

**THE RAIL VEHICLE ACCESSIBILITY (NON-INTEROPERABLE RAIL SYSTEM)  
(B92 AND B2007 VEHICLES) EXEMPTION (MISCELLANEOUS PROVISIONS)  
ORDER 2018  
Explanatory Note**

**What does the Order do?**

1. The Order exempts the vehicles known as type 'B92' and the vehicles known as type 'B2007', which are operated by Docklands Light Railway Limited (DLRL) on the Docklands Light Railway (DLR) network, from the requirement to meet standards set out in Schedule 1 to the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (RVAR) (SI 2010/432) for:
  - Announcements relating to the next station stop, made while the vehicle is stationary in a platform; and
  - Minimum timings for audio-visual warnings given when powered doors are closed.
2. The exemptions from the 'next station' announcements requirement apply for the life of the B92 and B2007 vehicle fleet. 'Next station' information must still be provided between departure from a station and arrival at the next station.
3. The exemptions from the standards for audio-visual door closure warning sequences are time limited and apply to the B2007 fleet only. These have been granted to allow DLRL to carry out testing on audio-visual door closure warning procedures against the minimum standard of 3 seconds. These exemptions will expire on 31 December 2019.
4. Exemptions are not required on the B92 stock whilst testing is taking place in relation to non-compliant door closure warnings. RVAR permit these trains to be operated with a non-compliant warning sequence until the end of 2019, on the grounds that they were brought into service before 1999.
5. Copies of the application form can be found at Annex B.

**Why has the Order been made?**

**Paragraph 11(5) - Passenger Information**

6. The existing passenger information system on B92 and B2007 vehicles announces the next stop between stations. Stations on the DLR are located closely together with no more than a few minutes of travelling time between stations. This offers limited time in which to make necessary passenger information available, without repetition of information leading to near-constant announcements.
7. Furthermore, the existing passenger information system on the older B92 stock does not have the digital capacity to deliver additional 'next stop' audio-visual announcements when a train is stationary in a platform. In order to meet this particular standard, the passenger information system would need to be fully replaced at a significant cost. The newer B2007 trains have a passenger information system which has the capacity to make additional announcements, however in order to maintain uniformity between fleets and to reflect the fact that stations are situated closely together, the exemptions will apply to the B2007 stock too.

8. The Order will allow DLRL to streamline the information provided to passengers whilst stationary in a platform and focus on the name of the current station, the end destination and any interchange or safety information. The next station information is then provided between stations.

### **Paragraph 3(5)(b) and Paragraph 4.2 – Audio Visual Door closure warnings**

9. For the B2007 stock, DLR has also been granted two exemptions relating to audio visual door warnings. First, an exemption, for a period of testing, from the requirement to give an audible warning three seconds before the door closure sequence starts (paragraph 3(5)(b) of Schedule 1 of RVAR). Secondly, an exemption, also for a period of testing, from the requirement for a visual warning, by means of the door control device or its immediate surround, to be illuminated continuously until 3 seconds before the doors start to close (RVAR paragraph 4(2)).
10. These requirements applied to these trains on entry in to service in 2008. However, exemptions were granted for a period of non-compliance whilst B92 stock was operated alongside it to ensure consistency (B92 stock was not required to comply with these standards). In 2008, DLRL had proposed to replace the B92 stock ahead of the expiry of the exemption on 31 December 2016.
11. The DLR's train schedule only allows the minimum dwell time at each station. Introducing a compliant warning closure sequence while the vehicle is stationary within the constraints of the driverless system would require every train to wait an additional three seconds at each station.
12. In support of the exemption application in 2008, DLRL commissioned a professional study of the operating timetable which demonstrated that the cumulative result of an additional three seconds dwell time would be a significant reduction in service frequency. With fewer trains operating, capacity on the system would be similarly reduced, resulting in a worse service for all passengers. They proposed that both types of train would still provide audible and visual warnings on both fleets but these would only start as the doors began to close.
13. DLRL's procurement of replacement trains for the B92 trains was subject to delays and resulted in the decision to keep the B92s in service until the mid-2020s.
14. Ahead of the expiry of the 2008 Order in December 2016, DLR carried out a two-day period of in service testing in October 2016 with a B2007 train modified to meet the 3 second door closure sequence. The purpose of the testing was to understand if compliance could be achieved on both types of train and to test the assumptions of the model devised in 2008 when the B2007 stock were introduced.
15. This testing demonstrated that more detailed, long term research was necessary to establish the full impact on passenger services of compliance with the 3 second door closure sequence for B2007 stock and of B92 stock (B92 stock, only from 2020).
16. The time-limited period of these exemptions will allow for further testing to take place up until March 2019 on both types of trains to fully measure the impact of meeting the three second door closure sequence on safety, accessibility and service reliability.

