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THE MAKING OF SPEED LIMIT BYE-LAWS

4.1 General

The purpose of this chapter is to give advice to members and officials of Local Authorities in relation to the making of *Special Speed Limit* bye-laws. This section is also relevant to the Gardaí, who must be consulted in relation to the proposed bye-laws, the National Roads Authority, who must consent in writing to proposals relating to National Roads and to the general public who must be consulted in relation to the final draft bye-law proposals.

The overriding principle that must inform any decision to change a default speed limit should be road safety. In addition, to be effective, a speed limit should be self-regulating (self-explaining) and regarded as appropriate by road users and should not be imposed on a road unless there is a clear justification for doing so. If a *Special Speed Limit* is not warranted and does not appear appropriate to the road user, the road user will tend to ignore it, creating enforcement difficulties and potentially bringing the whole system of speed limits into disrepute.

The principle of giving the Elected Members of Local Authorities the power to make bye-laws (as a reserved function) for the purpose of applying *Special Speed Limits* which was established in 1994, is retained in the Road Traffic Act 2004 (see Appendix E) and introduced fundamental changes to the process of making bye-laws and the range of powers available to Local Authorities.

As originally set out in the Road Traffic Act 1994, bye-laws should generally be made in respect of a Local Authority area as a whole. Dealing with proposals for specific areas or roads on an independent basis should be avoided unless it is deemed necessary or appropriate to do so, particularly on the grounds of safety.

The requirements for Road Works speed limits are set out in Section 10 of the Road Traffic Act 2004 – See Chapter 8.

4.2 Local Authorities – Role of elected Members and Special Speed Limit Bye-laws

Under the Road Traffic Act 2004 (extracts included in Appendix E) the power to make bye-laws to apply Special Speed Limits on public roads in their administrative area in lieu of the default limits is solely vested with the Elected Members of Local Authorities where a majority of Members vote to do so.

A Local Authority may, from time to time, carry out a review of any speed limit and publish a *Special Speed Limit* bye-law for all or part of a public road network within its administrative area, where it is deemed necessary or appropriate to do so, particularly on the grounds of safety. Updates should be considered and progressed at least every 3 years and a full review should be carried out in a structured manner and occur at least every 3 to 5 years.

Proposals in relation to amending Speed Limits may be made by Elected Members and Officials as required and such proposals may be amended by elected members. All proposals or amendments to such proposals should be made in a manner to ensure timely passing of bye-laws.

The process of making *Special Speed Limit* bye-laws requires Local Authorities to engage in consultation with a number of bodies and the general public.

4.3 Consultation under the Road Traffic Act 2004

Local Authorities have, since the enactment of the Road Traffic Act 1994, been required to engage in a consultation process with respect to the publication of *Special Speed Limit* bye-laws. It is recommended that the process should commence at the earliest opportunity so that the bodies involved can make informed contributions to the overall process. The Road Traffic Act 2004 introduced a requirement for consultation with the general public. All representations and objections relating to proposed bye-laws must be made in writing to the Local Authority.

Consultation includes:

- Advertising for submission of requests for consideration
- Consultation with any adjoining Road Authority in respect of roads which pass through each adjoining Authority to ensure consistency of approach.
- Road Authorities must consult with An Garda Síochána in respect of all proposals relating to *Special Speed Limit* bye-laws.
- The Road Traffic Act 2004 provides for a *public consultation* process in relation to the making of *Special Speed Limit* bye-laws.

Section 9(3) and 9(4) of the Road Traffic Act 2004 sets out a formal consultation process that must be followed, however an informal non statutory consultation process is also carried out by many Local Authorities in the drafting of *Special Speed Limit* bye-laws. Non statutory consultation is carried out by engagement with neighbouring local authorities, local Gardaí, and residential associations and community development groups.

Before a Local Authority proposes to make bye-laws they shall give notice under Section 9(3) of the Road Traffic Act 2004 to the Garda Commissioner and shall consider any representations made in writing where they are received within the period (not being less than one month after the date of service of that notice) specified in the notice.

