

GOVERNANCE AND TRANSFORMATION OF URBAN MOBILITY

EXECUTIVE
SUMMARY



VOL. III

Evolution of implementation
of Low Emission Zones.
Reflections on 10 Spanish cities.

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Governance and transformation of urban mobility

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**Vol. III. Evolution of implementation of Low Emission Zones.
Reflections on 10 Spanish cities.**

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Society faces the challenge of how to confront 50 years of damaging and erroneous urban planning and development, which puts citizens second-to-last and the environment last. There have always existed the convinced and the opposed, those who benefit from and those who are harmed by decision-making closely linked to economic growth and short-term solutions for minimum standards of social welfare and quality of life. The course of events is now leading to certain degrees of alignment. Few put into doubt the fact we find ourselves in a dramatic situation in which we are facing five crises (economic, social, environmental, sanitary and energy) that directly or indirectly share a common nexus: climate change.

We are even facing the abandonment of any hope of “fighting” it, because all we have left are adaptation and mitigation. In its report of February 2022, the United Nations Intergovernmental Panel on Climate Change said the following: *“The cumulative scientific evidence is unequivocal: climate change is a threat to human wellbeing and planetary health. Any further delay in concerted anticipatory global action on adaptation and mitigation will miss a brief and rapidly closing window of opportunity to secure a livable and sustainable future for all”*. The reality is that global temperatures continue to rise year on year. This is occurring increasingly rapidly, with enormous costs that make it worse in terms of its interaction with the other crises.

Addiction to fossil fuels, lack of ambition in decision making, greenwashing, defence of economic concerns above the general interest and weak commitments all exacerbate this situation. Emissions and pollution threaten planetary life in all its forms, with a direct impact on health. One of the main causes is the transport and mobility sector. In fact, according to the provisional data from the

2022 Sustainability Development Observatory, its greenhouse gas (GHG) emissions increased by 5.7% on the previous year (in 2021 they represented over 27% of the national total), despite the objectives and commitments already agreed for advancing towards climate neutrality.

The creation of a solution occurs because each level assumes its leadership role. Europe set the objective of reaching carbon neutrality in 2050, with a 55% reduction of GHG emissions by 2030 in regards to 1990, which at the end of 2022 was increased to 57%. In order to achieve this, in July 2021 it presented the Fit for 55 legislative package, a group of proposals aimed at revising and updating EU legislation and setting up new initiatives with the purpose of providing a coherent and balanced framework. However, the fact of not only having to confront the climate emergency, but also the economic recovery following the COVID19 pandemic, brought Europe to create an historic investment programme: the Next Generation recovery funds.

In parallel, Spain has developed a strategic energy and climate framework. This includes, among others, the National Energy and Climate Plan and the Climate Change and Energy Transition Act, passed in 2021. One of the measures included in both is the implementation of Low Emission Zones. Prior to 2023, all cities of over 50,000 inhabitants — and those of over 20,000 with air quality issues — were obliged to have at least one. Defined as areas in which the access, movement and parking of polluting vehicles is restricted due to their emissions, they are tools for improving air quality and mitigating climate change, the results of which help to improve the health of citizens and promote modal shift and energy efficiency.



Reflections in 10 cities via participative processes

In March 2022, ECODES presented the results obtained from the process of reflection carried out with municipalities and civil society in ten Spanish cities, promoted through the organisation of virtual participative workshops. These processes were framed within the context of urban mobility transformation that could (and can) generate the implementation of Low Emission Zones, and which started out from situation that was different in each municipal area, with different particularities and purposes. From the general concept of this process, eleven key recommendations were put on the table with an emphasis on specific elements considered essential, which went from governance and participation to finally provide information that was useful and relevant to municipalities and citizens.

[Link to complete report in Spanish](#)



[Link to executive summary](#)



This report shows the monitoring and analysis of the evolution of the implementation process of these areas in Spain, paying particular attention to the factors that have led to little more than 10 cities having “complied with the law” as of 1 January 2023. During this process, ECODES has continued its attempts to guarantee an ambitious implementation, mainly in the ten municipalities comprising the sample or, at least, to translate the

possibilities offered to them by this obligation to transform their cities and begin to link urban and mobility development within the new mobility paradigms and recovery of public space for people. It has been a process of dialogue, collaboration and exchange of information and proposals with municipal technical management in which civil society voices have also contributed.

