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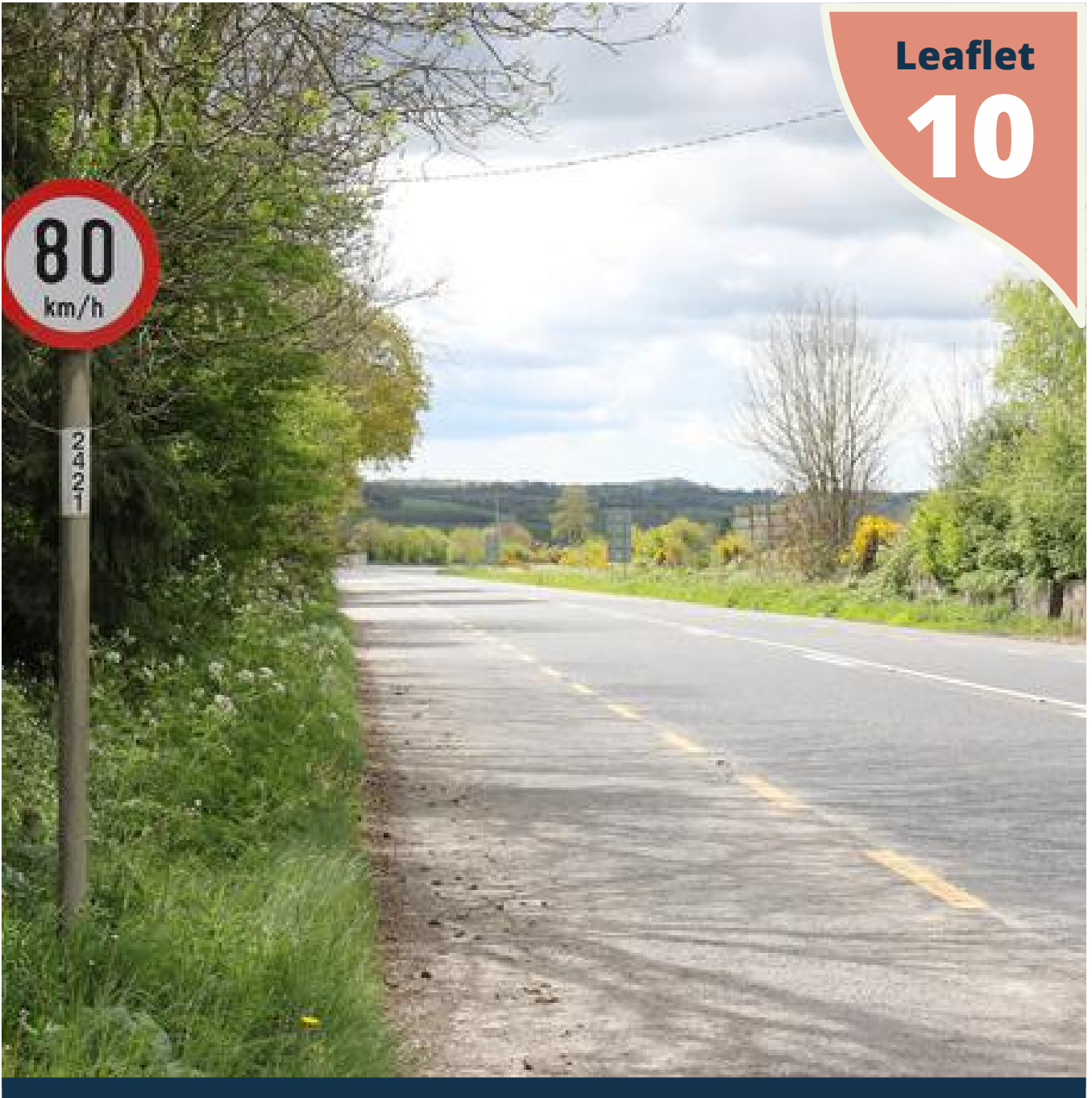
AILG Elected Member Information Leaflet Special Speed Limits – A Reserved Function of the Elected Member

