



Department
for Transport

Annual Report Rail Vehicle Accessibility Regulations Exemption Orders

1 January 2017 – 31 December 2017

**Annual Report
Rail Vehicle Accessibility Regulations
Exemption Orders**

1 January 2017 – 31 December 2017

Presented to Parliament pursuant to
section 185 of the Equality Act 2010

October 2018



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1. Introduction

1.1 This report has been laid before both Houses of Parliament by the Secretary of State for Transport in fulfilment of obligations under section 185 of the Equality Act 2010 (“EA 2010”).

1.2 This report contains information about the exercise of the Secretary of State's powers to exempt rail vehicles from the requirements of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (“RVAR”)¹ and the consultations that informed his decisions.

1.3 It also notes the progress in making rail vehicles in Great Britain more accessible and it contains information about dispensations granted under the Railways (Interoperability) Regulations 2011² (“RIR 2011”) against the European accessibility standard known as the Persons of Reduced Mobility Technical Specification for Interoperability (“PRM-TSI”).

1.4 The report covers the period **1st January to 31st December 2017** and has been published on the Department for Transport's website at <https://www.gov.uk/government/organisations/department-for-transport/series/rail-vehicle-accessibility-regulations-rvar-exemption-orders>

2. Summary and statistics

2.1 This section outlines the headline figures for 2017, including the number of Exemption Orders brought into force, applications received and the number of exemptions which expired during the year.

- Applications carried forward from 2016: **2**
- Applications received: **4** (see **Section 4**)
- Applications withdrawn: **0** (see **Section 4**)
- Applications rejected by Ministers: **0**
- Applications accepted by Ministers: **1**
- Orders brought into force: **1** (see **Section 4**)
- Applications carried forward into 2018: **5** (see **Section 4**)
- Exemption Orders expiring: **1** (see **Section 6**)

¹ S.I. 2010/432.

² S.I. 2011/3066.

3. Background

3.1 Section 182 of the EA 2010 empowers the Secretary of State to make rail vehicle accessibility regulations to enable disabled people, including wheelchair users, to travel in safety and reasonable comfort in those vehicles to which the regulations apply. The original regulations were made in 1998 (under the Disability Discrimination Act (“DDA”) 1995) and were amended in 2000 and 2008 before RVAR was made in its current form in 2010.

3.2 Originally RVAR applied both to heavy and light rail vehicles but, in 2008, the former became subject to new European accessibility standards (the PRM TSI) instead. In order to avoid dual regulation of those vehicles under both domestic and European requirements, it became necessary to reduce the scope of RVAR to make it applicable only to light rail vehicles (metro, underground and tramways including prescribed guided transport systems) whilst heavy rail was dealt with in RIR 2011.

3.3 Furthermore, the EA 2010 required that regulations made by the Secretary of State under s182 of the Act must ensure that all passenger rail vehicles would meet accessibility standards by no later than 1st January 2020 (“the 2020 end date”). RVAR includes provisions to meet this requirement. RIR 2011 also includes the same deadline for compliance with the PRM TSI.

Progress

New Vehicles

3.4 RVAR originally imposed accessibility requirements only in relation to vehicles first brought into service after 31 December 1998 and the PRM-TSI requirements have applied to new heavy vehicles built since 2008. By December 2017, over 9,450 new rail vehicles had been built to the standards set by RVAR or PRM TSI and are now in service. This represents approximately 52% per cent of all rail vehicles in public transport use in Great Britain.

3.5 More specifically, the number of new rail vehicles comprises of almost 7,357 heavy rail vehicles (just over 56 per cent of the national heavy rail fleet) and almost 2,110 non-heavy rail vehicles (just under 43 per cent of that fleet).

Existing Vehicles

3.6 In addition, all older rail vehicles undergoing relevant refurbishment have received accessibility improvements. This is required in respect of metros and light rail by RVAR, and in respect of heavy rail by RIR 2011 which mandate the European accessibility standard (PRM TSI).

