



Draft Toll Bye-Laws for the

Dublin Port Tunnel

made pursuant to the

Roads Act 1993
(as amended)

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

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PART I – DEFINITIONS

1. DEFINITIONS

In these Bye-Laws:

- “Act” means the Roads Act 1993.
- “Acts” means the Roads Acts 1993 to 2001.
- “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.
- “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, at any time, the tolls determined by the NRA (inclusive of indexation, VAT and rounding) to be chargeable in respect of each class of Vehicles provided that such Appropriate Tolls shall not exceed the Maximum Tolls applicable for such class of Vehicles at such time.
- “Authorised Officer” means any person whose appointment as an Authorised Officer in accordance with Regulation 27 has been approved by the NRA and for so long as such appointment has not been terminated by the Authority.
- “Base Tolls” means the tolls set out in the First Schedule to these Bye-Laws.
- “Bus” or “Coach” means an electrically or mechanically (or hybrid thereof) propelled vehicle, which is constructed or adapted to carry eight (8) or more passengers and their effects and which is not substantially constructed or adapted for use for the conveyance of goods or burden of any description whether in the course of trade or otherwise.
- “Bye-Laws” means the Bye-Laws contained herein.
- “dangerous item” means any item or good (including, without limitation, any prohibited item (as defined in Regulation 21.2(a)(i)) or restricted item (as defined in Regulation 21.2(a)(ii)) that is

being transported in or is otherwise in the Tunnel in breach of Regulations 21.1 or 21.2.

- “ETC” means electronic toll collection whereby tolls are collected by automated electronic means, the payment arrangements in respect of which have been specified or approved by the NRA.
- “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 burden of any description, whether in the course of trade or otherwise.
- “Motor Car” means an electrically or mechanically (or hybrid thereof) propelled vehicle not being a Motor Cycle and which is constructed or adapted to carry less than eight (8) passengers 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.
- “Opening Index” has the meaning given to it in Regulation 12.1.
- “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.
- “Special Transports” means vehicles not falling within a class listed in the First Schedule.
- “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 or other means and shall include any machine or system used in

connection with ETC.

- “Toll Collection Facility” means the location indicated as the “Toll Facility” on the map incorporated in the Toll Scheme at which tolls may be charged.
- “Toll Road” means the section of national road extending from the Coolock Lane junction on the motorway designated M1 to a grade separated junction at the Promenade Road entrance to the Dublin Port and its junction with East Wall Road, as more particularly shown on the map attached to the Toll Scheme.
- “Toll Scheme” means the Toll Scheme for the Dublin Port Tunnel as adopted by the Minister for the Environment on 22 December 1999 as supplemented by the further Toll Scheme adopted by the NRA on 11 April 2006.
- “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 twelve (12) months commencing on the expiry of the preceding Toll Year.
- “Token” means a voucher, disc, card or permit issued for use on the Toll Road to effect discharge of the Appropriate Toll.
- “Tunnel” means the section of the Toll Road within tunnels, including, without limitation, cross-passages and emergency lay-bys.
- “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.
- “User” means user of the Toll Road.
- “Vehicle” means any vehicle, conveyance or mode of transport using the Toll Road, including, without limitation, 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 - TOLLS

2. USE OF TOLL ROAD

Any Vehicle and User permitted pursuant to applicable law to use a motorway and not excluded from using the Toll Road under these Bye-Laws:

- (a) may, subject to compliance with these Bye-Laws, use the Toll Road; and
- (b) shall, on passing through the Toll Collection Location, be obliged to, and shall, pay the Appropriate Toll unless exempted from payment of the Appropriate Toll under these Bye-Laws.

3. RIGHT TO DEMAND TOLLS

The NRA (or, if different, the Operator on behalf of the NRA) may demand, charge, collect and recover tolls in connection with use of the Toll Road as set out in these Bye-Laws.

