



**DÁIL ÉIREANN**

---

**AN BILLE ÚDARÁS IOMPAIR BHAILE ÁTHA CLIATH 2008  
DUBLIN TRANSPORT AUTHORITY BILL 2008**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

---



# DÁIL ÉIREANN

---

## AN BILLE ÚDARÁS IOMPAIR BHAILE ÁTHA CLIATH 2008 —ROGHCHOISTE

### DUBLIN TRANSPORT AUTHORITY BILL 2008 —SELECT COMMITTEE

---

#### *Leasuithe Amendments*

---

#### SECTION 2

1. In page 11, between lines 18 and 19, to insert the following:

““Park and Ride” means a facility, located in close proximity to public passenger transport services, where those travelling by private vehicle can leave their vehicle at the facility in order to use public passenger transport services;”.

—Fergus O'Dowd.

#### SECTION 3

2. In page 12, paragraph (b), line 40, after “Kildare,” to insert “Drogheda and South Louth,”.

—Fergus O'Dowd.

3. In page 12, paragraph (b), line 40, after “Wicklow” to insert “, Louth”.

—Thomas P. Broughan.

#### SECTION 6

4. In page 13, between lines 15 and 16, to insert the following subsection:

“(3) The Minister shall be fully and directly accountable to Dáil Éireann through all standard Dáil procedures for any such regulations.”.

—Thomas P. Broughan.

#### SECTION 10

5. In page 14, paragraph (b), line 21, after “users” to insert the following:

“including the upholding of the highest safety and professional standards by all operators involved in the provision of public transport services”.

—Thomas P. Broughan.

6. In page 14, between lines 28 and 29, to insert the following:

[ SECTION 10 ]

“(g) establish social and qualitative criteria to maintain and raise quality standards for public service obligations with regard to minimal working conditions, passenger rights, the needs of persons with reduced mobility, environmental protection, the security of passengers and employees as well as collective agreement obligations, and other rules and agreements concerning workplaces and social protection at the place where service is provided; In order to ensure transparent and comparable terms of competition between operators and to avert the risk of social dumping, competent authorities should be free to impose specific social and service quality standards with due regard to recital 17 of Regulation (EC) No. 1370/2007 of 23 October 2007,

(h) maintain the highest standard of working conditions including fair and reasonable salaries for all transport workers including those established by collective agreement obligations. The Minister shall request every two years that the Labour Court undertakes a review of conditions of employment in the public transport sector and sets out its recommendations for the appropriate minimum conditions of employment for the sector which will be accepted by the Minister and laid as an order before the Houses of the Oireachtas. Following 21 days this order will take effect and the DTA will make arrangements to adjust the terms of their contracts with public transport operators to give effect to the order.”.

—Thomas P. Broughan.

SECTION 11

7. In page 14, subsection (1)(c), line 33, after “fares” to insert the following:

“within the framework of Ministerial Directives under section 26 below”.

—Thomas P. Broughan.

8. In page 15, subsection (1), between lines 6 and 7, to insert the following:

“(f) provide and issue licenses under the Road Transport Act 1932 for public transport operators operating within the GDA.”.

—Fergus O'Dowd.

9. In page 15, between lines 13 and 14, to insert the following subsection:

“(4) Secure the provision of full strategic policy and operational information for the Minister, the members of the Oireachtas and the Joint Oireachtas Committee.”.

—Thomas P. Broughan.

SECTION 12

10. In page 16, subsection (5), between lines 8 and 9, to insert the following:

“(j) specific measures to ensure direct lines of ministerial and DTA responsibility, a transparent scoping process, a public information campaign and a comprehensive traffic management plan for the major construction works for Metro North, the Dublin Rail Interconnector and the Luas link up in Dublin,

(k) a comprehensive departmental drink and drug testing policy for all safety critical transport workers in public and private transport companies in the GDA,

[ SECTION 12 ]

- (l) a comprehensive departmental psychological testing policy for all safety critical transport workers in public and private transport companies in the GDA.”.

—Thomas P. Broughan.

11. In page 16, lines 16 to 25, to delete subsections (8) and (9) and substitute the following:

“(8) The Authority shall—

- (a) in the course of preparing a transport strategy, and  
(b) after publishing a preliminary draft of the strategy,

consult with and consider the views of the Minister for the Environment, Heritage and Local Government, the regional authorities within the GDA, the NRA, the Dublin Docklands Development Authority, the Grangegorman Development Agency, local authorities, local communities, transport users, public transport operators, port and airport authorities or companies and other interested parties in the GDA and shall invite and consider written public submissions.

