

# **THE RAIL VEHICLE ACCESSIBILITY (NON-INTEROPERABLE RAIL SYSTEM) (CROYDON TRAMLINK) (AMENDMENT) EXEMPTION ORDER 2021**

## **Explanatory Note**

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

1. The Order exempts rail vehicles operated on the Croydon Tramlink network from certain requirements under the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (“RVAR 2010”). The Order is made by the Secretary of State in exercise of powers conferred by sections 183(1), (2), 4(a) and 207(1) and (4) of the Equality Act 2010.

### **What requirements does this exemption cover?**

2. This exemption covers the requirement for the door opening and closing audio-visual warnings to sound for 3 seconds and the requirement for passenger information displays to display suitably sized characters.

3. This exemption applies to both the Bombardier CR4000 and Stadler Variobahn vehicles, to varying extents.

### **Why has the Order been made?**

4. The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Croydon Tramlink) Exemption Order 2020 granted time limited exemptions in respect of the door opening and closing audio-visual warnings, to allow for a study to be conducted on the effect of non-compliant alarms on accessibility, passenger safety and service reliability, and in respect of the passenger information displays, to allow time for compliance modifications to be made. These time-limited exemptions expire on 31<sup>st</sup> December 2021.

5. In the period since the Rail Vehicle Accessibility (Non-Interoperable Rail System) (Croydon Tramlink) Exemption Order 2020 came into force on 22 October 2020, London Trams have encountered challenges in bringing the passenger information displays and door warning sounds into compliance. The challenges include economic constraints, a commercial backlog, and increased operational requirements, all due to Covid-19; the technical complexity of the systems; the time and cost of implementing an operational trial of compliant warnings; and maintaining consistency across both fleets at the platform-tram interface.

6. As a consequence of these challenges, the vehicle operator has been unable to undertake this work within the anticipated timescale and unable to meet the expiry date of 31 December 2021.

7. In addition, the period since the Order came into force has seen the development of the London Trams Rolling Stock Replacement Programme. This includes a decision to replace the Bombardier fleet with a new fleet in 2026.

8. The vehicle operator has therefore requested that the expiry date be amended to 31<sup>st</sup> December 2026 for the door opening and closing audio-visual warnings, and to 31<sup>st</sup> December 2022 for the passenger information displays.

8. While full compliance with accessibility requirements will not be achieved if these exemptions are granted and this could have an impact on passengers with

disabilities and those with reduced mobility stemming from age, pregnancy or maternity, the conclusion has been reached, having considered the consultation comments and London Trams' responses, that granting the exemption is proportionate.

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

9. 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?**

10. We consulted the Disabled Persons Transport Advisory Committee ("DPTAC"), the Office of Rail and Road ("ORR"), London TravelWatch and Transport Focus. Their comments in full can be found at Annex A.

11. The points made by DPTAC and Transport Focus were subsequently addressed by London Trams. In summary:

- London Trams has expressed their commitment to replacing the entire London Trams fleet by the end of 2026, and progress towards the final investment decision will be reviewed in June 2023.
- There have been no trap or drag incidents for 2½ years, and in the previous 3 years there were 6 trap incidents, with no injuries, and no drag incidents.
- Trials by Docklands Light Railway and London Underground suggest that audible warnings, which encourage passengers to run towards doorways, can increase the risk of accidents, but further research is needed to reach a conclusion.
- The new fleet and the Stadler fleet do not need to have the same passenger information system for the different fleets to operate together.
- The Stadler Variobahn doorway audible warning durations will be changed in the year leading up to the new trams being introduced (but not before, to avoid inconsistency between fleets).

### **Is there an impact assessment?**

12. London Trams (operator of the Croydon Tramlink) is 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**

13. Philip Hunt at the Department of Transport, tel: 07812 483546 or e-mail: philip.hunt@dft.gov.uk, can answer any queries regarding the Order.

