment.

Referral (time commencement)

If a project exceeds the upper threshold*: mandatory referral to the CNDP by the owner from the folder with the objectives and characteristics of the project principals.

* The thresholds and criteria set by the table annexed to R121-2 of the environmental code of 22 October 2002 on the organization of public debate and the CNDP.

In the case of a project between the high threshold and the low threshold: Mandatory publication of the project by the client.

Optional referral of the CNDP

It must happen within two months of the publication of objectives and key features of the project by the client.

This referral may be made by:
- the owner,
- ten parliamentarians
- a regional council,
- a general council,
- a municipal council,
- a public intermunicipal cooperation (EPCI)
- one of the approved associations of environmental protection mentioned in Article L 141-1 operating on the entire national territory.

Month 2

Reasoned decision of the CNDP to organize a public debate with formation of a special commission of public debate (CPDP), responsible for the organization and the lively public debate.

Three other decisions of the CNDP motives are possible:

- no public debate organization (no action or referral inadmissible)

- recommendation to a client consultation,

- organization of public debate by the owner (procedure virtually used).

Month 3

Designation of the President of the CPDP and its members.

Month 8

Transmission by the owner of the file and the summary submitted to public debate.

The CNDP acknowledges receipt if considered complete.

Within two months, the CNDP fixed dates and debate organizational arrangements.

Month 10 - Month 14

Conduct of public debate (usually four months)

Possible extension of two months by a reasoned decision of the CNDP.

Month 16

Publication, within two months after the end of the debate, by the CPDP transcript of the debate and the CNDP balance debate.

These documents are attached to public inquiry.

Month 19

Decision of the client by an act issued on the continuation of the project within three months after the balance sheet debate.

If the project continues, the client must inform the CNDP to the terms of debate post consultation (until the public inquiry) and may request the appointment of a guarantor.

5 years

If the project continues, public inquiry within 5 years. After this period, new mandatory referral to the CNDP.

Special case: for the general options to the environment or regional planning, the Minister of Ecology and the minister concerned asking the CNDP to organize public debate with the special committee of public debate (CPDP).

BUDGET CNDP

The CNDP has a very small permanent team of ten people: 1 Chairman, 2 Vice Presidents, 1 Corporate Secretary, 3 project managers, 1 accountant, 2 secretaries.

This is one of the very few institutions that rely daily on members of civil society to carry out its missions, particularly through special committees of public debate (CPDP).

Its budget is registered with the program 217 of the Ministry of Ecology, Sustainable Development and Energy.

Personnel costs 1,187,211.74 Euro

Total budget CNDP 2,334,979.87 Euro

The cost of the debates

The Code specifies the environment in Article L121-9 III that expenditure relating to the material organization of the debate are the responsibility of the client, with the exception of expert, at the expense of the CNDP, as well as allowances and expenses of members of specific committees.

The table below summarizes the cost for the debates that took place in 2013-2014; it ranges from 466,500 to 1,415,000 euros (excluding taxes).

Three debates were above average of 1 million euros and comes close.

The president of the CNDP wants these costs decrease from 2015.

Monitoring of projects: referral to the realization of the work

Entering twelve records, the CNDP decided, in 2014, eight public discussions and recommended to master two consultation works. In one case, it did not respond to the referral and in another, it held initially the referral inadmissible.

Projects	referral	decision	Inadmissible referral	Without further referral	Public debate	Consultation recommended
Port Seine Metropole western sector						
	23/12/2013	08/01/2014			**X**	
New rail lines West Bretagne-Pays de Loire						
	13/12/2013	08/01/2014			**X**	
Port of Brest	21/02/2014	05/03/2014		**X**		
Fast rail link Lille Metropolis to mining basin						
	15/01/2014	05/03/2014	**X**			
	23/10/2014	05/11/2014			**X**	
Line B Lyon Metro						
	27/10/2014	05/11/2014				**X**
Line 1 extension Est Château de Vincennes to Val de Fontenay						
	13/05/2014	04/06/2014				**X**
Offshore wind farm between islands of Yeu and Noirmoutier						
	25/11/2014	03/12/2014			**X**	
Offshore wind farm Dieppe-Le Tréport						
	25/11/2014	03/12/2014			**X**	
Center Parcs in Saône-et-Loire						
	25/11/2014	03/12/2014			**X**	
Center Parcs in the Jura						
	11/25/2014	03/12/1014			**X**	
Autoroute A31bis						
	26/11/2014	03/12/2014			**X**	
Total	**12**		**1**	**1**	**8**	**2**

EXPERIMENT ON PUBLIC PARTICIPATION IN THE PREPARATION OF REGULATORY ACTS

Section 7 of the Environmental Charter provides that "everyone has the right, under the conditions and limits defined by law, access to information on the environment held by public authorities and to participate in the development of public decisions affecting the environment."