(9) The Authority shall, after completing the consultation required under *subsection (8)*, submit a draft of its transport strategy to the Minister for his or her approval.”.

—An tAire Iompair.

12. In page 16, subsection (10), line 26, to delete “Before” and substitute “When”.

—An tAire Iompair.

13. In page 16, subsection (11), line 39, to delete “submission” and substitute “notice”.

—An tAire Iompair.

14. In page 16, lines 48 and 49 and in page 17, lines 1 to 5, to delete subsection (12) and substitute the following:

“(12) The Minister may, in relation to a draft transport strategy submitted to him or her—

- (a) approve the draft,  
(b) approve it with modifications,  
(c) instruct that it be resubmitted to him or her in a modified form for approval, or  
(d) refuse to approve it.

In all cases the Minister shall present the draft transport strategy to a Committee of the Oireachtas for approval.”.

—Fergus O'Dowd.

15. In page 16, subsection (12), line 48, to delete “The” and substitute the following:

“Following the expiry of the period of 4 weeks referred to in *subsection (10)*, the”.

—An tAire Iompair.

[ SECTION 13 ]

SECTION 13

16. In page 17, subsection (2)(b), line 32, after “infrastructure” to insert the following:

“including identifying suitable locations for park and ride facilities, with specified target timelines for delivery”.

—Fergus O'Dowd.

17. In page 18, between lines 31 and 32, to insert the following subsections:

“(10) The Authority shall establish clear and transparent transitional and scoping arrangements for assuming full responsibility for the management of Transport 21 and its National Development Plan successors in the GDA.

(11) As soon as practicable approve the dissolution of the Commission on Taxi Regulation and fully incorporate it into the DTA.

(12) As soon as practicable after the delivery and opening of Metro North fully incorporate the Railway Procurement Agency into the DTA.”.

—Thomas P. Broughan.

SECTION 14

18. In page 18, subsection (1), line 34, to delete “9” and substitute “13”.

—Thomas P. Broughan.

19. In page 18, subsection (1), between lines 36 and 37, to insert the following:

“(a) 5 members shall be appointed by the Government on the nomination of the Minister, and

(b) 4 shall be appointed by the Government on the nomination of the Minister, the Minister having regard to the advice of the Joint Oireachtas Committee.”.

—Fergus O'Dowd.

20. In page 18, between lines 36 and 37, to insert the following subsection:

“(2) The chief executive of the Authority may attend at meetings of the Authority and speak but shall not be a member of the Authority.”.

—Thomas P. Broughan.

21. In page 18, subsection (2), line 38, after “Minister” to insert “and approved by the Joint Oireachtas Committee”.

—Thomas P. Broughan.

22. In page 18, subsection (2), lines 39 to 41, to delete paragraph (a).

—Thomas P. Broughan.

23. In page 18, subsection (2)(b), line 44, after “office” to insert the following:

“and 7 Local Authority representatives from the GDA as ordinary members until the election of the 7 directly elected DTA Board members”.

—Thomas P. Broughan.

24. In page 19, subsection (2), lines 1 to 9, to delete paragraphs (c) and (d) and substitute the following:

[ SECTION 14 ]

“(c) 1 ordinary member, from the holder of the position of senior management post in the Authority to be specified by the chairperson with the consent of the Manager for as long as he or she will continue to hold that post, and

(d) the chairperson and 3 ordinary members, from persons who in the opinion of the Minister have wide experience in relation to transport, industrial, commercial, financial, land use planning or environmental matters, the organisation of administration and including one member proposed by the Irish Congress of Trade Unions.”.

—Thomas P. Broughan.

25. In page 19, subsection (2)(d), line 5, to delete “from” and substitute the following:

“one of whom shall be an elected member of a local authority in the GDA nominated by local authorities in the GDA acting jointly, and the others being”.

—Thomas P. Broughan.

26. In page 19, subsection (2)(d), line 9, after “administration” to insert the following:

“and with due regard to the need to represent public transport authorities”.

—Thomas P. Broughan.

27. In page 19, subsection (2), between lines 9 and 10, to insert the following:

“(e) the chairperson of the DTA shall automatically revert to the directly elected Mayor of Dublin once that office has been established by statute,”.

