

**To: The Cathaoirleach and Each Member of Roscommon County Council**

**Date: 18<sup>th</sup> January 2017**

**Re: TII National Road Bypass North West Public Lighting Project**

Dear Cathaoirleach & Members,

Transport Infrastructure Ireland (TII) has recently undertaken a business case for the upgrading of public lighting on national road bypasses in the North West region which includes two bypasses in Roscommon. This business case justified the economic benefits of undertaking the upgrading of the public lighting on these bypasses to LED technology.

The North West National Road Bypasses analysed under the business case are as follows: -

- N4 Edgeworthstown Bypass
- N4 Dromod Rooskey Bypass
- **N4 Curlews Bypass**
- N4 Longford Bypass
- N5 Longford Bypass
- N5 Charlestown Bypass
- **N5 Ballaghaderreen Bypass**
- N5 Swinford Bypass
- N5 Collooney/Sligo Inner Relief Road
- N17 Knock to Claremorris
- N15 Bundoran to Ballyshannon
- N15 Donegal Bypass

There are approximately 1,345 public lights involved in the project. The next phase of the project is the approval of a Consultant to undertake the required survey and design works leading to the preparation of contract documents. The Consultant would also be responsible for the supervision of all site works.

Because of the nature and scale of the works involved, TII has requested one of the local authorities to act as a lead authority in the delivery of the project. Mayo County Council has agreed to act as the lead authority. The Consultant who will be undertaking all design, tender and supervision works will be appointed by Mayo County Council off the TII Consultant Framework. All costs associated with the project will be fully funded by the TII.

Accordingly, under Section 85 of the Local Government Act, 2001 it will be necessary for Roscommon County Council to enter into an agreement with Mayo County Council. The making of the agreement under Section 85 of the Local Government Act, 2001 is a Reserved Function and is subject to adoption by Roscommon County Council.

The following Draft Resolution is recommended for adoption by the Council:

“That Roscommon County Council hereby resolves to enter into an agreement with Mayo County Council under Section 85 of the Local Government Act 2001 in respect of the upgrading of public lighting on the N4 Curlews Bypass and the N5 Ballaghaderreen Bypass whereby Mayo County Council will be enabled to undertake appropriate works in County Roscommon”



Majella Hunt,  
Director of Services

# LOCAL GOVERNMENT ACT 2001

## ROADS ACT 1993

### SECTION 85 AGREEMENT

AN AGREEMENT made the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ BETWEEN MAYO COUNTY COUNCIL having its principal office at The Mall, Castlebar, Co. Mayo (hereinafter called "*Mayo County Council*") of the one part and ROSCOMMON COUNTY COUNCIL having its principal office at Aras an Chontae, Roscommon, Co. Roscommon (hereinafter called "*Roscommon County Council*") of the other Part.

#### WHEREAS

1. The Councils are desirous of carrying out the upgrading of the public lighting on the following bypasses to LED technology –
  - N4 Curlews Bypass
  - N5 Ballaghaderreen Bypasshereinafter referred to as the "Works"
2. The land on which the Works are proposed to be carried out lies outside the functional area of Mayo County Council.
3. Transport Infrastructure Ireland are of the opinion that it would be more convenient that the power, function and duty of Mayo County Council, for the duration and completing such contracts, with respect of making of payments, pursuing such negotiations and constructing that part of the works located in the functional area of Roscommon County Council, that may be exercised or performed by Roscommon County Council, should be exercised or performed by Mayo County Council, and the Mayo County Council are able and willing so to exercise and perform the said power, function and duty in accordance with Section 85 of the Local Government Act 2001.
4. The parties hereto have agreed to enter into this Agreement under the provisions of Section 85 of the Local Government Act 2001.

#### **NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:**

1. The Mayo County Council shall take all necessary steps in Roscommon County Council functional area to carry out the Works.
2. The Mayo County Council shall have and exercise all the powers, duties and functions of Roscommon County Council in relation to that part of the Works in the functional area of Roscommon County Council, including all duties, responsibilities and roles under the Health and Safety at Work Acts and Regulations.

3. The Mayo County Council shall serve such notices, complete such contracts and agreements, obtain such insurances and indemnities, pursue such negotiations and, generally do and perform all such matters and things as are necessary to execute and complete the works.
4. This Agreement is subject to Mayo County Council being responsible for the cost of the Works subject to an allocation of funding by the Department of Transport and/or Transport Infrastructure Ireland to Mayo County Council from the National Roads Grant Allocations to cover the full cost of same.
5. On the completion of the Works, Roscommon County Council shall accept and take same in charge and thereafter maintain the portion of the Works in their functional area.

**IN WITNESS WHEREOF** the parties hereto have hereunto set their seals the day and year first herein written.

**PRESENT** when the Seal of -  
**MAYO COUNTY COUNCIL**  
Was affixed hereto

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**Nominated Employee for the purpose of authenticating the Seal**

**PRESENT** when the Seal of -  
**ROSCOMMON COUNTY COUNCIL**  
Was affixed hereto

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**Nominated Employee for the purpose of authenticating the Seal**