



Department  
for Transport

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

**1 January 2018 – 31 December 2018**

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Rail Vehicle Accessibility Regulations  
Exemption Orders**

**1 January 2018 – 31 December 2018**

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

July 2020



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## **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”)<sup>1</sup> and the consultations that informed his decisions.

**1.3** It also notes the progress in making rail vehicles in Great Britain more accessible and it contains information about dispensations granted under the Railways (Interoperability) Regulations 2011<sup>2</sup> (“RIR 2011”) 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 2018** 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 2018, including the number of Exemption Orders brought into force, applications received and the number of exemptions which expired during the year.

- Applications carried forward from 2017: **5**
- Applications received: **4** (see **Section 4**)
- Applications withdrawn: **0** (see **Section 4**)
- Applications rejected by Ministers: **0**
- Applications accepted by Ministers: **4**
- Orders brought into force: **4** (see **Section 4**)
- Applications carried forward into 2019: **5** (see **Section 4**)
- Exemption Orders expiring: **0** (see **Section 6**)

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<sup>1</sup> S.I. 2010/432.

<sup>2</sup> 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 enable 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 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 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 2018, over 10,400 new rail vehicles had been built to the standards set by RVAR or PRM TSI and are now in service. This represents approximately 69% 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 8,351 heavy rail vehicles (62 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 Committee<sup>3</sup> ("DPTAC"), has been working with the rail industry to ensure that older rail vehicles comply with the required standards by the 2020 end date.

**3.8** To December 2018, 4,762 older vehicles in use on both heavy and light rail networks had undergone upgrade work. When combined with the number of new vehicles built to the standards, over 15,200 accessible rail vehicles are in service (up from 13,000 in 2017). This means 82 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 some 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 Exemption Orders may contain conditions and may apply exemptions for a set period.

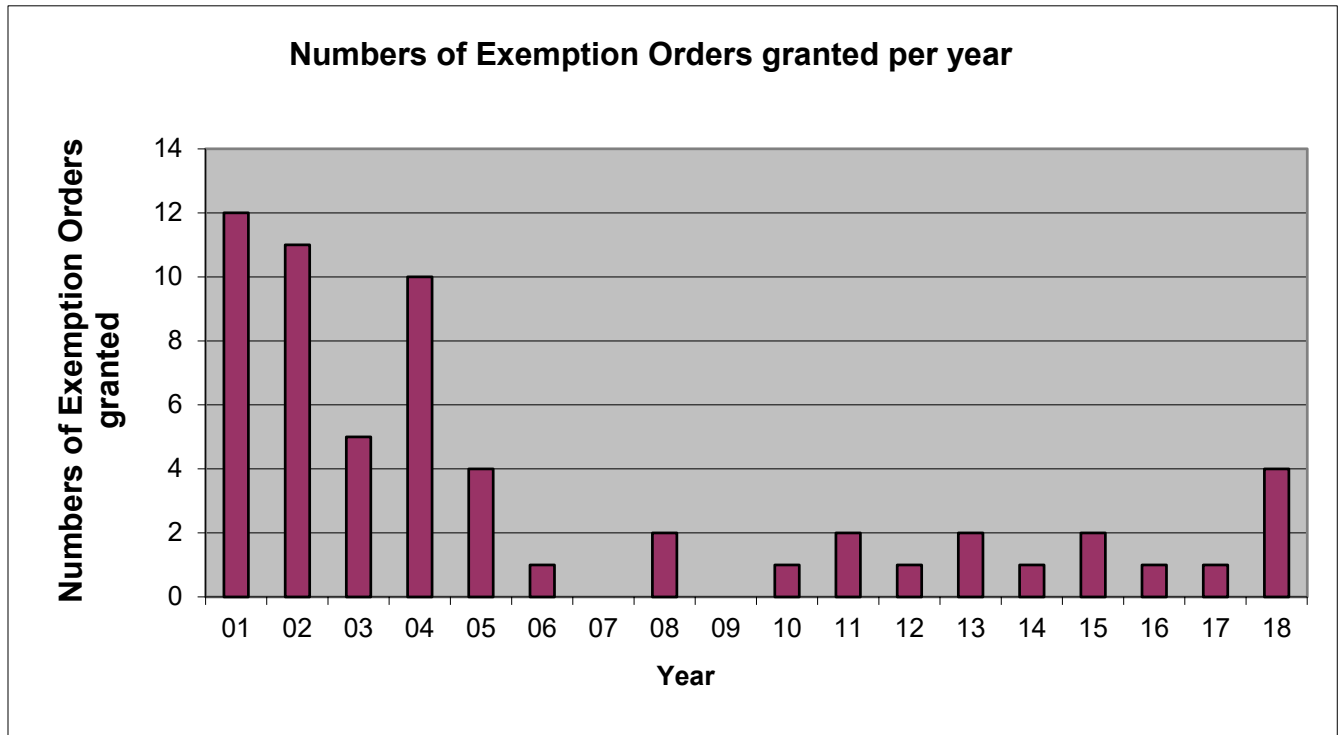
**3.10** A number of exemptions were granted to heavy rail vehicles which were previously regulated under RVAR. For some heavy rail vehicles refurbishment work may not be required, where minor non-compliances exist stemming from differences in domestic and European standards that do not materially affect accessibility but which may nevertheless cost a significant amount to rectify. Dispensations for those were granted in 2012.<sup>4</sup>

