



Paschal Donohoe, TD,  
Minister for Transport,  
Department of Transport, Tourism & Sport,  
44, Kildare Street,  
Dublin 2.

Dr. Mike McKillen,  
'The Mews',  
3, Seaview Terrace,  
Dublin 4.

25 June 2015

**Re: Proposed quantum of monetary fine for cyclists' traffic law offences**

Dear Minister,

I am writing to you on behalf of Cyclist.ie – The Irish Cycling Advocacy Network - to express my concern about the high quantum of monetary fine mooted (€50) by your officials to deal with road traffic law infractions being made by some cyclists – as compared with the fines faced by those driving motor vehicles - but please note that we do not oppose the concept of a fixed-fine regime for cyclists.

It was good to meet with you and your officials last February when this issue came up briefly in your discussions with the Cyclist.ie delegation.

As you know, Cyclist.ie is the member for Ireland of the European Cyclists' Federation (ECF) and along with three colleagues I attended its annual *Velo City* conference in France's



cycling city, Nantes, earlier this month (with over 1,500 delegates attending) which showed how our European neighbours are forging ahead with everyday cycling promotion and making their roads more cycling-friendly. The topic of fines for cycling offences was not on the conference programme. I was delighted to meet with two of your department's staff (Derek O'Neill & Miklos Berencsi) attending at this important event in the cycling calendar. It was a great opportunity for them to learn about active travel advances being made across the Globe.

While at the conference I learned that Paris is considering (as an experiment) permitting cyclists proceed ahead with caution on 'red'-phase at junctions. In other words recognising that a low mass/velocity bicycle poses little risk to other road users and 'authorising' what is already common practice (but illegal) at signalised junctions across the developed world. The very practice your proposed fine is attempting to stop!

Following that I did a 300 km cycle tour of the Loire valley on EV Route #6 with my wife and six pals only to arrive back in Ireland in the middle of National Bike Week last week to learn that your officials are putting the finishing touches to a fixed-charge fine system to deal with traffic law offences committed by cyclists. I learned next that our Garda is highlighting the soaring bike theft incidence. Hardly what one wishes to associate with a Bike Week that should be all about promotion of safer cycling for all! Bad news week rather than 'good-news'!

### **The non-enforcement of some existing driving offences in relation to proposed monetary fine for cycling offences**

The mooted monetary fine for cyclists is €50 but I have to say that it is wholly disproportionate in comparison to the paltry level of fine faced by motorised drivers for their offences that can maim or kill others, including cyclists and pedestrians. For instance a driver who parks in a cycle track (one delineated by a continuous white line) faces a fine of only €60.

- Our police force was only able to detect and punish a total of 144 drivers nationally during 2014 for this offence [by way of PQ] that really harms cyclists because *we are forced out into the fast-moving traffic stream*. If you look at our Twitter feed you will see how rampant this unpunished driving offence is:  
<http://freethecyclelanes.vool.ie/>
- Furthermore our police force fails to detect and punish dangerous overtaking of cyclists. The last parliamentary question seeking data (2010) on this offence yielded zero penalty-points issued to drivers for coming too close and fast while overtaking



cyclists. It has taken Phil Skelton to mount his 'Stayin Alive at 1.5' campaign to bring this crucial safety issue home to drivers.

That these two major offences, impinging as they do on cyclists' safety and comfort, are not taken seriously by An Garda is a scandal and does nothing to promote everyday cycling that is required by climate-change, transport emissions and health imperatives.

Then Susan Gray of PARC reveals this week that our Courts Service, Garda and Road Safety Authority are failing to levy endorsements and points onto thousands of convicted drivers' licenses. This scandal affects vulnerable road users also.

### Road Safety Strategy failing?

I would submit that the government's road safety strategy is failing (12 cyclists killed last year) and one of the reasons is that the quantum of fine for motorised driving offences is set far too low and the chance of detection is low due to Garda complement having been depleted by austerity measures. For a deterrent to work the chances of detection and the level of fine have to be high. Each of those is lacking in Ireland in 2015.

