



Department
for Transport

Annual Report Rail Vehicle Accessibility Regulations Exemption Orders

1 January 2016 – 31 December 2016

December 2017

**Annual Report
Rail Vehicle Accessibility Regulations
Exemption Orders**

1 January 2016 – 31 December 2016

Presented to Parliament pursuant to
section 185 of the Equality Act 2010

December 2017



© Crown copyright 2017

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/government/publications

ISBN 978-1-5286-0118-4

CCS1117392218 12/17

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

Contents

1. Introduction.....	1
2. Summary and statistics	1
3. Background	2
4. Exemption applications considered during 2016.....	5
5. Exemptions expiring during 2016	8
6. Heavy Rail Accessibility	8
7. Other statistics.....	12

1. Introduction

1.1 This report has been laid before both Houses of Parliament by the Secretary of State for Transport in fulfilment of obligations under section 185 of the Equality Act 2010 (“EA 2010”).

1.2 This report contains information about the exercise of the Secretary of State's powers to exempt rail vehicles from the requirements of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (“RVAR”)¹ and the consultations that informed his decisions.

1.3 It also notes the progress made in making rail vehicles in Great Britain more accessible and it contains information about dispensations granted under the Railways (Interoperability) Regulations 2011² (“the Interoperability Regulations”) against the European accessibility standard known as the Persons of Reduced Mobility Technical Specification for Interoperability (PRM-TSI).

1.4 The report covers the period **1st January to 31st December 2016** and has been published on the Department for Transport's website at <https://www.gov.uk/government/organisations/department-for-transport/series/rail-vehicle-accessibility-regulations-rvar-exemption-orders>

2. Summary and statistics

2.1 This section outlines the headline figures for 2016, including the number of Exemption Orders brought into force, applications received and the number of exemptions which have expired during the year.

- Applications carried forward from 2015: **1**
- Applications received: **3** (see **Section 4**)
- Applications withdrawn: **1** (see **Section 4**)
- Applications rejected by Ministers: **0**
- Applications accepted by Ministers: **3**
- Orders brought into force: **1** (see **Section 4**)
- Applications carried forward into 2017: **2** (see **Section 4**)
- Exemption Orders expiring: **2** (see **Section 6**)

¹ S.I. 2010/432.

² S.I. 2011/3066.

3. Background

3.1 Section 182 of the EA 2010 empowers the Secretary of State to make rail vehicle accessibility regulations to make it possible for disabled people, including wheelchair users, to travel in safety and reasonable comfort in those vehicles to which the regulations apply. The original regulations were made in 1998 (under the Disability Discrimination Act (“DDA”) 1995) and were amended in 2000 and 2008 before RVAR was made in its current form in 2010.

3.2 Originally RVAR applied both to heavy and light rail vehicles but, in 2008, the former became subject to new European accessibility standards (the Technical Specification for Interoperability for Persons with Reduced Mobility or “PRM TSI”) instead. In order to avoid dual regulation of those vehicles under both domestic and European requirements, it became necessary to reduce the scope of RVAR to make it applicable only to light rail vehicles (metro, underground and tramways including prescribed guided transport systems) whilst heavy rail was dealt with in separate regulations (known as the Railways (Interoperability) Regulations 2011 (“RIR 2011”)).

3.3 Furthermore, the EA 2010 required that regulations made by the Secretary of State under s182 of the Act must ensure that all passenger rail vehicles would meet accessibility standards by no later than 1st January 2020 (“the 2020 end date”). RVAR includes provisions to meet this requirement. RIR 2011 also includes the same deadline for compliance with the PRM TSI.

Progress

New Vehicles

3.4 RVAR originally imposed accessibility requirements only in relation to vehicles first brought into service after 31 December 1998 and the PRM-TSI requirements have applied to new heavy vehicles built since 2008. By December 2016, over 8,478 new rail vehicles had been built to the standards in RVAR (or PRM TSI) and are now in service. This represents approximately 48 per cent of all rail vehicles in public transport use in Great Britain.

3.5 More specifically, the number of new rail vehicles comprises of almost 6,368 heavy rail vehicles (just over 50 per cent of the national heavy rail fleet) and almost 2,110 non-heavy rail vehicles (just under 43 per cent of that fleet).

