

1976 No. 108

ROAD AND RAIL TRANSPORT

Level Crossing (Kilmakee No. 2) Order (Northern Ireland) 1976

Made 24th March 1976

Coming into operation 10th May 1976

*To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974.*

The Department of the Environment for Northern Ireland (in this Order referred to as "the Department") in exercise of the powers conferred by section 66(7) of the Transport Act (Northern Ireland) 1967(a) and now vested in the Head of the Department(b) and by paragraph 2(1)(b) of Schedule 1 to the Northern Ireland Act 1974(c) and of every other power enabling it in that behalf hereby makes the following Order:—

Citation and commencement

1. This order may be cited as the Level Crossing (Kilmakee No. 2) Order (Northern Ireland) 1976 and shall come into operation on 10th May 1976.

2. The Department is hereby authorised to construct a road crossing the railway between Belfast and Ballymena on the level at Kilmakee as described in Schedule 1 subject to the conditions contained in an agreement made on 24th March 1976 between the Northern Ireland Transport Holding Company 1st part, the Northern Ireland Railways Company Limited, 2nd part and the Department, 3rd part, as set out in Schedule 2.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 24th March 1976.

(L.S.)

Daniel Barry

Assistant Secretary

(a) 1967 c. 37 (N.I.)

(b) Formerly the Minister of Development: see S.R. & O. (N.I.) 1973 No. 504 Articles 2 and 4 and Schedule 1 (II, p. 2992)

(c) 1974 c. 28

SCHEDULE 1

<i>Level Crossing</i>	<i>Situated in</i>		<i>Grid Reference</i>
	<i>Townland</i>	<i>County</i>	
Kilmakee No. 2	Kilmakee	Antrim	J217/848

SCHEDULE 2

THIS AGREEMENT is made the 24th day of March 1976 BETWEEN THE NORTHERN IRELAND TRANSPORT HOLDING COMPANY (hereinafter called "the Holding Company") of the first part, NORTHERN IRELAND RAILWAYS COMPANY LIMITED (hereinafter called "the Railway Undertaking") of the second part and the DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND (hereinafter called "the Department") of the third part.

WHEREAS:—

A. The Holding Company is the owner and the Railway Undertaking is the Lessee and occupier of certain lands in the Townland of Kilmakee in the Parish of Templepatrick Barony of Belfast Upper and County of Antrim which form part of the railway line between Belfast and Ballymena operated by the Railway Undertaking;

B. The Department proposes to construct a road the line of which would cross that portion of the said railway line coloured red on the plan in the Third Schedule hereto;

C. The Department has requested the Holding Company and the Railway Undertaking to permit such road to cross the railway line on the level which permission they are agreeable to grant subject to and upon the terms and conditions hereinafter contained;

D. Such crossing on the level could not be constructed unless the Department was authorised by an order made under Section 66(7) of the Transport Act (N.I.) 1967.

NOW IT IS HEREBY AGREED AND DECLARED as follows:—

1. In this agreement—

- (1) "the level crossing" means the carriageway to be constructed on the level across that portion of the railway on the lands coloured red on the plan in the Third Schedule hereto and shall where the context so requires or admits include the barriers, lights, traffic signs and other devices specified in Part II of the First Schedule hereto;
- (2) "nearside" means the left-hand side of the road or carriageway in relation to a person approaching the level crossing along the road or carriageway;
- (3) "offside" means the right-hand side of the road or carriageway in relation to any such person.

2. Upon an order under Section 66(7) of the Act being made the following terms and conditions shall be binding on the parties hereto. In the event of such order not having been made within three years of the date hereof this agreement shall become null and void.

3. The Holding Company and the Railway Undertaking shall grant to the Department full right and licence to construct and use the level crossing.

4. The level crossing shall be constructed in accordance with the terms and conditions set out in Part I of the First Schedule hereto.

5. In the operation, maintenance and use of the level crossing the provisions set out in the Second Schedule hereto shall apply.