3.7 The Department for Transport, in conjunction with the Disabled Persons Transport Advisory Committee³ ("DPTAC"), has been working with the rail industry to ensure that older rail vehicles comply with the required standards by the 2020 end date.

3.8 To December 2017, 3,643 older vehicles in use on both heavy and light rail networks had undergone upgrade work. When combined with the number of vehicles built to the standards, over 13,000 accessible rail vehicles are in service (up from 12,300 in 2016). This means 72 per cent of all passenger rail vehicles in Great Britain have been built, or fully refurbished, to modern accessibility standards.

Exemptions

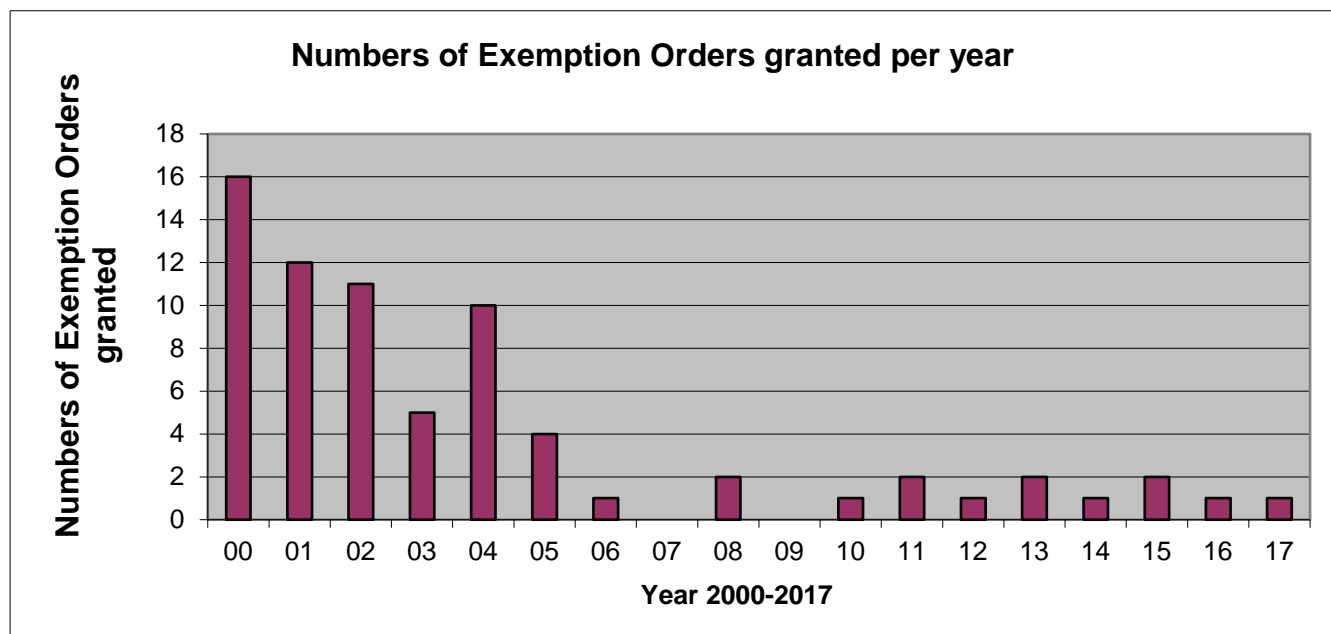
3.9 Section 183 of the EA 2010 enables the Secretary of State, on receipt of an application for exemptions from particular requirements of RVAR, to make an order (an "Exemption Order") authorising specified regulated rail vehicles to be used in passenger service even though they do not conform to some or all of the requirements of RVAR. Such Exemption Orders may contain conditions and may apply exemptions for a set time period.

3.10 A number of exemptions were granted to heavy rail vehicles which were previously regulated under RVAR. For some heavy rail vehicles refurbishment work may not be required, where minor non-compliances exist stemming from differences in domestic and European standards that do not materially affect accessibility but which may nevertheless cost a significant amount to rectify. Dispensations for those were granted in 2012.⁴

³ DPTAC is the Government's statutory advisor on the public passenger transport needs of disabled people.

