

# **ACCOMPANYING NOTE TO**

## **THE RAIL VEHICLE ACCESSIBILITY (NON-INTEROPERABLE RAIL SYSTEM) (DOCKLANDS LIGHT RAILWAY) EXEMPTION ORDER 2025**

### **1. Overview of the Instrument**

#### ***What does the Order do?***

1.1 The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Docklands Light Railway) Exemption Order 2025 (“the Order”) exempts the following rail vehicles operated by Docklands Light Railway (“DLR”) from certain requirements of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010<sup>1</sup> (“RVAR 2010”):

DLR B92 Stock, Vehicle Numbers 01-16 and 22-99, manufactured by Bombardier, brought into use in 1991 (“the B92s”),

DLR B2007 Stock, Vehicle Numbers 101-155, manufactured by Bombardier, brought into use in 2007 (“the B2007s”),

DLR B23 Stock, Vehicle Numbers 201-254, manufactured by CAF, entering passenger service from 2025 (“the B23s”).

### **2. Policy Context**

#### ***What is being done and why?***

2.1 This Order exempts the B92s, B2007s and B23s from the accessibility requirements in RVAR 2010 with which the vehicles do not comply.

2.2 The non-compliances are in regard to platform-train horizontal stepping distance, duration of audible warning prior to closing of doors, illumination of control devices for the doors, handrail clearance point, door-edge lighting, wheelchair pathway width, and height of letters displayed by the public information system (PIS) visual announcements displays on the front exterior. The exemptions apply variously to the B92s, B2007s and B23s, and are set out for each fleet in paragraphs 2.6 and 2.7 below.

2.3 The 2025 Order supersedes DLR exemption orders made previously:

The Rail Vehicle Accessibility (B2007 Vehicles) Exemption Order 2015<sup>2</sup> (“the 2015 Order”), granting exemption for B2007 platform-train stepping distances exceeding the maximum 50mm vertical and 75mm horizontal gap, expiring 29 September 2025;

The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Docklands Light Railway) Exemption Order 2019<sup>3</sup> (“the 2019 Order”), granting exemptions for B92 and B2007 door closure warning time, handrail clearance and doorway edge

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<sup>1</sup> S.I. 2010/432, <https://www.legislation.gov.uk/ukxi/2010/432/contents>

<sup>2</sup> S.I. 2015/1631, <https://www.legislation.gov.uk/ukxi/2015/1631/article/1/made>

<sup>3</sup> <https://assets.publishing.service.gov.uk/media/5e00e94be5274a33f074ff1d/rail-vehicle-accessibility-exemption-order-dlr.pdf>

illumination, and for B92 wheelchair route dimensions, handrail diameter and priority seat dimensions; expired 31 December 2024.

2.4 In 2019 DLR ordered new trains, designated B23. Introduction into service of the B23s will allow the withdrawal of the B92s, anticipated by the end of 2029. In view of the B92s' short remaining time in service, it is uneconomic to eliminate the non-compliances, and permanent exemptions are therefore granted for the B92 non-compliances, as set out in 2.8 below.

2.5 The B23s entering service will also allow the B2007s to be progressively taken out of service to undergo mid-life refurbishment, which is planned for completion by the end of 2030. Exemptions are therefore granted for the B2007s as set out in 2.8 below until then, except for the one point of non-compliant handrail clearance that cannot be eliminated economically due to technical complexity, which is granted permanent exemption.

## **2.6 2010 Regulations Schedule 1 Part 1 exemptions**

The vehicles do not meet the following standards and requirements at Part 1 of Schedule 1 to the 2010 Regulations:

### **B23s**

Regulation 1.(1) Boarding device must be fitted between a wheelchair-compatible doorway and the platform where the gap between the edge of the door sill of the doorway and the platform is more than 75 millimetres measured horizontally.

Regulation 3.(5) (b) Each passenger doorway in the side of a rail vehicle must be fitted with an audible warning device which must emit a warning sound commencing not less than 3 seconds before the door starts to close.

Regulation 4.(2) When power operated doors are closed by a member of the operator's staff the illumination of each such control device must cease not less than 3 seconds before the doors start to close.

### **B2007s**

Regulation 1.(1) Boarding device must be fitted between a wheelchair-compatible doorway and the platform where the gap between the edge of the door sill of the doorway and the platform is more than 75 millimetres measured horizontally.

Regulation 3.(5) (b) Each passenger doorway in the side of a rail vehicle must be fitted with an audible warning device which must emit a warning sound commencing not less than 3 seconds before the door starts to close.

Regulation 4.(2) When power operated doors are closed by a member of the operator's staff the illumination of each such control device must cease not less than 3 seconds before the doors start to close.

