STATUTORY RULES OF NORTHERN IRELAND

2014 No. 229

ROAD AND RAILWAY TRANSPORT

The Level Crossing (McConaghy's) Order (Northern Ireland) 2014

Made - - - - 18th September 2014

Coming into operation 20th October 2014

The railway undertaking made an application to the Department for Regional Development(**1**) in accordance with section 66(4) of the Transport Act (Northern Ireland) 1967(**2**);

Before making the application the railway undertaking gave notice in accordance with section 66(5) and (6) of that Act to the council in whose district the crossing is situated;

The Department makes the following Order in exercise of the powers conferred by section 66(1) and (2) of the Transport Act (Northern Ireland) 1967 and now vested in it(**3**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as The Level Crossing (McConaghy's) Order (Northern Ireland) 2014 and shall come into operation on 20th October 2014.

(2) In this Order "the crossing" means the McConaghy's Level Crossing in the Townland of Myroe Level (Intake) in the Borough of Limavady in County Londonderry whereby the road known as Shore Avenue is crossed by the railway between Bellarena and Londonderry stations (NI Grid Reference C 633278).

Suspension of statutory provisions

2. While this Order remains in force—

(a) section 47 of the Railways Clauses Consolidation Act 1845(**4**) (requirements as to gates);

(**1**) The functions of the Ministry of Development under the Transport Act (Northern Ireland) 1967 transferred to the Department of the Environment by S.R. & O (N.I.) 1973 No. 504Art. 4 and to the Department for Regional Development by S.R. 1999 No. 481 Article 69d and Schedule 4 Part IV

(**2**) The functions of the Ministry of Development under the Transport Act (Northern Ireland) 1967 transferred to the Department of the Environment by S.R. & O (N.I.) 1973 No. 504 Art. 4 and to the Department for Regional Development by S.R. 1999 No. 481 Article 69d and Schedule 4 Part IV

(**3**) The functions of the Ministry of Development under the Transport Act (Northern Ireland) 1967 transferred to the Department of the Environment by S.R. & O (N.I.) 1973 No. 504 Art. 4 and to the Department for Regional Development by S.R. 1999 No. 481 Article 69d and Schedule 4 Part IV

(**4**) 1845 c.20

(b) section 6 of the Railways Clauses Act 1863(**5**) (requirements as to lodges, etc);

(c) any other statutory provision imposing requirements to the same or similar effect as those contained in the enactments mentioned in paragraphs (a) and (b),

shall not apply in relation to the crossing.

Provision of automatic equipment

3. The railway undertaking shall at the crossing—

(a) provide, maintain and operate the barriers, lights, automatic and other devices, excluding traffic signs specified in Schedule 1, and shall give notice in writing to the Department for Regional Development as soon as the provision thereof is complete;

(b) secure the provision, maintenance and operation by that Department of the traffic signs specified in Schedule 1; and

(c) comply with the conditions and requirements specified in Schedule 2.

Sealed with the Official Seal of the Department for Regional Development on 18th September 2014.

L.S.

Tom Reid
A senior officer of the Department for Regional Development

(**5**) 1863 c.92

SCHEDULE 1

Article 3(a) and (b)

PARTICULARS OF THE BARRIERS, LIGHTS, TRAFFIC SIGNS AND OTHER DEVICES

1. Cattle-cum-trespass guards of standard railway design shall be provided adjacent to the ground, which is made up to the level of the carriageway. The guards shall extend the full distance between the fence on each side of the railway.

2. A barrier shall be pivoted as close to the railway as practicable on the left-hand side of the road on each approach to the crossing.

3. It shall be possible to raise and lower the barriers. When lowered, the barriers shall be as nearly horizontal as possible, be as nearly as possible at right angles to the centre line of the carriageway and shall extend across the left hand side of the road. The tip of each barrier shall extend to a point within 450mm of the centre of the carriageway and no closer than 150mm and a clear exit of at least 3 metres width shall be left to the right hand edge of the carriageway.

4. When barriers are fully lowered their uppermost surfaces shall be not less than 900mm above the road surface at the centre of the carriageway and the under-clearance between the barriers and the road surface shall not exceed 1000mm.

5. When in the fully raised position the barriers shall be inclined towards the carriageway at an angle of between 5 and 10 degrees from the vertical. No part of either barrier or of any attachment thereto which is less than 5 metres above the level of the carriageway shall be horizontally displaced from the nearer edge of the carriageway by less than 450mm. No part of any barrier or any attachment thereto which in either case is less than 2 metres above the level of the footway shall normally be horizontally displaced from that edge of the footway further from the carriageway by less than 150mm.

6. The barriers shall be as light as possible but shall also be strong enough to prevent distortion or fracture likely to be caused by wind pressure. It shall be possible to raise them by hand. The barrier booms shall be at least 130mm deep throughout their entire length.

7. Two electric lamps or equivalent (light emitting diodes), each of not less than 5 watts nominal rating and with lenses of not less than 50mm diameter, shall be fitted to each barrier, one within 150mm of its tip, and the other one near its centre. When illuminated, the lamps shall show a red light in each direction along the carriageway.

8. The barriers shall display on both front and rear faces alternate red and white bands each approximately 600mm long and to the full depth of the barriers. A band of red retro-reflecting material not less than 50mm deep shall be provided along the full length of each red band.

9. Suitable screening shall be provided for each barrier machine to guard against danger to persons from the operating mechanisms and moving parts of the machine.

10. A traffic light signal of the size, colour and type shown in Diagram 3014 of the Regulations shall be provided on the left hand side of the road on each approach to the crossing and as close as practicable to the barrier. There shall be an additional traffic light signal of the same type on the right hand side of the road on each approach to the crossing so located as to be either in line with or on the railway side of the stop line mentioned in paragraph 12. The traffic light signals on each side of the railway shall be positioned so as to face outwards from the crossing towards approaching road traffic. All the signals shall be capable of directional adjustment.

11. An audible warning device shall be provided on or adjacent to each left hand side traffic light signal post on each approach to the crossing. Facilities shall be provided to reduce the sound output of these devices to suit local day and night conditions.