



To: The Policing Authority

Re: An Garda Síochána,  
Policing Plan 2018

By Email to: [policingplan@garda.ie](mailto:policingplan@garda.ie)

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## Submission to Policing Authority on Garda Síochána Policing Priorities Plan 2018

Cyclist.ie welcomes the opportunity to provide input into the above public consultation process initiated by The Policing Authority. This submission is made by Dr. Mike McKillen on behalf of Cyclist.ie.

We are happy to discuss these issues at any meeting.

### A. Introduction

Cyclist.ie – The Irish Cycling Advocacy Network - is an all-Island advocacy body for cycling development, consisting of a network of cycling advocacy groups, such as cycling campaigning groups in cities and towns, greenway promotional groups and bicycle festivals along with individual members.

We are the Member for Ireland of the European Cyclists' Federation ([www.ecf.com](http://www.ecf.com)) based in Brussels, itself part of the World Cycling Alliance (<https://ecf.com/community/world-cycling-alliance>). Through the ECF we have access to the European Commission and its Directorates General in the transport, justice, environment, etc. spheres.

In Ireland we have close working arrangements with the following organisations:

- An Taisce
- Cycling Ireland
- Love 30.ie
- Stop Climate Chaos
- Stayin' Alive at 1.5
- Healthy Ireland

In the case of Cycling Ireland, we act as its advocacy body in relation to road safety and every day cycling promotion leaving it to focus on the sporting side of cycling. In the case of An Taisce we assist it in writing observations to local authorities on road schemes that might impact on cycling.

Our vision is that cycling is a normal part of transport and everyday life in Ireland. Our mission is to act as a non-governmental organisation for purposes which are beneficial to the community and to be a national voice in promoting cycling as an integral part of the transport system, and as an enjoyable, healthy, low-cost and environmentally-friendly activity in its own right.

We meet regularly with Ministers for Transport and their officials in DTTAS, The Road Safety Authority, The National Transport Authority, Transport Infrastructure Ireland, Healthy Ireland, Sport Ireland, Fáilte Ireland, and a range of Local Authority road/traffic/environment division personnel.

Over the past few years we have had meetings with Garda officers in the Dublin Metropolitan Area Traffic Corps as well as in the Garda National Traffic Bureau that have helped us better to understand the role of the service. We applaud the opening up by senior management in the Traffic Corps to this stakeholder engagement.

We note with dismay that the staff complement in the Traffic Corps has been cut back from a peak of 1,200 in 2008 to less than 700 today. This has led to an unacceptable diminution in the effectiveness of road policing from the perspective of vulnerable road users. This must be addressed in the present review.

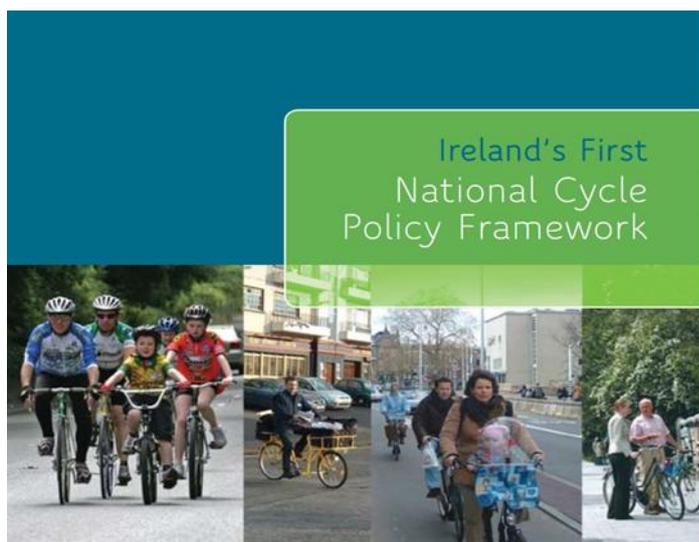
With the main emphasis of the Traffic Corps on vehicle speed exceedance, seat-belt wearing, drug-driving and distracted-driving detection on our roads the enforcement, for instance, of fly-parking in cycle tracks and bus lanes has not been given the same attention. Cyclists require cycle tracks and bus lanes that are free of fly-parked vehicles. In enacting the Regulations the Oireachtas did so in the recognition that this infrastructure is essential to provide a safer traffic environment to riders of all ages and abilities. There has been too much discretionary policing shown towards this scourge of safe and comfortable urban cycling.

