



Draft Toll Bye-Laws for the
M3 Clonee to Kells Motorway

made

under

the Roads Act, 1993 as amended.

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

November, 2009

PART I

DEFINITIONS

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.
‘Ambulance’	means an electrically or mechanically propelled vehicle, which is outwardly identifiable as an ambulance and is used exclusively for the carriage of sick, injured or disabled persons.
‘Appropriate Tolls’	means the tolls chargeable by the Toll Company in accordance with the terms of Regulation 14.3 in respect of each class of Vehicle specified in the First Schedule.
‘the Base Tolls’	means the tolls set out in the First Schedule hereto.
‘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.
‘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 and their effects.
- ‘Motor Cycle’ means a bicycle electrically or mechanically propelled or motor assisted with or without a sidecar attached.
- ‘NRA’ means the National Roads Authority.
- ‘Offence’ means an offence pursuant to the Act.
- ‘Roads Regulations’ means the Roads Regulations, 1994 (S.I. No. 119 of 1994) and any subsequent amendment thereof.
- ‘Toll Booth’ means a fixed or mobile installation erected on the Toll Road for the collection of tolls.
- ‘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 Collecting Machine’ means a machine or system designed to receive and/or record tolls by mechanical, electrical, electronic (including ETC) or other means.
- ‘Toll Collection Locations’ means the locations indicated on the map incorporated in the Toll Scheme at which tolls may be charged and Toll Collection Location shall mean any one of the Toll Collection Locations.
- ‘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 Toll Company.

- ‘Toll Road’ means the section of road that will run from a location north of Clonee in County Meath commencing from the grade separated junction at Pace and terminating at the northern end of the motorway in the vicinity of Kells, Co. Meath and having a length of 47km approximately, as more particularly shown on the map attached to the Toll Scheme as adopted by the Authority.
- ‘Toll Scheme’ means the Toll Scheme for the M3 Clonee-Kells Motorway as adopted by the Authority.
- ‘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.
- ‘Vehicle’ means any vehicle, conveyance or mode of transport using the Toll Road and shall include a Trailer.

PART II

USE OF TOLL ROAD

2. Any Vehicle and road user permitted to use a motorway under the Roads Regulations 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.

RIGHT TO DEMAND TOLLS

3. The Toll Company may demand, charge, collect and recover tolls as set out herein.

LIABILITY TO PAY TOLL

4. 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.

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.

PAYMENT OF TOLL

6. 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.

TRAILERS

7. Where a Trailer is towed by a Vehicle, it shall be treated with the Vehicle as one combined Vehicle and the class of Vehicle to which such combined Vehicle belongs shall be determined by aggregating the design gross weight of the Vehicle and the Trailer and 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, Motor Car, Bus or a Coach.

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 The Toll Company shall refuse to permit pedestrians, pedal cyclists, persons in charge of, or having control over, animals and any Vehicles or road users other than those prescribed in the Roads Regulations to use the Toll Road and may by itself, or with such assistance as it shall think necessary, stop and prevent such persons from using such Toll Road.

RECEIPT

- 9.1 Subject to Regulation 9.2 on payment of the Appropriate Toll to a Toll Collector the driver shall be entitled, on request, 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.

EXEMPTIONS

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

OBLIGATION TO PAY TOLL

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

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 Toll Company to use the Toll Road or any Toll Booth or any other place where such toll might be paid and the Toll Company 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 current coins of the State of the appropriate denomination or otherwise interfere with Toll Collecting Machine with the intention of dishonestly obtaining a pecuniary advantage. Any such action shall be an Offence.

LIST OF TOLLS TO BE EXHIBITED

13. 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.

AMOUNT OF TOLLS

- 14.1 The tolls set out in the First Schedule hereto are the Base Tolls calculated as of August 2000 at which date the Consumer Price Index as published by the Central Statistics Office was equal to 111.7 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 Toll Company as agreed with the NRA (inclusive of indexation, VAT and rounding) provided that such Appropriate Tolls shall not exceed the Maximum Tolls.
- 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 1st 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 Toll Company 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 1st 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 Maximum Tolls for each year so calculated shall be published in a national daily newspaper before the 1st day of January of the relevant year, with the exception of the year of commencement of tolling when a list of the Maximum Tolls applicable at commencement and for the duration of such Toll Year shall be published in a national daily newspaper no later than 7 days prior to the commencement of tolling.

OBSTRUCTION

15. The Toll Company, either by itself or with such assistance as it thinks necessary, may remove or cause to be removed any person or Vehicle obstructing or impeding the use of the Toll Road.

DISCOUNT FOR MULTI-JOURNEY PREPAYMENT

16. 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 on the Toll Road.

COMING INTO EFFECT OF BYE-LAWS

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

Date: _____

Chairman,
National Roads Authority

FIRST SCHEDULE

Base Tolls¹

The amounts in this Schedule have been based on August 2000 prices and are exclusive of VAT.

CLASS OF TRAFFIC	BASE TOLL
	Euro (€)
Motor Cycles (exceeding 50cc)	€0.45
Motor Cars	€0.875
Buses or Coaches	€1.325
Goods Vehicles with a design gross vehicle weight not exceeding 3,500 kilograms	€1.325
Goods Vehicles with a design gross vehicle weight exceeding 3,500 kilograms and having two or three axles	€1.75
Goods Vehicles with a design gross vehicle weight exceeding 3,500 kilograms and having four or more axles	€2.15

¹ For the purpose of Regulations 14.1 and 14.2 the Opening Index is the Consumer Price Index at August 2000 which is 111.7, 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)** Meath County Council Vehicles bearing the livery of the Council and being used in the performance of the functions and duties of the Council.
- (4)** Vehicles used by the Toll Company in the performance of its duties in relation to the Toll Road.
- (5)** Specially adapted Vehicles driven by disabled persons.

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Information Note

(NOTE: This information note does not form part of the draft bye-laws)

The toll charges included in the draft bye-laws are in August 2000 prices exclusive of VAT and are the same charges included in the Toll Scheme adopted by the Board of the National Roads Authority in March 2007.

The table below lists the toll charges, that will apply at each toll location, if the bye-laws are made, indexed to 2010 values (year of opening) and inclusive of VAT (21.5%).

CLASS OF TRAFFIC	BASE TOLL
	Euro (€)
Motor Cycles (exceeding 50cc)	€0.70
Motor Cars	€1.40
Buses or Coaches	€2.00
Goods Vehicles with a design gross vehicle weight not exceeding 3,500 kilograms	€2.00
Goods Vehicles with a design gross vehicle weight exceeding 3,500 kilograms and having two or three axles	€2.70
Goods Vehicles with a design gross vehicle weight exceeding 3,500 kilograms and having four or more axles	€3.30

November 2009