

ROADS (EXTRAORDINARY TRAFFIC) REGULATIONS.⁽¹⁾

Statutory Rules.

No. 2 of 1917.

EXTRAORDINARY TRAFFIC.

Definitions.

1. For the purposes of these Regulations—

“Person” includes a corporation, incorporated company, firm, partnership, or other body of persons, whether corporate or unincorporate.

“Road” means a main road as defined in the *Roads Ordinance*, 1916.

“Locomotive” means an engine, traction engine, or locomotive propelled or worked by steam or other motive power other than animal power. The term where necessary includes any vehicle or trailer drawn or hauled thereby.

The term does not include a tramcar or other tramway vehicle used upon a tramway, pursuant to statutory provision in that behalf.

Also, the term does not include an engine, traction engine, or locomotive which is not of a greater weight than three tons.

Defining extraordinary traffic.

- (i) Any locomotive using any road; and
- (ii) Any wagon, dray, trolley, or vehicle of any description whatsoever using any road and hauled or drawn by more than four horses or mules or eight bullocks; and
- (iii) Any vehicle of any description whatsoever using any road which vehicle, whether unladen or together with the load thereon, is of a greater weight than six tons; and

(1) Particulars of these Regulations are as follows:—

Ordinance under which made.	Date on which made by Lieut.-Gov. in Council.	Date on which published in Papua Govt. Gaz.	Date on which took effect.
<i>Roads Ordinance</i> , 1916	27.12.1916	3.1.1917	1.5.1917 (Reg. 31, S.R. 1917, No. 2)

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- (iv) Any long, large, heavy, or projecting goods carried or conveyed on or by any vehicle attached to or fastened to or trailed behind any other vehicle upon any road within the limits of a town;
- (v) Any carriage or conveyance of goods upon any road at either one or more time or times which is so exceptional, in the quality or quantity of the goods carried or conveyed or in the weight or nature of the vehicle or traction used or otherwise in the mode or time of user of any such road, as substantially to alter and increase the burden imposed by ordinary traffic on such road and to cause expense beyond the average expense of repairing roads,

shall be deemed to be extraordinary traffic.

Provided that a tramcar or other tramway vehicle used upon a tramway pursuant to statutory provision in that behalf shall not be deemed to be extraordinary traffic.

Prohibition of certain locomotive traffic.

2. It shall not be lawful to use on any road a locomotive constructed otherwise than in accordance with the following provisions, that is to say:—

- (i) A locomotive not hauling or drawing any vehicle shall have the tires of the wheels thereof not less than three inches in width with an additional inch for every ton or fraction of a ton above the first three tons;
- (ii) A locomotive hauling or drawing any vehicle shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the locomotive, unless the diameter of such wheels exceed five feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased, but in such case the width of such tires shall not be less than fourteen inches;
- (iii) A locomotive whether unladen or together with the load thereon shall not exceed nine feet in width or six tons in weight.

Provided that if the owner thereof proves to the satisfaction of the Director of Public Works or other officer appointed by the Lieutenant-Governor⁽²⁾ that his locomotive was in frequent use on any public road during 1915, and is so in use at the time these Regulations are made, he may continue to use such locomotive notwithstanding that the weight thereof unladen, or together with the load thereon exceeds six tons, if he applies within six weeks from the date

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

of the making of these Regulations for, and obtains a permit under these Regulations authorising him to use and employ such locomotive, and in all other respects complies with the provisions of these Regulations.

- (iv) The driving wheels of a locomotive shall be cylindrical and smooth soled, or shod with diagonal cross-bars of not less than three inches in width nor more than three-quarters of an inch in thickness extending the full breadth of the tire, and the space intervening between each such cross-bar shall not exceed three inches.

The owner of any locomotive used contrary to the foregoing provisions shall for every offence be liable to a penalty not exceeding ten pounds:

Provided that the owner of a locomotive used contrary to the provisions of subsection⁽³⁾ (ii) hereof shall not be deemed guilty of an offence if he proves to the satisfaction of the court having cognisance of the case that such locomotive was constructed prior to the making of these Regulations, and that the tires of the wheels thereof are not less than nine inches in width and that such locomotive was used under a permit granted under these Regulations.

Bars, spikes, grips, or other projections on wheels.

3. It shall not be lawful for any person to use, or cause or procure any other person to use, on any road any locomotive or other vehicle having on its wheels any bars, spikes, grips, or other projections.

