

Department for **Transport**

Ian Walmsley
Engineering Development Manager
Porterbrook
Burdett House
Becket Street
Derby DE1 1JP

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

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Dear Ian,

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 Porterbrook'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

ScotRail 170 393-396	14(b)	Force to deploy nappy-change table
Southern 377/4	14(b)	Force to deploy nappy-change table
Gatwick Express 460	15(3)	Number of wheelchair spaces
NXEA 170/2	5	Vehicle end door sensor
Class 170/5 & 170/6	5	Vehicle end door sensor
Chiltern 168 106-110	5	Vehicle end door sensor
c2c 357/0	5(3)(a)	Vehicle end door sensor
	5(4)	Vehicle end door sensor
Class 170/1 end vehicles	5(3)	Vehicle end door sensor
	5(4)	Vehicle end door sensor

Regulations where compliance must be achieved by 1 January 2020 (areas shaded grey have been rectified already):

Gatwick Express 460	4(2)	Door warnings are not audible externally – solution applied to 458s
	5(1)(b)	Force required to operate vehicle end door control – solution applied to 458s
	5(1)(c)	Vehicle end door controls - no illumination – solution applied to 458s
	6(1)(d)	No illumination of step – solution applied to 334s
	8(3)	<i>No priority seats in baggage vehicle (only to be rectified if whole vehicle converted to seating)</i>
	13(7)	PIS is 32mm, not minimum of 35mm high – solution applied to 458s
	20(1)(d)	Accessible toilet – solution applied to 458s
	20(1)(e)	Accessible toilet – solution applied to 458s
	8(5)	<i>No tables at priority seats (only to be rectified if seats are replaced)</i>
SWT 458	6(1)(d)	Illumination of step
	20(1)(d)	Accessible toilet
	20(1)(e)	Accessible toilet
Class 170/1 end vehicles	6(1)(d)	No illumination of step
	7(b)	Contrast on floor
	8(1)	No priority seats
	11(1)(a)	Handrail in doorway much shorter than required
	14(c)	Toilet seat (contrast)
	16(1)(c)	Inadequate support in one wheelchair space
	20(1)(f)	Handrail in toilet
	23(7)	Ramp

Regulations which need only be rectified if the opportunity arises:

NXEA 170/2	5(1)(a)	Close button is 1230 not 1200mm high
ScotRail 170 401-415	5(1)(a)	Close button is 1230 not 1200mm high
Class 170/5 & 170/6	5(1)(a)	Close button is 1230 not 1200mm high
Chiltern 168 106-110	5(1)(a)	Close button is 1230 not 1200mm high
c2c 357/0	5(1)(a)	Close button is 1230 not 1200mm high
Gatwick Express 460	5(1)(a)	Open button is 1230 not 1200mm high
	10(1)(b)	Manifestation on glass is 1465 not 1500mm
	11(1)(a)	Handrail in doorway begins at 735, not 700mm
	11(2)(c)	Insufficient clearance at very top and bottom of single handrail
SWT 458	5(1)(a)	Open button is 1230 not 1200mm
	11(1)(a)	Handrail in doorway begins at 735, not 700mm
Class 170/1 end vehicles	5(1)(a)	Close button is 1230 not 1200mm high
	20(1)(c)	Toilet seat is 470 not 475mm high
	20(1)(h)	Lower alarm in toilet is 485 not 450mm 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 Porterbrook 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
Rail Standards & Safety