



**SEANAD ÉIREANN**

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

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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AN BILLE ÚDARÁS IOMPAIR BHAILE ÁTHA CLIATH 2008  
—AN COISTE  
DUBLIN TRANSPORT AUTHORITY BILL 2008  
—COMMITTEE

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*Leasuithe  
Amendments*

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\* *Government amendments are distinguished by an asterisk.*

## SECTION 2

\* 1. In page 11, between lines 13 and 14, to insert the following:

““NRA” means National Roads Authority;”.

2. In page 11, between lines 13 and 14, 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;”.

—*Senator Paschal Donohoe.*

## SECTION 3

3. In page 12, between lines 32 and 33, to insert the following:

“(c) the borough of Drogheda and”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

## SECTION 10

4. In page 14, paragraph (a), line 11, to delete “sustains” and substitute “promotes”.

—*Senator Paschal Donohoe.*

5. In page 14, paragraph (b), line 13, after “system” to insert “for all users”.

—*Senator Paschal Donohoe.*

6. In page 14, paragraph (b), line 13, after “system” to insert the following:

“in accordance with standards comparable to those set down by relevant bodies such as the H.S.A. and the Road Transport Authority”.

—*Senator David Norris.*

## SECTION 11

7. In page 14, subsection (1)(d), between lines 37 and 38, to insert the following:

“(ix) development and implementation of a cohesive cycling strategy.”.

—*Senator Paschal Donohoe*

[ SECTION 11 ]

8. In page 14, subsection (1), between lines 37 and 38, to insert the following:

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

—*Senator Paschal Donohoe.*

SECTION 12

9. In page 15, subsection (5)(c), line 28, after “GDA” to insert the following:

“and local authority Development Plans and Local Area Plans in force in the GDA”.

—*Senator Paschal Donohoe.*

10. In page 15, subsection (5)(c), line 30, after “plan” to insert “and Master plan”.

—*Senator Paschal Donohoe.*

11. In page 15, subsection (5)(h), line 40, after “versa” to insert “and within the GDA”.

—*Senator Paschal Donohoe.*

12. In page 16, subsection (8), line 7, after “with” to insert “and have regard to the proposals of”.

—*Senator Paschal Donohoe.*

13. In page 16, subsection (8), line 12, after “GDA” to insert the following:

“and in particular shall invite public submissions on the transport strategy”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

14. In page 16, lines 37 to 43, 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.”.

—*Senator Paschal Donohoe.*

SECTION 13

15. In page 17, subsection (2)(b), line 23, after “infrastructure” to insert the following:

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

—*Senator Paschal Donohoe.*

[ SECTION 13 ]

16. In page 17, subsection (5), line 46, after “with” to insert “and have regard to any proposals made by”.

—*Senator Paschal Donohoe.*

17. In page 17, subsection (5), line 48, after “GDA” to insert the following:

“and in particular shall invite public submissions on the integrated implementation plan”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

18. In page 18, subsection (9), line 17, after “it” to insert “with specified target timelines for delivery”.

—*Senator Paschal Donohoe.*

SECTION 14

19. In page 18, between lines 22 and 23, 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.”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

20. In page 18, subsection (2), lines 25 to 27, to delete paragraph (a).

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

21. In page 18, subsection (2)(d), line 35, 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”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

22. In page 18, subsection (2)(d), line 39, after “administration” to insert the following:

“at least three of whom shall be members of Public Transport Authorities such as C.I.E., Irish Rail and Dublin Bus”.

—*Senator David Norris.*

SECTION 17

23. In page 21, subsection (4), lines 3 to 8, 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)*.”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

[ SECTION 17 ]

- 24.** In page 21, subsection (4), lines 11 to 13, to delete paragraph (d) and substitute the following:

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

—*Senator Paschal Donohoe.*

- 25.** In page 21, subsection (5)(a), line 23, after “movement,” to insert “and representatives from the private sector”.

—*Senator Paschal Donohoe.*

- 26.** In page 21, subsection (5), between lines 30 and 31, to insert the following:

“(d) representatives of national consumer groups.”.

—*Senator Paschal Donohoe.*

- \* **27.** In page 23, subsection (14), line 5, to delete “and expenses” and substitute “for expenses”.

SECTION 18

- 28.** In page 24, subsection (3), line 10, after “shall” to insert “publicly”.

—*Senator Paschal Donohoe.*

SECTION 20

- \* **29.** In page 25, lines 37 to 41, to delete subsection (8).

SECTION 22

- 30.** In page 26, subsection (2), line 40, after “Authority” to insert the following:

“but shall not exceed a percentage of the annual budget of the DTA to be specified by the Minister in regulations on approval from the Houses of the Oireachtas”.

—*Senator Paschal Donohoe.*

SECTION 24

- 31.** In page 27, between lines 17 and 18, 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.”.

—*Senator Paschal Donohoe.*

SECTION 26

- 32.** In page 27, between lines 44 and 45, to insert the following subsection:

“(4) The Minister shall provide an account to the Houses of the Oireachtas on such policy directions and any matters related thereto.”.