We note the focus proposed by the Policing Authority for the Policing Plan 2018 in relation to Roads Policing:

<b>Roads Policing</b>	<b>Safeguarding Road Users</b>  <b>Denying Criminals the use of Roads</b>	<ul style="list-style-type: none"> <li>• Government Strategy</li> <li>• Previous Plans</li> <li>• Roads Casualties Increasing</li> <li>• Public Concern</li> <li>• Modernisation and Renewal Programme</li> </ul>
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## B. Government Policy in Relation to Every Day Cycling

Successive governments are committed to markedly increasing the number of citizens cycling to work, school and college. [National Cycling Policy Framework, 2009]  
 A target of 10% of the commuters should be cycling to work, college and school by 2020. Census 2016 shows that only 3% nationally are using a bicycle.



One direct result from the failure to meet this 10% target is that Ireland's transport emissions are far too high and it faces fines from the EU Commission by 2020 for failure to get marked modal-shift to walking/cycling.

Census 2016<sup>1</sup> revealed that 65.6% of morning commuting trips are made by car – this is unsustainable in the light of EU and internationally-binding (Paris Agreement, 2015) commitments to reduce our greenhouse gas emissions from the transport sector.

The school-run by car is the dominant trip mode in the mornings with fully 60% of primary school students being transported in this way.

Overall, those walking and cycling accounted for 25% of primary school commuters in 2016, compared with almost 50% in 1986.

The Healthy Ireland programme (Department of Health) seeks to get the population mobile by Active Travel modes in order to combat overweight/obesity.

Because very few children cycle to school, one consequence is 24% of children in the 9-year old cohort are overweight/obese [ESRI, 2011. Growing Up in Ireland]



<http://health.gov.ie/wp-content/uploads/2014/03/HealthyIrelandBrochureWA2.pdf>

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<sup>1</sup> Census 2016:

<http://cso.ie/en/csolatestnews/pressreleases/2017pressreleases/pressstatementcensus2016resultsprofile6-commutinginireland/>

In highlighting these government policies it is obvious that not enough children and adults are cycling to their schools or workplaces, respectively. One of the reasons adduced is that potential cyclists are put off by fear of riding in congested traffic.

**C. Under the objectives of the NCPF, An Garda Síochána is tasked with a range of actions to help society attain 10% modal-shift to cycling by 2020.**

In preparing The Policing Plan 2018 we would urge that these undertakings need to be reviewed and targets set.

At the outset we would urge the need to acquire 'good data' about cycling to enable the appropriate policy choices to be made

Not enough of the data acquired by AGS is useable so, for instance, it is not possible to ascertain the number of FCNs issued to drivers for traffic offences that impact on safety of cyclists [e.g. fly-parking in cycle tracks, dangerous overtaking of a cyclist, vehicle invasion of a bike-box (ASL), HGVs present in Dublin City without a valid HGV-Permit, etc.]

We still have no clear picture of the number of serious injuries (admission to an acute hospital via ED) happening to cyclists as a result of vehicle impacts on public roads. This is an unacceptable state of affairs and must be given urgency in this review process.

**Something is wrong on our roads**

10 (or 11) people who cycle have died on roads in Ireland so far in 2017 (by early June this equalled the total fatalities for 2016)

Cyclists don't throw themselves at motor vehicles in order to die. We are existentially exposed to risk of impact so we are keenly aware of that hazard but highly dependent on proper actions of drivers operating high kinetic energy machines.

Our driving position is:

- In the open
- Eyes & ears (=brain) right over the front of our vehicle so we can process traffic information rapidly – we see/feel/hear it!

There is no 'windscreen-view' getting in the way of what's really going on. That means cyclists are experientially in traffic unlike drivers who are cocooned inside a metal box!

The modern private car is designed to be an extension of the living room so distracted driving is the norm now – it's too comfortable and relaxing.

**D. The key road safety issues to get more people commuting by bike (or walking) and meet government and EU targets?**

- Inappropriate vehicle speeds (massive kinetic energy differential between 15 kg bicycle and 1,500 kg family saloon);

- Dangerous overtaking of cyclists (<1.0 m) & deliberate intimidation of riders by 'punishment-passes', horn-sounding, objects thrown from vehicle & engine revving;
- FCN quantum of charge set too low for offences that impact on cyclists' safety (€60 unchanged from 2004);
- Permit status of >5-axle HGVs in Dublin City not adequately policed;
- Fly-parking in cycle tracks is rampant during period of operation;
- Taxi drivers not required to undergo annual CPC (but sharing bus-lanes with cyclists);
- Vehicle front-end modification by bull-bars to negate EuroNCAP rating for VRU safety;
- Ignorance of traffic law among drivers:

