



DÁIL ÉIREANN

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

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM RIALÁIL IOMPAIR PHOIBLÍ 2009 —AN TUARASCÁIL

PUBLIC TRANSPORT REGULATION BILL 2009 —REPORT

Leasuithe Amendments

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

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

—Thomas P. Broughan.

2. In page 6, 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.

3. In page 7, between lines 18 and 19, to insert the following:

“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.

4. In page 7, to delete lines 19 to 23.

—Fergus O'Dowd.

5. In page 7, to delete lines 24 to 29.

—Fergus O'Dowd.

6. In page 7, to delete lines 30 to 42 and in page 8, to delete lines 1 to 4.

—Fergus O'Dowd.

7. In page 7, 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.

8. In page 8, to delete lines 5 to 18.

—Fergus O'Dowd.

9. In page 8, to delete lines 19 to 29.

—Fergus O'Dowd.

10. In page 8, between lines 29 and 30, to insert the following:

“10.—Before consideration of applications for grant of licences 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.

11. In page 8, to delete lines 30 to 48, to delete page 9 and in page 10, to delete lines 1 to 5.

—Fergus O'Dowd.

12. In page 8, 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.

13. In page 8, to delete lines 33 to 38.

—Thomas P. Broughan.

14. In page 8, line 35, after “to” to insert the following:

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

—Thomas P. Broughan.

15. In page 8, 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.

16. In page 8, line 41, to delete “any or all of”.

—Thomas P. Broughan.

17. In page 8, 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.

18. In page 8, line 42, after “attractive,” to insert “regulated, sustainable”.

—Thomas P. Broughan.

19. In page 8, line 43, to delete “competitive” and substitute “efficient”.

—Thomas P. Broughan.

20. In page 8, line 43, to delete “competitive” and substitute “regulated and sustainably competitive”.

—Thomas P. Broughan.

21. In page 8, between lines 44 and 45, to insert the following:

“(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.

22. In page 9, lines 2 and 3, to delete “on or in the vicinity of the proposed route”.

—Thomas P. Broughan.

23. In page 9, to delete lines 4 to 6.

—Thomas P. Broughan.

24. In page 9, between lines 18 and 19, to insert the following:

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

—Thomas P. Broughan.

25. In page 9, 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.

26. In page 9, 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.

27. In page 9, between lines 29 and 30, to insert the following:

“(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 it 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.

28. In page 9, between lines 32 and 33, to insert the following:

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

—Thomas P. Broughan.

29. In page 9, line 38, after “certificate” to insert the following:

“indicating the discharge of all previous fiduciary taxes”.

—Thomas P. Broughan.

30. In page 9, between lines 40 and 41, 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.

31. In page 9, between lines 40 and 41, to insert the following:

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

—Thomas P. Broughan.

32. In page 10, to delete lines 6 to 23.

—Fergus O'Dowd.

33. In page 10, between lines 19 and 20, 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 Licence.”.

—Thomas P. Broughan.

34. In page 10, to delete lines 24 to 38.

—Fergus O'Dowd.

35. In page 10, between lines 29 and 30, to insert the following:

“(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.

36. In page 10, to delete lines 39 to 45 and in page 11, to delete lines 1 to 36.

—Fergus O'Dowd.

37. In page 11, line 4, after “taken” to insert “and/or geographical area covered”.

—Thomas P. Broughan.

38. In page 11, line 17, to delete “minimum” and substitute “highest”.

—Thomas P. Broughan.

39. In page 11, between lines 19 and 20, to insert the following:

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

—Thomas P. Broughan.

40. In page 11, between lines 19 and 20, 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.

41. In page 11, between lines 19 and 20, to insert the following:

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

—Thomas P. Broughan.

42. In page 11, between lines 19 and 20, to insert the following:

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

—Thomas P. Broughan.

43. In page 11, between lines 19 and 20, 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.

44. In page 11, to delete lines 37 to 46 and in page 12, to delete lines 1 to 8.

—Fergus O'Dowd.

45. In page 11, between lines 44 and 45, to insert the following:

“(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.

46. In page 11, after line 46, to insert the following:

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

—Thomas P. Broughan.

47. In page 12, to delete lines 9 to 26.

—Fergus O'Dowd.

48. In page 12, to delete lines 27 to 49 and in page 13, to delete lines 1 to 4.

—Fergus O'Dowd.

49. In page 13, to delete lines 5 to 17.

—Fergus O'Dowd.

50. In page 13, to delete lines 18 to 32.

—Thomas P. Broughan, Fergus O'Dowd.

