

LEVEL CROSSINGS ACT 1983

THE TANAT VALLEY LIGHT RAILWAY WHITE GATES LEVEL CROSSING ORDER 2021

Made on 09 August 2021. Coming into force on 09 August 2021.

The Secretary of State for Transport, having been requested by the Tanat Valley Light Railway (“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 Tanat Valley Light Railway Level Crossing Order 2021 and shall come into force on 09 August 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; "2016 Regulations" means the Traffic Signs Regulations and General Directions 2016²; "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, shall 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 1996³ 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.

¹ 1983 c.16

² SI 2016 No.362

³ SI 1996 No.1768

⁴ 1992 c.42

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 09 August 2021

A handwritten signature in black ink that reads "P. Appleton". The signature is written in a cursive style with a large, stylized initial "P".

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

SCHEDULE 1

The crossing

The level crossing known as White Gates, where Cefn Lane is crossed by the Tanat Valley Light Railway between Llanddu Junction and Nantmawr Quarry.

At National Grid Reference SJ 257 238.

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

SCHEDULE 2 PART I

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

1. A vehicular gate shall be pivoted as close to the railway as practicable on the right-hand side of the specified road on each side of the railway. When closed to road vehicles, the gates shall extend across the full width of the carriageway.
2. The uppermost surface of the gates shall be at least 1450mm above the road surface at the centre of the carriageway and the underclearance between the gates and the carriageway shall be less than 250mm.
3. The vehicular gates shall be of standard level crossing design and be operated by a person authorised by the operator. The gates shall be as light as possible but shall also be strong enough to prevent foreseeable distortion or fracture.
4. When open to road vehicles the gates shall be approximately parallel with the edge of the carriageway and closed across the railway.
5. A suitable mechanism shall be provided to secure the gates in the open or closed position and to prevent unauthorised use.
6. The gates shall be painted white and shall each display a specially authorised circular sign of the size, colour and type shown in Diagram 106 in the 1996 Regulations. The signs shall be constructed of red retro-reflective material and shall be fixed on the gates in line with the centre of the carriageway.
7. A reflectorised stop line of the size, colour and type shown in Diagram 1001 in the 2016 Regulations shall be provided across the full width of the carriageway on each side of the railway in an appropriate position.
8. 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.
9. The level crossing shall be controlled and monitored by a person authorised by the operator.
10. A stop board of standard railway design displaying the words: 'Stop – open level crossing gates before proceeding' shall be provided on each railway approach to the crossing. The stop boards shall be provided with Class I retro-reflective material or shall be illuminated.

11. A warning board shall be provided on each railway approach to the crossing at full service braking distance before the relevant stop board. The warning board shall be provided with Class I retro-reflective material or shall be illuminated.

SCHEDULE 2 PART II

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

12. The surface of the carriageway over the crossing shall be maintained in a good and even condition. The carriageway shall be approximately 3.3 metres wide.

13. The gates shall be kept in the open-to-road position and locked to prevent unauthorised use except during the time when any train or other rail vehicle passing along the railway has occasion to cross the specified road.

14. No trains or other rail vehicles shall be permitted over the crossing during the hours of darkness, except in an emergency with suitable measures in place to warn approaching road traffic that the crossing is closed and with such lighting that ensures, in conditions of normal visibility, that the authorised person can see that the crossing is clear.

15. Drivers shall bring their train or rail vehicle to a halt at the stop board mentioned above and shall sound the horn or whistle before proceeding. The authorised person shall close the crossing to road traffic and allow the train or rail vehicle to pass. Trains or rail vehicles travelling in either direction shall not proceed over the crossing until the driver has been given a clear hand signal by the authorised person to signify that the gates are fully closed over the road and that the crossing is clear. When the train or rail vehicle has passed over the crossing, the gates shall then be manually opened to road traffic by the authorised person and secured closed across the railway.

16. The operator shall periodically check the legibility and visibility of road traffic signs and road markings relating to the crossing for approaching road traffic, and draw any deficiencies to the attention of the local traffic authority.

17. The operator shall maintain communication links with local emergency services.

18. The operator shall give notice in writing to the Secretary of State as soon as the provisions of Articles 3a and 3b 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 (Article 3c)

19. A traffic sign of the size, colour and type shown in Diagram 770 in the 2016 Regulations, with first associated plate legend showing distance, shall be provided together on the left-hand side of the carriageway on the western approach to the crossing in a suitable position facing approaching traffic. A further traffic sign of the size, colour and type shown in Diagram 770 in the 2016 Regulations, with first associated plate legend showing distance, shall be provided together on the left-hand side of the carriageway on the western approach to the crossing in a suitable position facing approaching traffic, at a suitable distance from the first traffic sign mentioned above in this clause. The traffic signs shall be mounted on rectangular yellow backing boards.

20. Traffic signs of the size, colour and type shown in Diagram 770 in the 2016 Regulations shall be provided on the left-hand side and right-hand side of the carriageway on the eastern approach to the crossing in a suitable position facing approaching traffic.

21. A road marking of the size, colour and type shown in Diagram 1024 in the 2016 Regulations shall be marked on the carriageway in an appropriate position on each approach to the crossing.

SCHEDULE 3 PART II

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

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.