Following the consideration of any representations under section 9(3) above, a Local Authority proposing to make bye-laws are required to undertake a formal period of public consultation under Section 9(4) of the Road Traffic Act, 2004. The council shall publish a notice of the proposal in at least 2 daily newspapers. This notice shall state where the draft bye-laws can be inspected and where any person can make any objection, in writing, to the draft bye-laws within 30 days from the date of publication of this newspaper notice and the Local Authority shall consider the objections.

The considerations of objections by a Local Authority shall be considered by the Elected Members at the full Council meeting.

The above is a summary of the formal consultation process under Section 9(3) and 9(4) of the Road Traffic Act 2004, however, reference to the full provision of this section of the act should be made in the process of making special speed limit bye-laws.

The National Roads Authority is tasked with the construction and management of the National Road network. The Authority's prior consent, in writing, must be given in relation to any proposal to apply a *Special Speed Limit*, in lieu of a default speed limit, or to change any existing *Special Speed Limit* on a National Road and may, in certain circumstances, seek a change to a speed limit on a National Road itself.

4.4 The Structure of the Bye-laws

One of the major changes to the law relating to speed limits introduced in the Road Traffic Act 2004 was the application of separate speed limits on rural National Roads and rural Regional and Local roads. That Act also specified that default speed limit values can be applied as *Special Speed Limits* on roads where they do not apply on a default basis.

As part of those particular changes, the Act provided that when a Local Authority applies a *Special Speed Limit* in lieu of a default speed limit, the latter speed limit is automatically dis-applied. This removed the requirement to dis-apply the speed limit in bye-laws. Where a *Special Speed Limit* is removed the speed limit reverts to the appropriate default speed limit. This is relevant in that *Special Speed Limit* bye-laws can be amended as necessary.

Notwithstanding the above, when carrying out a comprehensive review or where there are multiple amendments to existing speed limits, it is good practice to consolidate all *Special Speed Limits* into a new single bye-law and to revoke existing bye-laws.

4.5 Applying Special Speed Limits

Where *Special Speed Limit* bye-laws are made, the description of the locations at which the *Special Speed Limits* apply must be very specific. *Special Speed Limits* should generally be applied in respect of a complete road or for specific distances on a road. Normally the reference points should be to, or from, junctions or city and town boundaries and departures from that approach are discouraged. In all cases, the location of the speed limit sign should directly reflect the location set down in the bye-laws.

There are occasions where the identification of individual roads may not be the appropriate approach to the application of *Special Speed Limits* in an area. There are a large number of towns, some with very sizeable populations, and areas of major urban development adjacent to major cities where a more appropriate approach would be to establish a zone within which the *Special Speed Limit* applies.

A speed limit zone, within which all roads, or all roads with certain exceptions, will be covered by the *Special Speed Limit* of 50 km/h, can be established by reference to a series of points that are joined together, effectively creating a "boundary". These reference points should be to locations on roads. Speed limit signs must be erected at those locations.

It is important to note that once a road is not within the boundary of a built-up area (i.e. City Council and former Borough and Town Council areas) the default speed limit for all of the roads in that area, as per Road Traffic Act 2004, is 80 km/h for Regional and Local Roads and 100 km/h for National Roads. In such circumstances the appropriate *Special Speed Limit* should be chosen and must be applied through bye-laws. Chapter 7 provides detailed guidance for setting *Special Speed Limits* in rural and urban areas.

4.6 Examples of text for Schedules

Where a *Special Speed Limit* is being applied to a stretch of road, there are a number of options available for the purposes of describing the exact parameters of the speed limit. Some suggested formats follow. Examples 1 and 2 are taken from text in the speed limit regulations made in relation to County Cork and are used purely as examples. These are for illustrative purposes only as the speed limits in both cases may have been the subject of significant change since the bye-laws were made.

In order to assist all involved in the process of making bye-laws and bodies that must be consulted, a map of the area should be prepared that clearly shows the locations of the roads and of the points where the speed limits start and finish. The use of different colours for different speed limits can provide a useful aid to identifying the sections of road in question, and should be accompanied by a legend. The map should also show the direction North.

Example

Relating to roads in Buttevant, Co. Cork.