4. LIABILITY TO PAY TOLL

4.1 Subject to Regulation 9:

- (a) no Vehicle may use the Toll Road without paying the Appropriate Toll; and
- (b) the Appropriate Toll shall be payable in respect of a Vehicle of a class listed in the First Schedule on such Vehicle using part or all of the Toll Road.

4.2 The driver of any such Vehicle referred to in Regulation 4.1 shall discharge his obligation to pay the Appropriate Toll in respect of such Vehicle on it passing a Toll Booth or Toll Collecting Machine by either:

- (a) paying the Appropriate Toll at the Toll Booth or Toll Collecting Machine; or
- (b) using a Token or ETC such that the liability to pay the Appropriate Toll is discharged.

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 to pay the amount of the Appropriate Toll.

5.2 Without prejudice to Regulation 28, a person who is liable to pay the Appropriate Toll and who fails, neglects or refuses to pay the Appropriate Toll shall be guilty of an offence for the purposes of Section 64 of the Act.

5.3 The amount of any Appropriate Toll due and payable by a person under these Bye-Laws and unpaid may be recovered from the person by whom it is payable as a simple contract debt, including any statutory administrative charges that may apply, in any court of competent jurisdiction.

6. **TRAILERS**

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 Facility;

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.

7. **RIGHT TO USE TOLL ROAD AND PROHIBITED USERS**

7.1 On paying or otherwise discharging the Appropriate Toll, the driver of a Vehicle referred to in Regulation 2 shall be entitled to use the Toll Road.

7.2 No pedestrian, pedal-cyclist, person in charge of, or having control over, animals (which are not being transported in a Vehicle) or any Vehicle or User other than those prescribed by applicable law (including, without limitation, the Roads Regulations 1994 (SI No. 119/94)) may use the Toll Road.

7.3 The Operator may by itself, or with such assistance as it shall think necessary, stop and prevent any persons referred to in Regulation 7.2 from using the Toll Road.

8. **RECEIPT**

8.1 Subject to Regulation 8.2, on payment or discharge of the Appropriate Toll in accordance with these Bye-Laws, the driver shall be entitled, on request, to a receipt for the toll paid.

8.2 In the case of:

- (a) a purchase of a Token, or
- (b) the making of any payment to facilitate, or in connection with, ETC,

by a 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 User (or such other person) following such purchase.

9. **EXEMPTIONS**

A toll shall not be payable in respect of the categories of Vehicles set out in the Second Schedule to these Bye-Laws.

10. **DRIVER REFUSING TO PAY TOLL**

10.1 Without prejudice to Regulation 5 or Regulation 28, where a driver refuses or neglects to pay or discharge the Appropriate Toll or any part thereof that is otherwise payable:

- (a) that driver may be refused permission to use the Toll Road, any Toll Booth or any other place where such toll might be paid; and
- (b) the Operator may, by itself or with such assistance as it thinks necessary, stop and prevent that driver from using the Toll Road.

10.2 No person shall:

- (a) operate or attempt to operate a Toll Collecting Machine:
 - (i) other than by the use of ETC; or
 - (ii) by the insertion of objects other than:
 - (A) coins (or, where the Toll Collecting Machine so permits, currency other than coins) of the appropriate denomination of the lawful currency for the time being of Ireland;
 - (B) using a credit card, debit card or other means of payment, upon such method of payment being approved by the NRA;
or

- (C) using Tokens authorised by the NRA to be used for the payment of such tolls; or
- (b) otherwise interfere with a Token or a Toll Collecting Machine with the intention of dishonestly obtaining for himself a pecuniary advantage.

11. LIST OF TOLLS TO BE EXHIBITED

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 Location on the Toll Road.