—Thomas P. Broughan.

28. In page 19, subsection (2), between lines 9 and 10, to insert the following:

“(e) the 7 ordinary members shall be elected at the 2009 local elections for the City of Dublin and the counties of South Dublin, Dun Laoghaire-Rathdown, Fingal, Wicklow, Meath, Kildare and Louth by the electors of those counties voting as one seven member constituency,”.

—Thomas P. Broughan.

29. In page 19, subsection (2), between lines 9 and 10, to insert the following:

“(e) the Chairperson and 7 ordinary members shall be elected by the Dublin Regional Authority and the Mid-East Regional Authority with 4 members each being nominated by each of the authorities involved.”.

—Thomas P. Broughan.

30. In page 19, subsection (2), between lines 9 and 10, to insert the following:

“(e) the proposed Chairperson and Ordinary Members shall go before an oral hearing at the Joint Oireachtas Committee for Transport to allow that Committee to direct questions to the proposed Members as to their competence for that office having regard to their experience and/or qualifications,

[ SECTION 14 ]

(f) on the election of the person who is directly elected to the position of Mayor of Dublin, or such other comparable position, that person, and their successors, shall be the Chairperson of the Authority for such period as they hold the office of Mayor,

(g) in relation to *section 14(2)(d)* at least one ordinary member must be representative of national consumer or commuter groups”.

—Fergus O'Dowd.

SECTION 15

**31.** In page 20, between lines 24 and 25, to insert the following subsection:

“(4) The Chair of the DTA shall automatically revert to the directly elected Mayor of Dublin once that office has been established by statute.”.

—Thomas P. Broughan.

SECTION 16

**32.** In page 20, subsection (2), line 27, to delete “5” and substitute “7”.

—Thomas P. Broughan.

SECTION 17

**33.** In page 21, subsection (2), line 6, to delete “12” and substitute “16”.

—Thomas P. Broughan.

**34.** In page 21, subsection (4), lines 14 to 19, to delete paragraphs (a) and (b) and substitute the following:

“(a) one manager of a local authority within the GDA,

(b) 2 members of local authorities within the GDA in addition to the 4 members referred to in paragraph (d),”.

—Thomas P. Broughan.

**35.** In page 21, subsection (4)(a), line 14, to delete “the” where it secondly occurs and substitute “that”.

—An tAire Iompair.

**36.** In page 21, subsection (4), lines 22 to 24, to delete paragraph (d) and substitute the following:

“(d) one elected member from each of the City and County Council in the GDA, and”.

—Fergus O'Dowd.

**37.** In page 21, subsection (4)(d), line 22, to delete “2 members of the Dublin Regional Authority and 2” and substitute “4 members of the Dublin Regional Authority and 4”.

—Thomas P. Broughan.

**38.** In page 21, subsection (4)(e), line 27, after “(5)” to insert the following:

“ including 2 members drawn from the Social Partners”.

—Thomas P. Broughan.



[ SECTION 17 ]

39. In page 21, subsection (5)(a), line 34, after “movement,” to insert “and representatives from the private sector”.

—Fergus O'Dowd.

40. In page 21, subsection (5)(b), line 38, to delete “and” and substitute “or”.

—An tAire Iompair.

41. In page 21, subsection (5), between lines 41 and 42, to insert the following:

“(d) representatives of national consumer groups.”

—Fergus O'Dowd.

SECTION 18

42. In page 24, subsection (1), between lines 14 and 15, to insert the following:

“(f) establish a statutory commuter panel with adequate cycling and pedestrian representation to reflect commuter interests at Authority and Council level and to monitor the impact of DTA policy on commuters in the GDA.”

—Thomas P. Broughan.

43. In page 24, between lines 14 and 15, to insert the following subsection:

“(2) Meetings of the advisory council must be held in public and all recommendations made by the advisory council must be made public.”

—Fergus O'Dowd.

SECTION 24

44. In page 27, between lines 26 and 27, to insert the following subsection:

“(5) The Authority shall be required to provide an account of the continuing necessity for the subsidiary to remain in being on the expiration of two years from the date of its establishment.”

—Fergus O'Dowd.

SECTION 27

45. In page 28, between lines 13 and 14, to insert the following subsection:

“(3) The guidelines must be laid before and approved by each House of the Oireachtas.”

