

2011 No. 1660

ROAD TRAFFIC

**The A38 Trunk Road (Marsh Mills to Deep Lane, Plymouth)
(Temporary Prohibition and Restriction of Traffic) Order 2011**

Made - - - -

30th June 2011

Coming into force - -

5th July 2011

WHEREAS the Secretary of State for Transport, being the traffic authority for the A38 Trunk Road (“the A38”) and connecting roads, is satisfied that traffic on lengths of that road and some of those connecting roads at Plymouth in the County of Devon should be prohibited and restricted because works are proposed to be executed thereon:

NOW, THEREFORE, the Secretary of State, in exercise of the powers conferred by section 14(1)(a) of the Road Traffic Regulation Act 1984(a), hereby makes the following Order:-

1. This Order may be cited as the A38 Trunk Road (Marsh Mills to Deep Lane, Plymouth) (Temporary Prohibition and Restriction of Traffic) Order 2011 and shall come into force on 5th July 2011.

2. In this Order –

“the first length of the A38” means (i) the eastbound carriageway of the A38 at Plymouth from a point 1500 metres west of the centre of the Forder Valley Junction West Overbridge to a point 1000 metres east of the centre of the Deep Lane Junction Overbridge; and (ii) the westbound carriageway of the A38 at Plymouth from a point 1000 metres east of the centre of the Deep Lane Junction Overbridge to a point at the centre of the Marsh Mills Junction;

“the second length of the A38” means the eastbound carriageway of the A38 at Plymouth from a point at the centre of the Marsh Mills Viaduct to a point 1000 metres west of the centre of the Deep Lane Overbridge;

“the third length of the A38” means (i) the eastbound carriageway of the A38 at Plymouth from the tip of the nosing of the eastbound exit slip road to the Forder Valley Junction to Marsh Mills Junction Link Road to the tip of the nosing of the eastbound entry slip road at the Deep Lane Junction; and (ii) the westbound carriageway of the A38 at Plymouth from the tip of the nosing of the westbound exit slip road at the Deep Lane Junction to the tip of the nosing of the westbound entry slip road at the Forder Valley Junction;

“the slip roads” mean (i) the eastbound entry slip road at the A38 Marsh Mills Junction, Plymouth; and (ii) the westbound entry slip road at the A38 Deep Lane Junction, Plymouth;

“layby” means an area of carriageway intended for the waiting of vehicles, bounded partly by a road marking on the outer edge of that carriageway complying with diagram 1010 in

(a) 1984 c.27; a new section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), section 1(1) and Schedule 1.

Schedule 6 to the Traffic Signs Regulations and General Directions 2002(a); and in this definition "carriageway" means any way (other than a cycle track) comprised in the trunk road over which the public have a right of way for the passage of vehicles and which has a surface suitable for the exercise of that right;

"tip of the nosing" means the first point where an entry slip road joins the carriageway of a trunk road or the last point where an exit slip road leaves the carriageway of a trunk road;

"the works" mean patching and maintenance works;

"the works period" means the period starting at 00.01 hours on Thursday 7th July 2011 and ending when the said works have been completed;

"a works period" means a period of 10 hours starting at 20.00 hours on Thursday 7th July 2011 or and subsequent day and ending when the said works have been completed;

and a reference to an article followed by a number is a reference to the article in this Order which bears that number.

3. Subject as mentioned in articles 5 and 6, no person shall, during the works period,:

- (a) drive any motor vehicle at a speed exceeding 50 miles per hour on the first length of the A38;
- (b) cause or permit any vehicle to enter, proceed or remain in the layby:
 - (i) adjacent to the eastbound carriageway of the A38 situated 450 metres east of the centre of the Plympton Hill Underbridge;
 - (ii) adjacent to the westbound carriageway of the A38 situated 950 metres east of the centre of the Plympton Hill Underbridge.

4. Subject as mentioned in articles 5 and 6, no person shall, during a works period:

- (a) drive any motor vehicle at a speed exceeding 10 miles per hour on the second length of the A38 whilst traffic signs of a character authorised under section 64 of the Road Traffic Regulation Act 1984 indicating "convoy working" on that road are displayed;
- (b) cause or permit any vehicle to enter or proceed in the third length of the A38 and the slip roads.

5. The provisions of articles 3 and 4 shall apply only during such times and to such extent as shall from time to time be indicated by traffic signs and shall not apply to:

- (a) a vehicle being used for police, fire and rescue authority or ambulance purposes;
- (b) anything done at the direction of, or with the permission of, a constable.

6. The provisions of articles 3(b) and 4(b) shall not apply to a vehicle being used for or in connection with the said works or for traffic officer purposes.

7. No speed limit imposed by this order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011 when used in accordance with regulation 3(5) of those Regulations.

Signed by authority of the Secretary of State

30th June 2011

Malcolm Roberts
A Service Delivery Team Leader
in the Highways Agency

(a) S.I. 2002/3113; Part I