Leaflet

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Setting of Speed Limits and the Reserved Function of the Elected Member

Speed limits are among the most frequent regulatory device encountered by the general public in their day-to-day movement about the country. They matter to drivers who are legally obliged to obey them but they also matter to other road users whose safety depends to a large degree on regulated speeds on our road spaces. Consistent research by the Road Safety Authority and others shows there is a stark relationship between speed and accident outcomes. In simple terms, most pedestrians will survive an impact at 30 km/h but most will die following an impact at 60km/h. Yet from the driver’s seat the difference between 30 km/h and 60km/h is a short press on the accelerator pedal. *

Minister defines “ordinary” or default limits: local authority sets “special speed limits.”

The setting of speed limits happens at two levels. The Minister for Transport sets general default maximum speed limits known as “ordinary speed-limits” for different classes of road as defined by the Minister under statute law.

On a more local basis local authorities can set speed limits which depart from the default national standards and these are known as special speed limits.

In other words, the Minister sets the general context while the local authorities establish specific departures from the national standard limits. An example might relate to a stretch of national road which has a poor alignment and

a correspondingly high collision rate. The default maximum speed for a National road is 100km/h. However, the local authority might regard this as too high and start the procedure to place 60km/h limits on the stretch of road. This would be known as a Special Speed Limit.

The setting of speed limits has major technical and engineering components to it with the local authority engineering staff at senior level being required to sign-off on any proposed changes to speed limits before presenting them to the elected council for approval. There is a considerable body of roads engineering research on the issues of safety in relation to speed and as regards measures that can be taken to modify driver behaviour, including infrastructure such as signage and road surface modifications such as speed tables and ramps.

Statutory and advisory basis for the creation of “special speed limits” by the local authority.

The procedure for making special speed limits is governed by the Roads Act 2004 and by directive guidelines issued by the Minister in 2015 regarding the establishment of special speed limits known as “Guidelines for setting and managing speed limits in Ireland” accompanied by Circular RD01/2015 as the administrative authorisation for the guidelines.

Further modifications have been made to the procedures governing speed limits including in December 2021 when the Minister for Transport issued additional guidance on the designation of mixed-use “slow zones” for urban areas where pedestrians including children and the elderly were in the traffic mix as well as cars and trucks.

* p.142 of the Speed Limits Guidelines published by DTTAS quoting RSA research

The Roads Act 2004 specifies on a national basis the “ordinary speed limits” for the different classes of road ranging from 120 km/h to 50km/h.

The local authority has a range of speed limits available to modify the default “ordinary” limits and these range from 120 km/h to the lower limit of 20 km/h. The setting of the speed limits at these or the intermediate steps must follow criteria set out in the guidelines issued by the Dept. of Transport.

The local authority is required to review the Special Speed Limits in force in the county or city on a five-yearly basis or more frequently where necessary including following a successful appeal from a citizen following a procedure established in December 2021.

Procedure to be operated by elected members in making “special speed limits”

Context: The Roads Act 2004 Section 9 specifies that the Minister may make regulations in relation to matters to be taken into account when a local authority considers the making of special speed limits. The Minister has made such regulations by way of an extensive volume of guidelines published in 2015 which set out the considerations to be taken into account in the engineering, planning and operational appraisals of appropriate speed limits and the making of decisions based on gathering data about driver behaviour on different kinds of roads.

When all the evidence has been gathered the local authority engineering staff, and the relevant Director of Services prepare reports for members with recommendations on where special speed limits might be positioned.

Generally, this will involve a lower speed than the national default limit for the class of road in question.

Consultation and notice:

The Act requires the Council to consult with the Gardai and, in the case of a National Road, with Transport Infrastructure Ireland.