The application of Article 7 of the provision in the French legislative corpus was done in several steps, notably through Law No. 2012-1460 of 27 December 2012 and the 2013-714 Order of 5 August 2013.

Now every public decision (regulatory decision, species and individual) that affect the environment and have not been the subject of a specific consultation is made available to the public by electronic means, the latter having the opportunity to file comments electronically or by mail.

In addition, the Act of 27 December 2012 introduced an experimental device that providing for the development of certain regulatory acts, public comments are made publicly available as and when they are received and that a qualified person designated the CNDP is responsible to prepare a summary for the administrative authority to the origin of the text.

Originally scheduled to take place from 1 January 2013 to 1 October 2014, the experiment could not start until 1 January 2014 and involved some texts in three main areas:

the preservation of natural heritage: prohibitions when a particular scientific interest or the requirements of preserving the natural heritage justify the conservation of geological interest sites, habitats, non-cultivated non-domestic animal or plant species and their habitats (Articles L. 411-1 and L.411-2); introduction of bans in the wild animal or plant species (Articles L.411-3 and L.411-4)

Hunting: No hunting outside the opening periods of hunting (Article L.424-2); opening periods of the hunt, hue, cry and flying birds (R.4-4); the hunting of birds Periods opening passage and waterfowl (R.424-9); Nomenclature of waterfowl and birds of passage other than quail and suspension of the possibility to chase some game species that are in poor state of preservation (R.424-14)

classified installations for the environment: nomenclature of classified facilities (Article L.511-2); requirements for facilities subject to authorization (Article L.512-5); requirements for facilities subject to registration (Article L.512-7).

Two branches of the Ministry of Ecology, Sustainable Development and Energy (MEDDE) (ministère de l'Écologie, du Développement durable et de l'Énergie (MEDDE)):
- the management of water and biodiversity (DEB) (la direction de l'eau et de la biodiversité) and
- the Directorate General for Risk Prevention (DGPR) (la direction générale de la prévention des risques (DGPR))
were affected by this experiment.

However, while in the first nine months of 2014 these two directions have consultations 51 draft texts, pursuant to the above provisions, only 21 of them (9 for DEB and 12 for DGPR) were covered by the scheme experimental.

In accordance with the laws, the government should address the Parliament a report on this experiment. The CNDP has done the same in the matching of operational proposals.

While the results of this experiment clearly demonstrated the interest of the public consultation to express the elements of the controversy and its wish to be consulted on certain issues, especially those related to water issues, biodiversity, hunting and waste, it appears that the device can only be effective if significant progress is made in three directions:

- develop public information on the texts for consultation,

- improve the mechanism to allow, during the consultation, exchanges between users, like that allow the discussion of open spaces for public debate organized by the CNDP,

- made public at the time of the decision, all contributions from Internet users and clarify how it was taken into account.

Furthermore, it appears that this device is not justified for highly technical texts, including those relating to the nomenclature of classified installations, for which only professionals can provide advice.

Finally, the selected experimental conditions could not be generalized as they are. The process has shown its limits. In particular, the inclusion of this consultation in the course of the entire administrative process guiding the preparation of regulations, including consultations of various administrative commissions, must be specified. This new procedure should not lead to lengthen the time.

To date, no decision has been taken regarding the conditions under which the experimental procedure might be continued.

Experimentation in figures: Projects	**Projects DEB**	**DGPR**
% Consultations falling within experience	43	40
Number of projects involved	9	12
Number of projects commented	9	7[1]
Total comments	3,445[2]	31
Number of projects modified following the consultation	0	5[3]

1 Several projects have been no comments for others and almost all of the comments were from industry professionals.
2 Of which 3348 on two projects related to the regulation of wolf populations.
3 This is only modifications to the shape (correction of obvious errors) texts for consultation.

APPEALS TO ADMINISTRATIVE JUSTICE

Since 2002, a dozen decisions were the subject of one or more appeal before the Council of State, since 2010, before the Paris Administrative Court. In all cases, the validity of the decision of the CNDP was confirmed.

