

THE RAIL VEHICLE ACCESSIBILITY (NON-INTEROPERABLE RAIL SYSTEM) (TYNE AND WEAR METRO METROCARS) EXEMPTION ORDER 2019

Explanatory Note

What does the Order do?

1. The Order exempts the vehicles operated by Tyne and Wear Metro (trading as 'Nexus') from two standards – one which requires the deployment of manual boarding ramps at stations where the platform step/gap is greater than 75mm horizontally and 50mm vertically and the other which stipulates the fixed location of handrails inside the passenger doors.
2. The exemptions will apply to the vehicles from 31 January 2019 until 2am on 1 July 2026.
3. A copy of the application form can be found at Annex A.

Why has the Order been made?

4. Provision of manual boarding ramps:

Paragraph 1(1) of Schedule 1 to the Rail Vehicle Accessibility Regulations 2010 (RVAR 2010) requires that:

1.—(1) Subject to sub-paragraph (2), when a wheelchair-compatible doorway in a rail vehicle is open at a platform at a station, or at a stop, a boarding device must be fitted by the operator between that doorway and the platform, or the stop, if a disabled person in a wheelchair wishes to use that doorway.

(2) Sub-paragraph (1) does not apply where the gap between the edge of the door sill of the wheelchair-compatible doorway and the platform, or stop, is not more than 75 millimetres measured horizontally and not more than 50 millimetres measured vertically.

The Tyne and Wear Metro was conceived and constructed in the 1970s using a mixture of former British Rail and newly constructed infrastructure. It was designed with all stations having step free access. On Metro owned infrastructure the Metro cars have a nominal designed step distance of 110mm on ballasted track and 100mm on concrete slab track (underground stations). The designed step height is 63mm at all stations. However, Metro also operates over Network Rail infrastructure between Pelaw and South Hylton. On Network Rail infrastructure, the nominal gap is 121mm and the height is 48mm. Two stations managed by Network Rail (Stadium of Light and Tynemouth) have curved platforms where the gaps at their maximum are 240mm and 205mm respectively.

To meet the requirements of clause 1(1) of Part 1 of RVAR 2010, it would be necessary to always deploy a boarding device (a manual boarding ramp) at all 120 platforms across the Metro system. Manual boarding ramps are provided for passengers on request, but many passengers are able to self-board at most stations, given that the non-compliance is around 46mm at the upper end of the platform gap

range.

In the Autumn Statement 2017 Nexus were awarded £337m of funding to replace the existing Tyne & Wear Metro rolling stock with modern, energy efficient trains. The specification for the new vehicles includes a requirement for the manufacturer to comply with RVAR 2010. This includes overcoming the problem of step and height distances without the use of manual boarding devices. The new trains are intended to be in service by 2025.

For the Metro system to meet the RVAR requirements and reduce the gap/step to 75mm/50mm in all locations for existing trains in the interim period until new trains are in service, it would be necessary to install platform gap fillers at all 120 platforms across the Metro system.

This is likely to be challenging on Network Rail owned infrastructure (particularly between Fellgate and Park Lane) which must accommodate a wide range of passenger and freight trains in addition to Metro cars. Nexus estimates that the cost of installing gap fillers would be £1.6m. The fillers would need to be removed once the new trains are ready to be tested, as the fillers would strike the new trains, which will not require gap fillers. Given the time needed to install the gap fillers, they would only be in use for a very short period of time before they are required to be removed again, just before the new trains become operational. The Exemption Order permits the continued use of the existing trains, without the need for a manual boarding ramp to be deployed as a matter of course, for a wheelchair passenger to board a train and the platform gap is greater than 75mm horizontally and 50mm vertically. Manual boarding ramps will remain available for passengers who wish to use them.

5. Paragraph 10 (1)(a) of Schedule 1 to RVAR 2010 requires that:

“...a handrail must be fitted in the following positions—

(a) in every rail vehicle, on the inside as close as practicable to, and on either side of, the passenger doorways in the side of the vehicle, extending vertically from a point not more than 700 millimetres above the floor to a point not less than 1200 millimetres above the floor;...”