—Thomas P. Broughan.

46. In page 28, subsection (3)(a), line 16, after “before” to insert “and approved by”.

—Thomas P. Broughan.

SECTION 35

47. In page 32, between lines 19 and 20, to insert the following subsection:

“(6) Pending the designation of the Authority for the purposes of public access to disclosures under any other statutory code, a disclosure under this section or *section 36* or *section 37* shall be recorded in a register together with particulars of any interest of members of the Authority or persons to whom *section 36* or *section 37* applies, and the register shall be available to public inspection during office hours.”

[ SECTION 35 ]

—Thomas P. Broughan.

SECTION 42

**48.** In page 36, before section 42, to insert the following new section:

“Accountability of  
Minister to Dáil  
Éireann.

42.—The Minister is fully and directly accountable to Dáil Éireann through standard Dáil procedures including oral and written questions and all forms of debate for all policy, strategic decisions and financial accounts of the DTA.”

—Thomas P. Broughan.

SECTION 43

**49.** In page 36, line 27, to delete paragraph (a).

—Thomas P. Broughan.

SECTION 44

**50.** In page 37, subsection (2), lines 28 to 38, to delete paragraphs (b) to (d).

—Thomas P. Broughan.

**51.** In page 37, subsection (2)(c), line 34, after “with” to insert “and consider the views of”.

—An tAire Iompair.

**52.** In page 37, subsection (4), line 44, after “with” to insert “and consider the views of”.

—An tAire Iompair.

**53.** In page 37, lines 46 to 49 and in page 38, lines 1 to 29, to delete subsections (5) and (6).

—Thomas P. Broughan.

SECTION 48

**54.** In page 40, subsection (3)(d), line 23, to delete “the routes to be operated or”.

—Thomas P. Broughan.

**55.** In page 40, subsection (3), after line 40, to insert the following:

“(n) a requirement where appropriate that the operator holds an operator’s licence (within the meaning of section 2(9) of the Road Traffic and Transport Act 2006),

(o) requirements relating to compliance with applicable law in relation to pay and terms and conditions of employment.”

—An tAire Iompair.

**56.** In page 41, subsection (3), between lines 4 and 5, to insert the following:

“(p) the obligation on the public transport operator to comply with all employment legislation is specified in Part 1 of Schedule 1 of the Employment Law Compliance Act 2008 and any instruments specified in Part II of Schedule 1 of the said Act, and employment regulation Orders and registered employment agreements within the meaning of the Industrial Relations Acts, 1946 to 2004, and

[ SECTION 48 ]

- (g) the public transport operator shall be required to grant work staff previously taken on to provide services, the rights to which they would have been entitled if there had been a transfer within the meaning of Directive 2001/23/EC together with all pension rights and entitlements of the said staff with the previous public transport operator.”

—Thomas P. Broughan.

SECTION 52

57. In page 42, before section 52, to insert the following new section:

“52.—(1) The Authority shall issue additional public service contracts where it can be shown by any person or body corporate that—

- (a) there is a requirement for such service in the general economic interest, and

- (b) a public service operator has the capacity to provide such a service.

(2) The Authority shall ensure there is a facility in the Authority to accept and consider any such proposal under *subsection (1)*.”

—Fergus O'Dowd.

58. In page 42, subsection (1), line 46, after “law” to insert the following:

“, such licence not to impinge upon, adversely affect or otherwise restrict either Dublin Bus’ or Bus Éireann’s exclusive rights to provide public bus passenger services described in *paragraphs (a) and (b) below*”.

—Thomas P. Broughan.

59. In page 43, subsection (1), between lines 4 and 5, to insert the following:

“(b) Dublin Bus has the exclusive right to ownership and responsibility for planning and operating the metropolitan bus network in the GDA,”

—Thomas P. Broughan.

60. In page 43, subsection (1), between lines 13 and 14, to insert the following:

“(d) Bus Éireann has the exclusive right to ownership and responsibility for planning and operating the provincial bus network in the GDA,

- (e) section 11 of the Road Transport Act 1932 is amended by inserting after 11 (1) a new section

“(2) As the holder of the direct award public service contracts, Dublin Bus and Bus Éireann have first option on the expansion of the bus network within their optional areas.”,

and

- (f) after the granting of the direct award public service contracts, Dublin Bus and Bus Éireann may make minor alterations to designated routes to protect the integrity of the service.”

