

KILDARE COUNTY COUNCIL

Minutes of the Special Meeting of Full Council held at 2:00 p.m.

Monday 25 July 2022 in

Áras Chill Dara, Devoy Park, Naas, Co Kildare.

Members Present: Councillor F Brett (Cathaoirleach), Councillors VL Behan, A Breen, A Breslin, B Caldwell, M Coleman, N Connolly, Í Cussen, S Doyle, K Duffy, T Durkan, A Farrelly, A Feeney, C Galvin, P Hamilton, N Heavey, I Keatley, C Kelly, C Kenny, N Killeen, M Leigh, P McEvoy, S Moore, J Neville, N Ó'Ceairúil, P O'Dwyer, T O'Dwyer, C Pender, R Power, M Stafford, B Weld and B Wyse.

Members Online: Councillor B Clear, A Connolly, D Fitzpatrick, E Sammon.

Apologies: Councillors B Dooley, V Liston, F McLoughlin Healy and P Ward.

Also Present: Ms A Aspell, Mr E Ryan, Ms E Wright (Directors of Service), Ms M Higgins, Mr K Kavanagh (A/Directors of Service), Ms F Millane (A/Head of Finance), Mr D Hodgins (Senior Engineer) Ms C O'Grady (Meetings Administrator) and Ms K Keane (Meetings Secretary).

The Cathaoirleach welcomed everyone to the Special meeting of Full Council to consider the Kildare Speed Limit Review 2022 Draft Bye-laws Revision B. He confirmed this item had been deferred to a special July meeting at the request of the members and welcomed Ms Wright, Director of Service and Mr Hodgins, Senior Engineer, to the meeting.

Ms Wright confirmed that the last Speed Limit Review in Kildare was in 2011 and the current review process had commenced in 2018 with a considerable amount of work and resources invested in it by the Roads Department. She confirmed the proposal

before the members was to regularise speed limits on the roads in the county and to bring Kildare County Council into compliance with road traffic legislation.

Mr Hodgins made a short presentation to the members and confirmed that Kildare County Council had responsibility for 2,500 km of roadway and outlined the stages of the byelaw review process and the consultation that had been carried out to date. He confirmed the relevant exemptions to the Byelaws and outlined the key outcomes to the review process, namely:

- Jake's Law: 30km/h Residential Slow Zones in 545 housing estates
- Targeted signing and lining initiatives for "regularised" locations
- Link to DoT Support Office "Locations of Interest" for road safety investment
- Examine scope for 30kph limit in urban areas across the county
- Speed Limit Appeals Team in place
- Funding secured from Department of Transport for signage
- Regularisation of Speed Limits across the county in accordance with guidelines

Mr Hodgins also outlined the opportunities in 2022 and 2023 if the members chose to adopt the Byelaws:

- Jake's Law: Procurement Q3/Q4 2022
- Progress "Locations of Interest" Project
- Implementation plans for 30kph limit in urban areas across the county
- Increase pedestrian "green man" times in urban areas
- Rollout "Periodic Speed Signage" to additional school locations
- Introduce "Safe Overtaking for Cyclists Signage" where appropriate
- Use of rural speed limit signage at specific locations
- Speed Limit Appeals Process

A lengthy debate took place amongst the members and the following points were made:

- A reduction in the speed limit at known speeding blackspot areas had not been included in the Byelaws
- What was the position with periodic speed limits, and speed limits on Main

Streets such as Celbridge and Leixlip

- The documents presented to the members were completely inadequate as they did not consider petitions, requests and proposals that had been submitted and previously discussed with the executive. The document also proposed to increase speed limits outside some schools which was wholly unacceptable.
- The council appeared to have only used one rationale from the Guidelines when assessing roads and proposing speed limits, and that increasing limits from eg. 60kmh to 80kmh in known speeding blackspot locations would prevent the Gardaí enforcing the lower limit that was currently in existence.
- Had the council used its discretion on “engineering judgement” when considering speed limits around schools, as allowed for in the Guidelines?
- What was the default speed limit on “Slow” signs when there was no number on the sign?
- Supporting this document would send out the wrong message to the public given the concerns that have been raised on certain locations, whose speed limits had actually been increased in the draft Byelaws.
- Local knowledge had not been used or accounted for in compiling the draft Byelaws.
- The introduction of engineering solutions had obviously not been considered given the increase in speed limits in identified locations of concern.
- There were a lot of very positive measures in the draft Byelaws such as the 50kmh extensions and the support of Jakes Law
- Clarification sought on the position re Jakes Law if the draft Byelaws were rejected.
- Clarification sought regarding the process to appeal/change speed limits and whether this was to be initiated at full council or was it delegated to the Municipal District Committees.
- Clarification sought on whether Jakes Law would apply to estates not yet taken in charge.
- Could the council identify some test cases and bring them forward to the Department of Transport for review.

