

Rights of way and traffic where railway made along or across road on a level.  
1894, No. 42, sec. 170

191. (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 by the *last preceding* section, such part of the road or street shall thereafter cease to be a highway.

(2.) Where a road or street 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 half a mile 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 to stopping or continuing thereon.

(3.) Whenever a railway is constructed upon or across a road or street upon the same level it shall be lawful for the Minister to carry on and conduct the working and management of such railway in every respect upon or across such road or street.

Compensation where road interfered with or wholly closed.  
Ibid, sec. 171

192. (1.) No compensation shall be payable to any person or body in respect of the use or occupation of any part of any road or street for any railway under the powers conferred by section one hundred and *ninety* hereof, or for or in respect of any inconvenience or damage to any lands fronting or adjoining any such road or street arising out of the construction of the railway upon such part of such road or street.

(2.) No compensation shall be payable to any person or body in respect of any road or street being wholly closed under the powers conferred by section one hundred and eighty-eight hereof, or in respect of the use or occupation thereof for any railway, or for or in respect of any such inconvenience or damage as mentioned in the *last preceding* subsection, if reasonable and sufficient access to the nearest road or street crossing over such railway is afforded by some other road or street, whether such last-mentioned road or street has been provided or constructed by the Minister or not.

(3.) If any question arises as to whether such other reasonable and sufficient access as aforesaid is afforded, the same shall be determined in such manner as is agreed upon between the local authority having the control of roads or streets in the district and the Minister; and every such determination shall be conclusive as to the rights or claims of all persons affected.

(4.) In the event of no such agreement being come to, all claims for compensation in respect of the matters mentioned in subsection *two* hereof shall be determined in the manner provided in Part III. of this Act, but no compensation shall be awarded if in the opinion of the Compensation Court such other reasonable and sufficient access is afforded as aforesaid.

Government to make crossings to give access to lands.  
Ibid, sec. 172

193. In cases where the making of a railway-line has cut off all access by road to land other than Crown land, the Government shall make such crossing or crossings as may be necessary to give access to such land:

Provided that not more than one crossing may be demanded in respect of each property, unless the frontage of such property to the railway exceeds one mile in length, in which case one crossing shall, on the application of the owner of such property, be given for each mile of frontage; but no additional crossing or crossings need be given in the event of the land being or having been subdivided after the construction of the railway.