

Meeting of Cyclist.ie delegation with Garda Press Office to hear about implementation of fixed-charge fine notices for cycling offences

- Cycling fines will be enforced by An Garda from Aug 1, for a range of offences, listed below.
- Cyclist.ie wants safer streets and roads and encourages all cyclists to observe the new rules and not contribute to the creation of a convenient revenue stream for the Exchequer. However, it does not believe the proposed legislation, and the attitude towards its enforcement has struck the right balance to achieve safer conditions for cyclists.
- Cyclist.ie, at this first meeting with An Garda on the subject, called for balanced policing which improves road safety for all road users - i.e. stricter enforcement of motoring offences which are hazardous for cyclists such as fly-parking in cycle lanes, safe overtaking distances, lower speed limits etc.
- Official government policy - as outlined in National Cycle Policy Framework (NCPF) - needs to inform all traffic-related activities in the state.

Background to meeting

As most people who cycle now know, the fixed-charge fine notice (FCNs) system is starting on Sat 1 August when a €40 fine can be issued, by way of a formal notice, to any cyclist breaching any of a set of seven road traffic law offenses. The offenses are existing ones that would have been handled by summons and a District Court appearance with a potential fine of up to €2,000. Any member of An Garda (AGS) is already empowered to stop you and seek your name and address prior to issuing the notice for payment. The notice will set out the breach that is alleged to have taken place (citing the Act and/or SI section No. and description of the said offence). You settle the fine (by post/cheque/credit card) with the Fixed Charge Processing Office in Thurles. Offenders under the age of 18 years can be considered for inclusion in the Juvenile Diversion Programme.

Offences to be the subject of €40 fines are:

1. Cyclist driving a pedal cycle without *reasonable consideration*.
2. No front lamp or rear lamp lit during lighting-up hours on a pedal cycle.
3. Cyclist proceeding into a *pedestrianised* street or area.
4. Cyclist proceeding past traffic lights when the red lamp is illuminated.
5. Cyclist proceeding past cycle traffic lights when red lamp is lit.

6. Cyclist failing to stop for a School Warden sign.
7. Cyclist proceeding beyond a stop line, barrier or half barrier at a railway level crossing, swing bridge or lifting bridge, when the red lamps are flashing.

The background is covered in a press release from Minister Donohoe issued on 2 July.
<http://www.dttas.ie/press-releases/2015/introduction-fixed-charge-notice-cyclists-aims-promote-safe-cycling-practices>

And on the Garda web-site at: <http://www.garda.ie/Controller.aspx?Page=1368&Lang=1>

Here is how the Minister introduced the initiative:

“The introduction of fixed charge notices for motorists has been hugely successful in changing driver behaviour and I am confident that a similar change in behaviour and attitudes by cyclists who break the law will result following the introduction of this measure. While the majority of cyclists obey the rules of the road, unfortunately there are some who do not. As a committed cyclist myself, I am of the view that the introduction of fixed charge notices for cyclists will increase awareness among cyclists and reinforce the message that cyclists have a responsibility in relation to obeying road traffic law. It will also provide another enforcement measure for An Garda Síochána”.

Cyclist.ie would point out the unacceptable extent of illegal fly-parking of motorised vehicles in cycle tracks as giving the lie to the utility of FCNs in making drivers compliant. Cyclist.ie will be using the Garda data for the number of drivers issued with FCNs for fly-parking, Advanced Stop Lines (ASL) / Cycle Boxes invasion and dangerous overtaking as a metric for assessing balance in the treatment of motorised offences that impinge on the safety of cyclists.

Discussion points

Damien Ó Tuama, Colm Ryder and Mike McKillen met with Super. Ferris and Inspector Michael O’Connor (Dublin Metropolitan Area Traffic Corps) on Wed 15 July for an hour at Dublin Region Traffic Corps HQ in Dublin Castle where they set out the thinking behind the FCNs. We did have some time to discuss our enforcement issues with them. We gave them a hard copy of our position on FCNs (<https://cyclist.ie/2015/07/cyclist-ie-and-fixed-charge-notice/>) and on 30 km/h speed limits (https://drive.google.com/file/d/0B7v8_RA4nxWreWJBWHBZOVN3NIE/edit?pli=1).

An Garda promises a two week scene-setting for the introduction which means that they will be using social media and limited other media to get the message out that they mean business on enforcement come 1 August. An Garda proposes to spend time on the ground before the formal introduction of the FCNs, preparing cyclists for their introduction by warning them if they are committing an offence. In this period, they will be asked to stop cyclists who offend on any of the seven and warn the miscreant that come 1 August it will be the real deal.

