

**EXPLANATORY MEMORANDUM TO**  
**THE RAIL VEHICLE ACCESSIBILITY (GATWICK EXPRESS CLASS 458 VEHICLES)**  
**EXEMPTION ORDER 2006**

**2006 No. 933**

**1.** This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 This Order exempts certain specified rail vehicles, which were built for use by South West Trains (SWT) and have now been sub-leased to Gatwick Express, from several requirements of the Rail Vehicle Accessibility Regulations 1998 (S.I. 1998/2456, amended by S.I. 2000/3215). This Order serves to exempt the vehicles in question until end April 2011, the date when the current Gatwick Express franchise term ends.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 This Order is the first such order to be subject to draft affirmative resolution. The requirement was introduced under an amendment to the Disability Discrimination Act (DDA) 1995 by the DDA 2005. It responded to Peers' concerns, expressed during the passage of the DDA 2005, about the level of Parliamentary scrutiny afforded to exemption orders.

3.2 The DDA 2005 also introduced a new section 67(5A) to the 1995 Act providing that exemption orders may, at the discretion of the Secretary of State be subject to either the draft affirmative or negative resolution procedure. In exercising that discretion the Secretary of State must operate in accordance with regulations made under new section 67A(3) of the Act which are themselves subject to draft affirmative resolution procedure. In making those regulations, the Secretary of State is required to consult the Disabled Persons Transport Advisory Committee. The Department for Transport is currently developing draft regulations and expects to consult later this year. Until regulations are in force, all exemption orders will remain subject to draft affirmative resolution procedure.

**4. Legislative Background**

4.1 Section 46 of the Disability Discrimination Act 1995 ("the DDA") empowers the Secretary of State to make rail vehicle accessibility regulations ("RVAR") to ensure that it is possible for disabled persons, including wheelchair users, to travel in safety and reasonable comfort in those vehicles to which the regulations apply. The regulations, which were made in 1998 and amended in 2000, apply to rail vehicles constructed or adapted for passenger use, and first brought into use after 31<sup>st</sup> December 1998.

4.2 Section 47 of the DDA enables the Secretary of State, on receipt of an application for exemption from particular requirements of the RVAR, to make Orders authorising specified regulated rail vehicles to be used in passenger service even though they do not conform to

all of the requirements of the RVAR. Such Orders may contain conditions and set time limits.

4.3 The application for this exemption Order has been made by Gatwick Express who have sub-leased two four-car units from SWT. A copy of Gatwick's application can be found at Appendix A. The units in question already have a number of RVAR exemptions attached to them. However, it was a condition of SWT's last exemption Order (in 2004) that should the units be transferred to another operator, the new operator would need to reapply for the exemptions. This was due to the fact that SWT's lease on the vehicles is due to expire in February 2007 and at that stage a new operator for the vehicles had not been found. This is still the case although Porterbrook, the owner of the vehicles, expect to make all of SWT's units RVAR compliant as soon as they have found a new operator for them, and will include the two now leased to Gatwick Express when they carry out the work on the whole fleet (see Appendix B).

4.4 The majority of SWT's exemptions were granted in 1999, shortly after the introduction of the RVAR. The main reason for the exemptions being granted originally was that the vehicles had been constructed prior to the introduction of the RVAR and the operator had not envisaged that the vehicles would be caught. However, a delay in the delivery of the vehicles meant that they came into service after the RVAR were introduced and subsequently they required exemptions from those RVAR requirements that they did not comply with.

## **5. Extent**

5.1 This instrument applies to Great Britain.

## **6. European Convention on Human Rights**

Karen Buck has made the following statement regarding Human Rights:

In my view the provisions of the Rail Vehicle Accessibility (Gatwick Express Class 458 Vehicles) Exemption Order 2006 are compatible with the Convention rights.

## **7. Policy background**

7.1 The policy objectives of the parent Act are to ensure that all rail vehicles first brought into use after a certain date are designed in accordance with the specific requirements of the RVAR, so as to enable disabled persons to travel in them in comfort and safety. However, the Act provides the Secretary of State with a power to exempt specified vehicles from particular requirements, on application by the operator, where he is satisfied that it is not possible for the vehicles to comply fully with the Regulations, and where this failure will not seriously compromise the ability of disabled persons to travel in the vehicles. Each application is considered on a case by case basis.

7.2 In this instance the operator has sub-leased two units that already have exemptions attached to them and they find themselves in the position of needing to reapply for these exemptions. Essentially the units will be used as back-up for the existing regulated Class 460 units that run on the Gatwick Express service and it is not envisaged that they will ever

be used much in service. The previous back-up vehicles, which were withdrawn at the end of the 2005, were old Mark 2 locomotive hauled trains. These vehicles had several shortcomings in relation to their accessibility by disabled people. They have no visual passenger information system, no wheelchair accessible toilet, only one wheelchair space per train, a lack of colour contrast and no audible warnings for door enablement. The Class 458 units being sub-leased from SWT, although non-compliant in some areas, still offer a far more accessible train than the older vehicles in areas such as the provision of disabled person's toilets and increased wheelchair accommodation. They are also very similar in design to Gatwick's Class 460 units which makes them the preferred choice as back-up.

7.3 Section 47(3) of the DDA requires the Secretary of State, as part of the consideration of an application for exemption, to consult the Disabled Persons Transport Advisory Committee ("DPTAC"), together with any other appropriate persons. The DPTAC was established under section 125 of the Transport Act 1985 to advise the Government on transport policy as it affects the mobility of disabled people. The DPTAC has been consulted on this application, along with HM Railway Inspectorate (HMRI) and the Office of Rail Regulation, and supplied comments. A copy of DPTAC's comments are attached to this Memorandum at Appendix C, a copy of HMRI's comments are attached at Appendix D and a copy of ORR's comments are attached at Appendix E.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is negligible.

## **9. Contact**

Peter Colmans at the Department for Transport, Tel: 020 7944 4916 or e-mail [Peter.colmans@dft.gsi.gov.uk](mailto:Peter.colmans@dft.gsi.gov.uk), can answer any queries regarding the instrument.

**Appendix A**

**Application for Exemptions from the  
Rail Vehicle Accessibility Regulations for Class 458  
Electric Multiple Units**

**October 2005**

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## **Introduction**

Gatwick Express seeks to obtain exemption from certain requirements of the Rail Vehicle Accessibility Regulations (RVAR) in respect of two Class 458 trains which it wishes to sub-lease from South West Trains (SWT). Gatwick Express wishes to sub-lease these trains from SWT to February 2007 – the date SWT’s own lease for these trains expires.

Gatwick Express is therefore seeking the following:

1. That SWT’s current RVAR exemptions continue under the Gatwick Express/SWT sub-lease agreement and
2. A further extension period to the exemptions contained within this submission, to the end of the current Gatwick Express franchise term (subject to re-negotiation with Porterbrook and/or the potential new operator of the SWT franchise from February 2007).