—Thomas P. Broughan.

61. In page 43, between lines 16 and 17, to insert the following subsection:

[ SECTION 52 ]

“(3) The DTA is one of a group of authorities of which Córas Iompair Éireann is another and that body Córas Iompair Éireann exercises control over the public transport operators aforesaid.”

—Thomas P. Broughan.

62. In page 43, subsection (4), line 28, to delete “5 years” and substitute “10 years”.

—Thomas P. Broughan.

63. In page 43, subsection (4), line 29, to delete “10 years” and substitute “15 years”.

—Thomas P. Broughan.

64. In page 43, between lines 29 and 30, to insert the following subsection:

“(5) Where a direct award contract is entered into in respect of the provision of public bus passenger services under this section, the Authority may, following consultation with Dublin Bus or Bus Éireann, as appropriate, make alterations to elements of that contract which relate to the provision of services contained within that contract, subject to there being no amendment to the scope of the relevant exclusive right referred to in *subsection (1)*.”

—An tAire Iompair.

65. In page 43, subsection (5)(a), lines 32 and 33, to delete “unilaterally make amendments to such contract” and substitute the following:

“can amend such direct award in objectively justified cases and in a proportional manner”.

—Thomas P. Broughan.

66. In page 43, subsection (5)(b), line 41, to delete “unilaterally amend” and substitute the following:

“amend in an objectively justified and proportional manner”.

—Thomas P. Broughan.

67. In page 43, subsection (5), lines 43 to 52, to delete paragraph (c) and substitute the following:

“(c) (i) The Authority shall, six months prior to the expiration of any direct award contract, invite and consider tenders from any public transport operator in respect of the relevant public transport service contract or any portion thereof.

(ii) The Authority shall provide a written statement of the reasons to any public transport operator whose tenders is unsuccessful under *subsection (1)*.”

—Fergus O'Dowd.

68. In page 44, subsection (7), between lines 32 and 33, to insert the following:

“(c) The Minister shall be fully and directly accountable to Dáil Éireann through all standard Dáil procedures for any such directions issued to the Authority, Dublin Bus, Bus Éireann and Irish Rail.”

—Thomas P. Broughan.

[ SECTION 54 ]

SECTION 54

69. In page 44, subsection (1), line 44, after “GDA,” to insert the following:

“but where the predominant part of the service is carried out within the GDA,”.

—Thomas P. Broughan.

SECTION 56

70. In page 45, lines 42 and 43, to delete “may provide public passenger transport services” and substitute the following:

“shall designate CIÉ as the operator of last resort”.

—Thomas P. Broughan.

SECTION 58

71. In page 46, subsection (2), line 28, after “party” to insert the following:

“but shall not devolve operational responsibility to a private sector third party”.

—Thomas P. Broughan.

SECTION 60

72. In page 49, subsection (2), between lines 23 and 24, to insert the following:

“(c) shall provide an integrated real time information scheme to passengers across the full range of public transport modes in the GDA.”.

—Thomas P. Broughan.

SECTION 61

73. In page 50, before section 61, to insert the following new section:

“Road user  
information system.

61.—(1) The Authority may develop, procure, implement, operate and maintain an information system (“road user information system”) in the GDA to provide road users with information, including real-time information, on traffic and travel conditions.

(2) The Authority may decide the means by which the road user information system is made available.

(3) The Authority shall consult with and consider the views of the NRA and road authorities before exercising its functions under *subsection (1)* or *(5)(a)*.

(4) Where the NRA or a road authority proposes to establish a road user information system in the GDA or proposes to modify an existing road user information system, it shall consult with and consider the views of the Authority.

(5) Notwithstanding any enactment, other rules of law or, in the case of a company any provision contained in the memorandum and articles of association of that company, the Authority may—

(a) give a direction to the NRA or a road authority in respect of any road user information system in the GDA provided by or on behalf of the NRA or road authority,

[ SECTION 61 ]

(b) in the exercise of its functions under *subsection (1)*, give a direction to the NRA, a road authority, a public transport operator, an operator of a tolling scheme, or such other holders of information as it considers necessary for the provision of the road user information system to—

(i) generate and provide information in a manner, form and within a time specified by the Authority, and

(ii) comply with any requirements specified by the Authority for a road user information system.

(6) The Authority may assign any or all of its functions in relation to the development, procurement, implementation, operation and maintenance of a road user information system to the NRA, a road authority or any other person.