This prohibition, however, shall not apply to any locomotive, the driving wheels of which are cylindrical and smooth soled and have no projections thereon other than diagonal cross-bars of not less than three inches in width nor more than three-quarters of an inch in thickness and extending the full breadth of the tire, and the space intervening between each such cross-bar not exceeding three inches, and in respect of which locomotive a permit granted under these Regulations is in force.

Damage by extraordinary traffic to be recoverable.

4. When by a certificate of the Director of Public Works or other officer specially appointed by the Lieutenant-Governor⁽²⁾ for the purpose of these Regulations, it appears to the Treasurer that expenses have been incurred by the Government in repairing any road or roads by reason of damage caused by extraordinary traffic thereon, the Treasurer may recover in the Small Debts Court or other Court of competent jurisdiction from any person by whom or by whose order such extraordinary traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the Court having

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance* 1911-1940.

(3) The word "subsection" appeared in the Regulations as published in *Papua Govt. Gaz. Semble*, "subregulation" was intended.

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cognisance of the case to have been so incurred by the Government, and such expenses shall be recoverable notwithstanding the issue to such person or to any person of any permit under these Regulations.

The Director of Public Works on behalf of the Government is hereby authorised to enter into an agreement with any such person as last aforesaid for the payment to the Government of a composition in respect of such extraordinary traffic in lieu of the expenses actually incurred as aforesaid, and thereupon the person so paying such composition shall not be subject to any proceedings under this Regulation, but the amount of such composition shall be recoverable by the Treasurer in the Small Debts Court or other Court of competent jurisdiction as and when the same from time to time becomes payable.

Permits for extraordinary traffic.

5.—(1.) No person shall conduct or cause to be conducted upon any road any extraordinary traffic without having first obtained from the Director of Public Works a permit authorising him so to do.

(2.) No person shall drive or use, or cause to be driven or used, upon any road any locomotive without having first obtained a permit from the said Director in respect of such locomotive.

(3.) No person shall carry or cause to be carried on any vehicle upon any road within the limits of a Town any timber, machinery, goods or chattels of any kind of a greater width or length than ten feet and thirty feet respectively, or projecting more than three feet laterally over any of the wheels of such vehicle, without having first obtained a permit from the nearest Resident Magistrate authorising him so to do.

(4.) No person shall carry or cause to be carried any long, large, heavy, or projecting goods on any vehicle or vehicles attached or fastened to or trailed behind any other vehicle upon any road within the limits of a Town without having first obtained from the nearest Resident Magistrate a permit authorising him so to do.

If there is only one vehicle attached to, or fastened, or trailed, no fees shall be payable in respect of the permit, but if there is more than one such vehicle, a fee of five shillings for each other vehicle shall be paid to the said Resident Magistrate on behalf of the Government for each and every occasion upon which the vehicles are used:

Provided that the fees so payable shall not exceed ten pounds per annum, and no other fee shall be payable in respect of the vehicle under the scale of fees hereinafter contained.

Application for and issue of permit.

6. Any person desiring that a permit as aforesaid shall be issued must apply in writing to the Director of Public Works for the same, stating the class, number, and description of wheels and widths of tires of the locomotive or vehicle which is intended to be used or em-

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ployed, and the number of horses, mules or bullocks by which such vehicle is to be hauled. Upon such application, the said Director shall, on receipt of the fees hereinafter prescribed issue such permit.

7. Every such application shall be in the following form or to the like effect:—

Application for permit.

To the Director of Public Works.

I hereby apply to you for a permit to use and employ on the main roads between _____ and _____ [describe fully the nature of the engine, traction engine, or vehicle] which is propelled and worked by _____, and weighs not more than _____ tons.

And I undertake and agree with you that, if you grant me such permit, I will not at any time make any claim or commence or institute any proceedings against you or the Government of Papua for the recovery of any loss or damage whatsoever which I may at any time sustain by reason of any defect in any road, bridge, or culvert within the Territory over or along which such [engine, traction engine, or vehicle] may pass, or by reason of the same being injured or damaged or delayed in its progress on or along any such road, bridge, or culvert.

And I further undertake and agree with you that, if you grant me such permit, I will pay and make good to the Government of Papua all expenses which it may incur by reason of any damage done to any road, bridge, or culvert within the Territory by such [engine, traction engine, or vehicle] or any vehicle drawn or hauled thereby.

Dated this _____ day of _____, 19 _____

Applicant: _____ Witness: _____

Form of permit.

8. Every permit granted under these Regulations shall be in the following form, with such variations therein as the circumstances may require:—

Permit.