Lessons from judgments are instructive.

The jurisprudence of the State Council said, in 2002, the decisions by which the CNDP decides whether to organize a public debate may be appealed to the administrative court. These decisions are also the subject of a publication in the Official Journal to determine the time limits applicable. However, case law has consistently reaffirmed that the measures adopted by the CNDP to determine the procedures and rules of debate (calendar, folder contents, complementary expertise ...) do not constitute decisions adversely affecting.

In 2014, three cases were the subject of decisions.

Two of them[1], relating to LGV Poitiers-Limoges and Bordeaux-Toulouse, concerned decisions taken by the CNDP as part of a referral under Article L.121-12. In those cases, the applicants challenged the absence of circumstances of fact or law justifying substantial changes to the project.

> 1 In fact the judgments were made public in January 2015, but the investigation was closed late 2014.

The decisions were:
--- confirmed that the closure of the public inquiry prohibits organizing a public debate and consequently deprives use current relevance.
--- specify the nature of the substantial changes in law or fact entailing obligation to hold a new public debate.
--- confirmed that the CNDP to base its decision only the file of the client and that, consequently, substantial changes in law or fact to be invoked by the client to be considered.

In one case, the Administrative Court dismissed the application.

In the other case, the Administrative Court of Appeal dismissed the appeal on the grounds that the public inquiry had been completed and also cancelled the trial decision (rejection the request) because the public inquiry was closed when it had been taken and therefore the appeal was moot.

The third case concerned the decision of the CNDP to consider as inadmissible referral to the Northern Regional Council - Pas-de-Calais - on its proposed rapid rail link between Lille and the mining basin. The CNDP considered, after consulting lawyers, the Regional Council had not at that time the quality of public person responsible for the project. The procedure was abandoned following the passage of the law on the reform of the railway system and granting Regions project management for railway projects of regional interest, making de facto admissible referral.

Appendix B2 - Infrastructure – What to build, how to proceed with the project (Italian approach)

(This appendix draws on three articles)

B2.1. What to build

Based on the French approach described in Appendix 6 and at https://www.debatpublic.fr/
CNDP – **Commission Nationale du Debat Public (France),** and recently made law in Italy.

B2.1A) Public debate: preventing conflicts over major works / ANALYSIS

http://www.themeditelegraph.com/it/transport/ports/2018/07/30/dibattito-pubblico-prevenire-conflitti-sulle-grandi-opere-gGs7UraGyScHqHlr6gh2hL/index.html

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JULY 30, 2018

One of the major problems that often arises in the construction of a large infrastructure is the contestation of the intervention by groups of citizens who, organized in committees sometimes supported by some political training, oppose the work, often finding vast echo in the mass media.

This ends up creating not a few difficulties for the local administrations involved, even when they themselves would see the realization of the work favorably.

In order to prevent these conflicts, or at least to contain their effects, the new Code of Public Contracts (Legislative Decree No. 50/2016), in article 22, paragraph 2 has provided for the mandatory use of the public debate procedure with reference to works that exceed a certain size threshold, referring to a specific DPCM for the identification of these thresholds with reference to the different types of works, as well as for the definition of the methods for carrying out the public debate.

This legislation was, in effect, adopted with the Prime Ministerial Decree 10 May 2018, n. 76, published in the Official Gazette of 25 June 2018, and therefore the public debate must be activated in relation to the new interventions with reference to which the provision of assignment of the task of drafting the technical-economic feasibility project was approved after the date entry into force of said decree, i.e., on 24 August 2018.

WORKS AND INTERVENTIONS SUBJECT OF THE PUBLIC DEBATE AND ITS PURPOSES

Among the definitions contained in Article 2 of the Decree, the one referred to in letter a) deserves particular attention, pursuant to which the

public debate is "the process of information, participation and public debate:
--- on the opportunity,
--- on the design solutions of works,
--- on projects or interventions referred to in Annex 1".

From the text of the provision it emerges that the objective that the legislator has pursued is that of **ensuring the maximum effectiveness of the decisions adopted (and to be adopted) by the competent authorities (including the decision not to proceed with the realization of the work**), **as well as to improve the quality of the design of public works**, **by acquiring all the information available through the wider participation of the interested parties.**

The types of **works with reference to which the mandatory public debate** is required, which includes:
--- infrastructure works and transport interventions (eg: four-lane superhighways and roads, railway trunks for long-distance traffic, airports, commercial maritime ports, etc.) works,
--- installations and energy infrastructures (eg aerial power lines) and
--- infrastructures for social, cultural, sporting, scientific or tourist use are listed in Annex 1 to the Decree.