The handrails which are fitted to the vehicles are located at 910mm above floor, and extend to a point that is 1520mm above floor level. When testing the feasibility of lowering the location of the handles to keep them within the range specified in the RVAR standard (which envisages accommodating a significant step up/down when boarding or alighting a vehicle), Nexus found that the handles offered less support and personal stability to boarding passengers, as they were too low to be useful when boarding this type of vehicle. The existing location of the handles offered better support.

Are there any conditions for the operator to meet during the period of exemption?

6. Exemptions granted in respect of non-compliant platform gaps and steps are subject to maintaining a maximum gap specified in the relevant conditions.

7. Exemptions granted in respect of non-compliant handrail locations restrict the position of the handrail to its current location, extending vertically from a point no more than 910mm above the floor to a point not less than 1520mm above floor level.

8. The Order expires at 2am on 1 July 2026. The original request in the application is for the exemption to be in force until 31 December 2025, whilst new trains are introduced. The additional 6 month duration of the exemption makes provision for delays to the delivery and introduction schedule of these vehicles.

Why has the exemption been made without a Statutory Instrument being laid before Parliament?

9. Following amendment of section 183 of the Equality Act 2010 by the Deregulation Act 2015, exemptions can now be made by administrative orders, rather than by statutory instruments. The Orders will, however, be notified to Parliament in the Annual Report which the Secretary of State is required to lay before Parliament by section 185 of the Equality Act.

Who has been consulted and what did they say?

10. We consulted the Disabled Persons Transport Advisory Committee (DPTAC), the Office of Rail and Road and Transport Focus on the exemption request. We also carried out a public consultation via our website.

11. Consultation responses can be found at Annex B.

Provision of manual boarding ramps – Consultees' views

12. DPTAC asked that, were an exemption to be granted, the following monitoring conditions be placed on Nexus:

- An annual update on passenger requests for Wheelchair assistance requests to board TWM rolling stock;
- An annual update on complaints received in context of the above; and
- An annual update on progress of fleet refurbishment.

13. On review, we decided that it was not necessary to include specific monitoring conditions into the exemption. Data on passenger assistance and complaints are collected by the Office of Rail and Road as part of its regulatory oversight of licence holders. Furthermore, the fleet is not being refurbished, but replaced, and progress against the programme for delivery is already reported to the Department, as a funder of the new rolling stock.

14. In its response to the exemption application, Transport Focus highlighted its wider concerns about the provision of assistance for passengers who did wish to use a manual boarding ramp to board/alight Tyne and Wear Metro trains. Specifically it queried the recommendation, set out in Nexus' 'Disabled People's Protection Policy', that requests to pre-book a manual boarding ramp should be made a minimum of 6

hours in advance and that booked assistance would be provided by the operator between 7am and 7pm.

On review, Nexus agreed that the recommended notice for booking requests could be improved and have accordingly reduced recommended pre-booking times to 4 hours in advance, and booked assistance is available from 06:30am – midnight daily.

15. ORR did not raise any issues.

16. We also received one response from a member of the public to the public consultation, who requested that Nexus consider re-alignment of platforms (possibly platform humps) or fitting automated gap fillers to the existing trains. In the supporting evidence for requesting exemption, Nexus have demonstrated that the cost of infrastructure modification in the short term (in this case rubberised platform gap fillers) will be negated by the introduction of trains which do meet the 75mm/50mm maximum gap/step standards set out in RVAR. This would also preclude any investment in existing trains or fitting new platform humps.

Handrails in doorways – Consultees' views

17. No objections were raised by consultees in response to this request

Is there an impact assessment?

18. An impact assessment is not required for a deregulatory measure applied to a public sector body.

Contact

19. Julia Christie at the Department of Transport: Tel: 07920 504300 or e-mail: julia.christie@dft.gsi.gov.uk can answer any queries regarding this Order.