No. _____

This permit is issued to _____, of _____, in compliance with and subject to the undertakings and agreements stated by him in his application for the same, dated the _____ day of _____, 19 _____, and the Regulations in force relating to extraordinary traffic to use and employ on the roads [or if a particular road or route is fixed, state the same] within the Territory [describe fully the nature of the engine, traction engine, or vehicle, and the nature and width of tires] propelled or worked by _____ and used for conducting extraordinary traffic.

This permit is also issued subject to the following conditions:—[Insert particulars as to extent of load, description of trailer, if any, length or width, etc., of goods to be carried, or as the case may be.]

This permit shall be in force for a period of six months from the date of issue, subject, nevertheless, to all and every of the Regulations in force relating to extraordinary traffic.

Given under my hand, at _____, this _____ day of _____ 19 _____

Director of Public Works.

9. There shall be paid by the applicant to the said Director at or prior to such application the fees following, that is to say:—

Scale of fees for permits.

	£	s.	d.
For every locomotive having a greater weight than three tons but not more than five tons, per half-year	2	10	0
For every locomotive of a greater weight than five tons, per half-year	7	0	0

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	£	s.	d.
For every vehicle drawn by more than four horses or mules and not more than six horses or mules, irrespective of the widths of the tires upon the wheels, per half-year	1	0	0
For every vehicle drawn by seven horses or mules and not more than eight horses or mules and for every vehicle drawn by not more than ten bullocks, having wheels with tires (per half-year)—			
Less than three and a half inches in width	2	0	0
Three and a half inches and under four inches	1	15	0
Four inches and under five inches	1	10	0
Five inches and under six inches	1	5	0
Six inches and over	1	0	0
For every vehicle drawn by more than eight horses or mules and for every vehicle drawn by more than ten bullocks, having wheels with tires (per half-year)—			
Less than three and a half inches in width	4	0	0
Three and a half inches and under four inches	3	10	0
Four inches and under five inches	3	0	0
Five inches and under six inches	2	10	0
Six inches and over	2	0	0

Use of locomotive, &c., without permit prohibited.

10. The owner of every locomotive or vehicle of any description whatsoever in respect of which a permit is required under these Regulations for the user thereof on any road who causes or permits the same to be used upon any such road without such permit shall be liable to a penalty not exceeding twenty pounds.

Deposit on permit as security against damage.

11. Wherever under these Regulations any permit is prescribed to be obtained, and it appears to the Director of Public Works that the extraordinary traffic in respect of which the permit is applied for will cause damage to any road or roads and involve the Government in expense of repairs, the said Director may, before granting such permit, require the applicant to deposit with him such sum, or to find satisfactory security in such amount, as will, in the opinion of the said Director, be sufficient to cover any such expense that may be occasioned, such deposit, if made, to be returned on the determination of the permit if any such expenditure is not required; any such damage may be made good by the Government, and such deposit may be applied towards defraying the expenses incurred, and the balance only, if any, shall be repaid to the person making the deposit.

Transfer of permit.

12. The holder of any permit granted under these Regulations may, upon application being made to the said Director, have such permit transferred upon sale of his locomotive or other vehicle.

Duration of permit.

13. Every permit granted under these Regulations shall remain in force for a period of six months from the date of issue, but may be renewed from time to time on payment of the fees hereinbefore prescribed.

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Register of permits.

14. The Director of Public Works shall number consecutively all permits issued under these Regulations, and shall keep a register of the same.

Name to be painted on locomotive.

15. The owner of every locomotive or vehicle as aforesaid in respect of which a permit has been issued shall, at all times whilst the same is used or employed on any road, have his name legibly painted thereon, in letters of not less than two inches in length and of proportionate width.

Weight of locomotive to be painted thereon.

16. Every owner of a locomotive in respect of which such permit is in force shall cause to be painted, in legible letters not less than one inch long on a plate attached to the locomotive, or on a conspicuous place of the locomotive, the exact and true weight thereof and the maximum weight of water and fuel necessary for its propulsion.

Route to be followed by locomotives.

17. A person shall not use any locomotive in respect of which a permit has been granted under these Regulations except on the road and route mentioned in such permit, unless the previous written permission of the said Director has been first obtained to allow the same to be used on some other road or route.

Locomotive not to have more than one trailer.

18. No locomotive in respect of which a permit has been granted under these Regulations shall, unless with the prior consent in writing of the said Director be used upon any road to haul or draw more than one vehicle or trailer.

Weight to be carried on trailer.

19. The loading of any vehicle or trailer together with the weight of such vehicle or trailer being hauled or drawn by any locomotive as last aforesaid shall not exceed six tons; moreover, the said loading, when added to the weight of the vehicle or trailer, shall not together exceed 3 cwt. for each half an inch of bearing surface of the tire or felloe of each wheel of such vehicle or trailer.

