

INTERIM ADVICE NOTE - Covid 19 Pandemic Response

1.0 Introduction

On 28th May the Department of Transport Tourism and Sport (DTTAS) announced funding for technical and financial support to deliver improved walking and cycling infrastructure across the country, in response to the Covid-19 pandemic. The National Transport Authority (NTA) has written to all 31 Local Authorities (see attached correspondence dated 22nd May 2020) to offer technical and financial support to review their current street arrangements, including:

- Widening of footpaths.
- Potential pedestrianisation of some streets.
- Potential one-way systems.
- Altering traffic signal times.
- Providing additional temporary facilities for cyclists
- Provision of some external space where appropriate to support business activities

This Interim Advice Note has been issued to provide guidance to Local Authorities in order to assist in the implementation of the measures outlined above. This Note advises that Local Authorities, when considering Covid-19 related measures, also consider the longer term alignment with the principles, approaches and measures contained within the Design Manual for Urban Roads and Streets which prioritises sustainable modes of transport (walking, cycling and public transport), advocates a multi-disciplinary approach to street design and promotes the principles of universal design. Local Authorities should also consider broader Government policies on road safety, transport planning, accessibility for people with disabilities and climate change, including the National Planning Framework, notably National Policy Objective 27:

'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages'

In response to the Covid-19 pandemic many international and European cities, such as Milan, Paris and Barcelona are increasing the widths of footpaths and expanding their network of cycle lanes.¹ These works are being initiated with a longer term vision to increase pedestrian and cyclist modal share. These cities are members of the C40 group which has released a statement of principles that should not see a return to 'business as usual' in order to help address climate change. The UK Government has also announced plans to '[create a new era for cycling and walking](#)' and has issued advice in the form of '[Safer Public Spaces - Urban Centres and Green Spaces](#)', that illustrates a range of interventions that will enable social distancing within a constrained street environment and on areas which are likely to have high footfall (see also Figure 1.1).

A number of Local Authorities within Ireland are in the process of developing temporary transport plans to address the issues highlighted above. Galway City Council has set up a City Mobility Team and issued a Temporary Mobility Plan to address changing transportation. Dublin City Council and the National Transport Authority have issued an '[Interim Mobility Intervention Programme for Dublin City](#)'. This document addresses broader strategic issues with regard to how people travel due to the modal shift that will be experienced due to reduced public transport capacity. The programme focuses on those locations where changes will provide the most benefit such as within the city centre (and other urban centres) and major connecting routes (see also Figure 1.2). Such measures will be reviewed periodically to assess their effectiveness and modified as needed to respond to changing needs.

Kerry County Council have also published a series of detailed [Mobility Plans](#) for towns throughout the county to ensure that public health advice and guidelines can be adhered to, while ensuring that businesses can resume trading and provide their goods and services to customers in a safe and welcoming environment (see Figure 1.3). Similarly, Clare County Council have produced a [Town Centre Mobility Plan](#) for Ennis (see Figure 1.4).

¹ See also [C40 Cities Global Mayors COVID-19 Recovery Task Force](#)

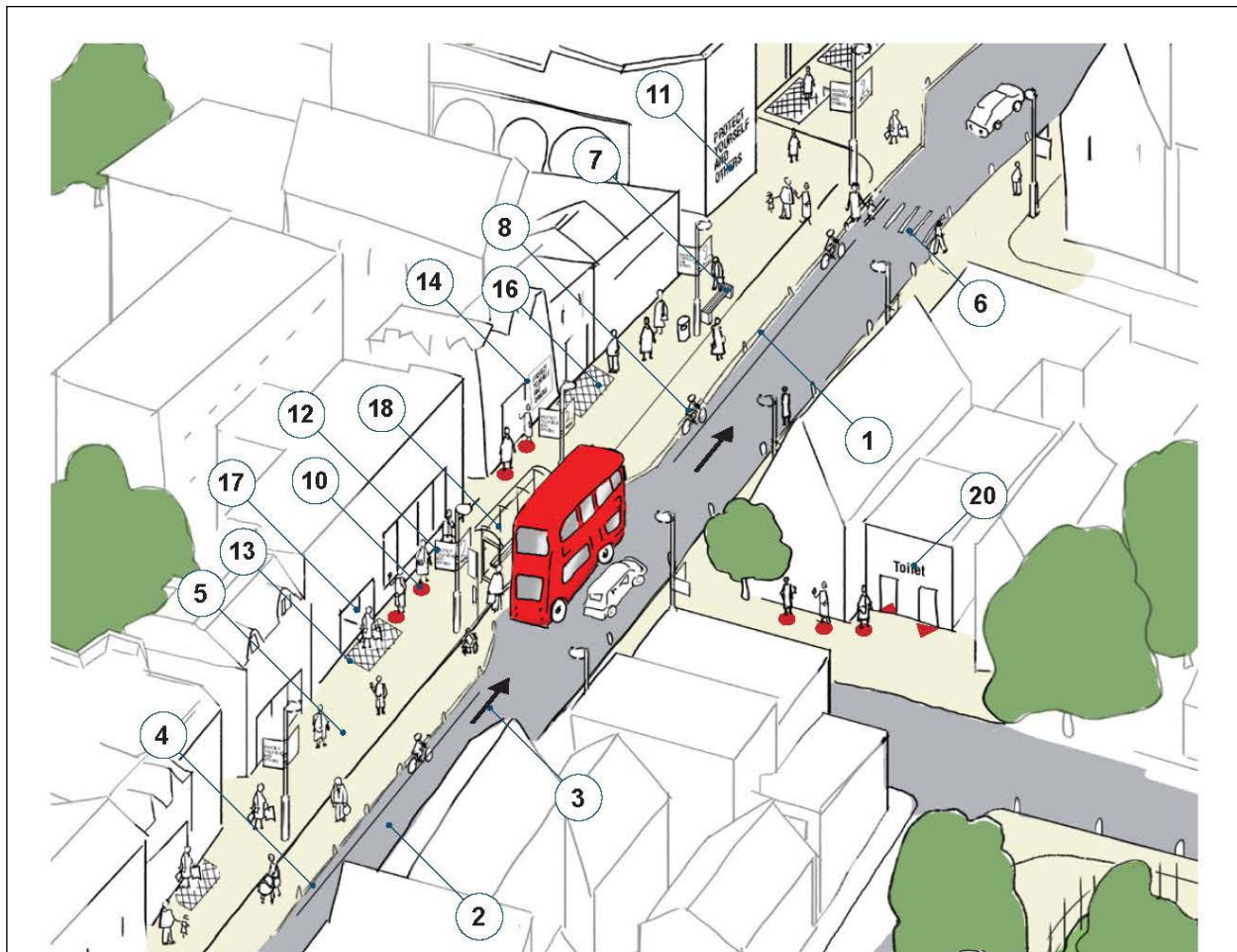


Figure 3: Social distancing interventions in high streets and town centres

Typical temporary interventions to consider for high streets and town centres:

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| <ol style="list-style-type: none"> 1. Widen footways by utilising the carriageway 2. Reduce traffic speeds using traffic calming measures 3. Pedestrianise and consider impact on traffic movement 4. Suspend on street parking to facilitate other measures 5. Minimise pinch points, whilst taking into consideration security and the needs of the disabled and elderly. 6. Safe, level crossing points 7. Seating areas for the disabled and elderly 8. Introduce cycleways 9. Phase delivery timings in loading bays 10. Queue marking indicators on pedestrian areas, focusing queues along the building frontage where appropriate 11. Signs on social distancing and circulation, particularly at conflict points such as junctions and crossings | <ol style="list-style-type: none"> 12. Use existing street furniture (e.g. lamp posts) for signing to avoid impacting on pedestrian flows 13. Allow space where multiple queues meet 14. Signs to limit queue length, helping manage multiple queues and pedestrian flows 15. Stewards to help manage queues and pedestrian flows 16. Keep building entrances and footpaths clear, whilst taking account of the needs of the disabled, elderly and security considerations 17. Maximise access and introduce one-way entry and exit points 18. Signs reminding users to socially distance at bus stop waiting areas 19. Additional cleaning regimes and maintenance 20. Signs at public toilets for queuing, social distancing and automatic sanitising |
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Figure 1.1 - Extract from 'Safer Public Places - Urban Centres and Green Spaces' illustrating the wide range of measures that may be implemented within the street environment in response to the Covid 19 pandemic.

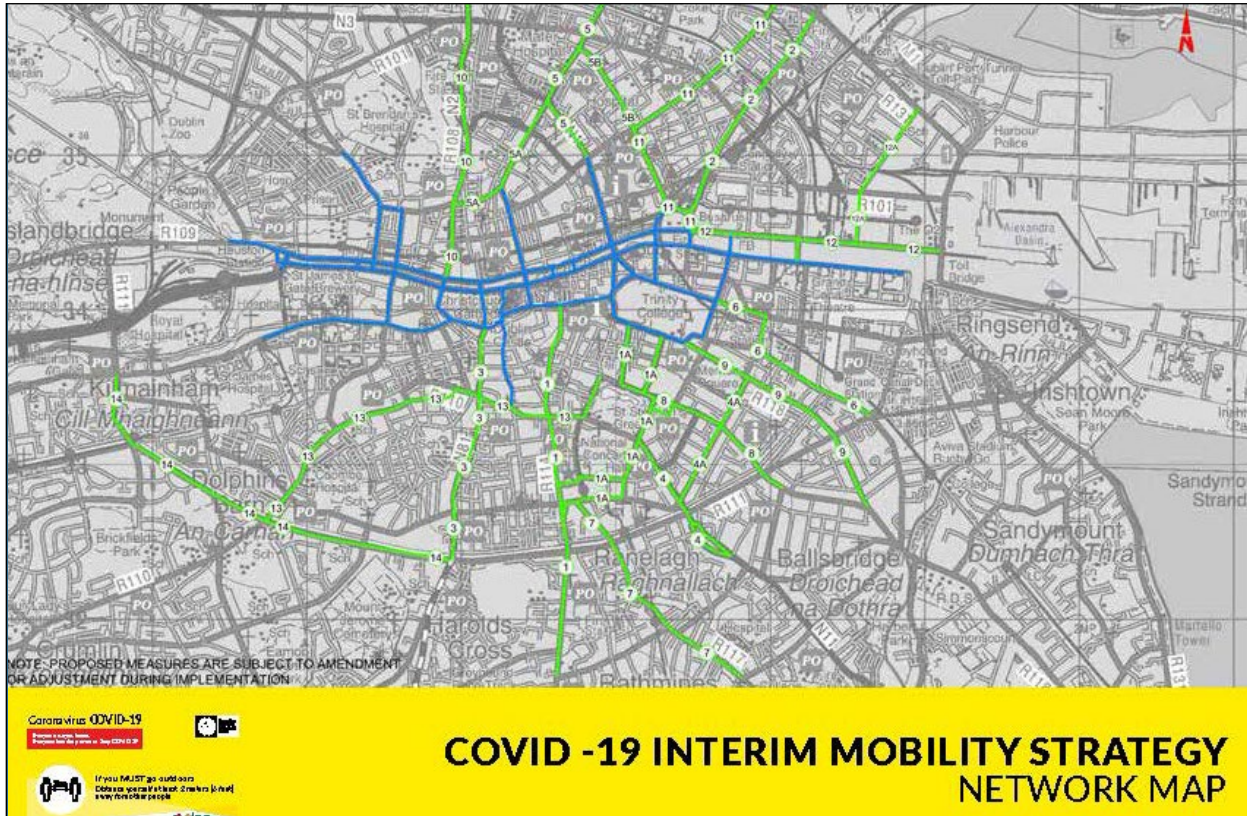


Figure 1.2 - Extract from Interim Mobility Intervention Programme for Dublin City' illustrating the extent of proposed works across the city centre and immediately adjoining neighbourhoods.

