

Ian Walmsley
Engineering Development Manager
Porterbrook
Ivatt House
7 The Point
Pinnacle Way
Pride Park
Derby DE24 8ZS

John Bengough
Head of Domestic Policy
Rail Standards & Safety
Department for Transport
4/32 Great Minster House
76 Marsham Street
London
SW1P 4DR

DIRECT LINE: 020 7944 5035
FAX: 020 7944 2160
Mobile: 07850 205 327
E-mail: john.bengough@dft.gsi.gov.uk

Web Site: www.dft.gov.uk

Our Ref: RGEN 39/23/2

29 November 2010

Dear Ian,

The accessibility of Class 170-1 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 25 September 2007 I wrote, setting out the Department's expectations of compliance on Class 170/1 end vehicles. These were the last vehicles introduced into service before RVAR came into force – intermediate vehicles were later produced which fully comply with accessibility requirements.

You have explained to me that all those areas that requirement improvement have now been rectified, apart from three. These are:

- Handrail in doorway – this is shorter than required. Unlike on older, more simple designs (where compliance remains expected), to rectify this would require a whole new door pillar moulding on each side of each door – at considerable cost. On reflection, and given the current financial situation, the Department for Transport no longer expects this area to be rectified;
- Non-compliant support in one wheelchair space. Because of an over-size heating duct at floor level, the support structure in one of the wheelchair spaces does not meet the required 700mm at that level. Higher up, however, where additional clearance for hands would be helpful, the structure is 790mm wide. Again, given the current financial situation, the Department for Transport no longer expects this area to be rectified;
- Manual boarding ramp. This is non-compliant as it does not fix securely to the vehicle when deployed. This work remains necessary.

Once the ramp has been replaced and fixing holes provided on the threshold of the wheelchair accessible doorways, the complete Class 170-1 fleet will be considered to be sufficiently accessible to remain in service past 31 December 2019. Please let me know once this work has taken place.

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 – which will shortly be updated) of which non-compliances need not be rectified (our response would mirror the details provided in this and my earlier 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.

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.

I am copying this to Brian Freemantle and Peter Randall here, and 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
Head of Domestic Policy
Rail Standards & Safety