



Department
for Transport

Annual Report

Rail Vehicle Accessibility

Regulations Exemption Orders

1 January 2020 - 31 December 2020

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

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April 2023



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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 2010¹ (“RVAR”) 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 2011² (“RIR 2011”) against the European accessibility standard known as the Persons with Reduced Mobility Technical Specification for Interoperability (“PRM-TSI”).
- 1.4 The report covers the period 1 January to 31 December 2020 and has been published on the Department for Transport's website at <https://www.gov.uk/government/collections/rail-vehicle-accessibility-regulations-rvar-exemption-orders>

2 Summary and statistics

2.1 This section outlines the headline figures for 2020, 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 2019: 1
- Applications received: 1 (see Section 4)
- Applications withdrawn: 0 (see Section 4)
- Applications rejected by Ministers: 0
- Applications accepted by Ministers: 1
- Orders brought into force: 1 (see Section 4)
- Applications carried forward into 2021: 1 (see Section 4)
- Exemption Orders expiring: 3 (see Section 5)

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 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 a new European accessibility standard, the Persons with Reduced Mobility Technical Specification for Interoperability (“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 1 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.

4 Progress during 2020

4.1 New vehicles in service

4.1.1 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 2020, over 12,860 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.

4.1.2 More specifically, the number of new rail vehicles comprises of almost 10,750 heavy rail vehicles (68 per cent of the national heavy rail fleet) and almost 2,110 non-heavy rail vehicles (just under 43 per cent of that fleet).

4.2 Existing vehicles refurbishment

4.2.1 In addition, all older rail vehicles undergoing relevant refurbishment receive 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).

4.2.2 The Department for Transport, in conjunction with the Disabled Persons Transport Advisory Committee³ ("DPTAC"), worked with the rail industry between 2011 and 2019 to ensure that older rail vehicles complied with the required standards by the 2020 end date.

4.2.3 To December 2019, 5,512 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, just over 17,000 accessible rail vehicles are in service (up from 15,200 in 2018). A further 1,000 vehicles have been upgraded during 2020 to finalise the programmes established to improve the accessibility of vehicles built before 1999. This means 90 per cent of all passenger rail vehicles in Great Britain have been built, or refurbished, to modern accessibility standards.

4.3 Exemptions

4.3.1 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 Exemption Orders may contain conditions and may apply exemptions for a set time period.

4.3.2 A number of exemptions were granted to heavy rail vehicles which were previously regulated under RVAR. For some heavy rail vehicles, where minor non-compliances exist stemming from differences in domestic and European standards that do not materially affect accessibility, dispensations were granted in 2012⁴.

4.3.3 The DfT routinely publishes details of exemption applications on its website at <https://www.gov.uk/government/publications/list-of-rvar-exemption-orders>. Between 1999 and the end of 2020, 96 Exemption Orders had been made (including amendments but not corrections).

5 Exemption applications considered during 2020

5.1 London Trams

5.1.1 London Trams operates two fleets of vehicles on the Croydon Tramlink network. Vehicles built between 1998 and 2000 are Bombardier CR4000 and those built between 2012 and 2015 are Stadler Variobahn. Both fleets were built to RVAR design standards.

5.1.2 However, a compliance review carried out by London Trams in late 2019 ahead of the 1 January 2020 deadline identified that there were some areas on both fleets where the standards had not been fully met in the build of the trams in service.

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>

5.1.3 These are: door closure audio/visual warning times; letter height on internal passenger information screens; handrail radius; door vestibule lighting; and floor height changes.

5.1.4 A time limited dispensation was sought while work could be carried out to rectify the non-compliances relating to door closure and letter height on visual displays. The other non-compliances in features that are integral to the vehicle structure will remain for the operational life of the vehicle.

5.1.5 In response to the stakeholder consultation, DPTAC raised concerns regarding non-compliant handrails and requested that information on compliance be fully communicated with customers via the website, mobile app and printed material. We have shared this with London Trams.

5.1.6 An exemption Order was granted on 15 October 2020. Exemptions granted for audible door warning and passenger information displays are time limited until 31 December 2021. This will allow London Trams to make the changes necessary for the trams to be compliant. All other exemptions are for the life of the vehicles.

5.2 Welsh Highland Railway Limited

5.2.1 Heritage railway The Welsh Highland Railway Limited is building a replica of a narrow-gauge coach (originally built in 1907) for operation mainly on the Welsh Highland Heritage Railway, with occasional use on the Ffestiniog and Welsh Highland Railway. The coach is currently under construction, and is expected to enter service in March 2021.

5.2.2 As the coach will be a replica of the original 1907 design and will only be in use on networks which recreate a heritage rail experience, the coach will not include some modern accessibility features. These include passenger information systems, power doors, priority seating, modern signage and colour contrast. Exemption has been sought against these standards.

5.2.3 The coach will include a wheelchair accessible space and companion seating. The trains do not have any toilets on board.