6. Should the railway where it passes through the level crossing be reduced to single track at any time after the construction of the level crossing the Department shall fully and effectually indemnify the Railway Undertaking from and against all losses, costs and expenses which the Railway Undertaking may suffer, pay or incur in the modification of the barriers, lights, traffic signs and automatic and other devices provided in accordance with this agreement.

7. All costs reasonably incurred by the Holding Company and Railway Undertaking in the preparation and completion of this agreement and of any further documents required to implement the same shall be paid by the Department.

IN WITNESS whereof the respective seals of the parties have been hereunto affixed the day and year first herein WRITTEN.

THE COMMON SEAL of the NORTHERN IRELAND TRANSPORT HOLDING COMPANY was affixed hereto in presence of:—

R. D. Rolston

(L.S.)

Director

G. D. Cheatley

Secretary & General Manager

THE COMMON SEAL of NORTHERN IRELAND RAILWAYS COMPANY LIMITED was affixed hereto in presence of:—

R. E. M. Humphreys

(L.S.)

Chairman

W. Gibson

Secretary

THE OFFICIAL SEAL of the DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND was affixed hereto in presence of:—

Daniel Barry

(L.S.)

FIRST SCHEDULE

PART I

Terms and conditions relating to construction of the level crossing

1. The Department shall construct the carriageway with a good and even surface and the ground at each edge of the carriageway shall be made up to the level of the carriageway for a distance of approximately 1 metre beyond each edge.

2. The level crossing shall be controlled by the barriers, lights, traffic signs and other devices specified in Part II of this Schedule.

3. The Department shall provide and the Railway Undertaking shall erect the barriers, lights and other devices so specified. All other works in connection with the construction of the level crossing including the provision and erection of traffic signs shall be carried out by the Department at its own expense.

4. The Department shall submit to the Railway Undertaking's Engineer (hereinafter called "the Engineer") detailed particulars of the proposed method of constructing the carriageway and of all temporary structures, excavations, fences and other works required in connection therewith and shall not commence any work in connection therewith until the Engineer has signified his approval thereto.

5. The Department shall give to the Engineer at least fourteen days prior notice in writing before entering upon the railway lands in connection with such construction.

6. All work in connection with such construction shall be carried out under the supervision of and to the satisfaction of the Engineer and in accordance with such directions as he shall from time to time give so as to cause as little interference as is practical with the normal operation of the railway.

7. During the course of construction no temporary structure shall be made upon the said lands which shall be nearer to the rails of the permanent way than 4.27 metres in a vertical plane and 1.6 metres in a horizontal plane.

8. The Department shall erect such temporary fences as may be necessary to prevent trespass on to the railway during the course of construction.

9. If the construction of the level crossing or the works connected therewith shall cause any interference with the existing electric cables, telephone or telegraph wires, gas pipes, sewers, drains, waterpipes or signalling apparatus on, under or upon the said lands or shall necessitate the provision of new signals the Department shall pay to the Railway Undertaking the costs and expenses incurred by the Railway Undertaking as certified by the Railway Undertaking's Accountant in altering or replacing such cables, wires, pipes, sewers, drains or signalling apparatus or in providing new signals.

10. The Department shall fully and effectually indemnify the Railway Undertaking from and against all losses, costs and expenses which the Railway Undertaking may suffer, pay or incur through the slowing of trains on its railway line or through any interference with or obstruction to the traffic of the Railway Undertaking arising out of or in consequence of the said works. It is agreed that during the execution of the said works the loss to the Railway Undertaking due to the slowing of trains shall be calculated at the rate of £10 per day or 50 pence per train per day whichever shall be the greater.

11. (a) The Department will pay to the Railway Undertaking all costs and expenses incurred in erecting the barriers, lights and other devices specified in Part II of this Schedule and also the sum of £50.00 to cover the costs of administration and approval of plans and all costs incurred by the Railway Undertaking in supervising the construction of the level crossing and the provision of flagmen (if considered necessary by the Engineer) during the progress of such construction.

