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## **An Comhchoiste um Dhlí agus Ceart**

Tuarascáil maidir le Scrúdú ar Fhorfheidhmiú Cionta Tráchta  
Bóthair

Bealtaine 2023

## **Joint Committee on Justice**

Report on an Examination of Enforcement of Road Traffic  
Offences

33/JC/40

May 2023

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## CATHAOIRLEACH'S FOREWORD

The Joint Committee on Justice was pleased to facilitate an examination of the topic 'Enforcement of road traffic offences'.

The Committee recognises that the violation of road traffic legislation causes significant impediments and real danger to other road users, as well as creating accessibility issues and disruptions within communities. The Committee heard from stakeholders that a lack of effective enforcement of road traffic offences also undermines the Government's current investments into active travel infrastructure and into providing alternatives to private car usage, as individuals will not opt for alternatives like cycling if they do not feel safe doing so, or to use the bus over a private car if the transport times on the bus are significantly slower, due to private cars using the bus lane.

In reaching out to stakeholders to gather diverse perspectives relating to the enforcement of road traffic offences in Ireland, the written submissions and witnesses provided the Committee with an insight into several key areas where they deemed it was most important to make improvements. These included the need for more active enforcement of road traffic legislation; the potential to introduce an online portal where the public can upload footage of road traffic offences; the use of Automatic Number Plate Recognition (ANPR) technology to identify road traffic offences; and the potential for an increase in the use of average speed cameras on certain roads, to decrease the incidence of road traffic offences.

The Committee has made a number of recommendations and a copy of this report and recommendations will be sent to the Minister for Justice. The Committee looks forward to working proactively and productively with the Minister to address the issues identified in relation to the enforcement of road traffic offences.

I would like to express my gratitude on behalf of the Committee to all the witnesses who attended our public hearing to give evidence and those who forwarded written submissions to the Committee.



James Lawless TD (FF) [Cathaoirleach]  
May 2023

## COMMITTEE MEMBERSHIP

### Joint Committee on Justice

#### Deputies



James Lawless TD (FF) [Cathaoirleach]



Colm Brophy TD  
(FG)



Patrick Costello TD  
(GP)



Alan Farrell TD  
(FG)



Pa Daly TD  
(SF)



Aodhán Ó Ríordáin TD  
(LAB)



Mark Ward TD  
(SF)





Thomas Pringle TD  
(IND)



Niamh Smyth TD  
(FF)

### **Senators**



Robbie Gallagher  
(FF)



Vincent P. Martin  
(GP)



Michael McDowell  
(IND)



Lynn Ruane  
(IND)



Barry Ward  
(FG) [Leaschathaoirleach]

## Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil on 3<sup>rd</sup> September 2020.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 25<sup>th</sup> September 2020.
3. Deputy Jennifer Carroll MacNeill elected as Leas-Chathaoirleach on 6 October 2020.
4. Deputy James O'Connor discharged and Deputy Niamh Smyth nominated to serve in his stead by the Fifth Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 19th November 2020.
5. Deputy Michael Creed discharged and Deputy Alan Farrell nominated to serve in his stead by the Fifteenth Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 28th June 2022.
6. Deputy Brendan Howlin discharged and Deputy Aodhán Ó Ríordáin nominated to serve in his stead by the Nineteenth Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 8<sup>th</sup> November 2022.
7. Deputy Jennifer Carroll MacNeill was discharged, pursuant to Standing Order 34, on 21st December 2022.
8. Senator Barry Ward was elected as Leas-Chathaoirleach at the Committee meeting on 15th February 2023.
9. Deputy Colm Brophy nominated to serve on the Committee by the Twenty First Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 7<sup>th</sup> March 2023.
10. Deputy Martin Kenny discharged and Deputy Mark Ward nominated to serve in his stead by the Twenty-Third Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 26<sup>th</sup> April 2023.

## COMMITTEE RECOMMENDATIONS

The following recommendations were made by the Committee in relation to the topic:

1. The Committee recommends that clearer guidelines are established in relation to which bodies are responsible for enforcing various road traffic offences.
2. The Committee recommends that an Garda Síochána receives sufficient resourcing and support, to ensure that Gardaí can devote more time to identifying and prosecuting road traffic offences.
3. The Committee recommends that parking in a cycle lane, a bus lane or on a footpath would be considered as 'parking a vehicle in a dangerous position' under Section 55 of the *Road Traffic Act, 1961* and should receive a fine and three penalty points.
4. The Committee recommends that section 81 of *the Road Traffic Act 2010* be amended, to allow for the use of CCTV evidence when enforcing offences, including those related to parking or driving in a bus or cycle lane.
5. The Committee recommends the introduction of zero-tolerance zones in certain areas, monitored by community policing units, including using CCTV, to decrease the number of road traffic offences occurring in these areas.
6. The Committee recommends that the internal processes for reporting road traffic offences to Dublin Bus should be reviewed, to ensure that every individual who submits a complaint would receive a response.
7. The Committee recommends that an online portal allowing members of the public to upload footage of road traffic offences should be established as soon as possible. The footage uploaded to this portal should be reviewed by Gardaí who specialise in roads policing and legislation and could decide whether the footage would be sufficient to secure a prosecution or not.

8. The Committee recommends the establishment of a 12-month pilot programme using ANPR technology, to capture road traffic offences aside from speeding, that would inform the effectiveness of a wider rollout of this technology.
9. The Committee recommends that current fixed charged penalties be reviewed and that consideration be given to increasing the fines applied to those who park or drive in a bus lane illegally.
10. The Committee recommends that an examination is undertaken regarding the potential benefits of increasing the number of average speed cameras on particular roads or sections on motorways.
11. The Committee recommends that the Road Safety Authority (RSA) campaign against dangerous parking should be maintained and upgraded.
12. The Committee recommends that the potential benefits of introducing 24/7 designated bus lanes be further examined.



## SUMMARY

The Joint Committee on Justice selected the topic of ‘An Examination of Enforcement of Road Traffic Offences’ from its Committee Work Programme for further examination and discussion.

The Committee heard that incidents of driving in bus lanes or parking on footpaths disturbs communities, deters individuals from cycling and using other active forms of travel and can have significant and even fatal impacts. Poor enforcement of traffic offences impacts in particular on vulnerable road users, including parents with children, those with mobility difficulties, or those who are blind or visually impaired. It was highlighted that for these individuals, poor enforcement can result in their freedom of movement being limited and therefore reduce their independence.

In an effort to review and discuss relevant areas in relation to the enforcement of road traffic offences in Ireland, the Committee invited written submissions seeking the views of various stakeholders on this topic. Stakeholders were asked to comment, among other areas, on the current prevalence or their experiences of cars parking on footpaths and in cycles lanes; the impact that this has on other road users, including cyclists, those with disabilities, and vulnerable road users like the elderly and children; and the solutions stakeholders would recommend to solve these issues and other issues relating to road traffic offences.

Above all other factors identified, witnesses emphasised to the Committee the explicit need for the enforcement of road traffic offences to be prioritised and viewed as a serious issue by enforcing bodies. The Committee was told measures like increasing fines or expanding on road traffic awareness programmes will be ineffective unless they are accompanied by consistent and effective enforcement by the bodies responsible.

The Committee also heard of ongoing work towards the establishment of an online portal, where citizens can upload dashcam footage of road traffic offences. Members and witnesses welcomed the introduction of this portal and other uses of technology

as Automatic Number Plate Recognition (ANPR) technology, which would assist members of an Garda Síochána in identifying and enforcing against road traffic offences.

The discussion surrounding the enforcement of road traffic offences and potential solutions to the issues identified are outlined in the following section.

## CHAPTER 1 - Engagement with Stakeholders

### Introduction

The Joint Committee on Justice invited submissions from stakeholders on the topic of ‘An examination of enforcement of road traffic offences’.

On 4<sup>th</sup> October 2022, the Committee held a public engagement with several of these stakeholders, as laid out in the table below:

**Table 1: List of public engagements with Stakeholders**

Organisation	Witnesses
<b>I BIKE Dublin</b>	Mr. Ciarán Ferrie, spokesperson Mr. Peter Collins, spokesperson
<b>Dublin Bus</b>	Ms. Andrea Keane, Acting CEO Mr. Gareth Quinn, Central Operations Planning Manager
<b>An Garda Síochána</b>	Assistant Commissioner Paula Hilman, Roads Policing & Community Engagement Superintendent Thomas Murphy Superintendent Seán Fallon Superintendent Seán O’Reardon
<b>Limerick Pedestrian Network</b>	Dr. Madeleine Lyes, Chair Mr. Eoin Buckley, Committee Member

The primary focus of this meeting was to allow for an engagement between the Members and stakeholders to discuss the current enforcement of road traffic offences, issues relating to enforcement and possible solutions for the issues identified.

This report summarises the engagements and the key points considered by the Committee when drafting the recommendations set out in this report.

A link to the full transcript of the engagement can be found [here](#).

## CHAPTER 2 - Summary of Evidence

In the course of the public hearing, a number of important points were raised. A summary of the main areas discussed in evidence to the Committee follows.

### 1. Need for greater enforcement of road traffic laws

Members and witnesses agreed that there is an urgent need for greater enforcement of the legislation and penalties in relation to road traffic offences. Witnesses emphasised that increased enforcement is essential, so that citizens respect the laws surrounding road traffic offences and so that pedestrians feel safe and protected by these laws.

The Committee was told that if people do not perceive that it is safe to cycle on roads, they will use private cars instead, which increases the traffic and safety issues on roads, thus contributing to a 'vicious cycle'. Witnesses highlighted surveys which have shown that over one fifth (22%) of Dublin residents do not cycle but would be interested in doing so. Similarly, it was pointed out that 75% of secondary school students in the Netherlands cycle to school, while in Ireland figures show that only 5% of secondary school students cycle to school.

It was underlined that several agencies are responsible for different elements of road traffic enforcement, and the fractured nature of enforcement hinders effective enforcement. It was pointed out that enforcement is currently split between several different groups including the Local Authorities, Gardaí, the National Transport Authority and Dublin Street Parking Services. For example, the Committee heard that Dublin Street Parking Services is in charge of enforcing parking in Dublin city but at times it must defer to Gardaí on a road traffic matter, as it may fall under their sphere of responsibility.

The Committee was told that the lack of clarity around which authorities are responsible for enforcing different offences has resulted in certain offences not being penalised and allowed for a 'culture of impunity' to develop, where motorists do not believe that they will be punished for committing certain offences. Witnesses urged



that clearer guidelines must be in place to ensure that each body is clear about the offences that they are responsible for penalising.

Witnesses argued that current levels of enforcement and penalties are simply not proportionate with the seriousness and frequency of road traffic offences. It was pointed out that in the six months between June 2021 and January 2022 only 13 fines were issued for parking in a cycle lane.

Witnesses urged that a change of approach among enforcement agencies must take place, to ensure that the breach of road traffic rules is viewed with the seriousness that it merits. There must also be a consistent approach towards the enforcement of legislation by Gardaí, as some witnesses told the Committee that enforcement of certain legislation can vary in different locations, for example, the enforcement of the Road Traffic (Traffic and Parking) (Amendment) Regulations 2019, SI 495 of 2019 in relation to dangerous overtaking of a cyclist by a car.

To encourage this shift in approach, witnesses recommended that enforcing bodies like an Garda Síochána (AGS) must receive sufficient resourcing and support, to ensure that Gardaí can devote more time to identifying and prosecuting road traffic offences. It was highlighted that the increased use of camera and other technology can also be used effectively, to assist Gardaí in prosecuting these offences (see [Point 2](#) and [Point 3](#)).

Witnesses outlined other measures which could help to improve enforcement, including:

- The Committee heard that parking on footpaths is illegal under road traffic regulations, however there is poor enforcement and even awareness about this legislative protection, meaning that parking on footpaths remains an issue. Witnesses argued that parking in a cycle lane, a bus lane or on a footpath should be considered as ‘parking a vehicle in a dangerous position’ according to the criteria under Section 55 of the *Road Traffic Act, 1961* and this offence should receive a fine and three penalty points.

- The Committee were informed that while section 81 of *the Road Traffic Act 2010* allows for CCTV to be used to prosecute some road traffic offences, it is not possible to use CCTV to prosecute offences of parking or driving in a bus or cycle lane. Some Members said that these offences could certainly be considered as examples of a vehicle being parked in a dangerous position and argued that it should be permitted to use CCTV to enforce against parking or driving in a bus or cycle lane.
- Witnesses recommended that zero-tolerance zones should be designated in certain areas, for example 'blackspots' for road traffic offences or local and residential areas. These zones would be monitored by members of community policing units who could issue penalty points to drivers parked illegally and therefore reduce the incidence of traffic offences in these areas. Witnesses suggested that this model could also be rolled out in other areas throughout the country.

In response to the discussion around enforcement, witnesses from AGS highlighted that while each Garda has discretion over how they deal with road traffic offences reported to them, Gardai generally use the 4Es approach towards handling road traffic offences, which comprises of engaging, explaining, education and, as a last resort, enforcement. The Committee was told that AGS intermittently carry out specific operations which target illegal parking and that the number of tickets that Gardai have issued for parking offences has continued to increase since 2018.

The Committee heard that AGS also works in tandem with the joint policing committees, with the three community safety partnerships in Longford, Waterford and north inner-city Dublin, with community policing teams and with Local Authorities in relation to road traffic issues within communities and to identify potential solutions to these issues. AGS also uses the 'See Something, Say Something' app in Tralee, which allows members of the public to report incidents to them and can be used to report on issues relating to road safety. The Committee was told that it is intended that usage of this app to report traffic offences would be rolled out nationally.

## **2. Current processes for reporting road traffic offences and the potential to introduce an online portal for reporting road traffic offences**

Members and witnesses discussed the internal processes and mechanisms around the reporting of road traffic offences and witnesses emphasised that these reporting mechanisms need to be improved.

The Committee was told that a significant number of traffic offences are not reported each year, as individuals often receive no further updates in relation to their complaint after they have submitted it to Dublin Bus. This can result in them believing they have wasted time in submitting a complaint in the first instance and deters them from reporting any future offences. The Committee was told that it is essential for any individual who submits a complaint to receive a response.

Witnesses also underlined that the better the reporting systems are and the more actions that are taken as a result of complaints, the more that people will report road traffic incidents, rather than deciding there is little point in reporting them. The Committee heard that this could have a knock-on effect, as the more data there is on road traffic offences, the more resources the Gardaí will be given to tackle these issues.

In response to comments around complaint handling procedures, representatives from Dublin Bus informed the Committee that any complaints reported to them are investigated seriously and that actions arise as a result of complaints e.g., additional training for a particular driver or general updates to the driver training programme. It was highlighted that under their contract with the National Transport Authority (NTA), Dublin Bus must also notify the NTA of any incidents reported to them, while a safety subcommittee within the board of Dublin Bus is also notified of any incidents.

Representatives from AGS also told the Committee that they intend to re-establish their traffic watch system, which will direct reports of traffic offences towards their control centres, rather than being directed to their telephone systems. The control centres operate on a 24/7 basis, which will allow these complaints to be dealt with faster.

**Online portal for submitting complaints of road traffic offences**

Members and witnesses discussed the potential to introduce an online portal, where members of the public could upload dashcam footage of road traffic violations to help with the identification and prosecution of these offences. It was suggested that members of AGS who specialise in roads policing and legislation could analyse the footage that is uploaded and decide where an offence has occurred and whether the video evidence would be sufficient to prosecute. Several present supported the introduction of this portal and highlighted that these online portals exist in other jurisdictions such as the United Kingdom and that evidence has shown that they have proven effective in identifying additional road traffic breaches.

