

2014 No. 2282

ROAD TRAFFIC

**The A38 Trunk Road (Marley Head to Dartbridge, Devon)
(Temporary Restriction and Prohibition of Traffic) Order 2014**

Made - - - - 27th August 2014

Coming into force - - 30th August 2014

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 near Buckfastleigh in the District of South Hams in the County of Devon 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), hereby makes the following Order:-

1. This Order may be cited as the A38 Trunk Road (Marley Head to Dartbridge, Devon) (Temporary Restriction and Prohibition of Traffic) Order 2014 and shall come into force on 30th August 2014.

2. In this Order –

“the first length of the A38” means (i) the eastbound carriageway of the A38 from a point 2000 metres west of the centre of the Marley Head Junction to a point at the centre of the Dean Prior Overbridge; and (ii) the westbound carriageway of the A38 from a point 2000 metres east of the centre of the Dartbridge Junction to a point at the centre of the Marley Head Junction;

“the second length of the A38” means (i) the eastbound carriageway of the A38 from the tip of the nosing of the eastbound exit slip road at the Marley Head Junction to the tip of the nosing of the eastbound entry slip road at the Dartbridge Junction; and (ii) the westbound carriageway of the A38 from the tip of the nosing of the westbound exit slip road at the Dartbridge Junction to the tip of the nosing of the westbound entry slip road at the Marley Head Junction;

“the third length of the A38” means (i) the eastbound carriageway of the A38 from a point 400 metres east of the centre of the Marley Head Junction to a point 400 metres east of the centre of the Dry Bridge Junction; and (ii) the westbound carriageway of the A38 from a point 300 metres west of the centre of the Dean Prior Overbridge to a point 500 metres west of the centre of the Dry Bridge Junction;

“the slip roads” mean (i) the eastbound and westbound exit and entry slip roads at the A38 Dry Bridge Junction; (ii) the eastbound entry slip road at the A38 Marley Head Junction; (iii) the westbound entry slip road at the A38 Dartbridge Junction; (iv) the westbound entry and exit slip roads at the A38 Lower Dean Junction; and (v) the eastbound exit slip road at the A38 Lower Dean Junction;

(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;

“the local roads” mean (i) the side road junction with the A38 eastbound located 120 metres west of the centre of the Dean Prior Overbridge; (ii) the side road junction with the A38 eastbound located 200 metres east of the centre of the Dean Prior Overbridge; and (iii) the side road junction with the A38 westbound located 110 metres west of the centre of the Dean Prior Overbridge;

“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 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;

“overall width” has the meanings given in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(b);

“bicycle” means a pedal cycle with fewer than four wheels and not being a mechanically propelled vehicle;

“the works” mean the demolition of an existing bridge and the construction of a replacement bridge;

“the works period” means the period starting at 00.01 hours on Monday 1st September 2014 and ending when the said works have been completed;

“a first works period” means a period of 10 hours starting at 20.00 hours on Monday 1st September 2014 or on any subsequent day and ending when the said works have been completed;

“a second works period” means a period of 16 hours starting at 18.00 hours on Saturday 6th September 2014 or on any subsequent Saturday and ending when the said works have been completed;

“a third works period” means a period of 11 hours starting at 19.00 hours on Sunday 7th September 2014 or on any subsequent Sunday 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 9 and 12, no person shall, during the works period, drive any motor vehicle at a speed exceeding 40 miles per hour on the first length of the A38.

4. Subject as mentioned in articles 9, 10 and 11, no person shall, during a first works period, a second works period or a third works period, cause or permit any vehicle to enter or proceed in the second length of the A38 and the slip roads.

5. Subject as mentioned in articles 9, 10 and 11, no person shall, during a first works period, a second works period or a third works period, cause or permit any vehicle to enter the A38 at its junctions with the local roads.

6. Subject as mentioned in articles 9 and 10, no person shall, during the works period, cause or permit any vehicle to enter, proceed or remain in the laybys adjacent to:

- (a) the eastbound carriageway of the A38 situated 260 metres west of the centre of the Dean Prior Overbridge;
- (b) the eastbound carriageway of the A38 situated 400 metres west of the centre of the Dry Bridge Junction;

(a) S.I. 2002/3113; Part I
(b) S.I. 1986 / 1078, to which there are amendments not relevant to this Order;

- (c) the westbound carriageway of the A38 situated 520 metres east of the centre of the Dean Prior Overbridge;
- (d) the westbound carriageway of the A38 situated 570 metres west of the centre of the Dry Bridge junction.

7. Subject as mentioned in article 9, no person shall, during the works period, cause or permit any vehicle with an overall width exceeding 6 feet 6 inches to enter or proceed in any lane other than the left hand lane or nearside running lane of two or more lanes in a carriageway or length of carriageway comprised in the A38 which are open for use by traffic proceeding in the same direction.

8. Subject as mentioned in article 9, no person using a bicycle, shall enter or proceed in the second length of the A38 during the works period.

9. The provisions of articles 3, 4, 5, 6, 7 and 8 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.

10. The provisions of articles 4, 5 and 6 shall not apply to a vehicle being used for or in connection with the said works, for traffic officer purposes or for winter maintenance purposes.

11. The provisions of articles 4 and 5 shall not apply to a vehicle proceeding to and from premises that are accessible from and only from the A38.

12. 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

27th August 2014

Malcolm Roberts
A Team Leader
in the Highways Agency