



LEVEL CROSSINGS ACT 1983

THE NETWORK RAIL BUNCHREW LEVEL CROSSING ORDER 2023

Made on 14th November 2023

Coming into force on 20th November 2023

The Secretary of State for Transport, having been requested by Network Rail Infrastructure Limited (“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 Bunchrew Level Crossing Order 2023 and shall come into force on 20th November 2023.

Interpretation

2. In this Order:

- a. “the operator” means Network Rail Infrastructure Limited or any person who succeeds Network Rail Infrastructure Limited as the person responsible for operating the level crossing;
- b. “the local traffic authority” means Highland Council or any person who succeeds Highland Council;
- c. “the specified road” means the road (including any footways) which crosses the railway at the crossing;
- d. “the carriageway” means the carriageway of the specified road (excluding any footways);
- e. “the crossing” means the level crossing described in Schedule 1 to this Order;
- f. “the Regulations” means the Traffic Signs Regulations and General Directions 2016² and its successors;

¹ 1983 c.16

² (Part 1 of S.I. 2016/362)

- g. “road users” means anyone required to have regard to the Highway Code who is using the crossing, including pedestrians, mobility scooter users, cyclists, horse riders, vehicle drivers and motorcyclists;
- h. the expressions “left-hand side” and “right-hand side” means how they would appear to a person approaching the crossing along the specified road;
- i. where this Order specifies that the operator or local traffic authority must use a sign prescribed in the Regulations, if there is any amendment to the Regulations and the sign specified by this Order retains its status under the amended Regulations, its continued use is required by this Order and this Order should be read as if the amended Regulations and/or diagram number applies (if applicable).

Application

- 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 specified in Schedule 2 and Schedule 4;
 - b. the local traffic authority shall provide and maintain the protective equipment specified in Schedule 3;
 - c. the operator and local traffic authority shall observe the conditions and requirements specified in Schedule 5.
- 4. The Traffic Signs Regulations and General Directions 2016 shall apply to any traffic sign specified in this Order as they would to a traffic sign caused or permitted to be placed by a local traffic authority.
- 5. The Network Rail Bunchrew Level Crossing Order 2014 is revoked.

Signed by authority of the Secretary of State on 14th November 2023



Thomas Wake
Head of Mainline Inspection North, Railway Safety
Office of Rail and Road

Schedule 1 - The crossing

The level crossing known as Bunchrew, where Englishton Muir is crossed by the railway between Inverness and Beauly Stations.

At Ordnance Survey National Grid Reference NH 616 454.

At Unique Street Reference Number 84409489.

Schedule 2 - Protective equipment provided by the operator

Audible Warnings

1. Audible warning devices shall be provided, suitably located and of the appropriate volume, taking account of local requirements, to warn users who require an audible warning of the activation of the crossing.

Barriers

2. 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.
3. The barriers shall be kept fully raised except during the time when any train on the railway crosses the specified road, or when it is necessary to lower the barriers for short periods for the purpose of maintenance or testing. The electric lights on each barrier shall be lit except when the barriers are fully raised.
4. When in the fully raised position the barriers shall not obstruct or interfere with users of the crossing.
5. When lowered the barriers shall be as nearly horizontal as possible and shall extend across the left-hand side of the carriageway and any footways. Sufficient space shall be left between the tip of the barrier and the right-hand side edge of the carriageway to allow a motor vehicle to exit the crossing.
6. 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.
7. The barriers shall be easily visible to road users. This shall require the use of:
 - a. alternate red and white bands to the full depth of the barriers to clearly indicate the position of the barriers to approaching road users. The bands shall be either 500 or 600 millimetres long approximately;
 - b. retro-reflective strips that are the same colour as the band on which they are placed; and
 - c. non-flashing red lights evenly placed along the length of the barrier.
8. Suitable guards or other protection shall be provided for each barrier machine to prevent danger to persons from the operating mechanism of the machine.

Carriageway and any footways

9. The carriageway and any footways over the crossing shall be wide enough to safely accommodate road users.
10. Tactile paving of a type specified in and located according to published guidance shall be provided in each footway on each approach to the crossing.
11. The surface of the carriageway and any footways 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 and any footways on each approach to the crossing.

Lighting

12. Lighting shall be provided at least to the same standard as the lighting of the carriageway on the approaches to the crossing.
13. Sufficient lighting shall be provided for the whole crossing to be visible when under local control.

Railway signalling

14. Facilities shall be provided at the crossing to operate the barriers and other protective equipment under local control when required.
15. 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 unless the white light is shown. The white light shall only show if at least one of the red lights of each of the traffic light signals is lit, the barriers have moved from the raised position and the main power supply has not failed.
16. A standard level crossing speed restriction board shall be provided on each railway approach to the crossing. The speed shown and the position of the boards shall take into account the sighting of the crossing by the train driver, the gradient and the braking characteristics of the train.
17. An advance warning board of standard railway design shall be provided on each railway approach to the crossing.