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The overall title to the reference was - "The following roads at Buttevant". The actual descriptions presented for the roads were as follows –

- (a) Ball Alley Lane, Barrack Place, Military Road, New Street, St. Coleman's Place, Mill Lane.
- (b) The Knockbarry Road for a distance of 942 metres from its junction with the Mallow-Limerick Road (National Road N20).
- (c) The Liscarroll Road between its junction with the Mallow-Limerick Road (National road N20) and a point 340 metres west of its junction with the Military Road.

The second example is the application of a *Special Speed Limit* zone.

Example

The following roads at Dunmanway:-

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All roads in the area enclosed by a line commencing at a point on the Cork Road 281 metres east of its junction with the Macroom Road and drawn thence in straight lines successively to the following points:-

- (a) a point on the Clonakilty Road 46 metres east of its junction with the

Mullough Road,

- (b) a point on the Mullough Road 385 metres south of its junction with the Clonakilty Road,
- (c) a point on the Bantry-Coach road 1,086 metres south-west of the junction of Mary Street with the Kilbarry Road,
- (d) a point on the Kilbarry Road 92 metres south-west of its junction with Mary Street,
- (e) a point on Castle Street 23 metres east of its junction with the Inch Road,
- (f) a point on High Street 284 metres north of its junction with The Square,
- (g) a point on the Spa Road 23 metres north-west of its junction with Chapel Street,
- (h) a point on the Macroom Road 92 metres north of its junction with Chapel Street,

and from the last mentioned point in a straight line to the commencement point on the Cork Road.

Under the provisions of the Road Traffic Act 2004, bye-laws may be made applying different speed limits to different carriageways or lanes on a road. A similar approach to the presentation of text should be adopted for these bye-laws, as is the case in the making of bye-laws to apply a *Special Speed Limit* on the full length of a road.

The Act also provides for the application of *Special Speed Limits* at specified/restricted times and in special circumstances. In terms of the structure of bye-laws, such provisions should be addressed through Schedules that are separate from those under which *Special Speed Limits* are applied to roads or parts of roads on a full-time basis. It is very important that the circumstances that create the need for the special arrangements are clearly outlined in the bye-laws.

The following examples are taken from text in the speed limit regulations made in relation to Dún Laoghaire-Rathdown County Council and are used purely as examples. They are used for illustrative purposes only and the speed limits may have been the subject of significant change since the Regulations were made.

Example 1.1 FIRST SCHEDULE – SPECIAL SPEED LIMIT 50 KM/H

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50 km/h shall be the speed limit for mechanically propelled vehicles on public roads located within the boundary of Dún Laoghaire-Rathdown County Council's administrative area (as shown on the county boundary map prepared in accordance with section 10 of the Local Government (Dublin) Act, 1993), as also shown indicatively on drawing No. TT-107-01-13 County Speed Limits (shaded green), except those roads specified in the following second, third, fourth, fifth, sixth, seventh and eighth schedules to these Bye-Laws;

Example**4****1.3 THIRD SCHEDULE - SPECIAL SPEED LIMIT OF 60 KM/H (BUS LANE ONLY)**

60 km/h shall be the special speed limit for mechanically propelled vehicles driving in the bus lanes on those public roads shown indicatively on drawing No. TT-107-01-13 County Speed Limits, coloured magenta and as specified hereunder:-

Bray Road (Southbound)

- (i) The Bray Road southbound bus lane from a point 89m south-east of its junction with Kill Lane to a point 15 metres north-west of its junction with Old Bray Road opposite Mart Lane.
- (ii) The Bray Road southbound bus lane from a point 15 metres south-east of its junction with Old Bray Road opposite Mart Lane to a point 15 metres north-west of its junction with Clonkeen Road.
- (iii) The Bray Road southbound bus lane from a point 15 metres south-east of its junction with Clonkeen Road to a point 7.5 metres north-west of its junction with Johnstown Road.
- (iv) The Bray Road southbound bus lane from a point 15 metres south-east of its junction with Johnstown Road to a point 5 metres north-west of its junction with Shanganagh Vale.
- (v) The Bray Road southbound bus lane from a point 10 metres south-east of its junction with Shanganagh Vale to its junction to a point 100 metres north of the Loughlinstown Roundabout junction.