\* In riding a bike the cyclist is driving a vehicle (UN-/Irish-law)

\* 2-Abreast cycling is permitted

\* Filtering alongside motorised traffic on inside is permitted

\* Helmets/hi-vis wearing not mandatory in law

- Poor response by investigating members to RTCs where cyclists injured by vehicle impact
- Decision not to prosecute driver is taken far too frequently (Garda or DPP?)
- Poor collection of key statistics to monitor safety of cyclists (e.g. prevalence of serious injuries under-estimated, FCNs for fly-parking not recorded);
- Mandatory-use of cycle tracks repeal (2012) reinterpreted by authorities – not accepted by cycling advocates with own legal opinion

We will deal with each of these issues in more detail below.

### **1. Inappropriate vehicle speeds (massive kinetic energy differential between 15 kg bicycle and 1,500 kg family saloon)**

RSA free-speed data for 2013<sup>2</sup>:

*"The survey found that overall driver compliance with speed limits on urban roads is still poor. On average, 3 out of 5 motorists exceeded the posted speed limit in urban areas".*

*"On urban national roads with a 50km/h speed limit, 82% of car drivers exceeded the speed limit; 46% of cars exceeded the speed limit on these roads by 10km/h or more".*

These are the roads that every day cyclists are using to commute to work, college or school. Inappropriate speed in presence of cyclists is not acceptable. It ensures that no parent will permit their child to cycle to school!

We work with our associates in @Love30ie to impress on road authorities the importance of setting lower speed limits in order to encourage more children to cycle to school

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<sup>2</sup> <http://www.rsa.ie/en/RSA/Road-Safety/RSA-Statistics/Surveys--Consultations/Speed/>

## 2. Dangerous overtaking of cyclists (<1.0 m) & deliberate intimidation of riders by punishment-passes, horn-sounding, objects thrown from vehicle & engine revving

'Dangerous Overtaking' is a statutory offence SI **182** of 1997 (s. 10).

'Dangerous overtaking' of cyclists has to be experienced to be believed!

AGS can't produce data to show extent of detection/prosecution of drivers for this offence in relation to cyclists.

It's an FCN offence - €80 + 3 Penalty Points.

Lots of video evidence from cyclists out there and yet no retrospective follow-up from AGS with drivers.

Police services in other jurisdictions are taking it seriously (UK - Met, WMP, PSNI, etc.)  
@MerPolTrafic @trafficCWMP.

Minimum Passing Distance (#MPDL) Bill needed – Deputy Ciaran Cannon (FG). Our colleague, Phil Skelton, is promoting this via his "Stayin' Alive at 1.5m" campaign.



## 3. Permit status of >5-Axle HGVs in Dublin City not adequately policed

We asked Deputy Tommy Broughan (Ind.) to ask a PQ seeking data for number of discrete stoppings of 5+-axle HGVs plying within Dublin City HGV cordon for HGV-Permit status checking.

No data available from Minister for Justice/AGS.

How many cyclists have been KSI as a result of impact with HGVs?

- Subject to permit system
- Not-subject to permit system (i.e. less than 5-axles)

Important that this data in in public arena on an annual basis and be reported at each meeting of Dublin City Transportation SPC that AGS sits on.

#### 4. Fly-Parking in cycle tracks is rampant during period of operation

#freethecyclelanes campaign (Cyclist.ie on Twitter) has been ongoing for two years but no discernible improvement right across the land:

freethecyclelanes.vool.ie shows extent of enforcement failure.

@IBIKEDublin formed 2017 to provide human-chain protection of cycle tracks in Dublin.

We monitor only 'mandatory-use' cycle tracks scoring goods- & Garda-vehicle breaches during operational periods.

Drivers must be instructed by RSA/AGS that cycle tracks are not a convenience for doing business, but a critical safety enhancement for cyclists (=children going to school!) in urban areas.

Via PQ, Minister for Justice is unable to provide us with data on number of FCNs issued to drivers for fly-parking in cycle tracks/bus lanes. We need this data to be able to monitor Garda detection/enforcement effort.

All we have is data for driving on/across a cycle track.

Penalty Point Offence	Number of Instances	
	2014	2015
Driving on/across cycle track	5	11

#### 5. Why can't AGS use video/image evidence posted by citizens to retrospectively issue FCNs to drivers who have fly-parked in a mandatory-use cycle track during period of operation?

It is being facilitated in other jurisdictions by dedicated web-servers with image upload App using geo-located/time parameters necessary to secure the conviction using the image/video uploaded by the citizen.

The FCN arrives later in the post!