Existing Vehicles

3.6 In addition, all older rail vehicles undergoing relevant refurbishment have received accessibility improvements. This is required in respect of metros and light rail by RVAR, and in respect of heavy rail by RIR 2011 which mandate the European accessibility standard (PRM TSI).

3.7 The Department for Transport, in conjunction with the Disabled Persons Transport Advisory Committee³ ("DPTAC"), has been working with the rail industry to ensure that older rail vehicles comply with the required standards by 2020 (when all rail vehicles will need to comply with accessibility standards, subject to exemptions/dispensations).

3.8 To December 2016, fleets containing 3,850 older vehicles in use on both heavy and light rail networks had undergone upgrade work. When combined with the number of vehicles built to the standards, over 12,300 accessible rail vehicles are in service (up from 10,700 in 2015). This means 70 per cent of all passenger rail vehicles in Great Britain have been built, or fully refurbished, to modern accessibility standards.

Exemptions

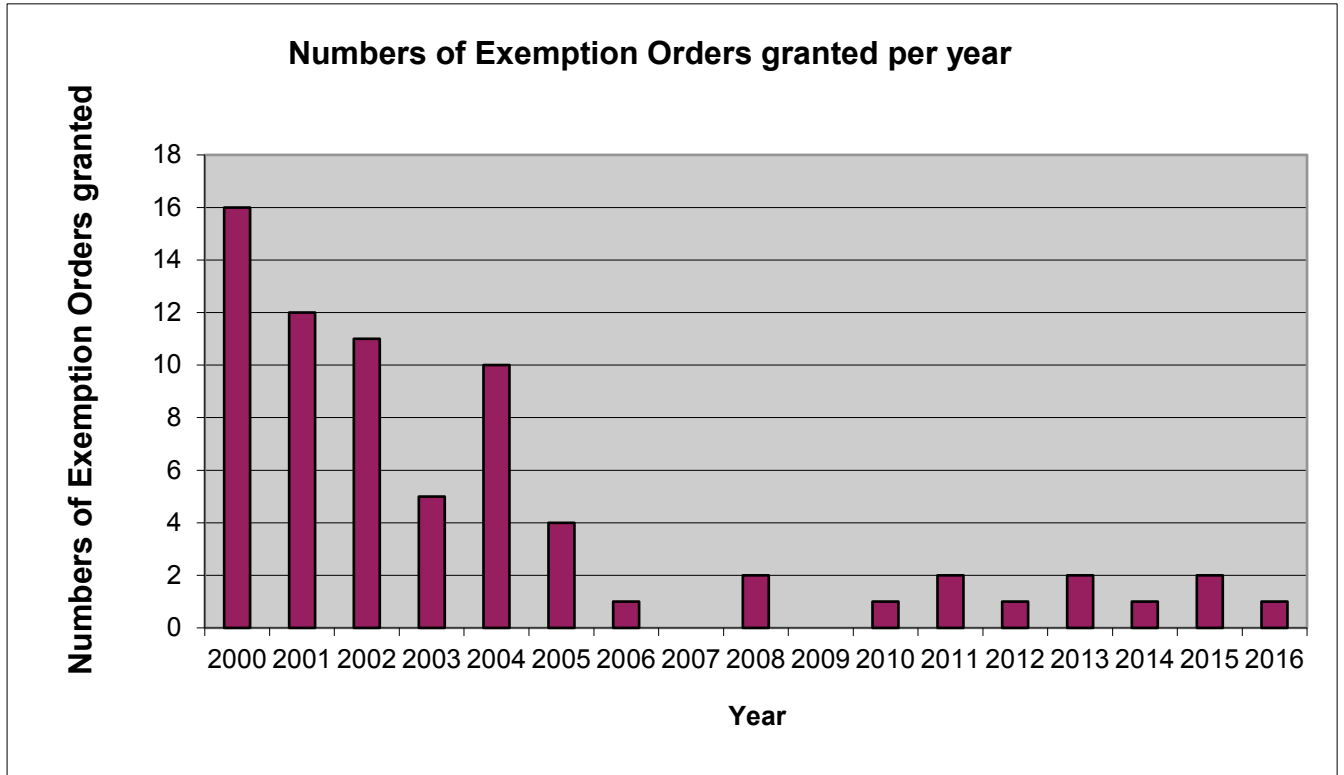
3.9 Section 183 of the EA 2010 enables the Secretary of State, on receipt of an application for exemptions from particular requirements of RVAR, to make an order (an "Exemption Order") authorising specified regulated rail vehicles to be used in passenger service even though they do not conform to some or all of the requirements of RVAR. Such Orders may contain conditions and may apply exemptions for a set time period.