Example**5****1.4 FOURTH SCHEDULE - SPECIAL SPEED LIMIT 80 KM/H EXCLUDING BUS LANE**

80 km/h shall be the special speed limit for mechanically propelled vehicles on those public roads (excluding the bus lane which as detailed in the Third Schedule above will be 60km/h) shown indicatively on drawing No. TT-107-01-13 County Speed Limits, coloured magenta and as specified hereunder:-

Bray Road

- (i) Southbound side of the Bray Road, excluding the Southbound nearside bus lane, between a point 89 metres south-east of its junction with Kill Lane to a point 100 metres north of the Loughlinstown Roundabout junction.
- (ii) Northbound side of the Bray Road, excluding the Northbound nearside bus lane, between its junction with Cherrywood Road and a point 89 metres south-east of its junction with Kill Lane.

Miscellaneous Roads

- (i) The southbound Exit Ramp from the Bray Road to a point 50 metres north-west of its junction with the Wyattville Road.
- (ii) The southbound Entry Ramp to the Bray Road at Cherrywood, from a point 50 metres south-east from its junction with the Wyattville Road to its junction with the Bray Road.

4.7 Map based Bye-Laws

In general, where a reference to a geographic area is required in an instrument this is done by-

- precise ordnance reference to geographic points or landmarks, or
- by general reference with a map annexed to the instrument.

For Special speed Limits it is appropriate to include maps in Special Speed Limit bye-laws as they help clarity. When doing so it is important that such maps: -

- provide clarity for the purposes of any prosecutions and that An Garda Síochána are satisfied that such maps would assist their functions.
- are included in the bye-law.
- ensure that any lining, shading and hatching is distinctive, understandable and reproducible.

There is however no legal obligation to provide maps. However, where the reference in the bye-law text is not sufficiently precise to define the exact boundaries, maps should be included.

Where bye-laws are produced by the use of maps only, the drawings (maps) produced must be to scale to allow measurements to be scaled from them. The maps used must be OSi maps as they provide a greater level of detail than other maps. Scales used must be 1:5000 or 1:2500.

While text based bye-laws are, and always will be suitable, improvements in mapping and the ongoing development of the MapRoad PMS Road Management System may provide a more efficient way to deliver bye-laws with reference only to maps. These are easier to read by the public and easier to display on a web portal.

The examples shown are taken from bye-laws produced by Galway County Council and Wexford County Council and are used purely as examples. Note that these are for illustrative purposes only as the speed limits in these cases may have been the subject of significant change since the bye-laws were made.