Representatives from AGS informed the Committee that AGS supports the introduction of an online reporting portal, which would form part of AGS' digital strategy and digital evidence management system (DEMS). The Committee heard that active planning is underway within AGS to prepare for the introduction of online reporting portals in Ireland, including an evaluation into other jurisdictions that already use this technology and an assessment of any GDPR concerns attached to such a system.

Further preparations needed in advance of the introduction of these portals includes the need for sufficient funding for the devices; the advancement of relevant legislation the *Garda Síochána (Recording Devices) Bill 2022*, to provide for the use of this portal; and the procurement process and further development of the portal.

Witnesses estimated that an online portal could be introduced in Ireland by 2024.



### **3. Use of camera technology and Automatic Number Plate Recognition (ANPR) to prosecute road traffic offences**

Members and witnesses discussed the increased use of technology to identify road traffic offences, for example, the use of Automatic Number Plate Recognition (ANPR) and the potential use of cameras on Dublin Bus to monitor for offences.

Members and witnesses agreed that increasing the use of such technology would be invaluable, as it would help ensure that as many instances of road traffic offences as possible would be captured. An increased use of such technology would also provide an essential aid to Garda enforcement of road traffic offences and could be deployed in areas which are known to Gardaí to have a higher incidence of traffic offences.

The Committee heard that ANPR allows for a vehicle's registration plates to be scanned and cross-referenced to identify and capture road traffic offences.

Witnesses pointed out that ANPR technology is already in use in several other jurisdictions, including Belfast and the Committee heard that ANPR is already used by Gardaí to capture speeding but not to capture cars driving in bus lanes.

Witnesses recommended that this technology should be introduced into Ireland as soon as possible and it was suggested that a pilot programme using ANPR could be trialled for 12 months and the results could be evaluated and inform decisions regarding the feasibility of retaining and expanding the use of ANPR. Witnesses did not anticipate that setting up an ANPR trial would be overly costly and they told the Committee that this trial would bring significant benefits in terms of improving the average speeds in bus lanes.

The Committee was told that Dublin Bus vehicles are fitted with up to 14 cameras that have high-quality CCTV and witnesses highlighted the potential for Dublin buses to use these external cameras to capture road traffic offences as part of any trial.

Witnesses also pointed out that if the trial took place on a bus spine that aligned with the BusConnects project, this would ensure the results of the trial are as accurate as possible, given the changing bus routes planned under the BusConnects project.

It was highlighted that, in respect of data privacy concerns, further analysis may be required to design a system where the driver would initiate use of these cameras,

rather than the external cameras being constantly in use and engaging in passive surveillance.

#### **4. Education and how to introduce behavioural change amongst the public towards road traffic offences**

Members and witnesses discussed the need for behavioural change amongst the public around their involvement in committing road traffic violations, such as parking on footpaths or driving in bus or cycle lanes.

Members questioned what the best methods are to introduce behavioural change and asked whether educational campaigns would be more effective in changing behaviours than applying penalties or fines.

Witnesses underlined that increasing fixed charge penalties on its own will not be effective in deterring road traffic offences unless general enforcement against these offences also improves. Some witnesses recommended that the fines applied to those parking or driving in bus lanes should be increased, as these offences impact significantly on the ability of Dublin Bus to provide effective and timely provision of bus services. Other witnesses noted that fines for road traffic offences are reviewed regularly and that these fines have increased in recent times. Others suggested that revenue collected from road traffic offences could be ring-fenced and contribute towards enforcement measures.

In a similar manner to fixed charge penalties, the Committee heard that it is essential for there to be clear and strong enforcement of penalties for road traffic offences, in order for education campaigns around these offences to be effective. It was argued that, without clear consequences for breaching traffic regulations, people will continue to take a risk and breach regulations if they believe they will not be penalised for doing so.

Witnesses pointed to the example of average speed cameras that were installed on a section of the M7 and in the Port Tunnel and how these demonstrated the effectiveness of enforcement measures in altering driver behaviour. Prior to the installation of these cameras, around 60% of drivers were found to be complying with the speed limits. However, compliance levels rose to 89% once the cameras were installed and rose above 90% once the cameras were activated.

Witnesses also commented that safe driver behaviour is a social responsibility that every citizen must be aware of and Gardaí alone cannot be responsible for preventing road traffic offences. The Committee was told that education campaigns and programmes are still a valuable measure to help make people aware of the risks attached to their driving behaviours. It was recommended that the Road Safety Authority (RSA) campaign against dangerous parking should be upgraded and improved to help contribute towards this ongoing education and public awareness raising.

The Committee also heard of a new education project being rolled out by the Garda Síochána called the Lifesaver educational project. This was originally designed for transition year students to help educate them on the dangers of committing road traffic offences, particularly as it was acknowledged that many young people do not watch television as much and may not be seeing the traditional road safety adverts. The project can be tailored to different groups and there will be ambassadors appointed to highlight the benefits of the project. The Committee heard that feedback found that the project has been well received and that there are plans to roll it out nationally.



## 5. Additional recommendations

During the engagement, Members and witnesses also discussed the following points:

- **24-hour bus lanes**

Members and witnesses discussed the potential for there to be 24/7 designated bus lanes.

Representatives from Dublin Bus and other witnesses were in favour of 24-hour bus lanes, highlighting that travel patterns have changed, with some bus services now beginning as early as 5am. It was argued that 24-hour designation would be beneficial in terms of safety and to help protect and separate bus lanes. It would also assist with the introduction of additional 24/7 bus services in Dublin.

Those against the introduction of 24-hour bus lanes argued that there is little need to have 24-hour bus lanes when most bus services do not run 24 hours.

- **Education and training provided to bus drivers around how to interact with other road users**

In response to questions, witnesses outlined that bus drivers receive elements of training regarding how to interact with other road users, e.g., cyclists.

Witnesses informed the Committee that drivers receive classroom training and on-bus training, alongside an on-the-road evaluation of their driving, where drivers must meet a set of core skills. Drivers are also shown training videos which highlight issues around cyclist safety and the need for awareness of other road users.

The Committee heard that cyclist safety is an essential part of training for bus drivers and that part of their training consists of an integrated innovative virtual reality technology, which allows drivers to better understand the experience of cyclists on the road.

Alongside this, bus drivers also complete mandatory refresher training every two years and drivers receive an annual certificate in professional competence every year.

Witnesses said that where there are legislative or other relevant changes, information posters will be put up and updated handbooks will be distributed to drivers, to ensure that they are kept aware of all relevant changes that may impact their role.

- **Responsibility for street design and safe environments**

Witnesses told the Committee that street design and planning can also impact on the likelihood of road traffic offences being committed. For example, they highlighted how a lack of proper parking facilities around schools can result in parents parking or blocking footpaths and driveways when they drop their children at school and underlined the disruption this causes in local areas.

Representatives from AGS told the Committee that, in responding to traffic offences committed in such circumstances, they would engage with Local Authorities to try and identify solutions for the problems arising from the design of the area. This could include examining whether there would be another nearby carpark where parents could be directed to park, in order to collect or drop off their children safely.

Witnesses spoke of the need for street design to be improved, to highlight available parking locations and decrease the incidence of illegal parking.

## CHAPTER 3 - Summary of Submissions

The Committee received submissions from the following Stakeholders.

- Dublin Bus
- I BIKE Dublin
- National Council for the Blind Ireland (NCBI)
- Limerick Pedestrian Network
- An Garda Síochána
- Better Ennis

These submissions highlighted, among other areas, poor enforcement of road traffic offences by relevant authorities; the potential for an online portal for reporting road traffic offences; potential for the use of camera technology and Automatic Number Plate Recognition (ANPR) to prosecute traffic offences; and the need for increased education of the public around road traffic offences and the impact these infringements have on other road users.

## **1. Poor enforcement of traffic laws by relevant authorities and need for a changed approach towards enforcement**

The majority of submissions commented that they believe there is insufficient enforcement of traffic laws and penalising of road traffic offences. Among the offensive and dangerous road traffic behaviours highlighted by submissions include speeding; driving and parking in bus lanes; driving and parking in cycle lanes; parking and cycling on footpaths; breaking red lights; dangerous overtaking; and using a mobile phone while driving.

Stakeholders underlined that the violation of traffic laws creates unnecessary hazards for other road users, creates accessibility issues for those with disability issues and discourages others from cycling due to concerns about its safety. As one example, stakeholders argued that illegally parked cars on footpaths is a persistent and widespread issue around Ireland, in both smaller and larger areas. Submissions stated that while illegal parking often occurs when individuals stop for a short trip to the shop, bank, pharmacy etc., this still has a significant impact on those with access needs, for whom familiarity with their environment is essential to enable them to navigate around their local area independently and with confidence.

Some stakeholders argued that the lack of enforcement of parking laws has created 'a culture of impunity' and enabled a 'chronic disregard' for the law. They stressed that efforts should be made to improve the enforcement of road traffic offences. It was argued that while the Government is investing millions of euros to promote active travel infrastructure and provide alternatives to private car usage, lack of proper enforcement of traffic offences undermines this investment.

### **Need for a changed approach towards enforcement**

Submissions stated that they believe there should be a changed approach towards the enforcement of sanctions for illegal parking offences. Stakeholders pointed out that it is important to remember that footpath parking is already an illegal offence under *S.I. No. 182/1997 - Road Traffic (Traffic and Parking) Regulations, 1997* and yet it appears that this offence is often ignored. It was highlighted that while parking in a

disabled bay is viewed as anti-social behaviour, this same logic should be applied to footpath parking, which hinders mobility in a similar manner.

Stakeholders questioned whether the offence of footpath parking is taken as seriously as it should be and recommended that there should be a zero-tolerance approach adopted to footpath parking and illegal parking. Submissions said that specific zones could be selected for a zero-tolerance approach such as bus stops, access points around schools or pedestrian crossings, or that this approach could be trialled or implemented at a local level to gauge its effectiveness.

Submissions also recommended that for 'blackspots' of illegal parking, controlled parking measures should be introduced to tackle this, which would comprise of a mix of enforcement and infrastructural measures. Examples of this include adding additional double yellow lines, paid parking and permit parking in residential areas.

Other stakeholders argued that there appears to be a lack of Garda enforcement in relation to these offences and their role in enforcement can be unclear. They underlined that enforcement of these laws by relevant agencies must be consistent, pointing out that from June 2021-2022, the Dún Laoghaire-Rathdown area issued 4,208 fines for illegal parking on footpaths compared to 48 fines issued in Galway city during the same period. Stakeholders also argued against the outsourcing of parking enforcement to private companies by Local Authorities as this challenges enforcement, particularly in rural areas.

It was suggested that Local Authorities could model the approach taken in the Dublin City Development Plan to introduce a key performance indicator (KPI) to reduce stress clutter by 20% in 2022 and apply this KPI to illegal parking, in order to facilitate a consistent and solution-oriented approach by the Local Authorities towards this issue.

Commenting on the enforcement of road traffic offences, an Garda Síochána said that when engaging with a road traffic offence in the first instance, they often intervene by way of advice or caution, to provide the driver an opportunity to correct their behaviour. The Gardaí issue a large number of fines for illegal parking and they also undertake

specific operations to target illegal parking at certain times. Operation Enable is one example that is undertaken alongside disabled driving associations to address the issue of footpath misuse and disabled parking permits. It reminds motorists of the requirement to respect disabled parking bays in Dublin city centre and to draw awareness to the conditions associated with parking permits, for those who use them.

As part of this operation, Gardaí and other groups use media channels to educate and inform individuals of the need to comply with parking regulations, while also using targeted enforcement to prosecute those who are breaching regulations.

The difficulties encountered by enforcement agencies, which hinders their enforcement of traffic laws and potential solutions to these difficulties are outlined further below.

## 2. Use of camera technology and Automatic Number Plate Recognition (ANPR) to prosecute traffic offences

Several stakeholders called for the increased use of camera technology to prosecute road traffic offences.

An Garda Síochána pointed out that Section 81 of the *Road Traffic Act 2019* allows them to use CCTV evidence to prosecute for speeding, however they are not permitted to use such evidence to prosecute for other road traffic offences as parking or driving in bus or cycle lanes. In areas where speed cameras are in place, evidence speaks to their effectiveness in decreasing speeding, with the figures of people complying with the speed limit on a section of the M7 rising from 60% to 89% after the installation of average speed cameras but before the cameras were in operation. Once operational, these compliance figures rose to over 90%.

An Garda Síochána had welcomed the expanded powers proposed under the *Road Traffic (Bus and Cycle Lane) Amendment Bill 2019*, which would have allowed Gardaí to use digitally recorded data from electronic devices or CCTV as evidence of illegal parking in bus or cycle lanes. However, this legislation lapsed with the dissolution of the 32<sup>nd</sup> Dáil.

### Automatic Number Plate Recognition (ANPR)

Stakeholders highlighted that private car traffic congestion in bus lanes decreases bus reliability and efficiency, making it a less attractive alternative to driving. It was pointed out that Belfast uses automatic number plate recognition (ANPR) to fine drivers that are seen using bus lanes illegally, which is captured using on-street cameras and a car with a camera.

Submissions argued that Gardaí already use ANPR to capture speeding and recommended that an ANPR trial should be undertaken in Dublin. It was pointed out that Dublin Bus vehicles are fitted with up to 14 cameras and stakeholders suggested that Dublin buses should be permitted to use these external cameras to capture vehicles illegally using bus or cycle lanes and to pass the registration details of these

vehicles onto relevant enforcement agencies. This trial could take place over the course of 12 months, on a designated spine of the bus network to align with the BusConnects programme and it would allow relevant authorities to learn from and assess the potential effectiveness of this measure.

### Red-light cameras

Submissions also recommended that cameras should be installed at traffic light locations to identify individuals that break red lights. It was highlighted that a pilot scheme in 2010 had identified three 'blackspot' locations where traffic light cameras should be installed for this purpose, however two of these cameras have never been put in place and the third has not been not operational since 2016.

This is despite a report on this pilot programme commissioned by Transport Infrastructure Ireland (TII) which warned of significant concern over widespread red-light breaches in Dublin and the resulting impact on the safety of Luas passengers.

It was pointed out that the installation of red-light cameras also received support in the Government's 'Road Safety Strategy 2021-2030', which noted that safety cameras are an "important and effective way of increasing public compliance with lifesaving traffic legislation and deterring dangerous road user behaviours". This Strategy further included a goal to develop camera-based enforcement by the Gardaí to better ensure the safety of bus and cycle lanes and stakeholders urged that this action point should be implemented as soon as possible.



### **3. Online portal for reporting road traffic offences**

Some stakeholders recommended the creation of an online portal, to allow individuals to upload video evidence of a road traffic offence and report this crime.

Stakeholders highlighted that a similar portal has been used effectively in the UK, in particular by the West Midlands Police and highlighted that action 29 of the Government's new Road Safety Strategy 'Our Journey Towards Vision Zero', Phase 1 Action Plan 2021 – 2024 recommends exploring the feasibility of such a measure.

As this Action point was due for implementation in Q4 of 2022, submissions suggested that it may be valuable to gauge the views of relevant policing organisations in other jurisdictions as to how effective the operation of this system has been for them.

Stakeholders recommended that this portal would require a specially trained Garda traffic unit who would be tasked with examining the video evidence uploaded and assessing whether it could be used as evidence to prosecute offences.