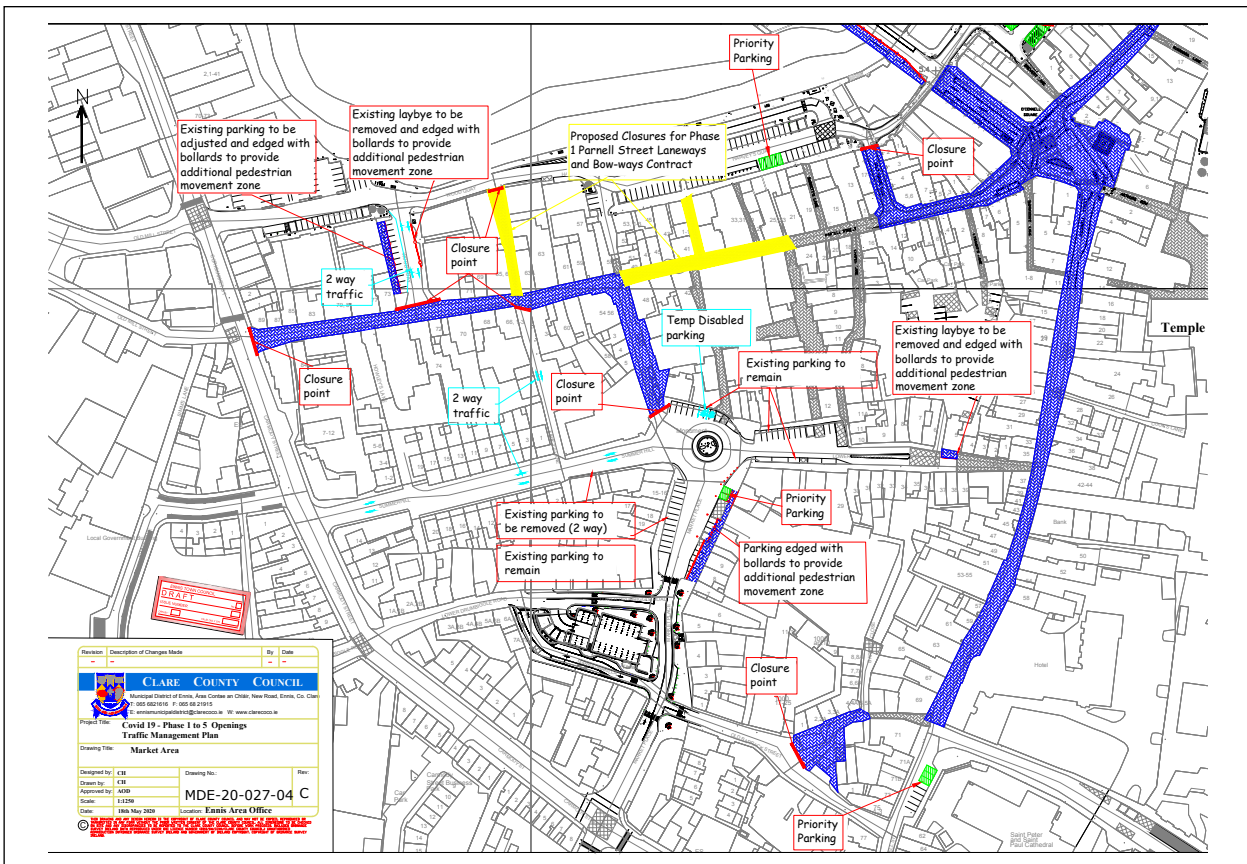


Figure 1.3 - Extract from the Temporary Covid-19 Town Centre Mobility Plan for Ennis illustrating the extent and type of works proposed within the town centre.

2.0 Immediate Challenges

On 1st May 2020 (last updated on 8th June 2020) the Government published a 'Roadmap' to ease Covid-19 restrictions and reopen Ireland's economy. As we move through these phases over the coming months, traffic will return to Ireland's streets and pressure will build on transport networks. Social distancing measures will also significantly reduce the capacity of public transportation. Travel patterns will be disrupted as people seek alternative means of travel. This will lead to potential conflicts of movement within constrained street networks that are unable to accommodate high volumes of traffic. Alternative measures will need to be put in place to ensure that people can move safely and efficiently. This will require additional space for pedestrians and cyclists so as to optimise the space available on streets

Enabling safe pedestrian movement will be a particular challenge as many of the footpaths within cities, towns and villages are not wide enough to enable social distancing to occur in accordance with Government [guidelines](#) (see Figure 2.1). Where paths are too narrow to enable social distancing, people may be compelled to step out onto and proceed along the vehicular carriageway. This presents further safety concerns, particularly on busier streets and as traffic volumes increase, as pedestrians are likely to come into conflict with vehicular traffic and cyclists. This will be more intensely felt within city, town and village centres which have higher levels of pedestrian activity and where additional footpath space may be taken up by people queuing outside shops (see Figure 2.2).

There are also longer-term concerns with regard to the impact on travel patterns and on the viability of businesses on traditional main streets. If streets are perceived by some as unsafe for any reason, people tend to revert to the use of their cars.² People may also avoid traditional city, town and village centres, (reverting to out-of-town centres or purchasing goods online) impacting on the viability of businesses therein and their ability to recover in the short-medium term.



Figure 2.1 - Many paths within city, town and village centres are too busy and not wide enough to enable social distancing.



Figure 2.2 - Restrictions in the number of people within shops at any one time is likely to result in queues outside entrances. This will place additional pressure on the space available on the footpath

² Fairness in Transport: finding an alternative to car dependency, 2011, Sustainable Development Commission (UK).

3.0 Immediate Response

All Local Authorities are encouraged to develop mobility plans as highlighted in Section 1 above, as an immediate response to the Covid-19 pandemic. Local Authorities should also use the powers available to them (see Appendix B of the attached NTA correspondence) to address immediate public health concerns over social distancing.

Implementing these measures will be challenging and in most cases will require the transfer of space from private vehicles to pedestrians and cyclists. In this regard, users should refer to the user hierarchy outlined in Table 2.21 of DMURS (see also Figure 3.1). Designers should also ensure that measures align with the principles of Universal Design. The measures to be considered should include:

Pedestrians

- Providing a clear path (i.e. excluding street furniture) that enables social distancing in accordance with Government guidelines on all major pedestrian routes to public transport nodes, recreational areas and to/within commercial/retail centres. Refer also to DMURS Section 4.3.1 – Footway, Verges and Strips
- Where paths are insufficient in width, additional space should be provided by narrowing the vehicular carriageway (see Figure 3.2) and/or closing off parking and/or loading areas (see Figure 3.3).
- Installation of temporary signage that illustrates alternative walking and cycling routes through quieter areas.
- Footpath markings that encourage pedestrians to keep to their left and illustrate the required separation distance.

Cyclists

- Put in place additional segregated cycle lanes (see Figure 3.3) on key routes (i.e. as identified within regional, county and local plans).