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

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

**3.11** The DfT 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 2018, 85 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 2015<sup>5</sup> 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

<sup>5</sup> <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 2018**

### **Docklands Light Railway (DLR) – B2007 and B92 trains (Carried forward from 2017)**

**4.1** The Docklands Light Railway Limited (DLRL) operates two classes of rolling stock known as B92 and B2007 on the DLR network. DLRL was granted exemptions in 2008 against the requirements for a 3 second audio and visual warning before doors close and the requirement to announce the next station stop whilst a vehicle is stationary in a platform. These exemptions expired on 31 December 2016<sup>1</sup>.

**4.2** In October 2016, DLRL submitted RVAR exemption applications, requesting permanent exemption from announcing the next station when stationary and for a time-limited exemption to enabling testing to be carried out on audio visual door closure warnings.

**4.3** Exemption for both types of train in respect of passenger announcements whilst stationary in a platform was sought owing to the operational constraints on dwell time which the design of the high frequency DLR network creates. RVAR standards require that the next station is announced both at the station and after departure. Travel time between stations on the DLR network is no more than a few minutes which limits the possibility to announce the next stop twice (once while stationary and once after departure), without announcements becoming continuous.

**4.4** 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 to quantify the impact of a change in existing practice. Currently audio-visual signals are provided during (and not before) door closure. DLRL will be undertaking live trials with B2007 vehicles to change the door closure sequence and ascertain the impact on accessibility, safety and network performance.

**4.5** The exemption was granted on 22 May 2018 and permitted testing to be started by 15 October 2018 at the latest. The exemption expires on 31 December 2019 and DLR must indicate to the Secretary of State

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<sup>1</sup> <http://www.legislation.gov.uk/ukxi/2008/925/contents/made>

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by 31 March 2019 whether it intends to seek further exemption or  
refurbish the vehicles to be compliant.

## **London Underground Limited (LUL) - S7 & S8 Audio Visual Announcements.**

**4.6** In June 2017, LUL applied for exemptions in relation to next stop announcements for trains operated on the District, Circle and Hammersmith and City Line (S7 stock) and trains operated on the Metropolitan line (S8 stock).

**4.7** The standard (11(5)) requires that: 'Whilst a rail vehicle is stationary at a station or stop any public address systems required to be fitted inside the vehicle, and on its exterior, must be used to announce the destination of the vehicle or, if it is following a circular route, the name or number of the route and, in the case of systems inside the vehicle only, to announce the next stop'.

**4.8** LUL was previously granted an exemption against this standard for the S7 and S8 stock, which expired on 31 December 2016. LUL have requested to be granted further exemption, for the life of the vehicle, in order that priority can be given to announcing interchange, exit and safety information at stations where the next stop follows a single, linear route. Next station information is provided at stations where the network branches and/or there are irregular stopping patterns (for example fast or semi-fast services). For all trains announcements for the destination and the next stop are made between stations and in good time for a passenger to prepare to alight the train.

**4.9** These exemptions were granted on 26 July 2018.

## **London Underground Limited: Northern Line (95TS) Door Handrail (carried forward from 2017)**

**4.10** In June 2017 LUL applied for an exemption in respect of the provision of two handrails in passenger doorways on 1995 tube stock (95TS), operated on the Northern Line.