#### 4. Increase in the fines levied for road traffic offences

Some stakeholders said that fixed charged penalty notices should increase for those who illegally park or drive in a bus lane or for those who park on footpaths. Stakeholders argued that applying fines, alongside increased education of the public ([see Point 5](#)) can help to challenge an inconsiderate culture around traffic offences that has developed.

Other submissions noted that while sanctions for road traffic offences are frequently reviewed and have increased in recent times, they believe increased fines are ineffective unless general enforcement improves.

An Garda Síochána also recommended that the approach towards placing of parking notices on vehicles should be amended. It was highlighted that while Fixed Charge Notices (FCN) are no longer permitted to be placed directly on an offending vehicle, this means that members of the public will not be aware that a vehicle that is demonstrably breaching traffic laws has already received a ticket. It was argued that placing FCNs on vehicles was valuable in that they acted as a visible deterrent to other drivers that had considered parking illegally and also demonstrated to members of the public that Gardaí had acted and sanctioned an offending vehicle.

An Garda Síochána suggested that legislation should be updated to allow a warning notice to be placed on an offending vehicle, rather than an FCN, which they believe would significantly assist with their enforcement of traffic offences. As an example, they suggested this notice could read as 'GARDA NOTICE – This vehicle is parked illegally, please remove it immediately, a fixed charge notice will be issued'.

## **5. Need for increased education of public on the detrimental impact of road traffic offences**

The majority of submissions underlined their belief that there should be an enhancement in the educational campaigns around road traffic offences for members of the public, to promote good driver behaviour and to educate the public on the impact of inconsiderate driver behaviour on vulnerable road users.

Submissions outlined that educating the public should focus on changing the ingrained behaviours and habits of drivers. This would involve identifying the drivers' motivation in parking inappropriately and identifying any potential triggers that would encourage them to park correctly. For example, some submissions pointed out that many drivers commit offences thinking that they are being responsible without understanding the difficulties their actions may cause for vulnerable pedestrians. e.g., removing themselves from flowing traffic by parking briefly on a footpath. Other measures to help encourage this behavioural shift include introducing deterrent signage to signal to drivers the impact that illegal parking has on those with access needs.

Stakeholders said that it is essential for the authorities who carry out the enforcement of traffic offences to understand the gravity of these offences and the implications and dangers of not enforcing these offences for other road users. It was recommended that there should be continuous training and engagement with an Garda Síochána to improve their understanding of the importance of access and mobility for vulnerable groups. Stakeholders hoped such training would contribute towards the adoption of a zero-tolerance approach to illegal parking by Gardaí.

### Awareness campaigns

Several submissions highlighted the need for increased or upgraded awareness campaigns to improve the understanding of the public around road traffic offences. Some stakeholders referenced the Road Safety Authority (RSA) campaigns around dangerous parking on footpaths & in cycle lanes. This campaign should be upgraded to focus on the illegality and human cost of footpath parking and should be advanced by the Local Authorities and local businesses.

The National Council for the Blind Ireland (NCBI) stated that they would welcome the opportunity collaborate with the RSA on a national awareness campaign urging drivers to park considerately and to keep footpaths safe for people who are blind or vision impaired. They recommended that other disabled persons organisations (DPOs) be included in such a project.

## 6. Additional recommendations

Submissions outlined the following additional measures that they believed would be useful regarding effective enforcement of road traffic offences:

- Physical segregation of cycle lanes and footpaths:** Submissions recommended that there should be physical separation of cycle lanes from the road and footpath, which should use raised kerbs or bollards to make them identifiable. This is important so that disabled individuals have specific space on the footpath for them to utilise without the worry of using a space shared with cyclists. This would also prevent cars from entering or parking in cycle lanes. These separate lanes should provide access to emergency vehicles at all times.
- Gardaí should patrol and enforce by foot:** Gardaí should patrol by foot or use sustainable transport methods when detecting traffic offences, as this would improve their awareness of the issues that vulnerable road users face and demonstrate that enforcement is being carried out.
- Deter the use of mobile phones while driving:** Submissions highlighted evidence which found that almost a quarter of drivers check their phones while driving and one in ten drivers regularly text while driving, despite the fact that driver distractions could result in almost 1,400 fatal and harmful collisions per year. Stakeholders recommended that there be enhanced enforcement against this widespread issue. It was suggested that Gardaí patrolling on bicycles would be well placed to spot drivers texting and would find it easier to reach these drivers and sanction them, than if they were patrolling by car or by foot.
- Clear division of responsibilities:** There should be a clear division of responsibilities between the bodies that enforce traffic laws to guarantee effective enforcement.

- **Enforcement of 30km/h limit:** Penalties for speeding in a 30km/h zone must be enforced, as this limit in urban areas reduces fatalities and injuries and improves traffic flow. It was highlighted that:
  - At speeds of 60km/hr 9 in 10 will die
  - At speeds of 50km/hr 5 in 10 will die
  - At speeds of 30km/hr 1 in 10 will die
- **24/7 Bus Lane designation:** Dublin Bus recommended that bus lanes should be designated as bus lanes 24/7, rather than at certain times of the day. They argued that this would make enforcement easier, allow for increased 24/7 bus services and should be implemented immediately.
- **Adequate resourcing:** There must be adequate resources provided towards this issue of road traffic enforcement, that should be proportionate to the scale of the problem. This could include resourcing of community policing initiatives and Garda cover to allow for increased Garda presence and act as a deterrent towards offenders.
- **Traffic wardens:** Stakeholders recommended that traffic wardens should be empowered to penalise footpath parking or illegal parking, as they found that traffic wardens appear to focus on, for example, applying sanctions for non-payment of parking fees rather than applying sanctions for footpath parking. It was also suggested that traffic wardens should be resourced to carry out patrols on weekends as well as weekdays and that they should be assigned to Garda stations to allow a more dedicated focus on the enforcement of traffic offences.
- **Increased use of penalty points:** Submissions highlighted that parking in an incorrect location like a cycle lane should be considered as 'parking a vehicle in a dangerous position' and should be subject to three penalty points. Limerick Pedestrian Network highlighted figures from the RSA that showed that just 0.014% of notices issued were for 'parking a vehicle in a dangerous position', while an online poll they conducted had shown 90% of respondents were in favour of increased use of penalty points for this infringement.

- **Re-introduce ‘vehicle pounds’:** The legislative authority of Gardaí should be enhanced to permit Gardaí to seize electric vehicles where necessary and ‘vehicle pounds’ or tow trucks should be re-instated to allow for the towing of illegally parked cars, particularly in the Dublin city area.
- **Update system of registering vehicle owners:** Stakeholders highlighted that the current system of registering vehicle owners is being abused, as there is no requirement to provide identification documents when registering vehicles. This can result in vehicles being registered with false names and incorrect addresses, which allows those driving them to commit parking offences without impunity. It was recommended that identification documents, recent proof of address and PPS number should be required when registering the transfer of a vehicle, allowing Gardaí to issue FCNs to the correct owners and deterring crimes being committed through use of ‘anonymous vehicles’.
- **Foreign registered vehicles:** There should be robust legislation and systems in place to address infringements by foreign registered vehicles, for example cross border protocols to allow for the prosecution and collection of fines from offending individuals.

## APPENDICES

### APPENDIX 1- ORDERS OF REFERENCE OF THE COMMITTEE

Standing Orders 94, 95 and 96 – scope of activity and powers of Select Committees and functions of Departmental Select Committees

#### **Scope and context of activities of Select Committees.**

**94.(1)** The Dáil may appoint a Select Committee to consider and, if so permitted, to take evidence upon any Bill, Estimate or matter, and to report its opinion for the information and assistance of the Dáil. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum, and may appoint a date upon which the Committee shall report back to the Dáil.

(2) It shall be an instruction to each Select Committee that—

(a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;

(b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil;

(c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 125(1)<sup>1</sup>; and

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<sup>1</sup> Retained pending review of the Joint Committee on Public Petitions



(d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—

(i) a member of the Government or a Minister of State, or

(ii) the principal office-holder of a State body within the responsibility of a Government Department or

(iii) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

(3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice to the Business Committee by a Chairman of one of the Select Committees concerned, waives this instruction.

**Functions of Departmental Select Committees.**

**95.** (1) The Dáil may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—

(a) legislation, policy, governance, expenditure and administration of—

(i) a Government Department, and

(ii) State bodies within the responsibility of such Department, and

(b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.

(2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—

(a) stand referred to the Committee by virtue of these Standing Orders or statute law, or

(b) shall be referred to the Committee by order of the Dáil.

(3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—

(a) for the accountability of the relevant Minister or Minister of State, and

(b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.

(4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—

- (a) consents to such consideration, or
- (b) has reported on such accounts or reports.

(5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—

- (a) the Committee Stage of a Bill,
- (b) Estimates for Public Services, or
- (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.

(6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.

(7) The Chairman of the Select Committee appointed pursuant to this Standing Order shall also be Chairman of the Joint Committee.

(8) Where a Select Committee proposes to consider—

- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,
- (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
- (c) non-legislative documents published by any EU institution in relation to EU policy matters, or
- (d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings, the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:
  - (i) members of the European Parliament elected from constituencies in Ireland,
  - (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
  - (iii) at the invitation of the Committee, other members of the European Parliament.

(9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—

- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and

(b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.<sup>2</sup>

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<sup>2</sup> Retained pending review of the Joint Committee on Public Petitions.

**Powers of Select Committees.**

**96.** Unless the Dáil shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

(1) power to invite and receive oral and written evidence and to print and publish from time to time—

(a) minutes of such evidence as was heard in public, and

(b) such evidence in writing as the Committee thinks fit;

(2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;

(3) power to draft recommendations for legislative change and for new legislation;

(4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—

(a) require any Government Department or other instrument-making authority concerned to—

(i) submit a memorandum to the Select Committee explaining the statutory

Instrument, or

(ii) attend a meeting of the Select Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Dáil,

and

(b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;

(5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss—

(a) policy, or

(b) proposed primary or secondary legislation (prior to such legislation being published),

for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;

(6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

(7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;

(8) power to require that a member of the Government or Minister of State who is officially

responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 197;

(9) subject to any constraints otherwise prescribed by law, power to require that principal office-holders of a—

(a) State body within the responsibility of a Government Department or

(b) non-State body which is partly funded by the State,  
shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil;

and

(10) power to—

(a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and

(b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 120(4)(a).'



## APPENDIX 2 - LIST OF STAKEHOLDERS AND SUBMISSIONS

The Committee received submissions from the following stakeholders

- Dublin Bus
- I BIKE Dublin
- National Council for the Blind Ireland (NCBI)
- Limerick Pedestrian Network
- An Garda Síochána
- Better Ennis

[Submissions are available in the online version of the Committee's Report, which will be accessible at <https://www.oireachtas.ie/en/committees/33/justice/>].

## **AN EXAMINATION OF ENFORCEMENT OF ROAD TRAFFIC OFFENCES – ANDREA KEANE, ACTING CHIEF EXECUTIVE OF DUBLIN BUS**

### **Introduction**

I welcome the opportunity to set out the company's views on the enforcement of road traffic offences. Given the nature of our operations, this submission will only focus on bus lane enforcement, and potential deterrents and solutions to this issue.

Dublin Bus is the largest public transport provider in the state. Our services reflect the full spectrum of public transport connectivity in the capital ranging from orbital and radial routes to 24/7 and nitelink services. This gives Dublin Bus a keen insight into the needs of the city, its businesses and the wider community.

Sustainable high quality bus services are the backbone of urban mobility. We envisage a low-cost, frequent and zero emission service which is fully integrated with a suite of flexible transport solutions that make door-to-door journeys for all our customers easy and enjoyable. We believe this can make a significant contribution towards making Dublin one of Europe's most sustainable cities and one of the best both to live in and to visit.

At the heart of this is the BusConnects project. It is a key part of the GDA Transport Strategy to improve public transport and address climate change in Dublin and other cities across Ireland.

Dublin Bus is assisting the NTA with the implementation of the BusConnects Dublin Area Network Redesign. We have successfully implemented Phases 1,2 and 3 of the Network Redesign, and we look forward to assisting the NTA with Phases 4 and 5 in the second half of 2022. The successful delivery of BusConnects is vital to the future of the city. It is unthinkable that such a critically important project would be undermined by bus lane violations. Today, that is a very real risk.

### **This submission highlights:**

- The importance of bus lanes in maintaining frequency, reliability and consistency of journey times
- The importance of bus lanes to the overall customer experience
- How bus lanes have helped, and continue to, make bus a more attractive option than private

### **The submission also shows:**

- Technological solutions to aid enforcement and cities which have utilised same
- Practical solutions which could be implemented almost immediately
- How Dublin Bus can facilitate implementation

Of the many causes of delays to bus services, few seem more unjust than drivers who illegally park or drive in a dedicated bus lane, triggering a slowdown for the dozens of customers stuck behind it. While improved bus lane enforcement is just one piece of the puzzle, it is nonetheless an important one. Dublin Bus is a solutions provider, and it is in this spirit that we put forward this submission

## **1. The importance of bus lane enforcement**

Millions of commuters, students, parents, and older people rely on our services every day to get to where they need to be. With transport being so vital to the city's economy and the lives of Dubliners, it is essential that we have a safe, modern, affordable and accessible public transport system operating in a congestion free city. Bus is the primary mode of public transport in the capital and will remain so. Buses help reduce traffic congestion and air pollution because they provide a more efficient way of moving people from one point to another. However, private vehicles travelling and parking in bus lanes reduces the efficiency of buses and creates unnecessary congestion.

Pre-covid our network speed at peak times was in the region of 14kmph, with substantial variations on all transport corridors. While some gains have been made due to priority and changes to traffic patterns (during and post pandemic), private transport remains extremely competitive in terms of journey times to the city, and in many cases is faster than the bus. A customer centric public transport system must have, after safety, three basic fundamentals in place. These are:

- frequency of service
- reliability of service provision and
- competitive and consistent journey speeds.

Bus lane violations threaten the delivery of these fundamentals. At a minimum our public transport network speed at peak times must increase from approximately 14kmph to at least 18kmph. Of crucial importance to this is the ability to travel freely along dedicated bus lanes. This will provide for a more efficient bus service that is a more attractive option than private car.

## **2. Automatic Number Plate Recognition**

Over many years we have seen the benefits of embracing technology in our lives and in business. At its purest form technology makes things easier to use and by design, better. We have seen the benefits of technology in the transport industry over many years leading to greater accessibility of our buses (access ramps, induction loops, audio announcements, colour contrasting interiors), zero tailpipe emissions on order, traffic light priority for buses and timely information for customers.

We are now at a time where the technology and transport industries are significantly integrating. This presents us all with opportunities, especially in the area of bus lane enforcement.

We note that Dublin City Council trialled fixed AI pole cameras in 2020 and 2021. It is our understanding that this trial was not for enforcement purposes.

We believe that a simpler solution should be examined and trialled.

ANPR stands for Automatic Number Plate Recognition. It's a technology that reads vehicle registration plates to create location data. This information is captured by scanners or cameras then cross-referenced for a range of traffic and law enforcement purposes.

Cities such as Belfast use automatic number-plate recognition to fine drivers caught in bus lanes, using on-street cameras, and a car with a camera that drives around to capture drivers illegally using bus lanes. ANPR technology is already used in Dublin, albeit not for bus lane

enforcement. Gardai already use automatic number plate recognition for speeding. All Dublin Bus vehicles are fitted with up to 14 cameras. The external cameras could capture the registration details and instantly forward them to the relevant enforcement agency.