As indicated above, the first six months of 2021 involved the approval of two key instruments for advancement in the energy transition and decarbonisation process in Spain, in a framework driven mainly to confront the climate emergency. These instruments are the Plan Nacional de Energía y Clima [*National Energy and Climate Plan*] - (PNIEC)¹ and the Ley de Cambio Climático y Transición Energética² [*Climate Change and Energy Transition Act*]. Due to its impact, the transport and mobility sector has considerable weight in both and, therefore, the number of policies and measures to implement in order to fulfil the commitments undertaken is highly relevant. One example is the Low Emission Zones.

Low Emission Zones are delimited areas that apply criteria restricting vehicle access, movement and parking in order to reduce emissions resulting mainly from journeys. In other words, they are tools linked to mitigating climate change, improving air quality and promoting modal shift, the results of which contribute towards protecting the health of citizens. Prior to 2023, all cities of over 50,000 inhabitants —and those of over 20,000 with air quality issues— were obliged to have at least one. Nevertheless, when this obligation was approved there was no inclusion of any regulatory model, recommendations or minimum criteria to guarantee homogeneity at the moment of design, planning and implementation by cities; rather, in contrast, there were different approaches and approximations both at European and Spanish level.

Previously, only Madrid and Barcelona had active Low Emission Zones, which were not exempt from controversy. Despite the fact that both city councils were obliged to implement them due to successive infringement of European air quality regulations, following approval they were both subject to political and social criticism, and the media spectacle. An obvious example is Madrid Central. The Low Emission Zone of the Spanish capital

was a target of the main opposition party at the time, which took it to court and made a rallying cry of its firm opposition during the electoral campaign, even reaching the point of promising to eliminate it. This judicialisation gave rise to the first legal judgment against the application of this measure in Spain: the High Court of Justice of Madrid declared Madrid Central null and void³. The judgment was subsequently upheld by the Supreme Court⁴. From this moment, the justice system became one more actor in the debate surrounding these types of measures.

The fact is that the political use of restrictive measures that provoke changes in habits and customs in the population, despite being positive for those who question them, has been and is employed to win political representation and power, pitting different sectors of society against each other. Barcelona was no exception. The High Court of Justice of Catalonia⁵ repealed the regulation on the Low Emission Zone, among other aspects, calling into question its impact on freedom of movement and lack of social equity. Both were implemented to reduce levels of pollution in the cities but came up against the politicisation and distortion of the narrative justifying the positive impact of their implementation, both on quality of life and the environment and the possibilities they could offer for initiating urban transformation. These events have been key elements that have conditioned the deployment of this tool in other Spanish municipalities.

Following the passing of the Climate Change and Energy Transition Act, the 149 councils representing municipalities of over 50,000 inhabitants were given more than one and a half years to modify or approve a Sustainable Urban Mobility Plan and/or a regulatory decree that put into motion their Low Emission Zone(s). Process of design and creation requiring the inclusion of citizens, awareness raising and informing. However, as well as the legal insecurity generated by the Madrid

¹ https://www.miteco.gob.es/images/es/pnieccompleto_tcm30-508410.pdf

² <https://www.boe.es/eli/es/l/2021/05/20/7/dof/spa/pdf>

³ <https://www.poderjudicial.es/search/AN/openDocument/4ccc82d894ea380e/20200921>

⁴ <https://www.poderjudicial.es/search/openDocument/300a073cde0a6279>

⁵ <https://www.poderjudicial.es/search/AN/openDocument/4a305eae04312fc9/20220406>

and Barcelona judgments, the scenario varied according to which city the spotlight was turned on for different reasons: those who were convinced, those uninterested, political polarisation, scarcity of economic resources and/or technical capabilities, lack of consensus, preference for another model, and concern due to unpopularity, closeness to the end of the legislature and, thus, the next local elections, among other particularities and special cases. Added to all of this, furthermore, were a lack of minimum design, approval and implementation criteria set by the competent ministry, which finally published them as recommendations.

