



# **DÁIL ÉIREANN**

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## **AN BILLE UM RIALÁIL IOMPAIR PHOIBLÍ 2009 PUBLIC TRANSPORT REGULATION BILL 2009**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## AN BILLE UM RIALÁIL IOMPAIR PHOIBLÍ 2009 —ROGHCHOISTE

## PUBLIC TRANSPORT REGULATION BILL 2009 —SELECT COMMITTEE

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### *Leasuithe Amendments*

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#### SECTION 2

1. In page 6, line 3, after “driver)” to insert the following:

“and a small public service vehicle having seated accommodation for more than 5 persons (including the driver)”.

—Thomas P. Broughan.

2. In page 6, paragraph (c), between lines 38 and 39, to insert the following:

“(iii) carriage is provided for passengers on a pre-booked basis following a flexible route with varied stops with a specified geographical area, and”.

—Thomas P. Broughan.

#### SECTION 5

3. In page 7, before section 5, but in Part 2, to insert the following new section:

“Provision of bus  
passenger services.

5.—A public bus passenger service may only be provided in accordance with a contract entered into under section 48 of the Act of 2008.”.

—Fergus O'Dowd.

*Section opposed.*

—Fergus O'Dowd.

#### SECTION 6

*Section opposed.*

—Fergus O'Dowd.

#### SECTION 7

4. In page 7, subsection (2), line 34, after “route” to insert the following:

“or the geographical area within which specified flexibly routed and/or demand responsive services may be operated on a pre-booked basis”.

—Thomas P. Broughan.

*Section opposed.*

—Fergus O'Dowd.

[ SECTION 8 ]

SECTION 8

*Section opposed.*

—Fergus O'Dowd.

SECTION 9

*Section opposed.*

—Fergus O'Dowd.

SECTION 10

5. In page 8, before section 10, to insert the following new section:

“10.—Before consideration of applications for grant of licenses begins the Authority shall initiate a public consultation process which clearly sets out procedures for advertising for applications and how the public can make submissions before applications are considered.”

—Thomas P. Broughan.

6. In page 8, subsection (1), between lines 32 and 33, to insert the following:

“(a) shall have regard to the desirability of ensuring that operators of public bus services are treated on an equitable basis with operators of private bus services,”

—Thomas P. Broughan.

7. In page 8, subsection (1), lines 33 to 38, to delete paragraph (a).

—Thomas P. Broughan.

8. In page 8, subsection (1)(a), line 35, after “to”, to insert the following:

“the sustainability of the demand or the potential sustainable demand,”

—Thomas P. Broughan.

9. In page 8, subsection (1)(b), lines 39 to 41, to delete all words from and including “save” in line 39 down to and including “appropriate,” in line 41.

—Thomas P. Broughan.

10. In page 8, subsection (1)(b), line 41, to delete “any or all of” and substitute the following:

“subparagraph (iii) of, and such other paragraphs as are appropriate of,”

—Thomas P. Broughan.

11. In page 8, subsection (1)(b), between lines 41 and 42, to insert the following:

“(i) the protection of the integrity of the national urban and local bus network,”

—Thomas P. Broughan.

12. In page 8, subsection (1)(b)(i), line 43, to delete “competitive” and substitute “efficient, regulated and sustainably competitive”

—Thomas P. Broughan.

13. In page 8, subsection (1)(b), between lines 44 and 45, to insert the following:

[ SECTION 10 ]

“(ii) the need for the provision, maintenance and investment in public transport infrastructure and modern bus fleets across all networks and for all users.”.

—Thomas P. Broughan.

14. In page 9, subsection (1)(b)(iii), lines 2 and 3, to delete “on or in the vicinity of the proposed route”.

—Thomas P. Broughan.

15. In page 9, subsection (1)(b), to delete lines 4 to 6.

—Thomas P. Broughan.