—*Senator Paschal Donohoe.*

[ SECTION 27 ]

SECTION 27

**33.** In page 28, between lines 9 and 10, to insert the following subsection:

“(4) The Minister shall provide an account to the Houses of the Oireachtas on such guidelines and any matters related thereto.”

—*Senator Paschal Donohoe.*

SECTION 35

**34.** In page 32, between lines 3 and 4, to insert the following subsection:

“(6) A disclosure under this section or *section 36* or *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 *37* applies, and the register shall be available to public inspection during office hours.”

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 38

*Section opposed.*

—*Senator Paschal Donohoe.*

SECTION 39

\* **35.** In page 34, subsection (1), line 6, after “Authority” to insert “or a subsidiary”.

\* **36.** In page 34, subsection (2), line 9, to delete “member or a”.

SECTION 40

**37.** In page 34, subsection (1), line 17, to delete paragraph (a).

—*Senator David Norris.*

**38.** In page 34, subsection (1)(b), lines 18 and 19, to delete “as a member of either House of the Oireachtas or”.

—*Senator David Norris.*

**39.** In page 34, subsection (1), line 24, to delete paragraph (d).

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Dominic Hannigan, Alan Kelly, David Norris*

**40.** In page 35, subsection (3), line 5, to delete paragraph (d).

—*Senator David Norris.*

**41.** In page 35, lines 15 to 19, to delete subsection (5) and substitute the following:

“(5) A person who is a member of the European Parliament while he or she is such a member is disqualified from becoming a member of the Authority.”

—*Senator David Norris.*

SECTION 43

\* *Section proposed to be deleted.*

[ SECTION 44 ]

SECTION 44

42. In page 36, subsection (1)(c), between lines 40 and 41, to insert the following:

“(i) to acquire land as laid out in *paragraph (c)* for the propose of developing park and ride facilities as specified in *section 13, subsection (2)(b)*;

(ii) the Authority shall only implement *paragraph (c)(i)* if the relevant local authority can provide evidence to the Authority that it is not in a position to fund the purchase and development of land for the purpose of park and ride;”.

—*Senator Paschal Donohoe.*

43. In page 38, subsection (10), line 24, after “Authority” to insert the following:

“but must in the first instance be open to competitive tender to all public transport operators”.

—*Senator Paschal Donohoe.*

SECTION 49

\* 44. In page 41, subsection (2), line 50, to delete “*section 48*” and substitute “*subsection (1)*”.

SECTION 52

45. 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)*.”.

—*Senator Paschal Donohoe.*

46. In page 42, subsection (1), after line 47, to insert the following:

“(d) Any new such public service contract within the greater Dublin area shall be offered first to Dublin Bus and or Bus Eireann.”.

—*Senator David Norris.*

47. In page 43, subsection (3)(b), line 12, to delete “to which *subsection (2)* relates”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

48. In page 43, subsection (4), line 15, to delete “5 years” and substitute “10 years”.

—*Senator David Norris.*



[ SECTION 52 ]

- 49.** In page 43, subsection (5)(a), lines 19 and 20, to delete “unilaterally make amendments to such contract” and substitute the following:

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

—*Senator David Norris.*

- 50.** In page 43, subsection (5)(b), line 23, after “services” to insert the following:

“in objectively justified cases and in a proportionate manner”.

—*Senator David Norris.*

- 51.** In page 43, subsection (5), lines 30 to 39, 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).”.

—*Senator Paschal Donohoe.*

SECTION 56

- 52.** In page 45, lines 33 and 34, to delete paragraph (a).

—*Senator Paschal Donohoe.*

SECTION 58

- \* **53.** In page 47, subsection (9)(b), line 24, to delete “data is” and substitute “data are”.

- \* **54.** In page 47, subsection (12), line 47, after “that” to insert “trip”.

SECTION 59

- 55.** In page 49, between lines 4 and 5, to insert the following subsection:

“(9) The Authority shall make available to other statutory agencies and local authorities information or data generated under this section for the purpose of the discharge of the functions of those bodies, provided that such use does not result in the disclosure of commercially sensitive information in relation to an identifiable person or public transport operator except with the consent of such person or operator.”.

—*Senator Paschal Donohoe.*

SECTION 60

- \* **56.** In page 50, subsection (9)(b), line 10, to delete “data is” and substitute “data are”.

[ SECTION 61 ]

SECTION 61

- \* 57. In page 50, subsection (3), line 31, to delete “National Roads Authority” and substitute “NRA”.

SECTION 62

- 58. In page 51, between lines 48 and 49, to insert the following subsection:

“(9) The Authority may require private bus operators to provide off street parking for their vehicles.”.

—*Senator David Norris.*

SECTION 64

- \* 59. In page 52, subsection (2)(f), line 30, to delete “development” and substitute “developments”.

- \* 60. In page 52, subsection (4), line 46, after “with” to insert “the NRA,”.

- 61. In page 53, subsection (4), line 3, after “GDA” to insert the following:

“and in particular shall invite public submissions on the traffic management plan”.