## **Background**

### *Service Characteristics*

Gatwick Express operates a dedicated, non-stop train service between London Victoria and Gatwick Airport stations. This service is operated under a franchise agreement which expires in April 2011 – the holder of which is National Express Group PLC. The service has been specifically designed to cater for the needs of air passengers and the infrequent traveller to the UK. This includes:

- The fastest, non-stop service to Gatwick Airport from central London
- A unique new fleet of trains – a £54m investment by National Express Group PLC
- Low density seating – in both First and Standard Class
- Extensive luggage space including a dedicated luggage car
- Simple timetables, including clock face departures
- A frequent 15 minute service throughout the majority of the day
- The presence of on-board staff (in addition to the driver) on all trains
- The ability to buy you ticket on board at no extra cost
- A train waiting in the platform to reassure travellers (minimum 20 minutes)
- At seat catering
- Multi-lingual on-board announcements on departure and arrival
- A truly multi-national on-board team able to speak a number of foreign languages

Operating 160 services each day, 364 days a year, and with a journey time of just 30 minutes, Gatwick Express provides a vital role in the growth and development of Gatwick Airport and working towards meeting Government’s targets for public transport use in the London and the South East.

The Company operates with a fleet of eight (fixed eight car formation) Class 460 Juniper trains. This significant investment in new trains was critical to ensuring the successful growth and development of the franchise.

These trains were designed and built by Alstom Transport Limited between 1998 and 1999 first entered service in 2000 and are owned by Porterbrook Leasing Company Limited. The trains are leased to Gatwick Express for the period of its current franchise term.

### *Operational requirements*

To operate the current timetable, Gatwick Express diagrams seven Class 460 trains each day, leaving one Class 460 train spare. This spare train is utilised for maintenance, overhaul, fault investigation and technical problems with the Class460 fleet.

To provide additional service resilience, until recently the Company also operated additional old locomotive hauled trains (Class 73/Class488/Class489 units) – the original old trains that the more modern Class 460 trains replaced. In July 2005, the last old train was retired from scheduled passenger service. This train, whilst remaining on lease until December 2005 (at which point it will be returned to Porterbrook), will not be used in scheduled passenger service – being used only in the event of severe availability problems with the Class 460 fleet.

With the retirement of the old locomotive hauled trains, Gatwick Express has identified a need for additional and more modern units to provide supporting service resilience. These additional units, the two four car Class 458 trains referred to in this report, will ensure that the service continues to be adequately supported. The old Mark 2 locomotive hauled trains, built in the 1980s and operated since the commencement of the franchise, had the following shortcomings amongst which were:

- No visual passenger information system
- No wheelchair-accessible toilet
- Only one wheelchair space per train
- No colour differentiation of key features such as bodyside doors and hand grabs
- Poor access for wheelchair users boarding or leaving the train
- No audible warnings for bodyside doors about to be closed and being enabled

The Class 458 trains, whilst acknowledging a number of areas do not meet the full requirement of the RVAR regulations, in conjunction with the Gatwick Express mode of operation, they will provide a much improved customer experience than the old Mark 2 trains that are being retired.

These Class 458 trains will provide our customers with toilets for disabled persons as well as accommodation for four wheelchair user customers when the two Class 458 units are operated together as one train.

### *Current RVAR exemptions – Class 460 fleet*

As is the case with the fleet of Class 460 trains, the Class 458 trains were built during the development and formulation of the current RVAR regulations. When these regulations were completed and first issued, there were a number of areas where the Class 460 and Class 458 trains were non-compliant. With regard to the Class 460 fleet, Gatwick Express sought and received exemptions from the RVAR regulations for the remainder of its franchise term for certain requirements of the Regulations. As outlined in our submission for exemption from the Regulations, Gatwick Express provided evidence, explanation and reassurances that despite the areas of non-compliance, the design of the Gatwick Express trains and method of operating its service would not result any detriment to its customers.

A major mitigation in circumstances of non-compliance is Gatwick Express's culture, commitment to and record of outstanding customer service – a fact that has been externally and independently recognised in recent National Passenger Surveys (see below). This is coupled with our commitment to consistently train our team to the highest level. This training incorporates our philosophy of being 'positively helpful, friendly and polite' and is supported by our recruitment and induction (welcome) programmes and enhanced customer service training programmes tailored to understand the needs of our market and the types of customers travelling on our service each day.

### *Current RVAR exemptions – Class 458 fleet*

SWT currently have eight exemptions for its Class 458 fleet. These are in respect of:

- Door controls – internal doors (x3)
- Handrails and handholds (x1)
- Illumination of steps (x1)
- Passenger Information (x1)
- Toilets for disabled persons in wheelchairs (x2)

Full details of each exemption and the rationale behind Gatwick Express's reasoning for the continuation of these exemptions whilst the units are on sub-lease are given in Annexes A-H.]

### *Benefits of sub-leasing Class 458 trains from SWT*

In addition the customer benefits of providing support for the Gatwick Express service and published timetable, there are a number of additional benefits pertaining to the sub-lease of the Class 458 trains. These include:

- They are modern, Juniper trains built by Alstom – the same as the Class 460 fleet
- There is a common ownership of both Class 460 and Class 458 trains i.e. Porterbrook
- Units are approximately the same age
- Material supply and commonality of some critical spare parts
- Driver familiarity
- Maintenance staff competence
- Straightforward driver and fitter conversion processes
- Straightforward Network Rail acceptance process

Prior to entering service, we envisage making only minor modifications to the Class 458 trains, such as altering the seating configuration to be more akin to a Class 458 and installing luggage racks in all carriages.

### *Proposed usage of Class 458 trains*

It is our Company's aim to operate its service with its Class 460 fleet. As noted above, there are occasions when this is not possible and where more than one Class 460 train is not available for service. When this happens, we have a choice of:

1. Cancelling trains;
2. Stepping up our services (whilst protecting the scheduled timetable, reduces the dwell time from 25 to 10 minutes at Victoria Station and results in our not having a train always waiting in the platform at Victoria); or
3. Bringing the supporting Class 458 train into service.

Our strategy is to avoid cancelling services wherever possible and we expect to use a well managed combination of stepping up of services and use of the Class 458 trains, depending on the nature of the availability problems associated



with the Class 460 fleet. As such, we do not plan on using the Class 458 train as part of our scheduled daily diagram and its use will therefore be principally limited to severe Class 460 availability problems.

The Class 458 train will also be used, where required, to allow Class 460 trains to be released after the evening peak (post 20:30hrs) for essential maintenance. Historically, passenger loadings at these times are not high.

Both factors considered, we currently do not envisage using the Class 458 trains for more than 70 days in a calendar year.