3.10 A number of exemptions were granted to heavy rail vehicles which were previously regulated under RVAR. For heavy rail vehicles refurbishment work may not be required, where minor non-compliances exist stemming from differences in domestic and European standards that do not materially affect accessibility but which may nevertheless cost a significant amount to rectify. Dispensations for those were granted in 2012.⁴

³ DPTAC is the Government's statutory advisor on the public passenger transport needs of disabled people.

⁴ <https://www.gov.uk/government/publications/heavy-rail-fleet-post-1998-fleets>

3.11 The Department for Transport routinely publishes details of exemption applications on its website at <https://www.gov.uk/government/publications/list-of-rvar-exemption-orders>. By the end of 2016, 80 Exemption Orders had been made (including amendments but not corrections).



Reducing Regulatory Burdens

3.12 In 2014, the Department consulted on a proposal to make RVAR Exemption Orders administratively, rather than by statutory instrument. This consultation took place as part of a wider government initiative to reduce unnecessary regulatory burdens under the Deregulation Bill. Responses to that consultation were overwhelmingly positive.

3.13 The Deregulation Act 2015⁵ was made in March 2015 and provisions set out in Part 7 of Schedule 10 to that Act remove the requirement for the Secretary of State to make an Exemption Order under RVAR by statutory instrument. The result of this is that since 1 October 2015 all such Exemption Orders are made using an administrative process. Applicants are required to submit appropriate evidence in support of the exemptions that they are seeking and the Secretary of State requests the views of DPTAC, ORR and other

⁵ <http://www.legislation.gov.uk/ukpga/2015/20/contents/enacted>

representative bodies before granting an exemption. The Secretary of State can impose conditions and time limits as appropriate, and is required to lay before Parliament details of all exemptions granted in an Annual Report.

4 Exemption applications considered during 2016

London Underground Limited (LUL) – Victoria Line 09TS, Metropolitan Line S8 stock and District, Circle and Hammersmith and City S7 stock audio visual door closure warnings (carried forward to 2017)

4.1 This application was carried forward from 2015 and was substantially revised and re-submitted in November 2016. As a result the original application was *withdrawn* and replaced by this one.

4.2 The standard which LUL has sought exemptions from is the requirement that the door visual indicator extinguishes, and the door chimes operate, for 3 seconds before the door automatically closes. Existing exemptions granted in 2013 for the Victoria line (09TS)¹ and 2010 for the Metropolitan line (S8 stock)² for a non-compliant period of operation for door closure warning chimes and indicator lights expired on 31 May 2015. The exemptions were granted to cover the period of time during which new rolling stock was introduced on both lines and, without an exemption, two different door closure sequences would have operated on different rolling stock used on the same line. On the older stock which operated on these lines, the closure warnings are activated for a period of not less than 1.75 seconds before closure and the new trains were modified to match this sequence. This was done to provide a consistent experience for passengers and to not introduce any new risks associated with a change in door closure patterns.

4.3 Following the expiry of both exemptions in May 2015, LUL applied for a permanent exemption for trains operated on the Victoria Line (09TS), Metropolitan Line (S8 stock) and also District, Circle and Hammersmith and City (S7 stock). In assessment of the evidence provided in support of this request, officials were not content that adequate testing had been carried out to demonstrate the impact on accessibility of retaining a shorter door closure warning period or that the exemption application had only addressed the impact on platform dwell times.

¹ <http://www.legislation.gov.uk/uksi/2013/3318/contents/made>

² <http://www.legislation.gov.uk/uksi/2010/435/contents/made>

4.4 Following an extended period of discussion on the exemption request, LUL withdrew the application for permanent exemption and submitted a request for an exemption to cover an 18 month period of testing of compliant door closure warnings using the Victoria line trains.

4.5 Testing will measure the impact of the extension of the door closure warning sequence on accessibility, passenger safety and service reliability. For the duration of the trial the door closure warnings on the S7 and S8 stock will remain non-compliant.

4.6 Consideration of this exemption request and the period of stakeholder consultation carries this exemption application in to 2017.

