

LEVEL CROSSINGS ACT 1983
THE NETWORK RAIL MARSTON MOOR LEVEL CROSSING ORDER 2021

Made on 10 May 2021. Coming into force on 10 May 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 Marston Moor Level Crossing Order 2021 and shall come into force on 10 May 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 2016 Regulations" means the Traffic Signs Regulations and General Directions 2016², "the 1996 Regulations" means the Private Crossings (Signs and Barriers) Regulations 1996³; "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 I of Schedule 2 to this Order
 - (b) the operator shall observe the conditions and requirements specified in Part II of Schedule 2 to this Order;
 - (c) the local traffic authority shall provide and maintain the protective equipment specified in Part I of Schedule 3 to this Order;
 - (d) the local traffic authority shall observe the conditions and requirements specified in Part II of Schedule 3 to this Order; and
 - (e) the provision of section 55 of the Transport and Works Act 1992⁴ and the Private Crossings (Signs and Barriers) Regulations 1996 shall apply to the relevant specially authorised signs from those Regulations in the same manner as they would apply to a sign lawfully placed on a private road or path in accordance with section 52 of the Transport and Works Act 1992.
4. The Traffic Signs Regulations and General Directions 2016² 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.

Signed by authority of the Secretary of State on 10 May 2021

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



¹ 1983 c.16

² SI 2016 No.362

³ SI 1996 No.1768

⁴ 1992 c.42

SCHEDULE 1

The crossing

The level crossing known as Marston Moor, where Marston Lane is crossed by the Harrogate to York Skelton Junction railway between Hammerton and Poppleton Stations.

At National Grid Reference SE 511 545.

The local traffic authority at the time of making this Order is North Yorkshire County Council.

SCHEDULE 2 PART I

Particulars of protective equipment provided by the operator (Art.3(a))

1. A vehicular gate 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. When closed to road traffic and pedestrians, the gates shall extend across the full width of the carriageway.
2. The uppermost surface of the gates shall be at least 1600mm above the road surface at the centre of the carriageway and the under-clearance between the gates and the carriageway shall be less than 250mm.
3. The gates shall be of standard railway level crossing design and shall be operated manually by hand by the authorised crossing operative. The gates shall be as light as possible but shall also be strong enough to prevent foreseeable distortion or fracture.
4. A suitable mechanism shall be provided to secure the gates in the open or closed position and to prevent unauthorised use. The mechanism shall be interlocked with the railway signalling system to prevent signals clearing to allow a train to approach the crossing unless the gates are closed to road traffic and pedestrians.
5. The gates shall be coloured white and shall each display a specially authorised circular sign of the size, colour and type shown in Diagram 106 in the 1996 Regulations on the side facing towards road traffic when the gates are in the closed-to-road position. The signs shall be constructed of red retro-reflective material and fixed on the gates in line with the centre of the carriageway.
6. A light shall be fitted to each gate. When illuminated, the light shall show a red light in each direction along the carriageway clearly showing the position of the gates.
7. When open to road traffic and pedestrians, each gate shall be approximately parallel with the edge of the carriageway.
8. A traffic light signal of the size, colour and type shown in Diagram 3014 in the 2016 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 gate. 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 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.
9. A reflectorised stop line of the size, colour and type shown in Diagram 1001 in the 2016 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.

10. 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 2016 Regulations shall be provided along each side of the carriageway.
11. 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 1004.1 in the 2016 Regulations.
12. The level crossing shall be controlled and monitored on site by the authorised crossing operative.
13. Any lighting that is provided shall be at least to the same standard as the lighting on the carriageway on the approaches to the crossing.
14. Protecting railway signals shall be provided and these shall be interlocked with the gates so that it shall not be possible to open the gates from their positions across the carriageway after the protecting signal has displayed a proceed aspect. Whilst the gates are closed across the railway, it shall not be possible to clear those signals.
15. All protecting signals mentioned above shall be provided with suitable approach locking controls.

SCHEDULE 2 PART II

Conditions and requirements to be observed by the operator (Art.3(b))

16. The surface of the carriageway over the crossing shall be maintained in a good and even condition and, with the co-operation of the local traffic authority, kept consistent with the surface of the carriageway on each approach. The carriageway shall be approximately 5.5 metres wide.
17. The gates shall be kept in the open-to-road position except during the time when any train passing along the railway has occasion to cross the specified road, or when it is necessary to operate the gates for short periods for the purpose of maintenance or testing.
18. The protecting signals shall be controlled from the signalling centre at the crossing.
19. Suitable visual indicators and audible alarms shall be provided at the signalling centre. The visual indicators shall show when:
 - a. the main power supply fails;
 - b. at least one of the intermittent red lights of the traffic light signals on each side of the railway is showing along the carriageway.
20. The audible alarm shall sound if:
 - a. the main power supply fails;
 - b. all the intermittent red lights of a traffic light signal facing in one direction fail.
21. When the 'activation' push-button is pressed, the sequence of events to close the crossing to road traffic and pedestrians shall begin. The sequence shall be:
 - a. the amber lights shall immediately show. The lights shall show for approximately 3 seconds;
 - b. immediately the amber lights are extinguished the intermittent red lights shall show.

22. The authorised crossing operative shall close the gates across the carriageway by hand and shall monitor the crossing during the closure sequence and take appropriate action to ensure persons or vehicles are not struck by a moving gate and do not become trapped on the crossing.
23. The arrangements shall be such that the protecting railway signals can only be cleared after the gates are in the closed-to-road position.
24. It shall not be possible to reverse the gates unless the protecting signals are at Danger and free from approach locking.
25. The authorised crossing operative shall ensure that the intermittent red lights of the road traffic light signals continue to show until the gates revert to the open-to-road position and after the 'deactivation' push-button is pressed.
26. 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 minimised effectively.
27. The operator shall take the lead in developing with the local traffic authority an agreed long-term strategy regarding the 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, where appropriate, what measures might be necessary or practicable to permit the crossing to be closed to road traffic and pedestrians.
28. The operator shall make appropriate arrangements for the legibility and visibility of road traffic 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.
29. The operator shall maintain communication links with local emergency services.
30. The operator shall give notice in writing to the Secretary of State as soon as the provisions of Articles 3(a), 3(b) and 3(c) have been met and shall request that the crossing be inspected as soon as possible thereafter.

SCHEDULE 3 PART I

Particulars of protective equipment provided by the local traffic authority (Art.3(c))

31. Traffic signs of the size, colour and type shown in Diagrams 770 and 773 in the 2016 Regulations shall be provided together on the left-hand side of the carriageway on each approach to the crossing in a suitable position facing approaching traffic. The traffic signs shall be mounted on a rectangular yellow backing board.
32. The centre line of the carriageway shall be marked for a distance of at least 60 metres on each side of the railway, measured along the centre of the carriageway from the stop lines with a road marking of the size, colour and type shown in Diagram 1004.1 in the 2016 Regulations.

**SCHEDULE 3
PART II**

Conditions and requirements to be observed by the local traffic authority (Art.3(d))

32. 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 safe and even passage of road traffic and pedestrians over the crossing.
33. 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.
34. 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.
35. 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.
36. 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.
37. 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.
38. 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.