#### *Our commitment to Customer Service Excellence*

Gatwick Express is recognised through internal and external customer surveys as delivering excellence within customer service. In fact, over the last two years Gatwick Express has led the UK Rail Industry and has been voted, in the SRA's National Passenger Survey, the number one Train Operating Company for "Overall Satisfaction" with scores in excess 90%. We continue to look for service enhancements that will improve the overall customer experience, through recruitment, training and service standards that promote our positively helpful, friendly and polite customer service ethos. With this in mind we have been able to introduce training that identifies closely with the needs of individual customers.



We recently rolled out a new, innovative, customer service programme based on identifying individual customer needs called "Leading Lights". All Gatwick Express staff will attend this programme. This is an interactive programme with a classroom developed to mimic key areas of the business and staff involved in specific role-plays.



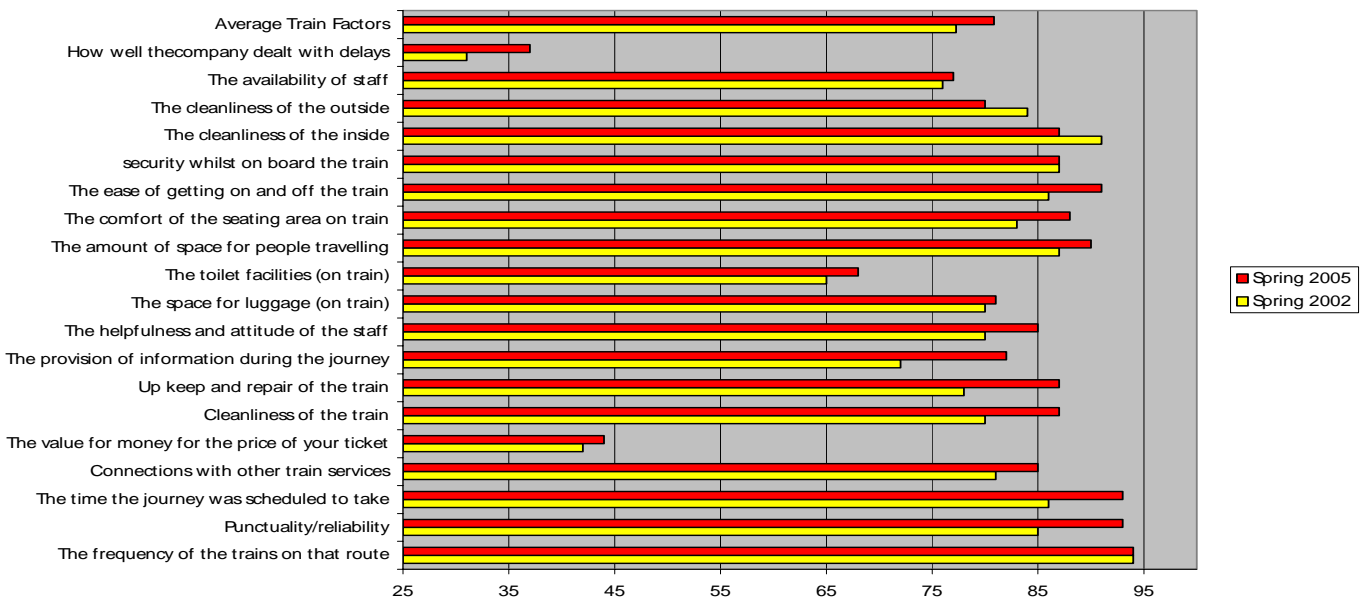
We are presently training staff, during their duties, to identify customers with special needs. This takes the form of our service manager at Gatwick Airport monitoring staff as they meet and greet customers and advising them on the best approach.

This means identifying customers who may have physical needs, disabled, elderly or customers with large amounts of luggage. It could also mean customers who may have just flown into the country and could be tired or unsure of how to get to their final destination. This along with the introduction of a dedicated team of Welcome Hosts has seen an improvement on our existing customer satisfaction figures.

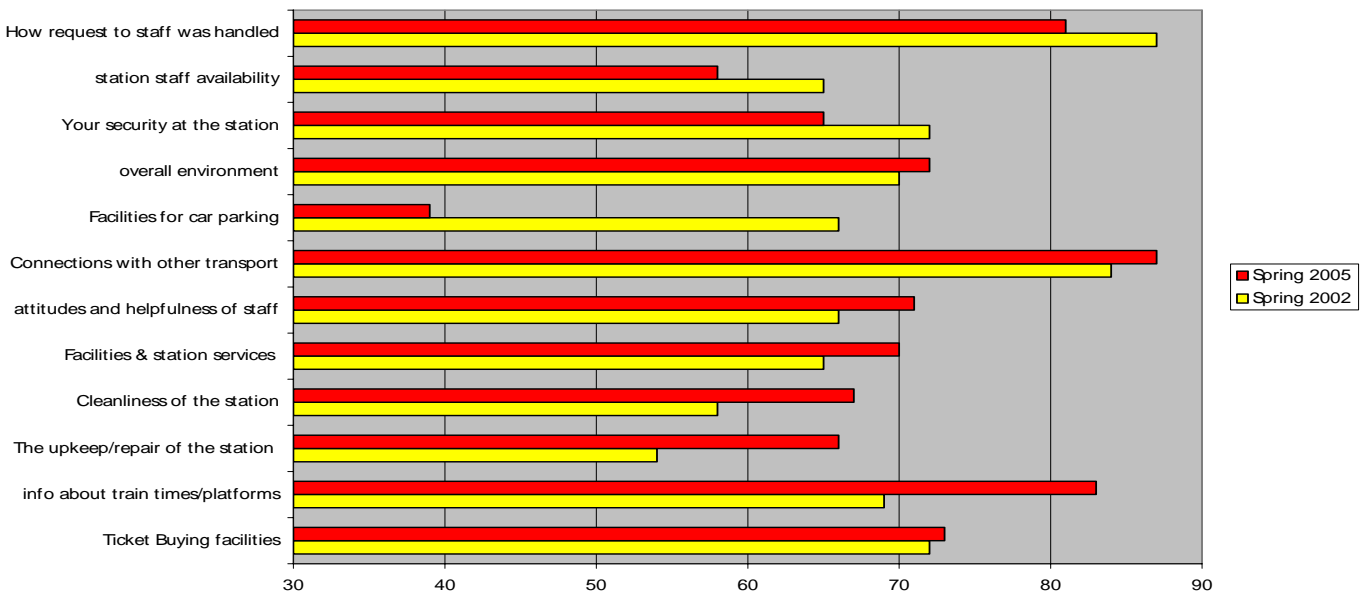
#### *National Passenger Survey*

The National Passenger Survey is an independent customer survey conducted by the government (initially the SRA subsequently the DfT) on a six monthly basis of all Train Operating Companies. It asks questions on all facets of the service the TOCs offer over 31 train and station "factors". Some of these we manage directly through the design of our service and the introduction of new service standards. Others we influence through managing the services we are offered at Victoria Station and Gatwick Airport by the station owners Network Rail. From the onset of this survey in Spring 2002, Gatwick Express has not only maintained its already exceptional reputation for customer service, but has improved on virtually all of the scores.

