



LEVEL CROSSINGS ACT 1983

THE NETWORK RAIL WHILEY HILL LEVEL CROSSING ORDER 2023

Made on 28th September 2023

Coming into force on 29th September 2023

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 Whiley Hill Level Crossing Order 2023 and shall come into force on 29th September 2023.

Interpretation

2. In this Order:
 - a. “the operator” means Network Rail Infrastructure Ltd or any person who succeeds Network Rail Infrastructure Ltd as the person responsible for operating the level crossing;
 - b. “the local traffic authority” means Darlington Borough Council or any person who succeeds Darlington Borough 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 British Railways Board (Stockton and Darlington Railway) (Whiley Hill Level Crossing) Order 1967 the British Railways Board (Stockton and Darlington Railway) (Whiley Hill Level Crossing) (Amendment No.4) Order 1972, the British Railways Board (Stockton and Darlington Railway) (Whiley Hill Level Crossing) (Amendment No.5) Order 1976 and the British Railways Board (Stockton and Darlington Railway) (Whiley Hill Level Crossing) (Amendment No.6) Order 1992 are revoked.

Signed by authority of the Secretary of State on 28th September 2023



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

Schedule 1 - The crossing

The level crossing known as Whiley Hill, where Coatham Lane is crossed by the railway between North Road and Heighington Stations.

At Ordnance Survey National Grid Reference NZ 274 204.

At Unique Street Reference Number 10404014.

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 that 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 lowered the barriers shall be as nearly horizontal as possible and shall extend across the left-hand side of the carriageway and any footway(s). 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.
5. When in the fully raised position, the barriers shall not obstruct or interfere with users of 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. 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

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

Railway signalling

13. Visual indicators and audible alarms shall be provided at the controlling signalling centre to indicate the condition of the crossing.
14. Facilities shall be provided at the crossing to operate the barriers and other protective equipment under local control when required.
15. A telephone, linked to the controlling signalling centre, shall be provided and located within easy reach of road users on each side of the railway. The position of each telephone shall be clearly marked by traffic signs to Diagram 787 and/or 788 in the Regulations. Instructions for users shall be provided inside the cabinet or adjacent to each telephone and shall be legible at all times.

Road Markings

16. 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.
17. A pedestrian give way line to Diagram 1003.2 in the Regulations shall be provided across the right-hand side of the carriageway and 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 not less than 1 metre before the traffic light signal on the same side of the carriageway, not nearer than 2 metres to the running edge of the nearest rail and shall be as nearly as possible at right angles to the centre line of the carriageway.
18. Road markings to Diagram 1012.1 in the Regulations shall be provided along the edges of the carriageway and any footways over the crossing.
19. The centre line of the carriageway shall be marked on the crossing between the stop lines with a road marking to Diagram 1013.1 version A in the Regulations.
20. The carriageway over the crossing shall be marked with a road marking to Diagram 1045 in the Regulations.

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.

Trespass prevention

23. 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

24. Taking into account the applicable speed limits and road conditions, the road surface on the eastern 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.
25. The vertical profile and surface of the carriageway and any footways approaching the crossing on the eastern side of the railway shall be maintained in a good and even condition.
26. The vertical profile and surface of the carriageway and any footways approaching the crossing on the eastern side of the railway shall, in co-operation with the operator, be kept consistent with the surface of the crossing to enable safe passage of road users over the crossing.

Traffic signs

27. Traffic signs to Diagrams 770 and 773 in the Regulations shall be provided together in a suitable position on the left-hand side of the carriageway on the eastern approach to the crossing.
28. A traffic sign to Diagram 782 in the Regulations (including any first associated plate legend) shall be provided in a suitable position on the left-hand side of the carriageway on the eastern approach to the crossing.
29. A traffic sign to Diagram 783 in the Regulations shall be provided in a suitable position on the left-hand side of the carriageway on the eastern approach to the crossing.
30. A traffic sign to Diagram 784.1 in the Regulations shall be provided in a suitable position on the left-hand side of the carriageway on the eastern approach to the crossing.
31. A traffic sign to Diagram 786 in the Regulations shall be provided beneath the traffic sign to Diagram 784.1 on the eastern approach to the crossing.

Schedule 4 – The operation of the crossing by the operator

32. Visual indicators and audible alarms shall be provided at the controlling signalling centre to indicate the status and condition of the crossing.
33. The visual indicators at the control point shall show:
 - a. the status of the main power supply;
 - b. whether the barriers are fully raised.

34. The audible alarms shall sound if:
 - a. the main power supply fails;
 - b. after a period of not more than 3 minutes from when the closure sequence begins, there is no indication that the barriers are fully raised.
35. 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

36. 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 5 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 6 to 8 seconds later the barriers shall begin to descend and take a further 6 to 10 seconds to reach the lowered position.
37. Not less than 30 seconds shall elapse between the time the amber lights first show and the time when the train reaches the crossing.

Opening sequence

38. 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.
39. The barriers shall rise as soon as the train has passed over the crossing.
40. 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.
41. In the event of failure of both red lights in any of the traffic light signals when the red light should be showing, both barriers shall descend immediately (if not already lowered) and shall remain lowered.
42. Should a total power failure occur, both barriers shall descend under gravity or remain lowered.
43. 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

44. 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.

45. 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.
46. The operator shall periodically check the legibility and visibility of traffic signs on the eastern approach to the crossing and inform the local traffic authority of any action required.

Responsibility of local traffic authority

47. 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 eastern approach to the crossing.
48. 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.