
STATUTORY INSTRUMENTS

1995 No. 2952

**TRANSPORT AND WORKS
TRANSPORT**

The Forge Lane, Horbury Level Crossing Order 1995

Made - - - - *13th November 1995*

Coming into force - - *20th November 1995*

Whereas an application has been made to the Secretary of State for Transport (“the Secretary of State”), in accordance with the Transport and Works (Applications and Objections Procedure) Rules 1992(1) made under section 6 of the Transport and Works Act 1992(2) (“the Act”), for an Order under section 1 of the Act;

And whereas the Secretary of State has received no objections to that application;

And whereas the Secretary of State has determined to make an Order giving effect to the proposals comprised in the application with modifications which in his opinion do not make any substantial change to the proposals;

And whereas notice of the Secretary of State’s determination was published in the London Gazette on 10th November 1995;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 1 and 5 of, and paragraphs 1 and 2 of Schedule 1 to, the Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Forge Lane, Horbury Level Crossing Order 1995 and shall come into force on 20th November 1995.

Interpretation

2. In this Order, unless the context otherwise requires—

“authorised works” means the new level crossing and any other works authorised by this Order;

“maintenance” includes inspection, repair, adjustment, alteration, removal, reconstruction and replacement and “maintain” shall be construed accordingly;

(1) S.I.1992/2902.
(2) 1992 c. 42.

- “the Council” means Wakefield Metropolitan District Council;
- “the existing level crossing” means the level crossing where the existing railway crosses the highway at Ordnance Survey reference points 430722.637 East and 417876.015 North;
- “the existing railway” means the railway between the Bombardier Prorail factory and the Railtrack main line as shown on the works plan;
- “the highway” means Forge Lane in the Parish of Horbury in the Metropolitan District of Wakefield in the County of West Yorkshire;
- “the level crossings” means the existing level crossing and the new level crossing;
- “the new level crossing” means the new level crossing where the new railway crosses the highway at the reference points 430675.467 East and 417874.015 North;
- “the new railway” means 112 metres or thereabouts of new railway constructed or to be constructed between the existing railway and the Bombardier Prorail factory as shown on the works plan;
- “the railways” means the existing railway and the new railway;
- “the undertaker” means Bombardier Prorail Limited whose registered office is at Horbury, Wakefield, West Yorkshire, England, WF4 5QH;
- “the undertaker’s railway” means so much of the railways as lies within the undertaker’s factory premises and extends across the highway to a junction with the railway of Railtrack plc as shown on the works plan;
- “the works plan” means the plan prepared in connection with the application for this Order and marked by The Secretary of State as “the works plan” for the purposes of this Order.

Incorporation of Railways Clauses Consolidation Act 1845

3.—(1) The following provisions of the Railways Clauses Consolidation Act 1845**(3)** shall be incorporated in this Order:—

- section 24 (obstructing construction of railway);
- section 58 (company to repair roads used by them), except for the words from “and if any question” to the end;
- section 145 (recovery of penalties); and
- section 154 (transient offenders).

In those provisions, as incorporated in this Order—

- “the company” means the undertaker;
- “railway” in relation to any such provision, means the new railway where it crosses the highway;
- “the special Act” means this Order.

Power to construct and maintain the new level crossing

4.—(1) The undertaker may construct and maintain the new level crossing.

(2) The new level crossing shall be constructed in the lines or situations shown on the works plan.

(3) Subject to paragraph (5) below, the undertaker may carry out and maintain works to alter the position of apparatus, including mains, sewers, drains and cables, as may be necessary or expedient for the purposes of, in connection with, or in consequence of the construction of the new level crossing.

(4) Subject to paragraph (5) below, the undertaker may carry out and maintain such other works (of whatever nature) as may be necessary or expedient for the purposes of, in connection with or in consequence of, the construction of the new level crossing.

(5) Paragraphs (3) and (4) above shall not authorise the carrying out or maintenance of works outside the lines or situations of the new level crossing.

Power to execute street works

5.—(1) The undertaker may, for the purposes of the authorised works, enter upon so much of the highway as is shown on the works plan and may—

- (a) place apparatus in it,
- (b) maintain apparatus in the highway or change the position of such apparatus, and
- (c) execute any works required for or incidental to any works referred to in subparagraphs (a) and (b) above (including, in particular, breaking up or opening the highway).