The Directives for the Creation of Low Emission Zones published by the Ministry for Ecological Transition and the Demographic Challenge⁶ were necessary but insufficient. They failed to establish an obligation to abide by criteria that could be used by councils to design their projects in accordance therewith; rather, they merely involved guidelines in accordance with those provided by other institutions such as the Spanish Federation of Municipalities and Provinces and the Barcelona Metropolitan Area. Civil society organisations and councils alike demanded a regulation in the form of a Royal Decree. As a result, legal insecurity became one of the main public justifications for making advancements in the planning, creation and passing thereof. In general terms, although some municipalities were under way, many only lightly touched upon the beginning of the process. There were now voices requesting the deadline for compliance with the Act to be extended, with this obligation moved to January 2024.

But at the same time as these voices were being raised, the councils, both for and against, made use of the opportunity afforded to them by the Plan for Recovery, Transformation and Resilience⁷. It drives investment and priorities regarding the promotion of changes in urban and metropolitan areas towards zero emissions and other types of mobility. The framework of this plan included the launch of the programme of assistance for the implementation of Low Emission Zones and the digital and sustainable transformation

of urban transport for municipalities, which included 1.5 billion euros in grants, among other elements. In its initial public call, only 11% of the funds were destined towards the implementation of Low Emission Zones, the rest allocated to measures closely aligned to them, with their complementarity giving them an opportunity to transform mobility and the public space of their municipalities. In the face of lack of transparency, the control and monitoring of these investments and the binding of them to their associated objectives remains pending.

In any event, it seems logical for a measure of this calibre, also supported by the new EU urban mobility framework, to have common, minimum regulations throughout national territory with the aim of assuring the fulfilment of the objectives for which it has been set in motion, along with its impact for the achievement of those of a more general nature. In view of the controversy generated, the Ministry made information publically available regarding the Royal Decree on the regulation of Low Emission Zones. During the time this announcement was open to the moment of its final approval and entry into force (27 December 2022, three days before the deadline for complying with the obligation established in the Act was due to pass) there was a crossing of opposing messages and narratives as regards the application of this measure at the same time as certain progress was being made in its implementation on the part of a number of municipalities.

While messages coming out of the Ministry of Ecological Transition and the Demographic Challenge are non-existent or, to a certain extent, contradictory, disagreements regarding the Low Emission Zones model itself are increasing, even amongst those most convinced of the need to remove cars from cities. Moreover, the judicialisation of measures of this calibre and the narrative surrounding the legal security provoked by the lack of regulations advances rapidly. An example of this again appears in another legal judgment: the High Court of Justice of Castile and León⁸ issues a ruling against complementary measures that can be linked to the path towards the

⁶ https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/publicaciones/directricesparalacreaciondezonasdebajasemisiones_tcm30-533017.pdf

⁷ <https://planderecuperacion.gob.es/>

⁸ <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Tribunales-Superiores-de-Justicia/TSJ-Castilla-y-Leon/Noticias-Judiciales-TSJ-Castilla-y-Leon/ci.El-TSJ-anula-el-plan-de-regulacion-del-trafico-con-carriles-bus-taxi-y-bici-del-Ayuntamiento-de-Valladolid.formato2>

implementation of a Low Emission Zone in Valladolid, although on this occasion the focus is on the decision taken by the City Council, deriving from the restrictions applied during the COVID-19 pandemic in regards to the mobility of private vehicles in favour of public transport and infrastructures thereof. The reason for this is the lack of a regulatory decree.

In parallel, the Spanish Federation of Municipalities and Provinces continues to receive new requests from many of the municipalities obliged to postpone the implementation of the measure but, furthermore, requests for a regulatory decree model they could use as a foundation. *Delayism* leads the narrative. The pressure, both in private and public settings, increases, going against fulfilment of the precept stipulated in the Act, namely, to have at least one Low Emission Zone before 2023. Meanwhile, civil society organisations are also repeatedly warning of the complete lack of communication and dissemination of information that is being provided to citizens on the application of this measure, much less so in regard to its benefits or capacity for promoting an ambitious urban transformation. Generally speaking, only determined sectors are being taken into consideration.