Annex A – Application forms

RVAR 2010 – Application for Accessibility Standards Exemption

This application form sets out the minimum required information in support of applications for exemption from the accessibility standards prescribed in the schedule to the **Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010** as prescribed by the **Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations 2010 SI 427/2010: Schedule 1 - Particulars to be provided with applications for exemption orders for rail vehicles**

1	Full name of the applicant	Tyne and Wear Passenger Transport Executive (Trading as “Nexus”)
2	The address of the applicant which, in the case of a company, must be the address of its registered or principal office	Nexus House St James Boulevard, Newcastle upon Tyne, NE1 4AX
3	A description of the rail vehicle to which the application relates, including the— (i)class number; (ii)unit number; (iii)vehicle number; (iv)name of the manufacturer; (v)place of manufacture; and	 Class 599 Metrocar Units 4003 – 4090 but excluding, 4040 and 4083 As above Metro Cammell Birmingham UK

	(vi)date the vehicle first brought into use, (unless not yet brought into use);	11th August 1980
4	A general description of the services which the rail vehicle is likely to be used to provide and the routes on which it is likely to be operated;	The vehicles are currently used to carry passengers on the Nexus owned Tyne and Wear Metro network and on Network Rail owned infrastructure between Pelaw Station and South Hylton Station. No other routes are proposed.
5	The provisions of RVAR from which exemption is sought	<ol style="list-style-type: none"> 1. Clause 1(1) Part 1 General Requirements. The requirement to fit a boarding device at a wheelchair accessible doorway if a disabled person wishes to use that doorway.
6	The technical, economic and operational reasons for the application; (Please attach any relevant documentation)	<p>Metro was conceived and constructed in the 1970's using a mixture of ex British Rail and newly constructed infrastructure. It was designed to be very accessible and all stations have step free access albeit in accordance with the standards of the day.</p> <p>On Metro owned infrastructure the Metro cars have a nominal designed step distance of 110mm on ballasted track and 100mm on concrete slab track (underground stations). The designed step height is 63mm at all stations.</p> <p>However, Metro also operates over Network Rail infrastructure between Pelaw and South Hylton. On Network Rail infrastructure the nominal gap is 121mm and the height is 48mm.</p>

It can be seen that the step and gap distances are relatively close to the RVAR requirements. Whilst a difference of 25mm in the gap distance for a Metro car on slab track may sound a lot (and is a large percentage of the stipulated distance), to put it into context it is less than the diameter of a £2 coin.

To meet the requirements of clause 1(1) of Part 1 of RVAR it would be necessary to provide a boarding device at all 120 platforms across the Metro system. In this case the device would be a manual ramp.

Whilst provision of ramps is achievable, the deployment of them on an “on demand” basis is impossible due to Driver Only Operation of trains and the majority of stations being completely unstaffed. Station staff are only present at selected town centre stations which have gate lines. They are there to supervise the gates and are not present on platforms.

Nexus is currently in negotiation with the Department for Transport over the provision of a new fleet of Metro cars. The specification for the new vehicles is well advanced and includes a requirement on the manufacturer to comply with the Regulations. This includes overcoming the problem of step and height distances without the use of manual boarding devices.

To meet the RVAR requirements in the interim period it would be necessary to install platform gap fillers at all 120 platforms across the Metro system.

This is likely to be much more difficult on Network Rail owned infrastructure (particularly between Fellgate and Park Lane) which must accommodate a wide range of passenger and freight trains in addition to Metro cars. It also introduces complex financial and operational responsibilities for

		<p>inspection, maintenance and liability. There is no advantage to Network Rail or other train operators from the installation of gap fillers on its infrastructure.</p> <p>It is estimated that the cost of installing gap fillers will be £1.6m. The fillers are a proprietary rubber product manufactured in Australia.</p> <p>Ultimately, funding for a new fleet will come from public funds as would the interim provision of gap fillers (and eventually the costs of removal) at all 120 platforms. It is therefore considered to be an inefficient use of those funds to achieve compliance for a relatively short time in the life of the infrastructure.</p> <p>Therefore this exemption application applies to all 60 stations on the Tyne and Wear Metro Network as detailed in the attached schematic route map</p> <p>Attachment – Map of the Metro network</p> <p>Attachment – sketch of nominal gap and step distances on Metro and Network Rail infrastructure.</p>
7	<p>The effect which non-compliance with the provisions referred to in sub-paragraph (e) (box 5) would have on a disabled person’s ability to use the rail vehicle;</p>	<p>As stated above, Metro is already a step free system and is used by passengers with a wide range of disabilities. Compliance with the provisions, given the very small differences in dimensions involved, is unlikely to have any significant effect on a disabled person’s ability to use Metro.</p> <p>It is estimated that Metro currently accommodates 48,000 wheelchair journeys per year and pre-</p>