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

SECTION 65

- \* 62. In page 53, subsection (3)(a)(i), line 20, to delete “road authorities” and substitute “the road authority”.

- \* 63. In page 53, subsection (3)(a)(i), line 22, after “management” to insert “or other transport-related”.

- \* 64. In page 53, subsection (3)(a)(ii), line 24, to delete “a road authority” and substitute “the road authority”.

- \* 65. In page 53, subsection (3)(a)(ii), lines 25 and 26, to delete “a road authority” and substitute “the road authority”.

- \* 66. In page 53, subsection (3)(b)(i), line 33, to delete “a road authority” and substitute “the road authority”.

SECTION 66

- \* 67. In page 54, subsection (1)(g), line 9, before “purposes” to insert “or other transport-related”.

SECTION 67

- \* 68. In page 54, subsection (1)(e), line 36, after “management” to insert “or other transport-related”.

SECTION 73

- \* 69. In page 57, subsection (1)(a), line 5, after “that” to insert “or those”.

[ SECTION 73 ]

- \* **70.** In page 57, subsection (3), line 22, to delete “making” and substitute “giving”.
- \* **71.** In page 57, subsection (4), line 25, to delete “and statistics” and substitute “or statistics”.
- \* **72.** In page 57, subsection (4), line 26, to delete “and statistics” and substitute “or statistics”.

SECTION 74

- \* **73.** In page 57, subsection (1), line 36, to delete “National Roads Authority” and substitute “NRA”.
- \* **74.** In page 58, subsection (1)(e), line 6, to delete “National Roads Authority” and substitute “NRA”.
- \* **75.** In page 58, subsection (2), lines 7 and 8, to delete “National Roads Authority” and substitute “NRA”.
- \* **76.** In page 58, subsection (2), line 11, to delete “National Roads Authority” and substitute “NRA”.
- \* **77.** In page 58, subsection (3), line 15, to delete “National Roads Authority” and substitute “NRA”.
- \* **78.** In page 58, subsection (4)(a), lines 16 and 17, to delete “National Roads Authority” and substitute “NRA”.
- \* **79.** In page 58, subsection (5), line 26, to delete “National Roads Authority” and substitute “NRA”.
- \* **80.** In page 58, subsection (6), line 29, to delete “National Roads Authority” and substitute “NRA,”.

SECTION 75

- \* **81.** In page 58, line 43, to delete “National Roads Authority” and substitute “NRA”.

SECTION 76

- \* **82.** In page 59, lines 7 to 15, to delete subsection (2) and substitute the following:

“(2) Prior to any person undertaking the construction of any port facility or any other port related development, which, in the opinion of that person could impact in a significant manner on the movement of persons or goods in the GDA, that person shall obtain and consider the written views of the Authority.”.

SECTION 78

- 83.** In page 60, between lines 49 and 50, to insert the following subsection:

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

—*Senators Brendan Ryan, Alex White, Michael McCarthy, Phil Prendergast, Dominic Hannigan, Alan Kelly.*

[ SECTION 78 ]

SECTION 80

\* *Section proposed to be deleted.*

*Section opposed.*

—*Senator Paschal Donohoe.*

SECTION 81

\* **84.** In page 62, lines 16 to 20, to delete subsection (3).

\* **85.** In page 62, subsection (6)(c), line 32, to delete “registered”.

\* **86.** In page 62, subsection (6)(d), line 37, to delete “registered”.

SECTION 112

\* **87.** In page 76, subsection (2), line 26, to delete “affected” and substitute “effected”.

SECTION 114

\* **88.** In page 77, after line 4, to insert the following new section:

“PART 8

RAILWAY WORKS, ETC. ON SAINT STEPHEN’S GREEN.

Non-application of section 15 of Saint Stephen’s Green (Dublin) Act 1877 to surveys, inspections and railway works and operation of railway, light railway or metro.

— 115.—Section 15 of the Saint Stephen’s Green (Dublin) Act 1877 does not apply

- (a) to anything done for the purposes of surveys and inspections under section 36 of the Act of 2001,
- (b) to any railway works (within the meaning of section 2 of the Act of 2001) carried out on or under Saint Stephen’s Green pursuant to a railway order under section 43 (inserted by section 49 of the Planning and Development (Strategic Infrastructure) Act 2006) of the Act of 2001, or
- (c) to restrict the operation of a railway, light railway or metro (within the meaning of section 2 of the Act of 2001) on or under Saint Stephen’s Green.”.

TITLE

\* **89.** In page 9, line 19, after “OFFICE” to insert the following:

“, TO PROVIDE THAT SECTION 15 OF THE SAINT STEPHEN’S GREEN (DUBLIN) ACT 1877 DOES NOT APPLY TO INSPECTIONS, SURVEYS OR RAILWAY WORKS OR THE OPERATION OF A RAILWAY, LIGHT RAILWAY OR METRO UNDER THE TRANSPORT (RAILWAY INFRASTRUCTURE) ACT 2001 ON OR UNDER SAINT STEPHEN’S GREEN”.