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GENERAL NOTICE

NOTICE 1613 OF 2009



transport

Department:
Transport
REPUBLIC OF SOUTH AFRICA

ENVIRONMENTAL
IMPLEMENTATION
PLAN

Second Edition

2008

EXECUTIVE SUMMARY

This document is the Second Edition Environmental Implementation Plan compiled by the Department of Transport (DoT) as required by Section 11 (1) of the National Environmental Management Act, No. 107 of 1998. The Second Edition EIP conforms to the guidelines suggested by the Department of Environmental Affairs and Tourism, and contains the following:

- A description of mandate (including the functions of DoT, its agencies and public entities impacting on the environment),
- An overview of national environmental laws, policies, regional and international conventions, protocols and other legally binding MEA instruments applicable to DoT,
- Institutional arrangements, including external and internal relationships involving DoT, mechanisms and procedures for co-operative governance, and the requirements of environmental legislation,
- A description of policies, plans and programmes of DoT, its agencies and public entities which may have a negative short-term (but positive in the long-run, e.g. BRT system) impact on the environment, and long-term environmental benefits, e.g. policies on walking, cycling, and animal-drawn transportation.
- An evaluation of these policies in terms of their environmental impact,
- Recommendations for environmental management, and
- An addendum containing key indicators for the implementation of the recommendations of the EIP.

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LIST OF ACRONYMS

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|-------|---|
| ACSA | Airports Company South Africa |
| AFCAC | African Civil Aviation Commission |
| BOT | Build Operate Transfer |
| CBRTA | Cross-Border Road Transport Agency |
| CDM | Clean Development Mechanism |
| CEC | Committee for Environmental Co-ordination |
| COTO | Committee of Transport Officials |
| DEAT | Department of Environmental Affairs & Tourism |
| DFA | Department of Foreign Affairs |
| DLA | Department of Land Affairs |
| DME | Department of Minerals & Energy |
| DNA | Designated National Authority |
| DoA | Department of Agriculture |
| DoE | Department of Education |
| DoF | Department of Finance |

| | |
|---------|---|
| DoH | Department of Health |
| DoL | Department of Labour |
| DPLG | Department of Provincial & Local Government |
| DPW | Department of Public Works |
| DPE | Department of Public Enterprises |
| DST | Department of Science & Technology |
| DoT | Department of Transport |
| DTi | Department of Trade & Industry |
| DWAF | Department of Water Affairs & Forestry |
| EIA | Environmental Impact Assessment |
| EIP | Environmental Implementation Plan |
| GHG | Greenhouse Gas |
| HOUSING | Department of Housing |
| ICAO | International Civil Aviation Organization |
| IDP | Integrated Development Plan |
| IEM | Integrated Environmental Management |
| IMO | International Maritime Organization |
| IDPs | Integrated Development Plans |
| LTCC | Land Transport Co-ordinating Committee |
| LED | Local Economic Development programme |
| MDGs | Millennium Development Goals |
| MEAs | Multilateral Environmental Agreements |
| MINCOM | Ministerial Committee |
| MoU | Memorandum of Understanding |
| MSA | Moving South Africa |
| NEMA | National Environmental Management Act |
| NEPAD | New Partnership for Africa's Development |
| PFMA | Public Finance Management Act |
| RCC | Roads Co-ordinating Committee |
| SABS | South African Bureau of Standards |
| SADC | Southern Africa Development Community |
| SALGA | South African Local Government Authority |
| SAMSA | South African Maritime Safety Authority |
| SANRAL | South African National Roads Agency Limited |
| SANS | South African National Standards |
| SARCC | South African Rail Commuter Corporation |
| SOEs | State-Owned Enterprises |
| TEH | Transport, Environment & Health Charter |
| UN | United Nations |

1. INTRODUCTION

1.1 RATIONALE FOR ENVIRONMENTAL IMPLEMENTATION PLANS

In terms of Section 11 (1) of the National Environmental Management Act, No. 107 of 1998 (NEMA), the Department of Transport (DOT) is required to compile an Environmental Implementation Plan (EIP) and submit it to the Committee for Environmental Co-ordination (CEC) of the Department of Environmental Affairs and Tourism (DEAT). Scheduled departments under NEMA are required to prepare EIPs (Environmental Implementation Plans) and/or EMPs (Environmental Management Plans) every four years. DoT is listed in Schedule 1 of NEMA as a department whose functions might impact on the environment and is therefore required to prepare an EIP.

The underlying purpose of the EIP is to implement the principle of co-operative governance. An important function of this exercise is to identify those activities of the Department and its agencies and public entities, which may have an impact on the environment. Current structures in the Department will be examined to determine whether these are adequate for dealing with environmental impacts arising from transport-related activities. Where appropriate, additional structures and institutional arrangements necessary to deal with these activities are recommended. This EIP complies with DEAT guidelines for preparing Second Edition EIPs and EMPs. The focus of this EIP is Departmental policies, strategies, plans and programmes that may have an impact on the environment and how such policies will comply with NEMA requirements. The activities of agencies and public entities answerable to DoT are also examined.

1.1.1 Committee for Environmental Co-ordination (CEC)

The requirements for compilation of the EIPs are contained in the National Environmental Management Act. The NEMA sections most relevant for this exercise are:

Chapter 2, Part 1: Committee for Environmental Coordination (CEC). The CEC was established in terms of Section 7 (1) of NEMA with its objectives being:

- Integration and co-ordination of environmental functions by the relevant organs of state (including DoT, its agencies and public entities) and in particular, the achievement of the purpose and objectives of environmental implementation plans and environmental management plans as set out in Section 12 of the Act.

The CEC is tasked with the following:

- Evaluation of the EIPs/EMPs submitted to it in accordance with Section 15 of the Act,
- Investigation and evaluation of the implications of the formal institutional arrangements between organs of state, including the delegation of functions prescribed in terms of legislation (be it NEMA of 1998 or any other Act dealing with the protection of the environment), as well as the practical working arrangements in terms of MOUs concluded between the aforementioned organs of state,
- Identification of the need for a co-ordinating mechanism in each province responsible for the collation of applications for approval of activities involving more than one organ of state. This ought to be done with the full knowledge and concurrence of the provincial MEC concerned,
- Recommendations regarding the application of environmental management as defined in Chapter 5 of the Act, including co-operation in environmental assessment procedures and prevention of duplication of activities in this area,

- Recommendations aimed at ensuring compliance with NEMA Principles contained in Section 2 of the Act and national norms and standards contained in Section 146 (2)(b)(i) of the Constitution of the Republic,
- Recommendations ensuring uniformity of the environmental functions of all national departments and associated bodies, and
- Ensuring compliance with the principle of serving the needs of the populace (Section 2 (2)) and advising government in this area.

The CEC is made up of Directors-General of the following government departments:

- DEAT
- DWAF
- DME
- DLA
- DPLG
- DOH
- DOA
- HOUSING
- DOL
- DST

The CEC also includes a number of other appointees from other spheres of government and from other departments as follows:

- Provincial heads of department appointed by the Minister of Environmental Affairs and Tourism with the concurrence of the MEC,
- Representatives of the national organisation recognised in terms of the Organised Local Government Act, No. 52 of 1997,
- Any other Director-General appointed by the Minister (DEAT) with concurrence of the Minister under whose portfolio the department falls.

The CEC may co-opt and appoint additional persons to assist in its functions and attend meetings as it deems necessary. Chapter 3 (Procedures for Co-operative Governance): EIPs and EMPs, sets out the requirements of the Act in terms of the EIPs and their contents.

1.1.2 Legal requirements and obligations for compiling an EIP

The NEMA states explicitly that each government department listed in Schedule 1 of the Act must compile an EIP within one year of the promulgation of the Act and at least every four years thereafter. The Department of Transport is included in Schedule 1 of the Act and therefore must compile an EIP. A list of government departments whose functions may affect the environment as per Schedule 1 is provided in **Addendum 2** of this EIP document. In the compilation of an EIP, the Director-General of Environmental Affairs and Tourism is obliged to assist in the preparation of the EIP if so requested by a national department.

1.1.3 Purpose of EIP as set out in NEMA

The stated purpose of the EIP is to:

- Co-ordinate the environmental plans and initiatives of those national departments whose functions may affect the environment, in order to minimise duplication and maximise consistency between those activities
- Implement the principle of “co-operative governance” as contained in Chapter 3 of the Constitution
- Ensure protection of the environment
- Prevent unreasonable actions by national departments or provinces which may affect the environment
- Enable the Minister and DEAT to attain the objective of a sustainable environment.

1.1.4 Prescribed content of an EIP

The content of an EIP must include the following:

- Description of plans, policies and programmes which may affect the environment
- Description of how the aforementioned policies, plans and programmes will comply with the principles set out in Section 2
- Description of the manner in which the national department will ensure that the policies, plans and programmes will be implemented and what the effects on the environment would be
- Recommendations for the promotion of the objectives and plans for the implementation of the procedures and regulations referred to in Chapter 5.

