

2009 No. 2247

ROAD TRAFFIC

The M62 and M606 Motorways (Chain Bar Roundabout) (Car Share Lane) Regulations 2009

<i>Made</i>	- - - -	<i>19th August 2009</i>
<i>Laid before Parliament</i>		<i>24th August 2009</i>
<i>Coming into force</i>	- -	<i>15th September 2009</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 17(2) and 17(3) of the Road Traffic Regulation Act 1984(a).

In accordance with section 134(2) of that Act the Secretary of State has consulted with such representative organisations as he thought fit.

Citation and commencement

1. These Regulations may be cited as the M62 and M606 Motorways (Chain Bar Roundabout) (Car Share Lane) Regulations 2009 and shall come into force on 15th September 2009.

Interpretation

2.—(1) In these Regulations—

“the 1982 Regulations” means the Motorways Traffic (England and Wales) Regulations 1982(b);

“the 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002(c);

“the M62” means the special road known as the M62 Motorway;

“the M606” means the special road known as the M606 Motorway;

“car share lane” means the free-flow link road connecting the nearside lane of the M606 southbound carriageway with the nearside lane of the M62 eastbound carriageway and bypassing Chain Bar Roundabout, commencing at marker post 1/8 on the M606 southbound carriageway and ending at marker post 102/2 on the M62 eastbound carriageway, a total distance of 2750 metres;

“carriageway” has the same meaning as in the 1982 Regulations;

“emergency refuge area” means a part of the M62 or M606—

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- (a) 1984 c.27. Section 17(2) was amended by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, Part II, paragraph 28(3); and by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 25 and by Schedule 8. There are other amendments to sections 17 and 134 which are not relevant to these Regulations.
- (b) S.I. 1982/1163, amended by S.I. 1983/374, 1984/1479, 1992/1364 and 2004/3258.
- (c) S.I. 2002/3113. Amendments have been made to the Traffic Signs Regulations and General Directions 2002, but these amendments are not relevant to these Regulations.

- (a) which is adjacent to and situated on the left-hand or near side of the carriageway of the car share lane when facing in the direction in which, in accordance with regulation 6 of the 1982 Regulations, vehicles may be driven, and
 - (b) whose boundary with the carriageway of the car share lane is indicated by a marking of the type shown in diagram 1010 in Schedule 6 to the 2002 Regulations;
- “operating weight” has the meaning given to it by section 138(2) of the Road Traffic Regulation 1984;
- “goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted where the operating weight does not exceed 7.5 tonnes;
- “taxi” has the same meaning as in regulation 4 of the 2002 Regulations; and
- “traffic officer” has the same meaning as in the 1982 Regulations.

Restriction on use of car share lane

3. It is prohibited to drive or move in the car share lane—
- (a) a motor car, taxi or a goods vehicle, unless it is carrying at least one person in addition to the driver; or
 - (b) a heavy commercial vehicle^(a).

Exceptions to the prohibition on use of the car share lane

4. The prohibition in regulation 3 shall not apply—
- (a) to any person using the car share lane, where they do so in accordance with—
 - (i) any direction or permission given by a constable in uniform; or
 - (ii) any direction or permission given by a traffic officer in uniform; or
 - (iii) any indication given by a traffic sign;
 - (b) where it is necessary for a person to use the car share lane to avoid or prevent an accident;
 - (c) where it is necessary for a person to use the car share lane in order to stop on a hard shoulder or an emergency refuge area for any of the reasons set out in regulation 7(2)(a) to (d) of the 1982 Regulations;
 - (d) to any vehicle being used by—
 - (i) a police officer in uniform;
 - (ii) a traffic officer in uniform;
 - (iii) any member of an ambulance service; or
 - (iv) any employee of a fire and rescue authority;
 where such vehicle is being used in the exercise of their duties; or
 - (e) where it is necessary for a person to use the car share lane to carry out in an efficient manner—
 - (i) the maintenance, repair, cleaning, clearance, alteration or improvement of that section of the motorway;
 - (ii) the removal of any vehicle from that section of the motorway; or
 - (iii) the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under, or over any part of that section of the motorway.

(a) “Heavy commercial vehicle” is defined in section 138 of the Road Traffic Regulation Act 1984 (c.27).

Signed by authority of the Secretary of State for Transport

19th August 2009

Sadiq Khan
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations place a prohibition on the use of the free flow link road bypassing the Chain Bar Roundabout and connecting the M606 southbound exit slip road with the M62 eastbound entry slip road (the car share lane). Motor cars, taxis and goods vehicles all require at least two people in them including the driver, to use the car share lane. Heavy commercial vehicles are not permitted at all to use the car share lane. There is no prohibition on the use of the car share lane by motorcycles, buses and coaches.

There are exceptions to the prohibition where a restricted vehicle is directed to the car share lane by the police, traffic officers or traffic signs; where necessary to avoid an accident; where necessary to access an emergency refuge area and for vehicles used by traffic officers, the emergency services and for certain works on the motorway.

It is an offence to use a special road in contravention of regulations made under section 17(2) of the Road Traffic Regulation Act 1984.

A copy of the impact assessment prepared in respect of these Regulations can be obtained from Paul Thomas, Highways Agency, Lateral, 8 City Walk, Leeds LS11 9AT. A copy has been placed in the library of each House of Parliament and is also annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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£4.00