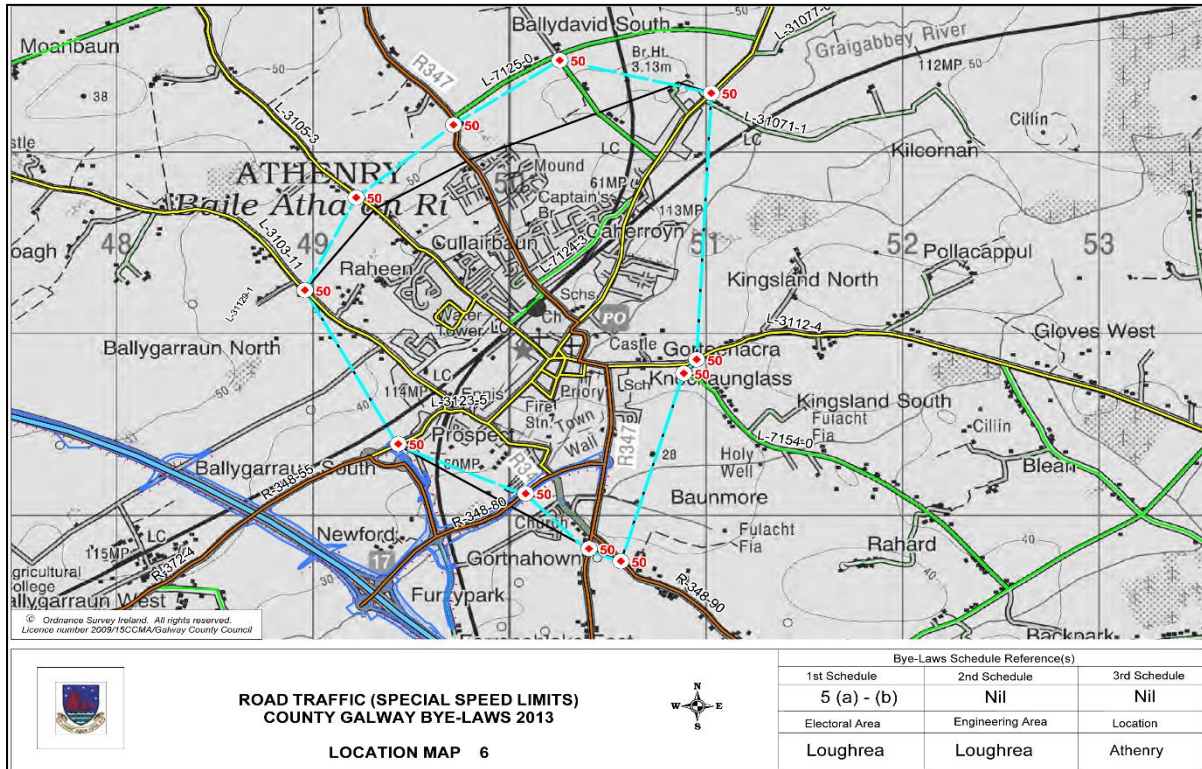


Figure 4.1 – Zoning bye-law map

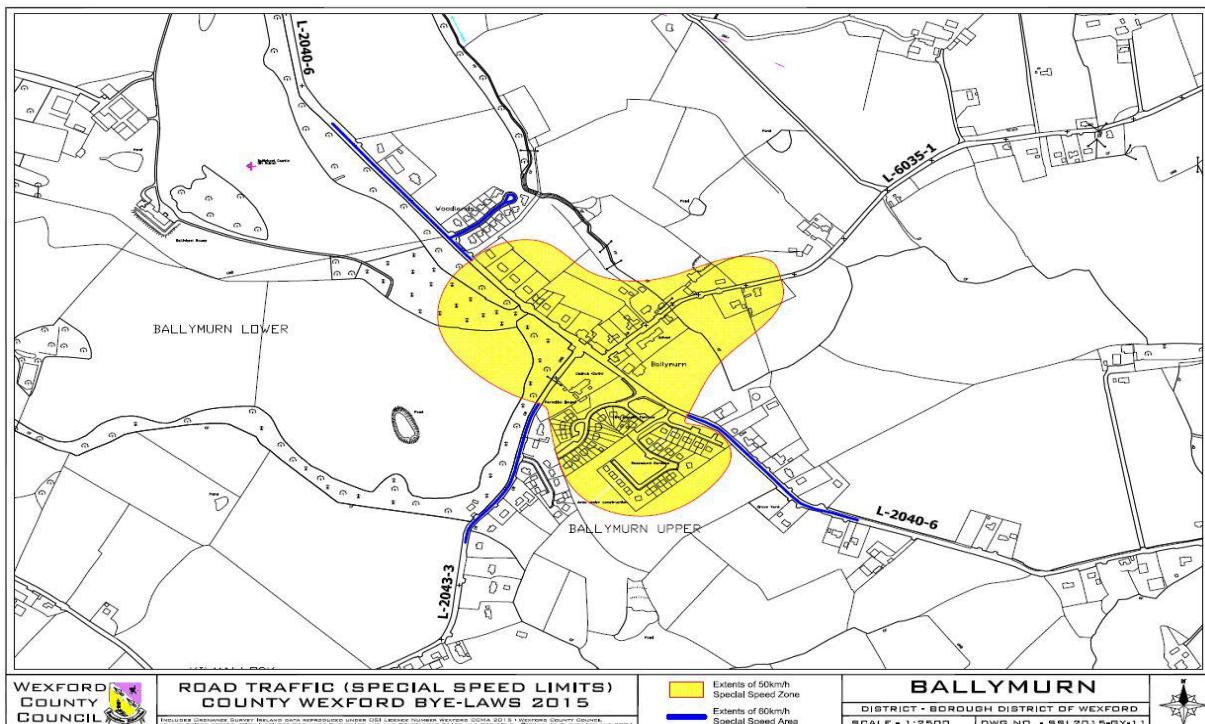


Figure 4.2 – Zoning bye-law map

The first examples (Figures 4.1 & 4.2) are bye-laws using a zoning map. The default 80 km/h sections are not mapped - as with the written bye-laws, the assumption is that anything not mentioned is default.

The second example (Figure 4.3) is a traditional road by road map based bye-law.