Dublin Bus has always played a vital role in unlocking the innovative capacity of public transport in the capital. Today we stand ready to work with all partners to deliver the first ever ANPR trial in Dublin. This trial could take place on a designated spine (to ensure alignment with and support towards BusConnects) for a period of 12 months. This would provide a good proof of concept test whilst also providing operators, authority and law enforcement would good learnings.

### **3. 24/7 Bus Lane designation**

It is over 40 years since the introduction of bus lanes transformed bus services across the capital. Today they need to be protected and improved. When it comes to bus lane enhancement, we believe it would be appropriate to move away from time specific (7am-10am etc) bus lanes and towards 24-hour designation for all bus lanes on all days of the week.

This process could, and should, begin immediately. This simple step would remove areas of uncertainty and make enforcement easier.

It would also facilitate the introduction of additional 24/7 bus services in the capital. This would allow operators and customers to build on the success of 24/7 Routes 15, 39a, 41, C1 & C2, plus C5 and C6 (which are the night time service of the daytime routes C3 & C4).

### **4. Fixed Charge Notice**

It is important to note that the Fixed Charge Notice and penalty points system has operated extremely well since its introduction in 2002 and has enjoyed wide public support. During the last pre-Covid year of 2019, the Garda Roads Policing Unit issued 4,734 fines to people driving in bus lanes and 935 fines to motorists who illegally parked there.

Last February, Minister for Transport Eamon Ryan doubled the fixed-charge penalty for parking on footpaths, cycle lanes or bus lanes from €40 to €80. The fine for driving in a bus lane is currently €60.

Given the strategic importance of bus lanes to the smooth operation of services, Dublin Bus feels that it would be appropriate to look again at the fixed charged penalty with a view to increasing the fines for illegally parking or driving in a bus lane.

### **Conclusion**

This submission sets out technological and practical solutions to the challenge of bus lane enforcement. Dublin Bus stands ready to work with all partners on this important issue. We have a strong working relationship with An Garda Síochána and I want take this opportunity to thank them for their service to the country.

Bus lanes exist for a reason and that's to allow for smoother, faster movement of high-capacity buses. Without them, the advantage of using a bus would be lost in urban areas, making them less efficient and probably forcing more cars onto the road.

While the challenges being faced are clear, so too are the risks of not rising to meet them, and with continued work from all partners, I believe we can deliver the necessary solutions.

ETL\_02



Your Ref: JCJ/04/06/2022/F/06

Friday, 05 August 2022

Alan Guiden  
Principle Clerk  
Joint Committee on Justice  
Leinster House  
Dublin 2

**Re: Invitation to make Written Submission**

Dear Mr Guiden,

Thank you for your invitation of the 18<sup>th</sup> July, 2022 to make a written submission to the Joint Committee on Justice on the topic of *"An examination of enforcement of road traffic offences"*.

Please find our submission attached as requested. I hope that this is sufficient for your purposes but if you have any questions or concerns, please contact us.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ciarán Ferrie', with a stylized flourish at the end.

Ciarán Ferrie  
*On behalf of I BIKE Dublin*

Submission to the Joint Oireachtas Committee on Justice on the topic of  
*“An examination of enforcement of road traffic offences”*



**I BIKE Dublin**

July 2022

## **1.0 INTRODUCTION**

I BIKE Dublin was established in 2017 as a Direct Action group which advocates for safe cycling infrastructure for people who cycle in Dublin. Our aim from the outset has been to change the public discourse around cycling, to influence public opinion and to draw attention to the daily challenges faced by people who cycle as a result of poor infrastructure and as a consequence of the illegal use of what infrastructure does exist. And while our focus is on Dublin - the same issues and the same principles apply to towns and cities throughout the country.

We thank the committee for inviting us to make a submission on the topic of *“An examination of enforcement of road traffic offences”*. Our submission will focus primarily on the enforcement of illegal parking in cycle lanes but will also consider other illegal driver behaviour that endangers the safety of people who cycle.

Our evidence will show that there is a serious issue around enforcement of parking laws and that this has created a culture of impunity and a chronic problem with dangerous and illegal parking. This has consequences for the safety of other road users including people walking and cycling. It creates unnecessary hazards which not only endanger the lives of people currently cycling but also deter others from cycling due to concerns about safety. It is also a barrier to accessibility for people with disabilities, whether they be wheeling, walking or cycling.

The recently published Dublin Metropolitan Area Walking and Cycling Index 2021 found that 22% of people do not cycle but would like to. Women, people from ethnic minority groups and people with disabilities are disproportionately represented in this group.<sup>1</sup>

Parking in cycle lanes is not a victimless crime. In June of this year, a 3-year-old girl, travelling in a child seat on her mother’s bike, was killed in Chicago when her mother

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1

[https://www.nationaltransport.ie/wp-content/uploads/2022/05/220504-WACI22\\_DublinMetropolitanArea\\_v35\\_DIGITAL\\_v2.pdf](https://www.nationaltransport.ie/wp-content/uploads/2022/05/220504-WACI22_DublinMetropolitanArea_v35_DIGITAL_v2.pdf)

tried to overtake a vehicle parked in the cycle lane and was hit by a passing HGV.<sup>2</sup> A similar incident in Strasbourg some years ago resulted in the death of a 25-year-old woman.<sup>3</sup> The driver of the parked car was later convicted of manslaughter in recognition of the part his illegal parking had caused in the woman's death.

In Ireland, there have been at least two fatalities in the last six years where a person cycling has collided with a dangerously parked vehicle and at least one other instance where illegally parked cars were found to be a contributory factor in the death of a person cycling.<sup>4</sup> It is the view of I BIKE Dublin that this illegal and dangerous behaviour is not treated with the seriousness it deserves.

Section 55 of the Road Traffic Act describes the offence of "Parking [a] vehicle in dangerous position" and states that "*A person shall not park a vehicle in a public place if, when so parked, the vehicle would be likely to cause danger to other persons using that place*". It is the view of I BIKE Dublin that parking on a cycle lane, or in a bus lane, or on a footpath, meets the test for parking a vehicle in a dangerous position and that it should therefore incur a fine and three penalty points.

The government is currently investing millions of euro in active travel infrastructure to provide people with safe and sustainable alternatives to the private car. Without proper enforcement there will be a very poor return on that investment.

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2

<https://www.nbcchicago.com/news/local/3-year-old-girl-dies-after-moms-bicycle-hit-by-semi-in-uptown/2853448/>

3

<https://www.20minutes.fr/strasbourg/2036095-20170323-strasbourg-apres-mort-cycliste-conducteur-vehicule-gare-piste-cyclable-condamne>

4

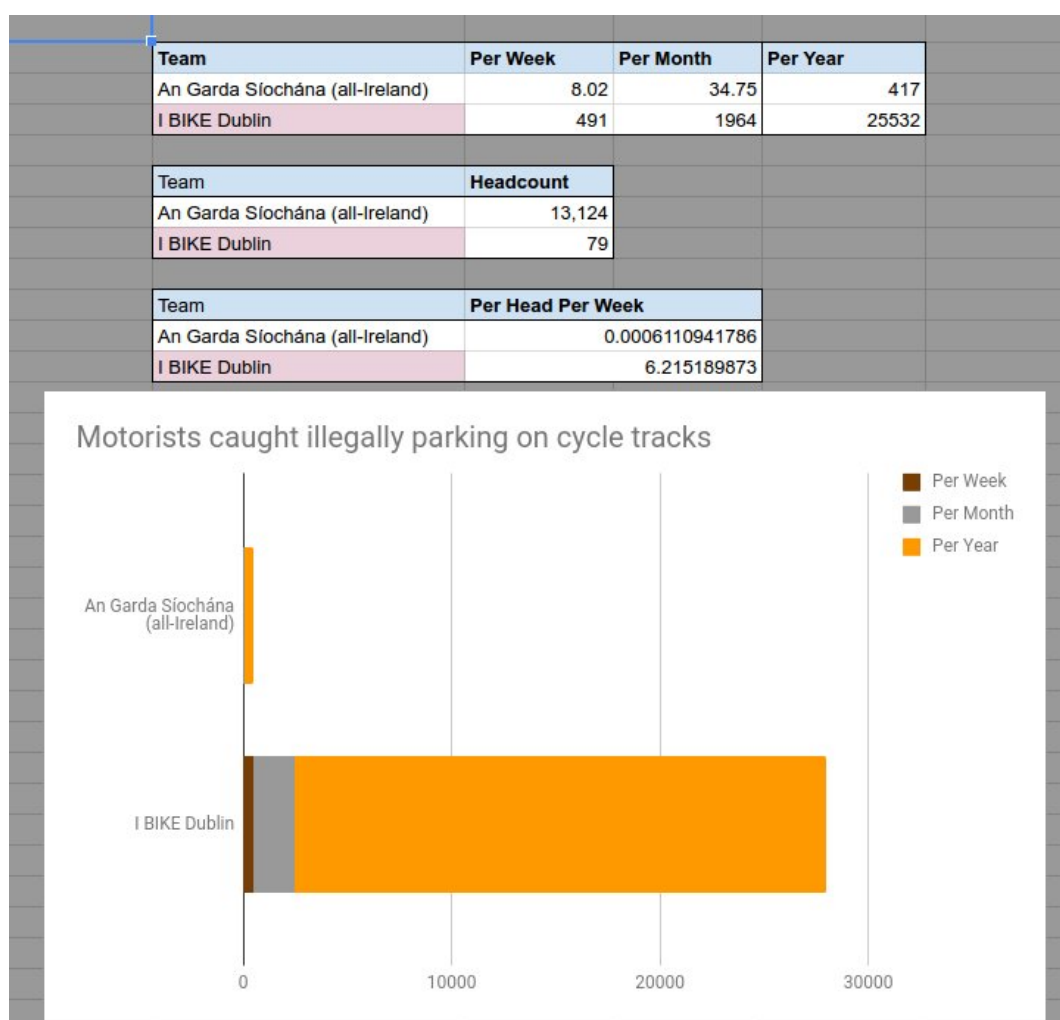
<https://www.independent.ie/irish-news/courts/motorist-found-not-guilty-over-death-of-cycling-club-member-tonya-mcevoy-40477461.html>

## 2.0 EVIDENCE

### 2.1 I BIKE Dublin public survey of illegal parking in cycle lanes - December 2017

In December 2017, An Garda Síochána reported that they had issued 417 Fixed Charge Penalty Notices (FCPNs) nationwide for illegal parking in cycle lanes in the year to date. In response, I BIKE Dublin carried out a survey over the course of one week from the 11th to the 17th December 2017. 79 people took part in the survey, recording the date, time and location of each illegally parked car identified. These were subsequently checked against operation times of the relevant cycle lanes to verify that the vehicle was indeed illegally parked.

Over the course of that one week, I BIKE Dublin identified 491 illegally parked vehicles - more in one week, in one city and with a fraction of the resources, than An Garda Síochána had identified over the entire country in the space of one year.<sup>5</sup>



Source: I BIKE Dublin

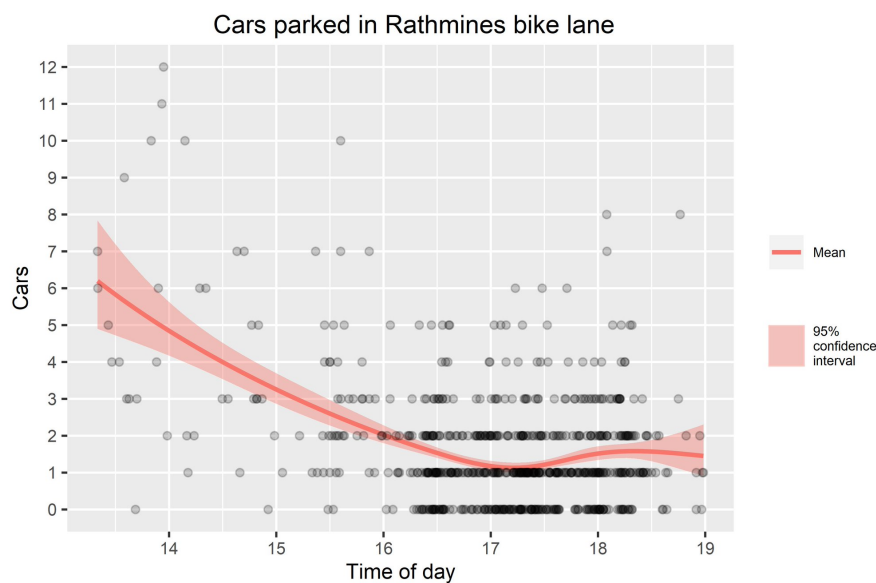
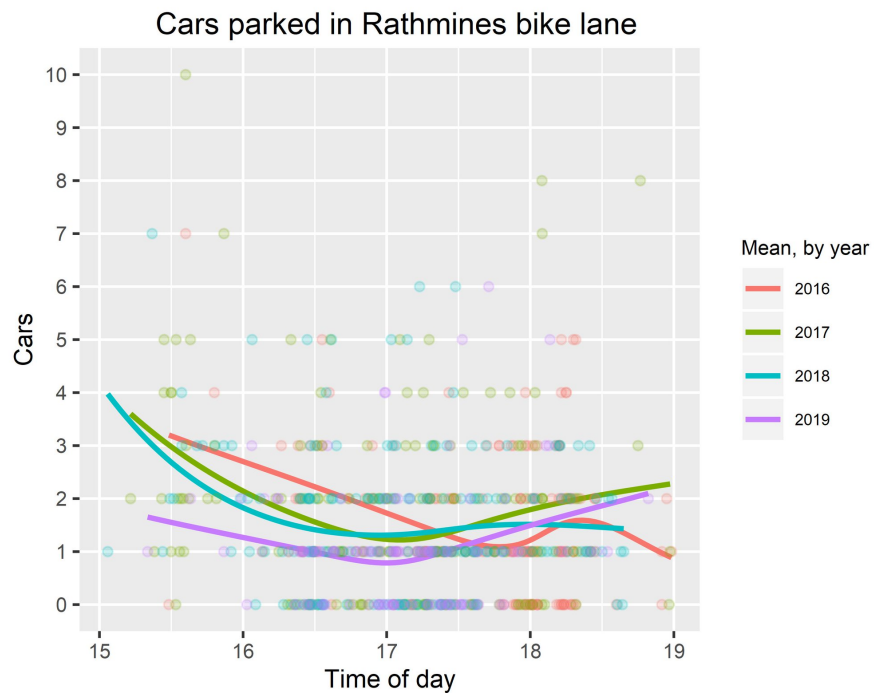
5

<https://irishcycle.com/2017/12/19/campaigners-photograph-more-illegal-parking-in-a-week-than-gardai-ticket-in-a-year/>



## 2.2 Lower Rathmines Road cycle lane count - 2016 to 2019

Over a four year period from 2016 to 2019, one of our members carried out a count of illegally parked vehicles on their daily commute on the outbound cycle lane on Lower Rathmines Road, Dublin 6. The results consistently showed illegal parking on the cycle lane on four out of every five days.<sup>6</sup> On occasion there have been as many as twelve vehicles illegally parked on the cycle lane. The instances of illegal parking over the four year period remained constant with no indication of any enforcement being carried out, despite the proximity to the local Garda Station.



