

The Organization for Promoting Alternative Transport in Romania

For Bucharest City Prefecture

27.01.2012

Dear Sir,

The subscribed Organization for Promoting Alternative Transport in Romania (OPTAR), through its legal representative, according to request 029/10.10.2011 registered by your institution under the no. 20.725/10.10.2011, solicited to you to take the necessary actions to compel authorized institutions (Bucharest Streets Administration and Bucharest Police Traffic Division) to comply with the Traffic Code.

In fact, following an investigation conducted by OPTAR, several violations of the Traffic Code regulations were found, which endanger the life or integrity of the traffic participants. Our study focused on bike paths execution. As demonstrated by our document, the Police, the designers and contractors in charge of this project have not followed standards, therefore a suspicion of law violations by them is highly confirmed. Even under these circumstances, mistakes could have been corrected as the Road Administration Service was obliged "to check and accept upon completion works performed on the public roads only if they meet the quality standards set by law and obtained prior to the start of workings."

But the Road Administration Service has accepted upon completion these paths even if they were not following the settled rules and permits. Every year the sums spent on bicycle infrastructure were becoming higher and higher and their administrator continued to waste money on other impracticable paths. Meanwhile, District Halls have ignored the law as well, leading to awkward situations in which the bike paths were intersecting flea markets, seasonal terraces, bus stops, benches, fences, and even a subway entrance.



Due to this lack of interest related to traffic regulations and permits, there also appeared authorized parking on sidewalks, access for pedestrians, cars, cyclists and the of mopeds being made on the same space. On Cantemir Blvd, in order to "legally" allow car traffic on the sidewalk, "one-way" road signs were introduced. As nothing imposes a speed limit on this sections, one can conclude that vehicles can run up to 50 km/h on that sidewalk.

These flagrant violations of the law have allowed that Bucharest, where enormous amounts of money were spent on infrastructure for cyclists, to have no viable bike paths. Very severe is the fact that these cycle paths have created chaos among traffic participants, the life or integrity of the later being in danger all the time.



On the sidewalk of Bucovina Street the bike path occupies the entire width of the space allocated for passers. As a result the entrance of the home tenants adjacent to sidewalks was blocked, as well as the access to the vehicles parked on the other side of the bike paths was obstructed, not to mention that the shortest way for pedestrians to pass from Basarabia Street to Baba Novac Blvd was also blocked.



On the sidewalk in front of Obor Park, the shared path for pedestrians and bicycles follows the pavement narrowed by the poles and fences placed in the area, thus pedestrian and vehicle traffic would have to take place on a one meter wide lane. In the same section, on the roadway, car traffic takes up 3 wide lanes.



On the sidewalk of Regina Elisabeta Blvd, the bike path suddenly stops in the middle of the sidewalk, traffic becoming pedestrians only. Therefore, bicycle and mopeds users are required to use a place where the law forbids them to be: the middle of a sidewalk.



On the sidewalk of Iuliu Maniu Blvd, the bike path goes straight through a RATB bus stop. Therefore, there is not enough space for pedestrian traffic and people are forced to wait for the bus on the bike path; also, people shopping for bus tickets or newspapers at the kiosk are forced to queue on the bike path; the citizens are not provided with place for safely waiting the public transport means and also the jumble created by a bus stopping was not taken into consideration.



The bike path from Cantemir Blvd goes through the middle of RATB bus stop. Besides the fact that the waiting space for passengers and the crowd which is created at the arrival of urban transport are not taken into account, the bus station is placed right in the middle of the bike path.

The above mentioned cases are found in many other situations on the Bucharest bike paths. These are serious cases that were confirmed by the two institutions that were forced to action: the Road Administration Service and the Police Traffic Division. However, nobody was held responsible up to this moment, nor any measures have been taken, aiming to protect the traffic participants' life and integrity. Furthermore, citizens are compelled to break the law every day.

According to document 9959/04.01.2012 issued by the Police Traffic Division, among other found irregularities, it was observed that "sidewalk borders are not lowered to the level of the roadway". However, all the permits issued for the bike paths execution specify that "in the crossing sidewalks areas borders will be descended to 5.00 cm from the roadway level".

Knowing that the bike paths were made exclusively on sidewalks and that borders separate roadway from sidewalks, it is found that the bike paths are inaccessible to cyclists.

According to the Implementing Regulations of GEO. 195/2002 related to traffic on public roads "the public road or the railway manager is obliged to check and receive the work performed on the public roads only if they correspond to quality standards prescribed by law and permits obtained before starting work". - Article 8 (5)

Traffic Code provisions aim to ensure the fluent and safe carrying of the circulation on the public roads, as well as protecting life, body integrity and health of people participating in traffic or being near the public road, protection of rights and legitimate interests of those persons. - Article 1 (2)

Therefore, by disregarding the permits, the documents for acceptance upon completion must be canceled and the access of the traffic participants to these sections of public road must be forbidden.

For that reason, taking into consideration:

- Our inquires towards authorized institutions, about which your institution was informed by request 029/10.10.2011 registered under no. 20.725/10.10.2011;
- Police checks that (re) confirm the address 9959/04.01.2012 (attached to this application) that bike paths do not respect the permits and legal norms;
- Refusal of the Road Administration Service and of Bucharest Police Traffic Division to take legal measures to protect the life and integrity of road users;
- Rights and obligations that are designated to you as the Prefect, to attack in court administrative acts issued by public administration authorities if you consider them illegal;

We solicit:

- to request urgently the starting procedures before the court of Administrative Department to compel the Bucharest Road Administration Service and Bucharest Police Traffic Division to restrict access to dangerous bike paths and to close down the tracks which cannot align to Traffic code rules and to the standards defined in the notices issued by Traffic Brigade;
- To inform the Ministry of Administration and Internal Affairs, as representative of Government, that the Police Traffic Division does not consider following the law to be "proper";

- To notify the Court of Auditors to record the damages caused by investments in the execution of impracticable bike paths, the purchase of futile traffic lights for cyclists and through the "invention" of markings not mentioned the Traffic Code;



- To identify the reason for which the Bucharest Road Administration Service says that some bike paths were established in 2010 although the permits were issued in 2011, and the bike paths are not completed even in 2012.
- To identify if the bike path from Vacaresti Street was paid by the Road Administration Service, considering that we were unable to find it ;
- To dispose the identification of the persons who have allowed this state of affairs as well as of those that prevent law enforcement regarding pedestrians and cyclists infrastructure, as well as their investigation by authorized institutions;

Furthermore, we solicit that you provide us all the information related to the actions taken by your Institution regarding this issue. We are also available to provide any other information.

Given all the steps taken by us so far, we are confident that the public institutions responsible for implementing bike paths have acted disregarding the law and with lack of respect for the physical integrity of citizens. We believe that the support which the Institution of Prefecture can offer would lead to improving the quality of life and thus increase the number of citizens using bikes, something desirable in any European capital.

Attachments:

- address 589.024/26.01.2012 issued by Traffic Brigade and 12 approvals;
- address 18524/19.10.2011 issued by the Road Administration Service and an appendix;
- address 9959/04.01.2012 issued by Police Traffic Division.

Sincerely,

Marian Ivan