		<p>booking of assistance only accounts for a very small proportion of these journeys demonstrating the current high level of accessibility achieved by Metro</p> <p>Metro is part of an international group of Metros which include London Underground and DLR. Details of performance and other measures are regularly shared between the members with the aim of continuous improvement. At a recent meeting it was shown that the Tyne and Wear Metro is 1st from 34 metros for the percentage of stations with step free access.</p>
8	<p>The measures proposed, if the application is granted, to enable a disabled person to use the rail vehicle;</p>	<p>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 are not reproduced here. However it is worth pointing out some key measures:-</p> <ol style="list-style-type: none"> 1) Provision of a pre booking system for assistance at all stations, plus provision of boarding ramps (if requested at the time of booking) at the 11 licenced Metro stations on Network Rail infrastructure. 2) Access details for each station 3) 24 hour system wide CCTV monitoring. <p>In addition, the platform gap and height dimensions are surveyed annually and adjustments made to the track to ensure the standard original design dimensions are maintained.</p>
9	<p>The period for which the exemption order is requested to be in force;</p>	<p>It is anticipated 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.</p>

<p>10</p>	<p>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;</p>	<p>Nexus is negotiating with central government for the funds required to replace the existing fleet of Metrocars. The specification for the new vehicles is complete and, depending upon funding decisions, the current programme is:-</p> <p>November 2017 – Final approval of Specification</p> <p>January 2018 – Issue Pre –Information Notice</p> <p>April 2018 – OJEU Pre- qualification Notice issued</p> <p>July 2018 – Invitation to Negotiate issued</p> <p>November 2019 – Complete Full Business Case</p> <p>February 2020 – contract award</p> <p>April 2020 – Contract start date</p> <p>April 2022 – first delivery of vehicles.</p> <p>December 2025 – New fleet fully operational</p>
<p>11</p>	<p>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</p>	<p>Nexus is the owner and operator of the Rail Vehicles therefore there are no consultation responses to report.</p>

RVAR 2010 – Application for Accessibility Standards Exemption

This application form sets out the minimum required information in support of applications for exemption from the accessibility standards prescribed in the schedule to the **Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010** as prescribed by the **Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations 2010 SI 427/2010: Schedule 1 - Particulars to be provided with applications for exemption orders for rail vehicles**

1	Full name of the applicant	Tyne and Wear Passenger Transport Executive (Trading as “Nexus”)
2	The address of the applicant which, in the case of a company, must be the address of its registered or principal office	Nexus House St James Boulevard, Newcastle upon Tyne , NE1 4AX
3	A description of the rail vehicle to which the application relates, including the— (i)class number; (ii)unit number; (iii)vehicle number; (iv)name of the manufacturer; (v)place of manufacture; and (vi)date the vehicle first brought into use, (unless not yet brought into use);	 Class 599 Metrocar Units 4003 – 4090 but excluding, 4040 and 4083 As above Metro Cammell Birmingham UK 11th August 1980