Source: Data compiled by Ciarán Ferrie; graphic analysis by Neil O'Leary

<sup>6</sup> <https://www.thetimes.co.uk/article/cycle-lanes-still-blocked-by-illegally-parked-cars-qf2d83vh8>

## 2.3 Data on Fixed Charge Penalty Notices for illegal parking offences 2018 - 2021

In June 2018, the then Minister for Justice, Charlie Flanagan, said that it was unacceptable for cars to park in 24-hour cycle lanes around Dublin city.<sup>7</sup> He said that he would meet with Shane Ross, then transport minister, and Eoghan Murphy, then housing and local government minister, to address it. Four years and a change of government later, there is little evidence that anything has been done to address this.

Data released by Minister McEntee under a Freedom of Information request from Deputy Patrick Costello and Dún Laoghaire Rathdown Councillor, Oisín O'Connor, indicate that Gardaí nationwide issued just 15 fines per day to drivers for parking on footpaths or grass verges and that there has been no increase in enforcement since 2018.<sup>8</sup> No figures were given for enforcement of illegal parking in cycle lanes, however the Minister notes that figures for groups with less than 10 records are not included. We can only assume that the figures for illegal parking in cycle lanes are either too low to be included, or are rolled into other offences. In either case the level of enforcement is negligible compared to the scale of the problem.

	2018	2019	2020	2021*
Parking in a space designated for public service vehicles	4927	4495	2684	1411
Park in a Clearway/Disabled Bay	3410	3703	2842	2124
Parking on double/single/continuous white/yellow line	14502	14447	15898	11175
Parking in a restricted parking area	434	385	370	287
Parking close to road junction	427	423	411	257
Parking in a manner that obstructs an emergency vehicle	61	44	34	28
Parking in a manner that obstructs the entrance/exit to a premises/school	306	308	318	228
Parking too close to a pedestrianised zone/crossing	137	124	111	65
Parking too close to traffic lights	31	23	15	<10
Parking on a footway/margin/median strip/trading area	5667	5439	5789	5152
Parking in a manner that obstructs/interferes with/endangers the flow of traffic	1303	1408	2051	1935
Dangerous Parking	59	52	43	36

Source: Department of Justice via Patrick Costello T.D.

<sup>7</sup> <https://www.thetimes.co.uk/article/cycle-lanes-still-blocked-by-illegally-parked-cars-qf2d83vh8>

<sup>8</sup>

<https://patrickcostello.ie/2022/02/21/green-party-tds-and-councillors-question-why-gardai-continue-to-barely-enforce-illegal-footpath-parking/>

## 2.4 Data for Dublin Metropolitan Region - 2019 to 2020

In 2021, An Garda Síochána presented data on Fixed Charge Notices for the Dublin Metropolitan Region to Dublin City Council's Walking & Cycling Subcommittee.<sup>9</sup> It noted that 509 FCPNs were issued in 2019 in the region for the offence of Parking in a Cycle Lane, falling to 375 in 2020. A rate of one or two FCPNs per day for this offence falls far short of addressing the extent of the problem as identified above.

### Fixed Charge Notices in the DMR 20192020 & 1<sup>st</sup> Quarter 2021

Offence	FCN Code	2019	2020	1 <sup>st</sup> Q. 2021
Parking in a Bus Lane (Reg. Owner)	RP764	550	473	49
Parking a Bus Only Street (Driver)	RP784	1	15	3
Parking in Cycle Lane	RD004	509	375	42
Parking in Clearway	RP814A	94	47	15
Parking in a Bus Lane (Driver)	RP754	84	30	7
Cycling w/o Reasonable Consideration	R7894	173	129	12
Cycling past red traffic light	RB574	759	509	72
Dangerous overtaking of pedal cycle	RA2AO4		6	-
Attempted dangerous overtaking of pedal cycle	RA2A14		2	-

Source: *Dublin Inquirer*, May 2021

## 2.5 Dublin Street Parking Services data June 2021 - January 2022

Dublin Street Parking Services have responsibility for enforcing parking in the Dublin City Council area. Since 2021 it has had its powers of enforcement increased to include vehicles blocking paths or bus and cycle lanes. In the first eight months of operation it recorded 1,129 fines including just over two per day for parking on a footpath, 1 per day for parking in a clearway and less than one per day for parking in a bus lane. In the entire eight month period it recorded just 13 fines for parking in a cycle lane.<sup>10</sup>

Again, this shows a level of enforcement that falls far short of the scale of offences. Parking on cycle lanes, and on footpaths, is often excused on the basis that businesses need to be able to deliver goods to their premises but this can not be used as an excuse to undermine the safety and mobility of people walking, wheeling and cycling in the city. Where no loading bays exist, a strategy is required to ensure that loading and deliveries are restricted to limited time periods where there is

<sup>9</sup> <https://www.documentcloud.org/documents/20788539-garda-presentation-202105%20subcommittee>

<sup>10</sup> <https://councilmeetings.dublincity.ie/documents/s35739/Fixed%20Penalty%20Notice%20Report.pdf>

minimal impact on people cycling. This will require enforcement to ensure that these time periods are respected.

Offence	Count of Violation	% of Violation
Parking a vehicle on a footway	506	44.8%
Parking/stopping a vehicle on clearway	244	21.6%
Parking in a bus lane/during period of operation	97	19.2%
Unauthorised Parking in a Loading Bay/Private Vehicle	68	6.0%
No payment received for use of this parking bay	60	5.3%
Parking in a restricted area/except buses/coaches	57	5.0%
Parking on a double yellow line	14	1.2%
Parking in a cycle-track/ Mandatory	13	1.2%
Parking in a ""No Parking Area"" no parking sign	9	0.8%
Parking without a valid parking ticket / expired 10 min	9	0.8%
Parking at Bus Stopping Place	9	0.8%
Parking a vehicle on a pedestrianised street	8	0.7%
Parking in a disabled bay without displaying a valid permit	7	0.6%
Obstructing Traffic/ Other Parked Vehicles	7	0.6%
Parking opposite a continuous white line	7	0.6%
Parking a vehicle on a grass margin	1	0.4%
<b>Total Violations</b>	<b>1129</b>	

*FPNs by Offence 1st June 2021 to 25th January 2022. Source: Dublin City Council Parking Enforcement*

## 2.6 Enforcement of Other Offences

### 2.6.1 Speeding

#### Evidence to the Joint Oireachtas Committee on Transport - 30th June 2022

On 30th June 2022, the Road Safety Authority, An Garda Síochána and the Medical Bureau of Road Safety gave evidence to the Joint Oireachtas Committee on Transport and Communications in relation to the Government Road Safety Strategy 2021 - 2030.

The issue of enforcement was discussed at length with regard to several offences, including speeding.

It is clear from the evidence given to the committee that enforcement works. Assistant Commissioner Hillman reported 99% compliance with the speed limit in Dublin's Port Tunnel due to the presence of average speed cameras. Compliance with the speed limit on a section of the M7 improved from 60% to 89% after installation of average speed cameras, before the cameras were even operational. This increased to over 90% once the cameras became operational.<sup>11</sup>

<sup>11</sup> <https://www.oireachtas.ie/en/oireachtas-tv/video-archive/committees/6186>

By contrast, recent data released on speed surveys on Chesterfield Avenue in the Phoenix Park, Dublin have shown that, in the absence of enforcement, 97% of people are exceeding the posted speed limit.<sup>12</sup>

During the committee hearing, An Garda Síochána presented figures on speeding detections in a range of speed limit zones from 50km/h up to 120km/h. No figures were given for 30km/h areas. This echoes the recent presentation by An Garda Síochána to Dublin City Council's Walking & Cycling Subcommittee referenced above where figures for speeding detections were given for 50km/h, 60km/h and 80km/h zones but not for 30km/h zones.<sup>13</sup> It is understood that An Garda Síochána are not carrying out speed checks in 30km/h zones.

We acknowledge that in many cases 30km/h speed limits have been applied to roads that have design speeds of 50km/h or higher and that ideally we would see redesign of roads to control vehicle speeds, however in the absence of this redesign it is essential that enforcement is carried out to ensure that these roads are safe for people cycling.

## **2.6.2 Driving and Parking in Bus Lanes**

The misuse of bus lanes by people driving private vehicles not only impacts on the reliability of our public transport system but also creates an additional hazard for people cycling, especially where the bus lane is also designated as a bike lane and where no adjacent bike lane exists. This offence is commonly observed around the city.

In Belfast, misuse of bus lanes is enforced by a combination of fixed cameras, mobile cameras, police on the ground, and traffic wardens.<sup>14</sup> The introduction of similar systems in Dublin and other cities would provide much more effective and efficient enforcement than pertains currently.

The government's Road Safety Strategy 2021-2030 includes an action to "*examine the feasibility of utilising bus mounted cameras to detect and enforce illegal parking in bus lanes and if appropriate make recommendations for implementation.*"<sup>15</sup>

It is the view of I BIKE Dublin that this action should be expedited to prevent unnecessary dangers to people cycling.

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<sup>12</sup>

<https://patrickcostello.ie/2022/07/18/statement-phoenix-park-a-disaster-waiting-to-happen-foi-reveals-97-of-motorists-are-speeding/>

<sup>13</sup>

<https://www.documentcloud.org/documents/20788539-garda-presentation-202105%20subcommittee>

<sup>14</sup> <https://www.nidirect.gov.uk/articles/enforcement-bus-lanes-and-bus-only-streets>

<sup>15</sup>

[https://www.rsa.ie/docs/default-source/default-document-library/government\\_road\\_safety\\_strategy\\_2021\\_2030\\_13th\\_dec21\\_final.pdf?](https://www.rsa.ie/docs/default-source/default-document-library/government_road_safety_strategy_2021_2030_13th_dec21_final.pdf?)

### 2.6.3 Breaking red lights

In May of this year, the Irish Times reported that cameras to catch motorists breaking red lights at a notorious blackspot has lain idle for more than five years despite the National Transport Authority being warned they were crucial in preventing “serious injury or even death”.<sup>16</sup>

The pilot scheme was set up in 2010 but was never installed in two of three locations identified and in the third location, Blackhall Place, the camera has not been switched on since 2016.

In a report on the pilot, Transport Infrastructure Ireland (TII) warned of a “major concern” about the safety of Luas passengers as a result of widespread red-light running in the capital. They recommended that red light cameras were crucial in preventing serious injury or death. The breaking of red lights presents a particular risk to people cycling.

The Irish Times also reported a Department of Transport official saying that the Gardai and Dublin City Council have “identified a number of areas in Dublin where more cameras need to be installed, feeding directly into the PULSE system”.<sup>17</sup>

The government’s Road Safety Strategy 2021-2030 identifies safety cameras as an “important and effective way of increasing public compliance with lifesaving traffic legislation and deterring dangerous road user behaviours”.<sup>18</sup> The Strategy has an action to “further develop camera-based enforcement by the Gardaí, including at junctions and for management of bus/cycle lanes, building on existing and recent legislation through establishing suitable cross-agency administrative arrangements; and, where any legislative issues are identified, to consider and develop agreed proposals to remedy them.”

It is the view of I BIKE Dublin that the evidence for the efficacy of red light cameras is overwhelming and that the action identified in the Road Safety Strategy be implemented without delay. It is our understanding that there is no legislative barrier to the implementation of the cameras.

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<sup>16</sup>

<https://www.irishtimes.com/news/crime-and-law/red-light-cameras-lying-idle-at-dublin-blackspots-despite-safety-warnings-1.4885311#>

<sup>17</sup> <https://irishcycle.com/2022/03/30/irelands-only-two-red-light-cameras-left-idle-for-nearly-7-years/>

<sup>18</sup>

[https://www.rsa.ie/docs/default-source/default-document-library/government\\_road\\_safety\\_strategy\\_2021\\_2030\\_13th\\_dec21\\_final.pdf?](https://www.rsa.ie/docs/default-source/default-document-library/government_road_safety_strategy_2021_2030_13th_dec21_final.pdf?)



#### 2.6.4 Dangerous overtaking

In 2019 the then government introduced a new offence of dangerous overtaking of a cyclist. In the first two years of its implementation there were 47 Fixed Charge Notices issued. (Ref: Acting Minister for Justice, Heather Humphreys in response to a parliamentary question by Deputy Marc Ó Cathasaigh).<sup>19</sup>

Dangerous overtaking is a common experience for people cycling in Dublin. Many have resorted to affixing cameras to their bikes or helmets to record evidence of dangerous driving behaviour however the process of reporting can be time-consuming and frustrating and there have been reports of cases that have never been followed up, or cases where video evidence hasn't been accepted by An Garda Síochána.<sup>20</sup>

Deputy Ciarán Cannon has called for a dedicated portal for the submission of video evidence from cyclists and other users, and for a specially trained Garda traffic unit to be set up to examine footage which could be used as evidence in bringing forward prosecutions where offences have occurred.<sup>21</sup> We support this call.

#### 2.6.5 Parking on footpaths

Every year, in September, the Disability Federation of Ireland runs its #MakeWayDay campaign to highlight the needs of people with disabilities in public space.<sup>22</sup> It works with Local Authorities and voluntary groups to raise awareness of the issue and identifies cars illegally parked on footpaths as the number one access issue for people with disabilities moving around our towns and cities.

Each year, An Garda Síochána supports the campaign and we see a flurry of enforcement. Sadly, for the remaining 364 days of the year that enforcement is sorely lacking and, unfortunately, the Gardaí themselves are regularly seen in breach of the law.<sup>23</sup>

As with the offence of parking in cycle lanes, an absence of enforcement has created a culture of impunity and a chronic disregard for the law.

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<sup>19</sup> <https://www.oireachtas.ie/en/debates/question/2021-09-28/566/>

<sup>20</sup> <https://www.irishtimes.com/news/ireland/irish-news/punishment-passing-cyclists-claim-some-drivers-overtaking-too-close-on-purpose-1.4137530>

<sup>21</sup> <https://www.advertiser.ie/galway/article/121576/video-footage-from-cyclists-needs-a-specialised-garda-portal-says-cannon>

<sup>22</sup> <https://www.makewayday.com/about/>

<sup>23</sup> <https://dublininquirer.com/2022/07/06/across-the-city-gardai-park-on-footpaths-and-double-yellow-lines-and-residents-seethe>

### **2.6.6 Using a Mobile Phone while driving**

The Road Safety Authority reports that almost a quarter of drivers check their notifications on their phone while driving and that driver distraction could be a contributory factor in over 1,400 fatal and injury collisions annually.<sup>24</sup> An Garda Síochána reports that 1 in 10 drivers admit to regularly texting while driving.<sup>25</sup> This behaviour is something that is very evident from the perspective of a person on a bike and if anything, our experience would suggest that these numbers are at the conservative end. The current level of enforcement is clearly not a deterrent to this behaviour.

The enforcement of mobile phone use in urban areas would be greatly enhanced by the presence of bicycle-mounted gardaí on the streets, especially at peak times where a garda on a bike can manoeuvre through the streets much more quickly than if they were on foot or in a car and where they would have an advantageous position from which to detect mobile phone use by drivers.

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<sup>24</sup> <https://www.rsa.ie/road-safety/campaigns/mobile-phones-and-distractions>

<sup>25</sup> <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press-releases/2021/april/garda-and-the-rsa-urge-drivers-to-put-the-phone-away-while-driving-this-may-bank-holiday-weekend.html>



### **3.0 RECOMMENDATIONS TO THE COMMITTEE**

The most significant problem with enforcement in Dublin is the fractured nature of its operation. The local authorities, An Garda Síochána and, to a degree, the National Transport Authority, all have responsibility for enforcement of driver behaviour and it is often unclear where the lines of responsibility lie. The result is that many offences fall between the cracks - especially those that may be perceived as being of a less serious nature. This leads to the kind of widespread disregard for the law described above.