National Passenger Survey Train Factors



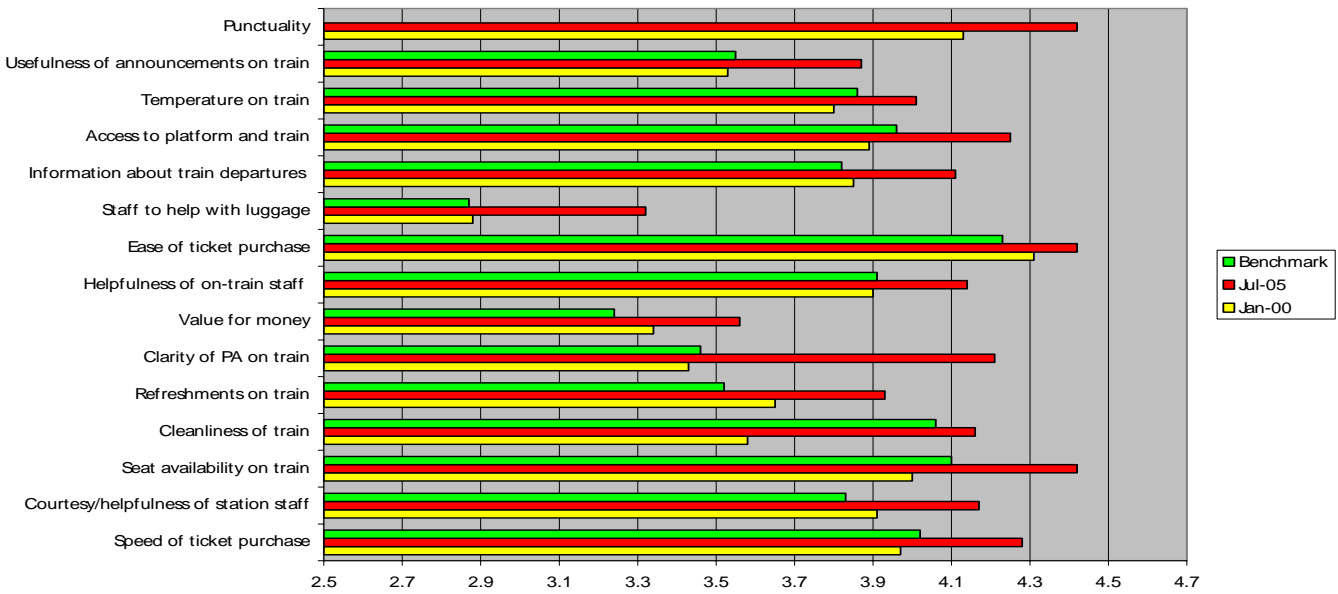
National Passenger Survey Station Factors



*Quality of Service Monitor*

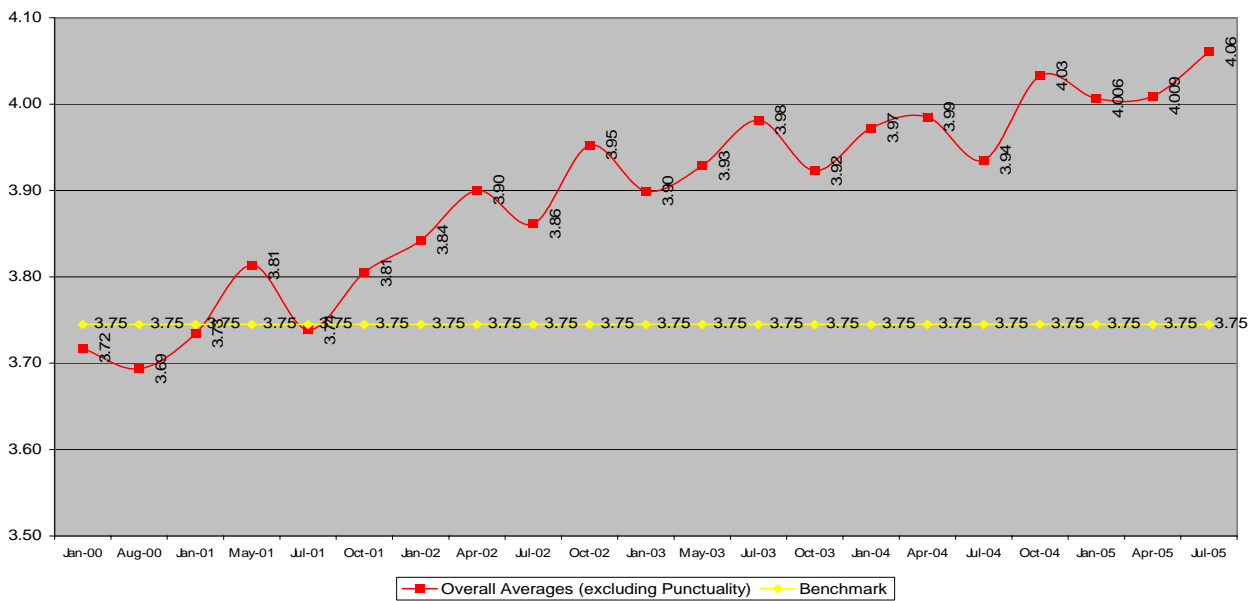
Along with the National Passenger Survey we also have a quarterly customer service survey conducted by the British Airport Authorities called the “Quality Service Monitor”. During this survey a sample size of between 1,500 and 2,000 customers are asked to rate the service on 15 key areas. Each of these areas have strict benchmark levels that are set by the government and that are incorporated into our franchise agreement.

### Quality of Service Monitor



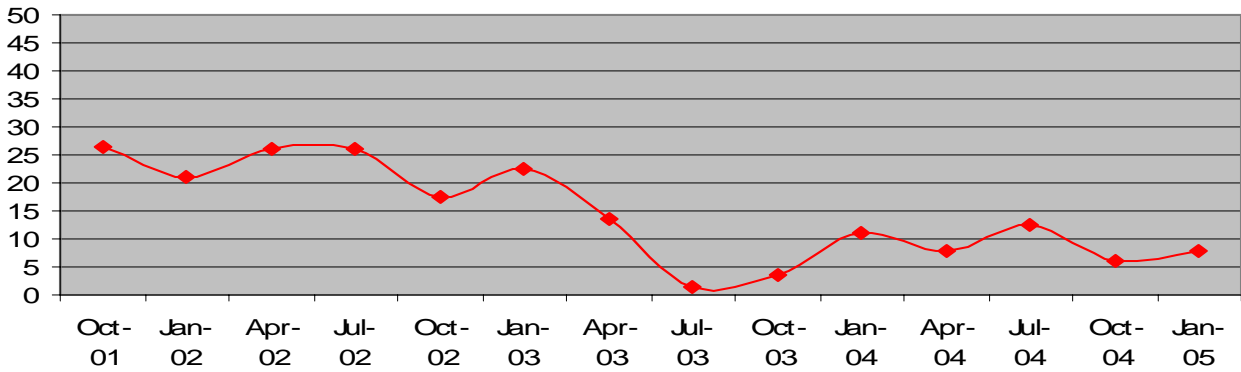
Again as can be seen from the chart above the scores have also seen a marked improvement from the initial survey conducted in January 2000 and the SRA benchmark. The chart below shows that there has been a continual improvement over the five years this survey has been conducted.