Docklands Light Railway – Amendment to Table 2 of the Schedule to Rail Vehicle Accessibility (B2007 Vehicles) Exemption Order 2015 (Bank station) (S.I in force from 30/9/15)

4.7 In 2015, the Secretary of State granted an RVAR exemption to Docklands Light Railway Limited in respect of the provision of manual boarding ramps at stations where the gap between the train and the platform exceeded a maximum of 75mm horizontally and 50mm vertically (requirement imposed by Paragraph 1 (1) of Schedule 1 to RVAR 2010) ³

4.8 The exemption permits non-compliance with the standard that requires the use of a manual boarding ramp, but only where platform gaps do not exceed 85mm horizontally and 50mm vertically. The exemption does not apply to particular stations until engineering work can be completed to achieve 85mm/50mm. Dates for applicability at these stations are set out in the Schedule to the exemption. The requirements for Bank station are set out in Table 2, with platform gap remodeling to be completed by 1 January 2017.

4.9 In preparation for platform re-alignment work at Bank station, DLR concluded that for Platform 10 it would not be possible to complete the necessary work whilst the wider Bank station upgrade project work was taking place. The Bank station upgrade project is causing movement in Platform 10 that will negate any work done to bring the platform to a consistent 85mm by 50mm. Work on Platform 10 will be delayed until platform movement has ceased. For the other DLR platforms at Bank the work will be completed by the exemption expiry date of 1 January 2017.

³ http://www.legislation.gov.uk/ukxi/2015/1631/pdfs/ukxi_20151631_en.pdf

4.10 DLR applied to extend the existing expiry date for Platform 10 at Bank only from 1 January 2017 to 1 January 2021. This amendment was approved and an administrative order granted on 21 December 2016⁴.

Docklands Light Railway – B2007 and B92 trains (Carried forward to 2017)

4.11 The Docklands Light Railway Limited (DLRL) operates two classes of rolling stock known as B92 and B2007. DLRL was granted exemptions in 2008 against the requirements to comply with 3 second audio and visual warnings before door closure sequences start and the requirement to announce the next station stop whilst a vehicle is stationary in a platform. These exemptions expire on 31 December 2016⁵.

4.12 In October 2016, DLRL submitted RVAR exemption applications for both types of stock requesting that exemptions be granted to permit non-compliance with the requirement to announce the next station stop while the vehicle is stationary in a platform. This exemption would be for the life of both the vehicle fleets. Whilst meeting this requirement is directly applicable to the B2007 stock, for B92 stock, this standard only applies from 1 January 2020. The reason the exemption is required is because as a result of the design of the DLR network there is not enough dwell time and travel time between stations to announce the next stop twice (once while stationary and once after departure).

4.13 DLRL also requested a timed exemption for audio-visual door closure warnings to remain non-compliant on the B2007 stock until December 2018 whilst testing takes place. An exemption is not required on the B92 stock as the Regulations permit these trains to be operated until the end of 2019 before compliance becomes mandatory. DLRL intends to carry out a period of testing using the B2007 stock to determine the impact on passengers and service reliability if the door closure warning period is extended to comply with the RVAR standard of 3 seconds. The findings of this research are intended to inform future operational compliance plans.

⁴ <http://assets.dft.gov.uk/publications/rvar-exemption-orders/b2007-rvar-exemption-order-2016-signed.pdf>
<http://assets.dft.gov.uk/publications/rvar-exemption-orders/b2007-rvar-exemption-order-2016-explanatory-note.pdf>

⁵ <http://www.legislation.gov.uk/ukxi/2008/925/contents/made>

5. Exemptions expiring during 2016

5.1 Two exemptions expired on 31 December 2016. These were granted to:

- London Underground Limited in 2012 in respect of next station announcements and audio-visual door closure warnings for trains operating on specified lines known as S7 stock⁶; and
- Docklands Light Railway Limited in 2008 in respect of next station announcements and audio-visual door closure warnings for the trains known as B2007 stock⁷.

5.2 LUL has applied for a subsequent period of exemption for the S7 stock in respect of door closure warnings (see paras 4.1 to 4.6 above) and is proposing to apply for a permanent exemption for the same trains relating to next station announcements when operated on the Hammersmith and City, Circle and District lines.