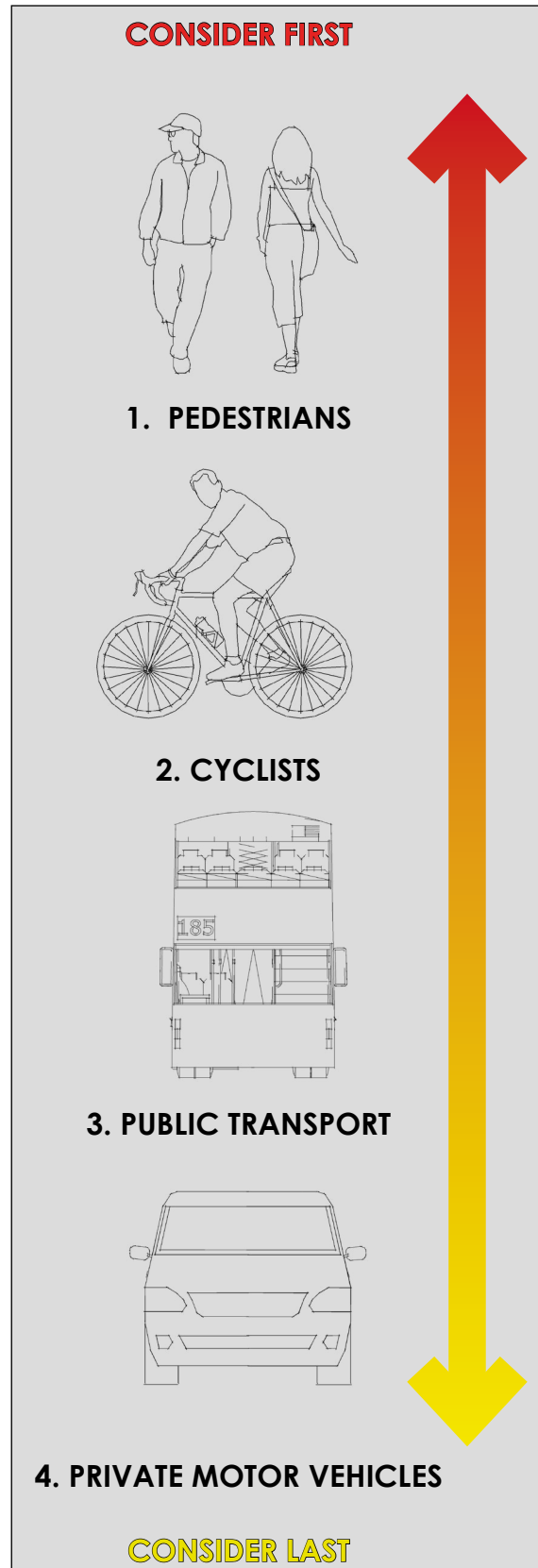


Figure 3.1: DMURS (Table 2.21) user hierarchy that promotes and prioritises sustainable forms of transportation

- Maximising (where possible) the length of Advanced Stop Lines at traffic lights to facilitate greater numbers of cyclists.
- Increase the width of cycle lanes on major routes (or in part where possible) to cater for increased numbers of cyclists (provided sufficient space is also provided for pedestrians).

Street Activity

- Provide additional space (in addition to that provided above for pedestrian movement) outside shops and adjacent to bus stops to facilitate queuing. Consideration should also be given to the allocation of space for outdoor tables/seating associated with food service.

Traffic Management

- Examine movement within the broader network and identify alternative routes for through traffic. Motorised vehicular movement within centres may be restricted to public transport, accessing local properties and deliveries. Certain streets (i.e. those with heavy footfall and/or which are narrow) may be suited to pedestrianisation (see also DMURS Section 4.3.4 - Pedestrianised and Shared Surfaces).
- Minimise the width of vehicular carriageway to calm traffic and increase the space available to pedestrians and cyclists (as per Figures 3.2 and 3.3). Reference should be made to DMURS Section 4.3.1 - Carriageway Widths.
- Implement one-way systems (see Figure 3.5). Where there is a conflict between maximising space for pedestrians and cyclists and maintaining two-way traffic, a broader traffic management view should be applied. Under such circumstances, contra-flow lanes for cyclists should generally be provided. Refer also to Section 4.3.5 - Contra Flow Cycle Lanes and Tracks of the National Cycle Manual.



Figure 3.2: Reduction in carriageway width to facilitate additional space for pedestrians (@ BetterEnnis)



Figure 3.3: Closure of parking and loading areas (Dublin City Council).



Figure 3.4: Segregated cycle lanes with plastic wands (Dublin City Council).

- Other limited road closures to restrict through movement by private vehicles within a Local Street network. Refer also to DMURS Section 3.4.1 - Vehicle Permeability.
- Adjusting signal timings at busy crossing locations to reduce queuing for pedestrians, including possible automation.
- Application of Special Speed Limits (i.e. 30 km/h) in accordance with the Guidelines for Managing and Setting Speed Limits in Ireland, 2015, Department of Transport Tourism and Sport. Consideration may also be given to the setting of Advisory Speed Limits as an interim measure as referred in DMURS Section 4.1.1 A Balanced Approach to Speed, in particular where carriageways have been narrowed and there is a need to better align design speeds with operating speeds.
- Installation of temporary signage advising drivers of changed layouts.

Car Parking

- Close off on-street parking spaces and loading areas (as per Figure 3.3). With regard to loading areas, alternative locations should be provided to service the particular areas, with directions and signposting provided where appropriate. With regard to car parking, directions should be provided to edge of centre or other alternative facilities within walking/ cycling distance and/or public transport (see below).
- Provide 'Park and Stride' facilities on the edges of centre (or in close proximity to other destinations such as schools and parks), where people make the first part of their journey by car, park on the edge of a centre, and make the final part of their journey by foot, bicycle or via public transport. This will greatly reduce congestion in centres, enabling space for the expansion of the pedestrian/ cyclist environment (as well as prioritising public transport movement).



Figure 3.5: implementation of one-way system for vehicular traffic to provide additional space for pedestrians and cyclists.

4.0 Medium to Longer Term Changes

The reduced traffic levels that are being experienced during the Covid-19 pandemic will enable the types of changes listed in Section 3 above to be put in place with less disruption to traffic. The adaptable nature of these changes will also enable Local Authorities to monitor, test and adapt measures over time. Monitoring should focus on observing adherence to social distancing, levels of pedestrian activity, the behaviour of users more generally (in particular loading of goods and parking), vehicle operating speeds and levels of congestion (for all users). Further consultation (including user surveys and people with disabilities) should be carried out at this stage to further appraise the measures. Local Authorities should also consider the installation of semi-permanent measures within city, town and village centres over the medium term, that will enhance the streetscape, creating a more attractive environment (see as per Figures 4.1 and 4.2).