**4.11** LUL was granted an exemption in 2015<sup>2</sup> for the Northern Line 95TS in advance of a refurbishment programme. Exemptions were granted for the following non-compliances, which would remain post-refurbishment:

- provision of manual boarding devices at wheelchair-compatible

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<sup>2</sup> [http://www.legislation.gov.uk/ukxi/2015/393/pdfs/ukxi\\_20150393\\_en.pdf](http://www.legislation.gov.uk/ukxi/2015/393/pdfs/ukxi_20150393_en.pdf)

doorways (at particular stations and platforms stations listed in the Schedule to the Exemption Order)

- the width of contrasting colour floor strip at passenger doorways of a vehicle, but only in so far as it applies to single doorways with tapered door sills on those vehicles; and
- the provision of passenger information when vehicle is stationary at a station) (with non-applicability at some stations)

**4.12** On inspection of the units as the upgrade programme progressed during 2017, LUL identified that at single leaf doorways, only one handrail was fitted on the draught screen side of the door. The standard in RVAR requires a handrail at either side of a passenger doorway.

**4.13** LUL looked at options for fitting a second handrail on the opposite side of the door, but identified two issues.

- a second handrail would limit access to the perch seat which is fitted in the door vestibule.
- a second handrail would narrow the usable width of the doorways, restricting passenger entrance and exit flows.

**4.14** Exemption for the provision of a single handrail at a doorway was granted on 26 July 2018.

### **London Underground Limited: Jubilee Line (96TS) (carried forward from 2017)**

**4.15** In February 2017 LUL applied for an exemption against the following RVAR standards for trains operated on the Jubilee line (96TS):

- audio-visual announcements made when a vehicle is stationary in a platform;
- the dimension of the contrast strip on passenger door edges;
- limited exemptions at certain stations and platforms for the provision of manual boarding ramps where the gap between the train and the platform exceed 75mm horizontally and 50mm vertically and it is not possible to deploy a manual boarding ramp. At some of these stations the exemption is requested for a limited period whilst work to realign the train and the platform is taking place; and
- the provision of handrails either side of single leaf passenger doors

**4.16** The grounds for request for these exemptions for the 96TS correspond to those for the Northern Line 95TS, the stock being of similar age and design, both pre-dating modern accessibility standards. This limits the possibility of achieving full compliance with the standards

**4.17** Exemption for these vehicles was granted on 22 May 2018.

### **Tyne and Wear Metro: Manual Boarding Ramps (carried forward from 2017)**

**4.18** In December 2017, Tyne and Wear Passenger Transport Executive (trading as 'Nexus') applied for an exemption from the requirement to provide a manual boarding ramp at a wheelchair accessible doorway at all times and without pre-booking if a wheelchair user wishes to board or alight a train and the gap between the train and the platform is greater than 75mm horizontally and 50mm vertically.

**4.19** The Tyne and Wear Metro network was designed to provide step-free access from street to train, but was built before RVAR standards came in to force. The gap/step between the train and the platform, whilst useable, exceeds the RVAR maximum of 75mm horizontally and 50mm vertically. Manual boarding ramps are available, if assistance is pre-booked.

**4.20** Nexus are currently procuring new trains which will be designed provide step-free access to RVAR standards. The exemption is requested to be in force post 2020 and until the new train fleet can be brought into service in 2025.

**4.21** Consideration of this request is carried forward to 2019.

### **Tyne and Wear Metro: 4 Specialist Metro Cars**

**4.22** In October 2018 Tyne and Wear Metro applied for an exemption in relation to four original 'specialist' Metrocars in their fleet. These were the first four prototype cars to be built in the fleet and have minor design differences to all other cars.

**4.23** Current rolling stock entered into service in 1980. The fleet received an overhaul between 2010 and 2015 to refurbish the trains to meet RVAR 2010 standards and to prolong their operational life to the mid-2020s. The 4 prototype Metrocars (4001, 4002, 4040 and 4083) did not undergo this upgrade programme. This decision was based on the ability to meet passenger demand without the need to operate the older prototype vehicles. They were retained as spare vehicles, to support day to day running of the network when other vehicles were out of service.

**4.24** However, passenger numbers have grown and the usage of the

vehicles has remained constant in the morning and evening peak times to relieve crowding. Until new rolling stock replaces the whole fleet in the mid-2020s, these vehicles will need to remain on the network to meet passenger demand.

**4.25** Non-compliances where exemption has been requested relate to provision of boarding devices at some platforms, audible door closure warning properties, properties of door control buttons, location of door handrails, wheelchair space specifications and illumination of vehicle entrance/exit step.

**4.26** Consideration of this request is carried forward to 2019.

### **Postal Museum (London) 'Mail Rail' ride vehicles**

**4.27** The Postal Museum opened in July 2017 and operates as a charity, showcasing the story and collection of Britain's postal heritage. One of their attractions is the 'Mail Rail' ride. This ride lasts 15 minutes and takes visitors by train within the existing 1915 built tunnel network of the former Post Office parcel railway.