16. In page 9, subsection (1)(b), between lines 18 and 19, to insert the following:

“(xii) the vehicular capacity of the routes of the proposed services.”.

—Thomas P. Broughan.

17. In page 9, subsection (1)(b), between lines 18 and 19, to insert the following:

“(xiii) all relevant health and safety, labour and accessibility legislation and regulations and fair and reasonable salaries for all transport workers.”.

—Thomas P. Broughan.

18. In page 9, subsection (1), between lines 18 and 19, to insert the following:

“(c) shall require the applicant to produce a statement confirming that they agree and that they accept that is a condition of the granting of the license that they will respect the established conditions of employment in the public transport sector, including respecting the rights of employees to engage in collective bargaining through a trade union.”.

—Thomas P. Broughan.

19. In page 9, subsection (2)(b), line 24, after “party,” to insert the following:

“including any local authority (within the meaning of the Local Government Act 2001) in whose functional area the proposed public bus passenger service will operate,”.

—An tAire Iompair.

20. In page 9, between lines 26 and 27, to insert the following subsections:

“(3) Without prejudice to the generality of *subsection (2)*, the Authority shall invite and consider submissions from any local authority whose functional area includes a place to which the application relates.

(4) The making of a submission under *subsection (3)\** shall be a reserved function, provided if the function is exercised within 35 days of the date on which the request for submissions is made. If no submission is made by the elected members within that period, the making of a submission shall be an executive function.”.

—Thomas P. Broughan.

[\*Note: This is a reference to the subsection proposed to be inserted by this amendment.]

21. In page 9, subsection (3), between lines 29 and 30, to insert the following:

[ SECTION 10 ]

“(a) he or she complies strictly with the best labour, health and safety standards,”.

—Thomas P. Broughan.

22. In page 9, subsection (3)(c), line 35, after “certificate” to insert the following:

“indicating the discharge of all previous fiduciary taxes”.

—Thomas P. Broughan.

23. In page 9, subsection (3), between lines 37 and 38, to insert the following:

“(d) he or she complies with the highest health and safety and labour standards as defined in Irish and EU legislation.”.

—Thomas P. Broughan.

24. In page 9, subsection (3), between lines 37 and 38, to insert the following:

“(e) all of the operator’s fleet is fully accessible.”.

—Thomas P. Broughan.

*Section opposed.*

—Fergus O'Dowd.

SECTION 11

25. In page 10, subsection (1), between lines 16 and 17, to insert the following:

“(f) Any requirements to post a bond or guarantees to protect the State in the event of bankruptcy or substantial non compliance with this Act or the conditions of the License.”.

—Thomas P. Broughan.

*Section opposed.*

—Fergus O'Dowd.

SECTION 12

26. In page 10, between lines 26 and 27, to insert the following subsection:

“(2) The Authority shall publish details of the levy scheme or any other mechanism it will utilise to finance the regulation of private operators.”.

—Thomas P. Broughan.

*Section opposed.*

—Fergus O'Dowd.

SECTION 13

27. In page 11, subsection (2)(c), line 1, after “taken” to insert the following:

“and/or geographical area covered”.

—Thomas P. Broughan.

28. In page 11, subsection (2)(i), line 14, to delete “minimum” and substitute “highest”.

—Thomas P. Broughan.

29. In page 11, subsection (2), between lines 16 and 17, to insert the following:

[ SECTION 13 ]

“(j) compliance with all health and safety, labour and employment legislation, regulations and standards including those on salary and work conditions.”

—Thomas P. Broughan.

**30.** In page 11, subsection (2), between lines 16 and 17, to insert the following:

“(k) the inclusion of Automatic Vehicle Location or similar technology to support Real Time Passenger Information and the general management of the public transport network.”

—Thomas P. Broughan.

**31.** In page 11, subsection (2), between lines 16 and 17, to insert the following:

“(l) minimum notice periods for services to be revoked.”

—Thomas P. Broughan.