The same Annex 1 indicates, with reference to each type of works, the dimensional threshold in correspondence (or, in some cases, above) of which the obligation to activate the procedure arises.

It is emphasized that the threshold is often expressed according to a **double criterion: dimensional and investment value.**

Beyond the works for which there is in any case an obligation to public debate, the Decree recognizes the exponential bodies of the community affected by a work (region, province, municipality, as well as ministries concerned) that does not reach the dimensional levels indicated in Annex 1 **but only two-thirds of them, the possibility of requiring the contracting authority to activate the public debate procedure.**

The contracting authority may, however, call the public debate on its own initiative when, for the most diverse reasons, it detects the opportunity.

Until the entry into force of the Decree of the Minister of Infrastructure and Transport which defines the contents of the design levels referred to in Article 23, paragraph 3 of the Code, the public debate takes place with reference to the preliminary draft.

THE PUBLIC DEBATE PROCEDURE AND ITS COORDINATOR

The public debate process starts with the communication of the same address addressed to the **national commission for the public debate referred to in art. 4 of the Decree**, which is composed of:
--- the representatives of the ministries concerned, as well as
--- the Unified Conference,
--- the ANCI and
--- ANPI, and

which is responsible, inter alia, for monitoring the proper conduct of the public debate procedure and for respecting participation and the necessary information from the public.

The communication to the commission, to be forwarded also to the other territorial administrations concerned, must contain:
--- the description of the objectives and characteristics of the project,
--- the indication of one or more subjects representing the contracting authority at all stages of the public debate procedure and bearing, as an attachment, the **feasibility project or the feasibility document of design alternatives** (Article 5 paragraph 3).

The public debate is published within seven days of the request on the committee's website as well as on the websites of local administrations affected by the intervention.

The "project dossier" is then published on these sites, where the opportunity for the intervention is motivated, with clear and understandable language, and the proposed design solutions are described, including assessments of social, environmental and economic impacts.

A central role in the proceedings is played by the coordinator of the public debate:
--- which is identified by the ministry responsible for the matter among its managers with experience in the management of participatory processes, or,
--- in the absence, between external professionals, non-residents or domiciled in the territory of province or metropolitan city where the work is located, through a specific selection.

The coordinator of the public debate has the task of:

i) developing the "project document of the public debate" (not to be confused with the "project dossier", which must be drawn up by the contracting authority and which precedes it), establishing the topics for discussion, the schedule of meetings and the methods of participation and communication to the public;

ii) request additions and changes to the project file;

iii) favouring the comparison among all the participants in the debate and highlighting positions in the field, also through the contribution of experts;

iv) define and implement the communication and information plan to the public in an objective and transparent manner;

v) take care of the organization and updates of the website of the public debate, for which it is responsible;

vi) reporting to the national commission any anomalies in the public debate and sensitizing the contracting authority to respect the timing of the procedure, and finally

vii) drafting the final report of the public debate (Article 6 paragraph 6).

From the publication on the site of the contracting authority of the project dossier of the work runs the four-month deadline for the completion of the public debate (extendable for a further two months in case of proven need) provided for in Article 5, paragraph 2.

The public debate is divided into a series of information, study, discussion and conflict management meetings, especially in the territories directly concerned, and in the collection of proposals and positions by citizens, associations, institutions and must be organized and managed in relation to the specific characteristics of the intervention and to the peculiarities of the social and territorial context of reference (Article 8 paragraph 2).

THE COORDINATOR'S CONCLUSIVE RELATIONSHIP, THE " CONCLUSIVE DOSSIER " AND ITS EFFECTS

In the 30 days following the expiry of the four-monthly term, the coordinator of the public debate presents to the contracting authority and to the national commission a final report on the progress of the whole procedure.

Contains, inter alia, the synthesis of the issues, impartially, transparently and objectively, of the positions and proposals that emerged during the debate, as well as the description of the open and most problematic issues with respect to which the contracting authority is asked to take position in the **" final dossier** " (Article 9 paragraph 1).

The presentation of this document, to be carried out within two months following receipt of the final report prepared by the coordinator, concludes the public debate.