Regulation 10.(4) (b) Any passenger handrail fitted in a rail vehicle must comply with the requirement that there must be not less than 45 millimetres clearance for a passenger's hand between any part of the handrail and any other part of the rail vehicle, excluding the mountings of the handrail to the vehicle.

## B92s

Regulation 1.(1) Boarding device must be fitted between a wheelchair-compatible doorway and the platform where the gap between the edge of the door sill of the doorway and the platform is more than 75 millimetres measured horizontally.

Regulation 3.(5) (b) Each passenger doorway in the side of a rail vehicle must be fitted with an audible warning device which must emit a warning sound commencing not less than 3 seconds before the door starts to close.

Regulation 4.(2) When power operated doors are closed by a member of the operator's staff the illumination of each such control device must cease not less than 3 seconds before the doors start to close.

Regulation 10.(4) (b) Any passenger handrail fitted in a rail vehicle must comply with the requirement that there must be not less than 45 millimetres clearance for a passenger's hand between any part of the handrail and any other part of the rail vehicle, excluding the mountings of the handrail to the vehicle.

Regulation 6.(5) (b) If a rail vehicle has a wheelchair space then the route between a wheelchair-compatible doorway and the wheelchair space must not be less than 850 millimetres wide at any point.

Regulation 11.(8) A rail vehicle must be fitted with a public address system for visual announcements on its exterior in which, on displays mounted on the front of the vehicle, the first letter and numbers used must not be less than 70 millimetres high.

## 2.7 2010 Regulations Schedule 1 Part 2 exemptions

The vehicles do not meet the following standards and requirements at Part 2 of Schedule 1 to the 2010 Regulations:

B2007s and B92s

Regulation 3. At a passenger doorway in the side of a rail vehicle the edge of the floor along the entrance must be illuminated by a light placed within or immediately adjacent to that edge.

## 2.8 2010 Regulations non-compliances

Exemptions have been granted for the B92s, B2007s and B23s against these particular regulations for the following non-compliances:

### Schedule 1 Part 1

Regulation 1.(1) Non-compliant platform-doorway horizontal gap:

DLR platforms were designed and built to 85 millimetres horizontal gap, rather than not more than 75 millimetres as required.

Regulation 3.(5) (b) Non-compliant period of door closing alert,

Regulation 4.(2) Non-compliant period of door control illumination:

DLR train doors start to close without any time delay period, rather than the 3 seconds as required.

Regulation 10.(4) (b) Non-compliant handrail gap for passenger's hand:

B2007s and B92s each have a handrail where at one point the clearance to the adjacent partition is 20 millimetres rather than the 45 millimetres as required.

Regulation 6.(5) (b) Non-compliant wheelchair route width:

B92s each a minimum width for the wheelchair route of 835 millimetres rather than 850 millimetres as required.

Regulation 11.(8) Non-compliant letter height on external front PIS display.

B92s have a maximum height of letters of 62 millimetres rather than the 70 millimetres as required.

## **Schedule 1 Part 2**

Regulation 3.

B2007s and B92s do not have the edge of the floor along the entrance illuminated.

## **What Mitigations are in place for non-compliance?**

2.9 The mitigation measures to be undertaken by DLR for each of these non-compliances are as follows:

### **Schedule 1 Part 1**

Regulation 1.(1) Non-compliant platform-doorway horizontal gap:

DLR is undertaking a programme of work in five stages to achieve the required maximum horizontal gap. This will bring improvements to the stations listed in the Schedule to the 2025 Order : 11 stations in Table 1, by September 2025; 7 stations in Table 2, by 2035; 6 stations in Table 3, by 2060. Permanent exemptions are granted for 13 stations, in Table 4.

Regulation 3.(5) (b) Non-compliant period of door closing alert,  
Regulation 4.(2) Non-compliant period of door control illumination:

Every DLR train has a Passenger Service Agent (PSA) on-board. The B2007s have obstacle detection, and the B92 doors have a reduced closing force during the final stage of closing. The B23 fleet has obstacle detection and sensitive door edge technology across all the door systems.

Regulation 10.(4) (b) Non-compliant handrail gap for passenger's hand:

B2007s and B92s handrails above and below the limited clearance meet the requirement and offer sufficient handhold for passengers.

Regulation 6.(5) (b) Non-compliant wheelchair route width:

The 15mm non-compliance in the width of the B92 wheelchair route has little effect on a wheelchair user to reach the wheelchair space.

Regulation 11.(8) Non-compliant letter height on external front PIS display.

The degree of non-compliance has only a marginal effect on passengers' ability to read the display.