5.2.4 Consideration of the application is carried forward into 2021.

6 Exemptions expiring during 2020

6.1 Provisions within two RVAR exemptions granted to London Underground Limited expired in 2020. These were as follows:

- The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Piccadilly Line 73 Tube Stock) Exemption Order 2019 – provision of manual boarding ramps at Cockfosters (1 April 2020) and Osterley (1 September 2020) stations
- The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Bakerloo Line 72 Tube Stock) Exemption Order 2019 – provision of manual boarding ramps at Elephant and Castle station (1 August 2020).

6.2 London Underground Limited has confirmed that at all three locations manual boarding ramps are now available.

7 Heavy Rail Accessibility

7.1 Dispensations granted under RIR 2011

7.1 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 2020.

7.2 In 2020, in addition to 'targeted compliance' dispensations granted in previous years which recognise the limitations for upgrading older vehicles to modern accessibility standards, the Secretary of State has granted 'time-limited' dispensations. These dispensations permit the operation of some vehicles built before 1999 in an unrefurbished state during 2020, pending their upgrade or permanent removal from service.

7.3 The dispensations are subject to conditions which limit the operation of the vehicles to one franchisee only and require that particular franchise reports to the Secretary of State on progress to remove the vehicles from service within a fixed timeframe. Some include additional conditions which permit the use of vehicles on set routes only, or when coupled to compliant units only.

7.4 The use of time-limited dispensations was restricted to fleets where no other viable option was deliverable to ensure continuity of service during 2020. This included exhausting all other options for deploying other fleets, increasing the rate of upgrade work or introduction of new vehicles into service.

7.5 Operators were also required to demonstrate operational commitments to ensuring that the quality of disabled passengers' journeys would not be diminished by the late delivery of the passenger benefits that improved rolling stock would deliver. This included requiring operators to provide clear information to passengers on non-compliant vehicles and alternative options for making accessible journeys.

7.6 Monthly reporting throughout demonstrated that numbers of complaints relating to non-compliant vehicles were very low. This may have been influenced by the sharp decrease in passenger numbers during 2020 coronavirus pandemic travel restrictions.

7.7 Throughout the year, further delays impacted some upgrade, cascade and new vehicle introduction plans, meaning that dispensations were requested by East Midlands Railway for HSTs, Transport for Wales Rail Services for Class 142s and Class 143s and Northern for Class 142, Class 143s and Class 153s to retain non-compliant vehicles until 31 December 2020.

7.8 During 2020 1,000 non-compliant vehicles were upgraded or replaced in the heavy rail fleet. In response to requests made by East Midlands Railway, Greater Anglia, Northern Rail Limited and Transport for Wales Rail Services in December 2020, the Secretary of State granted time-limited dispensations to keep 557 non-compliant vehicles in service (subject to conditions) until 31 May 2021.

7.2 Derogations

7.2.1 No derogations from the standards in the PRM TSI were granted in 2020.

7.3 Dispensations

7.3.1 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.

7.3.2 During 2020, two new ‘targeted compliance’ dispensations were issued, listed in Table 1 below, nine ‘targeted compliance’ dispensations were re-issued with revised vehicle information following finalisation of upgrade programmes, shown in Table 2, and 18 ‘time-limited’ dispensations were granted for the fleets in Table 3. The letters are available on the Department’s website.

Table 1 Targeted compliance dispensations

Operator and vehicle class	Owner	Granted
Transport for Wales Class 230	Viva Rail	12 Nov 2020
Class 769s	Porterbrook	20 Nov 2020

Table 2 Targeted compliance dispensations- reissued post upgrade completion

Operator and vehicle class	Owner	Granted
Cross-Country HSTs	PB/Angel	22 April 2020
Scotrail Short Form HSTs	Angel	5 May 2020
Class 150	Angel	18 Sept 2020
Class 150/2	Porterbrook	4 Sept 2020
Class 153 TfW RS	Porterbrook	4 Sept 2020
Class 156	Angel	25 June 2020
Class 156	Porterbrook	25 June 2020
Greater Anglia Class 317s	Angel	8 July 2020
Class 323s (Northern & West Midlands Trains)	Porterbrook	15 Sept 2020

Table 3: Time-Limited Dispensations

Operator	Class of vehicle	Number of vehicles	Dispensation expiry
Greater Anglia	317	124	31-May-2021
	317-7	32	31-May-2021
	321	280	31-May-2021
Northern	142	26	31-Dec-2020
	144	50	31-Dec-2020
	153 (Angel)	22	31-Dec-2020
	153 (PB)	15	31-Dec-2020
	153 (Angel)	10	31-May-2021
	153 (PB)	8	31-May-2021
Transport for Wales Rail Services	142	30	31-Dec-2020
	143	30	31-Dec-2020
	143	30	31-May-2021
	153 (Angel/PB)	13	31-May-2021
East Midlands Railway	153 (Angel)	4	31-May-2021
	153 (PB)	2	31-May-2021
	HST (ex LNER – Angel)	37	31-May-2021
	HST (ex LNER – PB)	17	31-May-2021
	HST (PB 8+2)	61	31-Dec-2020

8 Other statistics

8.1 The Department for Transport publishes other documents and statistics relating to the rail vehicle accessibility regime including:

- List of all Exemption Orders made to date;
- List of all rail vehicles built or fully refurbished to RVAR/PRM TSI;
- Most recent Annual Exemption reports.

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

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