In the " final dossier " the contracting authority is required to evaluate the results and proposals that emerged during the public debate and to highlight the intention or not to carry out the intervention, any changes to be made to the project and the reasons that led not to accept any proposals (Article 7 paragraph 1 letter d).

The concrete effects and value of the public debate are indicated in art. 22 paragraph 4 of the Legislative Decree. n. 50/2016.

On the basis of this provision "the outcomes of the public debate and the observations collected are evaluated during the preparation of the final project and discussed at the service conference on the work submitted to the public debate".

B2.1B) PUBLIC DEBATE AND GREAT WORKS: A CHANGE OF CULTURE – 8 Feb 2018

(English translation of original Italian)

Over 250 people took part in the day of ***discussion*** on the topic "***The public debate on shared works"*** organized by LAPO, the Policy Laboratory of the Department of Cultures, Politics and Society of the University of Turin - in collaboration with the Government Commissioner of the Terzo Valico hsr rail project Iolanda Romano **on Wednesday 7 February 2018 in Turin**, on the occasion of the imminent approval of **the implementing decree** that will introduce the instrument of public debate in Italy.

The event - included in the Open Administration Week 2018 and Connecting Italy - has attracted administrators, professionals, operators, companies and scholars and has offered a program divided between plenary and parallel sessions with more than **35 interventions qualified**.

At the opening, the introduction and remembrance dedicated to the role of Luigi Bobbio in the development of deliberative democracy in Italy in the words of **Gustavo Zagrebelsky**, Professor emeritus at the University of Turin and President of Biennale Democrazia, and **Stefania Ravazzi**, Professor of Analysis of public policies and Deputy Director of LaPo, University of Turin.

Then came the merit of the decree implementing the public debate with the intervention of **Ennio Cascetta**, sole director of Ram-Logistics Infrastructures and Transport and President of Anas, who framed the context of application of this tool in the context of *Connecting 'Italy*, the new season of planning and programming of public works, useful, streamlined and shared. Exceeded the time of lists of unjustified works, the **infrastructural priorities for the country to 2030** foresee **108 works and programs** for a total of **126.3 billion Euros**, of which **94.2 bn euro** already financed.

Jean-Michel Fourniau, president of the GIS Democratie et Participation, in his speech on the French experience of *Débat public*, provided some interesting points for reflection and presented some statistical data on the projects that were the subject of public debate between 2003 and 2011:
--- half were carried out without major changes,
--- in more than a third of the cases the most significant changes were made by the same proponent, and in 1 case out of 12, on the basis of an option that emerged during the debate,
--- only in 6% of cases the project has been suspended or abandoned.

Connected by videoconference, the Minister of Infrastructure and Transport stressed the importance of public debate as "*cultural rather than technical element, which goes in the direction*

of decisions that are also imperfect but shared. *The simplifications do not help us, it helps us the effort to reconstruct the most distant positions, to reintroduce the concept of 'common good', to listen to the intelligences of the territories. The effective participation of citizens is the real cultural revolution in the approach to great works".*

Afterwards,

--- **Alberto Selleri**, Head of the Autostrade Works for Italy Construction Department, presented the pilot cases of public debate made at the time for the **Genoa Gronda,** and recently for the **Bologna bypass**, while

--- **Aldo Isi**, Director of the Investment Department Rete Ferroviaria Italiana, illustrated the results of the **concertation** applied during the design phase - with reference to the experience on the Verona / Padua HS / HC rail line - and during construction, in the case of the Terzo Valico dei Giovi.

In the afternoon, the participants were distributed in the **three parallel sessions** to analyze the views of **actors**, **scholars** and **professionals** on the opportunities and risks of implementing the law on public debate.

Thanks to the use of a **dedicated software**, that of the **Town Meeting**, and to the operators present in the three rooms, the results of the discussions were sent in real time to a central *Theme Team*, which summarized them in a comprehensive summary, divided into *Risks and Opportunities for the implementation of the public debate*.

The synthesis was entrusted - in plenary - to the considerations of **Mauro Bonaretti**, head of cabinet of the Ministry of Infrastructures and Transport.

Here are some of the results of the day:

--- the public debate will represent, first of all, an **opportunity** for **cultural change:**
- --- for **political actors**, giving way to develop a culture of confrontation(??) and shared responsibility focused on long-term commitments;
- --- for **designers** who will cease to be the sole bearers of truth;
- --- for **citizens**, in breaking the wall of distrust of institutions and politics;
- --- for **technicians and officials**, because they will interact directly with public debates and will have to adapt to their timing, dynamics and solicitations.