(b) In arriving at the amounts to be paid under paragraph (a) above the Railway Undertaking shall be entitled to include in respect of any works carried out by it on costs at the rate of 100% on direct labour costs and 50% on material costs or such other rates as are from time to time applicable.

PART II

General description of barriers, lights, traffic signs and other devices

1. Only one half-barrier shall be constructed on each side of the railway.
2. Each half-barrier shall be capable of being raised and lowered across the nearside of the carriageway and when lowered shall be as nearly as is reasonably practicable at right angles to the centre line of the carriageway. The half-barriers shall be as close to the railway as practicable but no part of a half-barrier shall be within the structure gauge of the running edge of the nearest rail.
3. The half-barriers shall be of light construction, shall be capable of being raised by hand, shall be provided with a fracture segment near the pivot and shall be so counter-weighted that they will descend in the event of a failure.
4. When raised the half-barriers shall be inclined towards the carriageway at an angle of between 5 and 10 degrees from the vertical. No part of either half-barrier or of its attachments which is less than 5 metres above the level of the carriageway shall be horizontally displaced from the carriageway by less than 450 mm.
5. When lowered the tip of each half-barrier shall not extend beyond the centre line of the carriageway but shall extend to a point within 300 mm. from the centre line and shall be not less than 3 metres from the further edge of the carriageway both distances measured horizontally. The half-barriers shall when lowered be as near as is reasonably practicable to the horizontal and their tops shall be not less than 920 mm. and not more than 1060 mm. above the road at the centre of the carriageway.
6. The half-barriers shall display on both the front and back faces alternate retro-reflecting red and white bands approximately 600 mm. wide commencing with red at the tip.
7. Two electric lamps of not less than 5 watts nominal rating each and showing a red light in both directions along the carriageway when illuminated shall be fitted to each half-barrier, one within 150 mm. of the tip and the other near the centre.
8. A fence shall be provided at each pivot post for the purpose of guarding against danger to the public from the operating mechanism and the moving parts of the half-barrier.
9. A traffic light signal consisting of a single steady amber and two flashing red lamps together with a backing board as prescribed by Regulations made under the Road Traffic Act (Northern Ireland) 1970 shall be provided on the nearside of the carriageway on or adjacent to each pivot post. There shall be an additional light signal of the same type on the offside of the carriageway on each side of the level crossing. The traffic light signals shall be so arranged as to face outwards from the level crossing towards approaching traffic. The lamps shall be capable of directional adjustment. An audible warning device mounted on or adjacent to each pivot post shall also be provided.

10. A transverse stop line (in this Schedule referred to as a "stop line") of the size, colour and type prescribed by Regulations made under the Act of 1970 aforesaid shall be provided across the nearside of the carriageway on each approach to the level crossing approximately 2 metres before the half-barrier. The carriageway at the level crossing shall be of the width stated in paragraph 22 and its centre line shall be marked on the level crossing between the stop lines and for a distance as stated in paragraph 23(a) on each side thereof with a double continuous line of the size, colour and type prescribed as aforesaid and for a further distance as stated in that paragraph beyond the double continuous line on each side of the level crossing with a continuous line and a dotted line of the size, colour and type so prescribed so placed that the continuous line is on the nearside of the dotted line. At least two arrows as prescribed as aforesaid shall be provided on each of the approaches to the double lines. The two edges of the carriageway where it passes over the level crossing shall be clearly marked with a reflecting continuous longitudinal line not less than 100 mm. wide. Bi-directional white reflecting road studs spaced at 3 metres centres shall be laid between the lines in the continuous dotted line lengths. Any stud laid within two metres of a running rail shall be of a plastic construction.

11. A white broken transverse line 200 mm. wide shall be provided across the offside of the carriageway on each approach to the level crossing not less than 1 metre before the traffic light signal. No part of this line shall be nearer than 2 metres to the running edge of the nearest rail.