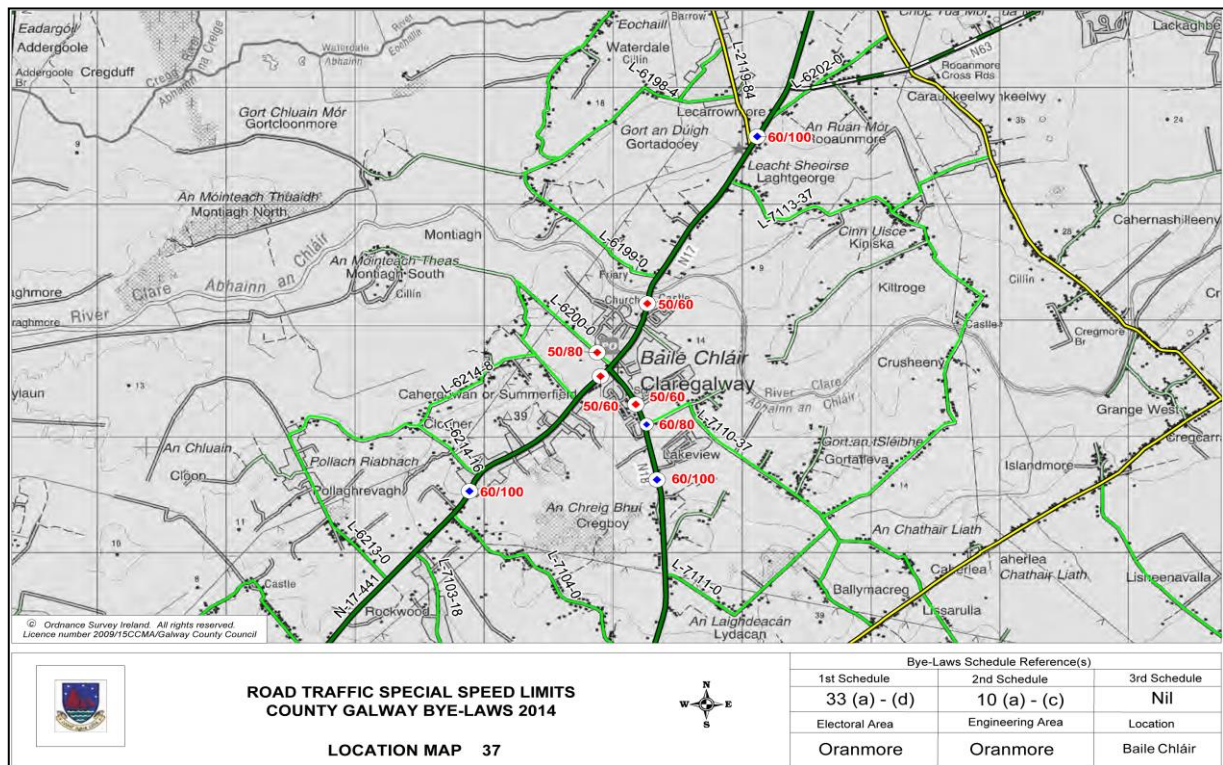


Figure 4.3 – Road by road bye-law map

4.8 Making Special Speed Limit Bye-Laws

Figure 4.4 (next page) outlines the process Local Authorities typically follow when making bye-laws. Statutory requirements in relation to the process of making bye-laws are highlighted and the applicable sections of the Road Traffic Act 2004 (as amended) are referenced.

