

Ian Walmsley
Engineering Development Manager
Porterbrook
Burdett House
Becket Street
Derby DE1 1JP

John Bengough
Rail Safety (Advice) & Rail Vehicle
Accessibility Manager
Rail Standards & Safety
Department for Transport
4/34 Great Minster House
76 Marsham Street
London SW1P 4DR

Direct Line: 020 7944 5035
Mobile: 07850 205 327
E-mail: john.bengough@dft.gsi.gov.uk

Web Site: www.dft.gov.uk

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Dear Ian,

The accessibility of Class 159 vehicles by 2020

We have engaged previously on outlining the Department's proposals for targeting the rail industry's efforts at those features of rail vehicles that have the greatest negative impact on the ability of disabled passengers to use certain vehicles, particularly with a view to their operation past 31 December 2019. I have since written, explaining what would be expected on those vehicles owned by Porterbrook that were previously subject to the Rail Vehicle Accessibility Regulations 1998.

On 9 April 2008, you and I assessed a Class 159 unit during a visit to Waterloo station, with Paul Bentley from South West Trains of our Rail Vehicle Accessibility Team, against the RVAR and the Technical Specification for Interoperability - Persons with Reduced Mobility. Using this as a basis, I have set out in the attached checklist the Department's view on which areas of these pre-RVAR vehicles would need to be made more accessible in order for us to allow the use of the units beyond the 1 January 2020 End Date by which time all rail vehicles in public service in Great Britain must be accessible to disabled people.

Based on the Government's stated intention of an accessible rail fleet (by at least 1 January 2020) and our understanding of some of the engineering challenges on this fleet, the attached checklist shows:

- The areas on the vehicles which are already compliant with either RVAR or the PRM TSI (labelled with green);
- In yellow, those non-compliant areas of the unit which are not expected to be corrected (unless a novel solution arises) as either:
 - they deliver only marginal improvements in accessibility eg. lowering one of three external door control buttons by 115mm; or
 - compliance would involve significant re-engineering of the vehicle eg. closing the step riser is not possible without reworking the entire door mechanism; or
 - a marginal improvement in one area could adversely affect accessibility in another eg. requiring handrails in the doorways to achieve the compliant width would reduce the already narrow door throughway.

- Areas where the vehicles already partially comply but where further compliance is expected (shown as blue with red checks): eg.
 - audible warnings are given when the doors close but not when they become operable by passengers.
- Finally, those areas (shown in red) where improvements to accessibility will need to be achieved in order for these vehicles to operate beyond the End Date.

As this checklist is also for the use of TOCs and bidders for future franchises, the checklist shows overall what is expected to be delivered on a unit in service.

There are six principal areas where further accessibility is expected.

Doorways

Although the external doorways have audible warnings when the doors close, no audible warning is given when the door becomes operable by passengers – this is needed.

Priority seats

Whilst some seats had signage indicating that they were for the priority use of disabled passengers, these seats did not meet all the clearance requirements required. This must be remedied.

Accessible toilet

Whilst some effort has been made to make the larger toilet more accessible, the repositioning of the large rubbish bin has been counter-productive and *reduced* the available width for wheelchair users as the toilet bowl has not been moved (unlike on similar modifications on Class 158s). The cubicle remains non-compliant with current access requirements.

You are aware that DeltaRail is developing a possible solution for the particularly tight size restraints on Class 158 and 159s. Based on a recent assessment of their concept mock-up, we and members of the Disabled Persons Transport Advisory Committee believe that DeltaRail's solution provides the accessibility required by RVAR and the PRM TSI.

Wheelchair spaces

A second wheelchair space needs to be provided. During our assessment, we discussed the possibility of placing a second space opposite the current one, where a luggage rack is now (and, regrettable, electrical boxes for the PIS). Naturally, you will wish to consider how to provide luggage space elsewhere. As we recognise that space is at a premium, we would be willing to consider the flexible use of this additional space (only) as storage for pushchairs and bikes – provided it is not needed by a wheelchair user. Appropriate signage would be needed to ensure that passengers know that wheelchair users have priority for that space. For clarity, we would not be prepared to consider similar flexibility for the existing space

Call-for-aids

Call-for-aid devices must be installed in both wheelchair spaces. It is regrettable that this was not provided for when the PIS was fitted.

Internal doorway

The narrow (735mm) saloon end doorway presents a considerable challenge to wheelchair users trying to access the wheelchair space(s) and could easily impact on

dwell times. This doorway could be widened by up to 100mm, whilst still leaving at least 700mm of bulkhead on either side to provide support to wheelchairs.

I hope this is helpful to you, and would be happy to consider the solutions you propose. We would also welcome a breakdown of indicative costs and your views on the best time(s) to undertake the work.

This position has been agreed with colleagues elsewhere in DfT National Networks and DPTAC. It should not be used as a precedent on other vehicles, unless the surrounding conditions are exactly the same as this fleet. Equally, you understand that the Department's policy of targeted compliance relates only to existing vehicles, and provides no grounds for building new vehicles with similar non-compliances in the future.

In due course, Porterbrook will be able to ask the Department for a formal determination under regulation 5(8) of the Railways (Interoperability) Regulations 2006 (RIR) of which non-compliances need not be rectified (our response would mirror the compliance checklist attached to this letter). This would then allow this fleet, if so desired, to operate past the 1 January 2020 date for rail vehicles to be accessible, by virtue of new RIR regulation 4B(d)(iii). This last was inserted by the Rail Vehicle Accessibility (Interoperable Rail System) Regulations 2008.

I am copying this to Brian Freemantle and Peter Randall here and to DPTAC. I am also copying to the Office of Rail Regulation, as the body responsible for enforcing the End Date on heavy rail.

Yours sincerely,

John Bengough
Rail Safety (Advice) & Rail Vehicle Accessibility Manager