⁴ <https://www.gov.uk/government/publications/heavy-rail-fleet-post-1998-fleets>

3.11 The DfT routinely publishes details of exemption applications on its website at <https://www.gov.uk/government/publications/list-of-rvar-exemption-orders>. By the end of 2017, 81 Exemption Orders had been made (including amendments but not corrections).



Reducing Regulatory Burdens

3.12 In 2014, the Department consulted on a proposal to make RVAR Exemption Orders administratively, rather than by statutory instrument. This consultation took place as part of a wider government initiative to reduce unnecessary regulatory burdens under the Deregulation Bill. Responses to that consultation were overwhelmingly positive.

3.13 The Deregulation Act 2015⁵ was made in March 2015 and provisions set out in Part 7 of Schedule 10 to that Act remove the requirement for the Secretary of State to make an Exemption Order under RVAR by statutory instrument. The result of this is that since 1 October 2015 all such Exemption Orders are made using an administrative process. Applicants are required to submit appropriate evidence in support of the exemptions that they are seeking and the Secretary of State requests the views of DPTAC, ORR and other

⁵ <http://www.legislation.gov.uk/ukpga/2015/20/contents/enacted>

representative bodies before granting an exemption. The Secretary of State can impose conditions and time limits as appropriate, and is required to lay before Parliament details of all exemptions granted in an Annual Report.

4 Exemption applications considered during 2017

London Underground Limited (LUL) – Victoria Line 09TS, Metropolitan Line S8 stock and District, Circle and Hammersmith and City S7 stock audio visual door closure warnings (carried forward from 2015/16)

4.1 This application was originally submitted in 2015 and was then substantially revised. The original application was withdrawn in 2016.

4.2 The standard which LUL has sought exemptions from is the requirement that the door visual indicator extinguishes, and the door chimes operate, for 3 seconds before the door automatically closes. Exemptions granted in 2013 for the Victoria line (09TS)¹ and in 2010 for the Metropolitan line (S8 stock)² for a non-compliant period of operation for door closure indicator lights and warning chimes expired on 31 May 2015. These exemptions were granted to cover the period of time during which new rolling stock was introduced on both lines and, without an exemption, two different door closure sequences would have operated on different rolling stock used on the same line. On the older stock which operated on these lines, the closure warnings are activated for a period of not less than 1.75 seconds before closure and the new trains were modified to match this sequence. This was done to provide a consistent experience for passengers and to not introduce any new risks to passengers associated with a change in door closure warnings.

4.3 Following the expiry of both exemptions in May 2015, LUL applied for a permanent exemption for trains operating on the Victoria Line (09TS), Metropolitan Line (S8 stock) and also District, Circle and Hammersmith and City (S7 stock). In assessment of the evidence provided in support of this exemption application, officials were not content that adequate testing had been carried out to demonstrate the impact on accessibility of retaining a shorter door closure warning period. Furthermore the exemption application had only addressed the impact on platform dwell times.

4.4 Following an extended period of discussion on the exemption

¹ <http://www.legislation.gov.uk/uksi/2013/3318/contents/made>

² <http://www.legislation.gov.uk/uksi/2010/435/contents/made>

request, in 2016 LUL withdrew the application for permanent exemption and submitted a request for an exemption to cover an 18 month period of testing of compliant door closure warnings using the Victoria line trains.

4.5 Testing will measure the impact of the extension of the door closure warning sequence on accessibility, passenger safety and service reliability. For the duration of the trial the audio visual door closure warnings on the S7 and S8 stock will remain non-compliant.

4.6 The exemption was granted on 19 July 2017 and will expire on 2 January 2019.

4.7 The Exemption Order contains conditions which set requirements for notification to be given to the Secretary of State on progress of the testing and the outcome of the trial. LUL must also indicate by 31 May 2018 whether it intends to apply for a permanent exemption on the basis of these findings.

