

**THE RAIL VEHICLE ACCESSIBILITY (NON-INTEROPERABLE RAIL SYSTEM)
(LONDON UNDERGROUND NORTHERN LINE 95TS VEHICLES) EXEMPTION
ORDER 2018**

Explanatory Note

What does the Order do?

1. The Order exempts the vehicles operated by London Underground Limited (LUL) on the Northern Line (known as '95TS') from the requirement meet standards set out in the Schedule to the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (RVAR) for the provision of handrails at single leaf doors.
2. Exemption for the provision of a second handrail apply for the life of the 95TS fleet, as they reflect the technical limitations of the vehicle design.
3. Copies of the application form can be found at Annex A.

Why has the Order been made?

4. The exemption is granted for the life of the vehicle on the basis that there is a technical and safe operational reason for non-compliance with the requirement to provide two handrails at single leaf doors (paragraph 10 (1)(a) of RVAR 2011).
5. 95TS have a single leaf door at either end of the carriage and two sets of double leaf door in the centre. At the single leaf door there is only one handrail fitted on the saloon draught screen side of the door. On the vehicle end there is no handrail fitted and there is limited space available in the 'standback' area. A rail would restrict access to the perch seat and LUL has concerns that fitting a second handrail could slow passenger flow when boarding/alighting the vehicle by narrowing the usable door width. LUL considers that using the single leaf door with one rail provides the same range of support as the double door, where a passenger would only be able to use one rail at a time, as the doors are too wide to reach both simultaneously.
6. The exemption is granted for the life of the vehicle on the basis that there is a technical and operational safety reason for non-compliance.

Are there any conditions for the operator to meet during the period of exemption?

7. It is a condition of the exemption that LUL provides and maintains the existing single handrail that is fitted to the 95TS vehicles at single leaf doors.

Why has the exemption been made without a statutory instrument being laid before Parliament?

8. Following amendment of section 183 of the Equality Act 2010 by the Deregulation Act 2015, exemptions can now be made by administrative orders, rather than by statutory instruments. The Order will, however, be notified to Parliament in the Annual Report which the Secretary of State is required to lay before Parliament by section 185 of the Equality Act.

Who has been consulted and what did they say?

9. We consulted the Disabled Persons Transport Advisory Committee (DPTAC), the Office of Rail and Road and London Travelwatch on the exemption request, as well as carrying out a period of public consultation via our website.

10. Consultation responses can be found at Annex B.

Is there an impact assessment?

11. An impact assessment is not required for a deregulatory measure applied to a public sector body.

Contact

12. Julia Christie at the Department of Transport: Tel: 07920 504300 or e-mail: julia.christie@dft.gsi.gov.uk can answer any queries regarding the order.

Annex A – Application form

Full name of applicant and address

London Underground Limited
Windsor House
42-50 Victoria Street
London
SW1H 0TL

Description of Rail Vehicles

Northern line 1995 Tube Stock - Vehicle numbers:

Train Formation: 106 x 6 Car permanent formations

Train Numbers:

Driving Motor Cars: 51501 – 51686

51701 – 51726

Trailer Car: 52501 – 52686

52701 – 52726

Uncoupling Non Driving Motor Car: 53501 – 53686

53701 – 53726

Circumstances in which exemptions are to apply

At all times while the train is in passenger service

Relevant requirements from which exemption is sought

Schedule 1, Part 1 (General Requirements) of the Rail Vehicles Accessibility Regulations (RVAR) 2010, paragraph 10 (1) a:

10.—(1) Subject to sub-paragraphs (2) and (3), a handrail must be fitted in the following positions—

(a) in every rail vehicle, on the inside as close as practicable to, and on either side of, the passenger doorways in the side of the vehicle, extending vertically from a point not more than 700 millimetres above the floor to a point not less than 1200 millimetres above the floor.

Technical, economic and operational reasons why exemption is sought

Currently on the Northern line, there is a single compliant handrail in the single doorways of the trains. At double doorways, there is a compliant handrail on both sides of the door opening.

London Underground believes that fitting a second hand rail in the single door area would be technically challenging because there is no standback to the body end and a perch seat in this location. This would also not provide good value for money given that the stock has recently undergone a midlife refurbishment to bring the train into compliance and improve the reliability of the

rolling stock. To fit each car with hand rails would mean that trains would be withdrawn from service for the modification to take place, dis-benefitting customers who rely upon the frequent service.

To make a handrail which is obvious from the exterior and useable would mean encroaching into the door aperture or placement which would obstruct part of the perch seating area and access panels for equipment underneath. Re-engineering the body end panel to allow for a compliant handrail would result in significant cost and would likely further limit access to equipment in this area.

In the uncoupling non driving motor cars (UNDM), a hand rail in this location may detract from the usability of the controls housed underneath the perch seat and present a limitation to the operability of the shunting position when required for use.

In the interest of consistency across all single doorways on this fleet, London Underground would be uneasy in placing hand rails in only some locations as this may lead to confusion or injury if people are expecting the rail to be on both sides.

The effect which non-compliance would have on a disabled person's ability to use rail vehicles of the description to which the application relates

LU does not believe that this non-compliance would preclude a disabled person from using the Northern line trains. A handrail is fitted to both sides of the double doors meaning a user can steady themselves at either side of that door, but not use both at once as the door opening is 1600mm wide. A single handrail is fitted in the single door vestibule give a user the ability to steady themselves when stepping into and out of the train on one side. The rails are situated on the body side (towards the centre of the car), rather than car end side, of each single doorway.

Underground stations have clearly marked areas at which level access is available to aid people boarding a train who have difficulties with steps and gaps. This is publicised on the step free tube map, in stations and on platforms.

Supplementary information for consideration

London Underground has recently received 'minded to' letters from the Department for other fleet regarding the same exemption.

Any proposals for later modification of rail vehicles to secure compliance with RVAR within a stated period

London Underground does not intend to further modify the vehicles.

Though additional trains likely to be procured in order to satisfy the Northern Line Upgrade 2, these will be built to the same specification and design as the existing fleet in order to minimise the associated costs with maintenance and ensure that customers receive a consistent experience on all of the trains.

Unless permanent exemption sought, the period during which exemption is to apply.

LU is requesting a permanent exemption for the Northern line.

Annex B –Consultation responses

DPTAC

Northern Line

DPTAC believe that the proposed approach to installing one handrail to the single door area would offer adequate 'reasonable adjustment' for disabled customers, and are therefore minded to support this permanent exemption request.

It would be fair to surmise that by not installing two handrails on Northern line tube stock single door areas, this would not pose any significant access related barriers for disabled customers. It is also acknowledged that provision of a double handrail in this location would pose an additional barrier to the end of carriage on board perch seating, which is long established as offering a means of accessible seating for disabled people with certain types of impairment.

Dave Partington, DPTAC Member

ORR

Re

1. Northern line: The provision of a single handrail at single leaf passenger doors
2. S7/S8 stock: Next stop announcements when a vehicle is stationary in a platform (applicable only a certain stations on the route). This exemption application seeks to replace an exemption granted in 2013 (and lapsed in 2015), which LUL had assumed was not time limited.

I am content with these proposed exemptions

Keith Atkinson

HM Principal Inspector of Railways

Office of Rail and Road

1 Kemble St,

London

WC2B 4AN

London TravelWatch

Thanks for consulting us on these. London TravelWatch has no objection to these requests for exemptions.

Yours sincerely

Tim Bellenger

Director, Policy and Investigation

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London TravelWatch, 169 Union Street, London, SE1 0LL