



**Draft Bye-Laws for the**  
**Limerick Southern Ring Road Phase II**  
**made under**  
**the Roads Act, 1993.**

**NATIONAL ROADS AUTHORITY,**  
St. Martin's House,  
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Dublin 4,  
Ireland.

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# **PART I**

## **1 DEFINITIONS**

1.1 In these Bye-Laws the following words have the meanings hereby respectively assigned to them, that is to say:

‘the Act’	means the Roads Act, 1993 as amended.
‘the Acts’	means the Roads Acts 1993 to 2007.
‘Ambulance’	means an electrically or mechanically (or hybrid thereof) propelled vehicle, which is outwardly identifiable as an ambulance and is used exclusively for the carriage of sick, injured or disabled persons.
‘Ancillary Facilities’	means the buildings, apparatus and equipment that are used in connection with the operation and maintenance of the Toll Road.
‘Appropriate Tolls’	means the tolls chargeable by the Operator in accordance with the terms of Regulation 14.3 in respect of each class of Vehicle specified in the First Schedule.
‘Authorised Officer’	means any person whose appointment as an Authorised Officer in accordance with Regulation 30 has been approved by the NRA and for so long as such appointment has not been terminated by the NRA.
‘the Base Tolls’	means the tolls set out in the First Schedule to these Bye-Laws.
‘Bus’	means an electrically or mechanically (or hybrid thereof) propelled vehicle, which is constructed or adapted to carry 8 or more passengers and their effects and which is not substantially constructed or adapted for use for the conveyance of goods or burdens of any description whether in the course of trade or otherwise.
‘Bye-Laws’	means the Bye-Laws contained herein pursuant to section 61 of the Act.
‘Coach’	means Bus.

‘Dangerous Item’	means any item or goods (including, without limitation, any prohibited item (as defined in Regulation 24.2(a)(i) or restricted item (as defined in Regulation 24.2(a)(ii) that is being transported in or is otherwise in the Tunnel in breach of Regulations 24.1 or 24.2.
‘ETC’	means electronic toll collection to effect payment of the Appropriate Toll to the Toll Company.
‘Fire Brigade’	means the fire and emergency services.
‘Fire Brigade Vehicle’	means an electrically or mechanically (or hybrid thereof) propelled vehicle, which is outwardly identifiable as a fire brigade vehicle and is used by members of the Fire Brigade in the performance of their duties as such members.
‘Goods Vehicle’	means an electrically or mechanically (or hybrid thereof) propelled vehicle which is substantially constructed or adapted for use for the conveyance of goods or burdens of any description, whether in the course of trade or otherwise, and shall also be deemed to include agricultural tractors.
‘Motor Car’	means an electrically or mechanically (or hybrid thereof) propelled vehicle not being a Goods Vehicle, a Bus, a Motor Cycle or a specially adapted vehicle driven by a disabled person and which is constructed or adapted to carry less than 8 passengers (excluding the driver) and their effects.
‘Motor Cycle’	means a bicycle electrically or mechanically (or hybrid thereof) propelled or motor assisted with or without a sidecar attached.
‘NRA’	means the National Roads Authority established under section 16 of the Act.
‘Offence’	means an offence pursuant to the Act.
‘Operator’	means any person who has responsibility for any or all of operations, maintenance and toll collection functions in connection with the Toll Road, including, without limitation, the NRA

and any entity appointed by the NRA to carry out any or all of the functions referred to above.

