



# **DÁIL ÉIREANN**

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

### **LEASUITHE A RINNEADH AN DÁIL AMENDMENTS MADE BY THE DÁIL**

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# DÁIL ÉIREANN

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## AN BILLE ÚDARÁS IOMPAIR BHAILE ÁTHA CLIATH 2008 [BILLE SEANAID ARNA LEASÚ AG AN DÁIL]

### DUBLIN TRANSPORT AUTHORITY BILL 2008 [SEANAD BILL AMENDED BY THE DÁIL]

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*Leasuithe a rinneadh an Dáil  
Amendments made by the Dáil*

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#### TITLE

1. In page 9, line 16, after “2005”, “, THE ROAD TRANSPORT ACT 1986” inserted.

#### SECTION 2

2. In page 10, line 41, after “to”, “park and ride facilities and” inserted.
3. In page 12, line 23, “*section 24* and *sections*” deleted and “*sections 24, 32* and” substituted.

#### SECTION 12

4. In page 16, lines 16 to 25, subsections (8) and (9) deleted and the following substituted:

“(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, the Garda Síochána, 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.”.

5. In page 16, subsection (10), line 26, “Before” deleted and “When” substituted.
6. In page 16, between lines 38 and 39, the following subsection inserted:

“(11) (a) When submitting a draft of its transport strategy to the Minister under *subsection (9)*, the Authority shall send a copy of that draft to the Joint Oireachtas Committee.

[ SECTION 12 ]

- (b) Whenever so requested, the chairperson and the chief executive shall appear before the Joint Oireachtas Committee to discuss the draft strategy.
- (c) The Joint Oireachtas Committee may, within 4 weeks of its receipt of the draft transport strategy, submit a report to the Minister containing recommendations on it.
- (d) In this section “Joint Oireachtas Committee” means a Joint Committee of the Houses of the Oireachtas to which the Oireachtas has assigned the role of examining matters relating to transport.”

7. In page 16, subsection (11), line 39, “submission” deleted and “notice” substituted.

8. In page 16, subsection (12), line 48, “The” deleted and the following substituted:

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

9. In page 16, subsection (12), line 48, after “may” the following inserted:

“, having considered any notice or report received under *subsections (10) or (11)*”.

SECTION 13

10. In page 18, subsection (5), line 11, after “authorities,” “the Garda Síochána,” inserted.

SECTION 14

11. In page 19, subsection (2), lines 1 to 4, paragraph (c) deleted and the following substituted:

“(c) an ordinary member being the holder of the position of a senior management post in the Authority to be specified by the chairperson with the consent of the Minister, for as long as he or she continues to hold that post, and”.

12. In page 19, subsection (2)(d), line 5, “5” deleted and “6” substituted.

SECTION 17

13. In page 21, subsection (2), line 6, “12” deleted and “23” substituted.

14. In page 21, lines 12 to 41, subsections (4) and (5) deleted and the following substituted:

“(4) The ordinary members of the Council shall be appointed by the Minister as follows:

(a) 3 local authority managers or officers as follows:

(i) the City Manager of Dublin City Council,

(ii) one from the county managers for the County Councils of Dún Laoghaire-Rathdown, Fingal and South Dublin, as decided by those county managers, and

[ SECTION 17 ]

(iii) one from the county managers for the County Councils of Kildare, Meath and Wicklow, as decided by those county managers,

or an officer of those Councils as nominated by the relevant manager,

- (b) a member of the Garda Síochána (not below the rank of Chief Superintendent) nominated by the Commissioner,
- (c) a member of each City Council and County Council in the GDA nominated by the members of the Councils concerned,
- (d) a member of the Dublin Regional Authority and a member of the Mid-East Regional Authority nominated by the authorities concerned,
- (e) 2 members nominated by the Irish Congress of Trade Unions,
- (f) 2 members representative of the interests of business,
- (g) 2 members representative of the interests of community development in the GDA or concerned with the promotion of the social, economic, environmental or general interests of communities in that Area, and
- (h) 4 members representative of the public interest.

(5) The Minister may prescribe organisations (“prescribed organisations”) which shall be invited to nominate candidates for membership of the Council under *subsection (4)(f) to (h)*.

(6) The prescribed organisations for the purposes of *subsection (4)(h)* may include organisations which, in the opinion of the Minister, are representative of—

- (a) the interests of transport users,
- (b) the interests of people with disabilities, or
- (c) persons whose professions or occupations relate to transport, land use planning, urban design, architecture or civil engineering.”.

15. In page 21, subsection (6), line 43, after “2”, “and always being an even number” inserted.

16. In page 22, subsection (7) lines 1 to 8, paragraph (a) deleted and the following substituted:

“(7) (a) In making nominations under *subsection (4)(e)* or selections under *subsection (6)*, the organisations concerned shall, having regard to relevant experience, nominate or select an equal number of men and women.”.

17. In page 22, subsection (8), line 15, “*subsection (4)(e)*” deleted and “*subsection (4)(f) to (h)*” substituted.

18. In page 23, subsection (13), lines 3 to 8, paragraphs (a) to (c) deleted and the following substituted:

“(a) *subsection (4)(a)* ceases to be the manager or an officer of the city or county council concerned,

(b) *subsection (4)(b)* ceases to be a member of the Garda Síochána, or

[ SECTION 17 ]

(c) *subsection (4)(c)* or (d) ceases to be a member of the city or county council or the regional authority concerned.”.