Mr Hodgins responded to the queries raised as follows:

- Urban areas were defined in the 2001 Act, and in advance of introducing a 30kmh limit on Main Streets, the definition would have to be examined and revised.
- Following approval of the Byelaws, any proposed changes to speed limits could be considered and amended at the following council meeting
- Regarding periodic speed limits, new speed limits cannot be added until the process of adopting the Byelaws was finalised.
- Estates that were in charge at the time the Byelaws went on display would be included in the Jakes Law element.
- In relation to appeals, there were 2 types of appeals:
 - The first being to the local authority, which would be adjudicated on by a separate team to see if the speed limit that was the subject of the appeal was determined in accordance with the guidelines.
 - The second mechanism was to escalate an appeal to a Regional Board, outside of the local authority, who adjudicate if the speed limit that was the subject of the appeal was determined in accordance with the guidelines.

If an appeal was upheld and a Byelaw needs to change, that recommendation will firstly go to the Municipal District Committee for consideration and if agreed, a recommendation to amend the Byelaw would then go to Full Council for approval. Following enquiry, Mr Hodgins confirmed the timeline for an appeal to be concluded would be weeks rather than months.

Mr Hodgins also added that people needed to drive with due care and attention and that in addition to engineering solutions, driver education and law enforcement measures were also needed to ensure safety on the roads.

The Cathaoirleach sought the members agreement to suspend standing orders by 15 minutes to enable the special meeting to continue to 3.15pm and to defer the commencement of the monthly plenary meeting to 3.15pm

Resolved on the proposal of Councillor C Kelly, seconded by Councillor S Moore

and with the agreement of two thirds of the members present, standing orders were suspended by 15 minutes to enable the special meeting to continue to 3.15pm and to defer the commencement of the monthly plenary meeting to 3.15pm

Ms Wright stated that as a Roads Authority responsible for 2500kms of roadway, it was both incumbent and a requirement for the local authority to comply with the Guidelines. She proposed that the council could consider agreeing to test the new appeals procedure by referring a selected number of roads/areas of concern to the Regional Appeals Panel. Ms Wright also confirmed she was a member of the National Working Group set up to review the Speed Limit Guidelines and to consider 30kph/default in urban areas. She stated the working group were due to report to the Minister on this before the end of 2022 and that it was on target to do so.

Ms Wright also stated the council could agree to defer the commencement date of the Bye laws, if approved. This would allow the Roads department to complete the tender process for Jake's Law signage, appoint the contractor, commence the installation and avail of approved funding. It would also give time for the appeal to the Regional Appeals Panel to be determined. Ms Wright recommended a commencement date of April 2023 noting however, this was solely a matter for the members.

The Chief Executive acknowledged how difficult the decision was for the members noting the numerous local examples that had been outlined. She stated these were a countywide set of Byelaws, which included the very important Byelaw related to Jakes Law. Ms Kavanagh stated the Byelaws were coming to the members for approval as a 'job lot' and had been based on a national framework of legislation. She noted that the executive had outlined the options open to the members around the appeals process to deal with their current concerns and any future concerns. She stated the suggestions to refer a selected number of roads/areas to the Regional Appeals Panel was worth considering but noted the outcome of these appeals still might not be what the members would like. She also reiterated that the recommendation to defer the implementation of the Byelaws was a matter solely for the members agreement, however it would give the executive time to carry out the

works as referenced earlier. Ms Kavanagh concluded by stating that on balance, she was strongly recommending that the members approve the Byelaws and follow up their concerns via the appeals process previously outlined.

The Cathaoirleach sought the members agreement to suspend standing orders again by a further 10 minutes to enable the special meeting to continue to 3.25pm and to defer the commencement of the monthly plenary meeting to 3.25pm

Resolved on the proposal of Councillor P McEvoy, seconded by Councillor R Power and with the agreement of two thirds of the members present, standing orders were suspended by 10 minutes to enable the special meeting to continue to 3.25pm and to defer the commencement of the monthly plenary meeting to 3.25pm.

Councillor R Power proposed that the Kildare Speed Limit Review 2022 Draft Byelaws Revision B be adopted, and their implementation be deferred to the 31 March 2023.

Councillor C Kelly seconded the proposal.

The Cathaoirleach called for a show of hands vote on the proposal before the members to adopt the Byelaws and defer their implementation to the 31 March 2023.

Resolved on the proposal of Councillor R Power, seconded by Councillor C Kelly with 13 members voting in favour, 20 members voting against and with no abstentions, the proposal to adopt the Kildare Speed Limit Review 2022 Draft Byelaws Revision B and defer their implementation to the 31 March 2023, was defeated.

The Cathaoirleach called for a show of hands vote on the adoption of the Kildare Speed Limit Review 2022 Draft Bye-laws Revision B as presented. Councillor S. Doyle seconded the request.

Resolved with 9 members voting in favour, 23 members voting against and with no abstentions, the proposal to adopt the Kildare Speed Limit Review 2022 Draft Bye-laws Revision B as presented was defeated.

The meeting concluded.