Rail Vehicle Accessibility: Exemption application
Tyne and Wear Metro - Four specialist cars

Moving Britain Ahead
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The Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (RVAR) set standards for the accessibility features of a rail vehicle operated on particular types of rail systems. The Secretary of State has powers under section 183 of the Equality Act 2010 to allow operators of regulated rail vehicles to continue to operate a vehicle if it does not fully comply with the standards set in the Schedules to RVAR 2010.

This consultation contains the application from Tyne and Wear Passenger Transport Executive (Trading as “Nexus”) for exemption from standards set out in Schedule 1, Part 1 (General Requirements) and Part 2 (Additional requirements) RVAR 2010 for four individual ‘Metrocar’ trains operated on its network to meet peak capacity requirements. This is in relation to:

**Applicable to cars 4001, 4002, 4040 and 4083**

*Schedule 1 Part 1 General Requirements:*
1(1) - Boarding devices
3(3) - External door sounding devices
3(5)(a) - Door enabled tones
3(5)(b) - Timing of audio warning when power doors close
4(2) - Timing of visual warning when power doors close
10(1)(a) - Location of interior door handrail
13(3) - Priority seat dimensions
20(1)(a) - Dimensions of wheelchair space
20(1)(b) - Dimensions of wheelchair space
20(4) - Wheelchair tipping screen

*Schedule 1 Part 2 Additional Requirements:*
3 - Provision of step lighting

**Applicable to cars 4001 and 4002 only**

*Part 1 General Requirements*
4(1)(b) - Palm operable control devices
4(1)(c) - Door control button illuminated surrounds
4(1)(e) - Door control button (identifiable by touch)
The consultation period shall run until 14 December 2018. To share your views and comments on the application please contact us at: railvehicleaccess@dft.gsi.gov.uk or write to us at

Tyne and Wear Metro RVAR consultation
Rolling Stock Team
Department for Transport
Great Minster House
33 Horseferry Road
London SW1P 4DR
1. Exemption application

1 Full name of applicant and address
Tyne and Wear Passenger Transport Executive (Trading as “Nexus”)
Nexus House
St James Boulevard,
Newcastle upon Tyne,
NE1 4AX

2 Description of Rail Vehicles
Class 599 Metrocar
Units 4001, 4002, 4040 and 4083
Built by Metro Cammell, Birmingham UK
11th August 1980

3 Circumstances in which exemptions are to apply
At all times in passenger service.

4 Relevant requirements from which exemption is sought
Applicable to cars 4001, 4002, 4040 and 4083
Schedule 1 Part 1 General Requirements:
1(1) - Boarding devices
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5 Background

The Metro car was built in the late 1970s and entered service on the 11th August 1980, and has continued to operate to this present time.

The fleet underwent a half life refurbishment between 1996 and 2000. This included the cars which are the subject of this application. The remainder of the fleet (i.e excluding the four cars detailed in this application) underwent a further ¾ Life refurbishment between 2011 and 2015. This brought the remainder of the fleet into RVAR compliance but excluded cars 4001, 4002, 4040 and 4083.

The reasons for this were mainly financial constraint but there were some additional technical reasons, particularly with regard to cars 4001 and 4002 which were the original test trains and were constructed slightly differently from the rest of the fleet, particularly in relation to doors.

6 Technical, economic and operational reasons why exemption is sought

As the fleet has aged, reliability has suffered to the extent that Nexus is concerned that unless the four un-refurbished cars are kept in service it will not be possible to meet the service timetable, especially at peak times.

In the last year peak availability averaged 25% against a target of 100%. This is due to the unreliability of the fleet which is now approaching 40 years old and suffering from fatigue related problems as well as obsolescence, making spare parts very difficult to source.

The cars listed in this application are currently in service, performing reasonably well and are not attracting adverse comments from passengers.

They have had some accessibility improvements added along with the rest of the fleet, particularly passenger information displays and automated announcements (“next station is…” etc.). The physical dimensions of the vehicles has not changed and the step/gap distances are the same as the rest of the fleet.

Attached (at Annex A) to this application is a spreadsheet showing where the cars do not meet Rail Vehicle Accessibility Regulations and providing some additional information as to reasons why an exemption should be considered.

7 The measures proposed, if the application is granted, to enable a disabled person to use the rail vehicle.

Disabled passengers can and still do access the vehicles.

There is no evidence to suggest that disabled passengers avoid using these cars and wait for the next one (almost certainly a refurbished one) to arrive.

Metro has published a Disabled Persons Protection Policy (DPPP) which details numerous features of both the infrastructure and the vehicles. This is a public document approved by ORR and the details will not be reproduced here.

If specific assistance is required, this can be booked in advance and will be provided as necessary at any Metro station on the network.

Beyond December 31st 2019 these four vehicles will not be used routinely during “off peak” times when demand on the fleet is less.
Whilst it is too early to be sure, serious consideration will be given to removing these cars from the fleet as early as possible during the arrival of a new fleet of cars which is in the procurement stage (see below)

8 **The period for which the exemption order is requested to be in force.**

It is anticipated (though not certain) that a new RVAR compliant fleet will be in place by 31st December 2025 therefore it is proposed that the exemption be in force until that date.

9 **Unless an exemption order is sought for an indefinite period, the proposed timetable of action, before it would cease to be in force, to render the rail vehicle compliant with any RVAR provisions from which it had been exempt.**

Nexus has secured funding from central government to replace the existing fleet of Metrocars which will be RVAR compliant. The specification for the new vehicles is complete and the current programme is:-

- June 2018 – Final approval of Specification (Done)
- January 2018 – Issue Pre-information Notice (Done)
- June 2018 – OJEU Pre-qualification Notice issued (Done)
- September 2018 – Invitation to Negotiate issued (Done)
- January 2020 – Complete Full Business Case
- March 2020 – Contract award
- March 2020 – Contract start date
- December 2025 – New fleet fully operational

All the above currently on programme

10 **Where prior consultation with the operator of the rail vehicle is required by regulation 3(2) of the Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations 2010, please set out the response of the operator to the consultation.**

Nexus is the owner and operator of the Rail Vehicles therefore there are no consultation responses to report.
### Annex A: Compliance Assessment Matrix

<table>
<thead>
<tr>
<th>RVAR Compliance</th>
<th>Non-compliance accepted</th>
<th>Non-compliant</th>
<th>Some compliance addressed</th>
<th>Compliance</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class</td>
<td>Time and Wear Metric</td>
<td>Operator: Marine</td>
<td>Level of compliance</td>
<td>Proposed date: 2021, 2022, 2023 and 2024</td>
<td>Reason for non-compliance:</td>
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</table>

#### Part 1: General

<table>
<thead>
<tr>
<th>Identification</th>
<th>Compliant</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>N</td>
<td>This is a list of errors for compliance with the law.</td>
</tr>
</tbody>
</table>

#### Part 2: Specific Compliance

<table>
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<th>Comments</th>
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<tbody>
<tr>
<td>2.1</td>
<td>N</td>
<td>There are errors in the general description of the vehicle.</td>
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</tbody>
</table>

#### Part 3: Additional Requirements

<table>
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<tr>
<th>Identification</th>
<th>Compliant</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>N</td>
<td>There are errors in the specific requirements of the vehicle.</td>
</tr>
</tbody>
</table>

### Notes

- N: Non-compliance
- Y: Compliance
- N/A: Information not available

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