## STATUTORY INSTRUMENTS

## 2013 No. 2163

## ROAD TRAFFIC

The A38 Trunk Road (Harcombe Cross, Near Chudleigh) (Temporary Restriction and Prohibition of Traffic) Order 2013

 Made
 21st August 2013

 Coming into force
 24th August 2013

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 Chudleigh in the District of Teignbridge 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 (Harcombe Cross, Near Chudleigh) (Temporary Restriction and Prohibition of Traffic) Order 2013 and shall come into force on 24th August 2013.

## 2. In this Order -

"the first length of the A38" means both carriageways of the A38 from a point at the centre of the Chudleigh Station Overbridge to a point at the centre of the Belvedere Cross Underbridge;

"the second length of the A38" means (i) the westbound carriageway of the A38 between its junction with the A380 at Haldon Hill to the tip of the nosing of the westbound entry slip road at the Chudleigh Station Junction; and (ii) the eastbound carriageway of the A38 between the tip of the nosing of the eastbound exit slip road at the A38 Chudleigh Station Junction and the tip of the nosing of the eastbound entry slip road at the A38 Harcombe Cross Junction;

"the third length of the A38" means both carriageways of the A38 from a point 400 metres east of the centre of the Harcombe Cross Underbridge to a point 400 metres west of the centre of that underbridge;

"the slip roads" mean (i) the westbound entry slip road at the A38 Belvedere Cross Junction; (ii) the westbound entry slip road at the A38 Harcombe Back Lane Junction; and (iii) the eastbound entry slip road at the A38 Chudleigh Station Junction;

"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(**b**); 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;

<sup>(</sup>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:

<sup>(</sup>**b**) S.I. 2002/3113; Part I

"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" and "overall height" have the meanings respectively given in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(a);

"eastbound carriageway" and "westbound carriageway" mean, respectively, the eastbound carriageway and the westbound carriageway of the third length of the A38;

"the works" mean the replacement of parapets, joints, waterproofing, surfacing and routine maintenance on Harcombe Cross Underbridge;

"the works period" means the period starting at 00.01 hours on Tuesday 27th August 2013 and ending when the said works have been completed;

"a works period" means a period of 10 hours starting at 20.00 hours on Tuesday 27th August 2013 or on any 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 8 and 10, 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 8 and 9, no person shall, during a 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 8 and 9, 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 250 metres west of the centre of the Milestone Lane Overbridge; and
  - (b) the westbound carriageway of the A38 situated 300 metres west of the centre of the Milestone Lane Overbridge.
- **6.** Subject as mentioned in articles 8 and 9, no person shall, during the works period, cause or permit any vehicle with:
  - (a) an overall width exceeding 2 metres to enter or proceed in any lane other than the left hand 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;
  - (b) an overall height exceeding 4.8 metres or an overall width exceeding 3.25 metres to enter or proceed in the second length of the A38.
- **7.** Subject as mentioned in articles 8 and 9, no person shall, during the works period, cause or permit any vehicle to enter or proceed in:
  - (a) the outside lane of the westbound carriageway in any direction other than eastwards;
  - (b) the outside lane of the eastbound carriageway in any direction other than westwards.
- **8.** The provisions of articles 3, 4, 5, 6 and 7 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.
- **9.** 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.

<b>10.</b> No speed limit imposed by this order applies Road Traffic Exemptions (Special Forces) (Varia used in accordance with regulation 3(5) of those Road Traffic Exemption 3(5) of those Road Traffic Exemptions (Special Forces) (Variance Exemption 3(5)) of those Road Traffic Exemptions (Special Forces) (Variance Exemption 3(5)) of those Road Traffic Exemptions (Special Forces) (Variance Exemption 3(5)) of those Road Traffic Exemptions (Special Forces) (Variance Exemption 3(5)) of those Road Traffic Exemptions (Special Forces) (Variance Exemption 3(5)) of those Road Traffic Exemptions (Special Forces) (Variance Exemption 3(5)) of those Road Traffic Exemption 3(5) of those Road Traffic Exem	tion and Amendment) Regulations 2011 wher
Signed by authority of the Secretary of State	
	Alexis Field
21st August 2013	A Service Delivery Team Leader in the Highways Agency