--- At the same time, this new tool will be an opportunity for **improve and deepen the knowledge** of the various project alternatives and their impact on the territory.

--- Another aspect to be considered concerns the **new training windows** that will open for the figure of **mediator of the public debate and for the project manager of the projects**.

--- Professional associations can contribute as training places where to prepare expert technicians to work alongside the coordinator and translators of the technical languages so that they can be used by everyone.

--- The **risks** identified in the discussions seem to be linked to how the public debate will actually take place. Possible problems may concern:

--- the **exclusion of private works** not subject to the Code of Contracts;

--- **delays on medium-small works** when they are also subject to public debate;

--- the wide margin of **discretion enjoyed by the coordinator** of the debate and the doubts on its effective autonomy being a figure linked to the proponent;

--- an **unbalanced participation** in negative stakeholders;

--- the **timing of the public debate** that could prove too tight;

--- the problem - once the comparison is over - of **how to fulfil the commitments** made during the project and monitor their implementation.

The public debate, therefore, **should not be understood as a mere fulfillment**, but as an **activator of relations between citizens and decision makers** capable of generating a mutual virtuous circle, made of greater trust and better performances.

B2.2. How to proceed with the project

Design and construction - community engagement process
http://commissarioterzovalico.mit.gov.it/

THE WORKING METHOD for engagement

(English translation of Italian original)

The method that the Commissioner has taken in carrying out her mandate is the mediation of public conflicts.

The basic elements of the method are:

- the conduct of the trial by an authority figure and independent (the Commissioner), tasked by the Government to carry out its activities in an impartial manner with respect to the interests at stake by the proposer, the general contractor, public administrations, local communities, economic interests and widespread social;
- listening to all the technical and non-technical, both local instances supra, with the commitment to include in the agenda of the work all the critical issues reported related to the realization;
- the promotion and coordination of an ongoing dialogue with major institutional and social actors, in order to improve the work itself and its impact on the territory: either through the supervision of measures taken to reduce risks to the environment, health and other possible factors, both through the development of the opportunities that the work can generate for the country in economic, social and environmental;
- find common solutions through mediation tables (stakeholder meetings), to address the critical issues related to the yards and the transformations of the territory related to the work;
- public restitution of the outcome of the process according to a principle of transparency of information, through forms of communication that foster understanding of the technical issues even by non-experts.

2017 Interview with: Il Commissario di Governo (Terzo Valico) – Iolanda Romano

For the 'Gronda' (Genova motorway bypass). I joined Professor Bobbio and the Municipality of Genoa, for public debate on the eaves, the first in Italy.

It was 2010. After that experience I wrote a book for 'Chiarelettere' "Come fare, cosa fare" "How do, what to do" supporting the battle for public debate utility.

Autostrade (road authority), after Genvoa ("Gronda" motorway project), also used it for the 'Bologna bypass'.

The solution now seems to find a new push. Is that so?

More than that. Delrio, the minister in the new Code of Contracts, indicated a mandatory public debate for all the great work. I consider it a momentous fact.

The decision-making processes must be inclusive, we must not dialogue with a view of antagonism, we must do what it takes.

In France, the debate there for 25 years, we begin now.

It is not easy to build, however, especially in fragile areas such as Liguria ...

The projects are planned and then they can be improved and public consultation is valuable from this point of view.

Think about how did the Turin-Lyon, clashes 2005, the government's reaction. It was another world. This government has chosen to prevent this, accompanying the yard in his work.

We cannot escape that the project for the third Genova rail crossing of the Apennines began in 2006, so it was necessary to review the compensatory works and new requirements.

We are facing a European corridor, so the comparison with RFI and the Port of Genoa-Savona is constant and updates.

This is a mixed line (freight and passenger), so its use depends on the operating model.

Rightly speak of goods and a Northwest regions political pact that aims at gradual strengthening of traffic.

But the use should be maximized, for this can also serve as a high speed for passengers, obviously being careful not to create disadvantages to the existing lines.

The basic strategy is, however, to better connect Italy, facilitate access to metropolitan cities,

Il Commissario di Governo (Terzo Valico) – Iolanda Romano

((Government Commissioner (Third Rail Crossing of Apennine Mountains north of Genoa)))