(7) The Authority may terminate or vary at any time an assignment of functions under *subsection (6)*.

(8) Where the Authority terminates or varies an assignment in accordance with *subsection (7)*, it shall recompense the assignee for the reasonable costs incurred, if any, by it up to the time of termination or variation.”.

—An tAire Iompair.

[*Acceptance of this amendment involves the deletion of section 61 of the Bill.*]

SECTION 62

74. In page 51, subsection (3)(c), line 24, after “services” to insert the following:

“with regard to the full economic cost of providing the facility in determining the level of compensation and that the level of compensation be subject of a regular review”.

—Thomas P. Broughan.

75. In page 51, subsection (4), line 27, after “with” to insert “and consider the views of”.

—An tAire Iompair.

76. In page 51, subsection (6), lines 41 to 43, to delete all words from and including “shall” in line 41 down to and including “basis.” in line 43 and substitute the following:

“shall be determined on a reasonable cost, non-discriminatory basis, having regard to appropriately depreciated costs incurred by the owner or operator concerned in providing, maintaining and operating that shared facility.”.

—An tAire Iompair.

SECTION 64

77. In page 52, subsection (1), line 18, to delete “prepare and adopt” and substitute “prepare, adopt and implement”.

—An tAire Iompair.

SECTION 65

78. In page 53, subsection (1), line 18, after “prepare” to insert “, adopt and implement”.

—An tAire Iompair.

[ SECTION 65 ]

**79.** In page 53, subsection (3)(a)(i), line 30, after “area” to insert the following:

“notwithstanding that the operation, collection and distribution of parking fees remains the sole responsibility of the designated Local Authority”.

—Thomas P. Broughan.

SECTION 66

**80.** In page 54, between lines 20 and 21, to insert the following subsection:

“(2) Before issuing guidelines to a road authority under *subsection (1)*, the Authority shall consult with and consider the views of the NRA in relation to the proposed guidelines.”.

—An tAire Iompair.

**81.** In page 54, between lines 30 and 31, to insert the following subsection:

“(5) As it thinks fit the Authority shall request the Referendum Commission to organise in appropriate areas within the DTA the holding of local and regional referenda on all strategic transport initiatives including tolling systems, road pricing, traffic issues, new road and rail routes and other public transport initiatives.”.

—Thomas P. Broughan.

SECTION 67

**82.** In page 54, before section 67, to insert the following new section:

“Amendment of Act of 1961 (inspectors - HGVs). 67.—The Act of 1961 is amended by inserting the following section after section 20—

“Inspectors - HGVs. 20A.—An inspector appointed by the Road Safety Authority may stop and inspect any HGV vehicle at any time where accompanied by a member of the Garda Síochána.”.

—Thomas P. Broughan.

**83.** In page 54, before section 67, to insert the following new section:

“Amendment of Act of 1961 (foreign licences). 67.—The Act of 1961 is amended by inserting the following section after section 36—

“Foreign licences. 36A.—The provisions of this Act relating to endorsement of licences, shall apply to any licence issued by another State or jurisdiction, with any necessary modification.”.

—Thomas P. Broughan.

**84.** In page 54, before section 67, to insert the following new section:

“Amendment of Act of 1961 (speed cameras). 67.—The Act of 1961 is amended by inserting the following section after section 46—

[ SECTION 67 ]

“Speed cameras. 46A.—The Minister, the NRA or a roads authority may make arrangements for the placing of a speed camera in or adjacent to any road and for the operation of such camera by such person including a contractor as may be determined by the Minister, the NRA or the authority making such arrangements.”.”.

—Thomas P. Broughan.

**85.** In page 54, before section 67, to insert the following new section:

“Amendment of Act of 1961 (seizure of vehicles). 67.—The Act of 1961 is amended by inserting the following section after section 110—

“Seizure of vehicles. 110A.—A member of the Garda Síochána may without warrant seize and remove any vehicle in respect of which he or she reasonably suspects an offence under this Act has been committed.”.”.

—Thomas P. Broughan.

**86.** In page 54, before section 67, to insert the following new section:

“Amendment of Act of 1961 (mandatory alcohol testing - collisions). 67.—The Act of 1961 is amended by inserting the following section after section 51A—

“Mandatory alcohol testing – collisions. 51B.—Section 4(4) of the Road Traffic Act 2006 shall apply with any necessary modifications to the testing of any person in charge of a mechanically propelled vehicle involved in any collision, whether the person is subjected to a requirement at the scene of the collision, or elsewhere during the period of 3 hours thereafter.”.”.