Road Markings

18. A stop line to Diagram 1001 in the Regulations shall be provided in a suitable position on each side of the railway, from which a vehicle driver can clearly see the traffic light signals.
19. A pedestrian give way line to Diagram 1003.2 in the Regulations shall be provided across any footways on both sides of the railway. This shall be provided in a position where footway users can clearly see the traffic light signals. The line shall be no less than 1 metre before the traffic light signal on the same side of the carriageway, no nearer than 2 metres to the running edge of the nearest rail, and shall be as near as possible at right angles to the centre line of the carriageway.

20. Road markings to Diagram 1012.1 in the Regulations shall be provided along the edges of the carriageway and any footways over the crossing.

Traffic signs and traffic light signals

21. Traffic light signals to Diagram 3014 in the Regulations shall be provided at each corner of the crossing, and shall be suitably located, configured and aligned to warn road users that a train is approaching. The lights of the traffic light signals shall be provided with hoods to reduce the effect of sunlight glare.
22. A traffic sign to Diagram 775 in the Regulations shall be provided beneath the traffic light signals.
23. A traffic sign to Diagram 785.1 in the Regulations shall be provided on each side of the railway in a suitable position near a traffic light signal.

Trespass prevention

24. Anti-trespass guards shall be provided adjacent to both sides of the crossing surface to deter trespass onto the railway. The guards shall extend the full distance between the fences on each side of the railway.

Schedule 3 – Protective equipment provided by the local traffic authority on the approaches to the crossing

Carriageway and any footways

25. Taking into account the applicable speed limits and road conditions, the road surface on each approach to the crossing shall be constructed and maintained to reduce the risk, so far as is reasonably practicable, of vehicle drivers losing control of their vehicles.
26. The vertical profile and surface of the carriageway and any footways approaching the crossing shall be maintained in a good and even condition.
27. The vertical profile and surface of the carriageway and any footways approaching the crossing shall, in co-operation with the operator, be kept consistent with the surface of the crossing and any footways to enable safe passage of road users over the crossing.

Traffic signs

28. Traffic signs to Diagrams 770 and 773 (including any permitted variant) in the Regulations shall be provided together in a suitable position on both sides of the carriageway on each approach to the crossing along the specified road. Additional traffic signs to Diagrams 770 and 773 (including any permitted variant) in the Regulations shall be provided together in a suitable position on the left-hand side of the carriageway on the A862 road approaches.

Schedule 4 – The operation of the crossing by the operator

29. If the intermittent white light of the railway signal shows and the crossing is unobstructed, train drivers may drive their trains towards and over the crossing, not exceeding the speed on the relevant 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, train drivers shall bring their trains to a stand short of the crossing and may proceed with caution when it is safe to do so.
30. 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 per cent of trains arrive at the crossing within 50 seconds of the start of the closure sequence, and 95 per cent arrive within 75 seconds.

Closure sequence

31. When a train approaches the crossing, the sequence of events to close the crossing to road users shall automatically begin. The sequence shall be:
 - a. the amber lights shall immediately show and the audible warning for road users shall begin. The lights shall show for approximately 3 seconds;
 - b. immediately the amber lights are extinguished the intermittent red lights of the traffic light signals shall begin to flash and, where provided, the pedestrian light signals shall show at the same time;
 - c. not less than 4 to 6 seconds later the barriers shall begin to descend and take a further 6 to 10 seconds to reach the lowered position.
32. Not less than 27 seconds shall elapse between the time the amber lights first show and the time when the train reaches the crossing.

Opening sequence

33. The barriers shall rise as soon as the train has passed over the crossing.
34. The intermittent red lights of the traffic light signals, the audible warning and any pedestrian light signals shall continue to operate until the barriers have begun to rise. Their operation shall stop before the barriers have risen to their fully raised position.
35. If any barrier fails to rise from the lowered position the intermittent red lights of the traffic light signals and any pedestrian light signals shall continue to operate.
36. In the event of failure of both red lights in any of the traffic light signals, provided the barriers have not started to lower, they shall remain in the fully raised position and the railway signal 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 the passage of a train or locally/manually. In these circumstances the intermittent white light of the railway signal shall be extinguished and shall show an intermittent red light.

37. Should a total power failure occur, provided the barriers have not started to lower, they shall 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.
38. If a barrier fails to reach the lowered position, neither barrier shall rise until both have been fully lowered.

Schedule 5 - Collaboration

Responsibility of operator

39. The operator shall have in place effective arrangements to provide the local emergency services with up-to-date information about the operational status of the crossing to enable those services to plan their response to an emergency without unexpected disruption caused by the crossing.
40. The operator shall give notice in writing to the Secretary of State as soon as the provisions of Articles 3a and 3c of the Order have been met.
41. The operator shall periodically check the legibility and visibility of traffic signs and road markings on the crossing approaches and inform the local traffic authority of any action required.

Responsibility of local traffic authority

42. The local traffic authority shall take appropriate action when informed by the operator that work is required to maintain the legibility and visibility of traffic signs, including road markings, on the crossing approaches.
43. The local traffic authority shall consult the operator before any traffic signs, including road markings, 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.