

**ACCOMPANYING NOTE TO**  
**THE RAIL VEHICLE ACCESSIBILITY (NON-INTEROPERABLE RAIL SYSTEM)**  
**(CROYDON TRAMLINK) EXEMPTION ORDER 2025**

**1. Overview of the Instrument**

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

1.1 The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Croydon Tramlink) Exemption Order 2025 (“the Order”) exempts twelve Stadler Variobahn trams (“Stadler trams”) on London Trams’ Croydon tram network from a requirement of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010<sup>1</sup> (“RVAR 2010”).

**2 Policy Context**

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

2.1 This Order exempts 12 Stadler trams from the accessibility requirements in the RVAR 2010 as detailed in paragraph 2.5 below, with which the vehicle design does not comply.

2.2 This exemption applies to the 12 Stadler trams numbered 2554-2559 built in 2011-12, which entered service from 2012, and 2560-2565 built in 2014-16, which entered service from 2015.

2.3 The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Croydon Tramlink) Exemption Order 2020 (“the 2020 Order”]) granted a time-limited exemption from the requirement for passenger information displays (PIDs) inside the Stadler Variobahn trams to display suitably sized characters. The time limited exemption granted in the 2020 Order was due to expire on 31 December 2021. The Rail Vehicle Accessibility (Non-Interoperable Rail System) (Croydon Tramlink) (Amendment) Exemption Order 2021 granted a further time limited extension until 31 December 2022. The minimum character size was brought into compliance on all 12 Stadler trams by the end of 2022, by modifying the PID software.

2.4 The RVAR 2010 also requires, however, the height of the ascenders and descenders for lower case letters, such as g and h, to be not less than 20% of the height of upper-case letters. The current PIDs have an insufficient number of rows of LEDs to meet this requirement in respect of descenders only. The descenders have a size ratio of 13%. London Trams started a procurement process for new PIDs with compliant ascender and descender ratios, but this encountered significant problems and funding uncertainty. London Trams has subsequently initiated planning for the replacement of its existing trams, which will have compliant PIDs, with an indicative timescale for replacement to commence in the late 2020s. Consequently, the applicant requested, and has been granted, an exemption from this one requirement for the Stadler trams for an indefinite period.

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<sup>1</sup> S.I. 2010/432

2.5 The 12 Stadler trams that are being exempted by the Order do not meet the following requirements of Part 2 of Schedule 1 of the RVAR 2010:

Paragraph 4(2): In displays, ascenders and descenders must have a minimum size ratio of 20% to upper case characters.

Paragraph 4(3)(b) “descender” means that part of any of the letters g, j, p, q or y which protrudes below the level of the base of other letters.

2.6 There have been no descender-specific complaints since the trams have been in service.

### **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 applied (“regulated rail vehicles”) conformed to requirements which enabled 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 some, or all, of 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 being made to exempt twelve Stadler trams from the requirement that the passenger information display descenders must have a minimum size ratio of 20% to upper case characters.

3.5 Following the amendment of section 183 of the EA 2010 by the Deregulation Act 2015, which inserted paragraph (7), exemption Orders can now be made as an administrative order, rather than by statutory instrument. The Order will, however, be notified to Parliament in the Annual Report which the Secretary of State is required to lay before Parliament pursuant to section 185 of the EA 2010.

### **4. Consultation**

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

4.1 The applicant, London Trams, consulted with the TfL Independent Disability Advisory Group (IDAG<sup>2</sup>) and Diversity and Inclusion Group and with London TravelWatch (LTW), and the comments received were submitted with the formal exemption request.

4.2 In accordance with of section 183 (4) of the Equality Act 2010, DfT consulted with the Disabled Persons Transport Advisory Committee (“DPTAC”), the Office of

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<sup>2</sup> IDAG’s members have professional expertise and lived experience of disability to provide strategic and practical recommendations based on best practice for inclusivity, informed by evidence and supported by lived experience.

Rail and Road (“ORR”), London TravelWatch and Transport Focus. This consultation was carried out by sending to the consultees the exemption application document received from London Trams dated March 2023. The consultation period was 30 March 2023 to 27 April 2023. All three consultees responded, and none of these bodies reported objection.

4.3 The ORR stated that all parties should be reminded that exemption from any accessibility requirement does not change their responsibility to manage health and safety risks to the level required by law. This reminder is included in this published Accompanying Note for this purpose.