In the Dublin City Council area, parking enforcement has been carried out by Dublin Street Parking Services (DSPS) since 2004. They state that they “strive to promote sensible parking in order to reduce traffic congestion”. While reducing traffic congestion is a worthy aim in itself, it is telling that DSPS does not see itself with a role in protecting the safety of the citizens of the city through the prevention of dangerous and obstructive parking. The recent expansion of the powers of enforcement of DSPS is welcome but resourcing falls far short of what is necessary given the scale of the problem.

We recommend the following:

- That there be a clear division of responsibilities between the various bodies responsible for enforcement
- That those carrying out the enforcement are trained to understand the seriousness of the offence and the danger that it causes for people walking and cycling
- That there be a significant ramping up of resources to a level that is more appropriate to the scale of the problem
- That those enforcing the law do so on foot and by bike as well as by motorised vehicle. Moving around the city on foot and by bike will provide a better understanding of the impact of the illegal behaviour, will allow for more agility and speed of movement in a city where the average vehicular speed can be less than 10km/h at peak times, and will improve visibility both for the enforcer to see infringements and for citizens to see enforcement being carried out.

We note that fines for road traffic offences are regularly reviewed and that there have been increases in some fines in recent months. These increases will only be effective if enforcement improves.

We also recommend the following measures related to other offences:

- Ensure that speeding in 30km/h areas is enforced
- Bus mounted cameras to enforce illegal use of bus/cycle lanes
- Cameras installed at traffic light locations to detect red light breaking
- A portal for reporting road traffic offences using video evidence along with a specially trained Garda traffic unit to examine the evidence.
- Loading/deliveries strategy which ensures cycle lanes are not used for loading, especially at peak school times.

In addition to the recommendations above we note the Traffic Wishlist prepared by Dublin City Council in July 2020 which was presented to Eamon Ryan, Minister for Climate Action and Communications Networks and Minister for Transport at a meeting on 31st July 2020.<sup>26</sup> It included the following specific requests with regard to enforcement:

- *Increase the current de-clamp and tow-away charges of €80 and €160 respectively. These charges were essentially set back in 1998 when clamping was first introduced on public roads. The CPI has increased by just under 50% since 1998.*
- *Apart from a general increase there is a need for an additional increase to provide for higher de-clamp and tow-away charges in the case of vehicles parked illegally in loading bays, bus lanes, cycle lanes, on footpaths and in clearways.*
- *Provide for camera based enforcement for red light running and for illegal use of bus lanes to be carried out by the NTA with the local authority installing the equipment. AGS were enforcing red light running using City Council equipment for a short period at one location but have stopped doing it. There is no legislative provision for the use of cameras for enforcing bus lane restrictions.*
- *Provide increased and dedicated Garda resources for enforcement of loading/unloading/cycle lane/bus lane, footpath and clearway parking restrictions.*
- *Change the legislation regarding the HGV cordon to facilitate enforcement. (It is currently not being enforced due to the requirement to observe a HGV passing a road sign). Also there is a need to specifically allow the local authority to impose conditions based on environmental considerations for HGV permits (e.g. by specifying the use of less polluting vehicles).*
- *Provide for specific contraflow cycling signage and associated requirements, to facilitate contraflow cycling on quiet roads without the need to provide specific protection.*
- *Amend the regulations regarding speed limits and the advice concerning the 30 km/h speed limit, which is meant to be self-enforcing. AGS are not enforcing the current 30 km/h speed limit.*

I BIKE Dublin recommends that all of the above requests be delivered to ensure the safety of all road users and to create a safer and more attractive urban environment where people of all ages and abilities can choose to walk or cycle without fear of injury or worse.

End.

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<sup>26</sup> <https://www.documentcloud.org/documents/20788688-wishlist-july-2020>



**Working for People with Sight Loss**

# NCBI Written Submission to Joint Committee on Justice

## 1. Introduction

1.1 Illegally parked cars on footpaths, can be perilous for pedestrians with access needs as they are often forced off the footpaths to walk onto the busy road alongside vehicles placing them at extreme risk. In a recent campaign by the Road Safety Authority, motorists were asked to understand the impact illegal parking can have on other road users especially people with disabilities, and that they have a responsibility to ensure their vehicle is parked safely at all times. Parking in a dangerous position, even if it is only for a short period, is unsafe and illegal.<sup>1</sup>

1.2 NCBI welcome the opportunity from the Joint Oireachtas Committee for Justice, to prepare and respond to this consultation on the examination of enforcement of traffic offences. However, NCBI would also like to highlight other significant problems associated with this specific topic, which NCBI recommend that the Committee would also investigate. These issues include:

- Drivers of cars and cyclists failing to stop when traffic lights are red.
- Cycling on footpaths.

1.3 Both actions are of grave concern for people who are blind or vision impaired trying to navigate across a road and on footpaths, causing anxiety, and negatively affects their confidence and independence, which could lead to isolation and depression.

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<sup>1</sup> Road Safety Authority and An Garda Siochana Remind Drivers to Park Responsibly: Fingal News March 2021.

## 2. About NCBI

2.1 The National Council for the Blind of Ireland (NCBI) is the national sight loss agency for Ireland. NCBI works for people who are blind or vision impaired, to provide services to adults, young people and children. NCBI believes that people who are blind or vision impaired should have the same opportunities, rights, and choices as others to participate fully in society. The purpose is to enable people with sight loss in their daily lives by providing support services and training. In 2021 the number of service users who required services from NCBI was 6917. Of this figure, those under 18 was 966, age 18-65 was 2012 and those who are 65 + was 3939. The number of new referrals has continued to grow which comprised of 30% of all referrals into NCBI adult and children services. (This figure is up from 25% in 2020). 2016 Census figure indicated there were 54,810 people with sight loss in Ireland, however it is expected that this figure will rise from the 2022 Census due to the increase in aging population.

## 3. Impact of Illegal Parking on a Person with Sight Loss

3.1 Illegally parked cars on footpaths is a widespread issue in Ireland and is not confined to specific locations such as larger towns or cities. Usually, illegal parking takes place due to short stops such as accessing a bank, pharmacies etc. However, the impact of illegal parking on people who have access needs, including people who are blind or vision impaired is significant and dangerous.

3.2 Familiarity with the environment is essential for a person who is blind or vision impaired to navigate their way safely around their local area independently and with confidence. If a footpath is blocked by an illegally parked car, this disorientates the person and adds stress to their journey while attempting to navigate their way around the car and possibly onto the road.

3.3 Research conducted by TU Dublin in 2021 indicated that 46% of blind or vision impaired respondents reported being injured in a public place on multiple occasions, 44% don't feel confident avoiding obstacles & street furniture with their primary mobility aid, 70% had reduced confidence to walk and access the community due to changes in public space which occurred through 2021.

3.4 NCBI have reports from people living with sight loss who are long cane users have experienced their cane going underneath a car or tray on a utility vehicle meaning they don't have adequate preview and time to react to the vehicles presence and collide with it at a fast-walking pace. Regularly, we are told of incidents where individuals walk into open car doors, side mirrors and tow balls on vehicles that are parked on footpaths which cause injury on impact.

#### 4. Widespread Issue and Inconsistencies

4.1 Illegal parking on footpaths is a problem across the country in villages, towns and cities which has been highlighted in the NCBI Clear Our Paths Campaign.<sup>2</sup> However, there seems to be an inconsistency in the implementation of fines for illegal parking in different Local Authorities in Ireland, for example in Dunlaoighre-Rathdown there were 4,208 fines for illegal parking on footpaths whereas, in Galway City 48 fines were issued, from 2021 to June 2022. This inconsistent implementation of fines is a concern as it highlights a discrepancy in the approach by local authorities and Gardaí in different areas of the country.

#### 5. Other Groups in Society with Access Needs

5.1 Inappropriate parking of cars on footpaths is a behavioural choice some people make. Although usually temporary, this action could result in catastrophic consequences by putting other people at risk including those who are blind or vision impaired. Other groups who would be at risk, include people who use wheelchairs, people who are deafblind and parents with prams. Blocked access to footpaths for people with access needs puts them at risk of injury when having to step onto busy roads with speeding vehicles.

#### 6. Key Potential Solutions Recommended by NCBI

##### 6.1 Encourage Behaviour Change

6.1.1 "Safe parking is an essential part of safe driving" according to the CEO Road Safety Authority, Mr. Sam Waide.

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<sup>2</sup> NCBI Clear Our Paths Campaign.

6.1.2 The fundamental issue is to try to encourage behaviour change which is about altering habits and behaviours for the long term.<sup>3</sup> In the case of people parking in places which block the pathways for people with disabilities, including people who are blind or vision impaired, identifying the drivers' motivation, their ability to do the right thing, and the potential triggers to encourage them to choose the right action is important.<sup>4</sup>

6.1.3 This perhaps is the biggest challenge and requires additional measures to assist the psychological shift such as the introduction of deterrent signage to alert drivers to the risks posed for people with access needs as a result of their illegal parking.

## 6.2 Appropriately Segregated Footpaths, Cycle Lanes and Roads

6.2.1 Segregated cycle lanes separate the cycle path from the road and footpath, providing a lane solely for use by cyclists and footpath for pedestrians. Cycle lanes should be segregated using raised kerbs, or bollards.<sup>5</sup> Appropriately segregated footpaths, cycle lanes and roads allow people with disabilities including people with sight loss to enjoy specific space assigned for pedestrians and not have the concern of cyclists sharing the same space. All segregated cycle lanes must have clear contrast, kerb edges and bollards in place to ensure they are clearly identifiable for people with sight loss. It should be noted that shared spaces are not favoured by people who are blind or vision impaired due to the potential risk to their safety caused by unclear delineation of space.

## 6.3 Additional Parking Spaces in Busy Locations

6.3.1 Additional parking bays in busy locations should be considered, if possible, which would influence parking behaviour. The availability of a specific, short term, additional parking space could reduce illegal parking and risk to people with disabilities including people with sight loss. This should be accompanied by a review of available parking by local authorities.

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<sup>3</sup> Theories of Behaviour and Behavioural Change across the social and behavioural sciences: a scoping review. (R. Davis, R Campbell, Z Hildon, L Hobbs) 2015.

<sup>4</sup> B J Fogg. A behavior model for persuasive design, Proceedings of the 4th International Conference on Persuasive Technology, April 2009 Article No.: 40, Pages 1–7.

<sup>5</sup> National Transport Authority 2012.

#### 6.4 Additional public transport and 'Park and Ride' Schemes

6.4.1 Reducing the numbers of people relying on cars to access local amenities could also help to address illegal parking. Ensuring there are affordable and accessible public transport routes could help to address the issue while also having a positive impact on the climate crisis. Additional investment in 'Park and Ride' services would also help to reduce the number of cars entering large towns and cities which would reduce pressure on parking already available.

#### 6.5 National Awareness Campaign

6.5.1 National awareness campaigns have the potential to change behaviour by addressing the negative impact certain behaviour has on society, particularly if the consequences could be damaging to a person if not fatal. The Road Safety Authority (RSA) have engaged in widespread campaigns on the safety for pedestrians (including those with access needs) and drivers. While the first phase of the National Road Safety Strategy requires the roll out of an annual awareness campaign "target the main causal factors for deaths, and serious injuries, and target high-risk groups."<sup>6</sup> there is a need for this campaign to highlight the access needs for people with disabilities in our society who cannot react quickly to a dangerous situation and are more likely to be at risk of injury or worse.

6.5.2 The Clear Our Paths Campaign run by NCBI aims to create a safer environment on our streets so that people who are blind or vision impaired can walk independently on footpaths without facing obstacles. This campaign aims to raise public awareness of the significant impact that obstacles such as illegally parked cars on footpaths. Included in this campaign are the number of fines issued by local authorities for illegal parking.

6.5.3 NCBI would welcome the opportunity to work with RSA on a collaborative National Awareness Campaign addressing the need for drivers to park responsibly to keep footpaths safe for people who are blind or vision impaired and others with access needs. This project should also include other organisations and representative groups working to support

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<sup>6</sup> [government road safety strategy action plan 2021 2024 13th dec21 final.pdf \(rsa.ie\)](#)



people with access needs, including Disabled Persons Organisations (DPOs).

#### 6.6 Additional controlled parking

6.6.1 NCBI recognises that there are known ‘blackspots’ where illegal parking caused significant challenges for pedestrians with access needs. These areas are regularly highlighted through social media and with Local Authorities and An Garda Síochána. Additional controlled parking using infrastructure and enforcement is one potential solution to addressing illegal parking in these known areas. Some examples of controlled parking measures that could be introduced by local authorities include additional double yellow lines, paid parking, permit parking in residential areas.

#### 6.7 Consistent and Appropriate Enforcement

6.7.1 Most local authorities employ traffic wardens to enforce parking regulations and issue fines. However, some Local Authorities are outsourcing parking enforcements to private companies. Outsourcing poses difficulties with illegal parking enforcement, particularly in more rural towns and villages.

6.7.2 An Garda Síochána also have authority of enforcement. In addition to fixed charges for breaching parking regulations, a driver can also be liable for penalty points. While the current penalties are welcome, there appears to be a lack of Garda enforcement nationally and the role of An Garda Síochána is unclear in communities where controlled parking measures are not in place.

6.7.3 The recent increase in fines for illegal parking was welcomed NCBI however, they must be coupled with consistent and widespread enforcement by the Gardaí and Local Authorities.

6.7.4 A similar approach as that taken in The Dublin City Development Plan to introduce a KPI to reduce stress clutter by 20% in 2022 could be taken by each of the local authorities in relation to illegal parking and would allow a consistent and solution driven approach by each local authority.

#### 6.8 Sustainable Development Goals

6.8.1 The 2030 Agenda encourages countries to integrate the Sustainable Development Goals (SDGs) into planning and policy, on both a national and international level. SDG 9 is “Innovation and Infrastructure” and SDG



11 “Sustainable Cities and Communities” are extremely relevant to the area of illegal parking and should be embedded into Phase 2 of the National Road Safety Strategy 2021 – 2030.

## 7. Conclusion

7.1 According to Chief Superintendent Ray McMahon, Garda National Roads Policing Bureau, drivers must be aware that parking on footpaths or cycle lanes is illegal and is an offence. Illegal parking on footpaths puts people with access needs in our society at extreme risk, including those who are blind or vision impaired.

7.2 NCBI welcome the examination of the enforcement of Public Traffic Offences by the Joint Committee on Justice, and recommend the following solutions:

1. Encourage Behaviour Change through the establishment of signage.
2. Appropriately Segregated Footpaths, Cycle Lanes and Roads.
3. Additional Parking Spaces in Busy Locations.
4. Additional public transport and ‘Park and Ride’ Schemes.
5. Collaborative National Awareness Campaign with relevant stakeholders including service providers and disabled persons organisations.
6. Additional controlled parking infrastructure and enforcement.
7. Consistent and Appropriate Enforcement by Gardaí and Local Authorities in similar manner to Dublin City Development Plan to reduce street clutter.
8. Embedding SDGs into Phase 2 of the Road Safety Strategy 2021 – 2030.

August 2022

## Limerick Pedestrian Network

Submission to the Joint Committee on Justice regarding “An examination of enforcement of road traffic offences.”

### About the Limerick Pedestrian Network

The Limerick Pedestrian Network is working to make Limerick better for, and because of, everyday walking. Formed in late 2019, we came together to be a voice for pedestrians and Limerick citizens who want a walkable city and county. We aim to advocate for pedestrians across the county, to develop awareness of pedestrian needs and solutions, to foster links with other community and active travel groups, and to be a source of information around best practice pedestrian infrastructure and amenities.