12. AMOUNT OF TOLLS

- 12.1 The tolls set out in the First Schedule hereto are the Base Tolls calculated as of August 2005 (at which date the Consumer Price Index as published by the Central Statistics Office was equal to one hundred and thirty-two point one (132.1) (the “Opening Index”) (using a November 1996 base of one hundred (100)).
- 12.2 The Maximum Tolls for each class of Vehicles for each Toll Year shall be the Base Tolls for such class of Vehicles multiplied by the Consumer Price Index for August in the previous year, using a November 1996 base year of one hundred (100), divided by the Opening Index, and the resulting amount shall be rounded upwards or downwards, as the case may be, to the nearest fifty cent (50c) or such other amount (equal to or less than one euro (€1)), in each case, as may be determined by the NRA.
- 12.3 In the event of the Consumer Price Index for August in any year (the “Base Year”) not being published before 1st of December in that Base Year, the Maximum Tolls for the following year shall be the Maximum Tolls for the Base Year multiplied by an appropriate alternative indexation factor determined by the NRA.
- 12.4 In the event of the current Consumer Price Index (or the appropriate alternative indexation factor determined by the NRA, 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 not exceed the Maximum Tolls fixed in the previous year.
- 12.5 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 an appropriate alternative indexation factor determined by the NRA, if the former is not published) is derived.
- 12.6 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 seven (7) days prior to the commencement of tolling.

- 12.7 The list of Appropriate Tolls applying at the commencement of tolling shall be made publicly available no later than seven (7) days prior to the commencement of tolling.

Any revision to the Appropriate Tolls shall be made publicly available on or prior to such revision taking effect.

For the purposes of this Regulation 12.7 “**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 Operator in connection with the Toll Road or by the NRA generally.

PART III - OPERATIONS

13. OBSTRUCTION

- 13.1 No person shall obstruct or disrupt the operation, maintenance or use of any part of the Toll Road.
- 13.2 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.

14. INTERFERENCE AND NUISANCE

- 14.1 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 situate 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.

- 14.2 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.
- 14.3 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.

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

15. **RESTRICTED AREAS**

15.1 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.

15.2 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.

16. **VEHICLES AND PROPERTY LEFT IN TUNNEL**

16.1 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.

16.2 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.

17. **VEHICLES**

17.1 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 five (5) 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 no be less than fifty (50) metres, unless traffic has stopped in which case a minimum distance of five (5) metres shall be maintained.

17.2 No person shall drive or manoeuvre a Goods Vehicle with a design gross vehicle weight exceeding 17,000 kilograms in the right hand lane of any road carriageway in the Tunnel except where:

- (a) it is necessary to proceed in that lane due to an obstruction;
- (b) the left hand lane is closed to traffic; or
- (c) directed to do so by an Authorised Officer or a member of the Garda Síochána.

17.3 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.

17.4 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 Facility 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.

17.5 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.

- 17.6 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.
- 17.7 No vehicle shall be driven into the Tunnel unless the vehicle has sufficient fuel or other power to leave the Tunnel.

18. **VEHICLE BREAKDOWN AND RECOVERY**

- 18.1 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.
- 18.2 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.
- 18.3 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.
- 18.4 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.
- 18.5 In the case of a Vehicle:
- (a) which is removed by the Operator in accordance with Regulation 18.4 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.

18.6 It shall be an offence for the purposes of Section 64 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.

19. COMPLIANCE WITH REQUIREMENTS

19.1 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).

19.2 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.

19.3 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.

19.4 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.

20. FIRE AND SAFETY PRECAUTIONS

20.1 No person shall cause or permit a fire to occur.

20.2 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.

- 20.3 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.
- 20.4 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.
- 20.5 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.

21. CARRIAGE OF DANGEROUS ITEMS IN OR THROUGH THE TUNNEL

21.1 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.

21.2 (a) Without prejudice to the generality of Regulation 21.1, 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 21.2(a), it shall publish or otherwise make available the list of such items or goods.
- 21.3
- (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 21.3(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.
- 21.4 A person who is in breach of this Regulation 21 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.
- 21.5 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.

22. **EVACUATION OF TUNNEL**

- 22.1 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.
- 22.2 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 22.2(a), Users shall drive their vehicles out of the Tunnel following the normal direction of flow.

23. **HEIGHT RESTRICTION**

23.1 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.

23.2 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.

23.3 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.