**32.** In page 11, subsection (2), between lines 16 and 17, to insert the following:

“(m) minimum notice periods for amendments to services and requirements for public consultation.”

—Thomas P. Broughan.

**33.** In page 11, subsection (2), between lines 16 and 17, to insert the following:

“(n) the provision and maintenance of essential bus infrastructure for all users and modern bus fleets as indicated in regulation by the National Transport Authority.”

—Thomas P. Broughan.

**34.** In page 11, subsection (4), line 21, to delete “The Authority may” and substitute the following:

“Save where the Authority deems it not to be appropriate, the Authority shall”.

—An tAire Iompair.

*Section opposed.*

—Fergus O'Dowd.

SECTION 14

**35.** In page 11, between lines 40 and 41, to insert the following subsection:

“(3) An application for an amendment to alter a license may only be considered if all minimum notice periods for changes to public bus passenger services have been adhered to.”

—Thomas P. Broughan.

**36.** In page 11, between lines 42 and 43, to insert the following subsection:

“(4) An application for an amendment to alter a license and public passenger bus services may only be considered after a full public consultation has taken place.”

—Thomas P. Broughan.

*Section opposed.*

—Fergus O'Dowd.

[ SECTION 15 ]

SECTION 15

*Section opposed.*

—Fergus O'Dowd.

SECTION 16

*Section opposed.*

—Fergus O'Dowd.

SECTION 17

*Section opposed.*

—Fergus O'Dowd.

SECTION 18

*Section opposed.*

—Fergus O'Dowd, Thomas P. Broughan.

SECTION 19

**37.** In page 13, subsection (1)(a), line 31, after “revoked” to insert the following:

“and after all minimum notice periods for services to be revoked have been served and all necessary bonds and/or guarantees have been posted to protect the State.”.

—Thomas P. Broughan.

*Section opposed.*

—Fergus O'Dowd.

SECTION 20

**38.** In page 14, between lines 32 and 33, to insert the following subsection:

“(4) The Minister shall publish regulations specifying how existing providers of urban bus services can tender for services under the 2008 Act.”.

—Thomas P. Broughan.

*Section opposed.*

—Fergus O'Dowd.

SECTION 21

*Section opposed.*

—Fergus O'Dowd.

SECTION 22

**39.** In page 15, subsection (6)(c), line 34, to delete “is final and conclusive” and substitute the following:

“may be referred to the Board of the National Transport Authority”.

—Thomas P. Broughan.

**40.** In page 15, subsection (7)(a), line 36, to delete “an appeals officer” and substitute “the Board of the National Transport Authority”.



—Thomas P. Broughan.

*Section opposed.*

—Fergus O'Dowd.

SECTION 23

**41.** In page 16, between lines 3 and 4, to insert the following subsection:

“(2) Bus Éireann has the exclusive right to ownership and responsibility for planning and operating the provincial and urban bus network outside of the Greater Dublin Area.”.

—Thomas P. Broughan.

**42.** In page 16, subsection (2), between lines 18 and 19, to insert the following:

“(d) shall ensure that all operators, fleets and bus infrastructure comply with the highest health, safety and accessibility legislation, regulations and standards,”.

—Thomas P. Broughan.

**43.** In page 16, subsection (2), between lines 18 and 19, to insert the following:

“(e) maintain the highest standard of working conditions with fair and reasonable salaries for all transport workers including those established by collective agreement obligations,”.

—Thomas P. Broughan.

**44.** In page 16, subsection (2), between lines 18 and 19, to insert the following:

“(f) have due regard for the development of a fully integrated national bus transport network including the provision of local rural transport services,”.

—Thomas P. Broughan.

**45.** In page 16, subsection (2), between lines 18 and 19, to insert the following:

“(g) shall include requirements for public consultation,”.

—Thomas P. Broughan.

**46.** In page 16, subsection (2), between lines 18 and 19, to insert the following:

“(h) shall include minimum notice periods to revoke or amend licenses,”.