**4.28** The Rail Vehicle Accessibility (Networks) Exemption Order was made in 2010 to provide a class exemption for certain types of non-mainline network where it was appropriate to 'carve out' vehicles on these network from the requirement to comply with accessibility standards in RVAR 2010. These are mostly heritage and touristic networks, which are self-contained and are not offered to passengers as part of the public transport network.

**4.29** The Rail Vehicle Accessibility (Networks) Exemption Order 2010, defines a "miscellaneous network" as a network which is used as or as part of any fairground equipment which, in this Order means any fairground equipment or any similar equipment which is designed to be in motion solely for entertainment purposes with members of the public on or inside it. The Postal Museum (London) 'Mail Rail' ride sits within the definition of a miscellaneous network.

**4.30** Other operators on miscellaneous networks are already listed on The Rail Vehicle Accessibility (Networks) Exemption Order 2010. Had the Postal Museum network been operational as a tourist experience in 2010, it is likely that it would have been included in the existing schedule, since its operations are akin to many of the other networks listed.

**4.31** In the consideration of the application to be included in the Schedule to the networks exemption Order of 2010, we deemed that it was not possible to amend the existing Order to include this newly

Rail Vehicle Accessibility Regulations: Exemptions Report 2018 opened network. The existing 2010 Order schedule only makes provision for networks which were operational in 2010 and for any pre-1999 vehicles that were being operated on them.

**4.32** Instead we have considered the exemption application as a request for determination from the Secretary of State that the operator's rail system is excluded from the scope of the RIR 2011 because it falls under reg. 3(2)(c) of RIR 2011.

**4.33** The Interoperability Exclusions list, which includes the same networks listed in the Network Exemption Order, is designed to provide clarity that the Railways Interoperability Regulations 2011 do not apply to those networks.

**4.34** On this basis, the continuation of this exemption application has been commuted to a request for determination and has been included in the Secretary of State's Railways (Interoperability) Regulations 2011 exclusion list.<sup>3</sup>

### **London Underground Limited – Bakerloo Line**

**4.35** In December 2018 LUL applied for exemptions from RVAR standards relating to some aspects of the vehicles operated on the Bakerloo line, which were built in 1972. These exemptions would be applicable during a period of upgrade, due to be completed by the end of 2021. The trains will be replaced by the mid-2020s by New Tube for London vehicles, which are currently on order.

**4.36** Upgrade work will install wheelchair spaces, visual passenger information and manual boarding ramps at stations where they are suitable for use. Some non-compliances will remain after the upgrade work is completed. LUL has requested permanent exemption from these standards on technical and financial grounds.

**4.37** Non-compliances which LUL has requested exemptions for concern the provision of two wheelchair spaces and contrast flooring (all until 2021) and handrails in passenger doorways and regulated passenger information provision.

**4.38** The consideration of this exemption application will be carried forward to 2019.

### **London Underground Central Line**

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<sup>3</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/765751/approved-list-exclusions-from-rir.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765751/approved-list-exclusions-from-rir.pdf)

**4.39** In December 2018 LUL applied for exemptions from RVAR standards relating to some aspects of the vehicles operated on the Central line, which were built in 1992. These exemptions would be applicable during a period of upgrade, due to be completed by the end of 2024.

**4.40** Upgrade work will install wheelchair spaces, visual passenger information and manual boarding ramps and platform humps at stations where they are suitable for use. Some non-compliances will remain after the upgrade work is completed. LUL has requested permanent exemption from these standards on technical and financial grounds.

**4.41** The exemptions applied for relate to provision of wheelchair spaces, contrast flooring and handrails (all until 2024), size and location of handrails in doorways, regulated passenger information provision and dimensions of priority seats.

**4.42** The consideration of this exemption application will be carried forward to 2019.

### **London Underground Piccadilly Line**

**4.43** In December 2018 LUL applied for exemptions from RVAR standards relating to some aspects of the vehicles operated on the Piccadilly line, which were built in 1973. These exemptions would be applicable until the trains are withdrawn from service by December 2026.

**4.44** Upgrade work will improve spaces for carrying wheelchairs and manual boarding ramps and platform humps at stations where they are suitable for use.

**4.45** The exemptions applied for relate to: the provision of two wheelchair spaces which meet all minimum requirements set in the standards, providing boarding devices at all platforms, design and location of handrails in doorways and regulated passenger information provision.