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

17. In respect of exemption against paragraph 11(5) – Passenger Information conditions apply which require DLRL, when the vehicle is stationary at a station, to use the internal passenger information system to announce the name of that station, that the vehicle is a DLR service and either the destination of the vehicle or the next stop.
18. Where no announcement is made at a station as to either the destination of a vehicle or its next stop, the internal passenger information system is used to provide that information after the vehicle leaves the station and before it stops at the next station.
19. In respect of Westferry station, when a train is travelling in the direction of Lewisham station, an audible passenger announcement must be made to announce that the service will not stop at West India Quay station.
20. Exemptions granted in respect of audio visual door closure warnings are subject to the condition that the passenger door can only be closed by a member of the operator's staff on the train or next to a doorway on the train.
21. Additionally the audible warning device must emit a distinct sound when the door becomes openable by a passenger and emit a different distinct sound only while the door is closing. That sound must last for a period of not less than 1.75 seconds.
22. The illumination of the door control surround, fitted as required by paragraph 4(1)(c) or Schedule 1 to RVAR 2010 must cease when the door starts to close.
23. Provision is made in the exemption for no audio or visual signal to be given in the doorway at which the passenger service assistant stands to operate the door closure sequence. This was requested as the passenger service assistant provides direct supervision of boarding at that door and suppressing the signals at this door ensures that the member of staff is not unduly exposed to repetitive sounds whilst operating the doors during an average shift.
24. DLRL are required to report to the Secretary of State by 15 October 2018 that testing has begun and that by 31 March 2019 the findings of the evaluation have been completed. DLRL must confirm a request to DfT for any further exemptions by 31 March 2019.

## **Why has the exemption been made without being laid before Parliament?**

25. Following amendment of section 183 of the Equality Act 2010 by Part 7, Schedule 10 of 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?**

26. 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. We also

sought further views from DPTAC, ORR and London TravelWatch regarding changes to the period of testing for AV door closure warnings.

27. Consultation responses can be found at Annex A.

**Is there an impact assessment?**

28. As a subsidiary body of a public body (Transport for London), DLRL are not subject to regulatory impact assessment.

**Contact**

29. Julia Christie at the Department of Transport ([julia.christie@dft.gsi.gov.uk](mailto:julia.christie@dft.gsi.gov.uk)) can answer any queries regarding the order.

## **Annex A – Stakeholder Consultation – Phase 1**

### **ORR**

Julia

Following the meeting this morning and on the basis of the information presented by James Cox re

1. Door closing warnings
2. 'mind the gap' markings
3. Passenger alerts for non- stopping at West India Quay on Lewisham bound trains.

ORR has no concerns about issue of exemptions on these matters, always assuming DLR provides the information it offered and adopt effectively the procedures proposed.<sup>1</sup>

Keith Atkinson

HM Principal Inspector of Railways  
Office of Rail and Road  
1 Kemble Street  
London

### **DPTAC**

Hi Julia,

DPTAC support the exemption requests you requested on the following grounds:

- An evergreen exemption request for the operational life of the vehicles relating types of announcement given when a vehicle is stationary (this would replace this existing exemption which expires on 31 December 2016  
[http://www.legislation.gov.uk/uksi/2008/925/pdfs/uksi\\_20080925\\_en.pdf](http://www.legislation.gov.uk/uksi/2008/925/pdfs/uksi_20080925_en.pdf)

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<sup>1</sup> This relates to operational procedures proposed to mitigate the impact on passengers of Lewisham bound trains not calling at West India Quay.

