1993 No. 490

ROAD AND RAILWAY TRANSPORT

Level Crossing (Ballykelly) Order (Northern Ireland) 1993

Made . . . . . *21st December 1993*

Coming into operation . . *28th February 1994*

WHEREAS the railway undertaking made an application to the Department in accordance with section 66(4) of the Transport Act (Northern Ireland) 1967(**a**);

AND WHEREAS 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;

AND WHEREAS the Department did not receive from that council any representation in respect of the said application;

NOW THEREFORE the Department of the Environment(**b**), in exercise of the powers conferred by section 66(1) and (2) of the Transport Act (Northern Ireland) 1967 and of all other powers enabling it in that behalf, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Level Crossing (Ballykelly) Order (Northern Ireland) 1993 and shall come into operation on 28th February 1994.

(2) In this Order "the crossing" means the Ballykelly Level Crossing in the townland of Walworth and County of Londonderry whereby the road known as Station Road is crossed by the railway between Castlerock and Londonderry Stations.

Suspension of statutory provisions

2. While this Order remains in force—

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

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

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(**a**) 1967 c. 37 (N.I.) as amended by S.I. 1984/1986 (N.I. 15) Art. 15 and S.I. 1990/994 (N.I. 7) Sch. 2

(**b**) 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

(**c**) 1845 c. 20

(**d**) 1863 c. 92

(*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 of the Environment 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.

Revocation

4. The Level Crossing (Ballykelly) Order (Northern Ireland) 1985(**a**) is revoked.

Sealed with the Official Seal of the Department of the Environment on 21st December 1993.

(L.S.) *Trevor Pearson*
Assistant Secretary

(**a**) S.R. 1985 No. 231

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 barrier 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 800 mm of the centre of the carriageway and no closer than 150 mm and a clear exit of at least 3 metres of carriageway width shall be left to the right hand edge of the carriageway.

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

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 450 mm. 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 150 mm.

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 barriers shall be at least 125 mm deep at their mid-point and at least 75 mm deep at their tip.

7. Two electric lamps, each of not less than 5 watts nominal rating and with lenses of not less than 50 mm diameter, shall be fitted to each barrier, one within 150 mm of its tip and the other 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 600 mm long and to the full depth of the barriers. A band of red retro-reflecting material not less than 50 mm 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 mechanism and moving parts of the machine.

10. A traffic light signal as prescribed by regulation 13(4) 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