The final months of 2022 are full, on the one hand, of a lack of political leadership, interest and bravery and, on the other hand, of uncertainty in the face of the delay in the approval of the Royal Decree on the part of the Ministry responsible for its regulation and the establishment of a number of minimum implementation criteria. In turn, the narrative against this measure and direct and indirect pressure sporadically occupy media coverage in order to delay the deadline. The Spanish Federation of Municipalities and Provinces begins, furthermore, to create a model for a regulatory decree (the definitive version of which was approved in February 2023). It is not until 3 days before the end of the year that the Royal Decree on the regulation of Low Emission Zones is passed⁹. Going against the overriding need to adapt cities to climate change, improve air quality, promote modal shift and protect public health, the text gives those councils that have already implemented a Low Emission Zone 18 months to adapt. At the same time, and unsurprisingly, Ministry sources publically indicated that no sanctions would be imposed on those who failed to comply with the Law on the established date.

⁹ <https://www.boe.es/boe/dias/2022/12/28/pdfs/BOE-A-2022-22689.pdf>

The spotlight: local elections in 2023

2023 is a key year. Any unpopular decision can give you power or take it away, something municipal political leaders are extremely aware of. With no prior communications campaigns nor information to citizens about their benefits, the implementation of Low Emission Zones could backfire on them. This is confirmed by the fact that the most common municipal justification for not having carried out a coherent implementation is the electoral horizon.

Nevertheless, this measure and others of a complementary nature can contribute towards transforming cities, with emphasis on the health of citizens, returning the streets to pedestrians, reducing private vehicle use, promoting sustainable urban planning, raising awareness and educating in favour of sustainability, and prioritising active mobility and public transport in an age when commitments and actions are more necessary than ever if there is truly political will to bring cities to climate neutrality by 2030.

Some cities took advantage of the night of 27 December to install signage linked to a provisional delimiting of Low Emission Zones as a way of adhering to the 18 months established by the Royal Decree once in force following publication in the Official State Gazette; some are simply implementing them as planned; others are adapting former already established restricted zones to this nomenclature; the rest, comprising the large majority, are doing nothing. On 1 January 2023, fewer than 20

cities of the 149 obliged to do so had abided by the Climate Change and Energy Transition Act to have some type of Low Emission Zone. The rest continue to reiterate all or some of the aforementioned reasons, save that of legal insecurity, and state their intention to put into place the process of designing, planning, creating and approving the implementation of this measure in their municipality in the following 18 months.



Following the work started in 2021, there has been an ongoing attempt to encourage municipal leaders to make efforts to guarantee an ambitious implementation, mainly in the ten municipalities comprising the sample (Cuenca, Logroño, Málaga, Mérida, Palma, Pontevedra, Seville, Valencia, Valladolid and

Zaragoza) or, at least, translate the possibilities offered to them by this obligation to transform their cities and begin to link urban and mobility development within the new mobility paradigms and recovery of public space for people. Some of the main conclusions are:

- Of the 10 sample cities, only two had a signposted Low Emission Zone as of 1 January 2023. The other cities have stated their intention to create their Low Emission Zone (or Zones) at some point in 2023.
- In general, all of the cities analysed have chosen zones located in their centres for the current or future implementation thereof. Depending on the actions carried out to date, the hope that Low Emission Zones can reach large areas of municipalities by 2030 is practically wishful thinking.
- At present, there is more long-term confidence in traffic reduction initiatives independently of the use of DGT badges, the promotion of cycle use, pilot projects for environmental optimisation of goods deliveries and the progressive decarbonisation of public transport.
- Those cities that provide some type of information on the control network for the emission of pollutants say that sensors will be installed in appropriate spaces but fail to indicate specific locations. Generally, the only information that exists in regards to this is linked to the contracting of services or the purchase of equipment thanks to grants from European funds.
- The urban distribution of goods is the great forgotten element in the design and planning of the Low Emission Zones of the analysed cities. They scarcely provide information on complementary measures for the environmental optimisation of activity in this sector, with an increasing impact on the urban setting and its environment.
- Areas that restrict traffic independently of the degree that vehicles pollute are considered to be a more effective way of reducing pollution and, above all, improving quality of life in cities.
- In the large majority of cities there are proposals for the necessary electrification of the urban public transport fleet via 100% electric battery powered vehicles, but the starting premise of these and the technological interests are different.

