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Our Ref: RGEN 39/23/2

12 October 2007

Dear Nick,

Targeted rectification of existing non-compliances with RVAR

At a recent meeting with you, I outlined 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 particular vehicles.

Whilst HSBC have been aware that officials have been giving attention to this issue for some time it was appropriate that it should be integrated into work the Department has undertaken to develop balanced proposals reconciling domestic accessibility legislation and commitments with forthcoming interoperability requirements (PRM TSI). Subject to Ministerial approval and public consultation in due course, these are likely to include provisions disapplying RVAR from heavy rail vehicles (thereby avoiding the creation of duplicate regulatory regimes) whilst placing a continuing obligation on the operators of vehicles currently regulated under RVAR to maintain and operate them to the standard to which they were built. All heavy rail vehicles will be required to comply with the PRM TSI by the End Date, which can be no later than 1 January 2020, unless they already comply with RVAR.

While new vehicles are expected to fully comply with RVAR (or the PRM TSI for heavy rail vehicles once this is in force), we recognise that some of the earlier RVAR regulated fleets, and most pre-RVAR vehicles, have areas where the degree of non-compliance with RVAR (or the TSI) is marginal and has little or no practical effect on the ability of disabled passengers to use that service. Whilst it would not be appropriate to allow additional tolerance across the board (RVAR already includes a degree of flexibility and small non-compliances in certain areas may have a disproportionate effect on accessibility for certain groups of disabled people), we are willing to look at each non-compliance on a case-by-case basis. This will enable us to target rectification efforts at those areas which most impact on accessibility in order to deliver the Government's policy of an accessible rail fleet by the End Date. We believe that disability stakeholders would support this pragmatic approach.

We have already started working together to record existing non-compliances on pre-RVAR fleets but these are already known for vehicles currently subject to RVAR due to the requirement for an exemption order to be in place prior to their coming into service. Using the Department's list of extant exemptions as a basis, we have formed a view on those non-compliances which must be rectified in time for the End Date (preferably

sooner), and those which need only be corrected if the opportunity arises as they deliver marginal improvements in accessibility. A number will also become compliant as we amend RVAR in light of experience and/or apply the standard in the PRM TSI.

Current non-compliances which will fall as RVAR is amended or PRM TSI is applied

Hull Trains 222	14(b)	Force to deploy nappy-change table
MML 222	7(b)	Contrast between vestibule & saloon if door present
	12	Door handle into standard toilet
	14(b)	Force to deploy nappy-change table
Southeastern 376	16(1)(b)	Ceiling mounted handrail intrusion into wheelchair space envelope
	16(1)(d)	Ceiling mounted handrail intrusion into wheelchair space envelope

Regulations where compliance must be achieved by the End Date:

ScotRail 170 416-424	5(3)(a)	Vehicle end door sensor
	5(4)	Vehicle end door sensor
ScotRail 334	5(1)(c)	Vehicle end door controls - no illumination – solution applied to 458s
Southeastern 375 3/6/7	5	Vehicle end door sensor

Regulations which need only be rectified if the opportunity arises:

ScotRail 334	11(1)(a)	Handrail in doorway begins at 735, not 700mm
Southeastern 375 3/6/7	5(1)(a)	Close button is 1230 not 1200mm high

There is a mechanism within the PRM TSI that will enable us to accept these minor non-compliances beyond the End Date without the need to create a piece of secondary legislation (such as an Exemption Order).

I hope this is useful and look forward to continuing to work with you to improve the accessibility of all HSBC's fleets. I am copying this to Brian Freemantle and Franchise Managers here, George Davidson at Transport Scotland and DPTAC.

Yours sincerely,

John Bengough
Accessibility Technical Standards Manager