

LEVEL CROSSINGS ACT 1983
THE NETWORK RAIL
FOULIS LEVEL CROSSING ORDER 2022

Made on 14 March 2022

Coming into force on 24 March 2022

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 Foulis Level Crossing Order 2022 and shall come into force on 24 March 2022.
2. In this Order:
 - a. "the specified road" means the road which crosses the railway at the crossing; "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 1996 Regulations" means the Private Crossings (Signs and Barriers) Regulations 1996³;
 - 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

¹ 1983 c.16

² SI 2016 No.362

³ SI 1996 No.1786

- d. the local traffic authority shall observe the conditions and requirements specified in Part 2 of Schedule 3 to this Order.
4. The Traffic Signs Regulations and General Directions 2016⁴ 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 British Railways Board (Inverness and Ross-shire Railway) (Foulis Level Crossing) Order 1979 and The Network Rail Foulis Level Crossing (Variation) Order 2021 are revoked.

Signed by authority of the Secretary of State on 14 March 2022



Paul Appleton
Deputy Director, Railway Safety
HM Deputy Chief Inspector of Railways
Office of Rail and Road

SCHEDULE 1

The crossing

The level crossing known as Foulis, where the unclassified road, Foulis Station Road, providing access from the A9 to the unclassified road which links Dingwall to Evanton, is crossed by the railway between Dingwall and Alness Stations.

At National Grid Reference NH 596 636.

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

SCHEDULE 2, PART 1

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

1. Vehicular gates shall be provided as close to the railway as practicable and shall be long enough to extend across the full width of the specified road on each side of the railway when in the closed position.
2. The gates shall be pivoted on the right-hand side of the carriageway on the northern side of the railway and on the left-hand side of the carriageway on the southern side. The gate latch posts shall be on the left-hand side of the carriageway on the northern side of the railway and on the right-hand side of the carriageway on the southern side. Means shall be provided to secure the gates in the fully open and in the closed positions. The gates shall open away from the railway and, when secured in the open position, shall be as parallel to the carriageway as reasonably practicable.
3. The gates shall be as light in weight as possible but strong enough to withstand distortion or fracture caused by wind pressure or by a farm animal.
4. The gates shall be painted white and shall be provided with a sign of the size, colour and type shown in Diagram 106 in the 1996 Regulations, authorised by the Office of Rail and Road. The sign shall be placed approximately in line with the centre of the carriageway positioned to face road traffic approaching the crossing.
5. A self-closing pedestrian gate shall be provided on the right-hand side of the specified road on the southern side of the railway and on the left-hand side of the specified road on the northern side. Each gate shall be approximately 1.5 metres wide and shall open away from the railway.

6. A miniature stop light unit displaying red and green lights shall be positioned between the vehicular and pedestrian gates on both sides of the railway, adjacent to the opening side of each gate and shall face approaching road traffic and pedestrians.
7. An audible warning device for pedestrians shall be provided on or adjacent to the miniature stop light units. These devices shall be capable of volume adjustment to suit local requirements.
8. Non-prescribed signs with the identifiers UV01, HL03 and DI17, authorised by Transport Scotland, shall be provided together on the left-hand side of the carriageway on the southern side of the railway and on the right-hand side of the carriageway on the northern side of the railway. The signs shall be positioned as close as practicable to the vehicular gates and shall face approaching road traffic.
9. A non-prescribed sign with the identifier DI37, and additional signs with the identifier HL03, authorised by Transport Scotland, shall be provided together on the right-hand side of the carriageway on the southern side of the railway and on the left-hand side of the carriageway on the northern side of the railway. The signs shall be positioned as close as practicable to the pedestrian gates and shall face approaching pedestrians.
10. A sign of the size, colour and type shown in Diagram 105 in the 1996 Regulations, authorised by the Office of Rail and Road, shall be provided on the top rail of each vehicular gate so as to be visible when the gates are open to road traffic.
11. A traffic sign of the size, colour and type shown in Diagram 601.1 in the Regulations shall be provided on the left-hand side of the specified road on each side of the railway in a suitable position facing approaching road traffic.
12. A traffic sign of the size, colour and type shown in Diagram 111 in the 1996 Regulations, authorised by the Office of Rail and Road, shall be provided on the right-hand side of the specified road on each side of the railway and shall face towards road traffic leaving the crossing.
13. A reflectorised stop line road marking of the size, colour and type shown in Diagram 1002.1 in the Regulations shall be provided across the full width of the carriageway on both sides of the railway. The line shall be positioned not more than 6 metres before the miniature stop light units.
14. A reflectorised road marking of the size, colour and type shown in Diagram 1022 in the Regulations shall be provided in a suitable position on the approach to the stop lines on both sides of the railway.

15. Where the specified road passes over the crossing, reflectorised edge of carriageway road markings of the size, colour and type shown in Diagram 1012.1 in the Regulations shall be provided along each side of the footway and the carriageway.

16. A telephone, linked to the signalling centre and for use by members of the public, shall be provided in a suitable position on each side of the railway. The position of the telephones shall be clearly marked by traffic signs of the size, colour and type shown in Diagram 787 in the Regulations. Suitable notices giving instructions to users shall be provided adjacent to the telephones and shall be legible at all times.

17. A variant of the traffic sign of the size, colour and type shown in Diagram 787 in the Regulations shall be provided adjacent to each telephone. This sign shall indicate the location of the emergency telephone.

18. 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.

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 miniature stop light unit for a duration of not less than 12 hours.

SCHEDULE 2, PART 2

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

20. The surface of the carriageway and footway over the crossing shall be maintained in a good and even condition. The carriageway shall be approximately 3.5 metres wide and the footway approximately 1.5 metres wide on the eastern side of the carriageway.

21. The vertical profile 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 each approach to the crossing.

22. The miniature stop light unit shall be operated automatically so that the green lights remain illuminated until any approaching train reaches a position from which it will take, when travelling at maximum line speed, not less than 40 seconds to arrive at the crossing. The red lights shall then become illuminated and the green lights shall be extinguished. While the red lights are illuminated the audible warning devices shall sound. The red lights shall remain illuminated until the rear of the train has passed clear of the crossing.

23. In the event of the miniature stop light unit failure, the system will alert the operator. The operator shall follow the local failure mode protocols. If the correct traversing sequence is not observed by the system within 5 minutes, the red and green lights and audible warning

device shall not operate. When the crossing is in this condition, suitable instructions shall be provided for the user to follow by a non-prescribed sign with the identifier DI37, authorised by Transport Scotland.

24. 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.

25. 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.

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

27. 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

28. A traffic sign of the size, colour and type shown in Diagram 770 in the Regulations shall be provided on the left-hand side of the specified road on both sides of the railway in a suitable position facing approaching traffic.

29. Traffic signs of the size, colour and type shown in Diagram 782 in the Regulations shall be provided on the right-hand side of the carriageway on the southern side of the railway and the left-hand side of the carriageway on the northern side of the railway, in a suitable position facing approaching road traffic.

30. A traffic sign of the size, colour and type shown in Diagram 783 in the Regulations, varied to read "LONG LOW", shall be provided below the traffic signs to Diagram 782 and shall face approaching road traffic.

31. Traffic signs of the size, colour and type shown in Diagram 782 in the Regulations, with first associated plate legend showing distance, shall be provided at the last available alternative route before the crossing, in a suitable position facing approaching traffic.

SCHEDULE 3, PART 2

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

32. The vertical profile and surface of the carriageway and any footways 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 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.