The vision of ECODES is that we are in a moment for rebuilding, changing, reacting. It is an opportunity to rethink our society and develop a new model of prosperity in which, in relation to the transport sector, new concepts and understandings of cities and mobility are more urgent than ever. There are new sensibilities and priorities among the

population, both at urban and rural level. It is the time to put forward brave and integrated initiatives in a policy of sustainability and health protection that consider the scenario of climate change. This is why we believe that Low Emission Zones should be developed in line with fulfilment of the following basic guidelines:

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- 1.** Determination and political agreement. It is necessary to take advantage of the scarce time available, because of both the legal requirement and the environmental urgency. The beginning of the legislature is an ideal time to develop far reaching actions that involve agreement between political groups and that are not focused on the short-termism of the electoral period.

 - 2.** Planning and progressiveness. In the majority of cases the development of a Low Emission Zone involves the review of mobility regulatory decrees and plans. It is necessary to use the waterfall effect to establish a robust foundation that facilitates progressiveness and gradual improvements.

 - 3.** Citizen participation. Citizens are wise and we must listen to them to gather the different perspectives and achieve a LEZ that is not detrimental to any sector, seeking continuity (and improvement) in periods beyond electoral projects.

 - 4.** Only vehicles necessary for promoting active mobility. Creating Low Emission Zones in which the single access criterion is the DGT environmental badge already means granting access to a large number of vehicles, but it will be of much greater concern in a few years when hybrid and electric vehicles are common. A Low Emission Zone must be aimed at reducing traffic in general and recovering public space for citizens and active mobility.

 - 5.** Public transport, the key. The restriction of access to vehicles created by Low Emission Zones must be supported by a good public transport network, above all by infrastructures and organisation that promotes active mobility (on foot or by bicycle).

 - 6.** Education and sanctioning system. Low Emission Zones imply an important change in journeys and it is necessary to provide detailed information on reasons, associated benefits and, above all, existing alternatives. It will be a constant long-term effort, but if it is possible to raise awareness amongst citizens, this will also form the basis for future improvements. However, if they are to be taken seriously, sanctions must be considered for those who fail to comply with access requirements.

 - 7.** Environmental optimisation of urban logistics. One of the keys to success of Low Emission Zones, but also a sector that could improve considerably thanks to new forms of making journeys, is the urban distribution of goods. By offering alternatives via nodes that allow sustainable delivery (on foot, cargo bike, etc.) and reduce journey numbers, we will also be improving a sector that generates a large quantity of GHG.

8. Everyone counts: promoting modal shift in metropolitan journeys. Although we improve city centres and neighbourhoods thanks to LEZs, we cannot forget all those people who make their daily journeys from nearby towns. Public transport is key to offering viable and sustainable alternatives.

9. We can cheat but is it seriously worth it?. Creating Low Emission Zones in already pedestrianised or pacified spaces does not create any benefit or suppose a responsible attitude in the face of the challenge of improving our cities. It is possible to tiptoe around and implement a measure that fails to create change and removes few private vehicles from the public road, but this is not supposedly the legacy we want to leave future generations.

10. Without leaving anyone behind. The energy transition and, within it, the urban transformation of cities that is associated with mobility, cannot take place without taking people into account. Transport poverty is a concept already defined in Europe that it is necessary to include and take into consideration at national, regional and local level to anticipate, evaluate and attend to this type of situation, currently hidden from view. It is necessary to avoid any type of increase in social inequalities.



