

Use of contradictory road signs in guidance to local authorities



Shane Foran
C/o 68 Gort Greine
Rahoon
Co. Galway

091 754601
087 9935993

27 March 2015

FAO: Mr. Paschal Donohoe, Minister for Transport, Tourism and Sport

Re: Use of contradictory road signs in guidance to local authorities

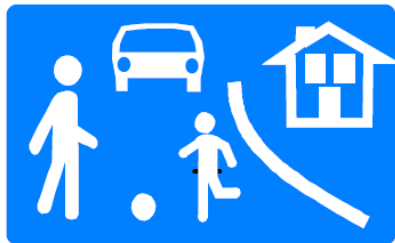
Dear Minister

Summary of concerns:

The Minister has directed Irish local authorities to use a version of a road sign with pictograms that have a specific meaning of "residential area" in international traffic law. This use of this sign in Ireland would be confusing and contradictory to its meaning in international traffic law and in the traffic regulations of other European countries. It is recommended that either the Irish traffic regulations change to reflect international law or that this sign be retracted.

Main observations:

On behalf of the committee we wish to raise the following concerns. For many decades other European countries have granted legal recognition to the idea that some streets have a "play function" for children. They have legally designated places where children may lawfully play on the roadway and pedestrians may lawfully use the entire road without undue hindrance by cars. This principle is also established in international traffic law. On Thursday 19th March you announced new guidelines to Irish local authorities with signage for "slow zones" for certain types of road and a speed limit of 30kmh. The sign in question shows pictograms of persons playing with a ball, a car and a house. This sign is clearly based on signs such as sign E17a for residential areas as defined in the Vienna Convention on Road Signs and Signals - a multilateral treaty of the United Nations. The signs convention complements the Vienna Convention on Road Traffic, which standardises international traffic laws.



E, 17^a

Figures: The sign on the left is the international sign for residential area with maximum speeds of 20kmh and legal priority to pedestrians (Vienna Convention on Road Signs and Signals). The sign on the right is the one announced by the Irish Minister for Transport on 19-Mar-2015

Use of contradictory road signs in guidance to local authorities

In 1993 the convention on traffic was amended to include a definition of a residential area as denoted by sign E17a. This definition establishes in international law a legal concept of a pedestrian priority zone where pedestrians have legal priority over cars, where children are legally protected in using the entire road surface as a play area and a maximum speed limit of 20kmh applies.

The full definition in the Vienna conventions is as follows.

"ARTICLE 27 bis

Special rules applicable to residential areas signposted as such

In residential areas, signposted as such:

- (a) Pedestrians may make use of the road over its entire width. Games are allowed;
- (b) Drivers shall proceed at very low speed , as specified by national legislation and which in no case should exceed 20 km (12 miles) per hour;
- (c) Drivers shall not put pedestrians at risk nor behave in an obstructive manner. If necessary they shall stop;
- (d) Pedestrians shall not impede vehicular traffic unnecessarily;
- (e) Parking is forbidden except where allowed by parking signs;
- (f) At intersections, road users emerging from a residential area shall give way to other road users, except when otherwise provided in domestic legislation.

This is the definition that is commonly understood for this sign under the traffic regulations of other European countries. Some countries go further and define speed limits lower than the maximum allowable speed limit of 20km/h. In Germany, a speed limit of Schrittgeschwindigkeit or "walking speed" applies. Germany has recognised the concept of the spielstrasse or play street since the 1950s. Austrian law is similar and has been in place since ~~the 1960s~~ 1983¹ – Vienna has 32km of wohnstrassen or residential streets covered by this sign. In the Netherlands a speed limit of walking speed applies under Article 45 of their traffic regulations. The Netherlands has had the concept since the 1970s and has thousands of these zones. In Belgium, Flanders adopted this sign with same meaning as in Dutch traffic law in 1978. Sweden adopted the idea in 1994. We understand that Poland incorporated the Vienna convention definition, with a limit of 20kmh, into its traffic law in 2003. Slovakia has adopted the same concept as "obytnej zone" under article 59 of its traffic regulations. France and Switzerland have adopted the idea as "zones de rencontre" but using a different sign.

¹ Error corrected by hand in version posted to Minister – Austrian legislation was a 1983 amendment of 1960 regulations.

Use of contradictory road signs in guidance to local authorities

Ireland is an open society with free travel to and from other European countries. Ireland has a duty to these citizens, who include children, not to use commonly understood road signs in a manner that confuses and is contradictory to their original meaning. The Irish sign clearly does not confer any specific legal protection on pedestrians particularly children. The proposed Irish sign also flouts the common understanding that a maximum limit of 20kmh should apply. It might be argued that the use of yellow rather than blue implies a different legal meaning to the Irish sign. In our view children from other cultural backgrounds or their parents should not be required to make obscure legal interpretations when faced with commonly understood road-signs. It should be clear to all when and where children have the protection of the state or not.

The concept of a residential area with pedestrian priority and a maximum speed limit of 20kmh was incorporated into international traffic law in 1993. In our view it is deeply regrettable that two decades later there is no progress on bringing Irish traffic law into line with commonly understood international norms.

In our view two courses of action are available to deal with the obvious contradiction created by the recent guidelines. The best option is to introduce the internationally recognised concept of "residential area" in the Irish traffic regulations and use sign E17a in the established manner. Alternatively the minister should retract that part of the recent guidance on the use of this sign and issue a direction prohibiting the use of derivatives of sign E17a in the absence of enabling legislation.

Yours sincerely,

Shane Foran M.Sc.