- ‘Toll Booth’ means a fixed or mobile installation erected on the Toll Road for the collection of tolls.
- ‘Toll Collecting Machine’ means a machine or system designed to receive and/or record tolls by mechanical, electrical, electronic (including ETC), cards or other means.
- ‘Toll Collection Location’ means the locations indicated on the map incorporated in the Toll Scheme at which tolls may be charged.
- ‘Toll Collector’ means a person appointed and authorised by the Toll Company to record and/or collect tolls on the Toll Road and to issue and inspect receipts and do ancillary works in connection with the running of the Toll Road and shall include any authorised official of the Operator.
- “Toll Company” means, at any time, such person as is party to an agreement with the NRA at such time in relation to, among other things, the collection of tolls on the Toll Road and the application of the proceeds of such tolls.
- ‘Toll Road’ means the section of proposed road that will run from the Limerick Southern Ring Road Phase I at Rossbrien in County Limerick to the existing N18 at Cratloe Castle in County Clare, together with a proposed link road (also a national road) connecting the proposed mainline alignment at Coonagh West with the existing roundabout at Clonmacken in Limerick City as more particularly shown on the map attached to the Toll Scheme adopted by the NRA.
- ‘Toll Scheme’ means the Toll Scheme for the Limerick Southern Ring Road Phase II as adopted.
- ‘Toll Year’ means in respect of the first Toll Year, the period commencing on the date these Bye-Laws take effect and ending on the 31 December next following, and in respect of each subsequent Toll Year, the period of 12 months commencing on the expiry of the preceding Toll Year.

‘Trailer’	means a vehicle attached to another vehicle (including attached by way of partial superimposition) for the purpose of being drawn thereby or actually drawn thereby.
‘Tunnel’	means the section of the Toll Road within tunnels.
‘Vehicle’	means any vehicle, conveyance or mode of transport using the Toll Road and shall include a Trailer.
‘Wide Load’	means any Vehicle or load whether carried or towed, where a Permit for Special Load from a road authority is required.

## **PART II**

### **2 USE OF TOLL ROAD**

- 2.1 Subject to statutory limitations in force from time to time, all classes of Vehicles and road users permitted to use a public road may use the Toll Road and shall, on passing through any of the Toll Collection Locations, pay the Appropriate Toll to the Toll Company unless exempted from payment of the Appropriate Toll under these Bye-Laws.

### **3 RIGHT TO DEMAND TOLLS**

- 3.1 The Toll Company may demand, charge, collect and recover tolls as set out therein.

### **4 LIABILITY TO PAY TOLL**

- 4.1 Subject to Regulation 10, the Appropriate Toll shall be payable in respect of a Vehicle of a class listed in the First Schedule on passing through any of the Toll Collection Locations and the driver shall be liable to pay the Appropriate Toll in respect of such Vehicle passing a Toll Booth or Toll Collecting Machine.

### **5 FAILURE TO PAY TOLL**

- 5.1 If the driver of a Vehicle who is liable to pay the Appropriate Toll fails to do so on passing a Toll Collection Location, the registered owner of the Vehicle concerned may then be required by the Toll Company to pay the amount of the Appropriate Toll.
- 5.2 A person who is liable to pay the Appropriate Toll and who fails, neglects or refuses to make such payment shall be guilty of an Offence.

### **6 PAYMENT OF TOLL**

- 6.1 The driver of a Vehicle of a class listed in the First Schedule shall pay the Appropriate Toll to a Toll Collector at a Toll Booth or by means of a Toll Collecting Machine.

### **7 TRAILERS**

- 7.1 Where a Trailer is towed by another Vehicle, it shall be treated with such Vehicle as one combined Vehicle and the class of traffic to which such combined Vehicle belongs shall be determined:
- (a) by aggregating the design gross weight of the Vehicle and the Trailer; and
  - (b) by aggregating the number of axles with wheels in contact with the ground at the time of passing through the Toll Collection Location;

provided that this shall not apply to a Trailer towed by a Motor Cycle, a Motor Car, a Bus or a Coach.

In the case of a Trailer towed by a Motor Cycle, a Motor Car, a Bus or a Coach, the Appropriate Toll shall be determined for such Vehicle only, disregarding the Trailer.

## **8 RIGHT TO USE TOLL ROAD AND PROHIBITED USERS**

- 8.1 On paying the Appropriate Toll to a Toll Collector or by means of a Toll Collecting Machine including without limitation by means of ETC, the driver of a Vehicle referred to in Regulation 2 shall be entitled to use the Toll Road.
- 8.2 Pedestrians, pedal cyclists, animal drawn vehicles and agricultural vehicles with a speed less than 50kph and motorcycles of less than 50cc engine size are prohibited from using the Toll Road.

