

LEVEL CROSSINGS ACT 1983

THE NETWORK RAIL JACKY DUFFIN WOOD LEVEL CROSSING ORDER 2022

Made on 21 September 2022

Coming into force on 21 September 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 her 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 Jacky Duffin Wood Level Crossing Order 2022 and shall come into force on 21 September 2022.
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, shall 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 Network Rail Jacky Duffin Wood Level Crossing Order 2014 is revoked.

Signed by authority of the Secretary of State on 21 September 2022



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

⁴ SI 2016 No.362

SCHEDULE 1

The Crossing

The level crossing known as Jacky Duffin Wood, where Hanger Lane is crossed by the railway between Hensall Station and Drax Power Station.

At National Grid Reference SE 636 243.

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

SCHEDULE 2, PART 1

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

1. A vehicular gate shall be pivoted as close to the railway as practicable on the left-hand side of the specified road on the northern side of the railway, and on the right-hand side of the specified road on the southern side of the railway. The gates shall open away from the railway.
2. Each gate shall be provided with suitable mechanisms to secure them in the open and closed positions.
3. The top rail of each vehicular gate shall be provided with alternating red and white retro-reflective strips to the full length of the rail.
4. A sign of the size, colour and type shown in Diagram 105 in the 1996 Regulations shall be provided on the railway side of the top rail of each vehicular gate so as to be visible when the gates are open to road vehicles.
5. A sign of the size, colour and type shown in Diagram 106 in the 1996 Regulations shall be provided on each vehicular gate. The signs shall be placed in the centre of the gates on the sides which face approaching road traffic when the gates are closed across the specified road.
6. A self-closing, non-latching wicket gate for pedestrians shall be pivoted as close to the railway as practicable on the right-hand side of the specified road on the northern side of the railway, and on the left-hand side of the specified road on the southern side of the railway. The wicket gates shall open away from the railway.
7. When closed across the specified road, the vehicular gates and pedestrian wicket gates shall extend across the full width of the carriageway and footway.
8. A push-button control shall be provided in a suitable position adjacent to the opening side of each vehicular gate, facing towards persons approaching the crossing. The push-button controls shall control the opening and closing of the gates.
9. The gates shall be linked so that they open or close simultaneously when the push-button control is operated from either side of the railway.

10. The vehicular gates shall be provided with a means to manually open or close them individually in the event of an emergency or power failure.
11. A means of detecting an obstruction to the opening or closing of the vehicular gates shall be provided. If an obstruction is detected during the opening sequence, the gates shall stop and then retract to their closed position. If an obstruction is detected during the closing sequence, the gates shall stop and then retract to their open position.
12. A further push-button control shall be provided in a suitable position on each side of the railway, adjacent to the opening side of each vehicular gate and facing towards the railway. The push-buttons shall be clearly marked "In Emergency Push Button" and when depressed shall cause the gates to open.
13. A reflectorised stop line of the size, colour and type shown in Diagram 1002.1 in the 2016 Regulations shall be provided across the full width of the carriageway on each side of the railway in a suitable position clear of the vehicular gates when open.
14. 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 and footway.
15. Traffic signs shall be provided of the size, colour and type specified in the Department for Transport's Authorisation of Traffic Signs and Special Directions GT50/113/0022 dated 17 March 2020:
 - a. a traffic sign as shown in drawing GT50/113/0022-2 shall be provided above a traffic sign shown in drawing GT50/113/0022-3 which in turn shall be provided above a traffic sign shown in drawing GT50/113/0022-5 together 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 of the railway, in a suitable position facing approaching road traffic;
 - b. a traffic sign as shown in drawing GT50/113/0022-3 shall be provided above a traffic sign as shown in drawing GT50/113/0022-4, adjacent to the wicket gate on each side of the railway, in a suitable position facing persons approaching the crossing.
16. A traffic sign of the size, colour and type shown in Diagram 107 in the 1996 Regulations shall be provided on each side of the railway adjacent to the opening side of each wicket gate and shall face towards persons and road traffic approaching the crossing.
17. A traffic sign of the size, colour and type specified in the Department for Transport's Authorisation of Traffic Signs and Special Directions GT50/113/0023 dated 4 July 2022 shall be provided:
 - a. a traffic sign as shown in drawing GT50/113/0023-2 shall be provided beneath the traffic sign of the size, colour and type specified in Diagram 107 in the 1996 Regulations mentioned above, on each side of the railway, and shall face towards persons approaching the crossing.

18. 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 2016 Regulations. Suitable instructions for users shall be provided and shall be legible at all times.

19. A traffic sign of the size, colour and type shown in Diagram 111 in the 1996 Regulations shall be provided on the right-hand side of the carriageway on each side of the railway in a suitable position facing towards road traffic leaving the crossing.

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 4.3 metres wide and the footway shall be approximately 1.3 metres wide.

21. The green light provided in each sign of the size, colour and type shown in Diagram 107 of the 1996 Regulations mentioned above shall remain illuminated at all times except when a train is approaching, in which case the red light in each sign shall be illuminated.

22. Not less than 40 seconds shall elapse between the illumination of the red lights and the arrival of a train at the crossing. The red lights shall be extinguished as soon as the train has passed clear of the crossing, unless a further train is approaching which may arrive at the crossing in less than 40 seconds, in which case the red lights shall remain illuminated until the further train has passed clear of the crossing.

23. It shall not be possible to activate the opening of the vehicular gates using the push-button controls mentioned in paragraph 8 above whilst a red light is showing in the sign of the size, colour and type shown in Diagram 107 of the 1996 Regulations mentioned above.

24. The operator shall take the lead in developing with the local traffic authority an agreed long-term strategy regarding 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 and pedestrians.

25. The operator shall make appropriate arrangements for the legibility and visibility of road traffic signs relating to the crossing for approaching road traffic to be checked periodically, and to draw any deficiencies, where appropriate, 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. Traffic signs of the size, colour and type shown in Diagram 770 in the 2016 Regulations shall be provided on the left-hand side of the carriageway on each approach to 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

29. Where a deficiency in visibility or legibility of a road traffic sign is identified by the operator, the local traffic authority shall take such measures as are appropriate and practicable in the circumstances to ensure that adequate visibility and legibility is restored.

30. 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 behaviours or amount of road traffic using the crossing, or its ability freely to exit the crossing.

31. 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.

32. 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.

33. 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.

34. 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.