DLR have considered reasonable adjustment in relation to provision of on board staff to make audio announcements combined with at stop electronic information boards. DPTAC recognise that the practicalities of installing a fully automated Audio Visual on board train information system automated announcements is impossible due to close proximity of stations. Furthermore, DLR Passenger Service Agents on board trains allow DLR to maintain a watch on any (disabled) passengers who may be experiencing difficulties.

- An exemption to cover a period of testing to ascertain the impact of increasing the door closure audio-visual warning sequence from 2 to 3 seconds (this would replace this existing exemption which expires on 31 December 2016 [http://www.legislation.gov.uk/ukxi/2008/925/pdfs/ukxi\\_20080925\\_en.pdf](http://www.legislation.gov.uk/ukxi/2008/925/pdfs/ukxi_20080925_en.pdf));  
and

DPTAC appreciate that this impact has been thoroughly tested by DLR, with no obvious adverse impact. DPTAC recognise that DLR have Passenger Service Agents on trains to maintain the wellbeing, safety and security of DLR customers, so that offers a good measure of 'reasonable adjustment.' DLR have also committed to reviewing this exemption in December 2018, so that will enable DfT and DPTAC to maintain a watch on whether any access related issues have emerged since the granting of this exemption.

In recognition that the deadline for DPTAC views on these exemption requests is today, please could you accept this e-mail as confirmation of the DPTAC view. I've Cc'd Phil Pool into the e-mail so he can use the above text to formally acknowledge this on headed paper, if appropriate.

Regards,

Dave Partington

## **LondonTravelWatch**

Dear Julia,

I am sorry that Robert has not been able to respond earlier to your consultations in relation to these applications.

Having reviewed each of them London TravelWatch has no objection to the proposed exemptions.

Yours sincerely

**Tim Bellenger**

Director, Policy and Investigation

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

[www.londontravelwatch.org.uk](http://www.londontravelwatch.org.uk)

## **Stakeholder Consultation – Phase 2**

*You may recall that in late 2016/early 2017 you provided consultation views on the granting of exemptions to Docklands Light Railway Limited in relation to a period of testing for AV door closure warnings. The application requested that exemptions were in place between Dec 2016 and Dec 2018. The planning and implementation of the testing period has taken longer than anticipated and as a result the application has been paused, until now. The testing project will start later this month (Jan 2018) and will conclude in Jan 2019. The exemption period to be granted will now run from January 2018 to June 2019 – the extra five months following testing will be used to evaluate findings and allow time for any further exemption requests to be considered.*

*I would be grateful if you could confirm whether you have any objections to this revised time period of applicability.*

**DPTAC**

I don't have any objections to this revision of the testing period.

Best wishes,

Dave

**ORR**

ORR has no objection to this

Keith Atkinson

**London TravelWatch**

London TravelWatch has no objection to what you propose for this.

Yours sincerely

**Tim Bellenger**

Director, Policy and Investigation

Follow us on [Twitter](#) and [You Tube](#).



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

[www.londontravelwatch.org.uk](http://www.londontravelwatch.org.uk)

### **Stakeholder Consultation – Phase 3**

*Back in January (2018) I contacted to you ask your view on an exemption we have been considering for Docklands Light Railway to cover a period of testing for door closure warning times. This would be an exemption under RVAR. Since January the granting of the exemption has been paused whilst DLRL addressed an urgent safety issue regarding cracks in the bogies of some of the older vehicles they operate.*

*This had an impact on the timings proposed for testing door closures warnings. The safety issue is now being addressed and DLRL intends to resume their door testing programme. However, this will mean that extra time for the period of exemption will be required, since the project has slipped some weeks. We propose now to grant an exemption valid from May 2018 until December 2019. Previously the exemption was to run January 2018 to June 2019. Could you confirm whether you have any objections to this?*

### **DPTAC**

Given the safety critical circumstances in relation to the need to extend this exemption request, I don't have any objections to extending this by a further 6 months to December 2019.

