

LEVEL CROSSINGS ACT 1983

THE NETWORK RAIL KILDONAN LEVEL CROSSING ORDER 2021

Made on 15 November 2021. Coming into force on 24 November 2021.

The Secretary of State for Transport, having been requested by Network Rail Infrastructure Ltd (“the operator”) to make an Order under section 1 of the Level Crossings Act 1983¹ (“the Act”) makes the following Order in exercise of his powers under the Act and of all other enabling powers, in accordance with the draft Order which accompanied the request subject to those modifications the Secretary of State thought fit to make.

1. This Order may be cited as the Network Rail Kildonan Level Crossing Order 2021 and shall come into force on 24 November 2021.
2. In this Order:
 - a. "the carriageway" means the carriageway of the specified road, "the crossing" means the level crossing described in Schedule 1 to this Order, "the Regulations" means the Traffic Signs Regulations and General Directions 2016²; "the specified road" means the road which crosses the railway at the crossing;
 - b. the expressions "left-hand side" and "right-hand side" shall be construed as they would appear to a person approaching the crossing along the specified road.
3. The following provisions, being provisions which in the opinion of the Secretary of State are necessary or expedient for the safety or convenience of those using the crossing, apply in respect of the crossing:
 - a. the operator shall provide, operate and maintain the protective equipment which is specified in Part 1 of Schedule 2 to this Order;
 - b. the operator shall observe the conditions and requirements specified in Part 2 of Schedule 2 to this Order;
 - c. the local traffic authority shall provide and maintain the protective equipment specified in Part 1 of Schedule 3 to this Order; and
 - d. the local traffic authority shall observe the conditions and requirements specified in Part 2 of Schedule 3 to this Order.

¹ 1983 c.16

² SI 2016 No.362

4. The Traffic Signs Regulations and General Directions 2016³ shall apply to any traffic sign specified in Schedule 3 to this Order as they would to a sign caused or permitted to be placed by a highway authority.
5. The Railtrack Kildonan Level Crossing Order 1998 is revoked.

Signed by authority of the Secretary of State on 15 November 2021



Paul Appleton
Deputy Director, Railway Safety
Office of Rail and Road

³ SI 2016 No.362

SCHEDULE 1

The crossing

The level crossing known as Kildonan, where the unclassified road from Kildonan to Lothbeg is crossed by the railway between Helmsdale and Kildonan Stations.

At National Grid Reference NC901217.

The local traffic authority at the time of making this Order is the Highland Council.

SCHEDULE 2, PART 1

Article 3a of the Order - Particulars of protective equipment provided by the operator

1. A lifting barrier shall be pivoted as close to the railway as practicable on the left-hand side of the specified road on each side of the railway.
2. When lowered the barriers shall be as nearly horizontal as possible, be as nearly as possible at right angles to the centre line of the carriageway and shall extend across the left-hand side of the carriageway. The tip of each barrier shall extend to a point within 800 millimetres of the centre of the carriageway and a clear exit at least 3 metres wide shall be left between the tip of the barrier and the right-hand side edge of the carriageway.
3. When lowered, the tops of the barriers shall be at least 900 millimetres above the road surface at the centre of the carriageway. The clearance between the bottom edge of the lowered barrier and the road surface at the centre of the carriageway shall not exceed 1000 millimetres unless a skirt is fitted.
4. When in the fully raised position the barriers shall be inclined towards the carriageway at an angle of between 5 and 10 degrees from the vertical. No part of any barrier or of any attachment thereto which is less than 5 metres above the level of the carriageway shall be horizontally displaced from the nearer edge of the carriageway by less than 450 millimetres.
5. The barriers shall be as light as possible but shall also be strong enough to prevent foreseeable distortion or fracture likely to be caused by wind pressure.
6. The barriers shall display on both front and rear faces alternate red and white bands each approximately 600 millimetres long to the full depth of the barriers. A strip of retro-reflective material not less than 50 millimetres deep shall be provided along the full length of each band. The retro-reflective material shall be coloured the same as the band on which it is placed.