## **9 RECEIPT**

- 9.1 Subject to Regulation 9.2, on payment of the Appropriate Toll to a Toll Collector the driver shall be entitled to a receipt for the toll paid.
- 9.2 In the case of the making of any payment to facilitate, or in connection with, ETC by a road user (or some other person in relation to the Vehicle), such payment shall be acknowledged and recorded in a statement (or some other record) that may be issued to such road user (or such other person) following such purchase.

## **10 EXEMPTIONS**

- 10.1 A toll shall not be payable in respect of the classes of Vehicles and road users set out in the Second Schedule hereto.

## **11 OBLIGATION TO PAY TOLL**

- 11.1 Subject to any exemptions under these Bye-Laws, no Vehicle may use the Toll Road and pass through any of the Toll Collection Locations without paying the Appropriate Toll.

## **12 DRIVER REFUSING TO PAY TOLL**

- 12.1 Where a driver refuses or neglects to pay the Appropriate Toll or part thereof lawfully due under these Bye-Laws, a driver may be refused permission by the Operator to use the Toll Road or any Toll Booth or any other place where such toll might be paid and the Operator may, with such assistance as it thinks necessary, stop and prevent the driver so refusing or neglecting to pay the Appropriate Toll from using such Toll Road.
- 12.2 A person shall not operate or attempt to operate a Toll Collecting Machine by the insertion of objects other than those that are appropriate for the Toll Collecting Machine or otherwise interfere with a Toll Collecting Machine with the intention of dishonestly obtaining a pecuniary advantage. Any such action shall be an Offence.

## **13 LIST OF TOLLS TO BE EXHIBITED**

- 13.1 A list of the Appropriate Tolls authorised by these Bye-Laws shall at all times be exhibited in a conspicuous place at or near the Toll Collection Locations on the Toll Road.

## **14 AMOUNT OF TOLLS**

- 14.1 The tolls set out in the First Schedule hereto are the Base Tolls calculated as of August 2003 at which date the Consumer Price Index as published by the Central Statistics Office was equal to 125.9 on a November 1996 base of 100 (hereinafter referred to as the 'Opening Index').
- 14.2 The Maximum Tolls for each Toll Year shall be the aggregate of:
- (a) the Base Tolls multiplied by the Consumer Price Index for August in the previous year, on a November 1996 base year of 100, divided by the Opening Index, and
  - (b) VAT at the prevailing rate on the amount derived pursuant to subparagraph (a)
- and the resulting amount shall be rounded to the nearest 10 cent.
- 14.3 The Appropriate Tolls are the tolls chargeable by the Operator as agreed with the NRA (inclusive of indexation, VAT and rounding) provided that such Appropriate Tolls shall not exceed the Maximum Tolls determined in the manner indicated in Regulation 14.2.
- 14.4 In the event of the Consumer Price Index for August in any year (in this Bye-Law referred to as the Base Year) not being published before the 1<sup>st</sup> of December in that year, the Maximum Tolls for the following year shall be the Maximum Tolls for the Base Year multiplied by the General Wholesale Price Index for August in the Base Year as published by the Central Statistics Office divided by the General Wholesale Price Index for August in the year before the

Base Year. In the event of neither the said Consumer Price Index nor the said General Wholesale Price Index being published in any year before the end of December, the index to be used shall be the index used for the calculation of the tolls fixed in respect of the Base Year increased by the annual rate of inflation as specified in the most recent published edition of such index.

- 14.5 In the event of the current Consumer Price Index (or the General Wholesale Price Index, if the former is not published) in use remaining static or showing a decrease on the previous year's figures in any year, the Appropriate Tolls shall be fixed by the Operator but shall not exceed the Maximum Tolls fixed in the previous year.
- 14.6 Such revised Maximum Tolls shall become effective as and from the 1<sup>st</sup> day of January following the August for which the relevant Consumer Price Index (or the General Wholesale Price Index, if the former is not published) is derived.
- 14.7 A list of the Appropriate Tolls for each year so calculated shall be made publicly available before the 1<sup>st</sup> day of January of the relevant year, with the exception of the year of commencement of tolling when a list of the Appropriate Tolls applicable at commencement and for the duration of such Toll Year shall be made publicly available prior to the commencement of tolling.