Best wishes,

Dave



**ORR**

ORR has no objection

Keith Atkinson

**London TravelWatch**

London TravelWatch has no objection to what you propose.

Yours sincerely

Tim Bellenger

Director Policy and Investigation

## Annex B – Application for Exemption

### RVAR 2010 – Application for Accessibility Standards Exemption

This application form sets out the minimum required information in support of applications for exemption from the accessibility standards prescribed in the schedule to the **Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010** as prescribed by the **Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations 2010 SI 427/2010: Schedule 1 - Particulars to be provided with applications for exemption orders for rail vehicles**

1	Full name of the applicant	DLRL
2	The address of the applicant which, in the case of a company, must be the address of its registered or principal office	Docklands Light Railway, Castor Lane, Poplar, London, E14 0BL
3	A description of the rail vehicle to which the application relates, including the—  (i)class number;  (ii)unit number;  (iii)vehicle number;  (iv)name of the manufacturer;  (v)place of manufacture; and  (vi)date the vehicle first brought into use, (unless not yet brought into use);	Docklands Light Railway B92 Stock, Vehicle Numbers 001 – 016 and 022 – 99.  Docklands Light Railway B2007 Stock, Vehicle Numbers 101 – 155.
4	A general description of the services which the rail vehicle is likely to be used to provide and the routes on which it is likely to be operated;	Passenger Vehicle.  Used on all routes on the DLR.

5	<p>The provisions of RVAR from which exemption is sought</p>	<p><b><u>Reg 13(4) (now Reg 11 (5) in RVAR 2010)</u></b></p> <p>While a vehicle is stationary at a station or a stop any public address systems required to be fitted inside the vehicle, 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 to announce the next stop.</p>
6	<p><b>The technical, economic and operational reasons for the application;</b></p> <p><b>(Please attach ant relevant documentation)</b></p>	<p>A number of stations on the DLR network are located in very close proximity to each other, thus presenting a challenge, in that there is insufficient time to make announcements between and at station stops.</p> <p>Due to this time constraint, 'next station' announcements on the DLR are currently only made in between station stops. Making 'next station' announcements at station stops would therefore lead to near constant announcements and information overload. This would impact all customers using the DLR.</p> <p>In addition, our fleet of older vehicles (which constitutes a third of our fleet) cannot accommodate additional messages on the visual displays without having to carry out a substantial upgrade on the entire Vehicle Audio Visual System.</p> <p>As the DLR is a driverless automatic railway, the Passenger Service Agents on board are able to make manual announcements from a number of public address devises located along the train. These announcements constitute of a combination of safety messages, as well as 'next station' and the train's destination.</p> <p>We have considered whether it is possible to achieve compliance using live PAs/staff announcements.</p> <p>However staff are not mandated to make announcements at every station stop, as they are otherwise preoccupied with ensuring that all passengers board and alight the train safely at each station stop, whilst constantly maintaining communication lines with Control Centre Personnel. Failure to do so could</p>

		negatively impact their ability to respond to incidents and carry out their safety critical duties.
7	<b>The effect which non-compliance with the provisions referred to in subparagraph (e) (box 5) would have on a disabled person's ability to use the rail vehicle;</b>	The risk is that a disabled person may not know what the next stop will be before the train departs. We believe that measures proposed in section 8 will keep this impact to a minimum.
8	<b>The measures proposed, if the application is granted, to enable a disabled person to use the rail vehicle;</b>	<p>The DLR also has an additional number of options for informing passengers in advance on where the train is destined, this includes:</p> <ul style="list-style-type: none"> <li>• Platform Indicator boards which show the destination of the next 3 trains.</li> <li>• External Train Destination Indicators: Train's destination is displayed on the front and sides of each car. These can be updated should the final destination change.</li> </ul> <p>DLR believe the current measures that are in place currently allow a disabled person to use our rail vehicle.</p>
9	<b>The period for which the exemption order is requested to be in force;</b>	Evergreen – Life of the vehicle – We are applying for the B92 stock at this time as well, even though the current exemption is valid until 2019. The reason for this is due to the fact the operational constraints as to why we cannot be compliant at this time will continue to be an issue. The geographical layout of our stations will always be close together as thus limiting the available time for our system to make the announcement. Our B92's also have a limitation to how much information

		can be stored on the vehicle audio vision system, these additional messages would be too much.
10	Unless an exemption order is sought for an indefinite period, the proposed timetable of action, before it would cease to be in force, to render the rail vehicle compliant with any RVAR provisions from which it had been exempt;	n/a
11	Where prior consultation with the operator of the rail vehicle is required by regulation 3(2) of the Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations 2010, please set out the response of the operator to the consultation	