1.1.5 Submission and adoption of EIPs

An EIP must be submitted to the CEC for scrutiny. The CEC has one of two options:

1. Adopt the EIP, or
2. Report to the Minister (DEAT) and other ministers represented on the CEC that the EIP fails to comply with:
 - The principles of Section 2, and
 - The purpose and objective of EIPs.

If the CEC recommends the adoption of the EIP, the department concerned must publish the EIP in the Government Gazette within 90 days of the approval by the CEC and the EIP becomes effective from the date of publication. Every department must report to the Director-General (DEAT) and the CEC on the implementation of its EIP annually. The Minister may also recommend to a

department that has not completed an EIP that it adopts certain specified provisions of an adopted EIP from another department.

1.2 DoT ROLE, VISION, MISSION, MANDATE & STRATEGIC OBJECTIVES

1.2.1 Role of DoT

Since 1998, DoT's role and structure have undergone fundamental changes to enable the Department to implement the goals and objectives of the 1996 White Paper on National Transport Policy and the 1998 Moving South Africa strategy. The role of DoT has shifted from one of administration and bureaucratic regulation to one of policy-making, strategic leadership, regulation and facilitation of action. This has necessitated the creation of a number of specialised institutions and relationships in the transport sector.

DoT is now an organisation whose function encompasses the areas of policy formulation and analysis, strategy determination, policy impact monitoring and high-level regulation. In its role, the Department sits at the heart of cluster of government agencies and public entities operating in a commercial environment that delivers the actual services, e.g. infrastructure development and safety enforcement supported by provinces.

The role of DoT has therefore shifted from that of a department which formulated and simultaneously implemented policy to one of a streamlined department which formulates policy, oversees and co-ordinates a number of focused agencies and public entities in the transport sector that are commercially oriented, implement DoT policies and carry out specific functions. As a result, the role of DoT is perfectly suited to implementing the principle of co-operative governance, compiling an EIP and mandating its agencies and public entities to implement it in compliance with the provisions of the National Environmental Management Act.

1.2.2 Vision:

"Transport, the Heartbeat of South Africa's Economy".

1.2.3 Mission:

The mission of DoT is to lead the development of efficient integrated transport systems by creating a framework of sustainable policies, regulations and implementable models to support government strategies for economic, social and international development.

1.2.4 Mandate:

To maximise the contribution of transport to the economic and social development goals of society by providing fully integrated transport operations and infrastructure.

1.2.5 Values:

The core values of the Department of Transport are:

- To maintain fairness and equity in all its operations
- To strive for quality and affordable transport for all
- To stimulate innovation in the transport sector
- To ensure transparency, accountability and monitoring of all operations, and
- To ensure sustainability, financial affordability, accessibility as well as the upholding of the Batho Pele principles.

1.2.6 Strategic Objectives:

The strategic objectives of DoT are to:

- Effectively manage a national innovative research centre and provide economic advice and analysis for all modes of transport,
- Create an enabling regulatory environment for road, rail, aviation and maritime transport, and manage accident and incident investigations in all modes of transport,
- Manage and facilitate integrated planning and intersphere co-ordination for transport infrastructure and operations,
- Manage the implementation of the transport logistics strategy and the development of freight movement corridors,
- Develop integrated, accessible and affordable quality public transport networks that meet the needs of both rural and urban passengers, and
- Develop appropriate mandates and monitoring mechanisms for public entities.

1.2.7 Key Policy Developments: 2008 - 2011

The deliverables of the Department over the short and medium term include:

Improving the quality of public transport operations and broadening access to affordable public transport:

Subsidised transport services will be aligned with municipal integrated transport plans. The Public Transport Strategy supports this objective and addresses the constraint of high transport costs for labour, as identified in the Accelerated and Shared Growth Initiative for South Africa (AsgiSA). The Department will be responsible for overseeing that transport services and infrastructure provided are

designed to meet all the efficiency and safety requirements of the 2010 FIFA Soccer World Cup.

Streamlining the freight logistics network along key corridors by promoting infrastructure investment and improved operational efficiency:

The implementation of the Freight Logistics Strategy and establishment and operationalisation of the Ports Regulator are expected to have a positive impact on the efficiency of freight movement, added to which it will also reduce the cost of doing business in South Africa as well as air pollution reduction.

Developing regulatory systems and capacity required to ensure that operators in the transport sector meet the required safety and security standards:

The Rail Economic Regulator is in the process of being set up and will be a key instrument in the regulatory regime for overseeing the operation, growth and optimisation of the rail system in South Africa. Transportation of Dangerous Goods Inspectorate. The goods transported include chemicals and healthcare risk waste. Various SANS standards developed by SABS are utilized.

Reducing road accident fatalities:

The Department developed the 2006 Road Safety Strategy and will co-ordinate several interventions to reduce road accidents through intensified and integrated law enforcement, road safety education and communication programmes.

1.2.8 Strategic objectives pertaining to Science and Technology for the next three years include:

- Optimising resources and promoting efficiencies within the transport sector,
- Promoting and improving safety and security in the transport sector,
- Ensuring a balance between the role of rail and road both for passengers and freight
- Promoting the role of ports in international trade and economic development, thus reducing transport's contribution to environmental pollution.

1.3 STRUCTURE OF THE DEPARTMENT

The core areas of the Department of Transport are divided into the following six Branches:

- Transport Policy and Economic Regulation
- Transport Regulation, Accident and Incident Investigation
- Integrated Planning and Intersphere Co-ordination
- Public Transport
- Transport Logistics and Corridor Development
- Public Entity Oversight and Border Operations and Control

2. ENVIRONMENTAL IMPLEMENTATION PLAN

2.1 OVERVIEW

This section provides information on the Department of Transport's Environmental Implementation Plan (EIP) and includes:

- A description of DoT's functions impacting significantly on the

environment,

- A description of DoT agencies and public entities and their functions that may impact on the environment,
- An overview of national environmental laws, policies, regional and international conventions, protocols and other legally binding MEA instruments applicable to DoT,
- DoT, agencies and public entities' compliance with NEMA, including constraints and challenges,
- Institutional arrangements for effective co-operative governance, and
- Recommendations for ensuring compliance with the EIP.

2.2 FUNCTIONS OF DOT IMPACTING SIGNIFICANTLY ON THE ENVIRONMENT

The Department of Transport is responsible mainly for policy formulation, analysis and monitoring and is not directly involved in implementation as it was prior to the passing of the 1996 White Paper on National Transport Policy, for instance, DoT is no longer directly involved in the management of national road infrastructure, as this function is now carried out by SANRAL. The implementation activities are now carried out by the agencies and public entities falling under the Department's jurisdiction. DoT's role, however, ensures that it is perfectly positioned to oversee the environmental impacts of these activities, monitor them and advise on suitable structures to deal with them – essentially the co-operative governance role set out in the National Environmental Management Act. The policies, plans, strategies and programmes of DoT, its agencies and public entities will be examined in detail and evaluated to determine whether they meet the requirements of NEMA and other environmental legislation.

2.3 AGENCIES AND PUBLIC ENTITIES RESPONSIBLE TO DoT COVERED BY THIS EIP WHOSE FUNCTIONS MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT

A number of agencies and public entities were established out of functions that were previously undertaken by the Department of Transport. The following agencies, some of whose functions may impact on the environment are answerable to the Minister of Transport and are included in this Second Edition EIP.

- Airports Company South Africa
- Cross-Border Road Transport Agency
- South African Maritime Safety Authority
- South African National Roads Agency Limited
- South African Rail Commuter Corporation

2.3.1 Airports Company South Africa

The Airports Company South Africa Limited (ACSA) is listed as a schedule 2 public entity in terms of the 1999 Public Finance Management Act (PFMA). The entity's core function is to facilitate the movement of passengers and goods. The main functions of ACSA include:

- The development of airports of international standard in the country
- Enhancement of existing airports infrastructure and provision of additional infrastructure for capacity demand, and
- Ensuring the highest security, safety and service standards

2.3.2 Cross-Border Road Transport Agency (CBRTA)

The Cross-Border Road Transport Agency is a statutory juristic body established in terms of section 4 of the Cross-Border Road Transport Act, No. 4 of 1998. The

CBRTA's objective is the regulation of the cross border transport industry, maintenance of law enforcement, and facilitation of good relationships between the public and private sector. The agency's legislative mandate is to:

- Improve the flow of freight and passengers in the SADC region,
- Introduce regulated competition in cross border road transport,
- Reduce operational constraints for the cross border road transport industry as a whole, and
- Strengthen the capacity of the public sector in support of its strategic planning.