## **Schedule 1 Part 2**

Regulation 3.

B2007s will be fitted with doorway illumination by 2029.

B92s will all be replaced by B23s by 2030.

### **3. Legislative and Legal Context**

3.1 Section 182 of the Equality Act 2010 ("EA 2010") enables the Secretary of State to make rail vehicle accessibility regulations to ensure that rail vehicles to which the regulations apply ("regulated rail vehicles") conform to requirements which enable disabled persons, including wheelchair users, to access such vehicles and to travel in safety and reasonable comfort.

3.2 The Secretary of State made the RVAR 2010 pursuant to section 182 of the EA 2010, which applies to all passenger vehicles on light rail systems such as tramways and the London Underground, and made provision as to the construction, use and maintenance of regulated rail vehicles.

3.3 Section 183 of the EA 2010 enables the Secretary of State to exempt certain regulated rail vehicles by Order from the requirements of the RVAR 2010, and to authorise the use of such vehicles in passenger service even though they do not conform to the requirements of the RVAR 2010. In accordance with section 183 of the EA 2010, exemption orders can include conditions and restrictions.

3.4 This Order is an exemption order made under section 183 of the EA 2010 and is in exercise of the Secretary of State's power in section 183(4)(a) as the Order is being made in the terms of the application for the order. The Order is being made to exempt the B92s, B2007s and B23s from the requirements set out in paragraph 2.8, as set out at article 3, article 4 and article 5 of the Order, with corresponding conditions as set out at article 6.

3.5 Following the amendment of section 183 of the Equality Act 2010 by the Deregulation Act 2015, which inserted paragraph (7) into section 183, exemption orders do not need to be made 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.

### **4. Consultation**

#### ***Summary of consultation outcome and methodology***

4.1 In accordance with section 183(4) of the EA 2010, DfT consulted with the Disabled Persons Transport Advisory Committee ("DPTAC"), the Office of Rail and

Road (“ORR”), Transport Focus, London TravelWatch, local mobility groups<sup>4</sup> suggested by DLR, and with the public via [www.gov.uk/search/policy-papers-and-consultations](https://www.gov.uk/search/policy-papers-and-consultations). This consultation was carried out by making available DLR’s exemption application document, and allowing four weeks, from 3 August 2023 to 7 September 2023, for responses. No objections to the application were received.

4.2 DPTAC responded that the exemption requests were not unreasonable, but suggested that DLR be asked for regular reports on platform work progress and on operational experience of the door closure warning alerts and any passenger incidents or complaints. DLR have undertaken to provide DfT with such reports.

4.3 ORR responded by stating that they had no significant safety concerns, but suggested that they DLR should assess, and seek to eliminate, the risk to wheelchair passengers boarding or alighting at non-compliant door positions. DLR have assessed signage options on the train and the platform to manage the risk, in liaison with user groups. DLR have addressed ORR’s not supporting granting an exemption for the door closure warning alerts, by reviewing the options, and concluding that its operating techniques and risk controls are appropriate, noting that ORR has no immediate safety concerns.

4.4 ORR also commented that DLR should be reminded that exemption from accessibility requirements does not exempt DLR from the requirement to manage safety risks to the level required by law. This reminder is included in this published Explanatory Note for this purpose.

4.5 Transport Focus responded with no objections, but suggested that DLR consider how to indicate to wheelchair passengers where on the platform was the appropriate point to align with the accessible doorways, and consider reviewing the longer timescales (2035) for making platforms compliant. DLR have assessed signage options on the train and the platform to manage the risk in liaison with user groups.

4.6 London TravelWatch responded with no objections, but suggested that DLR consider how to indicate to wheelchair passengers and pram/pushchair users where on the platform was the appropriate point to align with the accessible doorways, and consider reviewing the longer timescales (2035) for making platforms compliant. DLR have assessed signage options on the train and the platform to manage the risk in liaison with user groups.

4.7 There were no responses from the local mobility groups suggested by DLR or from the public consultation.

4.8 The responses to the consultation from consultees that did respond can be found in full, with DLR’s replies to the suggestions made, at Annex A.

## **5. Impact assessment?**

5.1. An impact assessment has not been produced for this instrument as no cost to business or voluntary sectors is foreseen. For deregulatory measures affecting public bodies, no impact assessment is required. This Exemption Order will enable

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<sup>4</sup> Groups consulted were: Newham Talking Therapies, Kooth, Mind in Tower Hamlets and Newham, JFK Special School, Care in Mind, Greenwich Carers, Scope, Let’s Talk Disability, Deaf Plus.

existing vehicles and new vehicles to provide services for the benefit of those who use them and will not impose any costs on the DLR.

