

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



**I BIKE Dublin**

October 2022

We thank the committee for inviting us to make a presentation today. Our written submission focuses primarily on the enforcement of illegal parking in cycle lanes but also considers other illegal driver behaviour that endangers the safety of people who walk, wheel and cycle.

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 tried to overtake a vehicle parked in the cycle lane and was hit by a passing HGV. A similar incident in Strasbourg some years ago resulted in the death of a 25-year-old woman. The driver of the parked vehicle 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. It is our view that this illegal and dangerous behaviour is not treated with the seriousness it deserves.

But it is not just the danger to people who currently cycle that is at issue, illegal parking on cycle lanes creates a safety concern which deters people from cycling. We know from the NTA’s Walking & Cycling Index 2021 that 22% of Dublin residents don’t cycle but would like to. This figure is even higher for women and for people from ethnic minorities and creates a barrier to people taking up cycling.

Section 55 of the Road Traffic Act describes the offence of “Parking [a] vehicle in a 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 our view 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.

A significant issue 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 has led to a culture of impunity where people have little fear of enforcement and the law is routinely ignored.

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.

Our written submission presents several examples of evidence of a chronic lack of enforcement of illegal parking in cycle lanes which I invite the committee members to read. All of the evidence shows a level of enforcement that is negligible compared to the scale of the problem.

We have also presented evidence on various other offences which are poorly enforced at present and which impact on the perceived safety of cycling as a mode of transport.

We have made a series of recommendations, some of which are included in the government's Road Safety Strategy 2021-2030 but which have yet to be implemented. Again, we invite the committee to review those recommendations and are happy to take questions on them here.

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.

I BIKE Dublin recommends that 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, wheel or cycle without fear of injury or worse.

Thank you.