Docklands Light Railway (DLR) – B2007 and B92 trains (Carried forward to 2018)

4.8 The Docklands Light Railway Limited (DLRL) operates two classes of rolling stock known as B92 and B2007 on the DLR network. DLRL was granted exemptions in 2008 against the requirements to comply with 3 second audio and visual warnings before door closure sequences start and the requirement to announce the next station stop whilst a vehicle is stationary in a platform. These exemptions expired on 31 December 2016³.

4.9 In October 2016, DLRL submitted RVAR exemption applications for both types of stock requesting that exemptions be granted for the life of the vehicles to permit non-compliance with the requirement to announce the next station stop while the vehicle is stationary in a platform. For the older B92 stock, this standard only applies from 1 January 2020. For the newer B2007 trains, the standard was applicable when they entered in to service.

4.10 Exemption for both types of train has been sought owing to the operational constraints on dwell time which the design of the high frequency DLR network creates. Travel time between stations is no more than a few minutes which limits the possibility to announce the next stop twice (once while stationary and once after departure).

³ <http://www.legislation.gov.uk/uksi/2008/925/contents/made>

4.11 DLRL also requested a timed exemption for audio-visual door closure warnings to remain non-compliant on the B2007 stock until December 2018 whilst testing takes place. Currently no audio visual signal is provided before the door closure sequence begins. DLR was granted an exemption for this non-compliance, which expired on 31 December 2016. DLR have requested a period of exemption in order to test the impact of complying with the standard in RVAR to provide an audio-visual warning for three seconds before the doors start to close.

4.12 An exemption is only required for the B2007 stock and not on the B92 stock as the Regulations permit these trains to be operated until the end of 2019 before compliance becomes mandatory.

4.13 DLRL intended to carry out a period of testing using the B2007 stock throughout 2017. This was intended to determine the impact on accessibility, passenger safety and service reliability if the door closure warning period was introduced.

4.14 However, work to prepare for testing of the train door closure sequences was postponed during 2017 in order to prioritise safety critical work required to repair bogies on the fleets. As a result the consideration of the exemption request was put on hold and carried forward to 2018.

London Underground Limited (LUL) - S7 & S8 Audio Visual Announcements.

4.15 In June 2017 LUL applied for exemptions in relation to next stop announcements for trains operated on the District, Circle and Hammersmith and City Line (S7 stock) and trains operated on the Metropolitan line (S8 stock).

4.16 The standard (11(5)) requires that: 'Whilst a rail vehicle is stationary at a station or stop any public address systems required to be fitted inside the vehicle, and on its exterior, must be used to announce the destination of the vehicle or, if it is following a circular route, the name or number of the route and, in the case of systems inside the vehicle only, to announce the next stop'.

4.17 LUL was previously granted an exemption against this standard for the S7 and S8 stock, which expired on 31 December 2016. LUL have requested to be granted further exemption, for the life of the

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vehicle, priority can be given to announcing interchange, exit and safety information at stations where the next stop follows a single, linear route. Next station information is provided at stations where the network branches and/or there are irregular stopping patterns (for example fast or semi-fast services). For all trains announcements for the destination and the next stop are made between stations and in good time for a passenger to prepare to alight the train.

4.18 Consideration of this exemption will be carried forward to 2018.

London Underground Limited: Northern Line (95TS) Door Handrail

4.19 In June 2017 LUL applied for an exemption in respect of the provision of handrails in passenger doorways on 1995 tube stock (95TS), operated on the Northern Line.

4.20 LUL was granted an exemption in 2015⁴ for the Northern Line 95TS in advance of a refurbishment programme. Exemptions were granted for the following non-compliances, which would remain post-refurbishment:

- provision of manual boarding devices at wheelchair-compatible doorways (at particular stations and platforms stations listed in the Schedule to the Exemption Order)
- the width of contrasting colour floor strip at passenger doorways of a vehicle, but only in so far as it applies to single doorways with tapered door sills on those vehicles; and
- the provision of passenger information when vehicle is stationary at a station) (with non-applicability at some stations)

4.21 On inspection of the units as the upgrade programme progressed, LUL identified that at single leaf doorways, only one handrail was fitted on the draught screen side of the door. The standard in RVAR requires a handrail at either side of a passenger doorway.