51. In page 13, to delete lines 33 to 45 and in page 14, to delete lines 1 to 22.

—Fergus O'Dowd.

52. In page 13, line 35, 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.

53. In page 14, to delete lines 23 to 37.

—Fergus O'Dowd.

54. In page 14, between lines 37 and 38, to insert the following:

“(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.

55. In page 14, to delete lines 38 to 40.

—Fergus O'Dowd.

56. In page 14, to delete lines 41 to 50, to delete page 15 and in page 16, to delete lines 1 to 4.

—Fergus O'Dowd.

57. In page 15, line 38, to delete “is final and conclusive.” and substitute the following:

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

—Thomas P. Broughan.

58. In page 15, line 40, after “of” where it secondly occurs to insert “the Board of the National Transport Authority and”.

—Thomas P. Broughan.

59. In page 16, to delete lines 5 to 48 and in page 17, to delete lines 1 to 6.

—Fergus O'Dowd.

60. In page 16, between lines 7 and 8, to insert the following:

“(2) Bus Eireann 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.

61. In page 16, between lines 22 and 23, 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.

62. In page 16, between lines 22 and 23, 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.

63. In page 16, between lines 22 and 23, 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.

64. In page 16, between lines 22 and 23, to insert the following:

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

—Thomas P. Broughan.

65. In page 16, between lines 22 and 23, to insert the following:

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

—Thomas P. Broughan.

66. In page 16, between lines 22 and 23, 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.

67. In page 16, between lines 30 and 31, to insert the following:

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

—An tAire Iompair.

68. In page 16, between lines 30 and 31, 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,”.

—Thomas P. Broughan.

69. In page 16, to delete lines 31 to 36 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.

70. In page 16, between lines 36 and 37, 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.

71. In page 16, to delete lines 42 to 48 and substitute the following:

“(d) following the consultation at *paragraphs (a), (b)*, (c)* and (d)**, and having considered any views given by the Minister under *paragraph (a)*, any opinion given to it by the Joint Oireachtas Committee under *paragraph (b)** and the Competition Authority under *paragraph (c)** and the representations made under *paragraph (d)**, if any, shall publish the guidelines or parts or amendments of them with or without modification.”.

—An tAire Iompair.

[* *These are the appropriate references if amendment No 67 is accepted.*]

72. In page 17, between lines 6 and 7, to insert the following:

“(7) 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.”.

—An tAire Iompair.

73. In page 17, to delete lines 7 to 18.

—Fergus O'Dowd.

74. In page 17, line 8, to delete “€5,000” and substitute “10 per cent of the operators’ annual turnover”.

—Thomas P. Broughan.

75. In page 17, to delete lines 19 to 30.

—Fergus O'Dowd.

76. In page 17, to delete lines 31 to 46 and in page 18, to delete lines 1 to 24.

—Fergus O'Dowd.

77. In page 18, to delete lines 25 to 37.

—Fergus O'Dowd.

78. In page 18, to delete lines 38 to 41.

—Fergus O'Dowd.

79. In page 19, after line 41, to insert the following:

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

—Thomas P. Broughan.

80. In page 20, line 5, before “regulated” to insert “sustainable and”.
—Thomas P. Broughan.

81. In page 20, line 7, 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.

82. In page 20, between lines 21 and 22, to insert the following:

“(e) in section 14—

(i) in subsection (1), by substituting “11” for “9”, and

(ii) in subsection (2)(d), by substituting “8” for “6”.”.

—An tAire Iompair.

83. In page 20, between lines 21 and 22, 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.

84. In page 20, between lines 21 and 22, 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:

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

—Fergus O'Dowd.

85. In page 20, between lines 21 and 22, to insert the following:

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

“(1a) (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.

86. In page 20, between lines 21 and 22, 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.

87. In page 20, between lines 21 and 22, 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.

88. In page 20, to delete lines 42 to 45 and substitute the following:

“(h) repeal section 52,”.

—Fergus O’Dowd.

89. In page 21, between lines 1 and 2, 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.

90. In page 21, between lines 22 and 23, to insert the following:

“(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.

91. In page 21, to delete lines 23 to 29 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.

92. In page 21, between lines 31 and 32, to insert the following:

“31.—That the Minister for Transport 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 activities and financial accounts of the National Transport Authority.”.

—Thomas P. Broughan.

93. In page 21, between lines 31 and 32, to insert the following:

“32.—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.

94. In page 25, between lines 41 and 42, to insert the following:

“(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.

95. 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.