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3	<p>A description of the rail vehicle to which the application relates, including the—</p> <p>(i)class number;</p> <p>(ii)unit number;</p> <p>(iii)vehicle number;</p> <p>(iv)name of the manufacturer;</p> <p>(v)place of manufacture; and</p> <p>(vi)date the vehicle first brought into use, (unless not yet brought into use);</p>	Docklands Light Railway B2007 Stock, Vehicle Numbers 101 – 155.
4	A general description of the services which the rail vehicle is likely to be used to provide and the routes on which it is likely to be operated;	<p>Passenger Vehicle.</p> <p>Used on all routes on the DLR.</p>

5	<p>The provisions of RVAR from which exemption is sought</p>	<p><b><u>Regulation 4 (3) (b) (now Regulation 3(5)(b))</u></b></p> <p>The (door) audible warning system warning device shall:</p> <p>If the door is operated by a member of the operator's staff, emit a different distinct sound commencing not less than three seconds before the door starts to close.</p>
6	<p><b>The technical, economic and operational reasons for the application;</b></p> <p><b>(Please attach ant relevant documentation)</b></p>	<p>The door closure audible warning on the above mentioned vehicles sounds for a minimum of 3 seconds but only begins to sound the instant the doors start to close.</p> <p>DLRL have carried out two days worth of testing on one vehicle that ran from Lewisham – Bank. This vehicle (B2007) had its software updated to allow it to emit the audible warning 3 seconds before the doors started to close. After carrying out analysis on this vehicle, having the additional three seconds only had minimal impact on the total journey time of the vehicle. We have looked into this a believe it maybe down to only having this fitted to one vehicle, therefore we didn't see any conflicts at junctions as the vehicle could make up time between stops. At the time of testing there was a large scale event on at ExCeL. Due to the increased patronage this could have increased dwell times on the non modified trains thus not making a noticeable difference for the test train.</p> <p>DLR operates to types of rolling stock. The current exemption expiring in 2016 is for the B2007. We also have an exemption in place for our older B92 stock until 2020. The B92 stock would take further work to become compliant. This would include the procurement and installation of a relay at each door way, the would be a total of 744 relay's. DLRL have considered operating the two different fleets one with an audible warning 3 seconds before the doors start to close (B2007) and one with the current arrangement (B92). DLRL would see this higher risk as the vehicles operate on all routes and a passenger with a visual impairment wouldn't know which vehicle is coming and how much time they have and thus increasing the risk to passengers.</p>

7	<b>The effect which non-compliance with the provisions referred to in subparagraph (e) (box 5) would have on a disabled person's ability to use the rail vehicle;</b>	The system currently operates without the three second door warble before the doors start to close and have done so since the DLR started 29 years ago. During this time, it has not caused problems to our passengers in boarding trains. There will not therefore be an increased risk to a disabled person's ability to use our rail vehicles or of being caught by the doors.
8	<b>The measures proposed, if the application is granted, to enable a disabled person to use the rail vehicle;</b>	Every DLR train has a Passenger Service Agent on board, due to the automation of the DLR this means the PSA's are relatively free to move through the train, offer assistance to passengers as well as check tickets. Their primary duty is to close doors and safely dispatch the train. They receive specific training in how to identify the needs of disabled passengers and have a duty to ensure it is safe to close doors and all passengers have boarded before doing so.
9	<b>The period for which the exemption order is requested to be in force;</b>	24 months (Dec 2018) This will allow us to carry out further testing and also prepare the B92's should we be able to become compliant with the regulation. (Please see attached timeline)
10	<b>Unless an exemption order is sought for an indefinite period, the proposed</b>	Please see attached timeline of action.