4.4 Separately, DPTAC considered that a public consultation in this case would be disproportionate. A public consultation was not carried out.

4.5 The consultation responses, with the applicant’s response to the consultation responses, can be found in full at Annex A, below. This includes DPTAC’s response to the applicant’s request for indefinite exemption, London Trams’ response to its queries, and DPTAC’s final response received in January 2025.

## **5. Impact Assessment?**

5.1. An Impact Assessment has not been prepared for this instrument because the Croydon tram network is owned by London Tramlink, an arm of Transport for London and is operated by Tram Operations Ltd, a subsidiary of FirstGroup. Transport for London is a public body. For deregulatory measures affecting public bodies, no impact assessment is required.

## **6. Contact**

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**

### **TfL Independent Disability Advisory Group (IDAG) and Diversity and Inclusion Group**

March 2023

The applicant sought the views of TfL's Independent Disability Advisory Group (IDAG), and received the following response:

A plethora of text and display features can affect their visibility to a visually impaired person. Ascender and descender ratios are an example of such, although these operate in conjunction to other fundamental display properties including display luminance, contrast ratio, viewing angles, resolution, and so forth. Replacing displays under the current constraints solely to address ascender and descender ratio non-compliance may not guarantee equivalent or better performance in these other display functions (even given complete compliance with RVAR standards). Rather, a carefully considered process of display upgrades should be implemented involving user testing to ensure advancement in all display functions. This does not appear feasible, or urgent, in this instance given the mitigations proposed, the existing operation of these displays without customer complaints, and the rolling stock lifecycle. An exemption in this instance with an outlook to compliance with broader display improvements in new infrastructure is therefore recommended.

**Applicant's Response:** With reference to the statement from IDAG above it should be noted that "without customer complaints" is in the context of no descender specific complaints. It should also be noted that the process for upgrading PIDs will include that all display functions are carefully considered and extensively tested.

### **London TravelWatch (LTW)**

March 2023

In October 2022 TfL alerted London TravelWatch (LTW) to the fact that a fleet of London Trams is non-compliant to a requirement from the Rail Vehicle Access Regulations (RVAR) for how lower-case characters are displayed on the internal passenger information passengers, and that a time limited exemption request had been drafted to run until the displays are changed out for fully compliant ones. While LTW are disappointed to learn of this non-compliance, we accept the plan London Trams presented to us to achieve compliance to the descender ratio requirement by 31st December 2025, given the mitigations that will be in place. LTW agrees with TfL's Independent Disability Advisory Group's (IDAG) view that it is preferable to take sufficient time to more fully address the wider aspects of the display, in order to ultimately provide higher benefit to visually impaired customers, than to rush through a solution on this particular issue. However, we would ask that TfL continue to engage with disability and accessibility groups throughout the process as needed, and provide us with any updates if there are changes to or issues with the plans as they progress.

November 2024

London TravelWatch is disappointed that planned improvements on the London Trams Stadler fleet are no longer being proposed, with a permanent exemption

instead being sought. However, in light of agreement from TfL's Independent Disability Advisory Group (IDAG) to the exemption, the costs involved and the planned new tram fleet, we do not object to this permanent exemption. We particularly note the advice you shared with us from a subject matter expert within IDAG, who noted that: "The minor deviation from the 20% descender ratio to the current 13% is unlikely to have a significant impact on text legibility. This argument is further supported by the absence of strict guidelines on descender ratios in major accessibility standards." However, we would also support their statement that "ascenders and descenders are still important for visibility, and the research above should not be used to disregard them in future designs."

## **Transport Focus**

17 April 2023

Many thanks for sending through the below derogation request from London Trams.

It's disappointing to hear that another derogation is being requested in respect of the Passenger Information Displays on-board the Stadler trams, and they will continue to be non-compliant with RVAR for some time to come. However, having read the request and the comments of both London TravelWatch and TfL's Independent Disability Advisory Group we do not wish to raise any objections to the request.

In doing so we would echo the comments of London TravelWatch on the importance of seeking the views of disabled passengers and accessibility stakeholders when making future design decisions about on-board information displays and systems. We firmly believe that engaging with the end user to establish what would improve their journey experience is the best way to deliver vehicles that are fit for service for many years to come.

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

25 April 2023

Given the relatively minor nature of the non-compliance in question, the mitigations highlighted in London Trams' application, and the stakeholder engagement already undertaken, we believe that a public consultation would be disproportionate, and difficult to justify.