4.22 LUL looked at options for fitting a second handrail on the opposite side of the door, but identified two issues.

- a second handrail would limit access to the perch seat which is fitted in the door vestibule.
- a second handrail would narrow the usable width of the doorways, restricting passenger entrance and exit flows.

4.23 Consideration of this application for exemption from this requirement was carried forward to 2018.

⁴ http://www.legislation.gov.uk/ukxi/2015/393/pdfs/ukxi_20150393_en.pdf

London Underground Limited: Jubilee Line (96TS)

4.24 In February 2017 LUL applied for an exemption against the following RVAR standards for trains operated on the Jubilee line (96TS):

- audio-visual announcements made when a vehicle is stationary in a platform;
- the dimension of the contrast strip on passenger door edges;
- limited exemptions at certain stations and platforms for the provision of manual boarding ramps where the gap between the train and the platform exceed 75mm horizontally and 50mm vertically and it is not possible to deploy a manual boarding ramp. At some of these stations the exemption is requested for a limited period of time whilst work to realign the train and the platform is taking place; and
- the provision of handrails either side of single leaf passenger doors

4.25 The grounds for request for these exemptions for the 96TS correspond to those for the Northern Line 95TS, the stock being of similar age and design, both pre-dating modern accessibility standards.

4.26 Consideration of this application is carried forward to 2018.

Tyne and Wear Metro: Manual Boarding Ramps

4.27 In December 2017, Tyne and Wear Passenger Transport Executive (trading as 'Nexus') applied for an exemption from the requirement to provide a manual boarding ramp at a wheelchair accessible doorway at all times and without pre-booking if a wheelchair user wishes to board or alight a train and the gap between the train and the platform is greater than 75mm horizontally and 50mm vertically.

4.28 The Tyne and Wear Metro network was designed to provide step-free access from street to train, but was built before RVAR standards came in to force. The gap/step between the train and the platform, whilst useable, exceeds the RVAR maximum of 75mm horizontally and 50mm vertically. Manual boarding ramps will remain available, if assistance is pre-booked.

4.29 Nexus are currently procuring new trains which will be designed provide step-free access to RVAR standards. The exemption is requested to be in force post 2020 and until the new train fleet can be

Rail Vehicle Accessibility Regulations: Exemptions Report 2017 brought into service in 2025.

4.30 Consideration of this request is carried forward to 2018.

5. Exemptions expiring during 2017

5.1 One exemption expired on 31 December 2017 - The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Circle, District and Hammersmith & City Lines S7 Vehicles) Exemption Order 2012 (Schedule 1, Table 1).

5.2 This related to provisions made for the operation of 'S7' tube stock on the District line at platforms 7, 8 and 9 of Ealing Broadway Station, and was granted in 2012 for trains to operate without the provision of a manual boarding ramp. Manual boarding ramps have since been installed on these platforms and compliance has been achieved.

6. Heavy Rail Accessibility

6.1 As explained in **3.2**, heavy rail vehicles (trains) must comply with the pan-European rail accessibility regime which uses standards set in the PRM-TSI. For completeness of this report on rail vehicle accessibility, we have set out below those derogations and dispensations that have been granted for heavy rail trains in 2017.

Derogations

6.2 No derogations from the standards in the PRM TSI were granted in 2017.

Dispensations

6.3 Regulation 46(4) of the Railways (Interoperability) Regulations 2011 allows the Secretary of State to grant dispensations from the requirement for trains to comply with the PRM TSI by 1 January 2020.

6.4 During 2017 no dispensations were granted.

7. Other statistics

7.1 The Department for Transport publishes a number of other documents and statistics relating to the rail vehicle accessibility regime including:

- a list of all Exemption Orders made to date;
- a list of all rail vehicles built or fully refurbished to RVAR or the PRM TSI; and
- most recent Annual Exemption reports.

7.2 All lists are available from

<https://www.gov.uk/government/collections/rail-vehicle-accessibility-regulations-rvar-exemption-orders>

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