The data and information collected during any monitoring period will be highly beneficial in the proposed formalisation of temporary measures or in support of a more permanent and detailed design response. Where such proposals will support more compact development, urban regeneration and/or sustainable transport, they may be eligible for further Government funding.

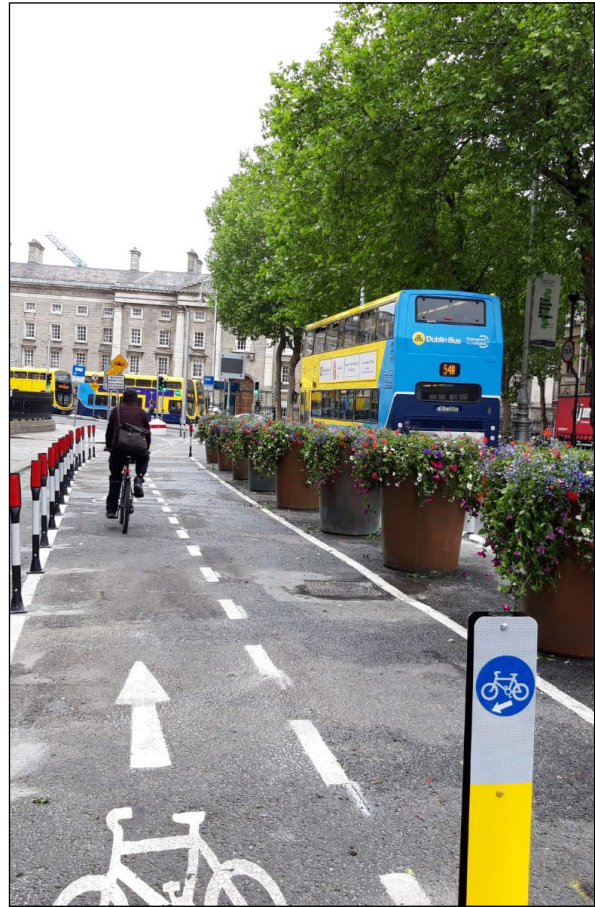


Figure 4.1: Use of planters to segregate cycle lane (Dublin City Council).

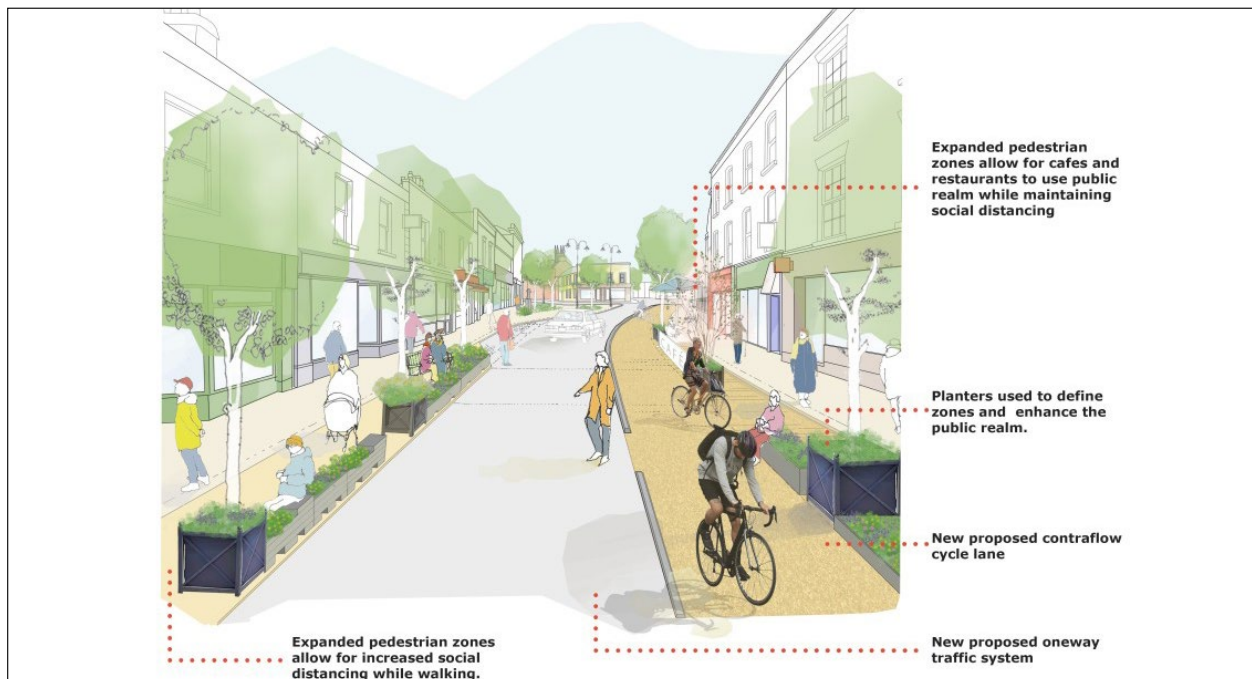


Figure 4.2: Dún Laoghaire-Rathdown County Council medium term [plan](#) for reopening Blackrock Co. Dublin for public realm improvements includes a range of semi-permanent measures that can be adapted over time.

5.0 Conclusion

Across Europe and globally, the Covid 19 pandemic has had an acute impact on the number of people travelling within and into cities and towns. There are concerns that a failure to respond adequately to the immediate challenges posed by the Covid-19 pandemic may have medium to longer-term impacts on travel patterns that result in an increase in private vehicle use, as people feel anxious entering crowded places or modes of transport.

To help address immediate public health concerns over social distancing and prepare for increased movement, many urban authorities, have been focusing on the reallocation of space from private vehicles to pedestrians and cyclists on a temporary basis.

The impact of the Covid 19 pandemic may be felt for some time and authorities face many challenges to ensure that streets and transport networks can safely operate. Local Authorities are urged to take immediate steps toward ensuring that city, town and village centres (and other areas where pedestrians may converge), can provide an environment that is safe and welcoming in support of communities and the reopening of businesses.

Authorities should also use the resources available centrally as already outlined to support, where appropriate, a re-examination of the design of streets and spaces with a view to implementing longer term planning and urban design policies that will enhance the attractiveness of city, town and village centres as place to live, work and spend time.

Attachment 1

National Transport Authority correspondence to Local Authorities dated 22nd May 2020.

