



STATUTORY INSTRUMENTS.

S.I. No. 472 of 2011

EUROPEAN COMMUNITIES (ROAD INFRASTRUCTURE SAFETY
MANAGEMENT) REGULATIONS 2011

(Prn. A11/1742)

EUROPEAN COMMUNITIES (ROAD INFRASTRUCTURE SAFETY MANAGEMENT) REGULATIONS 2011

I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008¹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Communities (Road Infrastructure Safety Management) Regulations 2011.

Interpretation

2. (1) In these Regulations—

“Act of 1993” means the Roads Act 1993 (No. 14 of 1993);

“Act of 2007” means the Roads Act 2007 (No. 34 of 2007);

“Authority” means the National Roads Authority established under section 16 of the Act of 1993;

“Directive” means Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008¹;

“infrastructure project” means a project for the construction of new road infrastructure or a substantial modification to the existing road network which affects the traffic flow;

“Minister” means the Minister for Transport, Tourism and Sport;

“network safety ranking” means a method for identifying, analysing and classifying parts of the existing road network according to their potential for safety development and accident cost savings;

“national framework of qualifications” means the framework established and maintained pursuant to section 7 of the Qualifications (Education and Training) Act 1999 (No. 26 of 1999);

“National Qualifications Authority of Ireland” means the body established under section 5 of the Qualifications (Education and Training) Act 1999 (No. 26 of 1999);

¹OJ L 319, 29.11.2008, p. 59.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 23rd September, 2011.

“national road” means a public road or a proposed public road which is classified as a national road under section 10 of the Act of 1993, as amended by section 11 of the Act of 2007;

“ranking of high accident concentration sections” means a method to identify, analyse and rank sections of the road network which have been in operation for more than three years and upon which a large number of fatal accidents in proportion to the traffic flow have occurred;

“road authority” means a road authority within the meaning assigned to that term in the Act of 1993 and which has the function of maintaining and constructing national roads in accordance with Section 13 of that Act, as amended by section 6 of the Act of 2007;

“road safety audit” means an independent detailed systematic and technical safety check relating to the design characteristics of a road infrastructure project and covering all stages from planning to early operation;

“road safety auditor” means a person qualified to operate as a road safety auditor under these Regulations, pursuant to Regulation 6;

“Road Safety Authority” means the Road Safety Authority established under section 3 of the Road Safety Authority Act 2006 (No. 14 of 2006);

“road safety impact assessment” means a strategic comparative analysis of the impact of a new road or a substantial modification to the existing road network on the safety performance of the road network;

“safety inspection” means an ordinary periodical verification of the characteristics and defects that require maintenance work for reasons of safety;

“trans-European road network” (TERN) means the road network identified in section 2 of Annex 1 to Decision No. 661/2010/EU of the European Parliament and of the Council of 7 July 2010².

(2) A word or expression which is used in these Regulations and which is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

(3) (a) A reference in these Regulations to a Regulation is to a Regulation of these Regulations, unless it is indicated that reference to some other Regulations is intended.

(b) A reference in these Regulations to a paragraph or subparagraph is to the paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

²OJ L 204, 5.8.2010, p. 1.

(4) These Regulations shall only apply to roads in the State which are part of the trans-European road network (TERN), whether they are at the design stage, under construction or in operation.

(5) These Regulations do not apply to road tunnels covered by Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004³.

Directions and guidelines

3. (1) The Authority may give a direction in writing to a road authority in relation to any matter arising under these Regulations or the Directive and a road authority issued with such a direction shall comply with same.

(2) Before issuing a direction to a road authority under paragraph (1), the Authority shall consult with such road authority.

(3) A direction under paragraph (1) may specify the time within which such direction is to be complied with and such other matters as the Authority considers necessary.

(4) The Authority may by direction revoke or amend any direction given by it under these Regulations.

(5) The Minister may give a direction in writing to the Authority in relation to any matter arising under these Regulations or the Directive and the Authority shall comply with such direction.

(6) The Minister may by direction revoke or amend any direction given by him under these Regulations.

(7) The Authority may, at any time, issue guidelines in relation to any matter arising under these Regulations or the Directive.

(8) The Authority shall consult with the Minister, road authorities, the Road Safety Authority and An Garda Síochána, as appropriate, prior to the issuing of any guidelines under paragraph (7), including material amendments to previous guidelines.

(9) The Authority shall publish or cause to be published, in such manner as it considers appropriate, guidelines issued under paragraph (7).

(10) The Authority may revoke or amend guidelines issued under paragraph (7).

(11) Any person or body carrying out activities covered by these Regulations or the Directive shall ensure that those activities are carried out in accordance with guidelines issued by the Authority under paragraph (7).

(12) Any direction issued by the Minister and any directions or guidelines issued by the Authority relating to matters arising under these Regulations or the Directive, which were issued by the Minister or the Authority prior to the commencement of these Regulations and remained in force immediately before

³OJ L 167, 30.4.2004, p. 39.

such commencement, shall be deemed to be directions or guidelines under these Regulations.

Road safety impact assessments

4. (1) Any person or body undertaking an infrastructure project shall ensure that a road safety impact assessment is carried out for that project, in accordance with guidelines issued by the Authority.

(2) The road safety impact assessment shall be carried out at the initial planning stage of the infrastructure project, before—

(a) in the case of an infrastructure project coming within Part IV of the Act of 1993, submitting a scheme to An Bord Pleanála, pursuant to sections 47 and 49 of the Act of 1993, as amended by sections 9 and 11 of the Act of 2007, or

(b) in any other case, submitting an application for consent for the infrastructure project under the Planning and Development Act 2000 (No. 30 of 2000) and Regulations made under Part XI of that Act.