### QSM Averages



This survey also differentiates between the old Class 73 stock and the new Class 460 units within the questionnaire. The chart below shows the percentage of Class 73 trains surveyed during the surveys and it can be seen that when more old sets were surveyed the scores were adversely affected. The survey in July 2005 was the first one conducted with no Class 73 stock and Gatwick Express received its highest ever average rating of 4.06.

% trains old stock



*Mystery Shopper*

Gatwick Express carries out regular mystery shopper exercises to determine the level of service we are offering and how our staff interact with customers. One of these audits is based on customers with special needs and precludes our disability training. A company called Disability Matters undertook an audit to measure how our staff dealt with a wheelchair user (a full copy of this audit is given in Annex 1). The wheelchair user completed six trips between Victoria and Gatwick Airport and reported back on relevant aspects of the journey's. In most cases the technical aspects of the trips were found to be most acceptable on the 460 stock. In all cases the feedback regarding the staff performance was excellent. The mystery shopper reported that the staff were invariably positively helpful, friendly and polite without ever being patronising.

Annex 1

# GATWICK EXPRESS

## Report on Mystery Shopping and Audit for Gatwick Express by Disability Matters Ltd



September 2004

### 1. Introduction

Disability Matters were commissioned by Gatwick Express to undertake a mystery shopping exercise on the non-stop Gatwick Express service between Gatwick airport and Victoria station from a disabled customers point of view.

Specifically, a disabled consultant (Peter Bailey - a manual wheelchair user) from Disability Matters would make a number of journeys using every opportunity to engage with staff in buying tickets, refreshments and asking for assistance. This process would test out the technical side of service delivery and attitudinal side.

Using suitably trained and experienced wheelchair users as mystery shoppers provides a good general indicator of the level of service any disabled person might receive. It would not test the technical skills of staff in areas such as guiding a blind person or communicating with a deaf person.

As the report indicates however, technical knowledge and skill can be addressed more readily and a welcoming attitude is generally far more important in delivering a high quality service. In addition we took the opportunity to include some access audit issues.

The service runs non-stop for a premium fare every 15 minutes from Gatwick airport and Victoria station and takes 30 minutes.

### 2. The Mystery Shopping diary

I made six trips beginning at Gatwick:

- Trip 1. Tuesday 7<sup>th</sup> September 2004 and Trip 2. return from Victoria
- Trip 3. Thursday 9<sup>th</sup> September 2004 and Trip 4. return from Victoria
- Trip 5. Thursday 16<sup>th</sup> September 2004 and Trip 6. return from Victoria

On the trip 5 and 6 I took a digital camera to assist in the access audit issues. I did not use it on the first two trips and thus draw attention to myself.

### **3. The trips in detail:**

#### **Trip 1. Tuesday 7<sup>th</sup> September – From Gatwick – 12.05pm**

**Summary: Excellent experience technically, staff excellent.**

I Approached platform 1/2 from lift end, staff greeted me with a cheery but very natural “this end sir”. This was a positive start as I was wearing jeans rather than a suit and I usually only receive a sir on the railways when wearing a suit and only rarely then!

Access was achieved using the modern lightweight ramp kept on the train.

Departed 12.05, modern stock, on board the announcements were crystal clear in 4 languages, the train was clean with accessible toilets, had air conditioning, it was quiet and both the ticket salesperson and trolley service called me sir – this was an impressive start.

A day return cost £12.20, a cold drink £1 but served with ice and smartly dressed staff.

The area left free for wheelchair users is spacious with a table allowing easy access under and travellers could write, read put their drinks down etc.

Train on time. A member of staff met me on arrival with a ramp.

#### **Trip 2 . Tuesday 7<sup>th</sup> September – Return from Victoria – 2pm**

**Summary: Excellent experience technically, staff excellent.**

I travelled back on the 2pm train. I approached staff who replied “no problem sir” and proceeded to put me in first class.

The return journey was a repeat of the up trip to Victoria. Departed on time, modern stock, on board the announcements were crystal clear, the train was clean with working toilets.

My ticket was checked and endorsed but its second class status was not challenged – quite sensible really as what could be done!

I purchased a drink and again I was addressed as sir by cheerful, smart staff.

Other passengers mentioned that air conditioning was cool “cold in here isn’t it”

The train was on time and I was met on arrival. Excellent.

#### **Trip 3. Thursday 9<sup>th</sup> September – From Gatwick - 12.50pm**

**Summary: Dreadful experience technically, staff excellent.**

This trip was something of a contrast to the first two.

I arrived in good time and staff ran off to find a ramp. Whilst waiting I realised that the train was older stock. When a ramp was not found quickly staff reassured me with a thoughtful “don’t worry sir we won’t go without you” and “we will soon get a ramp and get you on board sir” – excellent customer care skills and I waited for a few more minutes.

During this period, travellers with luggage attempted to board the carriage where staff intended me to sit in my wheelchair and were sent further up train because they may have put their luggage in the clear area intended for me. I felt a bit embarrassed during this period. However I was not prepared for what happened next.

A ramp was found a couple of minutes before departure and I boarded with the skilful assistance of staff. Once on board in the carriage interconnecting area the contrast with the modern rolling stock became more obvious.

But, a bit surprisingly perhaps, I could not get from the carriage interconnecting area into the carriage itself because of a floor to ceiling bar. (See picture below) I had time to mention this to the staff that helped me board but thought oh well its only 30 minutes and what options did I realistically have.



As the train gathered pace it dawned on me that this was the standard carriage and not one that had wheelchair access (i.e. the floor to ceiling bar removed and a clearly designated area within the carriage).

The train became noisier as speed built up and I tried to close the windows. One was fairly easy for me close but the other would not budge.



I put my brakes on settled down for the journey and thought what a contrast to the two previous journeys.

Then we went through a tunnel – perhaps not lasting more than 15 seconds – but the decibel level went through the roof. I suspect it would be unlawful to subject workers to these sound levels, probably livestock and perhaps customers!

Refreshments were offered and my ticket was £8.05 this time (a disabled persons discount I believe although I did not use my disabled persons railcard during any of these trips). Staff were excellent, polite, smart and called me sir even though I was in jeans again, but did not enquire as to why I was where I was! I purchased a can of drink but the train was too shaky to make use of ice in plastic cups.

We repeated these sound levels many times as we passed other trains, short tunnels, stations and bridges. By the time we reached Victoria I felt quite jumpy from all sudden rushes of sound and was pleased to get out.