12. The carriageway where it passes over the level crossing shall be cross-hatched yellow and shall be deemed to be a boxed area within the meaning of Regulations made under the Act of 1970 aforesaid.

13. The longitudinal profile of the centre line of the carriageway over the level crossing and on each side thereof for a distance of not less than 30 metres measured from the stop line shall conform to a vertical curvature of not less than 380 metres radius.

14. A telephone shall be provided adjacent to each pivot post and shall be connected to the signal box at Antrim.

15. A traffic sign bearing the legend "In emergency or before crossing with exceptional loads or with cattle phone signalman" shall be provided on the nearside of the carriageway at each exit from the crossing and positioned so that it is clearly visible to persons on the crossing.

16. A traffic sign bearing the legend "Drivers of large or slow vehicles must phone and get permission to cross" and sited as stated in paragraph 23(b) shall be provided on each road approach to the level crossing.

17. A traffic sign showing a telephone symbol and a directional arrow shall be fixed below the sign mentioned in paragraph 16 but parallel with the carriageway.

18. A traffic sign bearing the legend "Automatic Barriers STOP when lights show" shall be erected and sited as stated in paragraph 23(c).

19. A traffic sign which when illuminated displays the words "Another Train Coming" shall be provided on each side of the level crossing and shall when illuminated be clearly visible to traffic on the carriageway approaching the level crossing. When not illuminated the sign shall show a blank face. The sign shall be of a size, colour and type prescribed in directions given by the Department and shall be placed on the offside of the level crossing as nearly as is reasonably practicable in line with each barrier.

20. Two whistle boards shall be provided on the railway in each direction on the approaches to the level crossing at distances equivalent to 7 seconds and 4 seconds travelling time for a train travelling at maximum permissible speed (70 m.p.h. in the Up direction and 70 m.p.h. in the Down direction).

21. Immediately adjacent to the ground which is made up to the level of the carriageway in accordance with paragraph 1 of Part I of the First Schedule cattle grids of standard railway design shall be provided on both sides of the level crossing. The grids shall extend to the full width between the protecting fences on both sides of the railway.

22. The width of the carriageway over the level crossing and on each side thereof for a distance of not less than 15 metres measured from the stop line shall be not less than 6 metres.

23. On both approaches to the level crossing—

- (a) the distance for which the centre line of the carriageway shall be marked with a double continuous line as provided in paragraph 10 shall be not less than 12 metres; the further distance for which the centre line shall be marked with a continuous line and a dotted line as also provided in that paragraph shall be not less than 24 metres beyond the double continuous line;
- (b) the traffic signs mentioned in paragraphs 16 and 17 shall be sited on the nearside of the carriageway not less than 50 metres in advance of the stop line;
- (c) the traffic sign mentioned in paragraph 18 shall be sited not less than 135 metres in advance of the stop line.

SECOND SCHEDULE

PART I

Terms and conditions relating to operation, maintenance and use of level crossing

1. The Railway Undertaking shall maintain the surface of the carriageway over the level crossing in good and even condition and shall maintain the made-up ground at the two edges of the carriageway as referred to in paragraph 1 of Part I of the First Schedule hereto.

2. The Department shall maintain in good order and condition the traffic signs specified in Part II of the First Schedule hereto in accordance with the provisions of the said Schedule.

3. The Railway Undertaking shall operate and maintain in good order and condition the barriers, lights and automatic and other devices excluding traffic signs specified in Part II of the First Schedule hereto in accordance with the provisions of Part II of this Schedule.

4. The Department will pay to the Railway Undertaking a sum to be agreed between the Commissioner of Valuation and the Railway Undertaking's Valuer being the commuted value of—

- (a) all costs and expenses incurred or to be incurred by the Railway Undertaking in operating and maintaining the said barriers, lights and automatic and other devices;
- (b) all costs incurred or to be incurred by the Railway Undertaking in repairing and maintaining the surface of the level crossing; and
- (c) the cost of insurance incurred or to be incurred in safeguarding the Railway Undertakings public liability in respect of all costs and expenses, loss and damages claims and demands which the Railway Undertaking may suffer or incur and which would not have been suffered or incurred but for the existence or use of the level crossing.

