
STATUTORY INSTRUMENTS

1999 No. 2336

The Railtrack (Leeds Bridges) Order 1999

PART II

WORKS

Streets

Power to execute street works

7.—(1) Railtrack may, for the purposes of the authorised works, enter upon so much of the street specified in Schedule 2 to this Order as is within the Order limits and may—

- (a) place apparatus in the street,
- (b) maintain apparatus in the street or change its position, and
- (c) execute any works required for or incidental to the authorised works or any works referred to in sub-paragraphs (a) and (b) above (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street).

(2) In this article “apparatus” has the same meaning as in Part III of the Street Works Act.

Permanent stopping up of street

8.—(1) Subject to the provisions of this article, Railtrack may, in connection with the construction of the authorised works, permanently stop up the street specified in columns (1) and (2) of Schedule 3 to this Order to the extent specified in column (3) of that Schedule.

(2) The new street to be substituted for the street to be stopped up under this article, and which is specified in column (4) of that Schedule, shall be completed to the reasonable satisfaction of the street authority and open for public use within three months after all bridge girders have been replaced in connection with Work No. 3.

(3) Any person who suffers loss by the extinguishment of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(4) This article is subject to paragraph 2 of Schedule 6 to this Order.

Temporary stopping up of streets

9.—(1) Railtrack, during and for the purposes of the execution of the authorised works, may temporarily stop up, alter or divert any street and may for any reasonable time—

- (a) divert the traffic from the street, and
- (b) subject to paragraph (3) below, prevent all persons from passing along the street.

(2) Without prejudice to the generality of paragraph (1) above, Railtrack may use any street stopped up under the powers of this article as a temporary working site.

(3) Railtrack shall provide reasonable access for pedestrians going to or from premises abutting on a street affected by the exercise of the powers conferred by this article, if there would otherwise be no such access.

(4) Railtrack shall not exercise the powers of this article without the consent of the street authority, but such consent shall not be unreasonably withheld.

(5) The provisions of the Street Works Act mentioned in paragraph (6) below and any regulations made, or code of practice issued or approved under, those provisions shall apply (with the necessary modifications) in relation to the stopping up, alteration or diversion of a street by Railtrack under the powers conferred by this article where no street works are executed in that street as they would apply if the stopping up, alteration or diversion were occasioned by street works executed in that street by Railtrack.

- (6) The provisions of the Street Works Act referred to in paragraph (5) above are—
- section 54 (advance notice of certain works);
 - section 55 (notice of starting date of works);
 - section 59 (general duty of street authority to co-ordinate works);
 - section 60 (general duty of undertakers to co-operate);
 - section 69 (works likely to affect other apparatus in the street);
 - section 76 (liability for cost of temporary traffic regulation);
 - section 77 (liability for cost of use of alternative route);

and all such other provisions as apply for the purposes of the provisions mentioned above.

(7) Any person who suffers loss by the suspension of a private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part I of the 1961 Act.

(8) The exercise of powers under this article is subject to paragraph 1(6) of Part IV of Schedule 7 to this Order.

Agreements with street authorities

- 10.**—(1) A street authority and Railtrack may enter into agreements with respect to—
- (a) the maintenance of the structure of any bridge carrying a street over a railway,
 - (b) any stopping up, alteration or diversion of a street under the powers conferred by this Order, or
 - (c) the execution in the street of any of the works referred to in article 7(1) above.
- (2) Such an agreement may, without prejudice to the generality of paragraph (1) above—
- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question, and
 - (b) contain such terms as to payment and otherwise as the parties consider appropriate.