

2013 No. 2777

ROAD TRAFFIC

**The M42 and M40 Motorways (M42 Junctions 3 to 5)
(Temporary Restriction and Prohibition of Traffic) Order 2013**

Made - - - - - *25th October 2013*

Coming into force - - - - - *1st November 2013*

WHEREAS the Secretary of State for Transport, being the traffic authority for the M42 Motorway (“the M42”), the M40 Motorway (“the M40”) and connecting roads, is satisfied that traffic on lengths of those motorways and some of those connecting roads, in the Metropolitan Borough of Solihull and the County of Warwickshire, should be restricted and prohibited 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) and regulation 16(2) of the Motorways Traffic (England and Wales) Regulations 1982(b), hereby makes the following Order:-

1. This Order may be cited as the M42 and M40 Motorways (M42 Junctions 3 to 5) (Temporary Restriction and Prohibition of Traffic) Order 2013 and shall come into force on 1st November 2013.

2. In this Order –

“the first length of motorway” means –

- (a) the northbound carriageway of the M40 from a point 110 metres south of the centreline of Nuthurst Road overbridge to a point 500 metres north of the centreline of Pound House Lane overbridge, north of Junction 16;
- (b) the eastbound carriageway of the M42 from the centreline of Earlswood Common overbridge to a point 800 metres east of Tithe Barn Lane overbridge, east of Junction 3;
- (c) the northbound carriageway of the M42 from a point 460 metres south of the centreline of Cut Throat Lane overbridge to a point 1 kilometre north of the northern overbridge of the A34/A3400/M42 Junction 4 roundabout junction; and

(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

(b) S. I. 1982/1163, as amended by S. I. 1983/374, 1984/1479, 1992/1364, 1995/158, 1996/3053, 2004/3168, 2004/3258 and 2006/594.

(d) the southbound carriageway of the M42 from the centreline of Widney Manor Road overbridge, north of Junction 4, to a point 400 metres south of the centreline of Cut Throat Lane overbridge;

- “the second length of motorway” means –
- (a) the northbound carriageway of the M42 from its junction with the exit slip road at Junction 3 to its junction with the entry slip road at Junction 4;
 - (b) the southbound carriageway of the M42 from its junction with the exit slip road at Junction 5 to its junction with the link roads leading to the M40 southbound carriageway and the M42 westbound carriageway;
- “the third length of motorway” means –
- (a) the northbound carriageway of the M42 from a point 553 metres south of the centreline of Cut Throat Lane overbridge to a point 278 metres south of the centreline of Blythe Valley overbridge, near Junction 4;
 - (b) the northbound carriageway of the M42 from a point 20 metres north of Blythe Valley overbridge to a point 162 metres north of the northern overbridge of the A34 / A3400/M42 Junction 4 roundabout junction;
 - (c) the southbound carriageway of the M42 from a point 155 metres north of the northern overbridge of the A34/A3400/M42 Junction 4 roundabout junction to the centreline of Blythe Valley overbridge;
 - (d) the southbound carriageway of the M42 from a point 50 metres south of the centreline of Blythe Valley overbridge to a point 164 metres north of Cut Throat Lane overbridge;
- “the first link road” means the link road leading from the northbound carriageway of the M40 to the northbound carriageway of the M42 (M42 Junction 3a);
- “the second link road” means the link road leading from the eastbound carriageway of the M42 to the northbound carriageway of the M42, at Junction 3a;
- “a slip road” means any slip road leading to or from the M42 at Junction 4;
- “the Regulations” means the Motorways Traffic (England and Wales) Regulations 1982;
- “emergency refuge area” means a part of a motorway –
- (a) which is adjacent to and situated on the left-hand or near-side of the hard shoulder or carriageway when facing in the direction in which, in accordance with regulation 6, vehicles may be driven, and
 - (b) whose boundary with the hard shoulder or carriageway is indicated by a marking of the type shown in diagram 1010 in Schedule 6 to the Traffic Signs Regulations 2002;

“a hard shoulder”	means the hard shoulder, within the meaning of Regulation 3(1)(e) of the Regulations, which is adjacent to the third length of motorway;
"the works period"	means the period starting at 00:01 hours on Monday 4th November 2013 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 6 and 7, no person shall, during the works period, cause or permit any vehicle to be driven at a speed exceeding 50 miles per hour on the first length of motorway, the first link road, the second link road or a slip road.

4. Subject as mentioned in articles 6 and 7, no person shall, during the works period, cause or permit any vehicle to be driven at a speed exceeding 40 miles per hour on the first length of motorway, the first link road, the second link road or a slip road.

5. Subject as mentioned in articles 6 and 7, no person shall, during the works period, cause or permit any vehicle to enter or proceed on the second length of motorway, the first link road, a slip road or an emergency refuge area situated adjacent to the second length of motorway.

6. The provisions of articles 3, 4 and 5 shall apply only during such times and to such extent as shall from time to time be indicated by traffic signs.

7. The provisions of –

(a) articles 3 and 4 shall not apply to any vehicle being used for special forces purposes;

(b) articles 3, 4 and 5 shall not apply to any vehicle being used for police, fire brigade or ambulance purposes; and

(c) article 5 shall not apply to any vehicle –

(i) proceeding at the direction of, or with the permission of, a police constable, or traffic officer in uniform;

(ii) being used by a traffic officer in uniform; or

(iii) being used in connection with the said works.

8. During the works period, regulations 5 and (in so far as it relates to a vehicle being driven) 9 of the Regulations are hereby suspended in respect of a hard shoulder, at such times and to such extent as may from time to time be indicated by traffic signs.

Signed by authority of the Secretary of State

25th October 2013

E. Davis
A Team Leader
in the Highways Agency