5.3 DLR has applied for further exemptions for B2007 stock in relation to non-compliant door closure warnings and next station announcements.

6. Heavy Rail Accessibility

6.1 As explained in 3.2, heavy rail vehicles (“trains”) must comply with the pan-European rail accessibility regime which uses standards set in the Technical Specification for Interoperability for Persons with Reduced Mobility (“PRM TSI”). For completeness of this report on rail vehicle accessibility, we have set out below those derogations and dispensations that have been granted for heavy rail trains in 2016.

⁶ http://www.legislation.gov.uk/uksi/2012/105/pdfs/uksi_20120105_en.pdf

⁷ http://www.legislation.gov.uk/uksi/2008/925/pdfs/uksi_20080925_en.pdf

Derogations

6.2 No derogations from the standards in the PRM TSI were granted in 2016.

Dispensations

6.3 Regulation 46(4) of the Railways (Interoperability) Regulations 2011 allows the Secretary of State to grant dispensations from the requirement for trains to comply with the PRM TSI by 1 January 2020.

6.4 In line with the Government's commitment to achieving an accessible rail fleet by 2020 in a cost effective way, officials have been setting out for owners and operators which non-compliant aspects of their older trains must be rectified by that date. That information, which has been decided with DPTAC's input, can be found here: <https://www.gov.uk/government/organisations/department-for-transport/series/heavy-rail-fleets-2020-targeted-compliance>

6.5 As explained in **3.7, 3.8 and 3.10** above, some older vehicles have already received rectification work and further work is planned. In order to encourage this early investment, the Department has granted dispensations for those aspects of certain fleets where work is not required by 2020. This is in line with the targeted compliance assessments mentioned above.

6.6 During 2016 dispensations were granted, following consultation with DPTAC, the Office of Rail and Road, Transport Focus and London TravelWatch for 3 fleets of vehicles which were undergoing refurbishment work as follows:

- Great Western Railway Night Riviera Sleeper⁸;
- Great Western Railway Class 165-1s and 166s⁹;
- SouthEastern Class 465s¹⁰

⁸ <https://www.gov.uk/government/publications/heavy-rail-fleet-porterbrook-night-riviera-sleeper>

⁹ <https://www.gov.uk/government/publications/heavy-rail-fleet-first-great-western-class-16x>

¹⁰ <https://www.gov.uk/government/publications/heavy-rail-fleet-all-owners-class-465-465-2-and-466>

6.7

Table of areas where dispensations were granted from the requirement to fully meet the relevant standard by 2020.

Requirement	Sleeper	165-1	166	465/0 465/1
Priority seatback handhold				X
Fixed armrests on priority seats		X (declassified first class only)	X (declassified first class only)	
Arrangement of door controls		X	X	X
Height of door controls				X
Height of exterior door controls		X	X	
Height of interior door handle				X
Timing of door control illumination		X	X	X
Automatic door obstacle detection	X			
Palm operable door handle	X			
Handrail in doorway	X			
Audible/Visual warnings for door opening and closing	X			
Illumination of step/floor threshold	X	X	X	X

Rail Vehicle Accessibility Regulations: Exemptions Report 2016

Width of doorway in standard toilet	x		x	
Position of handrails in standard toilet			x	
Lack of external bodyside PIS displays				X
Volume of announcements	x			X
Passenger information system – audio announcements on sleeper services	x			
Design of mandatory signage				X
Clearance to handrails		x (luggage rack only)	x (luggage rack only)	
Handrails in clearways	x			
Handrail in doorway	x			
Height of seat back handhold		x	x	
Platform/train gap & step	x	x	x	X
Height and depth of external step		x	x	X
Number of wheelchair spaces	x			
Number of accessible sleeper berths	x			

Dimensions of manual boarding ramp	x			
------------------------------------	---	--	--	--

7. Other statistics

7.1 The Department for Transport publishes a number of other documents and statistics relating to the rail vehicle accessibility regime including:

- a list of all Exemption Orders made to date;
- a list of all granted exemption end dates;
- a list of all rail vehicles built or fully refurbished to RVAR or the PRM TSI; and
- most recent Annual Exemption reports.

7.2 All lists are available from <https://www.gov.uk/government/collections/rail-vehicle-accessibility-regulations-rvar-exemption-orders>

CCS1117392218
978-1-5286-0118-4