(3) Any road safety impact assessment being carried out shall—

(a) indicate the road safety considerations which contribute to the choice of the proposed solution, and

(b) provide all relevant information necessary for a cost-benefit analysis of the different options assessed.

(4) In issuing guidelines referred to in paragraph (1), the Authority shall endeavour to meet the criteria set out in Annex 1 to the Directive.

Road safety audits

5. (1) Any person or body undertaking an infrastructure project shall ensure that—

(a) a road safety audit is carried out for that project, in accordance with guidelines issued by the Authority;

(b) road safety audits form an integral part of the design process of the infrastructure project at the stage of draft design, detailed design, pre-opening and early operation, and

(c) an audit report is produced setting out—

(i) safety critical design elements for each stage of the infrastructure project, and

(ii) relevant recommendations from a safety point of view.

(2) Where unsafe features are identified in the course of a road safety audit but the design has not been rectified before the end of the appropriate stage, the reasons for same shall be stated in an annex to the audit report completed

by the competent entity assigned for that purpose by the Authority in the guidelines issued under paragraph (1).

(3) Road safety audits shall be carried out by road safety auditors. Where a road safety audit is carried out by a team, at least one member of that team shall be a road safety auditor.

(4) A road safety auditor appointed to carry out a road safety audit shall not, at the time of the audit, be involved in the conception or operation of the infrastructure project being audited.

(5) Teams carrying out road safety audits shall comply with guidelines or directions issued by the Authority in respect of composition, membership and experience.

(6) In issuing guidelines referred to in paragraph (1), the Authority shall endeavour to meet the criteria set out in Annex II to the Directive.

Road safety auditors

6. A road safety auditor shall—

- (a) have relevant experience or training in road design, road safety engineering and accident analysis,
- (b) from 19 December 2013, be in possession of a valid certificate of competence, being one of the following—
 - (i) a professional certificate (Special Purpose Award) equivalent to level 8 on the national framework of qualifications,
 - (ii) an equivalent award validated by another member state of the European Union, or
 - (iii) an equivalent award validated in a state other than a member state of the European Union and recognised by the National Qualifications Authority of Ireland,

whether awarded before or after the coming into force of the Directive, and

- (c) take part in periodic further training courses in accordance with guidelines issued by the Authority.

Safety ranking

7. (1) On the basis of reviews of the road network undertaken at least every three years, the Authority shall carry out—

- (a) ranking of high accident concentration sections, and
- (b) network safety ranking.

(2) In carrying out the rankings referred to in paragraph (1), the Authority shall endeavour to meet the criteria set out in Annex III to the Directive.

(3) In respect of road sections showing higher priority according to the results of rankings carried out pursuant to paragraph (1), the Authority shall—

- (a) appoint expert teams, comprising at least one member with relevant experience or training in road design, road safety engineering and accident analysis, to evaluate the said sections by means of site visits guided by the elements referred to in point 3 of Annex III to the Directive; and
- (b) target remedial treatment at the said sections, prioritising those measures referred to in point 3(e) of Annex III to the Directive and paying attention to those presenting the highest benefit-cost ratio.

(4) The Authority shall ensure that road users are informed of the existence of high accident concentration sections by appropriate measures.

Safety inspections

8. (1) The Authority shall ensure that safety inspections in respect of roads in operation are undertaken in accordance with guidelines issued by the Authority for that purpose.

(2) Safety inspections carried out under paragraph (1) shall—

- (a) comprise periodic inspections of the road network, and
- (b) be sufficiently frequent to safeguard adequate safety levels for the road infrastructure in question.

(3) The Authority shall ensure that surveys are undertaken on the possible impact of roadworks on the safety of traffic flow.

Repairs and roadworks

9. (1) Any person or body undertaking roadworks shall ensure that any temporary safety measures applying to roadworks are in accordance with guidelines issued by the Authority.

(2) Appropriate signs, warning road users of roads undergoing repairs, shall be put in place by those carrying out the said repairs. The signs shall be in accordance with directions given by the Minister under section 95(16) of the Road Traffic Act 1961 (No. 24 of 1961).

(3) The Authority shall prepare and publish, in a manner it considers appropriate, an appropriate inspection scheme on the implementation of guidelines issued under paragraph (1).

(4) Where designated by an inspection scheme published by the Authority under paragraph (3), a person or body shall carry out inspections of roadworks

in accordance with that inspection scheme and in accordance with guidelines issued by the Authority under paragraph (1).

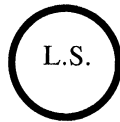
(5) The Authority shall consult with the Minister, road authorities, the Road Safety Authority and An Garda Síochána, as appropriate, prior to the publication of an inspection scheme under paragraph (3), including material amendments to previous inspection schemes.

(6) The Authority may revoke or amend an inspection scheme published under paragraph (3).

Data management

10. (1) In respect of each fatal accident occurring on a road to which these Regulations apply, a member of An Garda Síochána shall complete an accident report form, which shall, where possible, include each of the elements listed in Annex IV to the Directive.

(2) The Road Safety Authority shall, at least every five years, calculate the average social cost of a fatal accident and the average social cost of a severe accident occurring in the State.



GIVEN under my Official Seal,
21 September 2011.

LEO VARADKAR,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations give effect to Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management.

These Regulations may be cited as the European Communities (Road Infrastructure Safety Management) Regulations 2011.

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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