—Thomas P. Broughan.

**87.** In page 55, subsection (2), line 5, after “with” to insert “and consider the views of”.

—An tAire Iompair.

SECTION 74

**88.** In page 58, subsection (3), line 26, after “with” to insert “and consider the views of”.

—An tAire Iompair.

**89.** In page 58, subsection (5), line 37, after “with” to insert “and consider the views of”.

—An tAire Iompair.

SECTION 75

**90.** In page 59, between lines 11 and 12, to insert the following subsections:

“(2) Where in the opinion of the Authority, a road authority is exercising its functions in a manner inconsistent with a transport strategy, integrated implementation plan, traffic management plan, or demand management measures, the Authority may give a direction to the road authority to exercise its functions in a manner which is consistent with the strategy, plan or measures.



[ SECTION 75 ]

(3) Before giving a direction under this section, the Authority shall consult with and consider the views of the road authority concerned.”.

—An tAire Iompair.

SECTION 76

91. In page 59, subsection (1), line 14, to delete “construction” and substitute “development”.

—An tAire Iompair.

92. In page 59, subsection (2), line 18, to delete “construction” and substitute “development”.

—An tAire Iompair.

93. In page 59, between lines 30 and 31, to insert the following subsection:

“(4) The Commission for Taxi Regulation and the Authority shall consult with each other with a view to identifying administrative efficiencies in relation to the implementation of their respective functions and shall implement such measures as they consider appropriate to achieve those efficiencies.”.

—An tAire Iompair.

SECTION 77

94. In page 59, subsection (2), line 38, to delete “€5,000” and substitute “€50,000”.

—Thomas P. Broughan.

SECTION 78

95. In page 61, between lines 13 and 14, to insert the following subsection:

“(7) Documents subject to legal professional privilege shall not be liable to production under this section.”.

—Thomas P. Broughan.

SECTION 95

96. In page 69, between lines 3 and 4, to insert the following subsection:

“(3) The DTA shall not have the power to make any further comments on the adaptation of the development plan that has been decided by the elected members of the local authority subject to the Planning and Development Act 2000.”.

—Thomas P. Broughan.

97. In page 71, to delete lines 1 to 5 and substitute the following:

“(a) classes of development, including strategic infrastructure development, requiring the submission of a transport impact assessment in respect of applications for development, and”.

—An tAire Iompair.

SECTION 110

98. In page 74, subsection (1), between lines 44 and 45, to insert the following:

[ SECTION 110 ]

- “(b) The RPA may, with the consent of the Minister, designate for employment by the Authority any person employed by the RPA and whose principal duties relate to a function assigned or transferred to the Authority under this Act, or to be so assigned or transferred to the Authority.
- (c) The RPA shall not designate an employee under this subsection, without having notified in writing the employee and any recognised trade union or staff association concerned, of its intention to do so and considered any representations made by him or her or by them or by any of them, in relation to the matter within such time as may be specified in the notification.
- (d) The Authority shall accept into its employment a person designated under *subsection (1)(b)* for employment by it.
- (e) Acceptance into the employment of the Authority of a person designated under this section shall have effect on such day or days as may be specified by the Minister after consultation with the Authority.”
- An tAire Iompair.

**99.** In page 75, subsection (3), line 6, after “day” to insert the following:

“or such day or days as may be specified by the Minister under *subsection (1)(e)*”.

—An tAire Iompair.

**100.** In page 75, subsection (5), line 29, after “DTO” to insert the following:

“or, in the case of persons designated in accordance with *subsection (1)(b)* means service before such day or days as may be specified by the Minister under *subsection (1)(e)*”.

—An tAire Iompair.

SECTION 111

**101.** In page 75, before section 111, but in Part 7, to insert the following new section:

“Parking facilities. 111.—(1) Section 8(1) of the Act of 1958 is amended by inserting after paragraph (c) the following:

“(cc) the provision of parking facilities for vehicles on land belonging to or occupied by the Board, including charges for failure to comply with bye-laws made under section 22(1)(ee) of the Act of 1950,”.

(2) Section 128 of the Railway Safety Act 2005 is amended by deleting paragraph (a).”.

