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Our Ref: RGEN 39/23/2

21 June 2010

Dear Nick,

As you are aware, the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 ("RVAR 10") came into force on 6 April. While the domestic RVAR regime only applies to very few vehicles owned by ROSCOs (such as Porterbrook's Class 139s, for example), the 5100 or so heavy rail vehicles that were built to RVAR 98 are still required to comply with the standards to which they were built. Further, they must also fully comply with RVAR or the PRM TSI by 1 January 2020, unless a formal determination under regulation 5(8) of the Railways (Interoperability) Regulations 2006 (RIR – which will be updated shortly) of which non-compliances need not be rectified has been provided.

As RVAR 10 includes some changes to the technical requirements that mean that some non-compliances under RVAR 98 are now compliant, I thought it would be helpful to update my letter to you of 1 October 2007 in which I listed the non-compliances on Eversholt's fleets at that time.

Current non-compliances which fell on 6 April 2010 or through the application of standards in the PRM TSI instead

Former Hull Trains 222	14(b)	Force to deploy nappy-change table
EMT 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
ScotRail 170 416-424	5(3)(a)	Vehicle end door sensor
	5(4)	Vehicle end door sensor
Southeastern 375 3/6/7	5	Vehicle end door sensor

Regulations where compliance must be achieved by 1 January 2020:

ScotRail 334	5(1)(c)	Vehicle end door controls - no illumination – solution applied to 458s
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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

Once RIR has been updated, and we know the equivalent for regulation 5(8) of the 2006 edition, we shall be providing a sample letter for Eversholt to make its application for determinations for those non-compliances which we accept can remain, in addition to pre-RVAR fleets on the basis of the targeted compliance assessments that we have shared with you.

I am copying this to the Office of Rail Regulation, as the body which will be enforcing the end date.

I hope this is useful.

Yours sincerely,

John Bengough
Head of Domestic Policy
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