2.3.3 South African Maritime Safety Authority (SAMSA)

The mandate of SAMSA is to ensure safety of life and property at sea, prevent and combat pollution from ships, and to promote South Africa's maritime interests. SAMSA's responsibilities include:

- Administration of numerous maritime-related statutes,
- Ship registration,
- Seafarer training and certification,
- Ship safety and security,
- Protecting the marine environment from pollution from ships, and
- Co-ordinating maritime search and rescue.

2.3.4 South African National Roads Agency Limited (SANRAL)

The South African National Roads Agency Limited is incorporated as a public company in terms of the 1973 Companies Act, and is listed as a national public entity in schedule 3A of the PFMA. The mission of this entity is to provide and manage an adequate and sustainable primary road network for road users in

South Africa and is responsible for the existing national road network of 16 150 kilometres.

SANRAL has the following key functions with respect to the national road network:

- Road management and strategic road network planning,
- Construction, maintenance and rehabilitation, and
- Enhancement of the network, upgrading and provision of new facilities.

2.3.5 South African Rail Commuter Corporation (SARCC)

The South African Rail Commuter Corporation (SARCC) is the agency of the Department of Transport responsible for the provision of commuter rail services in South Africa. It has custodianship of all commuter rail assets such as land in and around stations, infrastructure and rolling stock. The purpose of SARCC is to ensure that rail commuter services are provided in the public interest and promote rail as the preferred mode of mass transportation.

2.4 NATIONAL ENVIRONMENTAL LEGISLATION AND POLICIES

This section examines environmental legislation relevant to DoT, its agencies and public entities.

2.4.1 Constitution of the Republic of South Africa, Act No. 108 of 1996

Section 24 of the Bill of Rights deals with health and environmental protection. Furthermore, section 41 makes provision for co-operative governance and intergovernmental relations.

2.4.2 Environment Conservation Act, No. 73 of 1989

Although NEMA has replaced most of the Environmental Conservation Act provisions, the following sections are still applicable to DOT.

- Sections 21, 22 and 26 of Part V and Schedule 1, on the identification of activities that will probably have a detrimental effect on the environment, and these include transportation and land use and transformation. These sections also identify activities and projects in terms of which an Environmental Impact Assessment (EIA) is obligatory, namely: road projects, airports and helipads, and maritime ports infrastructure, and
- Regulations regarding noise control, with regard to road transport noise and aircraft noise in the vicinity of an airfield.

2.4.3 National Environmental Management Act, No. 107 of 1998

This legislation provides for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state, including the Department of Transport and its agencies and public entities. DoT is listed in schedule 1 of the NEMA as a department whose activities or functions may affect the environment and is therefore, required to prepare an Environmental Implementation Plan every four years.

2.4.4 National Environmental Management: Air Quality Act, No. 39 of 2004

The Act aims to prevent pollution and ecological degradation and secure sustainable development by providing for air quality measures, norms and standards, management and control by all spheres of government. The Act deals with management and regulation of air quality and establishes atmospheric emissions standards, including those emissions from mobile sources from the transportation sector. The Act may have several implications for transport related activities, namely:

- The emission of substances that may present a threat to health, well-being or the environment will have to comply with national, provincial and local standards (this applies to ambient air quality and emissions from point, non-point and mobile sources),
- Transport related activities that have a significant detrimental effect on the environment may be listed by the Minister (DEAT) or MEC, and may require a license issued in terms of the Act,
- Transport related activities involving an appliance or combustion process that emits atmospheric emissions that present a threat to the environment must comply with certain standards, before that appliance or fuel is manufactured, sold or used,
- Persons involved in activities that contribute to air pollution may be required to prepare and implement a pollution prevention plan,
- Persons not complying with the provisions of the Act, or with conditions of a license may be requested to conduct an atmospheric impact assessment, and
- Specific emissions from point, non-point and mobile sources (including motor vehicles) may be prohibited by regulation.

2.4.5 The Coastal Zone and Estuarine Bill

This Bill seeks to establish a system of integrated coastal and estuarine management in South Africa. A transport department or agency that is empowered to authorise an activity that may have an adverse effect on the coastal zone must do a full investigation, including an assessment of the effects and compliance with coastal management plans. Transport related activities having an adverse effect on the coastal environment may be subject to certain regulatory measures, such as coastal protection notices or remove and repair notices. In addition, certain specified transport related activities may require a permit in terms of the Act.

The construction or alteration of rail and road infrastructure is prohibited in the coastal buffer zone, unless the Minister (DEAT) permits it after consideration of an EIA report. There is also a prohibition on the incineration, dumping, import, export or loading of any waste at sea without a permit issued in terms of the Act.

2.4.6 Protected Areas Act, No. 57 of 2003

This Act provides for the establishment and management of national, provincial and local protected areas. Transport related activities that occur in protected areas may be regulated by regulations, municipal by-laws or the rules of the management authority. For example, the flying of an aircraft over the airspace of certain protected areas is prohibited unless certain conditions are met.

2.4.7 Biodiversity Act, 2003

The Act provides for the management of South Africa's biodiversity. Transport related activities that occur in a listed environment may be identified as a

threatening process. There is a prohibition on the transportation of listed protected, alien or invasive species unless one is in possession of a permit issued in terms of the Act.

2.4.8 Environment Conservation Amendment Act, No. 50 of 2003

In terms of this amendment, the distribution, sale, import and export of products that may have a substantial detrimental effect on the environment or human health may become subject to regulation by Minister.

2.4.9 National Environmental Management Amendment Act, No. 46 of 2003

This Act provides for the administration and enforcement of certain environmental management laws. The provisions empower environmental management inspectors to conduct search and seizure activities in respect of any vessel, vehicle, aircraft or pack animal.

2.4.10 National Environmental Management Amendment Act, No. 9 of 2004

This amendment has relevance to DoT and its agencies as it deals with Environmental Impact Assessments (EIAs) for certain activities, including the construction of roads and pipelines.

2.4.11 South African National Roads Agency Limited and National Roads Act, No. 7 of 1998

Section 26 of the Act deals with the requirements regarding the rehabilitation of vegetation affected by road projects and road reserves. It sets out in detail the requirements for compensating the environment, including the planting of trees alongside the roadways of national roads or to perform any other work considered desirable for the convenience of users of a national road or the

appearance of a national road or in order to manage soil erosion on a national road or to prevent it from arising as a result of the construction of a national road.

2.4.12 National Environmental Management: Waste Bill, 2007

The aim of the Waste Management Bill is to reform the law regulating waste management in order to protect health and the environment, by providing measures for the prevention of pollution and ecological degradation. The Act places several duties on persons transporting waste to take reasonable steps to prevent any spillage of waste or littering from a vehicle used to transport waste.

2.4.13 Environmental Impact Assessment Regulations

The regulations aim to improve integrated environmental management. The construction of infrastructure for transport related activities, including aviation, maritime, road and rail are specifically listed in the schedules to the regulations. In effect, this means these particular activities will require environmental authorisation in terms of the regulations. In addition, the Minister may identify certain geographical areas where specified transport related activities may not commence without environmental authorisation.

2.5 REGIONAL AND INTERNATIONAL CONVENTIONS, TREATIES AND DECLARATIONS APPLICABLE TO DoT

South Africa is party to a number of regional, continental and international environmental agreements that are relevant to the Department of Transport. These include the following:

- SADC Protocol on Transport and Telecommunications
- NEPAD Action Plan for the Environment Initiative
- Local Agenda 21 of the Rio Declaration on Environment and Development

- Millennium Declaration and the Millennium Development Goals (for the purpose of this document, MDG 7 is particularly critical)
- Political Declaration and the Johannesburg Plan of Implementation (JPOI) of the World Summit on Sustainable Development
- Vienna Convention on the Protection of the Ozone Layer
- Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol)
- Rotterdam Convention on Prior Informed Consent (PIC)
- Stockholm Convention on Persistent Organic Pollutants (POPs)
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (The Basel Convention)
- United Nations Framework Convention on Climate Change (UNFCCC)
- Kyoto Protocol to the UNFCCC
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Convention on Wetlands (Ramsar Convention)
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention)
- International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL)
- International Convention on Oil Pollution Preparedness, Response and Co-operation
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties

Furthermore, South Africa, through the Departments of Transport and Foreign Affairs, is actively involved in the drafting of the International Maritime Organization's Convention on ship dismantling.

2.6 INTERNATIONAL ENVIRONMENTAL COMMITTEES ON WHICH DoT IS REPRESENTED

The Department of Transport is a member of the following environmental committees of the specialised United Nations bodies:

- ICAO: Committee on Aviation Environmental Protection (CAEP)
- ICAO: Group on International Aviation and Climate Change (GIACC)
- IMO: Marine Environment Protection Committee (MEPC)
- IMO: Working Group on Greenhouse Gas Emissions from Ships (GHG WG)

2.7 POLICIES, PLANS AND PROGRAMMES OF DoT AND ITS AGENCIES

The principal policy document of DoT is the 1996 White Paper on National Transport Policy and provides the framework of the department's initiatives. The key national transport policy goals contained in the White Paper are to:

- Support government strategies for meeting basic social needs and growing the economy,
- Enable customers requiring transport for people or goods to access the transport system in ways which best satisfy their criteria,
- Improve the safety, security, reliability, quality and speed of transporting goods and people,
- Improve the country's competitiveness and that of its transport infrastructure and operations through greater effectiveness and efficiency to better meet the needs of different customer groups, both locally and globally,
- Invest in infrastructure or transport systems in ways that satisfy social, economic, or strategic investment criteria, and
- Achieve the above objectives in a manner that is economically and environmentally sustainable.