7. Suitable guards or other protection shall be provided for each barrier machine to prevent danger to persons from the operating mechanism and moving parts of the machine.
8. Two electric lights, to a suitable recognised standard, shall be fitted to each barrier, one within 150 millimetres of its tip and the other near its centre. When illuminated the lights shall show a red light in each direction along the carriageway, clearly indicating the position of the barriers.
9. A traffic light signal of the size, colour and type shown in Diagram 3014 in the Regulations shall be provided on the left-hand side of the carriageway on each approach to the crossing along the specified road and as close as practicable to the barrier. There shall be an additional traffic light signal of the same type on the right-hand side of the specified road on each side of the railway located either in line with, or on the railway side of, the vehicular stop line mentioned below. The traffic light signals on each side of the railway shall be positioned to face outwards from the crossing towards approaching road traffic. All the signals shall be capable of directional adjustment.
10. An audible warning device for pedestrians shall be provided on or adjacent to each left-hand side traffic light signal post. These devices shall be capable of volume adjustment to suit local requirements.
11. A reflectorised stop line of the size, colour and type shown in Diagram 1001 in the Regulations shall be provided across the left-hand side of the carriageway on each side of the railway not more than 2.5 metres before the left-hand side traffic light signal.
12. A reflectorised pedestrian give way line of the size, colour and type shown in Diagram 1003.2 in the Regulations shall be provided across the right-hand side of the carriageway. The line shall be not less than 1 metre before the traffic light signal on the same side of the carriageway, not nearer than 2 metres to the running edge of the nearest rail, and shall be as nearly as possible at right angles to the centre line of the carriageway.
13. Where the specified road passes over the crossing, reflectorised edge of carriageway markings of the size, colour and type shown in Diagram 1012.1 in the Regulations shall be provided along each edge of the carriageway.
14. The centre line of the carriageway shall be marked on the crossing between the stop lines mentioned above with a reflectorised warning line road marking of the size, colour and type shown in Diagram 1004 in the Regulations.
15. A traffic sign of the size, colour and type shown in Diagram 775 in the Regulations shall be provided on each side of the specified road on each side of the railway, mounted below or adjacent to the traffic light signal, and shall face outwards from the crossing towards approaching road traffic.

16. A traffic sign of the size, colour and type shown in Diagram 785.1 in the Regulations shall be provided, mounted below or adjacent to each left-hand side traffic light signal post, and shall face outwards from the crossing towards approaching road traffic.
17. Facilities shall be provided at the crossing to operate the barriers and other protective equipment both locally and manually.
18. Lighting shall be provided as necessary so that during the hours of darkness in conditions of normal visibility it can be seen by the train driver that the crossing is clear before the train proceeds over it.
19. Two independent power supplies shall be provided at the crossing, one of which may consist of batteries. In the event of a mains power failure, the capacity of the batteries shall be sufficient to operate the railway approach intermittent signal mentioned below for a duration of not less than 48 hours, and also to operate both barriers to the fully raised position.
20. A railway signal shall be provided on each railway approach to the crossing and shall, when lit, show either an intermittent red light or an intermittent white light. The red light shall always show except when the white light is shown. The white light shall only show if at least one of the intermittent red lights of each of the traffic light signals is lit and the main power supply has not failed and the barriers have started to lower.
21. A standard level crossing speed restriction board, which shall be provided with Class 1 retro-reflective material or shall be illuminated, shall be provided on each railway approach to the crossing. The speeds shown and the position of the boards before the crossing shall take into account the sighting of the crossing by the train driver, the gradient and the braking characteristics of trains using the line.
22. An advance warning board of standard railway design shall be provided on each railway approach to the crossing and shall be provided with Class 1 retro-reflective material or shall be illuminated.
23. Cattle-cum-trespass guards of standard railway design shall be provided adjacent to both sides of the crossing surface. The guards shall extend the full distance between the fences on each side of the railway.
24. An additional by-pass crossing, at least 3 metres in width, shall be provided on each road approach to the crossing so that livestock can be taken across the railway on foot. Gates of an appropriate type shall be provided across each by-pass crossing and positioned to form, when closed, a continuous barrier with the adjacent lineside fencing to prevent unauthorised access onto the railway by persons and livestock.

25. Cattle grids shall be provided on each road approach to the crossing.

SCHEDULE 2, PART 2

Article 3b of the Order - Conditions and requirements to be observed by the operator

26. The surface of the carriageway over the crossing shall be maintained in a good and even condition. The carriageway shall be approximately 5 metres wide.

27. The vertical profile of the surface of the carriageway over the crossing shall be maintained and, with the co-operation of the local traffic authority, kept consistent with the surface of the carriageway on the approaches to the crossing to ensure that any hump within the longest wheelbase of vehicles which may foreseeably use the crossing shall be less than 40 millimetres in excess of the 75 millimetres design maximum.

28. The barriers shall be kept in the fully raised position except during the time when any vehicle passing along the railway has occasion to cross the specified road, or it is necessary to operate the level crossing equipment for short periods for the purposes of maintenance or testing. The electric lights on each barrier shall be lit except when the barriers are fully raised.

29. As a train approaches the crossing the sequence of events to close the crossing to road traffic shall automatically begin. The sequence shall be:

- a. the amber lights shall show and the audible warning shall begin. The lights shall show for approximately 3 seconds;
- b. immediately the amber lights are extinguished, the intermittent red lights of the road traffic light signals shall show;
- c. 4 to 6 seconds later the barriers shall begin to descend and shall take a further 6 to 10 seconds to reach the lowered position.