Obviously there was no air conditioning and no accessible toilets! I could not hear the announcements clearly enough to understand them. The area I was in was rather shabby.

We arrived on time, I was met by staff with a ramp which was excellent and they confirmed my understanding that I had been put into the wrong carriage.

There was one unsolicited approach by a member of the platform staff who enquired “do I need any help”. This is not a problem, but be aware that if staff do not much such enquiries of all their customers, then the question arises as to why do so for disabled customers?

**Trip 4. Thursday 9<sup>th</sup> September – From Victoria - 2.15pm**

**Summary: Excellent experience technically, staff excellent.**

This was modern stock and a repeat of the two first two journeys on 7<sup>th</sup> September.  
Platform staff asked me if I was “first or regular class sir” and made me feel just like any other customer – excellent.

**Trip 5. Thursday 9<sup>th</sup> September – >From Gatwick – 1.05pm**

**Summary: Poor experience technically, staff excellent.**

This trip was something of a repeat of trip 3. from Gatwick on Thursday 9<sup>th</sup> September.

I arrived in good time and staff again ran off to find a ramp. They did not make it clear if I should wait where I was or follow them – I followed. There was none of the embarrassing delays where passengers were asked not to get into my carriage.

Staff were very helpful, with a positive attitude toward me but again I was put into an inaccessible carriage with the floor to ceiling bar to the main carriage referred to in trip 3.

This time I managed to get into a lobby area between the carriage interconnecting area and the carriage itself.

This meant that although one of the windows was too stiff for me to close I at least could close an interconnecting door which made the noise acceptable if undesirable.

Refreshments were offered and my ticket was £8.05 again this time (a disabled persons discount I believe although I did not use my disabled persons railcard during any of these trips).

Staff were again excellent, polite, smart and called me sir, but did not enquire as to why I was where I was! There was no catering on this occasion.

Obviously there was no air conditioning and no accessible toilets! I could hear the announcements but they were rather indistinct. The area I was in was again rather shabby.

We arrived on time, I was met by a member of staff with a ramp which was excellent – all the more impressive as after helping me off – very cheerfully again - he literally ran the length of the platform to help unload numerous suitcases for the front of the train.

**Trip 6. Thursday 9<sup>th</sup> September – From Victoria – 2.30pm**

**Summary: Excellent experience technically, staff excellent.**

This was largely a repeat of trip 4 however I was put into 1<sup>st</sup> class again but this time people who had paid standard class were asked to move from ‘my seat’ with push chairs and babies and I felt bad about this.

Everything was as good as it has been on the new stock trips with the single exception of the toilet not flushing but still in use – a bit smelly!

Staff were excellent once again and asked “how’s your journey sir?” and “ everything ok with your tea sir” which was very good.

We arrived on time and again I was met on arrival.

**4. Conclusions on Customer service issues arising from the mystery shopping exercise.**

The essential point to make is the although I had two poor journey’s from six, this was a result of inadequate technical knowledge rather than poor customer service skills. We know that the former are easier to address than the latter.

Just to take this issue a bit further.

Customer service is increasingly challenging for service providers as the number of young people with behavioural difficulties has doubled in 20 years (Nearly a quarter of young people are reported as ‘antisocial, depressed and troublesome’ Nuffield Foundation 2004)



More and more employers appear to be moving to recruitment selection strategies based on attitude rather than competency e.g. Alliance and Leicester and Barclays. They are taking the view that they can address skills and knowledge but attitudes have deep roots.

**5. Access audit issues identified from the exercise.**

**6. On board ticket purchase arrangements**

The ability to buy tickets on the train and be told so I this way appears to be a great advantage and arguable central to the 'express' premium transport concept. This sign is accessible to most people – its simple and large!



**7. Ticket machine purchase.**

These machines were very accessible, featuring correct height operable card entry and button, large clear fonts, readable in bright light and no queues.

**8. Ticket counter purchase.**

This method provided the opportunity to ask questions. It features an effective microphone system, helpful staff, low counter (a bit low for some taller passengers), clear signage and low reflective glass.



**9. Access from Gatwick Airport**

Access for the airport is via the general access route for all passengers as the picture below shows.



Trolleys are not permitted down to the railway platforms so barriers are installed as shown below. Wheelchair access is through the swing entrance behind the pot plant below – but the pot must be moved first to allow the swing entrance to move..



The powered openers fitted to the walls were not working during my visits. They were pretty inaccessible as well really. One could call staff but that seems to defeat the object of self operating systems.



## 10. Lifts at Gatwick airport

The lifts were well designed and working.



The call buttons simple to operate, featured raised profiles for visually impaired travellers, featured voice announcers and hand rails for people unsteady on their feet.



#### 11. Automatic doors

On the return route from Victoria neither the automatic doors into the airport were not working during my visits.



Once through them (using considerable force to do so) the customer using the lift route is met with some additional obstacles.



There are two lift based routes to airport quite close to one another and both had automatic doors out of action and routes blocked by barriers and trolleys.

Of course it must be said that there are probably very few passengers using these routes. However that is only a guess on my part and is not based on any data. I did however meet several single passengers with several suitcases struggling without trolleys who were quite angry at the system. I did not know how to advise them to ease their journeys.

## **12. Signage**

Signage generally was very good featuring clear, large, sans serif fonts in sentence case. The weakest area is probably the Gatwick entrance from the lift as pictured below. This could be made clearer as to which platform the next train is leaving from – the model of this would be the electronic indicator used at Victoria which is excellent.



## **13. Leaflet on prices and train times**

This was an easy to read document featuring a good sized, sans serif font in sentence case using text on uncluttered backgrounds and simple language. One small criticism is that the featured underground map is in 'microscopic' font that would be unreadable to very large numbers of people and should be reviewed.

## **14. Conclusions from the access audit issues identified from the exercise.**

There was little that that needs to done beyond some modest repairs and tasks at Gatwick airport but I will be pleased to discuss these at any time.

## **15. Next step**

I will discuss with the Training Manager the response to these findings and the appropriate training programmes we are committed to deliver at the earliest opportunity.

**End of report on Mystery Shopping and Audit for Gatwick Express**



### **Choice of Class 458 Units**

Service experience has shown that for the majority of occasions eight trains is sufficient but there are times when a ninth train is required to ensure that seven trains are available to meet the service requirement. The imminent withdrawal of the remaining old train makes the sourcing of a replacement urgent. NEG looked at a number of options for replacement rolling stock that could be used as a possible ninth train as listed below including reasons for rejection:

- High Speed Train (gauging, exhaust extraction at stations, timing, maintenance facilities, wasteful operating over electrified tracks, dated disabled facilities)
- Class 92 electric locomotive, Mark 3 coaches and Driving Van Trailer (gauging, timing, maintenance facilities, Network Rail approvals, dated disabled facilities)
- Class 67 diesel locomotive, Train (gauging, exhaust extraction at stations, timing, maintenance facilities, wasteful operating over electrified tracks, dated disabled facilities)
- Class 357 electric multiple unit (conversion cost to D.C. operation, suburban train interior, poor luggage accommodation, Network Rail approval, maintenance spares, one-off example)

As can be seen, none of the above are considered suitable and the train that is most similar to the Class 460 units is the SWT Class 458 unit.