### Submission

The Limerick Pedestrian Network upholds the assertion of the Joint Committee on Justice “that there appears to be a disregard in relation to parking on footpaths and in cycles lanes.” Pedestrians rely on footpaths to be safe and free of obstacles that could force them into the road. Parking on footpaths particularly affects those with mobility difficulties, those who are blind or visually impaired, and anyone walking with pushchairs, children, guide dogs or using mobility aids. Cyclists rely on cycle lanes to be clear and free of obstacles which could suddenly force them to re-join the main traffic flow. Pavement parking deprives people of their liberty, keeping them trapped and significantly reducing their options for freedom of movement. It’s a serious crime that has a real effect on people. It particularly affects the people who we should want to afford the most protection, and it deprives them of some very basic rights to lead fulfilled lives. It is important to note, when exploring any potential solutions to the issue of pavement parking, that that any measures to address this issue will be those of enforcement rather than regulation, as footpath parking is already illegal in Ireland under S.I. No. 182/1997 - Road Traffic (Traffic and Parking) Regulations, 1997 which prohibits parking on a footway, a grass margin or a median strip (36,2i).

Recent studies in the United States suggest that the issue of pavement parking is particularly exacerbated by delivery drivers (both postal and food delivery) and by e-mobility vehicles. One study observed: “*We find that motor vehicles impede access far more (24.7%) than bikes (0.3%) and e-scooters (1.7%). Ride-hail and food delivery drivers disproportionately impede access. Motor vehicles often impeded other travellers’ access when dropping off or picking up people or food while double parking, parking in “No Parking” areas, or blocking driveways.*”<sup>1</sup> In our experience of the Irish context, however, there is a significant culture of residential pavement parking (wherein local drivers and

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<sup>1</sup> Anne Brown, Nicholas J. Klein, Calvin Thigpen, Nicholas Williams. Impeding access: The frequency and characteristics of improper scooter, bike, and car parking. *Transportation Research Interdisciplinary Perspectives* Volume 4, 2020, 100099, ISSN 2590-1982, <https://doi.org/10.1016/j.trip.2020.100099>.

residents park partly or fully on pavements near their own homes or place of business for long periods of time) which may be more challenging to address. We have an issue that is an offence in law but also routinely ignored. Laws that fail to protect the vulnerable and are routinely ignored undermine public confidence in our justice system. We would like to invite the committee to reflect on how this issue could be tackled. We acknowledge that the road safety authority ran a recent public information campaign on footpath parking, and we think that education is probably necessary but not sufficient to solving this problem. We acknowledge that the capacity for enforcement by An Garda Síochána and local authority-employed traffic wardens will always be limited, however we question whether 'the system' is giving the offence of footpath parking the attention it deserves.

The Limerick Pedestrian Network accepts that there is no one solution to the problem of dangerous parking on footpaths and in cycles lanes but that a multi-faceted approach involving education, enforcement and improved street design is required. We welcome the opportunity to present our proposed solutions to the Joint Committee.

We would like to highlight some local examples of the issue of pavement parking here in Limerick, in order to illustrate the nature of the problem. There are numerous examples from our members' experiences in Limerick of the impact dangerous parking has on pedestrians, cyclists, those with disabilities and other vulnerable road users such as the elderly and children. Much attention has been drawn on social & local media to the following examples but this is by no means an exhaustive list:

- Parnell St / Colbert Plaza. Limerick City & County Council (LCCC) allocated considerable funding to the redevelopment of the area in the immediate vicinity of Colbert Station. This included the addition of cycle lanes to both sides of the busy Parnell St and a pedestrian plaza in front of Colbert Train & Bus Station. The cycle lanes on Parnell St are frequently used as both waiting spots for those collecting from the station and also for those frequenting local businesses. This makes cycling in the area extremely dangerous as the cyclist will need to traverse a kerb while simultaneously observing & re-joining the main traffic flow. The pedestrian plaza outside the station is regularly used for parking for both business and personal use.
- Little William St. This small narrow lane links the busy shopping streets of Thomas St and William St. There are no public parking spaces provided on this street but it is regularly filled with illegally parked cars on both sides of the road. This forces all pedestrian users to walk down the middle of the street with cars approaching them either from the front or the rear.
- Foxes Bow. This pedestrianised area witnesses some of the worst & most dangerous illegal parking in Limerick. It is a fully pedestrianised street with limited one-way vehicular access from 6am to 11am daily. Automated bollards are raised at 11am to deny access to the street. A permanent No Entry sign and associated road markings are present at the other. This does not deter many drivers unfortunately and up to 25 cars have been counted parked or driving on this street outside the vehicular access times. As it is a pedestrianised street there are no footpaths per se and pedestrians must find safety wherever they can when cars approach.
- Murroe Village. Parking on footpaths on, and around, the pedestrian crossings on the village main street makes the safe-crossing unusable or extremely unsafe to use. This crossing

connects the Post Office to the main village shop, community health centre and Butcher's shop. Through the village forum/committee, residents have noted difficulty in crossing with buggies, with their children and the danger for older residents and those with mobility aids and disabilities. They noted this safe crossing has become a safety risk due to the dangerous parking. As many of the main street footpaths are narrow, illegal parking on footpaths throughout the village means pedestrians have to walk down onto the road and around the vehicles.

It has been observed in other jurisdictions where e-mobility is further advanced through both legislation and extensive micromobility sharing options, that pavement parking by e-scooters has caused significant additional controversy. The expected addition of e-scooters to the Irish mobility landscape will likely focus public attention on this issue, and it is thus timely for the Joint Committee to address this situation.

### Proposed Solutions

Below are a number of interconnected suggestions which the Limerick Pedestrian Network believes could have significant impact in addressing the enforcement of driving offences in relation to pavement parking in Ireland. Such behaviour is ostensibly illegal but is almost entirely unenforced (as noted below, RSA figures for June 2022 show just 94 of 679,677 notices issued or 0.014% were for "Parking a vehicle in a dangerous position"). There is also little widespread understanding of the challenges presented by pavement parking to the wider pedestrian community. Thus our suggestions relate not only to specific enforcement measures but advocate instead for a concerted approach to this problem to challenge a thoughtless parking culture.

1. Education campaign – a continuation & upgrading of the Road Safety Authority campaign in relation to dangerous parking on footpaths & in cycle lanes. In addition, Local Authorities & business / trader associations should be encouraged to back & promote the campaign. Such a campaign could focus on:
  - The illegality of pavement parking
  - The human cost of pavement parking. The majority of drivers park on the path without understanding the difficulties their vehicles are causing to vulnerable pedestrians. The average driver believes they are being conscientious in pulling their vehicle out of the flow of motor traffic, and a campaign to highlight the problems this causes would, we hope, begin to re-set this belief.
2. Increased enforcement resources – allocate additional funding to both Local Authorities and An Garda Síochána to allow them to have a greater on-street presence and to act as a deterrent. Within urban areas where traffic wardens are circulating, ensure that such wardens are empowered to penalise pavement parking. It is our experience in Limerick that traffic wardens are often focused on correcting/penalising a narrow range of illegal activity, ticketing for non-payment of parking fees but regularly not ticketing illegal parking positions. Wardens should also be resourced to patrol over the weekend, not just on weekdays.

3. A significant increase in the fines levied for pavement parking. In concert with an education campaign, this will highlight a commitment to challenging an unthinking and damaging culture.
4. Increased use of penalty points for dangerous parking. RSA figures for June 2022 show just 94 of 679,677 notices issued or 0.014% were for 'Parking a vehicle in a dangerous position'. An online poll conducted by Limerick Pedestrian Network shows there is popular support for increased use of Penalty Points with 90% of respondents in favour of penalty points being issued for dangerous parking 'on a footpath, in a cycle lane, at/near a pedestrian crossing or junction.'
5. Apply physical segregation where possible to all on-road cycle lanes preventing cars from entering or parking in the lane. Access for emergency vehicles should be maintained at all times.
6. Improved street design and public realm to clearly highlight parking locations & remove the opportunity for illegal and dangerous parking. This is typically achieved with the use of kerbside bollards but given the challenges for the visually impaired, Limerick Pedestrian Network suggest alternatives be examined.
7. Following on from examples in the UK (Traffic Regulation Orders, Temporary Orders), a valuable first intervention may be to highlight particular zones for a zero-tolerance approach to pavement parking.
  - These zones would include key sites such as bus stops, access areas around schools, pedestrian crossings, and entrances to residential estates.
  - Drawing on the suggestions above (education, enforcement, and design) we would suggest a new form of signage to highlight this zero-tolerance approach. This signage should not add further impediments on paths.
  - Where it is identified by a Local Authority that the new zero-tolerance approach may be particularly contentious, the increased use of trialling/experiment approaches by such Authorities in recent years, particularly in relation to active travel schemes and schemes during the Covid-19 pandemic, will be a useful precedent.
  - A more localised approach could also be considered: give support to a number of pilot projects in different LA areas (ideally with a mix of urban and rural milieux) which partner with relevant community groups/resident associations, local councillors, and local police to devise local solutions to the issue of pavement parking in their areas. Highlight the result of these actions and draw on these to devise a national approach.

The Limerick Pedestrian Network believes that the combination of improved driver education, better street design & strict penalties will help reduce the instances of dangerous parking on footpaths and in cycles lanes. We welcome the efforts of the Joint Committee in protecting those with mobility difficulties, those who are blind or visually impaired, and anyone walking with pushchairs, children, guide dogs or using mobility aids. We are grateful for the opportunity to submit our views to the Committee on this important issue.

*The Committee of the Limerick Pedestrian Network*



# An Garda Síochána

ETL\_06

Oifig an Choimisinéara  
Gnóthaí Corparáideacha  
An Garda Síochána  
Páirc an Fhionnuisce  
Baile Átha Cliath 8  
D08 HN3X



Luaigh an uimhir tharaghta seo a leanas  
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Garda Headquarters  
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Láithreán Gréasáin / Website:  
[www.garda.ie](http://www.garda.ie)

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CMR\_82-349503/22  
Your Ref: JCJ/04/06/2022/F/07

## **CONFIDENTIAL**

Mr. Alan Guidon  
Principal Clerk  
Committee on Justice  
Leinster House  
Dublin 2

[by email: [justice@oireachtas.ie](mailto:justice@oireachtas.ie)]

**RE: Invitation for written submission to the Joint Committee on Justice:  
An examination of enforcement of road traffic offences**

Dear Mr. Guidon,

I refer to your previous correspondence in relation to the above matter.

Please see attached submission from An Garda Síochána in relation to anti-social behaviour.

Yours sincerely,

  
**PADRAIG MULLARKEY**  
**INSPECTOR**  
**COMMISSIONER'S OFFICE**

**5 August 2022**



**Invitation for written submission to the Joint Committee on Justice on the topic of  
“An examination of enforcement of road traffic offences”**

The Committee is aware that there appears to be a disregard in relation to parking on footpaths and in cycles lanes and the serious impact this has on other road users particularly cyclists, those with disabilities, and other vulnerable road users such as the elderly and children.

The Committee welcomes proposals aimed at solving this particular issue to ensure the safe use of public pathways for all, however, it is essential that submissions are concise and to the point. Your submission should be aimed at solutions which fall within the remit of the Justice Committee and the Orders of Reference can be viewed [here](#).

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1. An Garda Síochána is committed to ensuring that our roadways, cycle lanes and footpaths are safe for all users. An Garda Síochána is aware of the impairment caused by cars parked on footpaths and cycle lanes.
2. While most local authorities employ traffic wardens to enforce the parking regulations and issue fines, members of An Garda Síochána also enforce this legislation.
3. While a large number of fines are issued for illegal parking, in line with our policy to engage with the public, interventions can often be by way of advice and caution rather than prosecution in the first instance, with the driver of the vehicle being given the opportunity to rectify parking found not to be in compliance with regulations.
4. Over the past number of years, An Garda Síochána has built on our close working relationships with the various stakeholders including associations representing persons with disabilities.
5. While the enforcement of road traffic legislation is part of the everyday work of all members of An Garda Síochána, we do periodically mount specific operations to target illegal parking which has the most detrimental effect on the most vulnerable in society. This includes parking in cycle lanes, on footpaths and the illegal use of designated disabled parking bays. An example of this is Operation Enable.

**6. Parking on Footpaths, Cycle Lanes & Related Offences**

Below is a yearly breakdown of the number of detected incidents where a Fixed Charge Penalty Notice was issued for parking on footpaths, cycle lanes and related offences. Figures have been supplied by GSAS and are as of 27/07/2022.

Offence	2018	2019	2020	2021	2022
Parking in a space designated for public service vehicles	4927	4495	2684	2497	1919
Park in a Clearway/Disabled Bay	3410	3703	2842	3044	1678



Parking on double/single/continuous white/yellow line	14502	14447	15898	14389	6514
Parking in a restricted parking area	434	385	370	371	140
Parking close to road junction	427	423	411	360	190
Parking in a manner that obstructs an emergency vehicle	61	44	34	40	14
Parking in a manner that obstructs the entrance/exit to a premises/school	306	308	318	352	166
Parking too close to a pedestrianised zone/crossing	137	124	111	105	46
Parking too close to traffic lights	31	23	15	12	<5
Parking on a footway/margin/median strip/trading area	5667	5439	5789	6749	4495
Parking in a manner that obstructs/interferes with/endangers the flow of traffic	1303	1408	2051	2320	1131
Dangerous Parking	59	52	43	45	18
Heavy Goods Vehicle -Excess Weight	<5	<5	<5	<5	<5
	<b>31264</b>	<b>30851</b>	<b>30566</b>	<b>30284</b>	<b>16311</b>

\*Figures are operational, provisional and subject to change.

\*Figures for groups with less than five records have not been included.

## 7. Operation ENABLE

Operation ENABLE is a roads policing initiative established in co-operation with the disabled driving associations (the Irish Wheelchair Association (IWA) and the Disabled Drivers Association of Ireland) and local authorities to tackle the issue of disabled parking permit, disabled parking bay and footpath-misuse. The objective of this multi-agency initiative between An Garda Síochána, Local Authorities and stakeholders, is to remind motorists of the need to respect the disabled parking bays in Dublin city centre and to remind disabled parking permit holders of the need to respect the conditions attached to the permits.

## 8. Submission 1

It is proposed to continue to confront the issue of parking on footpaths and cycle lanes through targeted enforcement and the expansion of Operation ENABLE whereby our Regional Traffic Inspectors will be asked to continue to work in partnership with Local Authorities to address problems highlighted through a multi-agency approach. Problem solving initiatives will be developed with a view to increasing compliance with parking regulations.

9. As part of Operation ENABLE all stakeholders including An Garda Síochána, Local Authorities, and advocacy groups use all media channels at their disposal to urge motorists to adhere to parking regulations to ensure access is available to all.

10. This engagement and education is followed by targeted enforcement whereby those found in breach of regulations can expect to be prosecuted.



11. The offence of illegally parking in a disabled bay is dealt with by way of a fixed charge notice for €80, rising to €120 if not paid in the first 28 days. If still unpaid after 56 days, a summons to Court is issued with a possible fine of up to €1,000 on conviction.
12. It is an offence to forge or fraudulently alter any permit, or fraudulently lend to or allow a permit to be used by any person other than the holder. An offence of this nature is subject to a maximum fine of €2,000 and or three months imprisonment.