30. Not less than 27 seconds shall elapse between the time the amber lights first show and the time the train reaches the crossing. Unless the conditions detailed in paragraphs 32 and 33 apply, the barriers shall rise as soon as the train has passed clear of the crossing.

31. The red lights of the road traffic light signals shall continue to show and the audible warning continue to sound until the barriers have begun to rise. The lights shall be extinguished and the audible warning shall stop before the barriers have risen to an angle of 45 degrees above the horizontal.

32. If either barrier fails to rise from the lowered position the intermittent red lights of the road traffic light signals shall continue to show.
33. In the event of the failure of both red lights in any of the road traffic light signals, provided the barriers have not commenced to lower, they will remain in the fully raised position and the signal on the railway approach shall continue to show an intermittent red light. Should such a failure occur with the barriers in any position other than fully raised, they shall lower and remain lowered until they are raised by either the passage of a train or locally/manually. In these circumstances the intermittent white light of the railway signal will be extinguished and the railway signal will show an intermittent red light.
34. If the intermittent white light of the railway signal shows and the crossing is unobstructed, drivers of trains in either direction may drive their trains towards and over the crossing at a speed not exceeding the speed indicated on the relevant standard level crossing speed restriction board until the front part of the train has passed over the crossing. If the intermittent red light of the railway signal continues to show, or if there is no light, or if the crossing is obstructed at the time the intermittent white light first shows, drivers shall bring their trains to a stand short of the crossing and may thereafter proceed with caution when it is safe to do so.
35. Should a total power failure occur, provided the barriers have not commenced to lower, they will remain in the fully raised position. If the barriers are in any other position when the failure occurs, they will remain in that position until they are manually raised.
36. The operator shall periodically monitor the duration of closures of the crossing to road traffic and shall take action to ensure that the closure times are normally such that 50% of trains arrive at the crossing within 50 seconds of the commencement of the closure sequence, and 95% arrive within 75 seconds.
37. The operator shall take the lead in developing with the local traffic authority an agreed long-term strategy regarding the continuing use of the crossing and the safety and convenience of users of the crossing. The strategy, which shall be reviewed periodically, shall take into account: incidents at the crossing; anticipated changes in use; all costs and consequences of continued operation; and shall consider what measures might be necessary or practicable to permit the crossing to be closed to road traffic.
38. The operator shall make appropriate arrangements for the legibility and visibility of road signs and road markings relating to the crossing for approaching road traffic to be checked periodically, and to draw any deficiencies to the attention of the local traffic authority.
39. The operator shall give notice in writing to the Secretary of State as soon as the provisions of Articles 3a, 3b and 3c have been met and shall request that the crossing be inspected as soon as possible thereafter.

SCHEDULE 3, PART 1

Article 3c of the Order - Particulars of protective equipment provided by the local traffic authority

40. The centre line of the carriageway shall be marked for a distance of approximately 10 metres on the eastern side and approximately 18 metres on the western side of the railway measured along the centre of the carriageway from the stop lines with a reflectorised warning line road marking of the size, colour and type shown in Diagram 1004 in the Regulations.

41. Traffic signs of the size, colour and type shown in Diagrams 770 and 773 in the Regulations shall be provided together on the left-hand side of the carriageway on each approach to the crossing in suitable positions facing approaching traffic.

SCHEDULE 3, PART 2

Article 3d of the Order - Conditions and requirements to be observed by the local traffic authority

42. The vertical profile and surface of the carriageway approaching the crossing shall be maintained and, with the co-operation of the operator, kept consistent with the surface of the crossing to ensure good and even passage of road traffic over the crossing.

43. Where a deficiency in visibility or legibility of a road traffic sign or road marking is identified by the operator, the local traffic authority shall take action to ensure that adequate visibility or legibility is restored.

44. The local traffic authority shall consult the operator before any traffic signs or other road equipment other than those specified in this Order are placed or caused to be placed on the road in the vicinity of the crossing.

45. The local traffic authority shall consult the operator when any significant permanent or temporary change occurs or is proposed which might affect to any significant extent the type, characteristic, likely behaviour or amount of road traffic using the crossing, or its ability freely to exit the crossing.

46. The local traffic authority shall take into account any records of incidents at or near the crossing made available by the operator in exercising its responsibilities in relation to the specified road in the vicinity of the crossing.

47. The local traffic authority shall periodically monitor the amount and characteristics of road traffic using the specified road and shall inform the operator where there is any significant change.

48. The local traffic authority shall co-operate with the operator in the preparation and periodic review of a long-term strategy in relation to the continued operation of the crossing.