SECTION 18

19. In page 24, between lines 20 and 21, the following subsection inserted:

“(4) (a) The Authority shall publish any recommendations made by the Council under *subsection (1)* and any reasons stated by it under *subsection (3)*.

(b) Publication by the Authority on its website shall constitute compliance with *paragraph (a)*.”.

SECTION 19

20. In page 24, subsection (3)(a), lines 40 and 41, “with the consent of the Minister,” deleted.

21. In page 24, subsection (3)(b) line 43, “Authority, with the consent of the Minister.” deleted and the following substituted:

“Authority,

with the consent of the Minister.”.

SECTION 32

22. In page 30, between lines 30 and 31, the following subsection inserted:

“(5) The annual report, in every second year, shall include a statement regarding the continued necessity of any subsidiary.”.

SECTION 36

23. In page 32, subsection (1)(b), line 24, “Authority” deleted and “subsidiary” substituted.

SECTION 44

24. In page 37, subsection (2)(c), line 34, after “with”, “and consider the views of” inserted.

25. In page 37, subsection (4), line 44, after “with”, “and consider the views of” inserted.

SECTION 48

26. In page 40, subsection (3), after line 40, the following inserted:

“(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),

[ SECTION 48 ]

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

SECTION 52

27. In page 43, between lines 29 and 30, the following subsection inserted:

“(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)*.”.

SECTION 60

28. In page 49, subsection (2)(a), line 21, “and” deleted.

29. In page 49, subsection (2), between lines 21 and 22, the following inserted:

“(b) shall, where practicable, provide for the provision of information to users of public passenger transport services on a real time basis, and”.

30. In page 49, subsection (3), line 26, “it” deleted and “the timetable referred to in *subsection 2(a)*” substituted.

SECTION 61

31. In page 50, lines 27 to 48 and in page 51, lines 1 to 4, section 61 deleted and the following new section substituted:

“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.”.

SECTION 62

**32.** In page 51, subsection (4), line 27, after “with”, “and consider the views of” inserted.

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

“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.”.

SECTION 64

**34.** In page 52, subsection (1), line 18, “prepare and adopt” deleted and “prepare, adopt and implement” substituted.

SECTION 65

**35.** In page 53, subsection (1), line 18, after “prepare”, “, adopt and implement” inserted.

SECTION 66

**36.** In page 54, subsection (1), lines 12 to 16 deleted and the following substituted:

“which are likely to affect traffic management, and”.

**37.** In page 54, between lines 20 and 21, the following subsection inserted:

“(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.”.



[ SECTION 67 ]

SECTION 67

- 38.** In page 54, subsection (1), lines 40 to 44 deleted and “management scheme, and” substituted.
- 39.** In page 55, subsection (2), line 5, after “with”, “and consider the views of” inserted.

SECTION 74

- 40.** In page 58, subsection (3), line 26, after “with”, “and consider the views of” inserted.
- 41.** In page 58, subsection (5), line 37, after “with”, “and consider the views of” inserted.

SECTION 75

- 42.** In page 59, between lines 11 and 12, the following subsections inserted:

“(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.

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

SECTION 76

- 43.** In page 59, subsection (1), line 14, “construction” deleted and “development” substituted.
- 44.** In page 59, subsection (2), line 18, “construction” deleted and “development” substituted.
- 45.** In page 59, between lines 30 and 31, the following subsection inserted:

“(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.”.

SECTION 78

- 46.** In page 61, between lines 18 and 19, the following subsection inserted:

“(8) Nothing in this section shall be taken to compel the production by any person of a document which he or she would be exempt from production in proceedings in a court on the ground of legal professional privilege.”.

SECTION 95

- 47.** In page 71, lines 1 to 5 deleted and the following substituted:

[ SECTION 95 ]

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

SECTION 110

48. In page 74, subsection (1), between lines 44 and 45, the following inserted:

“(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.”.

49. In page 75, subsection (3), line 6, after “day” the following inserted:

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

50. In page 75, subsection (5), line 29, after “DTO” the following inserted:

“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)*”.

SECTION 111

51. In page 75, before section 111, but in Part 7, the following new section inserted:

“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).”.

52. In page 75, before section 111, but in Part 7, the following new section inserted:

“Bye-laws.

[ SECTION 111 ]

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:

“(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,””.

53. In page 76, line 23, “apply.” deleted and the following substituted:

“apply,  
to the appointment or removal.”.

SECTION 112

54. In page 76, line 40, “at” deleted and “in excess of” substituted.

55. In page 76, between lines 40 and 41, the following subsection inserted:

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

SECTION 113

56. In page 77, between lines 2 and 3, the following subsection inserted:

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

57. In page 77, between lines 2 and 3, the following subsection inserted:

“(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.”.”.

58. In page 77, between lines 2 and 3, the following subsection inserted:

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

59. In page 77, between lines 2 and 3, the following subsection inserted:

“(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;

[ SECTION 113 ]

(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).”.”.

**60.** In page 77, between lines 2 and 3, the following subsection inserted:

“(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.”.”.

NEW SECTION

**61.** In page 77, after line 16, the following new section inserted:

#### “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)(b), by substituting “the Road Safety Authority” for “the Minister”.

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