2.8 EVALUATION OF POLICIES, PLANS AND PROGRAMMES IN TERMS OF THEIR ENVIRONMENTAL IMPACT

This section examines the policies, plans and programmes of DoT, its agencies and public entities in terms of their possible environmental impacts.

2.8.1 DEPARTMENT OF TRANSPORT POLICIES AND PROGRAMMES

2.8.1.1 Moving South Africa (MSA): the Action Agenda

Densification into corridors

The densification of activities into corridors and the integration of land use and transport operations will improve the viability of public transport operations in South Africa and serve to address the dispersion of activities which is the legacy of the apartheid planning system. However, the densification of people's residential areas and employment activities will expose more individuals to vehicular exhaust emissions in a concentrated area due to extensive particulate emissions, thereby contributing negatively to local air pollution and air quality.

Promotion of public transport

The promotion of public transport is a stated objective of the Moving South Africa Action Agenda strategy. However, as mentioned previously, public transport in South Africa has significant detrimental environmental implications in terms of fuels used in the engines and the resultant emissions. Moreover, the selection of the most appropriate mode to be used along specific corridors will not necessarily entail consideration of environmental criteria. In addition, contracts for public transport do not initially specify criteria for environmental soundness.

The MSA project seeks to establish a national strategy for transport to the year 2020. The main policy thrusts coming from MSA in terms of passenger and freight transport are set out below.

Passenger Transport

The key components of MSA relating to passenger transport are to:

- Densify into corridors and nodes to achieve economies of scope, effectively turning around the current trend towards dispersal, and
- Optimise modal economies and service mix through infrastructure investment to support the corridors, and by selecting the optimal mode based on the cost/service trade-off. This also involves facilitating differentiated service and choice wherever possible, but with subsidisation only for the optimal mode, if at all. Tough road space management is necessary to prioritise public transport, and subsidies should be targeted at facilitating affordable access to the optimal mode.

Freight Transport

The MSA freight transport strategy comprises:

- Building density in the transport system through focusing freight flows in select corridors by supporting and reinforcing current trends to build the backbone of the system,
- Building economies of scale within the different modes by focusing the role of the modes, maximising scale economies within each mode and offering differentiated services where economically sustainable, and
- Improving firm level competitiveness by removing barriers, improving integration, ensuring sufficient reinvestment to maintain infrastructure, restoring price and value signals between customers and transport service

providers, and building an industry platform that drives differentiation and innovation.

2.8.1.2 Public Transport Strategy

The expected peaking of global oil production within the next decade or two will mark the end of the cheap fossil fuel era. This, together with the increasing pressures for drastic cuts in greenhouse gas emissions, means that the mass motorisation of the South African population will not be possible, and neither is it desirable, nor equitable. This does not mean, however, that the 70% of households without access to a car today are doomed to third-class travel options. Integrated Rapid Transport Service Networks in the larger cities, as well as adapted versions for smaller cities and rural districts will be able to provide a mobility solution that is attractive – both to current public transport users and current car users.

The legacy, which the Public Transport Strategy aims to achieve, is the phased but accelerated implementation of Integrated Rapid Public Transport Service Networks in metropolitan cities, smaller cities and rural districts. This phased implementation of Integrated Rapid Public Transport Networks will aim to have operating systems in place in 12 cities and at least 6 rural districts by 2014. The longer-term vision until 2020 is to develop a system that places over 85 percent of a metropolitan city's population within 1km of an Integrated Rapid Public Transport Network trunk (road and rail) or feeder (road) corridor. A further goal for the metropolitan cities by 2020 is to achieve a mode shift of 20% of car work trips to public transport networks. In 2003 there were 1.85m workers in metropolitan cities who used a car to work. Assuming a doubling of this to 3.7m in 2020 would mean attracting 750 000 (20%) of these workers to public transport networks.

The Public Transport Strategy has two key thrusts: Accelerated Modal Upgrading and Integrated Rapid Transport Networks. Accelerated Modal upgrading refers to the current initiatives to transform bus, taxi and rail service delivery in the short to medium term. DoT's Public Transport Division is finalising Modal Upgrading Plans for Bus, Passenger Rail and Minibus and Metered Taxi plans. As far as possible, the Modal Upgrading Plans are being aligned with this strategy as well as the upcoming Action Plan's phase 1 catalytic package of rapid road and rail priority corridors.

2.8.1.3 Public Transport Action Plan Phase 1 (2007 – 2010)

The 2010 Transport Action Plan espouses no new policy, nor does it put forward an overall strategy for implementation. Rather the 2010 Transport Action Plan is intended as a means for communicating the South African National Department of Transport's intentions and preparations towards the 2010 World Cup, as a crucial (leading) national government department, in order to ensure transportation success, thereby enabling South Africa's overall successful hosting of the 2010 FIFA World Cup Finals.

Furthermore, the purpose of the Transport Action Plan is to engage all stakeholders in the transport sector and ensure close co-operation, integration of effort, co-ordination and urgent action in all the relevant sectors of the South African transport industry. In both the Bid Book for the 2010 FIFA World Cup™, now a *de facto* contract between FIFA and the Government of South Africa, and the Guarantee signed by the Minister of Transport, South Africa commits itself – from a transport perspective – to supporting the complete success of the 2010 football events by ensuring the successful mobility of the general populace and spectator base, and to providing very high quality and high efficiency transport services to the members of the FIFA community.

The Department of Transport is committed to these obligations, and has established an internal work programme to ensure that these pledges are met in full. The Action Plan outlines the transport challenges for 2010 and details the Department of Transport's intended approach to meeting the overall 2010 transport objectives.

2.8.1.4 National Land Transport Strategic Framework (2006 – 2011)

This National Land Transport Strategic Framework (NLTSF) is a legal requirement in terms of Section 21 of the National Land Transport Transition Act (No. 22 of 2000) (NLTTA). It embodies the overarching, national five-year (2006 to 2011) land transport strategy, which gives guidance on transport planning and land transport delivery by national government, provinces and municipalities for this five-year period. The contextual framework within which the NLTSF has been prepared is transport-related legislation and its associated policy. Strategies within separate functional areas are described in terms of outputs, and actions to achieve those outputs are also included.

The functional areas that are covered include the following:

- Public transport
- Land-use restructuring
- Roads
- Cross-border road transport
- Freight transport
- Inter-provincial transport
- Rural transport
- Non-motorized transport
- Transport and the environment
- Tourism and transport

- Transport and the 2010 World Cup
- Intermodalism and integration of transport planning

The framework also addresses implementation mechanisms and measures for monitoring the implementation of the NLTSF by means of key performance indicators. The National Land Transport Transition Act (NLTTA) states in Section 21 (3) that the National Land Transport Strategic Framework (NLTSF) "must set out national policy with respect to land transport".

It is important to note that the following policies have been organised so as to correspond generally with the functional areas of the NLTSF as they appear in Section 3. In addition, since much of public transport runs on roads, it is important to integrate land transport policy with policies and strategies relating to the provision of roads.

Priority for Public Transport and Greater Promotion of Non-Motorised Transport

For the purposes of land transport planning and the provision of land transport infrastructure and facilities, public transport must be given higher priority than private transport. This will entail the implementation of effective Travel Demand Management (TDM) measures to promote more efficient private car usage and to free up resources for public transport upgrading and promotion. All spheres of government must promote public transport and the efficient flow of inter-provincial transport and cross-border road transport. Land transport planning and provision must pay greater attention to promoting the safe and efficient use of non-motorised transport modes such as walking and cycling.