For the purposes of this Regulation 14.7 "publicly available" means that the information is accessible by the public, including, without limitation, publishing the information in a national daily newspaper or publishing the information on any website maintained by a road authority or the Toll Company in connection with the Toll Road or by the NRA generally.

## **15 DISCOUNT FOR MULTI-JOURNEY PREPAYMENT**

- 15.1 A discount of at least 10 per cent of the prevailing toll charge shall apply in respect of pre-payment for 20 journeys or multiples of 20 journeys.

## **PART III**

### **16 OBSTRUCTION**

- 16.1 No person shall obstruct or disrupt the operation, maintenance or use of any part of the Toll Road.
- 16.2 The Operator, either by itself or with such assistance as it thinks necessary, may remove or cause to be removed any person, Vehicle, item or object obstructing or impeding the use of the Toll Road.

### **17 INTERFERENCE AND NUISANCE**

- 17.1 No person, other than a person authorised for the purpose by the Operator, shall operate, move, alter, tamper or interfere with, or obstruct or prevent the operation of:

- (a) any telephone or other telecommunications equipment or apparatus;
- (b) any lift or power-operated gangway;
- (c) any switch, lever or device, or
- (d) any other mechanical, electrical, electronic or other equipment or apparatus,

which is provided for use in, or in connection with any operation of, any part of the Toll Road (whether located in the Ancillary Facilities, the Tunnel or otherwise), except that in the case of an emergency, any such equipment or apparatus which is provided for use in an emergency may be used for that purpose in accordance with any instructions displayed on or near it.

- 17.2 No person, other than a person authorised for the purpose by the Operator, shall:

- (a) remove, displace or alter any part of the structure or fabric of the Toll Road or the Ancillary Facilities or any fixture, fitting, furnishing, notice or other property comprising in or provided for or in connection with the Toll Road or the Ancillary Facilities; or
- (b) erect or place on any part of the Toll Road or the Ancillary Facilities any structure or property.

- 17.3 No person, other than a person authorised for the purpose by the Operator, shall:

- (a) write, draw, paint, carve or make any mark on;
- (b) affix any bill, poster or sticker to, or
- (c) soil, deface or defile,

any wall, window, door, floor, fixture, part, fitting, furnishing, structure, notice, or surface of the Toll Road, any Ancillary Facility or any building or premises used in connection with the collection of tolls.

17.4 No person shall cause a nuisance in the Tunnel by carrying malodorous materials in open containers or by causing excessive noise.

## **18 RESTRICTED AREAS**

18.1 No person shall:

- (a) enter any premises or place in, or any other part of, the Toll Road or the Ancillary Facilities to which for the time being members of the public are not permitted to have access;
- (b) enter or permit any Vehicle to enter a cross-passage or emergency lay-by other than in the event of a breakdown or emergency, or
- (c) climb any wall, fence, barrier, ladder, railing or post,

unless such person has been authorised to do so by the Operator.

18.2 No person shall neglect, fail or refuse to comply with any notice prohibiting or restricting access to any building, premises, road or other part of the Toll Road or Ancillary Facility.

## **19 VEHICLES AND PROPERTY LEFT IN TUNNEL**

19.1 Subject to Regulation 16.2, no person who has not been approved by the NRA for this purpose may seek to recover, retain, re-deliver or dispose of any property, Vehicle or item left in or on the Toll Road.

19.2 The Operator shall be entitled to recover, keep in custody, re-deliver or dispose of any property, Vehicles or item left in the Toll Road and for determining the charge or charges that may be payable by a person whose property, Vehicle or item has had to be recovered, retained, delivered or disposed of by the Operator provided that no charge or charges may be payable as a consequence of activities by the emergency services in the Toll Road or in the event of the Operator ordering an evacuation of the Toll Road.