	<b>timetable of action, before it would cease to be in force, to render the rail vehicle compliant with any RVAR provisions from which it had been exempt;</b>	
<b>11</b>	<b>Where prior consultation with the operator of the rail vehicle is required by regulation 3(2) of the Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations 2010, please set out the response of the operator to the consultation</b>	<b><u>n/a</u></b>

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3	<p>A description of the rail vehicle to which the application relates, including the—</p> <p>(i)class number;</p> <p>(ii)unit number;</p> <p>(iii)vehicle number;</p> <p>(iv)name of the manufacturer;</p> <p>(v)place of manufacture; and</p> <p>(vi)date the vehicle first brought into use, (unless not yet brought into use);</p>	<p>Docklands Light Railway B2007 Stock, Vehicle Numbers 101 – 155.</p>
4	A general description of the services which the rail vehicle is likely to be used to provide and the routes on which it is likely to be operated;	<p>Passenger Vehicle.</p> <p>Used on all routes on the DLR.</p>

5	<p>The provisions of RVAR from which exemption is sought</p>	<p><b><u>Regulation 4(2) (formerly Regulation 5 (2)in RVAR 1998)</u></b></p> <p>When power-operated doors are closed by a member of the operator's staff the illumination of each such control device shall cease not less than 3 seconds before the doors start to close.</p>
6	<p><b>The technical, economic and operational reasons for the application;</b></p> <p><b>(Please attach ant relevant documentation)</b></p>	<p>The internal 'close' pushbuttons at each bodyside door remain illuminated until the doors are closed.</p> <p>This feature was carried over from the original B92 stock design which pre-dates RVAR 2010. Whilst we recognise that making the push button illumination timing compliant would offer benefits for hearing impaired passengers, the principal implications for DLR are as described in our previous application for exemption from Regulation 3(5)(b) for the B2007 Stock, i.e. we would need to carry out further testing to ascertain the full safety and operational impact of becoming compliant. The illumination of the door push button is impacted by the circuit to the doors. Should we become complaint with Regulation 3(5)(b) this would mean the light would turn off as the door warble starts and thus extinguish 3 seconds before the door starts to close.</p> <p>As we may become compliant in the future with Regulation 4 (3)(b) and this would in turn make us compliant with this regulation. We would like to wait until we have carried out all of our testing on the Door Warble before investing in further modifications.</p>

7	<p>The effect which non-compliance with the provisions referred to in subparagraph (e) (box 5) would have on a disabled person's ability to use the rail vehicle;</p>	<p>We acknowledge that this non-compliance will cause difficulties for hearing impaired passengers; however we would point out that the timing of the door push button illumination is exactly the same as on existing DLR trains, which have now been in service for over 20 years with no known adverse effects on the safety or convenience of disabled passengers.</p>
8	<p>The measures proposed, if the application is granted, to enable a disabled person to use the rail vehicle;</p>	<p>Every DLR train has a Passenger Service Agent on board, due to the automation of the DLR this means the PSA's are relatively free to move through the train, offer assistance to passengers as well as check tickets. Their primary duty is to close doors and safely dispatch the train. They receive specific training in how to identify the needs of disabled passengers and have a duty to ensure it is safe to close doors and all passengers have boarded before doing so.</p>
9	<p>The period for which the exemption order is requested to be in force;</p>	<p>24 months (Dec 2018) This will allow us to carry out further testing and also prepare the B92's should we be able to become compliant with the regulation. (Please see attached timeline)</p>
10	<p>Unless an exemption order is sought for an indefinite period, the proposed timetable of action, before it would cease to be in force, to render the rail vehicle compliant with any RVAR provisions from which it had been exempt;</p>	<p>We will know by the end of our testing period in Dec 2018 as to whether we can be compliant with this regulation. If we can the rolling stock would have had the modification to allow this to happen.</p>

11	<b>Where prior consultation with the operator of the rail vehicle is required by regulation 3(2) of the Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations 2010, please set out the response of the operator to the consultation</b>	<b><u>n/a</u></b>
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