(2) In this article “apparatus” has the same meaning as in Part III of the New Roads and Street Works Act 1991(4).

Temporary alteration of Forge Lane

6.—(1) The undertaker, during and for the purposes of the execution of the authorised works, may temporarily alter the highway and may for any reasonable time—

- (a) redirect the traffic along the highway, and
- (b) subject to paragraphs (2) and (3) below, control the passage of all persons passing along the highway.

(2) The undertaker shall provide reasonable access for pedestrians going to or from premises abutting on to the highway if there otherwise would be no such access.

(3) The authorised works shall be undertaken in such a manner that no more than half the width of the highway is obstructed to traffic at any one time, and that traffic in both directions is able to continue on the remaining part of the highway.

Maintenance of Forge Lane

7.—(1) Where the highway is altered under this Order, the altered part of the highway shall be completed to the reasonable satisfaction of the Council, and, unless otherwise agreed with the Council, shall be maintained by and at the expense of the undertaker for a period of 24 months from its completion.

(2) The undertaker shall not by reason of any duty under this article to maintain the highway be taken to be the street authority in relation to the highway for the purposes of Part III of the New Roads and Street Act 1991.

(3) Nothing in this article shall have effect in relation to street works as respects which the provisions of Part III of the New Roads and Street Act 1991 apply.

Agreements with Wakefield Metropolitan District Council

8.—(1) The Council and the undertaker may enter into agreements with respect to—

- (a) any stopping up, alteration or diversion of the highway under the powers conferred by this Order, or

(4) 1991 c. 22.

- (b) the execution in the highway of any of the works referred to in article 5 (power to execute street works) above.
- (2) Such an agreement may, without prejudice to the generality of paragraph (1) above,—
 - (a) make provision for the Council to carry out any function under this Order which relates to the highway, and
 - (b) contain such terms as to payment and otherwise as the parties consider appropriate.

Power to operate and use the level crossings

9. The undertaker may operate and use the level crossings as part of the undertaker’s railway for the movement of rail vehicles.

Provisions as to the level crossings

10.—(1) In this article, “protective equipment” includes lights, traffic signs (within the meaning of section 64(1) of the Road Traffic Regulation Act 1984⁽⁵⁾), manual, mechanical, automatic, electrical or telephonic equipment or other devices.

(2) The Council and the undertaker may enter into agreements with respect to the construction and maintenance of the new level crossing; and such an agreement may contain such terms as to payment or otherwise as the parties consider appropriate.

(3) The undertaker shall provide, maintain and operate at or near the level crossings such protective equipment as is set out in Part I of the Schedule to this Order and shall observe and comply with the requirements set out in Part II of that Schedule.

(4) Any traffic sign placed pursuant to this article on or near the highway shall be treated for the purposes of section 64(4) of the Road Traffic Regulation Act 1984 as having been placed as provided by that Act.

(5) No provision contained in or incorporated with this Order shall require the provision of any building or keeper at the level crossings.

Maintenance of approved works etc.

11.—(1) Where pursuant to regulations made under section 41 of the Act (approval of works, plant and equipment) approval has been obtained from the Secretary of State with respect to any works, plant or equipment (including vehicles) forming part of the undertaker’s railway, such works, plant and equipment shall not be used in a state or condition other than that in which they were at the time that the approval was given unless any change thereto does not materially impair the safe operation of the undertaker’s railway.

(2) If without reasonable cause the provisions of paragraph (1) above are contravened, the undertaker shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) No proceedings shall be instituted in England and Wales in respect of an offence under this article except by or with the consent of the Secretary of State or the Director of Public Prosecutions.

Certification of the works plan

12. The undertaker shall, as soon as practicable after the making of this Order, submit a copy of the works plan to the Secretary of State for certification that it is a true copy of the works plan referred to in this Order; and the works plan so certified shall be admissible in any proceedings as evidence of the contents of the works plan of which it is a copy.

(5) 1984 c. 27.

Signed by authority of the Secretary of State for Transport

13th November 1995

R. A. Allan
An Under Secretary,
Department of Transport

SCHEDULE

Article 10(3)

PART 1

Particulars of the gates and other protective equipment

1. A gate shall be pivoted on the northern side of the carriageway on each side of the new level crossing as close to the new railway as practicable. An additional gate shall be pivoted on the west side of the new railway on the north side of the carriageway.

