



National Roads Authority

An tÚdarás um Bóithre Náisiúnta

Bye-Laws for the West-Link Toll Road

made on 20th August, 2001

under

The Roads Act, 1993 as amended

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

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 and is used exclusively for the carriage of sick, injured or disabled persons.
‘Appropriate Tolls’	means the Tolls chargeable by West-Link in accordance with the terms of Regulation 14.3
‘the Base Tolls’	means the tolls set out in the First Schedule hereto.
‘Bus’	means a mechanically propelled vehicle with an unladen weight not exceeding 6 tonnes, 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 burden of any description whether in the course of trade or otherwise.
‘Commercial Vehicle’	means an electrically or mechanically 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.
“ETC”	means a mechanism for collecting tolls electronically.
‘Fire Brigade Vehicle’	means an electrically or mechanically propelled vehicle, used by members of the Fire Brigade in the performance of their duties as such members.

‘Invalid Carriage or Disabled Vehicle’	means a specially adapted vehicle driven by a disabled person.
‘the Minister’	means the Minister for the Environment and Local Government.
‘Motor Car’	means an electrically or mechanically propelled vehicle not being a motorcycle or invalid carriage 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.
‘Toll Booth’	means a fixed or mobile installation erected on the Toll Road for the collection of tolls.
‘the Toll Company’	means West-Link Toll Bridge Limited.
‘Toll Collecting Machine’	means a machine or system designed to receive and/or record tolls by mechanical, electrical, electronic or other means.
‘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.
the ‘Toll Road’	means the road extending from the National Road N4 (Galway Road) to the National Road N3 (Navan Road) in the County of Dublin having a length of 3.2 kilometres approximately as more particularly shown on the map attached to the Toll Scheme (Drawing No.D11369 made by the NRA on the 2 nd March 2000 and approved by the Minister on the 13 December 2000.

‘Toll Year’	means the 12-month period commencing on the 1 st day of January in any year.
‘Token’	means a pre-paid voucher, disc, card or permit or Electronic Toll Collection (ETC) tag issued by the Toll Company for use on the Toll Road to effect payment of the Appropriate Toll.
‘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. Electrically or Mechanically propelled vehicles of the classes prescribed by the Minister pursuant to section 43 of the Act, or under any statutory re-enactment or amendment thereof for the time being in force, may use the Toll Road on payment of 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, take and recover tolls as set out herein.

PAYMENT OF TOLLS

4. Subject to Regulation 10, the driver of a vehicle listed in the First Schedule shall be liable to pay the Appropriate Toll in respect of such vehicle on using the Toll Road and such toll shall be payable on such person passing a Toll Booth or Toll Collecting Machine provided that with the agreement of the Toll Company payment of the Appropriate Toll can be effected by Token.

FAILURE TO PAY TOLL

5. If the driver of a vehicle who is liable to pay the Appropriate Toll fails to do so on passing a Toll Booth or Toll Collecting Machine, the registered owner of the vehicle concerned may then be required by the Toll Company to pay the amount of the Appropriate Toll.

TOLL BOOTH

6. Except where payment of the Appropriate Toll is effected by Token, the driver of a vehicle listed in the First Schedule shall pay the Appropriate Toll at a Toll Booth or into 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 traffic to which such combined vehicle belongs shall be determined by aggregating the unladen weights of the vehicle and the trailer and by aggregating the number of axles with wheels in contact with the

ground at the time of crossing the Toll Road, as the case may be; provided that this shall not apply to a trailer towed by a motor cycle or a motor car.

RIGHT TO USE TOLL ROAD AND PROHIBITED USERS

- 8.1 On paying the Appropriate Toll to a Toll Collector or into a Toll Collecting Machine or by means of a Token, the driver of a vehicle referred to in Regulation 2 shall be entitled to use the Toll Road.
- 8.2 A Toll Collector shall refuse to permit pedestrians, pedal cyclists, persons in charge of, or having control over animals, and persons driving electrically or mechanically propelled vehicles of a class other than a class prescribed pursuant to section 43 of the Act, or any statutory re-enactment or amendment thereof for the time being in force, to use the Toll Road and may by himself, or with such assistance as he shall think necessary, stop and prevent such persons from using the same.

RECEIPT

9. On payment of the Appropriate Toll to a Toll Collector, the driver shall be entitled to a receipt for the toll paid at his request. Where a driver of a vehicle effects payment of the Appropriate Toll by means of a Token a receipt will be issued for the purchase of such Token or renewal of credit on such Token.

EXEMPTIONS

10. A toll shall not be payable in respect of the categories of vehicles set out in the Second Schedule hereto.

OBLIGATION TO PAY TOLL

11. Subject to any exemptions under these Bye-Laws, no one may use the Toll Road 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 Toll Collector may refuse to permit the driver to use the Toll Road or any Toll Booth or any other place where such toll might be paid and may by himself or with such assistance as he shall think necessary, stop and prevent the driver so refusing or neglecting from using the same.

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

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 entrances to the Toll Road.

AMOUNT OF TOLLS

- 14.1 The tolls set out in the First Schedule hereto are the Base Tolls and for the avoidance of doubt the Base Toll is the maximum toll chargeable under the New Toll Scheme, exclusive of V.A.T., indexation and rounding.

- 14.2 The Maximum Tolls shall be calculated by adding:

- (a) the Base Tolls multiplied by the Consumer Price Index for August in the previous year 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 calculated to the nearest 10p (prior to 1 January 2002) and 10c(on or after 1 January 2002).

- 14.3 The Appropriate Tolls are the Tolls chargeable by West-Link as agreed with the NRA (inclusive of indexation, VAT and rounding) provided that such Appropriate Tolls shall not exceed the Base Tolls (inclusive of VAT, indexation and rounding).

- 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 end 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 Government Information Services on behalf of 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.

OBSTRUCTION

15. A Toll Collector, either by himself or with such assistance as he thinks necessary, may remove or cause to be removed any person or vehicle obstructing or impeding the use of the Toll Road.

PART III

FIRST SCHEDULE

Base Tolls¹

The figures in this Schedule have been re-based to August 2000, and are exclusive of VAT.

<u>CLASS OF TRAFFIC</u>	<u>Base Toll in IR£</u>	<u>Base Toll in €</u>
Motor Cycles (exceeding 50 c.c.)	0.4302	0.55
Private Motor Cars	1.0871	1.38
Buses	1.7209	2.19
Commercial Vehicles with an unladen weight not exceeding 2 tonnes	1.7209	2.19
Commercial Vehicles over 2 tonnes unladen weight and with not more than 2 axles	3.4418	4.37
Commercial Vehicles over 2 tonnes unladen weight and with not more than 3 axles	4.3022	5.46
Commercial Vehicles over 2 tonnes unladen weight and with 4 or more axles	5.1627	6.56

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.

PART IV

SECOND SCHEDULE

Tolls shall not be payable in respect of the following:

1. Fire Brigade Vehicles
2. Ambulances
3. Vehicles used by members of the Garda Siochana or the Defence Forces in the performance of their duties as such members.
4. Vehicles used by staff of Fingal County Council, South Dublin County Council or the NRA in the performance of their duties.
5. Specially adapted vehicles driven by disabled people.