The Council is then required to publish a notice in two daily newspapers setting out in precise description details of the road or roads where it intends to make Special Speed limits. These can be described by reference to the beginning and end points of the road where the speed limit will apply. Equally, the Council may take the zoned approach and is legally empowered to describe a zone through its perimeter points within which a Special Limit will apply. The extent of the roads involved can be conveyed by way of textual description or on a map - either is legally supported.

Making of speed limits

The Council must allow thirty days for any representations from members of the public and these must be considered.

The Council may then proceed to make or, if it so decides, not make the Special Speed limits.

A Council is obliged to review speed limits every five years or more often if the need arises.

When made by the Council, and signposted according to the strict graphic specification for regulatory signs, the Special Speed Limit by-laws become enforceable by an Garda Síochána

Options as regards defining times of operation and different carriageways

The Roads Act allow for a high level of variation in how Special Speed Limits may be applied. For instance, they may be described as applying at a certain time of day only or to apply to certain carriageways of the road but not to all carriageways of the same road. In the latter case Councils have specified higher speed limits for bus lanes than for other lanes on multi-lane dual carriageways.

Road works special speed limits

The Chief Executive of a roads authority is empowered to make temporary Special Speed limits to protect personnel working on road works and such limits can have a duration of up to twelve months.

Slow zones and shared spaces

While much discussion on speeding relates to arterial-type roads, recent years have seen concern regarding speeds in or near housing estates. This manifested itself in a campaign to have explicit slow-speed designation of roads in housing estates and built-up areas.

A number of Councils have established “Slow Zones” with distinctive signage to make it clear to drivers that there is a mix of users in the estate or locality including vulnerable road users such as the elderly and children. Such zones are often accompanied by modifications to the road profile such as “chicanes” and “speed tables” which are hard engineering measures to make it clear to drivers that they are entering a zone where speed must be at a minimum.

From December 2021 an additional designation has been advertised known as “Shared Spaces” where a limit of 20km will apply.

Vehicular speed limits

Some categories of vehicle are prohibited from travelling above a designated speed for the type of vehicle even if the road speed limit allows a higher speed for traffic generally. Buses and trucks have maximum speed limits. For instance if a bus has standing passengers onboard it is limited to a speed of 65 km/h even if the posted speed for the road is higher.

New procedure for public to appeal an existing speed limit

In December 2021 the Minister for Transport introduced an online system where, for the first time, members of the public - or their representatives - could make application to the Council to review the speed limit. The purpose of this procedure is to give a more efficient response to a person with a concern about speeding than was previously the case where approaches to change speed limits are generally put in a queue for consideration at a five-yearly review.

The new procedure operates as follows:

- The citizen or their representative will complete a form (with no fee necessary) and forwards it to a Local Authority Appeal Panel which will comprise two engineers of whom one must be a chartered engineer.
- The Local Authority Appeal Panel has one month in which to rule on the appeal and communicate with the appellant.
- If the Local Authority Appeal Panel agrees with the appellant that the speeds which had been set are outside the guidelines it is obliged to begin the process of amending the local authority's special speed limits bye-laws for the location in question which should be completed within twelve months.
- If the Local Authority Appeal Panel does NOT agree with the appellant's case, then the appellant is given the opportunity to escalate her or his appeal to a Regional Panel comprising three engineers with experience in advising on speed limits. This escalation appeal must be accompanied by a fee of €125 which is refundable if the Regional Panels finds in favour of the appellant.
- If the appeal is not accepted the appellant is notified and the fee forfeited.
- If the appeal is accepted the appellant is notified, the fee refunded, and the local authority concerned advised to begin the process of amending its Special Speed limit bye-law to be completed within twelve months.

Oversight of elected members

The final making or revision of a Special Speed Limit is reserved to the elected members.

Where the elected members do not sanction a recommendation to change a speed limit either a) as a result of the appeals process or b) as a result of the five-yearly review, this outcome must be referred to the Regional Review Panel. However, the ultimate power to make or not to make Special Speed Limits remains with the elected members.

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