—Thomas P. Broughan.

**47.** In page 16, subsection (2), between lines 18 and 19, to insert the following:

“(i) shall have due regard to safeguard against anti-competitive practices of salami-slicing and gaming of routes which has occurred in deregulated bus market.”.

—Thomas P. Broughan.

**48.** In page 16, subsection (4), between lines 26 and 27, to insert the following:

“(b) shall submit a draft of the proposals to the Oireachtas Transport Committee for its opinion on the effects of the guidelines on the public transport market, and request that any such opinion be given in writing to the Authority within one month of the request,”.

[ SECTION 23 ]

—Thomas P. Broughan.

- 49.** In page 16, subsection (4), lines 27 to 32, to delete paragraph (b) and substitute the following:

“(b) shall submit a draft of the proposals to the Competition Authority for its opinion on the effects of the guidelines on the public transport market, and request that any such opinion be given in writing to the Authority within one month of the request.”.

—Thomas P. Broughan.

- 50.** In page 16, subsection (4), between lines 32 and 33, to insert the following:

“(c) shall submit a draft of the proposals to all relevant commuter and stakeholder groups, Regional Authorities, the Health and Safety Authority and the National Employment Rights Agency for its opinion on the effects of the guidelines on the public transport market and public transport workers, and request that any such opinion be given in writing to the Authority within one month of the request.”.

—Thomas P. Broughan.

*Section opposed.*

—Fergus O'Dowd.

SECTION 24

- 51.** In page 17, subsection (1), line 2, to delete “€5,000” and substitute “10 per cent of the operators’ annual turnover”.

—Thomas P. Broughan.

*Section opposed.*

—Fergus O'Dowd.

SECTION 25

*Section opposed.*

—Fergus O'Dowd.

SECTION 26

*Section opposed.*

—Fergus O'Dowd.

SECTION 27

*Section opposed.*

—Fergus O'Dowd.

SECTION 28

*Section opposed.*

—Fergus O'Dowd.

SECTION 29

- 52.** In page 19, between lines 33 and 34, to insert the following:

[ SECTION 29 ]

“(c) the provision of a national network of Park and Ride infrastructure,”.

—Thomas P. Broughan.

53. In page 19, line 38, before “regulated” to insert “sustainable and”.

—Thomas P. Broughan.

54. In page 19, line 40, after “interest” to insert the following:

“in the categories where this is one deemed appropriate as identified in *section (8) of the Public Transport Regulation Act 2009* and associated guidelines”.

—Thomas P. Broughan.

55. In page 20, subsection (1), between lines 9 and 10, to insert the following:

“(e) in section 12—

(i) in subsection (1)(a) by substituting “national transport plan” for “transport plan”,

(ii) in subsection (2) delete “for the GDA”,

(iii) in subsection (3) delete “in the GDA”,

(iv) in subsection (4) delete “in the GDA”,

(v) in subsection (5)(b) delete “for the GDA”,

(vi) in subsection (5)(c) delete “in the GDA, the Dublin Docklands Development Authority’s master plan and the Grangegorman Development Agency’s strategic plan”,

(vii) in subsection (5)(f) delete “in the GDA”,

(viii) in subsection (5)(h) delete “from outside the GDA into the GDA”,

(ix) in subsection (5) insert new paragraph (k) as follows, “(k) towns with populations over 20,000”,

(x) in subsection (6) delete “for the GDA”,

(xi) in subsection (8) delete “the regional authorities within the GDA”, delete “the Dublin Docklands Development Authority, the Grangegorman Development Agency”, and delete “in the GDA”,

(xii) in subsection (10) delete “within the GDA”,

(xiii) in subsection (10)(a) and (b) delete “for the GDA”,

(xiv) in subsection (12) delete “within the GDA”.

—Fergus O’Dowd.