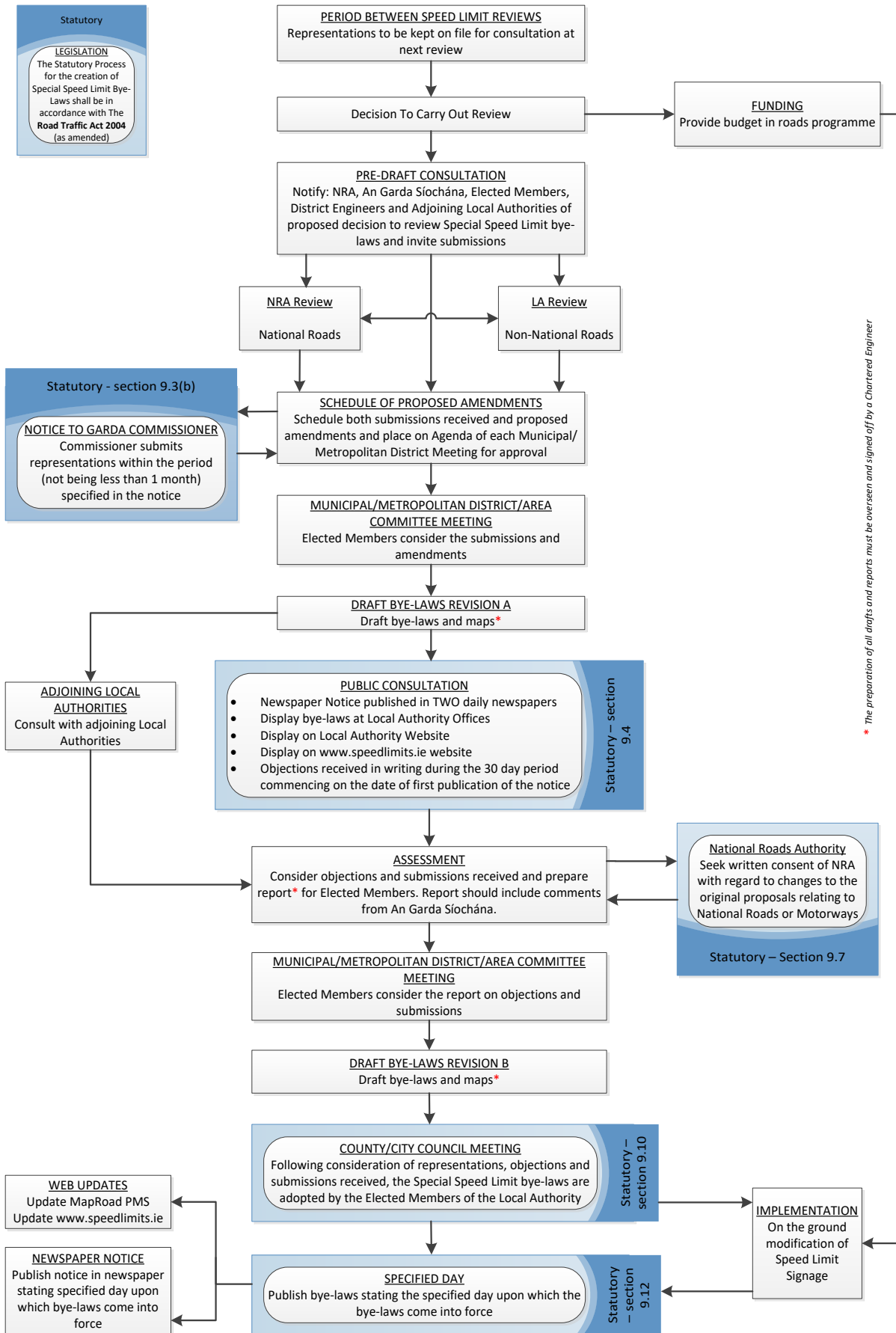


Figure 4.4 – Process of making bye-laws