Transport Planning

The basis of the new policy is a change from a supply-driven to a demand-driven land transport system. For this reason, transport planning integrating all three

spheres of government, as provided for in the National Land Transport Transition Act (NLTTA), must be the lever for change from a supply- to a demand- or needs-driven transport system, formulated in terms of these transport plans. More specifically, transport plans must be developed so as to:

- Enhance the effective functioning of cities, towns and rural areas through the integrated planning of transport infrastructure and facilities, transport operations (including freight movement), bulk services and public transport services. This should be done within the context of integrated development plans and the land development objectives set in terms of the Development Facilitation Act, or, where applicable, land development objectives of that nature set in terms of relevant provincial laws,
- Direct employment opportunities and activities, mixed land uses and high-density residential development into high-utilisation public transport corridors, interconnected through development nodes within the corridors,
- Discourage urban sprawl, which tends to undermine effective public transport services,
- Give priority to infilling and densification along public transport corridors,
- Give higher priority to public transport than private transport by ensuring that adequate public transport services are provided and by applying travel demand management (TDM) measures to promote more efficient use of private transport, and
- Enhance access to public transport services and facilities, and enhance transport functionality in the case of persons with disabilities. Transport plans must also give guidance with respect to routes for the transport of

hazardous goods. Local transport plans will address the integration of rail services within the overall transport system and these plans will inform the national-level institutions responsible for rail service provision. As such, there will be close co-operation and information sharing between the local planning authorities and the authorities responsible for rail services.

Taxi Mode

The formalisation of taxi associations and their members, and the conversion of permits to route-based operating licenses must be vigorously pursued. Fleet recapitalisation will be implemented progressively between 2006 and 2012. National Land Transport Strategic Framework 5 Taxi operators must be encouraged (and assisted) to qualify as contractors so as to participate in subsidised service contracts which will be opened to all road-based public transport operators, subject to the requirements of local transport plans.

Bus Mode

Provincial and municipal bus operators must be corporatised and all subsidised services must be provided in terms of tendered contracts that will be open to all road-based public transport operators, subject to the specifications of local transport plans. Some parastatal and municipal bus services will achieve tendered contract status through the bridging mechanism of negotiated service contracts.

Rail Mode

In addition to the appointment of a Rail Safety Regulator, a strategic rail capability will be developed in the national sphere of government. Performance regulation will be introduced in the national sphere of government, and devolvement, ownership and the involvement of the private sector in operations will be clarified. Furthermore, there will be an ongoing programme to

progressively effect the recapitalisation of commuter rail rolling stock and related infrastructure in Priority Rail Corridors as identified in the National Rail Plan. Local transport plans will inform the national-level institutions responsible for rail service provision. As such there will be close co-operation and information sharing between the local planning authorities and the authorities responsible for rail services in developing the Regional Rail Plans that will form part of the National Rail Plan.

Institutional Structures

The co-ordination of institutional responsibilities relating to land transport must be promoted. The effective implementation of the Transport Appeal Tribunal (TAT) must be ensured and the efficient operation of the nine provincial operating licensing boards, the nine provincial transport registrars, provincial appeal bodies (where appropriate) and municipal transport authorities (where appropriate) must be supported.

Land-Use Restructuring

Land transport functions must be integrated with related functions such as land use and economic planning and development, through, among others, the development of corridors, densification and infilling, and transport planning must guide land use and development planning, and vice versa. Corridor densification and infilling, which promotes public transport, reduces the need to travel and better satisfies users' needs, will be promoted across all three spheres of government by means of the statutory transport plans in the NLTTA.

Roads

A revised and prioritised strategic countrywide road network will be identified and will be managed by appropriate institutions in the national, provincial and municipal spheres of government. This countrywide road network will be needs

based, and it must support development priorities. The network may include some toll roads where they are financially viable and where they can contribute substantially to the funding of sections of the network.

Cross-Border Road Transport

The delivery of cross-border regulatory and administrative services will continue to be managed by the Cross-Border Road Transport Agency (CBRTA). For passengers, cross-border permits must be based on users' needs, and for freight, stricter road-based safety regulation must be instituted.

Freight Transport

A more balanced sharing of freight transport between road, rail and pipeline modes will be promoted and will be based on economic and efficiency grounds that incorporate the total costs of each mode to the economy, in line with the National Freight Logistics Strategy. Government will strive to ensure enhanced quality and safety in the road and rail freight environment, and increased participation by previously disadvantaged freight operators will be encouraged.

Inter-Provincial Land Transport

As inter-provincial land transport is a national competency, the national sphere of government will develop a high-level inter-provincial long-distance land transport strategy. The provincial operating licensing boards will use this strategy as a basis for deciding on applications for such services. Inter-provincial commuting will, however, remain within the domain of municipal planning authorities (with appropriate co-ordination of this planning by provincial authorities, and DoT where required), and such services must be included in municipal transport plans.

Rural Transport

Rural access planning and decision-support systems will be implemented in the 13 priority rural Integrated Sustainable Rural Development Strategy (ISRDS) nodes, which will specifically:

- Promote co-ordinated nodal and linkage development
- Establish nodal and linkage development as an integrated development plan sub-process
- Transform multi-purpose and allied projects into co-ordinated nodal and linkage development initiatives
- Establish rural transport and development programmes
- Transform access road programmes into wider rural transport infrastructure programmes
- Create special interventions and support programmes; and
- Develop adequate rural transport funding, governance and delivery capacity, and business support.

Non-Motorised Transport

Non-motorised transport must be promoted as an important aspect of transport and improving mobility for people in rural and remote areas. Non-motorised transport must also be promoted so as to assist in interventions to address congestion in urban areas. Therefore, provision of Non-motorised transport infrastructure, bicycles and donkey carts will be undertaken coupled with promotion of safety issues.

Transport and the Environment

Transport must be so designed as to have the least harmful impact on the environment. Air pollution from vehicle exhaust emissions and visual pollution by means of outdoor advertising will receive particular attention. Travel demand

management measures will be implemented to limit the number of vehicles on the road.

Transport and Tourism

Land transport planning, infrastructure and operations must take cognisance of, and be supportive of, tourism strategies in the interests of development.

Intermodalism and Integration of Transport Planning

Public transport services, facilities and infrastructure must be so designed, provided and developed as to promote intermodalism and the integration of the different modes of land transport. All role-players must strive to achieve an effective land transport system through integrated planning, provision and regulation of infrastructure and services, and through diligent and effective law enforcement.

2.8.1.5 Rural Transport Strategy for South Africa

Strategic thrusts

The draft national rural transport strategy described in this EIP document has two main strategic thrusts:

- . Promotion of coordinated rural nodal and linkage development, and
- . Development of demand-responsive, balanced and sustainable rural transport systems.

The coordinated development of rural service nodes and transportation linkages should ideally be pursued within the context of strengthened IDPs, rural transport, and rural spatial planning procedures, and support the aims of the

ISRDP, rural LED and poverty alleviation programmes. The main practical aim is to develop an effectively interlinked network of multi-purpose nodes and linkages.

The development of a balanced rural transport system requires the following:

- Investment in access roads
- Improvement of other forms of rural transport infrastructure (RTI) - such as local connector or district roads, suspension bridges, pontoons, paths, tracks, trails and public transport interchanges
- Concerted actions to redress the relative neglect of all non-motorised as well as intermediate motorised transport (such as tractor-trailers)
- Strengthening as well as regulating the role of the bakkie sector as a viable, demand-responsive means to address a variety of rural freight and passenger transport needs

The need for a sustainable rural transport system relates mainly to the need to establish sustainable funding channels and procurement systems, address neglected road maintenance requirements, and develop improved structures for the management of storm water (which is the major cause of deteriorating road conditions in most “deep” rural areas). The need for sustainability also requires that attention be given to the impacts of the rural transport system on the wider social, economic and biophysical environment.

Operational Aims

In order to achieve the objectives of the rural transport strategy, the main operational aims and rationale of the national rural transport strategy are, firstly to achieve improved *strategic guidance and coordination* – both within the transport sector and within the broader cluster of key rural service delivery sectors – and secondly, to facilitate *accelerated service delivery* in neglected geographical and functional areas. Because of the complex variety of rural transport service delivery agents, funding sources and mechanisms within the

transportation sector – much of which involves the private and SMME sectors, and rural communities – improved guidance and coordination is particularly important. Within the broader cluster of main rural service delivery sectors, the main rationale for improved guidance and coordination is simply to promote coordinated nodal and linkage development.

DoT is in the process of drafting policy documents, which will, in addition to other interventions such as land use planning and rapid bus transit system, compensate for negative environmental impacts that might be caused by the above-mentioned policies. These include the following:

- Animal-drawn Transportation Policy,
- Cycling Policy,
- Policy on Walking,
- Congestion Pricing Policy,
- Transport, Environment and Health Charter

For the purpose of this second Edition EIP, only those entities whose functions may have a direct impact on the environment are covered. Other DOT entities whose day-to-day activities have minimal or no impact on the environment are therefore, not covered in detail. The following agencies are covered and elaborated on in this Second Edition EIP.

2.8.1 SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED

SANRAL's BOT concession projects will have an environmental impact due to the fact that they entail significant upgrading of major roads. Also, in terms of the Environmental Conservation Act, No. 78 of 1989, road projects are listed as requiring EIA studies. However, SANRAL already has the environmental

unit/capacity that ensures that EIAs are completed for each of its projects (construction and rehabilitation) where required in terms of legislation.