## **20 VEHICLES**

20.1 Buses, Coaches and Goods Vehicles with a design gross vehicle weight exceeding 3,500 kilograms travelling through the Tunnel shall maintain a distance to the Vehicle in front of it in the same lane of not less than one hundred (100) metres, unless traffic has stopped in which case a minimum distance of fifty (50) metres shall be maintained.

In the case of all other Vehicles (including Cars) the distance to the Vehicle in front in the same lane shall not be less than fifty (50) metres, unless the Vehicle in front is equipped with a flashing amber light in operation at or near roof level at both the front and the rear of the Vehicle in which case a minimum distance of one hundred (100) metres shall be maintained, or unless traffic has stopped in which case a minimum distance of fifty (50) metres shall be maintained.

20.2 No person shall drive, position, park or leave a Vehicle in the Toll Road:

- (a) in any place other than one designated for the purpose by the Operator, an Authorised Officer or by a member of the Garda Síochána in the performance of his duties as a member of the Garda Síochána, or
- (b) otherwise than as directed by the Operator, an Authorised Officer or by a member of the Garda Síochána in the performance of his duties as a member of the Garda Síochána.

20.3 No person in charge of a Vehicle shall cause or permit it:

- (a) to obstruct the flow of any traffic, whether at a Toll Collection Location or elsewhere on the Toll Road;
- (b) otherwise to obstruct or disrupt the operation of the Toll Road, or
- (c) to cause danger to any person or property.

20.4 No person shall use any Vehicle, or cause or permit it to be used, at any time when:

- (a) the condition of the Vehicle or of any of its equipment or accessories;
- (b) the number of passengers carried in or on it or the manner in which they are carried; or
- (c) the weight, position, distribution, packing, securing or adjustment of any load,

is such as to cause, or to be likely to cause, danger, injury or nuisance to any person or property.

20.5 No person shall use any Vehicle, or cause or permit it to be used, unless its fuel and exhaust systems, including the condition and extent of filling of any fuel tank and the condition of any fuel cap or equipment relating to the carriage or use of fuel, are at all times such that no danger or nuisance is caused or is likely

to be caused to persons or property and that there is no risk of fuel spillage.

20.6 No Vehicle shall be driven into the Tunnel unless the Vehicle has sufficient fuel or other power to leave the Tunnel.

## **21 VEHICLE BREAKDOWN AND RECOVERY**

21.1 Any User whose Vehicle is at rest by reason of breakdown in the Tunnel shall report that fact to the Operator and the position and circumstances in which the Vehicle is at rest by using the emergency telephones provided or by other reasonable means.

21.2 A User shall not carry out, or attempt to carry out, a repair, adjustment or refuelling of a Vehicle (or any part of such Vehicle) which is at rest in the Tunnel except with permission expressly given by an Authorised Officer.

21.3 Any User whose Vehicle is at rest by reason of breakdown in the Tunnel shall not move or attempt to move such a Vehicle from the position in which it is at rest.

21.4 The Operator may remove to an area designated by the Operator any Vehicle:

- (a) which is for the time being at rest in the Tunnel or on any part of the Toll Road in contravention of these Bye-Laws; or
- (b) which is broken down; or
- (c) with no User in charge; or
- (d) the User in charge of which is not present on or in it.

21.5 In the case of a Vehicle:

- (a) which is removed by the Operator in accordance with Regulation 21.4 of these Bye-Laws, or
- (b) which at the request of the User in charge of such Vehicle is repaired, adjusted or refuelled (instead of being removed) by a person appointed by the Operator,

then the Operator may require the User (or, if different, the registered owner of the Vehicle) to pay such reasonable charge specified by the Operator.

21.6 It shall be an offence for the purposes of the Act for any User to obstruct any action taken by a person appointed by the Operator for the purpose of removing a Vehicle in accordance with these Bye-Laws.