#### 6. FCN quantum of charges set too low for offences that impact on cyclists' safety

A particularly low quantum of charge of just €60 remains unchanged from 2004 for many traffic offences that impact on safety of cyclists.

This is derisory – it’s a trifling business expense and no deterrent! The charge must be increased to at least €200 if we are to change driver behaviour in presence of VRUs.

Only 1 penalty-point is issued for fly-parking in a cycle track. This should be increased to 3 PP to reflect seriousness of offence.

## **7. Vehicle front-end modification by bull-bars to negate EuroNCAP rating for VRU safety**

The thrust of EU Directives on vehicle safety design is to make them more rounded, particularly at the bonnet’s leading-edge.

The EuroNCAP rating system is used to rate front-end deformability of private cars for VRU safety.

Lots of SUVs/vans/4x4s in Ireland are driving around with bull-bars that have been retro-fitted (not homologated and fitted by vehicle manufacturer).

Being non-homologated these negate the manufacturers EuroNCAP-rating. Do insurers accept this front-end modification?

Why is bull-bar retro-fitting permitted by AGS?

Why is the NCT not failing vehicles presented with bull-bars?

## **8. Taxi drivers not required to undergo annual CPC**

Taxis are in the bus-lanes with cyclists and yet as a professional driver class they don’t have to undergo annual CPC, unlike bus/coach drivers who share the bus lanes with cyclists.

Interestingly the traffic signs (below) marking bus-lanes do not show taxis are admitted on the pictogram.

Bus drivers working for Dublin Bus & Bus Éireann are subject to in-company training & penalties. Cyclist.ie helped Dublin Bus make its driver training video ‘Urban Jungle’ (2016). [<https://www.youtube.com/watch?v=4ABecwtLmUI>]

Buses have to stop repeatedly so free-speeds are not excessive; taxis and coaches do not have to stop frequently so free-speeds can be inappropriate in presence of VRUs.



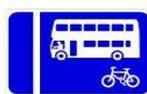
**F 360**  
Start of Nearside  
With-Flow Bus  
Lane



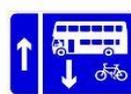
**F 361**  
Start of Offside  
With-Flow Bus  
Lane



**RUS 028**  
Nearside  
With-Flow Bus  
Lane



**RUS 029**  
Offside  
With-Flow Bus  
Lane



**RUS 030**  
Contra-Flow Bus  
Lane

### **9. Poor response by investigating members to RTCs where cyclists have been injured by vehicle impact**

Investigating Garda members seem to be unwilling to prosecute drivers where cyclist has been impacted and injured by a driver – we have specific evidence to illustrate this contention.

We need to be sure the desire for a ‘quiet-life’ isn’t institutionalised.

‘Fob-off’ by the member is instructing injured cyclist to go down the civil action for damages route. This is not acceptable.

We know that AGS is under-recording serious injuries happening to cyclists in impacts – this might be one reason for the mismatch with hospital ED data?

### **10. Decision not to prosecute driver is taken far too frequently by Garda Chief at station or subsequently by DPP**

We receive anecdotal evidence from families that their loved one’s KSI was inadequately investigated; decision to prosecute not taken by Chief at station or not proceeded with by DPP or else prosecution initiated on a trifling offence (e.g. no valid NCT, tachograph, etc.) not related to impact severity.

[This is the #RoadJustice concept]

Why are some KSI impacts not subject to proper Forensic Technical investigation of impact scene?

We attend at Coroners’ Inquests so are in court to hear Garda evidence in relation to fatalities.

Why such poor prosecutorial and judicial outcomes for cyclist KSI impacts?

We are asking academic law schools to take this on as a research project to get the hard data.

### **11. Inadequate collection of key statistics to monitor safety of cyclists**

We have touched on the key data that are needed to provide better for road safety of VRUs:

- prevalence of serious injuries under-recorded/-estimated by AGS
- FCNs issued for fly-parking not recorded separately
- FCNs issued for dangerous overtaking of cyclists not recorded separately
- FCNs issued to drivers for invasion of a bike-box (ASL) not recorded separately (offence is failure to halt vehicle behind primary stop-line)
- Number of cyclist KSIs due to HGVs, buses/coaches and SUVs/4x4s vs saloon cars not declared

Any new policing strategy has to address this road safety information deficit. The information (anonymised) should be put into the public domain in a timely fashion and presented at Transportation SPCs in each Local Authority.

The Departments of Transport/Justice, Road Safety Authority and AGS cannot make road safety policy for cycling in absence of full and sufficient data.

ENDS

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