

# **SANDWELL METROPOLITAN BOROUGH COUNCIL**

## **The A41 (Metropolitan Borough of Sandwell) Red Route (Clearway) Traffic Order 2005**

Sandwell Metropolitan Borough Council in exercise of its powers conferred by Sections 1 and 2 of the Road Traffic Regulation Act 1984 and of all other enabling powers, hereby makes the following Order:-

### **Commencement and citation**

1. This Order may be cited as The A41 (Metropolitan Borough of Sandwell) Red Route (Clearway) Traffic Order 2005, and shall come into force on 5<sup>th</sup> September 2005.

### **Interpretation**

2. (1) In this Order-
  - (a) "carriageway" has the same meaning as in section 329(1) of the Highways Act 1980(c);
  - (b) "cause" includes permit, and causing shall be construed accordingly;
  - (c) "the red route clearway" means the lengths of road specified in column (2) of the tables in Schedule 1;
  - (d) "vehicle" includes any part of a vehicle;
  - (e) "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";
- (2) The Interpretation Act 1978 applies to this order as if it were an enactment to which that Act applies.

### **General prohibition of stopping**

3. Subject to the provisions of Clause 4 of this Order, no person shall cause any vehicle to stop at any time in the red route clearway described in Schedule 1 below.

### **Exemptions**

4. (1) The controls specified in clause 3 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 length of road specified in the tables in schedule 1;
- (2) The controls specified in clause 3 above do not apply in respect of a person causing a vehicle to stop if that person is-
- (a) using the vehicle under a licence under section 37 of the Town Police Clauses Act 1847 to stop for so long only as may be required to enable a passenger 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 clause 3 above 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 clause 3 above 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 traffic warden.
- (5) The controls specified in clause 3 above 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.

### **Power to modify or suspend this Order**

5. In pursuance of section 10(2) of the Road Traffic Regulation Act 1984, a person authorised by Sandwell Metropolitan Borough Council may, if it appears to that person essential in the interests of the expeditious, convenient and safe movement of traffic, or of the provision of suitable and adequate parking facilities on the highway, or for the preserving or improving the amenities of the area through which any road affected by this Order runs, and after consulting with the Chief Officer of Police, modify or suspend any provision of this order, save that no modification shall make an addition.

## Suspension of existing orders

6. The Order specified in Schedule 2 to this Order are hereby revoked.

### SCHEDULE 1

Lengths of road forming the red route clearway

Table – Part 1 Red Route Clearway Main Roads

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Length of Road</i>
1.	A41, Black Country New Road, both sides from a point 27metres southeast of the common boundary line of no.s 1 Woden Road West and 2 Dangerfield Lane to a point 50 metres west of its junction with Patent Shaft Roundabout.
2.	A41, Black Country New Road, on both sides from a point 50 metres south of its junction with Patent Shaft Roundabout to a point 50 metres northwest of its junction with Steel Roundabout.
3.	A41, Black Country New Road, on both sides from a point 50 metres south of its junction with Parkway Roundabout to a point 50 metres northwest of its junction with Navigation Roundabout.
4.	A41, Black Country New Road, on both sides from a point 50 metres east of its junction with Navigation Roundabout to a point 50 metres northwest of its northwest most junction with Swan Roundabout.
5.	A41, Black Country New Road, on both sides from a point 50 metres southeast of its southeast most junction with Swan Roundabout to a point 50 metres west of its junction with Albion Roundabout.
6.	A41, The Expressway, on both sides from a point 50 metres east of its junction with Albion Roundabout to a point 50 metres west of its west most junction with All Saints Way Roundabout.
7.	A41, The Expressway, on both sides from a point 50 metres east of its east most junction with All Saints Way Roundabout to a point 50 metres northwest of its northwest most junction with the M5 Junction 1 Roundabout.

Table – Part 2 Red Route Clearway Side Roads

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Length of Road</i>
8.	Ocean Drive, on both sides from its junction with Black Country New Road (A41) to a point 15 metres east of the east kerbline of Black Country New Road.
9.	Power Way, on both sides from its junction with Black Country New Road (A41) to a point 15 metres northeast of the northeast kerbline of Black Country New Road.
10.	Goldshill Way, on both sides from its junction with Black Country New Road (A41) to a point 15 metres northeast of the northeast kerbline of Black Country New Road.

(1) Item	(2) Length of Road
11.	Richmond Street, on both sides from its junction with Black Country New Road (A41) to a point 15 metres north of the north kerbline of Black Country New Road.
12.	Bilhay Lane, on both sides from its junction with Black Country New Road (A41) to a point 10 metres north of the north kerbline of Black Country New Road.
13.	Cyngus Way, on both sides from its junction with Black Country New Road (A41) to a point 15 metres south of the south kerbline of Black Country New Road.
14.	Development Site Access Road between Great Western Way and Leabrook Road, on both sides from its junction with Black Country New Road (A41) to a point 15 metres west of the west kerbline of Black Country New Road.
15.	Pacific Avenue, on both sides from its junction with Black Country New Road (A41) to a point 15metres northwest of the northwest kerbline of Black Country New Road.

## SCHEDULE 2

Table

(1) Ref. No.	(2) Name of Order
1.	The County Borough of West Bromwich (The Expressway) (Urban Clearway) Order 1972
2.	The County Borough of West Bromwich (The Expressway) (Urban Clearway) Order 1973
3.	The Sandwell Borough Council (Black Country Spine Road) (Great Bridge to Wednesbury) (Clearway) Order 1994
4.	The Sandwell Borough Council (Black Country Spine Road) (Dudley Street to Holyhead Road) (Clearway) Order 1995
5.	The Sandwell Borough Council (Black Country Spine Road) (Great Bridge to Wednesbury) (Clearway) Order 1995

THE COMMON SEAL of )  
 THE BOROUGH COUNCIL OF SANDWELL )  
 was hereunto affixed )  
 this 30<sup>th</sup> day of August 2005 )  
 in the presence of :- )



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*N. Sherman* 4  
 CHIEF SOLICITOR

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