

The Borough Council of Sandwell
(A457 Birmingham Road (Rood End Road to Spon Lane South Red Route
Parking))
(Experimental) Order 2017

The Borough Council of Sandwell ("the council") in exercise of its powers under Sections 1 2,9 and 10 of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of all other enabling powers and after consulting the Chief of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

Commencement and citation

1. (1) This Order may be cited as "The Borough Council of Sandwell (A457 Birmingham Road (Rood End Road to Spon Lane South Red Route Parking)) (The (Experimental) Order 2017", and shall come into force on 16th April 2017, and will remain in force for a maximum period of 18 months.

Interpretation

2. (1) In this Order-
- (a) a reference to an article followed by a number is a reference to the article of this Order so numbered;
 - (b) "authorised person" means an employee or agent of the council authorised to exercise all or any of the functions of the council under this Order;
 - (c) "bus" has the same meaning as in regulation 22 of the Traffic Signs Regulations and General Directions 2016;
 - (d) "carriageway" has the same meaning as in section 329 (1) of the Highways Act 1980;
 - (e) "cause" includes permit, and causing shall be construed accordingly;
 - (f) Civil Enforcement Officer shall have the meaning assigned by section 76 of the Traffic Management Act 2004;
 - (g) "disabled person's badge" and "parking disc" have the same meaning as in regulation 3 (1) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000, and "relevant position" has the same meaning as in regulation 4 of those regulations;
 - (h) "licensed taxi" has the same meaning as in Section 37 Town Police Clauses Act 1847;
 - (i) "pedal cycle" and "local service" and "taxi rank" have the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;
 - (j) "Penalty Charge Notice" means a notice issued by a Civil Enforcement Officer pursuant to the provisions of Part 6 of the Traffic Management Act 2004;
 - (k) "the red route" means the areas of roads enclosed within the marking on the plan in this Order;
 - (l) "red route bus stop clearway" means a part of the red route indicated by a continuous red line 300mm wide at the edge of carriageway;
 - (m) "red route bus stop" means a part of the red route bounded by the broken yellow lines comprised in the road marking in diagram 1025.1, 1025.3 or 1025.4 in Schedule 7 to the Traffic Signs Regulations and General Directions 2016 on which the words "bus stop" are marked;
 - (n) "red route bus stand" means a part of the red route bounded by the broken yellow lines comprised in the road marking in diagram 1025.1, 1025.3 or 1025.4 in Schedule 7 to the Traffic Signs Regulations and General Directions 2016 on which the words "bus stand" are marked;
 - (o) "the plan" means plan number 95058/TRO/104 Revision F;
 - (p) "the Plan Index" means the (sealed) sheet with that title in this Order, that records plans that are current for the purposes of interpretation of this Order;
 - (q) "shading Type 1", "shading Type 2", "shading Type 3", "shading Type 4", "shading Type 5", "shading Type 6" and "shading Type 7" mean the types of shading so described on the Plan in this Order;
 - (r) "vehicle" includes any part of a vehicle.

- (2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

General prohibition of stopping

3. Subject to the provisions of articles 4, 5, 6, 7, 8, 9 and 10 no person shall cause any vehicle to stop in the red route during the restricted hours.

Additional prohibition of stopping

4. (1) Subject to the provisions of articles 5, 6, 7, 8, 9 and 10, no person shall cause any vehicle to stop at any time in any part of the red route shown by shading Type 1 on the plan in this order.
- (2) Subject to the provisions of articles 9 and 10(1), (3), (4) and (5) no person shall cause any vehicle to stop at any time in a red route bus clearway shown by shading Type 2 on the plan in this order.

Exemptions for parking

5. The controls specified in articles 3 and 4(1) do not apply in respect of a person causing a vehicle to be parked in the marked bays on a part of the red route shown by shading Type 3 on the plan in this Order, during the specified hours for parking, for a period not exceeding the maximum period of parking, provided that not less than the no return interval has elapsed since the vehicle was last parked on any part of the same area of the red route.

Miscellaneous exemptions for parking

6. (1) Buses: The controls specified in articles 3 and 4(1) do not apply in respect of a person causing a bus to be parked at the edge of the carriageway on a part of the red route shown by shading Type 4 and identified as bus parking on the plan in this Order, during the specified hours for parking, for a period not exceeding the maximum period of parking, provided that not less than the no return interval has elapsed since the vehicle was last parked on any part of the same area of the red route.
- (2) Doctors' vehicles: The controls specified in articles 3 and 4(1) do not apply in respect of a person causing a vehicle to be parked at the edge of the carriageway on a part of the red route shown by shading Type 4 and identified as doctor parking on the plan in this Order, during the specified hours for parking, provided that-
- (a) there is displayed in the windscreen of the vehicle a permit issued by The Borough Council of Sandwell to a medical practitioner and which specifies-
- (i) the name of the medical practitioner to whom it was issued, and
- (ii) the premises in relation to which it applies; and
- (b) the vehicle was parked by, or with the permission of, the medical practitioner whose name is specified on the permit and for so long only as the person who parked the vehicle is engaged in work at the premises specified on the permit.
- (3) Solo motor bicycles: The controls specified in articles 3 and 4(1) do not apply in respect of a person causing a motor bicycle without a side-car to be parked at the edge of the carriageway on a part of the red route shown by shading Type 4 and identified as motor cycle parking on the plan in this Order, during the specified hours for parking.
- (4) Licensed Taxis: The controls specified in articles 3 and 4(1) do not apply in respect of a person causing a licensed taxi to be parked at the edge of the carriageway on a part of the red route shown by shading Type 4 and identified as a Taxi Rank on the plans in this Order, during the specified hours for parking.