To: [REDACTED]
Chief Executive,

By Email: [REDACTED]

22nd May 2020

Re: Covid-19 Interim Mobility Measures – Funding and Assistance

Dear Chief Executive,

The Covid-19 pandemic has affected all our lives and the way in which we work, socialise and communicate. It also has had enormous impacts on our transport system, radically reducing current travel levels and likely to alter our patterns of movement for some time to come. In addition, it has dramatically impacted businesses, requiring new operational approaches by many retailers, restaurant, cafes and other businesses for many months to come.

In many cities and towns across Ireland, there is likely to be a need to review current street arrangements in order to address the new circumstances arising from social distancing requirements and altered travel patterns. Types of changes that may have to be considered include:

- Widening of footpaths to facilitate queuing outside shops and enable social distancing;
- Potential pedestrianisation of some streets where necessary and feasible to accommodate social distancing, particularly where this supports business activities;
- Potential one-way systems to create space for footpath widening;
- Altering traffic signal times to reduce pedestrian waiting/crowding plus the automatic activation of some pedestrian phases in order to aid pedestrian movement and to minimise contact with signal push buttons;
- Providing additional temporary facilities for cyclists; and
- Provision of some external space where appropriate to support business activities.

The above are just some examples of the type of changes that may need to be introduced in some locations in the weeks and months ahead. It is envisaged that these type of measures will be introduced on a temporary basis, using mainly preformed materials i.e. bollards, pencil cones, orcas and similar products.

The National Transport Authority (NTA), with the support of the Department of Transport, Tourism and Sport, wishes to offer both technical and financial support to local authorities who are considering introducing on-street measures to assist in enabling cities and towns to function under the new circumstances arising from the Covid-19 public health emergency.

In terms of technical support, the NTA can provide guidance and assistance in determining and designing suitable temporary measures for particular circumstances. In relation to financial support, the NTA, through funding provided by the Department of Transport, Tourism and Sport, can grant aid in full various intervention proposals, subject to those proposals being agreed with the NTA in advance of implementation.

We are conscious that such measures are required urgently in various places and, consequently, the process of NTA agreement and funding will be simple and fast.

Should your Council will to avail of funding and/or assistance for Covid-19 measures for implementation on-street, please forward an email to covidmeasures@nationaltransport.ie providing the contact details of the person we should engage with in relation to any proposals within your administrative area. A member of the NTA staff will then be in contact to progress any such requests for assistance or funding.

For completeness, attached are two items. The first document gives some examples of the types of measures that have been introduced in other locations. The second is a note on relevant legislation that may be of assistance in implementing the particular measures that may be required.

We look forward to collaborating with you in relation to the above matters.

Yours sincerely,

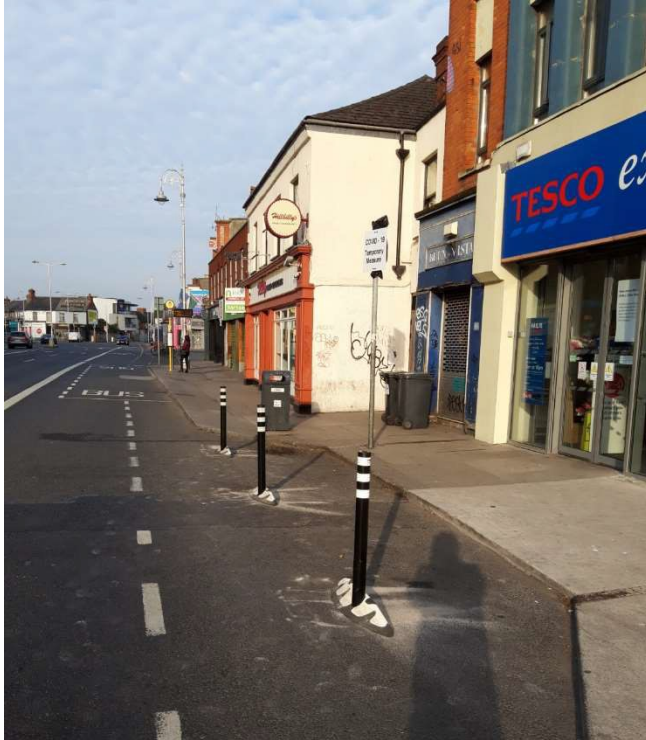


Hugh Creegan.

Director of Transport Planning and Investment.

Appendix A: Examples of Types of On-Street Covid-19 Measures

Closing off of indented parking / loading bays to allow queuing space and social distancing outside shops. (In the case of loading bays, alternative arrangements such as an alternative loading bay location will need to be considered.)



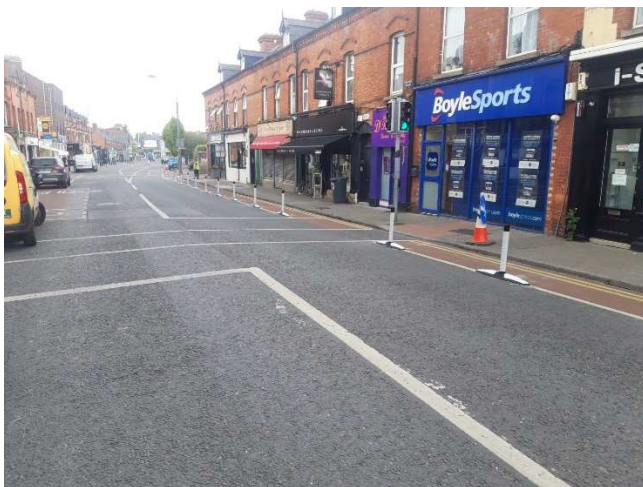
Removal of on-street parking to allow widened footpaths for queuing space and social distancing.



Widening of pedestrian space onto carriageway plus implementation of new cycling facility.



Creation of protected cycling facilities to cater for increased cycling movement.



Appendix B: Legislative Basis for Introducing Covid-19 Measures

Introduction:

Arising from the Covid-19 pandemic, many local authorities are seeking to implement certain transport related measures on roads and streets. The types of measures being developed include widening of footpaths to accommodate social distancing, developing of temporary cycling facilities, enhancing pedestrian movement including additional pedestrianisation, alterations to bus stops / bus routes, plus the introduction of lower speed limits. Most of the interventions are being implemented through temporary construction involving bollards, pencil cones, plastic barriers, road markings and signage.

Implementing Legislation

The two main legislative provisions to enable the implementation of the above physical measures are:

- Section 95 of the Road Traffic Act 1961 (as amended by Section 37 of the Road Traffic Act 1994); and
- Section 38 of the Road Traffic Act 1994.