## **22 COMPLIANCE WITH REQUIREMENTS**

- 22.1 No person (whether driving a Vehicle, on foot or otherwise) shall neglect, fail or refuse to comply with any lawful indication or direction given by the Operator or an Authorised Officer (including any indication or direction contained in a notice, sign, signal or message displayed on a variable message signal, relayed on a public address system or broadcast on any radio transmission system).
- 22.2 A person shall, if so required by the Operator or an Authorised Officer, state his correct name and address and the purpose of his being in or on the Toll Road or an Ancillary Facility.
- 22.3 Where an accident occurs in any part of the Tunnel, the driver of any Vehicle involved shall drive his Vehicle to a emergency lay-by (if it is possible to do so) and stop and give his own and the registered owner's name and address, the identification marks of the Vehicle and details of the accident to the Operator as soon as possible and, in any event, before leaving the Toll Road.
- 22.4 No person shall drive a Vehicle in any part of the Tunnel (except where he is already in the Tunnel, for the purpose of making a safe and orderly exit from it) after being informed:
- (a) by the Operator or an Authorised Officer or a person authorised for the purpose by the Operator (each, an "authorised person") that, in his opinion, the Vehicle is so loaded, built, equipped or maintained as to be likely to obstruct traffic, injure persons or damage property; or
  - (b) by an authorised person that, in his opinion, the Vehicle otherwise fails to meet a requirement specified in these Bye-Laws or by the Operator.

## **23 FIRE AND SAFETY PRECAUTIONS**

- 23.1 No person shall cause or permit a fire to occur.
- 23.2 No person shall smoke or bring a naked flame or naked light into or create any flame or light any naked light in:
- (a) any place within fifteen metres of any store of liquid fuel, or explosives or other inflammable substance;
  - (b) any place within the Tunnel, or
  - (c) any other place where any such act is prohibited by notice.
- 23.3 No person shall, except in an emergency, operate any switch or lever of any lift or any other automatic conveyance for Vehicles or persons on or near which is displayed a notice stating that it is intended only to be operated in an emergency.
- 23.4 No person shall, except in an emergency or where authorised by the Operator, use any fire-fighting equipment or other equipment provided for use in an

emergency.

- 23.5 No person shall disregard any safety notice or direction including, without limitation, any notice, sign, signal or message displayed on a variable message signal, relayed on a public address system or broadcast on any radio transmission system.

## **24 CARRIAGE OF DANGEROUS ITEMS IN OR THROUGH THE TUNNEL**

- 24.1 No person shall bring or cause or permit to be brought within the Tunnel any article or substance which as presented for transport is liable to or would reasonably be expected to:

- (a) explode,
- (b) dangerously react,
- (c) produce a flame or dangerous evolution of heat, or
- (d) produce dangerous emissions of toxic, corrosive or flammable gases or vapours,

in each case, under normal conditions of transport.

- 24.2 (a) Without prejudice to the generality of Regulation 24.1, the Operator may specify from time to time certain items or goods which:
- (i) are prohibited from being transported in the Tunnel (“prohibited items”); or
  - (ii) may be transported in the Tunnel only subject to specified restrictions or compliance with specified conditions (“restricted items”), and

no person shall transport, bring, or cause or permit to be brought, in the Tunnel:

- (A) any prohibited items; or
- (B) any restricted items in breach of any such restriction or otherwise than in compliance with any conditions specified.

- (b) Upon the Operator specifying any items or goods in accordance with Regulation 24.2(a), it shall publish or otherwise make available the list of such items or goods.

- 24.3 (a) The Operator may remove from any Vehicle or the custody of any person and may store and re-deliver any Dangerous Item that is being transported or is otherwise in the Tunnel in breach of these Bye-Laws.

For the avoidance of doubt, if the Operator determines in this regard that it is necessary to detain the Vehicle in which the Dangerous Item is located, it shall be entitled to detain the Vehicle.