**4.46** The consideration of this exemption application will be carried forward in 2019.

### **London Underground Waterloo and City Line**

**4.47** In December 2018 LUL applied for exemptions from RVAR standards relating to some aspects of the vehicles operated on the Waterloo and City line, which were built in 1992. These exemptions

Rail Vehicle Accessibility Regulations: Exemptions Report 2018 would be applicable during a period of upgrade, due to be completed by the end of 2024. Some non-compliances will remain after the upgrade work is completed. LUL has requested permanent exemption from these standards on technical and financial grounds.

**4.48** The exemptions applied for relate to provision of fully compliant wheelchair spaces, contrast flooring and handrails (all until 2024), size and location of handrails in doorways, regulated passenger information provision and dimensions of priority seats.

**4.49** The consideration of this exemption application will be carried forward to 2019.

## **5. Exemptions expiring during 2018**

**5.1** There are no exemptions which expired during 2018.

## **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 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 2018.

### **Derogations**

**6.2** No derogations from the standards in the PRM TSI were granted in 2018.

### **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** During 2018 fourteen dispensations were granted for the following fleets:

	<b>Vehicle Owner and Class</b>	<b>Operator</b>
1	Angel Class 150s	Northern and GWR
2	Porterbrook Class 155s	Northern
3	Angel Class 156s	Abellio Scotrail
4	Porterbrook Class 156	East Midlands Trains
5	Porterbrook Class 156s	Arriva Rail North



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6	Porterbrook Class 158	Abellio Scotrail, Arriva Rail North, East Midlands Trains, Great Western Railway and South West Trains
7	Porterbrook Class 159	South West Trains
8	Angel Class 158	Transport for Wales Rail Services
9	Angel Class 158	Arriva Rail North and East Midlands Trains
10	Eversholt Class 158	Northern
11	Beacon Rail Class 313/2s	Southern
12	Angel Class 466	SouthEastern
13	DB Regio Mark 3	Chiltern
14	Eversholt Mark IV	Virgin East Coast Trains

**6.5**

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

Requirement	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Height of seatback handhold	X	X				X	X	X	X	X	X		X	
Number of seatback handholds						X*	X							
Location of priority seat											X			
Quantity of priority seating												X		
Arrangement of door controls	X			X	X						X	X		
Interior door push button illumination				X	X			X	X			X		
Height of interior door controls	X	X	X	X	X	X	X	X	X	X	X	X		
Height of exterior door controls								X	X	X	X			

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Force to operate door buttons												X		
Timing of door control illumination	X	X	X								X	X		
Timing of door control audio warning		X									X			
Automatic door obstacle detection	X	X	X								X			
Height of handrail in doorway			X			X	X	X	X	X	X	X		
Dimensions of handrail in doorway	X			X	X	X	X	X	X	X	X	X		
Quantity of handrails doorway	X													
Illumination of step/floor threshold	X	X	X	X	X	X	X	X	X	X	X	X		X
Width of doorway in standard toilet						X	X	X	X			X		X
Height of lock in standard toilet						X	X	X	X					
Features of universal accessible toilet						X	X	X	X	X				
Dimensions of baby change table						X	X	X	X	X				X
Bodyside passenger information display	X		X	X	X	X	X	X	X	X	X	X		
Passenger information screen text (squashed descenders)						X	X	X						
Visibility of information screen											X			

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Next stop information											X			
Compliance to RASTI for audible announcements	X		X			X	X	X	X	X	X	X		X
Platform/train gap & step	X	X	X	X	X	X	X	X	X	X	X	X		X
Height of step riser												X		
Width of external step														X
Signage conforming to ISO standard	X					X	X	X	X		X	X		X
Width of clearway to wheelchair space		X	X	X	X	X	X	X	X	X				
Width of clearway to priority seats						X								
Width of external doorway (non-wheelchair)			X	X	X									
Width of external doorway (wheelchair)			X	X	X									
Manual boarding ramp width		X												
Manual boarding ramp angle when deployed													X	

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Length of wheelchair space								X						
Width of tipping screen								X						
Wheelchair turning circle								X						
Wheelchair space companion seat											X			
Width of colour contrast band on step						X	X	X	X	X	X			X
Vestibule flooring contrast													X	
Provision of wheelchair space (applies only to vehicles coupled to compliant units)												X		
Height of priority seat cushion				X	X									

## **7. Other statistics**

**7.1** The Department for Transport publishes 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 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>

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