

THE RAIL VEHICLE ACCESSIBILITY (NON-INTEROPERABLE RAIL SYSTEM) (LONDON UNDERGROUND) EXEMPTION ORDER 2019

Explanatory Note

What does the Order do?

1. The Order exempts rail vehicles operated on the London Underground Limited network (comprised of the lines known as Bakerloo, Central, Circle, District, Metropolitan, Hammersmith and City, Jubilee, Northern, Piccadilly, Victoria and Waterloo and City lines) from the requirements under the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (“the RVAR 2010”) relating to the giving of audible warnings before train doors close and the giving of illuminated visual warning signals to passengers when boarding trains (paragraphs 3(5)(b) and 4(2) of Schedule 1 to the RVAR 2010). The Order is made by the Secretary of State in exercise of powers conferred by sections 183(1), (2), 4(b) and 207(1) and (4) of the Equality Act 2010. The Secretary of State’s decision to exercise powers in section 183(4)(b) instead of powers in section 183(4)(a) of the Equality Act 2010 is because the Secretary of State thinks it is appropriate to include paragraph 6 (Review) in the Order to ensure that objectives intended to be achieved by the Order are met from time to time. The exemptions in the Order are subject to conditions as set out below.

Why has the Order been made?

2. London Underground Limited (“LUL”) has been granted the exemptions for the operation of non-compliant audio and visual door closure warning sequences. The RVAR 2010 requires an audible signal to be given which starts at least 3 seconds before a vehicle’s doors begin to close. It also requires that, where available, the passenger control device (which at times enables passengers to open and/or close train doors) ceases to be illuminated at least 3 seconds before the doors are closed by a member of the operator’s staff. Trains that were operated on these lines before the RVAR 2010 first came into effect in 1999 were fitted with remotely operated doors that gave an audible warning for at least 1.75 seconds (with a tolerance of +/- 0.25 of a second) immediately before the doors start to close.

3. LUL began a programme of introducing new trains on the Victoria, District, Circle, Hammersmith and City and Metropolitan lines in 2009. The new trains were built to meet RVAR standards set in 1999, including the requirement for an audio-visual warning to be given, for not less than 3 seconds, before doors start to close. The introduction of the new trains necessitated a review of whether all LUL’s existing trains should also be refurbished to meet the 3 second standard. While the new trains were gradually brought into service, LUL were granted time-limited exemptions to maintain consistency in minimum door closure warnings of 1.75 seconds between the older and new trains, until a final decision on compliance standards could be made. Exemptions were granted in 2010 (for the S8 Metropolitan line¹), in 2012 (S7

¹ http://www.legislation.gov.uk/uksi/2010/435/pdfs/uksi_20100435_en.pdf

vehicles²), in 2008 for the Victoria Line vehicles³ (with an extension to May 2015 in 2014⁴). All of these exemptions have now lapsed.

4. A further Order was granted in 2017⁵ to cover a period of testing on the Victoria Line. Testing was carried out over a six-month period to ascertain the impact on accessibility, passenger safety or service reliability of complying with the 3 second audible warning requirement and ceasing to display an illuminated visual warning 3 seconds before door closure.

5. The findings of the research showed that a longer period of warning indication increased the likelihood of passengers attempting to board as the doors were closing. This increased the risk of passengers or their belongings becoming trapped in the doors. LUL's research also noted that for services operating off-peak where platforms were less crowded, there was an increased likelihood for passengers to run along platforms or through access passages to attempt to board a train in the duration of the longer door closure warning signals.

6. The research noted that when a passenger or object becomes trapped in the doors, the train's departure is delayed whilst the doors are released and safely reclosed. This can then affect the punctuality of the train service, which can lead to station and platform crowding.

7. Following the period of testing and analysis of the findings, LUL sought a permanent, network-wide exemption to retain the existing 1.75 seconds minimum of audio-visual warning provided before a remotely operated door begins to close. The exemption makes provision for a minimum time period of 1.5 seconds of audio-visual warning to be given. This reflects a fraction of a second variability in the door operation mechanism on older vehicles, where the duration of the warning can range 0.25 of a second above or below 1.75 seconds.

8. We are satisfied that the evidence LUL has provided from the testing it carried out on its trains and network demonstrates that a 3 seconds warning period has an impact on accessibility, safety and service reliability. This has led to the request to retain its existing passenger door operating procedures.

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

9. The exemptions are subject to the following conditions:

10. LUL must ensure that any train operated on the network emits a distinct sound (different to that used when doors are opening) that commences at least 1.50 seconds before the doors begin to close.