## **6. Contact**

6.1 Philip Hunt at the Department of Transport: Tel: 07812 483546 or e-mail: [philip.hunt@dft.gov.uk](mailto:philip.hunt@dft.gov.uk), can answer any queries regarding the Order.

## **Annex A – Stakeholder Consultation responses**

### **Disabled Persons Transport Advisory Committee (DPTAC)**

Response received 6 September 2023:

#### **Platform Gaps**

We note the physical and operational constraints that provide the background to this element of the application. We also note the planned programme of improvements to both rolling stock and platforms that will, over time, progressively reduce the number of vehicles/stations affected by this area of non-compliance, whilst also noting that a permanent exemption is sought for a number of stations where civil engineering constraints mean that elimination of the area of non-compliance is effectively impossible.

The application does not refer to any customer complaints or safety incidents related to this area of non-compliance during the almost 8 years of the current exemption, but the Department should seek reassurance from DLR that no passenger incidents have been recorded or substantive complaints received, as well as the results of any risk assessment undertaken (and any resulting mitigations).

We also note that the application states the DLR has received positive wheelchair user feedback on the horizontal stepping distance, and that the DLR has assessed Platform Train Interface Incidents.

Given the background, and the apparent lack of any evidence of problems to date, we do not believe this aspect of the application to be unreasonable. It would be sensible, however, for the Department to explore possible ways of accelerating the compliance programme with the DLR. I have copied below some suggestions from a DPTAC colleague on this point:

In terms of point 1, 2035 is 12 years away, and point 2 is 37 years away. It appears that work can be undertaken to address the horizontal stepping distance regarding 25 platforms, so might DLR be able to accelerate at least some of the proposed improvement work? Alternatively, might a temporary solution (eg, a Harrington Hump type of approach) offer a compromise? In terms of point 3, might a compromise solution as per 1 & 2 above help further reduce the gap? It may be worth asking DLR if they have considered this approach.

The Department should also ask the DLR for regular reports on this area of non-compliance to ensure that if any issues do emerge, they can be quickly addressed.

#### **DLR response** to DPTAC comments on platforms gaps:

The platforms that have been asked for not being addressed until 2035 or 2060 is because these platforms are not required to be replaced until 2035 or 2060 as this is when their asset life expiry date is. If DLR were to do replacement work sooner than that, DLR would require millions of pounds of asset investment sooner than envisaged and also more closures of the railway to enable the works to occur. DLR also need to be mindful of the amount of carbon this would use in the next few years to gain 10mm of horizontal stepping distance benefit. DLR consider the overall plan proposed to be the most optimum balance between minimising RVAR non-compliances, customer experience, minimising railway closures, carbon savings, cost and asset management good practice. Another key mitigating factor is the



improvement the new B23 vehicles give to stepping distances meaning that stepping distances will be significantly better in 2025 as soon as most of the railway has B23s operating and no longer any B92s.

For the avoidance of doubt, the Harrington Hump addresses vertical stepping distance non-compliances and not horizontal stepping distance non-compliances. DLR do not have any vertical non-compliances to address. DLR do not believe there are any solutions that will resolve the issues it sees on the network temporarily. Any flexible rubber options, for example those used at London Bridge national rail station, would actually need the platforms to be moved away from the track further to then enable the rubbers to be installed. These types of solutions are used in situations where stepping distances are in excess of 200mm and to reduce them down as much as possible. As DLR's stepping distance non-compliances are mainly between 5mm and 25mm, flexible rubber solutions are not appropriate solutions. In 2005, the DLR implemented inflexible 15mm rubbers on the edge of platforms on the City Airport extension to minimise stepping distances by a further 15mm. These have since been removed at locations due to findings in 2014 that they were excessively infringing the swept envelope of the vehicles and were increasing the risk of a platform-train strike to an unacceptable level.

DLR will provide to DfT after the end of each year a summary of progress during the year that highlights what work has occurred, what the resulting stepping distance improvements have been and what planned works there are for the next year. DLR are happy to organise a site visit to DLR for DPTAC representatives to see some compliant and non-compliant locations in addition to locations where DLR is proposing to rectify the non-compliances and locations where DLR can't rectify the non-compliances.

#### Door closure alarm

We note the operational and civil engineering issues that form the background to this element of the application, and the extensive evaluation work undertaken to evaluate these issues, including the 2018 trial and subsequent modelling work. We note that the trial demonstrated that increasing the duration of door warbles resulted in an increase in passenger incidents, and that the trial and modelling work indicated that compliance with the door warble requirement would have a potentially material impact on DLR's ability to operate a punctual service.