56. In page 20, subsection (1), between lines 9 and 10, to insert the following:

“(f) in section 13—

(i) in subsection (5) delete “in the GDA”,

(ii) subsection (2)(b), after “infrastructure” to insert the following:

[ SECTION 29 ]

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

—Fergus O'Dowd.

**57.** In page 20, subsection (1), between lines 9 and 10, to insert the following:

“(g) In section 14 insert new subsection after subsection (1):

“(2) (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.

**58.** In page 20, subsection (1), between lines 9 and 10, to insert the following:

“(h) in section 14 insert new paragraph after paragraph (2)(d):

“(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.”.”.

—Fergus O'Dowd.

**59.** In page 20, subsection (1), between lines 9 and 10, to insert the following:

“(i) In section 48—

(i) subsection 1(a) following “the provision of” insert “national”,

(ii) subsection 1(b) delete “, subject to section 56,”,

(iii) subsection 2, delete subsection (a),

(iv) subsection 2(b), delete “in accordance with section 52 or,”,

(v) subsection 6(a), delete “and section 52,”,

(vi) by inserting after subsection (11) the following:

“(12) Where the Authority proposes to enter into a public transport services contract it shall—

(a) advise any local authority in whose functional area the transport service will operate of the proposal to enter into such a contract, and

(b) invite any such local authority to submit written views in relation to the proposed contract, which it will consider prior to entering into the contract.”.”.

—Fergus O'Dowd.

**60.** In page 20, subsection (1), between lines 27 and 28, to insert the following:

[ SECTION 29 ]

“(g) in sections 48, 52 and 54, by substituting “public bus services” for “public bus passenger services”,”.

—An tAire Iompair.

- 61.** In page 20, subsection (1), lines 28 to 31, to delete paragraph (g) and substitute the following:

“(g) repeal section 52,”.

—Fergus O'Dowd.

- 62.** In page 20, subsection (1), between lines 33 and 34, to insert the following:

“(j) in section 57—

(i) by deleting “in the GDA” in subsection (1),

(ii) following “in the GDA” in subsection (2) insert “and in other geographical locations as the Authority decides.”,

(iii) following “in the GDA” in subsection (3) insert “and in other geographical locations.””.

—Fergus O'Dowd.

SECTION 30

- 63.** In page 21, between lines 8 and 9, to insert the following subsection:

“(3) Regulation of bus services within the Greater Dublin Area will be provided for by a separate division within the National Transport Authority which shall have all necessary powers accorded to the Dublin Transport Authority under the 2008 Act.”.

—Thomas P. Broughan.

- 64.** In page 21, lines 9 to 15, to delete subsection (3) and substitute the following:

“(3) Notwithstanding the Act of 2008, the National Transport Authority may exercise its functions throughout the State, and the Act of 2008 shall apply both within and outside Dublin with any necessary modifications.”.

—Thomas P. Broughan.

SECTION 31

- 65.** In page 21, before section 31, but in Part 3, to insert the following new section:

“31.—That the Minister for Transport is fully and directly accountable to Dáil Éireann through standard Dail procedures including oral and written questions and all forms of debate for all policy, strategic activities and financial accounts of the National Transport Authority.”.

—Thomas P. Broughan.

- 66.** In page 21, before section 31, but in Part 3, to insert the following new section:

[ SECTION 31 ]

“31.—The National Transport Authority and 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 41

**67.** In page 25, between lines 23 and 24, to insert the following subsection:

“(2) The Minister shall direct the Authority in carrying out the regulatory functions of the Commission on Taxi Regulation to take taxi capacity and the taxi demand-supply balance into account as a key condition of the granting of licences.”.

—Thomas P. Broughan.

SCHEDULE 2

**68.** In page 34, line 31, after “drivers” to insert the following:

“and may, if the level of consumer demand so justifies it, make regulations limiting entry to the taxi market by reference to a particular number of new licences to be granted in any particular year, if it is satisfied that such a limit would not have any material adverse impact on the service to consumers”.

—Thomas P. Broughan.