² http://www.legislation.gov.uk/uksi/2012/105/pdfs/ukxi_20120105_en.pdf

³ http://www.legislation.gov.uk/uksi/2008/2969/pdfs/ukxi_20082969_en.pdf

⁴ http://www.legislation.gov.uk/uksi/2013/3318/pdfs/ukxi_20133318_en.pdf

⁵ <http://assets.dft.gov.uk/s3.amazonaws.com/publications/rvar-exemption-orders/non-interoperable-rail-system-london-underground-rvar-order.pdf>

11. LUL must also ensure that passenger door controls on all trains cease to illuminate at least 1.50 seconds before the operator begins to close the doors. This does not apply to 09TS trains operated on the Victoria Line as these vehicles do not have door buttons or any other passenger activated door control panel. The 09TS does have an additional visual warning indicator, mounted into the interior door column and synchronised to the audio warning, to assist passengers with hearing difficulties. This does not form part of a passenger door control for the purposes of the RVAR 2010.

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

12. 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?

13. We consulted the Disabled Persons Transport Advisory Committee (“DPTAC”), the Office of Rail and Road and London Transport Users Committee (“London TravelWatch”) on the exemption request. We also carried out a period of public consultation via our website.

14. DPTAC raised questions around the possible impact of changes to door closure warnings on guide dog users and disabled passengers when alighting the train. Guide dogs are trained to follow the existing pattern of door opening and closing tones to locate doors and assist boarding and require sufficient time to perform this after a train has arrived at a platform. On further discussion with DPTAC, we were able to clarify that the request LUL had made related only to the door closure sequence and not to dwell times (the duration that doors would remain open for). We also clarified that the application from LUL was a request to maintain existing operational arrangements, not to introduce any new tones or sequences to which a guide dog would need to adapt.

15. ORR did not raise any objection.

16. London TravelWatch did not raise any objection.

17. No submissions were made in response to the public consultation.

18. Consultation responses can be found at Annex A.

Is there an impact assessment?

19. LUL is a wholly-owned subsidiary of Transport Trading Limited, which is in turn a wholly-owned subsidiary of Transport for London. Transport for London is a public body. For deregulatory measures affecting public bodies, no impact assessment is required.

Contact

20. 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 – Stakeholder Consultation

DPTAC

1. After discussing your request with DPTAC members, a question was asked about how varied the sample was in terms of the LUL study, with particular reference to the number of Guide Dog users who took part. Feedback from DPTAC members includes the following statement hence this question being raised:

“As a Guide Dog user myself I find the slightly longer time of 3 seconds is useful as if we are approaching the train it takes a little longer to line the dog up, tell her to find the door and then tell her to go forward.”

A further comment relates to whether any reduction in the door closing warning sequence may impact on disabled passengers wanting to alight during busy periods. Was this aspect explored as part of the study?

On the basis of the above, it would be useful to ask LUL for their thoughts / feedback prior to making a final decision in relation to this exemption application.

2. On the basis of the LUL response to the question of whether the door chimes may pose an issue to Guide Dog users, I note that 4 survey responses were made by Guide Dog users. What the information provided doesn't say is whether similar concerns were raised (or not as the case may be). From the discussion we had on 12th October in respect of this matter, the detail you provided has led me to believe that there would not be any significant adverse impact with the change to the length of audio warning. That said, I would suggest that prior to agreeing to this dispensation request, it would be useful for LUL (or yourself) to contact Guide Dogs to explain the change in order to get a final opinion to ensure that any adverse impact doesn't occur with this change.

*Thanks for coming back to me. I just wanted to re-iterate that the request for an RVAR exemption which LUL have lodged with us [DfT] is to **not** change the current door closure sequence. The door audiovisual warning sequence is currently 1.75 seconds of warning before the doors start to move. The RVAR standard requires 3 seconds of warning before the doors move to close. The testing LUL carried out for the 3 second warning indicated that door closure sequences more frequently were not completed on the first cycle with the extended period of warning, with more passengers getting items caught in doors and attempting to board trains at the last minute. This has led to the request to retain the current sequence, which has been in place since door automated door closures were fitted to trains.*

Hopefully that helps, and on the basis that there is no change I'm not intending to go back to LUL to ask for further information.

Could you confirm DPTAC's response to the consultation, if you're happy on this point?

thank you for this clarification.

I'm ok for DPTAC to support DfT to grant a dispensation for this request.

ORR

I have been asked to consider and respond to the exemption application below from LUL to maintain audio-visual door warning times at 1.75 seconds.

I have reviewed the information attached to your email and note that LUL trials conclude:

- an increase in the hustle effect i.e. passengers rushing to board after the door close warning starts with the longer door closure warning time of 3 seconds
- an increase in door closure events i.e. passengers and items being caught in the doors. Evidence to confirm this comprises both train data and visual observation.
- An overall increase in safety risk arising from increased door strikes associated with the longer warning times.
- No additional benefit for disabled and PRM passengers from longer door closure warning times.

On the basis of the evidence provided by LUL (that an increase in door warning times would result in an increased risk of door strikes and therefore increased safety risks with no benefits created for disabled/PRM passengers). I have no objection to LUL's exemption request.

Regards

London TravelWatch

We have no objection to the proposed exemption.

Yours sincerely

Director, Policy and Investigation

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