Maximum speed of locomotives.

20. No person shall upon any road within a Town drive or propel any locomotive at a rate faster than five miles an hour.

Person to be in attendance whilst locomotive contains in itself sufficient motive power to move it.

21. So long as the fires of any locomotive are alight, or the locomotive contains in itself sufficient motive power to move it, one person

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shall remain in attendance while it is on any road, although it is stationary.

Taking locomotive along or across bridges, embankments, &c.

22. No person shall take any locomotive across or along any bridge, culvert, or embankment so as to meet or pass thereon any other locomotive.

Locomotive not to halt on certain parts of road.

23. No person shall halt (unless through unforeseen circumstances, or unless actually engaged in loading or unloading) any locomotive in any part of a road where the traffic is narrowed by fences, excavations, embankments, dangerous depressions, or the like.

Locomotive not to halt on bridges or culverts.

24. No person shall permit any locomotive or any vehicle attached to or drawn thereby to stop on any bridge or culvert for any purpose whatever.

Driving locomotive between sunset and sunrise.

25. No person shall drive any locomotive on any road within a Town between sunset and sunrise, unless by written permission of the nearest Resident Magistrate defining the route to be travelled and the extended hours during which such travelling is permissible; such permission shall be revocable at any time upon written notice to that effect being served on the owner or driver of the locomotive, or being forwarded to him by registered letter.

No person who has received such written permission shall drive any such locomotive between sunset and sunrise unless there are exhibited on such locomotive proper sufficient carriage or other approved lights, one at each side on the front, and one on the rear, or, if a vehicle is being drawn by such locomotive, then in the rear of the vehicle.

Alarm for locomotives.

26. The owner of any locomotive shall while the same is upon any road within a Town keep the same provided with an efficient whistle, horn, bell, or other alarm.

The driver or person having control of the same shall cause such whistle, horn, bell, or other alarm to be sounded before passing any person walking, driving, or riding, to give timely warning of the approach of such locomotive.

Wooden planks to be carried on locomotive.

27. No person shall use or cause to⁽⁴⁾ procure to be used on any road any locomotive unless there is carried on such locomotive, or some vehicle drawn by the same, at least four wooden planks twelve inches in width, four inches in thickness, and at least twelve feet in length, and when crossing any bridge or culvert the driver or the person in

(4) The word "to" appeared in the Regulations as published in *Papua Govt. Gaz. Semble*, "or" was intended.

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charge of such locomotive shall lay down such planks, and no locomotive shall be permitted to cross over any bridge or culvert except on such planks.

Skidding of wheels of locomotive.

28. The driver of any locomotive shall shut off steam or other power immediately the driving wheels of the locomotive commence to skid, and he shall not start the locomotive until he has taken all necessary and proper means to prevent damage being done to the road by the skidding of the wheels.

Inspectors.

29.—(1.) Any person who may from time to time be appointed by the Lieutenant-Governor⁽²⁾ to be inspector may, at any reasonable time he deems it necessary, examine on any road any locomotive, wagon, dray, or trolley, or other vehicle in respect of which a permit is required under these Regulations and the load thereon, and may order any driver thereof to stop the same for a sufficient time to allow a measurement to be made or a weight taken of any material carried thereon, and an inspection to be made, and such driver shall if so required by the inspector, forthwith drive such locomotive or other vehicle, whether laden as aforesaid or unladen, to and place the same upon any weighbridge approved by such inspector, so that a correct weight may be taken.

For the purpose of ascertaining such weight, such driver shall, if so required by the inspector, unload, place upon, and cause to be weighed upon such weighbridge, or upon any scales or weighing machine selected by the inspector, the load separately and apart from the vehicle carrying such load, and such driver shall also, if required by the inspector place the vehicle when laden as aforesaid upon such weighbridge for the purpose of ascertaining the weight thereof separately and apart from such load.

(2.) A driver or other person in charge of a vehicle as aforesaid shall not neglect or refuse to stop the same when required so to do for the purpose of such examination, measurement, or the taking of a weight, or neglect or refuse without reasonable excuse to drive the same forthwith to a weighbridge or neglect or refuse if required so to do, to cause such vehicle, whether laden or unladen, to be placed upon such weighbridge, or to cause the load to be unloaded and to be placed upon such weighbridge for the purpose of ascertaining the weights of the same respectively.

Penalty.

30. Any person guilty of any contravention of the provisions of these Regulations for which no specific penalty is enacted, shall for every such contravention be liable to a penalty not exceeding twenty pounds.

31. These regulations will take effect as from the first day of May, 1917.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.