

Luxembourg - 16 March 2022

475 illegal pedestrian crossings: a victory for pedestrians and for the transparency of administrations; a slap in the face for the City of Luxembourg



Photo: Dangerous pedestrian crossing at Nicolas Philippe square, in front of the Belair primary school. The car on the right obscures and blocks the view of children going to the playground on the left. Road accidents have already occurred in the vicinity. Photo credit: Google Street [View](https://goo.gl/maps/U8UNvRcCgeVnVp1C8) - <https://goo.gl/maps/U8UNvRcCgeVnVp1C8>

This is a landmark decision. The Commission d'accès aux documents (CAD) has ruled in favour of the ZUG collective (Zentrum fir Urban Gerechtegkeet, Centre for Urban Justice), and the City of Luxembourg must publish the documents concerning the safety of pedestrian crossings that it had requested.

The Highway Code prohibits parking within five metres of a pedestrian crossing. In October, the ZUG analysed all the crossings in Luxembourg City. "For 475 crossings, or almost a third, there are parking spaces that are too close to the crosswalk and therefore are non-compliant. This

affects visibility and safety of pedestrians," explains Francesca Pham, member of the ZUG collective.

In December, **ZUG had requested certain documents from the City** regarding the pedestrian crossings, under the Freedom of Information Act 2018. The mayor and the council of aldermen dragged out the request and **finally refused to provide** almost all the requested documents. **ZUG appealed to the CAD in February.**

The CAD's verdict is more than a simple decision in favour of pedestrians: it unequivocally reaffirms the principles of citizens' access to information and transparency of administrations. **It confirms that municipalities and their councils cannot keep documents a secret "which have an impact on the residents and visitors of the city and the results of which have been presented".** The same goes for the minutes of the meetings of the council of aldermen. As a consequence, the CAD's decision will guarantee the transparency of municipalities to a much greater extent.

The CAD ruled in favour of ZUG on almost all points, except for the agreement about the setup of pedestrian crossings that, according to alderman Patrick Goldschmidt, was established between the Ministry of Transport and the City of Luxembourg. **This document does not exist after all, the City is forced to admit to the Commission.** The documents of the Ministry to which ZUG had access even show an interpretation of the Highway Code which directly contradicts the one invented by the City.

"We are all pedestrians at some point, and we all depend on the safety of the crosswalks we use. In 2019 alone, 54 pedestrians were injured on the streets of the capital, 11 of them seriously. Other cities such as Oslo and Helsinki have improved their roads to the point of eliminating all fatal accidents. The problem we have pointed out goes far beyond mere technocratic compliance: the City does not make the legally required changes to many dangerous pedestrian crossings, even those in front of schools where children cross. The way to school should be especially safe for all children instead of causing their parents concern. In general, we want to illustrate how much care the City could and should take for pedestrian safety. We want to see Luxembourg become an international example of a city where everyone can walk in comfort and safety," hopes Thorben Grosser, member of the ZUG collective.

"We have repeatedly sought a factual dialogue with the city based on the publication of documents, without success. Not answering is also an answer, and it unfortunately confirms our analysis. If we were wrong, it would be easy to prove it by putting all cards on the table.

Our data is published on zug.lu; anyone can verify it on the ground. The council of aldermen has never published its analysis of the crosswalks it considers as dangerous, nor has it made any commitment to bring them into line. Mayor Lydie Polfer claimed to the city council that our analysis was wrong, but she has no facts or documents to support this claim. She even tries to keep the data, analyses and reactions of the city administration's departments secret. Trying to cover up the problem also confirms our analysis," laments Federico Gentile, member of the ZUG collective.

Parking spaces too close to crossings are just one indicator of the negligence with which the council of aldermen usually treats pedestrian safety. A pedestrian audit commissioned by the City in 2015 also raised serious issues. This audit ended up in a drawer until a leak in 2021; the City has still not solved many of the problems that the report flagged at the time.

"We are delighted by the CAD's decision, which is a huge encouragement and a valuable support. We are a small group of volunteer citizens facing a large public administration, and we are committed to the common good, plain and simple. Even David was paid to fight Goliath. To our knowledge, none of the dangerous crossings pointed out by ZUG were fixed by the city, not even the 32 or 37 that they themselves consider illegal, even though a stroke of paint would often suffice. The City must now finally publish the documents to which citizens are entitled, as provided for by the law," concludes Federico Gentile, member of the ZUG collective.

About ZUG

ZUG (Zentrum fir Urban Gerechtegkeet) is a citizen's collective committed to a fair distribution and usage of public space. In October, it warned about the safety of pedestrian crossings in Luxembourg City. Its members are all volunteers.

- Safe Crossing project with a map of the 475 non-compliant pedestrian crossings: <https://zug.lu/safe-crossing/>

Website: <https://zug.lu>

Contact: info@zug.lu

About the amended law of 14 September 2018

The law of 14 September 2018 creates a genuine right of access to documents held by public sector actors for any natural or legal person. Although it is supposed to represent a paradigm shift, its effectiveness is

still criticised, including by the Luxembourg Association of Professional Journalists.

Four members of Luxembourg-City's city council (Polfer, Beissel, Mosar, Wilmes) also sit in the Luxembourg parliament, and voted in favour of the law in 2018. Alderman Simone Beissel was even the rapporteur of the bill.

- Legilux Act:
<https://legilux.public.lu/eli/etat/leg/loi/2018/09/14/a883/jo>
- Bill:
<https://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doDocpaDetails&backto=/wps/portal/public/Accueil/Actualite&id=6810>

About the CAD

The law of 14 September 2018 on transparent and open administration created a Commission d'accès aux documents (CAD). It is an independent administrative body, falling under the responsibility of the Prime Minister.

The CAD is composed of 5 members:

- a presiding magistrate;
- a representative of the Prime Minister, Minister of State;
- a representative of the CNPD;
- a representative of Syvicol;
- a representative of the Information and Press Service.

Website: <https://cad.gouvernement.lu>

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Links

- CAD decision R-1/2022:
<https://cad.gouvernement.lu/dam-assets/avis/demande-art-10/2022/20220224-Avis-R-1-2022-ZUG.pdf>
- Ministry of Transport guide to pedestrian crossings in urban settings (2014). ZUG has applied the rules of this guide in its analysis. The City of Luxembourg is a member of the commission that developed the guide:
<https://transports.public.lu/content/dam/transport/circulation-routiere/CCE-pass-pietons.pdf>