### The vehicle as a projectile – relating fines to the momentum and EuroNCAP rating of vehicles

A properly constituted fine regime for traffic management to ensure road safety has to start by considering the mass (weight) of the vehicle and its potential velocity – cars, vans, trucks and coaches are after all a 'metal box' projectile. By this token the driver of a semi-trailer HGV (weighing say 3,000 kg) should face a much higher fine quantum for any infraction compare to say the driver of a compact car weighing 1,000 kg. Legally the truck can be driven at a speed of 80 km/h and the car at 120 km/h.

In sharp contrast a typical bicycle weighs approximately 15 kg and can be pedalled at approx. 20 km/h around flat urban areas. For this reason there is a world of a difference in the **kinetic energy** stored in these quite dissimilar projectiles. If we accept that the fine for a cycling offence should be set at €50 then the HGV driver should be facing a fine of say €5,000 based on mass differentials alone (ignoring kinetic energy).

There is also the issue of front-end characteristics of different vehicle types and safety in a collision. It is well known that many vehicle types do not meet with EuroNCAP safety scoring for impact with vulnerable road users – HGVs, buses, coaches and most SUVs/4x4s do not have a EuroNCAP rating simply because they would not pass muster. With 26% of the new private vehicle fleet in Ireland now made up of SUV/4x4 body-types are your officials happy



that the fine levied against them for traffic infractions should be the same as for a saloon car that has a good rating? The damage potential is far greater for SUVs or a semi-trailer HGV so why not a higher fine to bring it home to drivers that it is the kinetic energy and the front-end conformation of their vehicle that is going to damage other road users, particularly vulnerable road users like children trying to cycle to school?

We have to have a paradigm-shift in how we manage traffic in order to make our roads safer for all and higher fines (including confiscation of vehicle) for motorised vehicle offences have to be considered with urgency. The widespread introduction of 30 km/h speed limits in residential areas and estates is also part of the equation. We applaud Roseanne Brennan's continuing efforts to make this happen without any further delay.

### **€50 fine is unfair and disproportionate to risk**

A fine of €50 for cyclists *without increasing markedly the fines for motorised offences is quite disproportionate and unfair*. In addition, Garda members will easily be able to intercept cyclists behaving badly in comparison to drivers of motorised vehicles for the simple reason that the member doesn't have to set up an elaborate check-point that is risk-proofed to ensure the member doesn't become a casualty in an RTC (this clearly due to the higher kinetic energy in the vehicle in comparison to a bicycle!). This is what happens with mandatory blood alcohol testing (MAT) check-points and hence why there are so few of them (see below). This means that it will be easier for the Gardai to 'harvest' cyclist offences than those for drivers!

Additionally, I would point you to what I would consider to be a paltry level of MAT check-points established each year by An Garda. The raw datum is here:

<http://www.garda.ie/Controller.aspx?Page=12511&Lang=1>

The mean number of MAT check-points each month in 2014 was approximately 6,500.

That works out at approx. 203 MAT check-points per county per month or roughly 6-8 per day per county! This means a driver has only the **tiniest chance** of being stopped. If it's that bad for enforcing blood alcohol concentration (BAC) compliance then it's no wonder our police force has no capacity to deal with offences that really harm cyclists.

I plead with your Department to rethink the fine quanta for all traffic offences. The system is broken and road safety is suffering. The fines for driving are set too low and police enforcement is inadequate. Please stall the proposed fines for cycling offences until the issues I raise here have been fully considered.



Just to point out that I am a retired academic scientist who still lectures but more importantly act as a consultant on major hazards (ionising radiation, biological agents, etc). I also serve on the ECF's 'Scientists for Cycling' subcommittee and its 'Road Safety Group' and act as a reviewer for an international safety journal that publishes on road safety. I do understand safety principles in relation to projectiles.

Yours sincerely,

Mike McKillen

Chairperson of Cyclist.ie

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