4	<p>A general description of the services which the rail vehicle is likely to be used to provide and the routes on which it is likely to be operated;</p>	<p>The vehicles are currently used to carry passengers on the Nexus owned Tyne and Wear Metro network and on Network Rail owned infrastructure between Pelaw Station and South Hylton Station. No other routes are proposed.</p>
5	<p>The provisions of RVAR from which exemption is sought</p>	<p><u>Section 11 -Handrails and Handholds*</u></p> <p><u>Item 11(1)(a) -</u> In every regulated rail vehicle as close as practicable on either side of the interior of an external doorway extending vertically from a point not more than 700mm above the floor to a point not less than 1200mm above floor level.</p> <p><i>*The relevant section of RVAR 2010 is 10(1)(a). The applicant incorrectly used the reference in RVAR 1998.</i></p>
6	<p>The technical, economic and operational reasons for the application;</p> <p>(Please attach any relevant documentation)</p>	<p>The Metro car was built in the late 1970's and entered service on the 11th August 1980, and has continued to operate to this present time.</p> <p>The Metro car has received two refurbishments since being introduced, the latest in August 2010. Prior to this latest refurbishment Kraig McCarthy (DFT) visited the Tyne and Wear Metro to carry out a RVAR assessment on the 30th March 2009. (Email dated 13th May 2009 Kraig McCarthy to Tony Quinn Asset Management Director refers) – Copy attached.</p> <p>During this visit it was noted that the two internal passenger handrails adjacent to the saloon doors were 210mm too high. 'However, consideration must be given to the fact that the near level access of the Tyne and Wear Metro system, and the lack of a vertical step within the vehicle doorway,</p>

		<p>potentially negates the need to lower the handrail. Practical demonstrations showed that a reduced handrail height in these units could actually be awkward in use'.</p> <p>The recommendation from Kraig McCarthy to Nexus was to seek an exemption to this non-compliance against the regulations.</p> <p>Prior to the latest refurbishment of the Metro car by WABTEC Doncaster, it was estimated that to lower the handrails by 210mm at all door positions (x8 per car on 86 cars) would consume the majority of the available refurbishment budget. Also considered was the age and prospective replacement of the current fleet of Metro cars.</p>
7	<p>The effect which non-compliance with the provisions referred to in sub-paragraph (e) (box 5) would have on a disabled person's ability to use the rail vehicle;</p>	<p>The Metro is already a step free system and is used by passengers with a wide range of disabilities. Compliance with the provisions, given the very small differences in dimensions involved, is unlikely to have any significant effect on a disabled person's ability to use Metro.</p> <p>Metro is part of an international group of Metros which include London Underground and DLR. Details of performance and other measures are regularly shared between the members with the aim of continuous improvement. At a recent meeting it was shown that the Tyne and Wear Metro is 1st from 34 metros for the percentage of stations with step free access.</p>

8	<p>The measures proposed, if the application is granted, to enable a disabled person to use the rail vehicle;</p>	<p>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.</p> <p>If specific assistance is required, this can be booked in advance and will be provided as necessary at any Metro station on the network.</p>
9	<p>The period for which the exemption order is requested to be in force;</p>	<p>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.</p>
10	<p>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;</p>	<p>Nexus has secured funding from central government to replace the existing fleet of Metrocars which will be RVAR compliant in this respect. The specification for the new vehicles is complete and the current programme is:-</p> <p>June 2018 – Final approval of Specification January 2018 – Issue Pre –Information Notice June 2018 – OJEU Pre- qualification Notice issued September 2018 – Invitation to Negotiate issued January 2020 – Complete Full Business Case March 2020 – Contract award March 2020 – Contract start date December 2025 – New fleet fully operational</p> <p>All the above currently on programme.</p>

11	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.
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Annex B – Consultation responses

DPTAC

Para 1(1) – Provision of manual boarding ramps

Thank you for your e-mail request re this exemption request and apologies for the lateness of reply.

DPTAC are disappointed that this request has been made however, it is recognised that the reasoning detailed in Section 6 of the exemption request notes sets out the technical, economic and operational reasons for TWM being unable to fulfil the PRM – TSI regulation by the legal deadline of 01/01/2020.

It is noted that the TWM have secured Government funding of £337m to upgrade the entire TWM fleet, which will be fully operational by 2025. It is also noted that the research undertaken as part of this exemption request details that insufficient detail exists to ascertain exact numbers of wheelchair users of the TWM network who may be affected by this request.

DPTAC recognise that TWM have stipulated that the following measures are currently in place to mitigate disadvantage encountered by wheelchair using TWM customers, which are:

- Pre booking system for a passenger assist reservation system for wheelchair using TWM customers;
- Help points across the TWM network are available across the network to enable and empower Wheelchair using customers to request assistance in advance of making a journey; and
- Publication of an accessibility map of all TWM stations to help Wheelchair using customers make an informed choice prior to making a journey via the TWM network.