In addition to required planning consent, section 46(2) of the Public Transport Regulation Act 2009 sets out circumstances where certain measures are exempted from the normal Part VIII planning process. In addition, the normal exemption for works under the value of €127,000 also applies, and works required for emergency purposes are also exempted.

The following sections expand on the relevant legislative sections.

Section 95 of the Road Traffic Act 1961

Appendix 1 to this note provides the current wording of Section 95 of the 1961 Road Traffic Act. This section deals with circumstances where the intervention will be implemented by means of signs and road markings. The empowering section is sub-section 3, which states:

“(3) (a) A road authority may provide in respect of public roads in their charge such information signs and warning signs as they consider desirable.

(b) A road authority may, after consultation with the Commissioner, provide in respect of public roads in their charge such regulatory signs as they consider desirable.”

Information and warning signs may be installed without consultation with An Garda Síochána. Where

Section 38 of the Road Traffic Act 1994

Appendix 2 to this note provides the current wording of Section 38 of the Road Traffic Act 1994.

Section 38 deals with the implementation of *“traffic calming measures”* meaning measures which:

- “(a) enhance the provision of public bus services, including measures which restrict or control access to all or part of a public road by mechanically propelled vehicles (whether generally or of a particular class) for the purpose of enhancing public bus services, or*
- (b) restrict or control the speed or movement of, or which prevent, restrict or control access to a public road or roads by, mechanically propelled vehicles (whether generally or of a particular class) and measures which facilitate the safe use of public roads by different classes of traffic (including pedestrians and cyclists),*

and includes for the purposes of the above the provision of traffic signs, road markings, bollards, posts, poles, chicanes, rumble areas, raised, lowered or modified road surfaces, ramps, speed cushions, speed tables or other similar works or devices, islands or central reservations, roundabouts, modified junctions, works to reduce or modify the width of the roadway and landscaping, planting or other similar works.”

The definition of “*traffic calming measures*” is very wide, including “*measures which facilitate the safe use of public roads by different classes of traffic (including pedestrians and cyclists)*”. Given the breadth of the coverage of this section, it is likely that most transport related Covid-19 measures will be implemented under the provisions of Section 38.

Under sub-section (3) of Section 38, a one-month’s public consultation is required for “*traffic calming measures of such class or classes as may be prescribed*”, but is not required for traffic calming measures which are not prescribed. It has been confirmed that no regulations have been made prescribing categories of traffic calming measures for the purpose of Section 38 of the 1994 Act, and, accordingly, the public consultation requirement is not mandatory for interventions implemented under this section.

Planning Legislation

Section 179 of the Planning and Development Act of 2000 outlines the procedures that must be followed for local authority own development, the application of which is then prescribed in Part VIII of the Planning and Development Regulations 2001. The following are three particular exemptions from that procedure.

1. Section 46(2) of the Public Transport Regulation Act 2009 amends Section 179(6) of the Planning and Development Act of 2000 to include additional works to which the section doesn’t apply. The text of the insertion – 179(6)(bb) - states:

“works, other than works involving road widening, to enhance public bus services or improve facilities for cyclists provided under section 95 (as amended by section 37 of the Road Traffic Act 1994) of the Road Traffic Act 1961 or under section 38 of the Road Traffic Act 1994” .

Accordingly, any works “*to enhance public bus services or improve facilities for cyclists*” which are delivered under either of section 95 or section 38 of the above referenced acts, are

2. In addition, it should also be noted that section 81(1)(k) of the Planning and Development Regulations 2001 prescribes for the purpose of the Part VIII process “*any development where*

the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus.” Accordingly, development where the cost of implementation is less than €126,000 is exempt from the Part VIII planning process.

3. Finally, section 179(6)(b) of the Planning and Development Act of 2000 provides an additional exemption from Part VIII procedures for emergency works. It states: *“This section [meaning a Part VIII procedure] shall not apply to proposed development which is necessary for dealing urgently with any situation which the chief executive considers is an emergency situation calling for immediate action.”*

Appendix 1: Section 95 of the Road Traffic Act 1961 (as amended)

Traffic signs.

95.—(1) In this section—

“road regulation” means an order, regulation, bye-law or rule under an enactment (other than section 86, 91, 93, 94 or 96 of this Act) relating to traffic on roads;

“traffic sign” means any sign, device, notice or road marking, or any instrument for giving signals by mechanical means, which does one or more of the following in relation to a public road or public roads:

- (a) gives information (such a sign being referred to in this section as ‘an information sign’),
- (b) warns persons of danger or advises persons of the precautions to be taken against such danger, or both (such a sign being referred to in this section as ‘a warning sign’),
- (c) indicates the existence of a road regulation or implements such a regulation, or both, or indicates the existence of a provision in an enactment relating to road traffic (such a sign being referred to in this section as ‘a regulatory sign’);

“provide” includes erect or place, maintain and (in the case of an instrument for giving signals by mechanical means) operate and cognate words shall be construed accordingly.

- (2) (a) The Minister, if he so thinks fit, may make regulations with respect to specified traffic signs, and where a traffic sign of the same kind as a traffic sign specified in any such regulations is provided by a road authority, it shall be in accordance with the regulations unless otherwise authorised by the Minister.
 - (b) Regulations under this subsection may specify the significance to be attached to a traffic sign specified in the regulations, but this provision shall not be construed as requiring the regulations to provide that the traffic sign is to comprise any word, words or symbol indicating precisely the significance of the traffic sign.
- (3) (a) A road authority may provide in respect of public roads in their charge such information signs and warning signs as they consider desirable.
 - (b) A road authority may, after consultation with the Commissioner, provide in respect of public roads in their charge such regulatory signs as they consider desirable.
- (4) *(Deleted)*
- (5) (a) A road authority shall provide in respect of public roads in their charge such regulatory signs as may be requested by the Commissioner, in the positions indicated by him or her and shall, as respects any traffic signs so provided, carry out any periodical transfers from place to place and any alterations and removals which he or she may request.