Exemptions for loading and unloading

7. The controls specified in articles 3 and 4(1) do not apply in respect of a person causing a vehicle which is being loaded or unloaded to stop in the allocated bays on a part of the red route shown by shading Type 6 or Type 7 on the plan in this Order, during the specified hours for loading, for as long as is needed to load or unload the vehicle or 20 minutes, whichever is the less, provided that not less than 20 minutes has elapsed since the vehicle was last parked on any part of the same area of the red route.

Exemptions for disabled persons

8. (1) The controls specified in articles 3 and 4(1) do not apply in respect of a person causing a vehicle displaying a disabled person's badge in the relevant position to park in the allocated bays on a part of the red route shown by shading Type 3 on the plan in this Order, during the specified hours for parking.
- (2) The controls specified in articles 3 and 4(1) do not apply in respect of a person causing a vehicle displaying a disabled person's badge in the relevant position to park at the edge of the carriageway on a part of the red route shown by shading Type 5 on the plan in this Order, during the specified hours for parking.
- (3) The controls specified in articles 3 and 4(1) do not apply in respect of a person causing a vehicle displaying a disabled person's badge in the relevant position, and a parking disc on which is shown the time at which the period of parking began, to park at the edge of the carriageway on a part of the red route shown by shading Type 7 on the plan in this Order, during the specified hours for loading, for a period of up to 3 hours not being a period separated by an interval of less than 1 hour from a previous period when that vehicle was parked in any part of the same area of the red route.

Exemptions at bus stops and stands

9. (1) The controls specified in article 4(2) do not apply in respect of a person causing:
- (a) a bus to stop within a red route bus stop for as long as may be required to enable passengers to board or alight; or
 - (b) a bus in the provision of a local service to stop within a red route bus stop or bus stand if being used for operational reasons or training drivers to allow such a service to be provided.
- (2) In this article "operational reasons" means:
- (i) to enable passengers to board and alight;
 - (ii) to enable crew changes to take place;
 - (iii) to maintain the scheduled timetable subject, in the case of a red route bus stop, to a maximum wait of two minutes.

Other general exemptions

- 10.(1) The controls specified in articles 3, and 4 do not apply in respect of a person causing a vehicle to stop if that person is-
- (a) required by law to cause the vehicle to stop or not to proceed;
 - (b) obliged to stop the vehicle so as to avoid an accident;
 - (c) prevented from proceeding in the vehicle by circumstances beyond the person's control;
 - (d) getting or giving help in consequence of an accident or an emergency, or otherwise taking action for public safety;
 - (e) opening or closing a gate or other barrier at the entrance to premises to which the vehicle is being driven or from which it has emerged if it is not reasonably practicable to cause the vehicle to stop elsewhere for the purpose;
 - (f) using the vehicle for fire brigade, ambulance or police purposes;
 - (g) using the vehicle in connection with the removal of any obstruction to traffic;
 - (h) using the vehicle in connection with the maintenance, improvement or reconstruction of any part of the red route;
 - (i) Goods to be loaded or unloaded from a vehicle.

- (2) The controls specified in articles 3 and 4(1) do not apply in respect of a person causing a vehicle to stop if that person is-
 - (a) using a licensed taxi to stop for so long only as may be required to enable passengers to get on or off the vehicle;
 - (b) using a vehicle displaying a disabled person's badge in the relevant position to stop for so long only as may be required to enable a disabled person to get on or off the vehicle;
 - (c) using the vehicle for the purpose of collecting refuse by or on behalf of a local authority.
- (3) The controls specified in articles 3 and 4 do not apply in respect of a vehicle which bears the livery of a universal service provider which is waiting at the edge of a carriageway for as long as may be necessary for the purposes of the provision of a universal postal service (as defined in the Postal Services Act 2000).
- (4) The controls specified in articles 3 and 4 do not apply to anything done with the permission of an authorised person or with the permission or at the direction of a police constable in uniform or a Civil Enforcement Officer.
- (5) The controls specified in articles 3 and 4 do not apply in respect of a person causing a pedal cycle to be parked at a facility specifically provided for the purpose of pedal cycle parking by, or with the consent of, the highway authority.

Traffic Signs and Revocation of existing orders

- 11. Any provision of this order shown on the plans shall take effect from the time at which traffic signs indicating that provision have been established.

Modification of existing Order

- 12. All the Traffic Regulation Orders imposing stopping, waiting and loading restrictions and on street parking made prior to this experimental Order and which relates to the length of the road specified in schedule 1 to this order are to remain in existence but shall not be operational whilst this experimental order operates.

Contravention of Order

- 13. (1) If a vehicle is left in the lengths and sides of the Road specified in the Schedule to this Order in contravention of or without complying with the requirement of this Order a contravention shall have occurred and a Penalty Charge shall be payable .
- (2) In the case of a vehicle in respect of which a penalty charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to issue the Penalty Charge Notice.

SCHEDULE 1

Road	Prohibition	Length of Road
A457 Birmingham Road	At Any Times subject to the provisions of articles 5, 6, 7, 8, 9 and 10	From the junction of Rood End Road to the junction with Spon Lane South



The Borough Council of Sandwell
(A457 Birmingham Road (Rood End Road to Spon Lane South Red Route Parking))
(Experimental) Order 2017

Traffic Order Plan Index

Plan Number
95058/TRO/104 Revision F

THE COMMON SEAL OF
THE BOROUGH COUNCIL OF SANDWELL
was hereunto affixed this
11th April 2017
in the presence of :-



S. W. J.

LEGAL MANAGER
(Authorised Signatory)

Stewart Wright

~~M Price~~ - Service Manager – Legal

Legal Services

Sandwell Council House

Oldbury

West Midlands

Mayer