2. A gate shall be pivoted on each side of the carriageway on each side of the existing level crossing as close to the existing railway as practicable.

3. The uppermost surface of each of the gates shall not be less than 1450 millimetres (“mm”) above the road surface at the centre of the carriageway and the under-clearance between the gates and the carriageway shall not exceed 150 mm.

4. When closed to road vehicles the gates of the new level crossing shall extend across the full width of the carriageway and the additional gate shall extend to a point clear of the new railway and the carriageway. When closed to road vehicles the gates of the existing level crossing shall extend across the full width of the carriageway.

5. When open to road vehicles the gates of the level crossings shall effect the closure of the railway.

6. Each gate shall be provided with a suitable mechanism to secure the gate in position. Such mechanism shall secure the gates in the open or closed positions and when the railways are not being operated shall also serve to secure the gates against unauthorised operation.

7. The gates shall be strong enough to be likely to prevent distortion or fracture being caused by wind pressure, and subject thereto shall be as light as possible.

8. The gates shall be so constructed that no interstice between the gates thereof shall be greater than 150 mm.

9. The gates shall be painted in white and shall each display a circular plate of red Class I retroreflecting material not less than 600 mm in diameter. The plates shall be fixed to the gates such that when the gates are closed to road traffic they shall be located in the centre of the face of the gates directed towards approaching road traffic. The top rail of each gate shall display a horizontal band of red retroreflecting material of the face directed towards approaching road traffic. The bands shall each be approximately 600 mm long and 50 mm deep and shall be displaced from each other by a space of 600 mm.

10. Provision shall be made for a lamp to be mounted in the centre of each gate. This lamp shall when lit show a red light to approaching road traffic.

11. Lighting shall be provided as necessary so that during hours of darkness in conditions of normal visibility a train driver is able to see that the crossing is clear before driving the train over it.

12. A stop board of standard railway design displaying the words “Stop— Open crossing gates before proceeding” shall be provided on each railway approach, approximately 25 metres before the level crossings. The stop boards shall be provided with Class I retroreflecting material or shall be illuminated.

13. An advance warning board of standard railway design shall be provided on the southbound railway approach to the level crossings, approximately 150 metres before the stop boards mentioned in paragraph 12 above and shall be provided with Class I retroreflecting material or shall be illuminated.

14. In this Part, “Class I retroreflecting material” is material which satisfies British Standard 873, Part 6, or is of an equivalent standard.

PART II

Requirements to be observed by the undertaker

15. The surface of the carriageway over the level crossings and of the footway over the new level crossing shall be maintained in a good and even condition. The carriageway shall be approximately 9 metres wide over the new level crossing and approximately 8 metres wide over the existing level crossing. The footway on the south side of the new level crossing shall be approximately 3 metres wide.

16. The gates shall be kept constantly in the positions mentioned at paragraph 5 above except during the time when any vehicle passing along either line of the railway has occasion to cross the carriageway.

17. The operational procedures of the undertaker’s railway shall be so arranged that both sets of level crossing gates shall not be closed to road traffic at the same time.

18. The operational procedures of the undertaker’s railway shall be so arranged that trains shall not normally pass over the level crossings during the hours of darkness.

19. The lamps referred to in paragraph 10 above shall be illuminated whenever the gates are kept in the positions mentioned in paragraph 4 above.

20. Drivers shall bring their trains to a halt at the stop boards mentioned in paragraph 12 above and shall sound the train’s whistle before proceeding. Trains travelling in either direction on the railways shall not proceed over the level crossings until the driver has been given a clear handsignal by the person in charge of the level crossings to signify that the gates are securely closed and locked against road traffic and that the level crossings are clear.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the construction and operation of a new level crossing and the operation of an existing level crossing at Forge Lane, Horbury, near Wakefield to form part of the Bombardier Prorail Limited railway undertaking.

Copies of the works plan are available for inspection free of charge on Mondays to Fridays between the hours of 10.00 am and 4.00 pm at the following offices:—

Bombardier Prorail Limited, Horbury, Wakefield, West Yorkshire, WF4 5QH;

Wakefield Metropolitan District Council, Chantry House, 123 Kirkgate, Wakefield, West Yorkshire, WF1 1YG.