23.4 Without prejudice to any other right or entitlement of the NRA or the Operator (if different), the User and the registered owner of any Vehicle that may have accessed the Tunnel in breach of this Regulation 23 shall reimburse (on an indemnity basis) the NRA and, to the extent different, the Operator against all damage, costs and expenses suffered or incurred by the NRA or the Operator as a consequence of the Vehicle accessing the Tunnel in breach of this Regulation 23.

24. **WIDE LOADS**

24.1 The Operator may restrict the passage through the Toll Road (including, without limitation, the Tunnel) of Vehicles transporting Wide Loads.

24.2 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.

25. USE OF HEADLIGHTS IN THE TUNNEL

- 25.1 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.
- 25.2 The use of full-beam headlights in the Tunnel is prohibited.

26. INSPECTION OF VEHICLES AND PACKAGES

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

PART IV - GENERAL

27. AUTHORISED OFFICERS

- 27.1 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.
- 27.2 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.
- 27.3 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 13 (Obstruction), Regulation 14.1, 14.2 and 14.3 (Interference and Nuisance), Regulation 15.1 (Restricted Areas), Regulation 22 (Evacuation of Tunnel) and Regulation 24.2 (Wide Loads) and references in each of the foregoing Regulations to “Operator” shall be construed as including “an Authorised Officer”.
- 27.4 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”.

28. OFFENCES

- 28.1 Any person who contravenes (or attempts to contravene) a Bye-Law shall be guilty of an offence for the purposes of Section 64 and Section 81 of the Act.
- 28.2 Without prejudice to the generality of Regulation 28.1, 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 for the purposes of Section 64(2) and Section 81 of the Act.

28.3 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.

29. **COMING INTO EFFECT OF BYE-LAWS**

In accordance with Section 61(8) of the Act, these Bye-Laws shall come into effect on [date].

Peter Malone
Chairman,
National Roads Authority

Date:

FIRST SCHEDULE

Base Tolls

The amounts in this Schedule have been based on August 2005 prices, and are inclusive of VAT.

Class of Vehicle	Direction of Travel	Days of Week	Time Period	Base Toll
All mechanically propelled vehicles not exempted	Southbound	Monday to Friday	6 a.m. to 10 a.m.	€12
All mechanically propelled vehicles not exempted	Southbound	Monday to Friday	10 a.m. to 10 p.m.	€6
All mechanically propelled vehicles not exempted	Northbound	Monday to Friday	6 a.m. to 4 p.m.	€6
All mechanically propelled vehicles not exempted	Northbound	Monday to Friday	4 p.m. to 7 p.m.	€12
All mechanically propelled vehicles not exempted	Northbound	Monday to Friday	7 p.m. to 10 p.m.	€6
All mechanically propelled vehicles not exempted	Northbound and Southbound	Saturday and Sunday	6 a.m. to 10 p.m.	€6
All mechanically propelled vehicles not exempted	Northbound and Southbound	Monday to Sunday	All times other than 6 a.m. to 10 p.m.	€3

- Notes:** (a) Southbound is the direction from Santry to Dublin Port.
(b) Northbound is the direction from Dublin Port to Santry.

Special Transports will be charged according to kind of load and weight and the toll paid by the User shall be decided by the NRA in consultation with the Operator.

SECOND SCHEDULE

Classes of Vehicles and Users exempt from tolls:

- (1) Goods vehicles with a design gross vehicle weight exceeding 3,500 kilograms.
- (2) Ambulances and Fire Brigade Vehicles.
- (3) Vehicles used by members of the Garda Siochana or the Defence Forces in the performance of their duties as such members.
- (4) Dublin City Council vehicles used in the performance of the functions and duties of Dublin City Council.
- (5) Vehicles used by the Operator appointed to operate the Toll Road in the performance of its duties in relation to the Toll Road.
- (6) Buses or Coaches with seating for greater than twenty five (25) passengers where such Bus or Coach is a “public service vehicle” within the meaning of Section 3 of the Road Traffic Act 1961.
- (7) Specially adapted vehicles driven by disabled persons.