



Department  
for Transport

XXXXXXX  
Engineering Director  
Northern Trains Limited  
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From the Minister of State  
**Chris Heaton-Harris MP**

Great Minster House  
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Our Ref: NTL/05/2021

27 May 2021

Dear XXXXXX,

### **The Railways (Interoperability) Regulations 2011 – Class 153 Northern Trains Limited - 2021 accessibility deadline**

Regulation 45 of the Railways (Interoperability) Regulations 2011<sup>1</sup> (RIR 2011) makes it unlawful for a passenger rail vehicle to be used in service on the trans-European rail system in the UK after 31 December 2019 unless it complies with the Technical Specification for Interoperability - Persons with Reduced Mobility (PRM TSI) set out in the Annex to Decision 2008/164/EC of the European Commission of 21 December 2007, or any amended version of it, or Commission regulation 1300/2014 of the European Commission of 18 November 2014 which replaced it, or National Technical Specification Notices on Persons of Reduced Mobility that replaced Commission Regulation 1300/2014 from 1 January 2021, or any variation of the NTSN or any NTSN which replaces it (and/or defined domestic accessibility standards<sup>2</sup>) except to the extent that:

- a. a derogation from part of the PRM TSI or NTSN was granted under regulation 14 before 31 December 2020, or an exemption from part of it has been granted under Regulations 14 and 14A of RIR 2011;
- b. a determination that part of the PRM TSI or NTSN does not apply has been made under Regulation 13(8) of RIR 2011; or
- c. a dispensation that part of the PRM TSI or NTSN does not apply has been granted under Regulation 46 of RIR 2011.

**This is a dispensation (effective from the date of this letter) made under Regulation 46(4) of the RIR 2011, granting that the vehicles listed in Annex A, which form the trains known as Class 153 need not comply after 31 December 2019 with those parts of the NTSN listed in Annex B. This follows consultation with DPTAC<sup>3</sup> and is subject to compliance with the following conditions:**

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<sup>1</sup> SI 3066/2011

<sup>2</sup> The Rail Vehicle Accessibility (Northern Ireland) Regulations 2001 or Part 1 of Schedule 1 to the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010

<sup>3</sup> The Disabled Persons' Transport Advisory Committee

- a. The dispensation applies to operation of the vehicles by Northern Trains Limited only and restricts operation so that they are only scheduled to operate when coupled with compliant units.
- b. The existing level of accessibility standards compliance is maintained;
- c. Information on non-compliant features of vehicles and alternative travel options is readily available to passengers to assist with informed journey planning.
- d. Northern will continue to carry out the measures that it has undertaken to assist customers with reduced mobility where and when the Class 153 units are in operation.
- e. The operator reports to the Secretary of State following every 2 weeks (from 1 June 2021 until the dispensation expires) to update on passenger satisfaction with the vehicles and progress to remove the units from the timetable.
- f. The permission granted by this dispensation to Northern Trains Limited expires at 23.59 on **31 December 2021**.

For the avoidance of doubt, a separate derogation or determination made under point a) or b) above would be required for any vehicle listed in Annex A that undergoes an upgrade or renewal that requires an authorisation under RIR 2011 after this dispensation is granted.

**Please note that this dispensation does not operate to relieve you of your duty to make reasonable adjustments where required under the Equality Act 2010.**

I have copied this dispensation to Angel Trains and the ORR for their information.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Chris', with a small yellow mark below it.

**Chris Heaton-Harris MP**

**Minister of State for Transport**

signed by the authority of the Secretary of State

## Annex A

Units
153307
153328
153331

## Annex B

4.2.2.1.1 (1)	Number of seatback handholds
4.2.2.1.1 (2)	Height of seatback handholds
4.2.2.1.2.1 (9)	Height of priority seat cushions
4.2.2.2 4.2.2.3.2 (5) and 4.2.2.6 (3)	Wheelchair spaces
4.2.2.3.1 (2)	Force to latch or unlatch a manually operated door
4.2.2.3.1 (5)	Door button arrangement
4.2.2.3.2. (1)	External door width (No.2 End only)
4.2.2.3.2. (7-10)	Audible warnings on door controls
4.2.2.3.2. (9)	Door closure visual warning timing
4.2.2.7.1. (2) 4.2.2.7.4 (2) 5.3.2.7 (1 – 4)	Dynamic visual information display
4.2.2.7.3 (1)	Bodyside visual passenger information
4.2.2.7.4 (5)	Audio compliance with STI-PA standards
4.2.2.9 (1)	Handrail diameter
4.2.2.9 (2)	Radius of curved handrails
4.2.2.9 (3)	All handrails shall contrast with their background.
4.2.2.11.1	Platform gap/step
4.2.2.11.1 (4)	Width of contrast band on external step
4.2.2.11.2 (2, 5 & 6)	Width of external stepboard
5.3.1.2	Width of manual boarding ramp and lugs
5.3.2.2 (3)	Force to operate any door control device, and other equipment inside the toilet compartment.
5.3.2.4	Universal accessible toilet
Appendix A	All safety, warning mandatory action and prohibition compliance ISO 3864-1