### **Future Modifications to Achieve RVAR Compliance**

Planning full compliance with the Regulations for the thirty x 4-car Class 458 units is difficult because at the present time the vehicle owners, Porterbrook, have no firm medium or long-term arrangements for future leasing of this fleet to other operators. If no suitable future lease agreement is achieved then the fleet may have to be placed into storage or in the worst case, sold or permanently withdrawn. It is recognised that the trains do need to be brought to compliance with the Regulations once a future operator is found for the vehicles.

Gatwick Express is committed to sub-leasing two of the thirty units until the expiry of the SWT franchise in February 2007 and would like to continue to do so until expiry of the current Gatwick Express franchise in April 2011. However, plans can only be made consistent with the expiry of the SWT lease and there would not be an opportunity to carry out modifications to the two sub-leased units in the timescale of 15 months. A further problem arises in that the design and manufacturing costs to achieve RVAR compliance become excessively expensive when spread over only two units compared to the whole fleet of thirty units.

For the individual exemptions sought in Annexes A to H, the subsequent modification section should be viewed in the context of the medium and long-term uncertainty of the future of the Class 458 fleet. Assurance is given by the vehicle owners that full compliance to the Regulations will be achieved when a stable future for the vehicles is achieved.



## **DISABLED PERSONS TRANSPORT**

### **The Rail Vehicle (Exemption Applications) Regulations 1998**

Application to the Secretary of State for exemptions from the Rail Vehicle Accessibility Regulations 1998 (as provided for in Section 47 of the Disability Discrimination Act 1995)

**Name of Applicant:** Gatwick Express Limited  
Terminal House  
52 Grosvenor Gardens  
London

SW1W 0AU

Telephone: 0207 973 5000

Registered Company Number: 2912328

**Type of vehicle:** Class 458 Electric Multiple Unit  
Numbered 458 001 – 458 030

Units and vehicles to be sub-leased from South West Trains: -

<b>Unit Numbers</b>	<b>Vehicle Numbers</b>			
458 001	67601	74001	74101	67701
458 002	67602	74002	74102	67702

Summary of Gatwick Express Exemption Application for Class 458 Units

<b>Annex</b>	<b>Regulation</b>	<b>Item</b>
<b>Annex A</b>	5 – (1) (a)	Height of door control devices – External Bodyside Doors
<b>Annex B</b>	5 – (1) (b)	Force required to operate corridor control devices
<b>Annex C</b>	5 – (1) (c)	Illumination of Gangway door control device
<b>Annex D</b>	6 – (1) (d)	Illumination within or adjacent to step
<b>Annex E</b>	11 – (1) (a)	Height of handrail in vestibule
<b>Annex F</b>	13 – (7)	PIS Internal display – Height of characters
<b>Annex G</b>	20 – (1) (d)	Wheelchair accessible toilet – Washing and drying of hands
<b>Annex H</b>	20 – (1) (e)	Wheelchair accessible toilet – Access to toilet from front and side



## **Annex A**

### **1. Requirements for Which Exemption is Sought: Door Controls**

(Clause 5 - (1) (a))

Height of the door control device

### **2. Reason for Seeking Exemption**

The door control devices are positioned 1230mm above floor level. This is 30mm above the maximum of 1200mm.

### **3. Effect of Non-Compliance for Disabled Persons**

For the external bodyside doors the effects will be minimal because the heights of the platforms used by Gatwick Express trains at both Victoria and Gatwick Airport stations mean that a minimal step is required to board the trains. The ability to be able to reach the door control device is therefore good. Because there is a wide variation in platform heights across the rail system nation-wide, the effect on access to trains for disabled travellers would be worse at locations where platform heights are lower than at Victoria and Gatwick Airport even if the door control buttons were at the correct height.

For the internal sliding gangway doors, the effects should be small given the minimal need to pass through the train for the reasons given below.

- (a) The operating plan is for a train to be in a platform at all times and available for boarding except for late evening and night services. Trains are therefore available for boarding which reduces the need to walk through a train to find a seat.
- (b) The majority of trains operated by Gatwick Express are on a 15-minute frequency.
- (c) Because the doors on both vehicles open when a carriage control device is operated the requirement to use the corridor control devices is minimal.
- (d) Toilet facilities are provided in two out of the four coaches
- (e) The normal journey duration is 30 minutes
- (f) An at-seat catering service is provided.

### **4. Measures Taken to Reduce the Effect of Non-Compliance for Disabled Persons.**

Both platform and on-train staff are available to assist passengers who may experience difficulties with any of the non-compliances identified in Section 2.

## **5. Subsequent Modification**

The limited effect of the non-compliances on the ability of disabled persons to use the train because of the factors and measures described in Sections 3 and 4 means that it is not proposed to carry out immediate modifications to the existing doors fitted to the fleet. Compliance will be achieved when a refurbishment programme is put in place incorporating elimination of RVAR non-compliance.

## **6. Period for Which Exemption is Sought**

Exemption is sought until the end of the current franchise on 28/04/2011 or implementation of RVAR compliance work on the remainder of the Class 458 or Class 460 fleets.

## **Annex B**

### **1. Requirements for Which Exemption is Sought: Door Controls – Internal Doors (Clause 5 - (1) (b))**

The force required to operate the corridor control device is greater than 15 Newtons

### **2. Reason for Seeking Exemption**

As designed, the force required to operate the between-vehicle gangway door control devices quoted by the manufacturer was 55 Newtons. This is because the system requires the push-button to operate a mechanical linkage to activate the door control electrical circuits. Modifications have been made to the control devices within the carriages of Class 458 units so as to make them compliant. The lack of a suitable point to mount new equipment within the corridors however means that it is not possible to make the control devices within the corridors compliant in the same manner as the carriage control devices.

Gatwick Express request an exemption for operation of Class 458 corridor control devices to permit a force of up to 40 Newtons to operate as is already in place for Class 460 units.

### **3. Effect of non-compliance for Disabled Persons**

For the internal sliding gangway doors, the effects should be small given the minimal need to pass through the train for the reasons given below.

- (a) The operating plan is for a train to be in a platform at all times and available for boarding except for late evening and night services. Trains are therefore available for boarding which reduces the need to walk through a train to find a seat.
- (b) The majority of trains operated by Gatwick Express are on a 15-minute frequency.
- (c) Because the doors on both vehicles open when a carriage control device is operated the requirement to use the corridor control devices is minimal.
- (d) Toilet facilities are provided in two out of the four coaches
- (e) The normal journey duration is 30 minutes
- (f) An at-seat catering service is provided.