- (b) Where the Operator is of the opinion that any Dangerous Item being transported or otherwise in the Tunnel is dangerous or there is a likelihood that such Dangerous Item may cause damage to the Tunnel or its surrounding environs, the Operator shall be entitled to take such steps available to it arrange for the safe disposal of the Dangerous Item.
- (c) Without prejudice to Regulation 24.3(b), the Operator also shall have the right to dispose of any such Vehicle or Dangerous Item removed by it and not collected within three (3) months of such removal.

24.4 A person who is in breach of this Regulation 24 shall be liable to reimburse the Operator (on an indemnity basis) for any costs incurred by the Operator in removing, storing, disposing of or redelivering any Dangerous Item, in addition to any penalty to which that person may be liable under these Bye-Laws.

24.5 Vehicles carrying liquid petroleum products (other than as fuel for the motor in the Vehicle used to mechanically propel the Vehicle) shall have a flashing amber light in operation at or near roof level at both the front and the rear of the Vehicle.

## **25 EVACUATION OF TUNNEL**

25.1 Users shall evacuate the Tunnel immediately upon being so directed by the Operator and Users shall comply with all instructions and directions of the Operator.

25.2 In the event of an evacuation being required by the Operator then:

- (a) if directed by the Operator, Users shall leave their Vehicles and proceed by foot to emergency exits; or
- (b) in the absence of any direction contemplated by Regulation 25.2(a), Users shall drive their Vehicles out of the Tunnel following the normal direction of flow.

## **26 HEIGHT RESTRICTION**

26.1 Any Vehicle:

- (a) whose height exceeds, or
- (b) that has a load with a height exceeding,

4.65 metres is prohibited from accessing or otherwise using the Tunnel. For these purposes “height” shall be taken as meaning the perpendicular distance from the carriageway surface level.

- 26.2 Structures or devices (including, without limitation, moveable barriers) for the purpose of physically restricting access to the Tunnel or the Toll Collection Locations by Vehicles or Vehicles that have loads with a height exceeding 4.65 metres may be installed in or in the proximity of the Tunnel.
- 26.3 Neither the Operator nor the Authority shall be held liable for damage or injuries caused by a User driving or attempting to drive a Vehicle or a Vehicle with a load with a height exceeding 4.65 metres through the Tunnel or the Toll Collection Location.
- 26.4 Without prejudice to any other right or entitlement of the Operator or the NRA (if different), the User and the registered owner of any Vehicle that may have accessed the Tunnel in breach of this Regulation 26 shall reimburse (on an indemnity basis) the Operator and, to the extent different, the NRA against all damage, costs and expenses suffered or incurred by the Operator or the NRA as a consequence of the Vehicle accessing the Tunnel in breach of this Regulation 26.

## **27 WIDE LOADS**

- 27.1 The Operator may restrict the passage through the Toll Road (including, without limitation, the Tunnel) of Vehicles transporting Wide Loads.
- 27.2 Users shall comply with the requirements specified by the Operator in connection with the transportation of a Wide Load through the Toll Road, including, without limitation:
- (a) giving notice to the Operator;
  - (b) having a Vehicle in advance of the Vehicle transporting the Wide Load and a Vehicle following the Vehicle transporting the Wide Load;
  - (c) displaying flags or signs or flashing lights on Vehicles;
  - (d) providing to the Operator documentation certifying road worthiness of Vehicles;
  - (e) providing to the Operator documentation giving a certified description of the dimensions of the Vehicle and the Wide Load;
  - (f) complying with restrictions as to when the Vehicle transporting the Wide Load might access the Toll Road, and
  - (g) the payment of such charges set by the Operator.

## **28 USE OF HEADLIGHTS IN THE TUNNEL**

28.1 Users shall turn on their dipped headlights when entering the Tunnel and shall not turn them off until they have emerged from the Tunnel and only then, if it is safe so to do.

28.2 The use of full-beam headlights in the Tunnel is prohibited.

## **29 INSPECTION OF VEHICLES AND PACKAGES**

29.1 An Authorised Officer may stop and inspect any Vehicle, load, item or goods brought or about to be brought into the Tunnel if he has reason to suspect that the passage of such Vehicle, load, item or goods through the Tunnel would be in breach of these Bye-Laws or any other applicable law.