DPTAC therefore accept the TWM reasoning behind this exemption request (and reluctantly approve this) with the caveat that TWM report to DfT on an annual basis the following:

- An annual update on passenger requests for Wheelchair assistance requests to board TWM rolling stock;
- An annual update on complaints received in context of the above; and
- An annual update on progress of fleet refurbishment.

Para 10(1)(a) – Handrails in doorways

thank you for your e-mail

After reviewing your request, DPTAC has no objection to supporting this exemption request on the grounds that any potential adverse impact on disabled passengers is

likely to be minimal due to TWM rolling stock offering level boarding across the TWM network.

ORR

Para 1(1) – Provision of manual boarding ramps

“...we discussed at our recent catch up meeting. DfT is assessing this request and has contacted us for “your views on the around the usability of the existing platform gaps without a manual boarding ramp.” And to “test the assumption” that with approx. 48,000 wheelchair journeys made on annually and only approx 36 pre-bookings of a manual boarding ramp, the system provides “sufficient step free access”. I am not in a position to comment on the accuracy of these figures nor do I have first- hand knowledge on how accessible passengers with reduced mobility find using the T&W Metro network. What I can say is that as the account holding Inspector for the past 20 or so months, I have not received any complaints regarding accessibility to the Metro cars or stations.

We are also asked for our views on whether by granting this exemption, DfT, either make the current situation worse for wheelchair users nor miss an opportunity to make it significantly better.

My observations on this is as follows. In July 2017 I met with Nexus and they outlined their then current strategy of installing platform gap fillers to reduce step height and gap distances to +/- 50mm and 75mm respectively. The fillers had been trialled at South Gosforth and Central stations and found to be generally successful. The RVAR distances can be met at stations on the original Metro, with the platform gap fillers on straight platforms on ballasted track. On slab track I was advised that the step height achievable was typically 60mm (as opposed to 50mm). On the small number of curved platforms on ballasted track, Nexus stated that they would be unlikely to achieve 75mm compliance but did not give a typical figure. One may assume it is less than the current Metro limit of 110mm.

On the section of the Metro running over Network Rail infrastructure there are likely to be structure gauge constraints on what is achievable due to variety of rail vehicles running through the Metro stops. To summarise, The ORR believes there are measures that could be taken to improve overall compliance with the RVAR gap and height limits, though not over 100% of the Network. However once the first of the new vehicles, due to arrive in 2022, is ready to run on the network as part of the testing and commissioning phase, any platform filler gaps installed to ensure 2020 compliance, would need to be removed so as to not to foul the sides of the new vehicles. This would take the system back to its current state as of today. This situation will prevail until the last of the fleet of new metro cars is commissioned, currently planned for 2025. Therefore there is likely to be “mixed fleet

operations” for around 3 years’ operating at no worse a gap and step height than the current standards. It is possible that the installation then removal of measures initially designed to reduce the “gap” prior to full RAVAR compliance, may result in concerns being raised during mixed fleet operations than if the fillers were not installed at all.

Handrails

I have reviewed the Nexus application for an exemption to Rail Vehicle Accessibility Regulations 11(1)(a) handrail and hand holds. I note that the handrails present on the current fleet of Metro cars are situated at 910mm from the floor of the vehicle rather than the prescribed 700mm. However as the Tyne & Wear Metro system is a level access system disabled passengers are neither required to step up or down whilst entering or alighting a metro car and should therefore be afforded sufficient hand hold provision with the current hand rails. The ORR have not received any accessibility complaints regarding the Tyne & Wear Metro and I therefore have no objections to the Regulation 11 exemption being added to the current list of vehicle exemptions. The ORR is working with Nexus to ensure the specification for the new fleet of Metro will ensure full compliance with RVAR.

London TravelWatch

Para 1(1) – Provision of manual boarding ramps

Rail Vehicle Accessibility:

Tyne & Wear Metro exemption application, December 2017

Many thanks for forwarding a copy of this document for review by Transport Focus. This matter has been considered at several levels within the organisation.

It appears to us that the additional cost and likely disruption during the installation and subsequent removal of gap fillers between trains and platforms at some stations is disproportionate.