These studies are submitted to DEAT as required. In the case of maintenance activities, SANRAL applies for exemption to DEAT as these activities are of a routine nature and their environmental impact is generally extremely slight. SANRAL therefore already complies, in all aspects, with the requirements of environmental legislation in this regard.

2.8.2 CROSS-BORDER ROAD TRANSPORT AGENCY

The CBRTA is responsible for the issuing of permits to cross-border road transport operators for both passenger and freight transport. Currently, the granting of permits does not involve environmental considerations arising from the operation of vehicles or the loads carried. Nor does the agency have any capacity to examine the environmental impacts of vehicles involved in cross-border operations. This is especially serious in the case of conveyance of hazardous goods. Particularly important is the element of disclosure with regard to the nature of the loads being carried.

2.8.3 SOUTH AFRICAN MARITIME SAFETY AUTHORITY

Since pollution of the marine environment is extremely serious, it is significant to note that SAMSA has managed to develop its capacity to deal with such occurrences. The activities of SAMSA per se, do not have any clear-cut impact on the marine environment falling under territorial waters of South Africa. One of the duties of SAMSA is the management of DOT contracted pollution prevention and response capability. This places the entity in an ideal position to prevent marine pollution from ships and respond to any cases of oil spillages.

2.8.4 AIRPORTS COMPANY SOUTH AFRICA

The upgrading and expansion activities at ACSA airports has been taking place for some time and is scheduled to be completed in time for the 2010 FIFA World Cup tournament. It is these activities, together with the ongoing monitoring of daily air transport movements in terms of aspects such as noise pollution and environmental impacts resulting from construction, that have been covered by ACSA in terms of its recognised obligations under the Environmental Conservation Act.

Each of these upgrading and expansion components has met the requirements in terms of an EIA and the function of the environment is clearly defined in the organisation with an acknowledgement of key documentation to DEAT where appropriate. Furthermore, ACSA conducts regular dialogue and harnesses its concessionaries and local communities in its planning processes.

ACSA goes further than merely complying with EIAs by continuously improving its environmental performance through:

- Environmental Management System (EMS), which reviews and aligns the entity's policies and procedures with environmental legislation as it is promulgated, and
- Environmental Performance Indicators, which are designed to serve a dual purpose of monitoring key environmental risk areas, while tracking environmental performance and setting standards for improvement.

The aim of the benchmarking exercise is to compare elements of environmental management performance in ACSA with world-class international airports of similar capacity to establish where *improvement is called for*. ACSA's key environmental areas of focus include water and energy conservation, waste management, flora and fauna, bird and wildlife management. For instance, at

Cape Town International Airport (CIA), despite significant increases in traffic volume over the past few years, the water and energy conservation initiatives and programmes implemented have resulted in improved water usage and more efficient use of energy.

ACSA has also:

- Taken a number of steps to alleviate noise pollution, including changes to flight frequency over the same areas and flight patterns
- Formed alliances with local authorities in neighbouring areas to enforce zoning prohibitions,
- Provided input to the Department of Transport for a draft national policy on noise pollution,
- Measured noise levels over Pretoria to test provincial legislation against standards set by the SABS,
- Lobbied airlines for quieter aircraft and participated in international forums to develop strategies to deal with the problem, and
- Introduced water and energy conservation, waste management and alien vegetation removal programmes

ACSA minimises the impact on storm and ground water by using a specialised product to clear and safely dispose of apron spillages, and monitor storm water monthly to ensure it is not polluted. ACSA has also partnered with the Endangered Wildlife Trust to minimise bird strikes and other contact with wildlife by applying environmentally sensitive management techniques.

2.8.5 SOUTH AFRICAN RAIL COMMUTER CORPORATION

The day- to- day operation of commuter rail services in the urban environment in South Africa does involve some environmental impact on and from commuters, e.g. litter and widespread vandalism. In addition, the refurbishment of infrastructure will entail some level of environmental impact and the refurbishment programme will have to comply with the provisions of the Environmental Conservation Act and EIAs on the projects concerned. This will have to be a feature of the work undertaken for each of the concession projects in the programme. Also, the environmental impact of any future railway lines extension will have to be addressed, and the same goes for any future closure of railway lines, including land rehabilitation plans.

3. CO-OPERATIVE GOVERNANCE ARRANGEMENTS FOR ENVIRONMENTAL MANAGEMENT

3.1 EXTERNAL CO-OPERATIVE GOVERNANCE ARRANGEMENTS FOR ENVIRONMENTAL MANAGEMENT

This section covers institutional arrangements and structures for co-operative governance as per the requirements of the National Environmental Management Act. The external relationships relevant to DoT are set out in the table below. It should be noted that the list is not exhaustive, as some ad-hoc structures emerge from time to time. The table outlines the rationale for each of the external relationships, current activities and whether there is an environmental component to the relationship.

DOT External Relationships

| Department/Entity | Rationale for Relationship | Environmental Aspect |
|--------------------------|---|---|
| DEAT | <ul style="list-style-type: none"> • CEC as per NEMA requirements (Sub-committees on EIPs/EMPs & Law Reform) • EIA Regulations • Air Quality • Committee for Sustainable Development • Environmental Conservation Act • National Environmental Management (NEM) • National Environmental Management Act (Act No. 107 of 1998) • Chemicals and Hazardous Wastes Management Committee • Intergovernmental Committee on Climate Change (IGCCC) • Long-Term Climate Change Mitigation | Implementation of Environmental Legislation, Strategies, Policies, Plans and Programmes |

| Department/Entity | Rationale for Relationship | Environmental Aspect |
|-------------------|--|--|
| | <p>Scenarios (LTMS) Working group</p> <ul style="list-style-type: none"> Greenhouse Gas Emissions Project Steering Committee, in line with the provisions of the UNFCCC | |
| DOD | <ul style="list-style-type: none"> National Airspace Committee, chaired by the CAA. South African Aviation Safety Council (SAASCo) | <p>Environmental matters are discussed on an ad-hoc basis.</p> <p>There is a subcommittee of the SAASCo charged with addressing aviation hazards posed by wildlife, environmental management of airfields and airspace to control collisions of aircraft and wildlife.</p> |
| DFA | <ul style="list-style-type: none"> DOT's representation at environmental committees of UN, SADC and AU's specialised and multilateral bodies, mainly ICAO, IMO and AFCAC. | <p>Joint formulation of positions on international environmental matters.</p> |

| Department/Entity | Rationale for Relationship | Environmental Aspect |
|-------------------|---|---|
| DLA/DOA | <ul style="list-style-type: none"> • Rural Transport Strategy • Policy on Animal-Drawn Transportation • Biofuel matters | Joint implementation of rural development strategies. |
| DME | <ul style="list-style-type: none"> • White Paper on Energy Policy • Draft Energy Bill • White Paper on Renewable Energy Policy • Draft Biofuels Industry Strategy • Energy Efficiency Strategy • Clean Fuels Oversight Committee • Designated National Authority of the Clean Development Mechanism Steering Committee and the Promotions Sub-Committee • Integrated Energy Plan • Taxi Recapitalisation Programme | Engagement on transport energy issues, clean development mechanism projects, etc. |
| DOE | <ul style="list-style-type: none"> • National Scholar | Implementation of joint |

| Department/Entity | Rationale for Relationship | Environmental Aspect |
|-----------------------|---|---|
| | Transport Programme and Non-Motorised programme of cycling. | strategies and plans. |
| Department of Finance | <ul style="list-style-type: none"> • Draft Proposals on Possible Carbon Taxation related to Transport Emissions, • Pricing of liquid fuels entailing a suitable tax differential between diesel and petrol. | Joint environmental policy formulation. |
| DOH | <ul style="list-style-type: none"> • TEH Charter • Vehicular Emissions Strategy • Arrive-Alive Programme (Road Safety). | <p>Implementation of strategies and plans relating to health, safety and environment</p> <p>Furthermore, the DOT is interacting with the Department of Health on the issue of transportation of hazardous materials through the National Committee for Chemicals Management (NCCM).</p> |
| DOL | <ul style="list-style-type: none"> • NCCM | The DOT interacts with the Department of Labour through the |

| Department/Entity | Rationale for Relationship | Environmental Aspect |
|-------------------|--|--|
| | | National Committee for Chemicals Management (NCCM), which is also tasked with dealing with matters relating to chemicals and hazardous wastes. |
| DPLG | <ul style="list-style-type: none"> • Local Government Sustainability • SALGA • LED Programmes • Integrated Sustainable Rural Development Strategy • IDP processes • Integrated Development Plans | Consultations and collaboration on crosscutting areas. |
| DPE | <ul style="list-style-type: none"> • Sectoral Climate Change Response Strategies for SOEs, Agencies and Public Entities. | Implementation of Environmental Policy |
| DST | <ul style="list-style-type: none"> • South African National Space Agency and Strategy • Technology Needs Assessment in terms of | Joint Formulation of Strategies, Policies, Plans, and Programmes. |