## **PART IV**

### **30 AUTHORISED OFFICERS**

- 30.1 On its own initiative or, if different, at the request of the Operator, the NRA may approve, from time to time, person or persons to act as Authorised Officers for the purposes of these Bye-Laws, the authority of each such person to act as Authorised Officer to take effect from the time specified by the NRA in any such approval and notified to such person.
- 30.2 The appointment of a person as an Authorised Officer may be terminated by the NRA, such termination to take effect from the time as may be specified by the NRA and notified to such person.
- 30.3 In addition to any powers conferred by these Bye-Laws, an Authorised Officer shall have the powers:
- (a) to give instructions to Users using the Toll Road in connection with the control and regulation of Vehicles using the Toll Road; and
  - (b) to exercise the powers of the Operator contemplated by Regulation 16 (Obstruction), Regulation 17.1, 17.2 and 17.3 (Interference and Nuisance), Regulation 18.1 (Restricted Areas), Regulation 25 (Evacuation of Tunnel) and Regulation 27.2 (Wide Loads) and references in each of the foregoing Regulations to “Operator” shall be construed as including “an Authorised Officer”.
- 30.4 Any Authorised Officer, in carrying out the functions conferred on him:
- (a) to the extent practicable, shall identify himself as an Authorised Officer in connection with the Toll Road, and
  - (b) shall produce, if requested to do so, evidence of the approval by the NRA to his appointment as an “Authorised Officer”.

### **31 OFFENCES**

- 31.1 Any person who contravenes (or attempts to contravene) a Bye-Law shall be guilty of an Offence.
- 31.2 Without prejudice to the generality of Regulation 31.1, any person who fails, neglects or refuses to obey a lawful instruction or direction of the Operator or any Authorised Officer shall be guilty of an Offence.
- 31.3 The Operator may, by itself or with such assistance as it thinks necessary, stop and prevent a User from using the Toll Road where it has reasonable cause to believe that such User or the Vehicle under the control of the User is contravening or has contravened a Bye-Law or another provision of applicable

law.

## **32 COMING INTO EFFECT OF BYE-LAWS**

32.1 These Bye-Laws shall come into effect on the [date].

\_\_\_\_\_

Date: \_\_\_\_\_

Chairman,  
National Roads Authority

## **FIRST SCHEDULE**

### **Base Tolls<sup>1</sup>**

The amounts in this Schedule have been based on August 2003 prices, and are exclusive of VAT.

<b>CLASS OF VEHICLE</b>	<b>BASE TOLL</b>
	Euro (€)
Motor Cycles	0.676
Motor Cars	1.296
Buses or Coaches	2.310
Goods Vehicles with a design gross vehicle weight not exceeding 3,500 kilograms	2.310
Goods Vehicles with a design gross vehicle weight exceeding 3,500 kilograms and having two or three axles	3.268
Goods Vehicles with a design gross vehicle weight exceeding 3,500 kilograms and having four or more axles	4.170

The term “Goods Vehicle” shall be taken to mean a mechanically propelled vehicle constructed or adapted primarily for the conveyance of goods or burden of any description and shall also be deemed to include agricultural tractors.

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<sup>1</sup> For the purpose of Regulations 14.1 and 14.2 the Opening Index is the Consumer Price Index at August 2003 which is 125.9, the base of November 1996 being 100.

## **SECOND SCHEDULE**

### **Classes of Vehicles and Road Users Exempt from Tolls**

- (1) Ambulances and fire brigade vehicles.
- (2) Vehicles used by members of the Garda Síochána or the Defence Forces in the performance of their duties as such members.
- (3) Limerick County Council, Limerick City Council, and Clare County Council Vehicles bearing the livery of the relevant Council and being used in the performance of the functions and duties of the Councils.
- (4) Vehicles used by the Operator in the performance of its duties in relation to the Toll Road.
- (5) Specially adapted vehicles driven by disabled persons.