

2010 No.1506

ROAD TRAFFIC

**The M40 Motorway and the A34 Trunk Road (Junction 9)
(Temporary Restriction and Prohibition of Traffic) Order 2010**

Made - - - - *24th May 2010*
Coming into force - - *29th May 2010*

WHEREAS the Secretary of State for Transport, being the traffic authority for the M40 Motorway, the A34 Trunk Road and connecting roads, is satisfied that traffic should be restricted and prohibited on lengths of that trunk road and on some of those connecting roads 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, and paragraph 27(1) of Schedule 9 to, the Road Traffic Regulation Act 1984(a), hereby makes the following Order:-

1. This Order may be cited as the M40 Motorway and the A34 Trunk Road (Junction 9) (Temporary Restriction and Prohibition of Traffic) Order 2010 and shall come into force on 29th May 2010.

2. In this Order:

“the M40” and “the A34” mean, respectively, the M40 Motorway and the A34 Trunk Road in the County of Oxfordshire;

“the first length of carriageway” means the northbound carriageway of the A34 from a point 28 metres north of the overbridge at Weston-on-the-Green Interchange (B430) to the roundabout at its junction with the M40 at Junction 9;

“the second length of carriageway” means the southbound carriageway of the A34 between the roundabout at its junction with the M40 at Junction 9 and a point 28 metres north of the overbridge at Weston-on-the-Green Interchange (B430);

“the third length of carriageway” means the southbound carriageway of the A34 between the roundabout at its junction with the M40 at Junction 9 and a point 530 metres south of that roundabout;

“the fourth length of carriageway” means the southbound carriageway of the A34 between the roundabout at its junction with the M40 at Junction 9 and a point 800 metres south of that roundabout;

“the roundabout” means the roundabout on the A34 at its junction with the M40 at Junction 9;

(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; and paragraph 27(1) of Schedule 9 was amended by section 1(4) of that Act.

“lay-by” 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);

“an A34 lay-by” means –

- (i) the lay-by in the northbound carriageway of the A34 155 metres north of the B430 overbridge at Weston-on-the-Green Interchange (between marker posts 96/6 and 96/9), or
- (ii) the lay-by in the northbound carriageway of the A34 1050 metres north of the B430 overbridge at Weston-on-the-Green Interchange (between marker posts 97/5 and 97/8);

“a first slip road” means -

- (i) the road leading from the southbound carriageway of the M40 to the roundabout at Junction 9 (A34/A41), or
- (ii) the road leading from the northbound carriageway of the M40 to the roundabout at Junction 9 (A34/A41);

“the second slip road” means the road leading from the roundabout to the southbound carriageway of the M40 at Junction 9 (A34/A41);

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

“abnormal load” means a vehicle having an overall width exceeding 4.6 metres;

“works” mean junction improvement and associated work on the A34 and the M40;

“a first works period” means a period of 7 hours starting at 2200 hours on Tuesday 1st June 2010 or on any subsequent day until 28th November 2011; and

“a second works period” means a period of 24 hours starting at 0001 hours on Tuesday 1st June 2010 or on any subsequent day until 28th November 2011.

3. Subject as mentioned in articles 5 and 6 below, no person shall, during –

- (a) a second works period, cause or permit -
 - (i) any vehicle to enter or proceed in, or wait on, an A34 lay-by, or
 - (ii) an abnormal load to enter or proceed in the fourth length of carriageway; or
- (b) a first works period, cause or permit any vehicle to enter or proceed in a first slip road or the second slip road.

4. Subject as mentioned in articles 5 and 6 below, no person shall, during –

- (a) a first works period, drive any motor vehicle at a speed exceeding 10 miles per hour on the roundabout or the third length of carriageway while traffic signs of a character authorised under section 64 of the Road Traffic Regulation Act 1984 indicating “convoy working” on those lengths of road are displayed;
- (b) a second works period, drive any motor vehicle at a speed exceeding 40 miles per hour on the roundabout or the second length of carriageway while the traffic signs specified in paragraph (a) of this article in relation to those lengths of road are not displayed; or
- (c) a second works period, drive any motor vehicle at a speed exceeding 40 miles per hour on the first length of carriageway or a first slip road.

(a) S.I. 2002/3113.

(b) S.I. 1986/1078; to which there are amendments not relevant to this Order.

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

6.—(1) Nothing in article 3 above shall apply to -

- (a) a vehicle being used in connection with the said works;
- (b) a vehicle being used for police, ambulance, fire and rescue authority or traffic officer purposes;
- (c) anything done at the direction of, or with the permission of, a constable or a traffic officer in uniform; or
- (d) any vehicle being used for winter maintenance purposes.

(2) Nothing in article 4 above shall apply to a vehicle being used for police, ambulance or fire and rescue authority purposes.

7. The M40 Motorway and the A34 Trunk Road (Junction 9) (Temporary Restriction and Prohibition of Traffic) Order 2009^(a) is hereby revoked.

Signed by authority of the Secretary of State for Transport

24th May 2010

G BERRESFORD
An Area Construction Manager
in the Highways Agency

^(a) S.I. 2009/1071.