- (b) A road authority shall, at the request of the Commissioner, remove any regulatory sign which the Commissioner considers has been provided in a manner or at a location that might adversely affect the safety of road users.
- (6) Where the provision by a road authority of a traffic sign on land adjacent to but not forming part of a public road is reasonably necessary, the road authority may, after at least twenty-one days' notice, given by registered post to the occupier (if any) of the land and to every (if any) person interested in the land whose existence, name and address can be ascertained by such road authority by reasonable enquiries, enter and provide the traffic sign on the land.
- (7) Where a traffic sign is provided under subsection (6) of this section on any land by a road authority, any person interested in the land may at any time, on giving notice of his intention so to do to the road authority, apply to the Minister to direct the removal of the traffic sign.
- (8) Where an application is made under *subsection (7)* of this section, in relation to a traffic sign provided on any land, the Minister, after consideration of the application, shall either—
- (a) refuse the application,
 - (b) if he is satisfied that the provision of the traffic sign is not reasonably necessary, direct the removal of the traffic sign from the land, or
 - (c) if he is satisfied that the provision of the traffic sign in its existing position causes unnecessary or unreasonable hardship, direct the removal of the traffic sign to another position on the land.
- (9) Where the Minister gives a direction under *subsection (8)* of this section in relation to a traffic sign, the road authority who provided the traffic sign shall comply with the direction.
- (10) A person other than a road authority shall not provide a traffic sign visible from a public road without the consent of the road authority having charge of the road.
- (11) The occupier or (in the case of unoccupied land) the owner of land on which a traffic sign is provided in contravention of *subsection (10)* of this section shall be guilty of an offence and, in any prosecution for an offence under this subsection and notwithstanding any other provision of this Act, the traffic sign shall be presumed, until the contrary is shown by the defendant, to have been provided by a person other than a road authority without the consent of the road authority having charge of the road.
- (12) Where a person wilfully obstructs or interferes with the exercise by a road authority of the powers conferred by *subsection (6)* of this section, or without lawful authority, removes, defaces or otherwise injures a traffic sign provided under this section, he shall be guilty of an offence.
- (13) Expenses incurred by a road authority in providing traffic signs for a public road shall be part of the expenses of maintaining the road.

- (14) A person shall not provide any such sign, device, notice or light as is not a traffic sign if, on provision thereof, it is visible from a public road and—
- (a) it is capable of being confused with a traffic sign,
 - (b) it makes a traffic sign provided in accordance with this section less visible to road users, or
 - (c) it obstructs the view of public road users so as to render the road dangerous to them.
- (15) The occupier or (in the case of unoccupied land) the owner of land on which a sign, device, notice or light is provided in contravention of subsection (14) of this section shall be guilty of an offence.
- (16) Where a traffic sign, not being a traffic sign to which regulations under *subsection (2)* of this section relate, is provided under this section by a road authority, it shall be in conformity with any general or particular directions that may be given from time to time by the Minister.
- (17) A traffic sign standing provided under any subsection of section 69 of the Local Government Act, 1946, at the commencement of this section shall be deemed to be provided under the corresponding subsection of this section.
- (18) A traffic sign on or near a public road shall, in any prosecution for an offence under this Act, be presumed, until the contrary is shown by the defendant, to have been so placed lawfully and to be in accordance with any regulation, or in conformity with any direction, under this section relating to it.
- (19) A request by the Commissioner under this section may be signed by an officer of the Garda Síochána authorised in that behalf by the Commissioner.
- (20) Where a person is charged with an offence under *subsection (11)* or *subsection (15)* of this section, it shall be a good defence to the charge for him to show—
- (a) that the traffic sign, sign, device, notice or light to which the charge relates was provided neither by him nor with his consent, and
 - (b) that as soon as was practicable after its provision came to his notice, he had it removed.

Appendix 2: Section 38 of the Road Traffic Act 1994

Traffic calming measures.

38. (1) A road authority may, in the interest of the safety and convenience of road users, provide such traffic calming measures as they consider desirable in respect of public roads in their charge.
- (2) A road authority may remove any traffic calming measures provided by them under this section.
- (3) Before providing or removing traffic calming measures under this section of such class or classes as may be prescribed, a road authority shall—
- (a) consult with the Commissioner;
 - (b) publish a notice in one or more newspapers circulating in the functional area of the authority—
 - (i) indicating that it is proposed to provide or remove the measures, and
 - (ii) stating that representations in relation to the proposal may be made in writing to the road authority before a specified date (which shall be not less than one month after the publication of the notice);
 - (c) consider any observations made by the Commissioner or any representations made pursuant to paragraph (b) (ii).
- (4) The making of a decision to provide or remove traffic calming measures of a class prescribed under subsection (3) and the consideration of observations or representations under paragraph (c) of that subsection shall be reserved functions.
- (5) Traffic calming measures shall not be provided or removed in respect of a national road without the prior consent of the National Roads Authority.
- (6) The Minister may issue general guidelines to road authorities relating to traffic calming measures under this section and may amend or cancel any such guidelines and, where any such guidelines are, for the time being, in force, road authorities shall have regard to such guidelines when performing functions under this section.
- (7) A traffic calming measure provided under this section shall be deemed to be a structure forming part of the public road concerned and necessary for the safety of road users.
- (8) (a) A person who, without lawful authority, removes or damages or attempts to remove or damage a traffic calming measure provided under this section shall be guilty of an offence.
- (b) An offence under this subsection may be prosecuted by the road authority in whose functional area the acts constituting the offence were done.
- (9) In this section —

“ bus ” means a mechanically propelled vehicle designed for travel by road having seating accommodation for more than 9 persons (including the driver);

“ provide ” includes erect or place, maintain and (in the case of an instrument for giving signals by mechanical means) operate;

“ public bus service ” means the use of a bus or buses travelling wholly or mainly on public roads for the carriage of passengers in such a manner that —

- (a) the service is provided on a regular and scheduled basis,
- (b) each journey is open to use by members of the public,
- (c) carriage is provided for passengers between specified terminal points or along a specified route or otherwise in accordance with a published timetable, and
- (d) a charge or charges are paid in respect of each passenger;

“ traffic calming measures ” means measures which —

- (a) enhance the provision of public bus services, including measures which restrict or control access to all or part of a public road by mechanically propelled vehicles (whether generally or of a particular class) for the purpose of enhancing public bus services, or
- (b) restrict or control the speed or movement of, or which prevent, restrict or control access to a public road or roads by, mechanically propelled vehicles (whether generally or of a particular class) and measures which facilitate the safe use of public roads by different classes of traffic (including pedestrians and cyclists),

and includes for the purposes of the above the provision of traffic signs, road markings, bollards, posts, poles, chicanes, rumble areas, raised, lowered or modified road surfaces, ramps, speed cushions, speed tables or other similar works or devices, islands or central reservations, roundabouts, modified junctions, works to reduce or modify the width of the roadway and landscaping, planting or other similar works.