| Department/Entity | Rationale for Relationship | Environmental Aspect |
|-------------------|--|---|
| | the UNFCCC. | |
| DWAF | <ul style="list-style-type: none"> • Committee with DoT, SAMSA and DWAF | <p>Consultations on matters relating to inland waterways (dams, rivers etc) and infrastructure, such as construction of major bridges.</p> <p>Furthermore, the issue of handling and disposal of foreign waste from ships is dealt with by SAMSA.</p> |
| The Dti | <ul style="list-style-type: none"> • International Aviation and Maritime Greenhouse Gas Emissions Trading, Carbon Markets, Cap-and-Trade hybrid systems, and market-based emissions reduction schemes for climate change mitigation | <p>Joint formulation of Environmental Legislation, Strategies, Policies, Plans, Programmes, Cabinet Directives and International Obligations.</p> |
| HOUSING | <ul style="list-style-type: none"> • Town and Regional Planning Matters • Sustainable Human Settlements • Integration of land use | <p>Implementation of developmental strategies.</p> |

| Department/Entity | Rationale for Relationship | Environmental Aspect |
|---|---|---|
| | and transport planning <ul style="list-style-type: none"> • Corridor development | |
| PROVINCIAL DEPARTMENTS OF TRANSPORT | <ul style="list-style-type: none"> • MINCOM – Chaired by the Minister of Transport • COTO – Chaired by Senior Officials of DoT • LTCC – Chaired by Senior Officials of DoT • SALGA • RCC. • DoT is in the process of establishing the Provincial Committee on the Environment (PCE) | Environmental aspects dealt with at policy level. Coordination of environmental activities between DoT and Provincial Departments of Transport |
| LOCAL GOVERNMENT, (INCLUDING DISTRICT COUNCILS) | <ul style="list-style-type: none"> • IDPs • MTBs' – Public Transport Contracts and Local Transport Plans • Transport Authorities in terms of NLTTA Act 22 of 2000. | Implementation of NLTTA has environmental requirements. |

4. INTERNAL CO-OPERATIVE GOVERNANCE ARRANGEMENTS FOR ENVIRONMENTAL MANAGEMENT

This section contains the Department of Transport's recommendations aimed at ensuring that the policies, plans and programmes of the Department, its agencies and public entities can be made to comply with the principles of environmental management. This conforms to the requirements of section 13(1)(b) of NEMA, which stipulates that the EIP must contain a description of the manner in which DoT "...will ensure that the policies, plans and programmes referred to in paragraph (a) will comply with the principles set out in section 2". Moreover, by subscribing to the national sustainable development framework, DoT undertakes to implement policy using the principles of sustainable development as a guideline.

The section also contains recommendations regarding the manner in which DoT will ensure that its functions are so organised as to comply with the relevant legislative provisions (Section 13(1) (c) of NEMA. Section 13(1) (d) of NEMA stipulates that recommendations must also be made regarding the promotion of the implementation plan in line with Chapter 5 of NEMA, i.e. the objectives of DoT must conform to the principles of Integrated Environmental Management. The next table sets out the entities involved in co-operative governance with DoT and the nature of the relationship.

DoT Internal Relationships

| Public entity with which DOT has an internal relationship | Role of the entity and nature of the relationship |
|--|---|
| Airports Company South Africa | The development of airports of international standard in the country. Enhancement of existing airports infrastructure and provision of additional infrastructure for capacity demand, Ensuring the highest security, safety and service standards |
| Cross-Border Road Transport Agency | Management of cross-border land transport (passenger and freight). |
| South African Maritime Safety Authority | Management of South African/territorial waters. |
| South African National Roads Agency Limited | Management of the national road network, Management of public-private concession projects. |
| South African Rail Commuter Corporation | Provision of commuter rail services in South Africa. |
| Agency Committee on the Environment | Coordination of environmental activities between DoT and its public entities. |

4.1 ACTIONS TO ENSURE COMPLIANCE WITH ENVIRONMENTAL POLICIES AND LAWS

The Department of Transport has established the Directorate: Environmental Analysis, which is tasked with all environment-related aspects of transport and matters incidental thereto. The functions of the Directorate include the following, with respect to NEMA:

- Compilation of Environmental Implementation Plans for DoT,
- Preparation of Annual EIP Compliance Reports,
- Advise the Department, its agencies and public entities on compliance with the provisions of NEMA, ECA, EIP and other relevant environmental legislation, policies and regulations,
- Assist the agencies and public entities to comply with the EIP, monitor compliance and report progress on an annual basis (through the Compliance Report),
- Perform a co-ordinating role to assist all DOT agencies and public entities included in this EIP to incorporate (where appropriate and practical) an environmental function within their organisational structures,
- Compile environmental policy for DoT,
- Keep agencies and public entities updated on relevant environmental legislation for completion of EIAs, and, where appropriate, assist them to meet their obligations in terms of assessing the environmental implications of their activities. This would include making them aware of the contents and implications of this EIP,
- Establish a co-operative governance mechanism on transport and the environment involving DoT, agencies and public entities, and covering the *internal* relationships identified in this EIP, and
- Establish, as appropriate, a co-operative environmental governance mechanism involving Provincial Departments of Transport, which would co-ordinate responses to environmental issues arising in terms of the *external* relationships identified in this EIP.

DoT proposed action plan to ensure compliance with environmental policies and laws is set out below.

| ACTION | TIMEFRAME | RESPONSIBILITY |
|--|---|---------------------------------------|
| Establishment of a dedicated unit to monitor implementation of EIP and monitor compliance | Unit Available | DoT |
| Establishment of Environmental function by DoT agencies and public entities whose functions impact on the environment | March 2011 | DoT and Agencies/Public Entities |
| Establishment of co-operative environmental governance mechanism that includes provinces | March 2010 | DOT, DEAT and Transport stakeholders. |
| Assessment of environmental impacts of transport projects under DoT: agencies and public entities to comply with legislation | Ongoing: regular and ad-hoc EIA processes. | DoT |
| Preparation of Annual EIP Compliance Reports | Ongoing: prepared and submitted on an annual basis. | DoT |

In addition, the Department of Transport plans to formulate and/or finalise the following policies aimed directly or indirectly at compensating the environment for any negative impacts arising from transport activities:

- Climate Change Sectoral Plan/Response Strategy
- Sustainable Transport Strategy
- Transport, Environment and Health Charter
- Energy Efficiency Framework for the Transport Sector

- Policy on the control of emissions from all modes of transport

Furthermore, the following non-motorised transport (NMT) policies are being developed:

- Cycling Policy
- Animal-drawn Transport Policy
- Walking Policy for South Africa
- Congestion Pricing Policy

4.2 ASSESSMENT OF POLICIES, PLANS AND PROGRAMMES

DoT, through its Environmental Analysis unit, undertakes to ascertain properly the extent to which each of the policies, plans and programmes outlined in this EIP will have an impact on the environment. As a key component of this exercise, all future pilot projects initiated by the Department of Transport will include an environmental impact component. This will ensure that such programmes and projects conform to the principles of IEM as set out in Chapter 5 of NEMA, as well as the direct requirements of the Environmental Conservation Act, No. 73 of 1989. DoT also undertakes to compile a consolidated action plan for the recommendations as an important follow-on to the EIP and ensuring the implementation of thereof.

It is acknowledged that although the promotion of public transport, the integration of land use, the national cycling and walking policies and programmes, and the adoption of travel demand measures are key elements of an environmentally friendly transport system in the long term, they themselves need to be understood in terms of their possible environmental impacts. This is particularly important to note, given the fact that these programmes were not explicitly aimed at environmental objectives *per se* when they were formulated.

While the Department of Transport will endeavour to include consideration of environmental (one of the three sustainable development pillars) components in its future policies and programmes, it also needs to be borne in mind that the main mandate of DoT is primarily social and economic development (the other two pillars of sustainable development) as encapsulated in its "Vision". The Department of Environmental Affairs and Tourism remains the custodian of all matters environmental, while DoT has an obligation to ensure that negative environmental impacts of its activities are avoided, and where they cannot be avoided, are minimised. This is in line with the universally accepted definition of sustainable development, which is broadly defined as '*Development that meets the needs of the present without compromising the ability of future generations to meet their own needs*'.