The Road Safety Authority (RSA) also promises a two week scene-setting for the introduction which means that they will be using social media, radio adverts etc. and limited other media to get the message out that enforcement will happen on 1 August.

They are expecting all Garda members to be active in issuing the FCNs and not just Traffic Corps members (a dwindling band of approx. 780). They showed us a mock-up of the FCN form (in Irish/English).

The overarching point we stressed was that *there had to be balance* in their issuing these notices in relation to an apparent Garda reluctance to penalise drivers who put cyclists at risk by fly-parking in cycle tracks; exceeding speed-limits; invading ASLs (bike-boxes) and overtaking dangerously.

We pointed out that they only managed to issue 144 FCNs nationally in 2014 to drivers for fly-parking in a cycle track (figures provided in response to a Parliamentary Question) and that we would be using this as a comparative metric for fairness and balance in the enforcement effort on FCNs for cyclists into the future.

They asked us to warn cyclists via our social media that change was coming as from 1 Aug. We agreed to do this but pointed out that we don't organise all cyclists.

On our social media pages we have warned cyclists that it is so easy for any Garda member to 'harvest' a lot of miscreant cyclists because it is far easier and safer for the member to arraign a rider than stop a driver of a coach or HGV – less risk of being mowed down by a 15 kg bicycle than a 19,000 kg coach!

We also pointed out that there were technical issues at some signalised junctions with the detection of the presence of a bicycle in the absence of a motorised vehicle (made of ferrous metal). We pointed out that many modern bicycles are made from composite materials and non-ferrous alloys so signal detection loops don't detect the bicycle's presence at the stop-line. The Gardaí responded that we should let road authorities know about these issues. It is not a policing issue.

We raised the #Freethecyclelanes campaign and the online response to it, showing the hundreds of instances weekly of illegal parking. An Garda seems to be unwilling to target drivers who fly-park because the drivers are trying to make the city work economically - deliveries, etc. and An Garda gets a lot of complaints from businesses, business associations, HGV drivers, taxis and transport companies about strict enforcement of this regulation.

It would seem that free-flow of motorised traffic in urban areas remains a priority for An Garda over the safety of people who cycle.....or might cycle if conditions were more conducive.

We tried to impress on them the real safety issue of dangerous overtaking of cyclists and how drivers were skimming past riders in bus lanes and general vehicle lanes but the response was that it's the given space we all have to operate in and drivers have to go about their business even if it meant squeezing dangerously past us. They maintained that this problem is the responsibility of the design engineers in road authorities.

If you read the NCPF (<http://www.smartertravel.ie/content/national-cycle-policy>) you will learn that we have been let down by DoTTAS officials and the Minister. We were promised legislative and legal protection in Ch.05 along with reforms in existing traffic law provision to make cycling safer and more convenient. The FCN measure, although promised in the NCPF (action 15.6), should have been balanced by positive measures too - for instance the setting of a 1.5 m overtaking distance in law, as sought by 'Stayin Alive at 1.5' and the extensive use of 30 km/h zones as sought by Jake's Legacy.

We predict that the bunching of riders, as a phalanx, at the primary stop-line/ASL box will likely impede drivers and result in more even complaints from that cohort which hates people who cycle. We might also see a rise in road traffic collisions involving cyclists at junctions once the signal goes 'green'.

We raised the issue of the monitoring and reporting on the effect of the FCNs. Would the Garda be compiling reports and disseminating the results? Will the FCNs improve cyclist behaviour and enhance the safety of people who cycle? An Garda was non-committal on this, but suggested we keep in contact.

Other issues

Finally, we brought up our discussions with Dept of Transport (DTTAS) about contra flow cycling and allowing cycling through red lights similar to other European countries. We instanced the decision of the authorities in Paris earlier this week to permit cyclists to proceed across junctions on 'red', with caution. They again stressed their role as implementing the laws, not making them!

In Conclusion

Cyclist.ie appreciated the opportunity to sit down with An Garda and to hear its perspective. We certainly acknowledge the logic in tackling careless cycling. However, we are still very concerned that the more serious issues of motor vehicles exceeding speed limits, overtaking closely/dangerously and fly-parking in cycle tracks are not being addressed in a way that will make Irish roads safe and attractive environments in which to walk or cycle for people of all ages and abilities.

We did get a clear sense that they are much more favourable to ignoring certain motor vehicle infractions (discretionary policing), in order to 'keep business moving', rather than considering the issue of a safer environments for all road users. They appear to have a very car-centric view of traffic management.

It was clear that FCNs are coming in on 1st August and will be fully implemented.