We also note the DLR engagement with local disability groups and their analysis of research evidence, neither of which have identified any issues with the existing approach.

Finally, we note the planned withdrawal of the B92 fleet by 2026 and the operational modelling and passenger consultation based on the B23 fleet planned for the period between 2027 and 2029.

Given the information provided by the DLR, extension of the current exemptions does not seem unreasonable. However, we would make the following suggestions:

The B2007 stock should be included in post-2026 evaluation work if this is not already planned;

The Department should continue to seek regular updates from the DLR on this area of non-compliance so that appropriate action can be swiftly taken if any passenger incident occurs, or substantive passenger complaints are received;

The Department should check with the DLR on whether this area of non-compliance has been noted as an issue by any Visual Impairment Rehabilitation Officers providing route and mobility training on the DLR for sight impaired people;

The Department should engage with the DLR on the post-2026 evaluation work, given its potential impact of future exemption requests.

**DLR response** to DPTAC comments on door closure alarm:

DLR can confirm that the B2007 stock will be included in the post-2026 evaluation.

DLR has asked KeolisAmey Docklands (KAD), operator of the DLR, about engagement with Visual Impairment Rehabilitation Officers and whilst there was not this engagement specifically, they did share a confidential review of the NaviLens wayfinding technology trial with the Sight Loss Council and the RNIB where the warble was not raised as an issue.

Handrail clearance, Door edge lighting

We note that the area on non-compliance with regard to handrails on the B2007 fleet is relatively minor. Provided that the Department has received confirmation from the DLR that no passenger incidents or substantive complaints have emerged from this non-compliance, we do not believe the application to be unreasonable.

Similarly, we do not believe the extension in the exemption for B2007 door lighting until 2027 is unreasonable, providing again that the Department has received confirmation from the DLR that no passenger incidents or substantive complaints have emerged from this non-compliance.

In both cases above, the Department should continue to seek regular updates from the DLR on these areas of non-compliance so that appropriate action can be swiftly taken if any passenger incident occurs, or substantive passenger complaints are received.

Pathway, Handrail clearance, Height of letters displayed, Door edge lighting

We do not believe the extensions in the exemptions for the B92 fleet are unreasonable, providing again that the Department has received confirmation from the DLR that no passenger incidents or substantive complaints have emerged from this area of non-compliance.

The Department should continue to seek regular updates from the DLR on these areas of non-compliance so that appropriate action can be swiftly taken if any passenger incident occurs, or substantive passenger complaints are received.

**DLR application amendment 2024**

*On 3 April 2024 DLR advised a revision to its application, to extend the requested expiry dates for its trains as below, on which DPTAC were further consulted:*

*Door warble, new and existing trains: Change expiry from Dec 2029 to Dec 2030, to allow for delays in introducing its new trains;*

*B2007 trains, door edge lighting: Change expiry from 2027 to 2030, due to cost pressures on capital investment across TfL;*

*B92 trains, exemptions until B92s removed from service: Change anticipated withdrawal date from 2026 to Dec 2029, to allow for delays in introducing new trains and life extension of existing fleet during delays.*

**DPTAC response** received 27 November 2024

Thank you for forwarding me your queries regarding this exemption order.

Whilst it is always disappointing to have to consider applications for exemptions, I can confirm that the comments we made last autumn still apply now to this application for further extensions to the timescales relating to the three items you mention.

Please could you advise us of whether any incidents or complaints have been reported in relation to these three items, and whether consultation regarding this application for a further extension has taken place with users, e.g. via IDAG.

**DLR response** received 9 January 2025

Our customer contact team have reviewed, and they have found no complaints in regard to the areas that exemptions have been requested. We have experienced a few door entrapment incidents, but once investigated, these have been found to be around customer misjudgement rather than anything to do with the warble.

[We are] not aware that any additional consultation had been undertaken with users regarding the extended expiry dates, primarily as we've not had any customer concerns raised over these items. Unfortunately, the key driver to this has been the delay in introduction of the new B23 trains, which will prolong the required use of B92s and ability to release (along with capital investment pressures) B2007s for mid-life overhaul. It's worth noting that although we've asked to amend the B92 exemption request to 2029, we are highly likely to start thinning the fleet and reducing the number of those vehicles in service from the end of this year, although some will need to remain in use until all B23s are delivered. If required, we can go back to IDAG on the B2007 door edge lighting and B92 items extension, but hopefully given lack of customer concern raised previously, this should be ok for the exemption request.