—An tAire Iompair.

**102.** In page 75, before section 111, but in Part 7, to insert the following new section:

“Bye-laws. 112.—Section 22(1) of the Act of 1950 (as amended by section 128(b) of the Railway Safety Act 2005) is amended by substituting for paragraph (h) the following:

[ SECTION 111 ]

“(h) generally for regulating, subject to any statutory provisions in that behalf—

(i) the travelling upon or use of its vehicles or craft (including a requirement to travel with a valid ticket or pass and the issue of such), and

(ii) the working of transport services provided by the Board,” ”.

—An tAire Iompair.

**103.** In page 76, line 23, to delete “apply.” and substitute the following:

“apply,

to the appointment or removal.”.

—An tAire Iompair.

SECTION 112

**104.** In page 76, line 32, to delete “Notwithstanding any enactment, other rules of law or, where” and substitute the following:

“(1) Valuable public lands owned by CIE must be retained for the purpose of public transport services.

(2) Notwithstanding any enactment, other rules of law or, where”.

—Thomas P. Broughan.

**105.** In page 76, line 40, to delete “at” and substitute “in excess of”.

—An tAire Iompair.

**106.** In page 76, line 40, after “value” to insert “exceeding €10,000,000”.

—Thomas P. Broughan.

**107.** In page 76, between lines 40 and 41, to insert the following subsection:

“(2) Regulations made under *subsection (1)* may specify different asset values for different classes of assets or for different purposes.”.

—An tAire Iompair.

SECTION 113

**108.** In page 77, between lines 2 and 3, to insert the following subsection:

“(3) Section 13(1) of the Act of 2001 is amended by inserting “(including fares, rates or tolls)” after “make such charges”.”.

—An tAire Iompair.

**109.** In page 77, between lines 2 and 3, to insert the following subsection:

“(3) Section 20 of the Act of 2001 is amended by substituting for subsection (12) the following:

“(12) A member of the Agency (other than the chief executive) shall not serve more than 10 years in total.”.”.

—An tAire Iompair.

**110.** In page 77, between lines 2 and 3, to insert the following subsection:

[ SECTION 113 ]

“(3) Section 28 of the Act of 2001 is repealed.”.

—An tAire Iompair.

**111.** In page 77, between lines 2 and 3, to insert the following subsection:

“(3) Section 38 of the Act of 2001 is amended by substituting for it the following:

“38.—(1) Each of the following shall be exempted development for the purposes of the Act of 2000:

- (a) development consisting of the carrying out of railway works, including the use of the railway works or any part thereof for the purposes of the operation of a railway, authorised by the Board and specified in a railway order or of any incidental or temporary works connected with such development;
- (b) development consisting of the carrying out of railway works for the maintenance, improvement or repair of a railway that has been built pursuant to a railway order.

(2) Part IV of the Act of 2000 does not apply and is deemed never to have applied to developments specified in subsection (1).”.

—An tAire Iompair.

**112.** In page 77, between lines 2 and 3, to insert the following subsection:

“(3) Section 44(2) of the Act of 2001 (inserted by section 49 of the Planning and Development (Strategic Infrastructure) Act 2006 and as amended by section 3 of the Local Government (Roads Functions) Act 2007) is amended by substituting for paragraph (b) the following:

“(b) specify any rights in, under or over land, water or any public road, the acquisition of which is, in the opinion of the Board, necessary for giving effect to the order,”.

—An tAire Iompair.

NEW SECTION

**113.** In page 77, after line 16, to insert the following new section:

“PART 9

TRANSPORT OFFICERS

Transport officers. 115.—(1) The Road Transport Act 1986 is amended—

(a) in section 15, by substituting for subsection (1) the following:

“(1) The Road Safety Authority may appoint any of its officers, or such officers of the Minister seconded to serve with the Authority, to be transport officers for the purposes of section 16.”,

(b) in section 17, by substituting “The Road Safety Authority may bring” for “The Minister may bring”, and

(c) in section 18(1)(c), by substituting “the Road Safety Authority” for “the Minister”.

[ *NEW SECTION* ]

(2) Subsection (5) of section 4 of the Road Safety Authority Act 2006 is repealed.”.

—An tAire Iompair.

TITLE

**114.** In page 9, line 16, after “2005” to insert “, THE ROAD TRANSPORT ACT 1986”.

—An tAire Iompair.