## **Annex A – Stakeholder Consultation**

### **DPTAC:**

#### Passenger Doorway Audible Warning Devices

We note that the exemption period requested extends until the end of 2026, a period of 5 years. The context for this lengthy extension is that London Trams plan to replace their Bombardier CR4000 trams with new, fully compliant trams by 2026, and that it would not be economically reasonable to upgrade the Bombardier fleet to ensure compliance with the RVAR requirements with regard to doorway audible warning devices prior to this. It is also planned to upgrade the Stadler Variobahn trams to ensure RVAR compliance but only once delivery of the replacement trams for the Bombardier fleet has commenced. We have also noted the mitigations present at the platform-tram interface which, in the view of London Trams, reduce the risks associated with non-compliance for both fleets.

We found it difficult to make sense of the various timescales provided by London Trams and it was not clear to us that compliance with RVAR would be achieved for the whole London Trams fleet by the end of 2026, as implied by the exemption request. We believe that the Department should seek clarity on this point, and unequivocal assurance from London trams that the entire London Trams fleet (i.e. both the new trams that will replace the Bombardier fleet and the Stadler Variobahn fleet) will be compliant by the end of 2026. If this is not the case then new applications should be requested based on realistic and achievable timescales.

As far as the technical aspects of the non-compliance are concerned, we do not have the technical expertise to be able to provide an assessment of whether the shorter than required audible warnings associated with both tram fleets constitute a significant barrier to travel by disabled people or a significant safety risk. In order to assess the impact of this non-compliance we would strongly support the Department's request for historic customer complaint data relating to vehicle access/egress from London Trams, and would also suggest that details of any historic trapping or dragging incidents are also requested.

Finally, we have noted the view of London Trams that audible warnings can increase the risk of accidents as they encourage passengers to run towards doorways. This issue has been raised by TfL previously but we are not aware of any evidence from TfL or from other operators where this RVAR requirement applies to support this supposition. However, it may be sensible, in due course, for the Department to ask a competent body (such as the RSSB) to investigate this issue.

#### (2) Passenger Information Displays

We note that this exemption request is for a one year period only and only applies to the Stadler Variobahn fleet.

The request does not make clear the extent to which the displays on the Stadler vehicles falls short of the 35mm required by RVAR. The Department should seek clarity on this point.

The key mitigation for this non-compliance is that visually-impaired or hearing-impaired passengers (PIS displays are particularly important to hearing-impaired passengers who may not be able to hear PA announcements) are able to read the

PIS displays if they use the priority seats provided on both tram fleets. London trams should communicate this through its media channels (website, leaflets etc.) but should also consider whether some form of on-board signage could be employed.

### **ORR:**

Thank you for the opportunity to comment on London Trams' application for dispensation from the RVAR requirements for passenger information displays and door audible warning times.

We have no objections on the grounds of safety, and have not identified restrictions on our ability to use our regulatory powers where necessary. However, the applicant should be reminded that dispensation from any accessibility requirement does not constitute a dispensation from the statutory requirement to reduce risks so far as is reasonably practicable.

### **Transport Focus:**

The explanation of the mitigations and the low impact of non-compliance on disabled passengers seems reasonable, particularly in respect of the door chimes where LT express some concern that compliance might increase the risk of a PTI accident. The case they make for consistency across the fleets (in respect of the door chimes) also seem fair.

The procurement process was possibly quite lengthy for the Stadler trams but given they were introduced to service 2 years after RVAR 2010 it seems strange that the opportunity was not taken to buy fully compliant trams in the first place.

Display Height – given TL have subsequently found that the information system on the Stadler's will need to be replaced (not just the screens) it would seem prudent to ask whether the new trams being procured in 2026 will create further problems/a need to extend the dispensation for the stadler trams. By this I mean we are aware of the difficulties that some Train Operators have in sourcing information systems that can 'talk' to more than one type of train (each of which has different PIS software onboard). TFL should ensure that any information systems required for the new trains are backwards compatible with the existing Stadler trains – or confirm that the new trains won't have an impact of timescales for making the Stadler compliant.

It's not entirely clear when the Stadler units would be made compliant in respect of the door chimes.

London Trams suggest that from 2027 they will monitor whether the increased length of door chimes has a negative impact on the number of incidents. I don't know how incidents are currently logged, but it could be worth asking them to submit data on how many PTI incidents occur in respect of doors closing on passengers who think they have time to board. If it's a very low number then that provides further reassurance that a 5 year exemption isn't excessive. This could be read alongside any complaints data they may have.

### **London TravelWatch:**

London TravelWatch has no objection to these exemptions.