**DPTAC response** received 30 January 2025 confirm that these responses satisfactorily close out our queries on this.

## **Office of Rail and Road (ORR)**

Response received 11 September 2023:

Platform gaps

We have no significant concerns over the management of safety in respect of platform gaps. However, as the wider public transport network becomes more accessible, it is likely that more passengers using wheelchairs will travel on the DLR system. These passengers will have an expectation of compliance at all locations. DLR should therefore assess the implications of passengers using

wheelchairs attempting to board or alight at non-compliant door positions, and eliminate the safety risks at these locations so far as is reasonably practicable. We accept that physical modification of the platforms themselves is unlikely to be reasonably practicable. We have not seen the appendix '*RVAR Stepping Distances Compliance Report*' (65001-DLR-PRM-TR000-REP-F-0003) that DLR asserts contains more details. We do not object to granting an exemption, but DLR should be reminded that exemption from accessibility requirements for platform gaps does not exempt them from the requirement to manage safety risks to the level required by law.

**DLR response** to comments on platform gaps:

The RVAR Stepping Distances Compliance Report is contained with raw surveyed data and not formatted in a way which would be valuable to external parties reading. The RVAR Stepping Distances Technical Report appended to the exemption order application has been deliberately written to summarise the key findings from the RVAR Stepping Distances Compliance Report and to summarise why DLR considers the network is so far as is reasonably practicable with the plan proposed occurring.

DLR are happy to organise a site visit to DLR for ORR representatives to see some compliant and non-compliant locations in addition to locations where DLR is proposing to rectify the non-compliances and locations where DLR can't reasonably rectify the non-compliances.

DLR are assessing signage options on the train and the platform to give visual aids to wheelchair passengers on where wheelchair compatible doorways are. However, a challenge DLR faces is that the B2007s and B23s have wheelchair compatible doorways that stop adjacent to different parts of the platform. DLR are planning on liaising with user groups to understand how best to manage this issue on the platform side. (Following consultation with user groups, DLR will be applying signage to the exterior of wheelchair compatible doors.)

**Door audible warnings**

We have no significant concerns over the management of safety at the PTI in respect of door audible warnings. However, we are of the opinion that the door audible warning trial DLR conducted in 2018 gives no basis for asserting that a non-compliant door warning time is 'safer' than a compliant warning time. DLR has identified performance implications for changing the warning specification, which are for DfT to set against the benefits for accessibility. We note that most users of the DLR system will also use other rail systems which are compliant with the specification, and it would appear beneficial to have consistency across GB rail systems. We do not support granting an exemption, but we do not have immediate safety concerns should DfT wish to do so. If the exemption is granted then DLR should be reminded that it does not exempt them from the requirement to manage safety risks to the level required by law.

**DLR response** to comments on door audible warnings:

DLR has reviewed the options and believes that a zero second warble is the most appropriate for operating the DLR using its established operational methods and risk controls, based on:

The 2018 trial,  
Timetable modelling and anticipated impact on performance and train frequency,  
Economic and technical concerns,  
Consideration for the DLR's operating techniques and risk controls.

#### B2007

We have no significant safety concerns relating to the reduced clearance of B2007 handrails or the absence of lighting on B2007 vehicles that complies with Schedule 2.3. We do not object to granting exemptions, but DLR should be reminded that they do not exempt them from the requirement to manage safety risks to the level required by law.

#### B92

We have no significant safety concerns relating to the use of B92 vehicles with their current non-compliances against requirements for the pathway to the wheelchair spaces, the handrail clearances, exterior visual displays and doorway lighting. We do not object to granting exemptions, but DLR should be reminded that they do not exempt them from the requirement to manage safety risks to the level required by law.

### **Transport Focus**

Response received 29 August 2023:

#### Platform gaps

Whilst it is always frustrating when fully compliant solutions cannot be found to the design, and manufacturer of rolling stock the case made for exemption and the proposed programme of incremental change indicates to us that DLR are taking practical steps to help improve the journey experience of disabled passengers. We note from elsewhere in DLR's submission that passenger satisfaction amongst disabled passengers is comparable with that of non-disabled passengers, and that improving the step gap between train and platform was not one of the main priorities for improvement identified in passenger surveys. Given that, and that the new fleet (which has a much higher compliance rate) is set to replace the B92s in the near future we do not wish to raise any objections to the application.

However, we do wonder whether there is an opportunity for DLR to review/consider how it can best indicate to passengers where to wait on the platforms for those carriages with the smallest step gaps. For example, a visual indication to wheelchair passengers and those with prams/pushchairs. Whilst the paper clearly mentions signage on the side of carriages to indicate this, it also talks about the importance of dwell times, and convenience to disabled passengers.