**13. Submission 2**

Through engagement with various stakeholders, An Garda Síochána has identified a number of areas where illegal parking has caused difficulties for local communities and road users. In response special operations were undertaken in areas highlighted.

14. However, where local community groups or those representing vulnerable groups or individuals have specific concerns around traffic management or parking, we continue to ask that they raise concerns with their relevant Local Authority or local Garda Station.

**15. Submission 3**

An Garda Síochána is cognisant of the specific issues identified by the Joint Committee and will continue to work in multi-agency partnerships to address traffic management issues and will consider any recommendations or proposals arising from discussions. Multi-agency solutions to issues raised will be developed.

16. In terms of enhanced powers to enforce these categories of offences, Section 81 of the Road Traffic Act 2010 provides a list of traffic offences that CCTV evidence may be used for, for example, speeding. It is not, however, possible to use evidence from these cameras to enforce the following offences: parking in bus lanes, which is prohibited under SI 182 of 1997, Road Traffic (Traffic and Parking) Regulations 1997; parking in cycle lanes, which is prohibited under SI 274 of 1998; driving in bus lanes, which is prohibited under section 32 of SI 182 of 1997; and driving in cycle lanes.
17. An Garda Síochána welcomed the proposal of enhanced powers under the Road Traffic (Bus and Cycle Lane) (Amendment) Bill 2019. This Bill entitled an Act to amend the Road Traffic Act 2010 to make provision for the use of digitally recorded data from electronic devices of footage and / or other readings from road traffic safety cameras / CCTV as evidence of the unlawful entry into or parking in a bus lane or cycle track and to provide for related matters.
18. The Road Traffic (Bus and Cycle Lane) (Amendment) Bill 2019 lapsed with the dissolution of the Dáil and Seanad.
19. In addition to the above the following points are forwarded for consideration. These proposals are aimed at solving the issues outlined above to ensure the safe use of public pathways for all:
  - I. There is a need for increased educational awareness through social media alerts and national media campaigns to promote good driver behaviour and focus on vulnerable groups including pedestrians, cyclists and motorcyclists.



- II. Regulate the use of e-scooters by way of designation as a mechanically propelled vehicle. The existing requirements for obtaining a Learner Permit and Driving Licence will regulate the age of the user and the manner of use of the vehicle in a Public Place.
- III. Liaise with Local Authorities in the grant of Planning Permission for housing developments including Apartments and Duplex type accommodation. Adequate public transport should be available as multiple occupants in the accommodation will lead to parking issues. There are currently access issues for emergency service vehicles.
- IV. There are continuing issues with the takeover of a housing estate from a developer to the Local Authority that will lead to the implementation of Bye-Laws enforcement of disclosed breaches of the Parking Regulations.
- V. Increase legislative authority for members of An Garda Síochána to seize/tow illegally parked vehicles.
- VI. Introduce and permit illegal parking notices placed on an offending vehicle. As Fixed Charge Notices (FCN) are no longer placed on vehicles, members of the public are not aware of vehicles having received a ticket. Before this, the placing of ticket on the offending car acted as a visible deterrent to other motorists considering parking illegally. This would inform the offender there and then of their offending when they return to their vehicle. Members of the public, complainants and stakeholders would know that An Garda Síochána have taken action. If legislation was updated to mandate or allow a warning notice to be placed on the vehicle (other than a FCN) then this would assist greatly with enforcement. (eg: An A5 size notice stating 'GARDA NOTICE – This vehicle is parked illegally, please remove it immediately, a fixed charge notice will be issued')
- VII. Re-Introduce Traffic Wardens assigned to Garda Stations which would enable a more increased and dedicated focus on illegal parking particularly parking on footpaths and cycle lanes etc.
- VIII. An App outlining details of the status of all Disabled parking Permits should be added to the Garda Mobility Devices. This will assist in a proactive intervention for disclosed breaches of the Bye-Law.
- IX. The National Vehicle File is founded on legislation which was designed primarily for the gathering of revenue and has become open to abuse through online car taxation systems and the lack of requirement for any form of identification to be produced. Perhaps consideration could be given to examining the system of registering vehicle owners. Section 67 of the Finance Act, 1976, as amended currently provides the requirement for details on the transfer of vehicles to be supplied to licensing authorities. The seller of the vehicle must supply details within seven (7) days. It appears that the new owner is not required to provide details until the vehicle's road tax is expired. The offences created are also antiquated. The result is that vehicles are regularly registered using false names at addresses that are accessible to the new user of the vehicle. The car is easily taxed online without any verification that the registered owner is even a real person. Drivers of these vehicles then drive then can commit parking offences with very little consequences. The quality of data being recorded should be a consideration.



Perhaps consideration could be given to updating and making effective, relevant legislation to ensure that identification documents, recent proof of address and PPS numbers must be used when registering the transfer of a vehicle. This will not only allow An Garda Síochána to correctly issue FCNs and prosecute drivers for parking offences but would potentially reduce all kinds of crime committed with the use of these 'anonymous' vehicles.

- X. Effective legislation and cost recovery systems to deal with foreign registered vehicles are required (eg: cross border protocols to prosecute vehicle owners and collect fines).
- XI. Consideration should also be given to the reinstatement and funding of a 'vehicle pound' and tow trucks especially in the Dublin City Council area to allow for the widespread towing of illegally parked vehicles.



Mr. Alan Guidon,  
Principal Clerk to the Committee on Justice  
Leinster House  
Kildare Street  
Dublin  
D02 XR20

15th August 2022

Dear Mr. Guidon,

As per agreement with the clerk for an extension to the submission date, please find attached our written submission on the discussion theme of 'An examination of enforcement of road traffic offences' to the Joint Committee on Justice in response to your kind invitation.

Should you require further information or clarification on any matter, please do not hesitate to contact us. Thank you most sincerely for affording us this opportunity to relay our recommendations based on our lived experiences in our local community and our insights into the impact of the enforcement or lack thereof of a number of road traffic offences.

Yours sincerely,

Síle Ginnane, on behalf of Better Ennis

## Introduction

We are a small local independent placemaking and mobility group that advocates for improvements in our public realm to enhance Ennis as a healthy place where people want to live, to work, to visit. Our core group come from a wide variety of backgrounds including teaching, accountancy, business, architecture, business owners, healthcare.

We were established in 2021 in response to the COVID-19 pandemic to ensure that our streets were optimised for people to maintain their physical and mental health, while adhering to physical distancing guidelines. We were invited to become part of the Clare County Council COVID-19 Mobility Taskforce and contributed to the taskforce throughout 2021. We have hosted and contributed to a number of webinars on the subject of designing streets for better mobility, accessibility and health, and liaised with other advocacy groups throughout the country in an effort to promote awareness of the impact of mobility on the liveability of our towns and cities.

## Impact of Mobility on Quality of Life

How people are enabled to move around in their communities and within their wider region has a significant impact on their quality of life and the opportunities afforded them. Transport and mobility provides people with the opportunity to access employment, education, public and commercial services, social contact and amenities.

If we are to encourage people to improve and maintain their physical, mental and social health, we need our streets to encourage and enable physical activity, and to ensure that it is accessible for people for all ages, genders and abilities.

Road traffic has a significant adverse impact on people's health and particularly on people who wheel, cycle and walk. The design of our roads and streets over recent decades has prioritised the private vehicle and with this design comes an inherent risk of safety for vulnerable road users. This risk of safety on our roads and streets is both real and perceived and this has been recognised internationally as a significant barrier to the take up of walking and cycling.

## Enforcement of Road Traffic Offences

Enabling more people to walk, cycle and wheel in our villages, towns and cities is necessary for both our collective public health and in order to reduce our transport emissions. Allowing people to choose to walk or cycle, will mean that those who rely on their cars to get about, will have less traffic congestion to endure and improve road safety for everyone.

In that regard, the enforcement of road traffic offences is critically important. The current Programme for Government has resulted in significant investment in improved road design which will enable more people to embrace walking, cycling, wheeling but it will not work without adequate enforcement of our road traffic laws.

Our lived experience, supported by national statistics, is that there is a significant problem with the enforcement of our road traffic laws, namely that there is a lack of enforcement. Vulnerable road users are the road users most at risk from illegal parking, driver speeding, driver distraction, dangerous overtaking and this is having an impact on the safety, both real and perceived, and therefore health and quality of life of our community. Although we can speak to our experience in Ennis, we know that similar lack of enforcement compounds barriers to access and mobility for people in towns and cities all over the country.

## Specific Issues and Recommendations

1. We recognise the difficulty in resourcing An Garda Síochána and Local Authority personnel to the extent where widespread policing and enforcement of our road traffic laws is carried out and consistently applied across our towns, villages and cities. We would recommend the use of technology to help address any deficit in resources and to ensure a widespread enforcement of our road traffic laws. These could include:
  - a. A citizen-led reporting portal for breach of road traffic laws. This has been used to good effect in the United Kingdom and has been particularly championed by the West Midlands Police. Similar to the provision of dash-cam or private CCTV footage in response to public requests by An Garda Síochána, an online portal would allow people to submit photos or video footage of illegal parking or dangerous driving would assist the An Garda Síochána in enforcing our road traffic laws.



Within the government's new Road Safety Strategy 'Our Journey Towards Vision Zero', Phase 1 Action Plan 2021 - 2024, Action 29 is

*Explore the potential of an online portal for road users to upload footage of road traffic offences which could assist in prosecution*

This action is due Q4 2022 and we would hope that the Joint Oireachtas Committee on Justice could contribute to the decision-making process and future operation of such a portal, perhaps inviting submissions from relevant policing organisations and personnel in other jurisdictions to provide their experience of how best this system could work and how effective it can be.

- b. As Clare County Council, similarly to many other local authorities around the country, begin to design and deliver a cycling network, it becomes ever more important that our cycling and walking network are kept free of parked vehicles.

In Ennis, we experience people parking in our short stretches of cycle lanes and it is also a recurring issue experienced by children and parents who are part of the Ennis National School Cycle Bus. Small children have to leave the relative security of a segregated cycle lane and join car traffic, not only increasing the risk to their safety and making the journey to and from school less pleasant and enjoyable.

The strategic use of cameras to keep cycle lanes free has been used in other jurisdictions and although not feasible throughout a network, blackspots can be clearly identified and a strict enforcement of no parking in cycle lanes is an important messaging tool to emphasise the prioritisation and hierarchy of road users, as outlined in national policy and in national road design guidelines.

Transport and mobility networks are not confined within town boundaries and public transport connectivity with other towns and within our regional cities is important to the proper functioning of our society. We would therefore recommend that camera technology be used to keep bus lanes free, given the particular problem in our neighbouring regional cities of Limerick and Galway, where private car traffic congestion impacts on bus reliability and

efficiency, making it an unattractive prospect to driving.

Within the government's new Road Safety Strategy 'Our Journey Towards Vision Zero', Phase 1 Action Plan 2021 - 2024, Action 67 due Q4 2022 and we would hope that this roll out is not confined to Dublin.

*Further develop camera-based enforcement by the Gardaí, including at junctions and for management of bus/ cycle lanes, building on existing and recent legislation through establishing suitable cross-agency administrative arrangements; and, where any legislative issues are identified, to consider and develop agreed proposals to remedy them.*

2. People with Disabilities, people of older age and parents with children are disproportionately impacted by barriers to physical mobility in our built environment. Illegal parking on paths, in cycle lanes, at pedestrian crossings, too close to traffic lights, all pose particular difficulty to navigate while walking, cycling and rolling and this prevention of ease of movement has significant adverse impacts. For example, a person using a mobility aid, a child's buggy or wheelchair will find it more difficult to navigate a car parked on a path or cycle lane. A person with a visual impairment may not be aware of the obstacle in their path.

- a. Fixed Charge Notices issued for parking or stopping in a Disabled Bay numbered 3099 in 2020 nationwide and this number increased to 4143 in 2021 (in response to a Parliamentary Question 1185/22).  
Parking on a path/margin/median strip/trading area resulted in 5152 during 2021, a reduction from 5789 in 2020 and 5439 in 2019 (in response to an FOI request from Dep. Patrick Costello).

Given the widespread nature of the problems of illegal parking, these numbers suggest a lack of enforcement.

Given the adverse impacts of people parking illegally, we would recommend that a zero tolerance approach is taken to parking illegally. Parking in a Disabled Parking Bay impairs mobility but so too does parking on footpaths and cycle lanes, yet the former is accepted as anti-social behaviour within our society and the latter is often not. For example, often we see venues



providing Disabled Parking Bays, but the access paths to those same venues are impossible to navigate by disabled people, older people or children walking, wheeling or cycling due to illegal parking, a problem often compounded by increased traffic to those venues.

- b. We would like to see ongoing training and community engagement within An Garda Síochána that allows for an improved understanding of the importance of accessibility and mobility for people with disabilities, older people, children and how barriers to mobility can seriously impact on their quality of life and health. This will improve awareness and education as to the need for a zero tolerance approach to illegal parking.

Similarly, we would like to see more members of An Garda Síochána on patrol on foot or on bicycle to improve awareness of the issues experienced by vulnerable road users as they move around their communities. This will also improve perception of personal safety issues experienced by those walking, cycling and rolling in their communities.

- c. Tangentially, although the wearing of high-vis clothing is not mandatory and so the subject does not fall within Road Traffic Offences, we would like to point out that the government's new Road Safety Strategy has removed an action contained within the previous strategy to promote the voluntary use of high-vis material for pedestrians, cyclists and motorcyclists. This is most welcome, since the use of high vis clothing in improving road safety is not supported by research and evidence.

It is important that this aspect of road safety is fully communicated to all members of An Garda Síochána since the promotion of high vis clothing undermines the necessary message that drivers must avoid distraction and actively look and be alert to all road users, and that the clothing choice of vulnerable road users does not impact on road safety. This would ideally also be communicated to members of the judiciary and the Coroner's Court where discussion of a road traffic crime victim's clothing can be particularly distressing for a victim's family and one which is not supported by an evidence base.

- d. Although our Clare County Council Traffic Wardens in Ennis town centre work well to ensure smooth traffic flow and proper payment for public parking spaces, the problem of illegal parking persists throughout the town. This problem often increases during events at weekends - matches, religious services, festivals.

Adequate community policing resourcing and cover is essential to ensure that this problem is tackled to ensure that all members of our community are not disadvantaged by inaccessible streets and public space. A clear line of responsibility for illegal parking between Traffic Wardens and An Garda Síochána should be established and communicated through AGS and local authorities..

3. The statistics are stark in relation to road traffic collision fatalities arising from collisions where drivers speed. This is supported by a strong international evidence base.

\*At 60km/hr 9 in 10 will die

\*At 50km/hr 5 in 10 will die

\*At 30km/hr 1 in 10 will die

However, it is critical that the 30km/hr, used in urban settings, is enforced. The speed limit of 30km/hr in built up areas is proven to reduce fatalities, serious injury outcomes and improve traffic flow. With the increase in size and weight of private vehicles on our roads, and the force of a collision resulting from both the mass of the vehicle and the speed at which it is travelling, it is important that enforcement of our speed limits is strict and consistent.

Given that driver speeding is one of the leading causes of road traffic collision, and that the perception of safety risk as well as the actual safety risk is one of the leading barriers to the take up of active travel (thereby reducing the actual numbers of private cars on the road), we would urge that a zero tolerance approach is taken to driver speeding and that speed checks, both manual and automatic, are carried out in all settings including within 30km/hr speed limit areas.

We thank you for your attention and consideration of our submission.

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