However, we are concerned that impulse travel will be hampered if the notice period remains at 6 hours. Also, booking requests can be taken only between 7.00 and 19.00,

which currently denies passengers guaranteed assistance later in the evening if they cannot make contact before mid-afternoon.

Part of the argument given here against the need for platform gap fillers is that demand from wheelchair users is fairly low. For that reason we still cannot comprehend why a minimum of 6 hours' notice is required. Some National Rail operators with a far larger network than the Metro offer unbooked assistance with much shorter periods of notice: four hours' notice on SWR or three hours' notice on ScotRail. We are therefore unwilling to give our agreement to this application unless the period of notice for unbooked assistance is considerably reduced.

Random journey-planning requests made by us in connection with this exemption proposal give a service frequency of never less than 2 trains per hour and a maximum single journey time of 81 minutes for the very longest journeys, even early on Sunday mornings. Usually the service frequency is greater and overall journey times reduced, especially where a change is necessary – though the research shows that most journeys are made during the parts of the day when the service is most frequent. Staff can therefore travel with relative ease to even the furthest points of the network with relatively little notice.

It is unfortunate that the research failed to give sufficient detail regarding those stations where wheelchair users boarded and alighted and the exact time of their journeys. It seems to us that this would have been vital information in assessing wheelchair usage on the network. We accept that at many stations boarding/alighting assistance for wheelchair users is not required as the level access is satisfactory; thus it is unlikely that these will become stations at which passengers will seek short-notice assistance, enabling Metro to concentrate its resources elsewhere.

From the figures in the research, overall only 0.13% of journeys are made by wheelchair users. Many of these will presumably be using those stations where assistance is unnecessary due to level platform/train access.

In our view, therefore, the maximum period of notice for assistance bookings should be considerably reduced, for the reasons outlined above, and our agreement to the exemption is subject to that. Transport Focus made a similar response to ORR in 2016 when proposals were made to withdraw ramps at a number of TW Metro stations; we sought then a reduction to 2 hours' notice. This exemption proposal emphasises the need to review this period of notice.

Handrail

Rail Vehicle Accessibility:

Tyne & Wear Metro dispensation application - handrail position

Many thanks for forwarding a copy of this document for review by Transport Focus. We have considered this matter at several levels.

Our view is that existing handrail has been in use since the rolling stock in question was first introduced. The height of station platforms and train floors allow for level transfer.

It seems that current users are familiar with the arrangement. We are unaware of any difficulty in using the handrails in their current situation having been reported. Booked assistance is available at Metro stations if necessary; we welcome the recent reduction in notice required for such assistance.

For these reasons it appears to us that dispensation in respect of the existing handrails should be granted.

Views in response to public consultation

Para 1(1) – Provision of manual boarding ramps

I am a North East independent manual wheelchair user with front castors measuring 100mm and less than a 2 pound coin in width. I currently can not get on the Metro independently. Like many other ageing wheelchair users do not have the upper body strength to do wheelies, that is balance on my large rear wheels. If I try to board my front castors go down the gap between train and platform making the system in accessible to me baring me from getting places by public transport.

More wheelchair users would use the Metro if it was accessible, that is turning up when they need to with no pre booking.

This exemption is hardly making the public transport system accessible to all.

I do need a chair that is light enough for me to handle and propels with ease in all circumstances, including tight spaces on existing buses and trains, larger castors do not fit on my chair.

Maybe the solution is to have a special bit of platform next to the wheelchair accessible carriage, and, or design a small ramp to fill the gap that can be automatically deployed from the carriage.

It seems to me that Nexus is continuing to make a public transport service inaccessible to many, with increasing numbers of disabled people with the DfT's blessing. What may seem a tiny amount different from the regulations means the difference between the service being accessible. Disabled people need to be able to use a transport service like everyone else and the same time table. Nexus is not wanting wheelchair users on board their trains. We are obviously not important. How can disabled people be expected to work if Nexus, and the DfT rubber stamp exclusion.

What progress when Nexus thinks regulations are there to be broken, not even providing assistance if pre booked, never mind turning up and boarding trains like other members of society.