We would suggest that any extension to the expiry date for the 12 relevant platforms should be sooner than 2060. Extending it until 2060, as requested, doesn't recognise there might be new/innovative solutions that could resolve the gap issue before that point. Given that, we think revisiting the issue in 2035 (as with the other

platforms) would be more acceptable. This could also apply to the permanent exemption requests for the same reasons.

**DLR response** to Transport Focus comments on platform gaps:

DLR are assessing signage options on the train and the platform to give visual aids to wheelchair passengers on where wheelchair compatible doorways are. However, a challenge DLR faces is that the B2007s and B23s have wheelchair compatible doorways that stop adjacent to different parts of the platform. DLR are planning on liaising with user groups to understand how best to manage this issue on the platform side.

The platforms that have been asked for not being addressed until 2035 or 2060 is because these platforms are not required to be replaced until 2035 or 2060 as this is when their asset life expiry date is. If DLR were to do replacement work sooner than that, DLR would require millions of pounds of asset investment sooner than envisaged and also more closures of the railway to enable the works to occur. DLR also need to be mindful of the amount of carbon this would use in the next few years to gain 10mm of horizontal stepping distance benefit. DLR consider the overall plan proposed to be the most optimum balance between minimising RVAR non-compliances, customer experience, minimising railway closures, carbon savings, cost and asset management good practice. Another key mitigating factor is the improvement the new B23 vehicles give to stepping distances meaning that stepping distances will be significantly better in 2025 as soon as most of the railway has B23s operating and no longer any B92s.

DLR will provide to DfT after the end of each year a summary of progress during the year that highlights what work has occurred, what the resulting stepping distance improvements have been and what planned works there are for the next year. DLR does not propose to alter the timings of the exemption order application but will review any innovations in the industry as part of its annual summary report and assess whether they are applicable to DLR's non-compliances.

DLR are happy to organise a site visit to DLR for Transport Focus representatives to see some compliant and non-compliant locations in addition to locations where DLR is proposing to rectify the non-compliances and locations where DLR can't rectify the non-compliances.

**Door closure alarm**

Given the trials undertaken into the proposed introduction of a 3 second door alarm and the evidence of increased safety incidents, the likely impact on timetables/frequency, and the engagement with local accessibility groups we do not wish to object to this part of the application.

**Handrail clearance, Door edge lighting**

Given our lack of familiarity with the DLR, it would have been helpful to have seen pictures, and/or a diagram of the handrails concerned, to aid our understanding. At face value, from the description, it does not sound like there is significant cause for concern. However, the application only explains that the location of the non-compliance is not at a natural position for "an adult user to hold"; it does not mention what the impact is for minors/children? Presumably, the explanation that there are "lower hand positions" address this, but it would be helpful to know for sure?

Given the B2007s were built 10 years after the introduction of RVAR it is difficult to appreciate why the handrails were accepted at the time of their build/introduction. We understand that the midlife refurbishment will not address this issue, and that as the trains age the likelihood of finding an acceptable solution being found diminishes. We do however think that providing a complete exemption disincentivises attempts to find innovative solutions, and we would therefore encourage the department to consider a shorter-term exemption.

As regards to the extension for the door edge lighting, we understand that the withdrawal of the B22s and the refurbishment of the B2007s will address this over the course of the next four years. We do not therefore wish to object to this part of the request.

**DLR response** to Transport Focus comments on handrail clearance:

The non-compliance only affects a single hand position, the handrail in question extends from floor to ceiling and the majority of the possible 'grip' positions along the handrail are compliant, there are higher and lower hand positions with compliant hand clearance. The non-compliance results where a horizontally aligned seat-back crosses close-to a vertically aligned handrail, hence the non-compliance only occurs at this very localised position. Users are not disadvantaged by this non-compliance.

Pathway, Handrail clearance, Height of letters displayed, Door edge lighting

Given the remaining life of the B92s and the phased introduction of the new fleet we do not wish to object to this part of the request.

## **London TravelWatch**

Response received 7 September 2023:

Resolving gaps between the train and platform

While it is disappointing that not all platform gaps across the DLR are fully compliant, and solutions to resolve this have not yet been found and/or implemented, the DLR's proposed programme of works indicates that they are addressing these issues in a practical way. This should help improve the journey experience of Disabled passengers. Additionally we note that the new DLR fleet, which is due to replace the B92s shortly, has a higher compliance rate.

Additionally we understand that passenger satisfaction amongst Disabled passengers is very similar to that of non-Disabled passengers, and improving the step gap between trains and platforms was not one of the main priorities for improvement identified in passenger surveys.

Given these points, we do not wish to raise any objections to the proposed exemptions to 2025 and 2035 respectively.