22 April 2023

Thank you for passing this application on to us for comment.

We have noted the very limited nature of the specific non-compliance of the 12 Stadler Variobahn trams associated with this application, as well as the mitigations set out in the application. We have also noted that there have been no specific complaints related to this area of non-compliance.

As such, we agree with the views already expressed by TfL's Independent Disability Advisory Group ('IDAG') and London TravelWatch that the proposed approach to rectification of the non-compliance is better than shorter-term remedies that are likely to be sub-optimal. We agree that it is better that a properly considered solution is developed and would suggest IDAG's involvement in this process to ensure that disabled people have the opportunity to review and comment on possible solutions. As such, we have no specific concerns with the application.

However, we suggest that Department monitor progress towards completion of the required modifications to ensure that are delivered by the 31st December, 2025, as set out in the application. This is a relatively generous timescale and we see no reason in principle why any further period of non-compliance should be required.

Please let me know if you have any questions on any of the above.

27 November 2024

Thank you for passing this application for a further extension to the exemption on to us for comment.

In our response to the initial application, we noted the very limited nature of the specific non-compliance of the 12 Stadler Variobahn trams associated with this application, as well as the mitigations set out in the application. We also noted that there have been no specific complaints related to this area of non-compliance. With that in mind, we agreed with the views already expressed by TfL's Independent Disability Advisory Group ('IDAG') and London Travel Watch that the proposed approach to rectification of the non-compliance is better than shorter-term remedies that are likely to be sub-optimal. We, therefore, had no specific concerns with the previous application.

In commenting on this application for an extension to the period of exemption, we would like to ask the following four questions please:

Firstly, it is disappointing that an application for a further period of non-compliance is now being made. we commented in April 2023 that the extension being sought then - to December 31 2025 - represented "a relatively generous timescale"; and our view then was that we saw "no reason in principle why any further period of non-compliance should be required". Hence, please could we be advised as to why TfL now consider the funding to be not sufficiently secure.

Secondly, we understand from David Mapp's message that a "properly considered solution" was to have been developed in collaboration with IDAG. Please could you advise how this has progressed since the correspondence in April 2023?

Thirdly, please could you advise us of whether there have been any complaints in relation to the non-compliance and whether any consultation about this new application has taken place; for instance, consultation with IDAG.

Finally, it is encouraging that new trams will be coming into service in the late 2020s. Can we be assured that those new trams will be fully compliant on their introduction?

## **Applicant's response, 9 January 2025**

Section 5.4 of the Exemption Application paper states: "continuing funding challenges in the current financial climate meant that it would have been inappropriate to proceed with the upgrade without further detailed consideration of the issue of cost vs benefit". Reference to the 'current financial climate' was made in relation to the situation prior to the recent change in government. However, whilst the funding situation has undoubtedly improved, it remains the case that with a finite budget and a range of improvements to be financed, we need to ensure that the cost of any initiative is properly weighed against the benefit. In addition, please note that over 2024 we've improved our analysis of asset degradation rates and negative impact our current business plan would have – all of which has fed into TfL's submission to the Comprehensive Spending Review.

A requirements specification has been written for replacement displays, various potential contractors have visited site to assess options etc. However, in terms of solution development in collaboration with IDAG specifically, there are no solutions to the descender ratio non-compliance issue possible other than display replacement.

No customer complaints were received between May 2017 and August 2019. For the period from August 2019 to September 2022, there was one complaint which stated that the complainant couldn't read 'the digital read out' (which is presumed to be the complainant's term for an internal display); however given that the complaint was posted on 13th December 2019, it would have been made before the tram displays on the CR4000 fleet had been changed out to address the RVAR character height non-compliance, so the complaint could have related to character size on the CR4000 or Stadler fleet, rather than inadequate descender size ratio in particular. There have not been any tram display legibility complaints from September 2022 to date.

Yes [the new trams will be fully compliant on their introduction].

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

3 May 2023

Thank you for consulting us on this application. I apologise for not meeting your timescale for response.

We note that it is for DfT to consider the effect the exemption may have on the accessibility of the vehicles. We haven't identified any implications for safety or our ability to exercise our regulatory powers arising from this proposal. However we would remind the applicant that the exemption does not change their responsibility to manage health and safety risks to the level required by law.