

**100. Rights of way and traffic where railway made along or across road on a level**

- (1) Where any part of a road or street, except where it crosses a railway on a level, is used or occupied for a railway under the powers conferred the last preceding section, such part of the road or street shall thereafter cease to be a highway.
- (2) Where a road, street, or thoroughfare crosses a railway on a level, the public right of way at such crossing shall cease whenever any engine or carriage on the railway is approaching and within a distance of 400 metres from such crossing; and shall at all other times extend only to the right of crossing the line of railway with all convenient speed, but not stopping or continuing thereon.
- (3) Whenever a railway is constructed upon or across a road, or street, upon the same level, the Minister may carry on and conduct the working and management of such railway in every respect upon or across such road or street: the Minister may also, if he so desires, erect and maintain gates across such road or street on each side of the railway, and may keep such gates closed across such road or street on both sides of the railway, except when passengers on foot or with horses, cattle, and carriages passing along the same shall have the right, under subsection (2), to cross the railway, and may safely do so.

*[Section 100 amended by No. 94 of 1972 s.4. (as amended by No. 19 of 1973.)]*