However, we question if the extension of the expiry date to 2060 for the 12 relevant platforms should be shorter. Leaving this until 2060 doesn't recognise there might be new/innovative solutions that could resolve the gap issue before 2060. Given that, we think revisiting the issue in 2035 (as with the other platforms) would be more acceptable, and would ask the department to consider this shorter term-exemption. While we recognise that even if in 2035 the exemptions end up being extended

again, we believe it will provide more of a prompt to ensure solutions continue to be considered should one appear sooner than 2060. We would also apply this to the permanent exemption requests, and again encourage the department to consider a time-limited exemption.

In the meantime, we would ask the DLR to review how it can best indicate on platforms where passengers should wait to access the carriages with the smallest step gaps (such as a visual indication to wheelchair passengers and those with prams/pushchairs). Whilst there are clear references to signage on the side of carriages to indicate this, having something similar on platforms could help reduce dwell times and improve the experience of Disabled passengers.

**DLR response** to London TravelWatch comments on platform gaps:

The platforms that have been asked for not being addressed until 2060 is because these platforms are not required to be replaced until 2060 as this is when their asset life expiry date is as they were only installed in 2010. If DLR were to do replacement work sooner than that, DLR would require millions of asset investment sooner than envisaged and also more closures of the railway to enable the works to occur. DLR also need to be mindful of the amount of carbon this would use in the next few years to gain 10mm of horizontal stepping distance benefit. DLR consider the overall plan proposed to be the most optimum balance between minimising RVAR non-compliances, minimising railway closures, carbon savings, cost and asset management good practice. Another key mitigating factor is the improvement the new B23 vehicles give to stepping distances meaning that stepping distances will be significantly better in 2025 as soon as most of the railway has B23s operating and no longer any B92s.

DLR will provide to DfT after the end of each year a summary of progress during the year that highlights what work has occurred, what the resulting stepping distance improvements have been and what planned works there are for the next year. DLR does not propose to alter the timings of the exemption order application but will review any innovations in the industry as part of its annual summary report and assess whether they are applicable to DLR's non-compliances and associated exemption order timescales should be reviewed.

DLR are happy to organise a site visit to DLR for London Travelwatch representatives to see some compliant and non-compliant locations in addition to locations where DLR is proposing to rectify the non-compliances and locations where DLR can't rectify the non-compliances.

DLR are assessing signage options on the train and the platform to give visual aids to wheelchair passengers on where wheelchair compatible doorways are. However, a challenge DLR faces is that the B2007s and B23s have wheelchair compatible doorways that stop adjacent to different parts of the platform. DLR are planning on liaising with user groups to understand how best to manage this issue on the platform side.

**Door warble**

We understand the DLR have done some extensive work in this area with various passenger groups and have conclusively found that the 3 second delay means that more passengers are likely to get caught in the doors. The DLR doors don't have



some reopening mechanism as the Tube and therefore passenger action of this type causes delays. Therefore given this evidence of increased safety incidents and negative impact on timetables, and the engagement with local accessibility groups, we do not wish to object to this part of the application.

#### B2007 Trains

From the details provided in the consultation, it does not sound like the handrail distance is significant cause for concern. However, it is difficult to know for sure whether it will cause a passenger problems without further information. For example the application only explains that the location of the non-compliance is not at a natural position for “an adult user to hold”, but does not outline the impact for children. While we note that there are “lower hand positions” more information would be needed to provide a definitive answer.

We also question why the handrail distance was not compliant in the first place, given B2007s were built 10 years after the introduction of RVAR. As the midlife refurbishment will not address this issue, we think that providing a permanent exemption disincentivises attempts to find innovative solutions to the issue, and we would therefore believe the department should consider a shorter-term exemption.

As regards to the extension for the door edge lighting, we understand that the withdrawal of the B22s and the refurbishment of the B2007s will address this over the course of the next four years. This, combined with the current mitigations in place, mean we do not object to this part of the request.

**DLR response** to London TravelWatch comments on handrail clearance:

The non-compliance only affects a single hand position, the handrail in question extends from floor to ceiling and the majority of the possible ‘grip’ positions along the handrail are compliant, there are higher and lower hand positions with compliant hand clearance. The non-compliance results where a horizontally aligned seat-back crosses close-to a vertically aligned handrail, hence the non-compliance only occurs at this very localised position. Users are not disadvantaged by this non-compliance.

#### B92 Trains

We understand the B92 stock is being phased out and will be replaced with the B23 stock by 2026. Any work undertaken on the current B92 stock would likely be unresolved by the time the fleet is phased out. Given this, we do not wish to object to this part of the request.

#### **Public response**

None