Many factors have delayed the rollout of Low Emission Zones. We are inclined to think that lying behind this is an erroneous conception that considers these areas as mere traffic restriction zones, which are unpopular in view of local elections set to be held in May 2023. This is the reason for the attempts by many municipalities and the Spanish Federation of Municipalities and Provinces (FEMP), among others, to delay it.

Nothing further from reality, these spaces are destined towards improving air quality in cities and therefore people's health, redesigning the urban space making it more inhabitable, more accessible and pleasant for citizens. They can serve, furthermore, to rewild the most stressed routes, reducing pollution and noise, especially in sensitive areas such as zones containing schools, hospitals, care homes, and so on. They also facilitate the adaptation of cities to climate change and heatwaves, ever more frequent and extended. And, above all, they are capable of contributing to changing the paradigm of mobility, currently focused on the use of the private car, to situate it on people, accessible, comfortable, rapid and economical public transport, and other ways of moving around: as pedestrians, cycling, scooters, shared vehicles, etc.

The fact is that cities comprise a powerful ally and their urban policies are a great opportunity. To this end, in view of the local elections of 28 May we need municipal leaders who possess the vision, audacity and bravery to place Low Emission Zones and the rest of the measures that could complement them at the centre of a new city model, resilient to climate change and healthier. Applying a dose of realism, the new municipal teams will be operational from September 2023, which is when they will have approximately 9 months to lay the foundations for effective Low Emission Zones without considering the political consequences and framed within an extensive city project.

This path will connect with a large sector of the public that is extremely informed about this matter. Moreover, if these representatives have an interest and communicate and inform citizens about the benefits of promoting this urban transformation, the number of those convinced is guaranteed to increase. There is still a need for a lot of education and

participation in the design of these zones, which will spearhead a new mobility that is decarbonised, zero emission, electrified and multimodal, compatible with cities that prioritise people, their health and wellbeing. It is necessary to design credible participative actions that involve them in the whole process, not just in the implementation of Low Emission Zones and other similar areas, but also in the journey towards the recovery of public space that must necessarily be redesigned, rewilded, regreened, etc.

The mobility of the future must not be subject to left-right dichotomy; it must not be ideologised. It must be a space of consensus, which defines how we are going to move around from now in a context of climate emergency and without leaving anyone behind. And in this trajectory towards the future, this measure could play a determining role. For this to happen, it is going to be essential to identify from the beginning which vulnerable groups of citizens will require accompaniment and help from the public administrations in order to avoid undesired social impacts, given that the difficulty people have facing the costs associated with public or private transport and/or their lack of access to dignified mobility could limit the reach of basic needs such as access to work, health or education, or complete participation in society.

Today it is demonstrated that changing the way we travel around will not make us worse. There are cities that have been making progress, and which can and must consider the possibility of being climatically neutral in the year 2030. For their part, those that are further behind in decarbonisation should consider, as a minimum, the objective of reducing their emissions by 57% in 2030, in line with the commitments agreed to by the European Union at the COP27 summit in Egypt. These objectives for 2030 should contain intermediate indicators for the next legislature and for each subsequent year. The transformation of mobility acquires a leading role in all of them. There is no more room for procrastination. The great objective for the municipalities in this legislature is to move rapidly towards decarbonisation. Cities in Spain have a lot to say and do. It is time for commitment and action.

CleanCities



The European Clean Cities campaign is an initiative that currently comprises over 70 European and national organisations from 14 countries. It is led by the European Federation for Transport and Environment. Its objective is to drive European cities to commit to a zero emissions mobility, air quality and citizen wellbeing by 2030. The rollout of Zero or Low Emission Zones, Traffic Restricted or Residential Priority Areas, safe and healthy school environments, the environmental optimisation of the urban distribution of goods are its main priorities, among others. In turn, it seeks to create support policies to put an end to vehicles that use fossil fuels throughout the EU. To this end, a coordinated and strategic network has been created to promote the necessary transport revolution, at the same time advocating a more inhabitable and sustainable urban future. From ECODES, as a member of the campaign and also the Federation, we carry out specific activities and actions in Spain to encourage public and private actors and citizens to reach this objective, within the framework for also achieving climatically neutral cities.

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