5. In the event of the closure of the existing level crossing at Kilmakee in the Parish of Templepatrick aforesaid the Railway Undertaking will refund to the Department a commuted sum equivalent to the saving on operational, maintenance and public liability insurance costs as a result of such closure.

PART II

Conditions and requirements to be observed by the Railway Undertaking

1. The half-barriers shall be kept in the raised position except during the time when engines, carriages or other vehicles passing along the railway line have occasion to cross the road.

2. The half-barriers and the audible warning devices and the traffic light signals mentioned in paragraph 9 of Part II of the First Schedule shall be operated and controlled automatically by the approach of a train as described in the following paragraphs but means shall also be provided at the level crossing for their manual operation and control.

3. The arrangements shall be such that 15 seconds after a train occupies a track circuit or operates a treadle the steady amber lamps mentioned in paragraph 9 of Part II of the First Schedule shall be illuminated and the audible warning devices mentioned in that paragraph shall begin to sound. The amber lamps shall remain illuminated for not less than 5 seconds. Immediately the amber

lamps are extinguished the flashing red lamps mentioned in the said paragraph 9 shall operate for a period of 6 to 8 seconds before the half-barriers begin to descend and during the descent of the half-barriers which shall occupy a further period of 6 to 8 seconds. The audible warning devices shall thereupon cease to sound. A further period of approximately 16 seconds shall elapse between the time when the half-barriers are fully lowered and the time when a train travelling at its maximum permissible speed (70 m.p.h. in the Up direction and 70 m.p.h. in the Down direction) can reach the level crossing. Not less than 37 seconds shall elapse between the time when the steady amber lamps are first illuminated and the audible warning devices first sound and the time when the train reaches the level crossing. The flashing red lamps shall continue to operate until the half-barriers have risen to an angle of 10° above the horizontal. The arrangements shall incorporate a suitable device, approved by the Inspector of Railways, to give a warning to the driver of an approaching train, otherwise than by orthodox signal, of a vehicular or similar obstruction on the line at the level crossing.

4. The half-barriers shall be raised as soon as a train has passed the level crossing. Provided that if another train is approaching the level crossing, the half-barriers shall only be raised if, before they start to descend again, they can remain fully raised for a period of not less than 22 seconds.

5. If another train is in such a position that the half-barriers remain lowered after the passage of the first train the "Another Train Coming" sign referred to in paragraph 19 of Part II of the First Schedule shall be illuminated and shall remain so illuminated until the latter train has passed over the level crossing.

6. After the lowering of the half-barriers has been initiated they must both be fully lowered before they can be raised.

7. A visual indicator which shows that the half-barriers are raised shall be provided in the signalbox at Antrim. If a period of approximately 3 minutes elapses and there is no indication that the barriers are raised an audible alarm shall be given in the said signalbox.

8. The two red lamps on each half-barrier mentioned in paragraph 7 of Part II of the First Schedule shall be illuminated at all times except when both the half-barriers are in the raised position.

9. Single power supply shall be provided together with standby batteries of sufficient capacity to operate the whole installation for 12 hours. A "power off" indicator shall be provided in the Antrim signalbox.

10. In the event of any failure in the equipment other than electric lamps the half-barriers shall descend in accordance with the timing sequence detailed in paragraph 3 of this part regardless of whether the amber lamps become illuminated. The flashing red lamps shall continue to operate until the failure has been rectified and the half-barriers have begun to rise. In the event of a failure of all the flashing red lamps facing in any one direction during the warning period, or when the half-barriers are descending or are lowered, both the half-barriers shall descend or remain lowered as the case may be.