ADDENDUM 1: ENVIRONMENTAL MANAGEMENT AND THE TRANSPORT SECTOR

ENVIRONMENTAL MANAGEMENT AND THE NATIONAL ROAD MANAGEMENT PROCESS

| National Road Management Process | Relevant Legislation/Programme | Relevant Stakeholders | Comment(s) | Alignment and extent of compliance with NEMA principles |
|-------------------------------------|--|--|--|---|
| Project Identification | SANRAL Business Plan SANRAL Road Management System | SANRAL SANRAL Board DEAT DOT | DOT's role as policy development entity and arrangement with SANRAL means that construction; rehabilitation and maintenance activities on the SANRAL network (i.e. specific national roads only) are identified and prioritised by SANRAL. | NEMA, section: 2, (2), (3) and 4(a), (b), (k), (l), (m) Full compliance. |
| Stakeholder/community participation | DEAT guidelines on EIAs Environmental Conservation Act NEMA principles | Road Users Communities in proximity to road reserves Local Authorities | Stakeholder/community participation does occur on SANRAL projects in line with DEAT guideline documents and Environmental Conservation Act. | NEMA, section: 2, (2), (3) and 4(a), (b), (f), (k), (l), (m) Full compliance. |
| Approval of management | SANRAL Act Environmental | SANRAL Board approves business | EIAs undertaken on construction and | NEMA, section: |

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|---|--|--|--|--|
| programme of national road network (construction, rehabilitation and maintenance) | Conservation Act | plan. Minister of Transport approves SANRAL business plan. DEAT receives copy of EIA where appropriate | rehabilitation activities. EIAs submitted to DEAT. SANRAL requests exemption from DEAT on routine and specialist maintenance. Local and provincial government have opportunity to comment on SANRAL projects (concession projects included) EIAs. Final decision on projects lies with SANRAL executive. | 2, (2), (3) and (4)(a), (b), (f), (k), (l), (m) Full compliance. |
| National road construction and maintenance | SANRAL Act Environmental Conservation Act | Contractors carry out construction, rehabilitation and maintenance under supervision of SANRAL (concession projects included). | Supervisory role of SANRAL in management of contractors is vital. | NEMA, section: 2, (2), (3) and (4)(a), (b), (f), (k), (l), (m) Full compliance. |
| Project inspection | SANRAL Act Environmental Conservation Act | SANRAL carries out inspection of contractor activity. Where applicable, EIA on project submitted to SANRAL | SANRAL environmental function ensures EIAs carried out on construction and rehabilitation projects on the SANRAL network of national | NEMA, section: 2, (2), (3), and (4)(a), (b), (f), (k), (l), (m) Full compliance. |

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|--|--|------------------------|--------|--|
| | | Environmental Officer. | roads. | |
|--|--|------------------------|--------|--|

ENVIRONMENTAL MANAGEMENT AND THE AIRPORT MANAGEMENT AND DEVELOPMENT PROCESS

| Airport Management Process | Relevant Legislation/Programme | Relevant Stakeholder | Comment(s) | Alignment and extent of compliance with NEMA principles |
|-------------------------------------|---|---|---|--|
| Project Identification | ACSA (infrastructure planning division) develops business plan for renovation and expansion of ACSA airports. | ACSA Airport management Local authorities DEAT | ACSA plans for expansion of airport facilities approved by Board and Minister of Transport (as the majority shareholder) | NEMA, section: 2, (2), (3), and (4)(a), (b), (f), (k), (l), (m) Full compliance. |
| Stakeholder/community participation | Stakeholder participation in terms of DEAT EIA guidelines and Environmental Conservation Act. | Local Authorities informed of plans for respective airports in their areas. Residents in local area are also given opportunity for input. | Stakeholder participation mainly relevant at a local level according to location of airport, e.g. O.R Tambo International Airport – Kempton Park. | NEMA, section: 2, (2), (3) and (4)(a), (b), (f), (k), (l), (m) Full compliance. |
| Approval of projects | EIA guidelines and Environmental Conservation Act | Local authorities and DEAT are given access to plans and evaluation results. | Local authorities can approve or reject plans for expansion of facilities. | NEMA, section: 2, (2), (3) and (4)(a), (b), (f), (k), (l), (m) Full compliance. |

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|--|---|---------------------------|---|--|
| Airport construction and development process | Construction and expansion plans are subject to EIA guidelines and Environmental Conservation Act | Local Authorities DEAT | EIAs of major expansion projects are submitted to DEAT. | NEMA, section: 2, (2), (3) and (4)(a), (b), (f), (k), (l), (m) Full compliance. |
| Noise pollution monitoring | Routine activity | ACSA Local authorities | ACSA and local authorities monitor noise levels regularly at ACSA airports. Noise levels generally within IATA/ICAO limits due to compliance of airlines. | NEMA, section: 2, (2), (3), and (4)(a), (b), (f), (k), (l), (m) Full compliance. |

ENVIRONMENTAL MANAGEMENT AND THE AIR TRAFFIC & NAVIGATION SERVICES PROCESS

| ATNS Process | Provision | Relevant Legislation/Programme | Relevant Stakeholder | Comment(s) | Alignment and extent of compliance with NEMA principles |
|---|------------------|---|---|---|--|
| Project Identification | | ATNS Company business plan | ATNS Minister of Transport | ATNS submits business plan to Minister of Transport for approval. | NEMA, section: 2, (2), (3) and (4)(a), (b), (f), (k), (l), (m) Full compliance. |
| Stakeholder participation | | EIA guidelines Environmental Conservation Act | ATNS DEAT Affected and interested parties | | NEMA, section: 2, (2), (3) and (4)(a), (b), (f), (k), (l), (m) Full compliance. |
| Approval of projects | | EIA guidelines Environmental Conservation Act | ATNS DEAT | Approval of EIA required for erection of new ATNS facilities, e.g. radar, but not for routine operation of ATNS facilities. | NEMA, section: 2, (2), (3), and (4)(a), (b), (f), (k), (l), (m) Full compliance. |
| ATNS construction and development process | | EIA guidelines Environmental Conservation Act | ATNS DEAT | | NEMA, section: 2, (2), (3), and (4)(a), (b), (f), (k), (l), (m) Full compliance. |

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|---------------------------|-----------------|------|--|--|
| Routine operation of ATNS | Normal activity | ATNS | | NEMA, section: 2, (2), (3), and (4)(a), (b), (f), (k), (l), (m) Full compliance. |
|---------------------------|-----------------|------|--|--|

ENVIRONMENTAL MANAGEMENT AND THE MARITIME SAFETY PROCESS

| Maritime Safety Monitoring Process | Relevant Legislation/Programme | Relevant Stakeholder | Comment(s) | Alignment and extent of compliance with NEMA principles |
|------------------------------------|--|--|--|---|
| Programme identification | SAMSA Business Plan | SAMSA Minister of Transport DOT Maritime Operators | SAMSA submits business plan to Minister for approval | |
| Stakeholder participation | Ship owners and operators are aware of safety regulations and seaworthiness requirements of vessels through the IMO. | SAMSA Minister of Transport Maritime operators monitored | Affected and interested parties. | |
| Approval of programme | Minister of Transport approves SAMSA business plan. | SAMSA Minister of Transport | | |
| Maritime safety process | Approval is sought from the Minister of Transport. | SAMSA Minister of Transport | Safety issues dealt with under SAMSA | |

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|------------------|--|-----|---|---|
| | | DOT | routine operations and enforcement. | |
| Marine pollution | | | Marine pollution incidences dealt with through DEAT on an ad hoc basis. | NEMA, section: 2, (2), (3), and (4)(a), (b), (f), (k), (l), (m) Full compliance. |

ENVIRONMENTAL MANAGEMENT AND THE CROSS BORDER TRANSPORT PROCESS

| Cross border transport process | Relevant legislation/programme | Relevant stakeholder | Comment(s) | Alignment and extent of compliance with NEMA principles. |
|--------------------------------|--|---|---|--|
| Programme identification | CBRTA business plan CBRTA legislation | CBRTA Minister of Transport DOT Road users | Key function of CBRTA is the awarding of cross border permits for road transport (passenger and freight). | NEMA, section: 2, (2), (3) and (4)(a), (b), (f), (k), (l), (m) No compliance with NEMA. Environmental considerations not included as a condition for issuing permits. |
| Stakeholder participation | Road users are briefed as to conditions of permit approval, e.g. | Cross border road transport operators | | NEMA, section: 2, (2), (3) and (4)(a), |

| | | | | |
|---------------------|----------------|--|---|--|
| | safety. | | | (b), (f), (k), (l), (m) No compliance with NEMA. Environmental considerations not included. |
| Approval of permits | CBRTA function | | Permits awarded, but no reference made to environmental considerations, e.g. conveyance of hazardous goods. | NEMA, section: 2, (2), (3) and (4)(a), (b), (f), (k), (l), (m) No compliance with NEMA. Environmental considerations not included as part of the criteria for approval of permits. |

ENVIRONMENTAL MANAGEMENT AND THE RAIL COMMUTER PROCESS

| Rail commuter transport process | Relevant legislation/programme | Relevant stakeholder | Comment(s) | Alignment and extent of compliance with NEMA principles |
|---------------------------------|--------------------------------|--|---|--|
| Programme identification | SARCC business plan | SARCC Minister of Transport DOT Rail commuters | SARCC routinely involved in rail commuter transport | NEMA, section: 2, (2), (3), and (4)(a), (b), (f), (k), (l), (m) |