### **4. Measures Taken to Reduce the Effect of Non-Compliance for Disabled Persons.**

On-train staff are available on all services to assist passengers who may experience difficulties with any of the non-compliances identified.

## **Annex B (continued)**

### **5. Subsequent Modification**

The complexity of work required to make the corridor control devices compliant means that apart from the modifications already made to the carriage control devices it is not proposed to carry out further modification at the present time. Compliance will be achieved when a refurbishment programme is put in place incorporating elimination of RVAR non-compliance.

### **6. Period for Which Exemption is Sought**

Exemption is sought until the end of the current franchise on 28/04/2011 or implementation of RVAR compliance work on the remainder of the Class 458 or Class 460 fleets.

## **Annex C**

### **1. Requirements for Which Exemption is Sought: Door Controls – Internal Doors (Clause 5 - (1) (c))**

Illumination of the door control device or its immediate surround when operable.

### **2. Reason for Seeking Exemption**

The modifications made to the carriage control devices in terms of force required for operation also allowed them to be illuminated as required by the Regulations. However the same problem applies to the corridor control devices in that no suitable position could be found to mount new equipment. This exemption therefore only applies to those device located within the corridors of Class 458 units.

### **3. Effect of Non-Compliance for Disabled Persons**

The effects should be small for the following reasons:

- (a) The operating plan is for a train to be in a platform at all times and available for boarding except for late evening and night services. Trains are therefore available for boarding which reduces the need to walk through a train to find a seat.
- (b) The majority of trains operated by Gatwick Express are on a 15-minute frequency.
- (c) Because the doors on both vehicles open when a carriage control device is operated the requirement to use the corridor control devices is minimal.
- (d) Toilet facilities are provided in two out of the four coaches
- (e) The normal journey duration is 30 minutes
- (f) An at-seat catering service is provided.

### **4. Measures Taken to Reduce the Effect of Non-Compliance for Disabled Persons.**

On-train staff are available on all services to assist passengers who may experience difficulties with the non-compliance identified in Section 1.

### **5. Subsequent Modification**

Modification has been made to the carriage control devices to make them compliant. Compliance will be achieved when a refurbishment programme is put in place incorporating elimination of RVAR non-compliance.

### **6. Period for Which Exemption is Sought**

Exemption is sought until the end of the current franchise on 28/04/2011 or implementation of RVAR compliance work on the remainder of the Class 458 or Class 460 fleets.

## **Annex D**

### **1. Requirements for Which Exemption is Sought: Steps (Clause 6 - (1) (d))**

Illumination is not provided within or immediately adjacent to the step

### **2. Reason for Seeking Exemption**

No illumination is provided within or immediately adjacent to the step.

### **3. Effect of Non-Compliance for Disabled Persons**

Illumination at floor level at the entrance doors is not provided. However, illumination is provided overhead adjacent to the entrance doors and the standard of illumination of the vehicle interior is greater than on existing trains. The edge of the step area in the vestibule also has high definition 'saw-tooth' markings. In addition when the step is to be used for ingress and egress, the doors will be open and the step will additionally be illuminated by external natural or artificial light.

### **4. Measures Taken to Reduce the Effect of Non-Compliance for Disabled Persons**

The vehicles are provided with colour contrast edging to the footsteps, which provide good definition between train and platform. Both platform and on-train staff are available to assist passengers who may experience difficulties with any of the non-compliances identified in Section 1.

### **5. Subsequent Modification**

The limited effect of the non-compliances on the ability of disabled persons to use the train because of the factors and measures described in Sections 3 and 4 means that it is not proposed to carry out modifications immediately. Compliance will be achieved when a refurbishment programme is put in place incorporating elimination of RVAR non-compliance.

### **6. Period for Which Exemption is Sought**

Exemption is sought until the end of the current franchise on 28/04/2011 or implementation of RVAR compliance work on the remainder of the Class 458 or Class 460 fleets.

## **Annex E**

### **1. Requirements for Which Exemption is Sought: Handrails and Handholds**

(Clause 11- (1)(a))

Handrails located inside each entrance vestibule

### **2. Reason for Seeking Exemption**

The handrail inside each bodyside rises from 720mm to 1225mm above floor level. The Regulations specify a minimum for the bottom of the handrail of 700mm.

### **3. Effect of Non-Compliance for Disabled Persons**

The 20mm deficiency is minimal and should not result in any difficulty for disabled passengers. The effects will be minimal because the platforms used by Gatwick Express at Victoria and Gatwick Airport stations are at a good height compared to the trains. This reduces the requirement to use the hand grab for safe ingress and egress.

### **4. Measures Taken to Reduce the Effect of Non-Compliance for Disabled Persons**

Both platform and on-train staff are available to assist passengers who may experience difficulties with any the non-compliance identified in Section 2.

### **5. Subsequent Modification**

The limited deviation from the requirements of the regulations means that it is not proposed to carry out modifications on this feature. Compliance will be achieved when a refurbishment programme is put in place incorporating elimination of RVAR non-compliance.

### **6. Period for Which Exemption is Sought**

Exemption is sought until the end of the current franchise on 28/04/2011 or implementation of RVAR compliance work on the remainder of the Class 458 or Class 460 fleets.

## **Annex F**

### **1. Requirement from Which Exemption is Sought: Passenger Information**

- (i) Size of characters on passenger visual information system (Clause 13 – (7)).

### **2. Reason for Seeking Exemption**

- (i) The internal passenger information visual displays have characters 32 mm high, 3mm less than the minimum required by the Regulations. This variation from the requirement was a result of the design specification deadline for this piece of equipment occurring before the requirements of the Regulations became known.

### **3. Effect of Non-Compliance for Disabled Persons**

- (i) The effect for disabled travellers should be minimal given the Gatwick Express operation. There is only one destination, either London Victoria or Gatwick Airport, with no immediate calling points. The internal passenger display has a more limited role in this application as compared to services where there are more complex stopping patterns or where trains may divide en route to serve different destinations.

### **4. Measures taken to Reduce the Effect of Non-Compliance for Disabled Persons**

- (i) A full range of pre-recorded audio messages is available in five languages giving information on service, journey time, onward journey information as well as encouraging advice from Gatwick Express On-Board staff.
- (ii) On-Board staff are provided on all Gatwick Express services who walk through each carriage and are available to assist our customers where needed.

### **5. Subsequent Modification**

Given the limited effect on disabled persons it is not proposed to replace the passenger information displays at the present time. Compliance will be achieved when a refurbishment programme is put in place incorporating elimination of RVAR non-compliance.

### **6. Period for Which Exemption is Sought**

Exemption is sought until the end of the current franchise on 28/04/2011 or implementation of RVAR compliance work on the remainder of the Class 458 or Class 460 fleets.



## **Annex G**

### **1. Requirements for Which Exemption is Sought: Toilets for Disabled Persons in Wheelchairs (Clause 20 (1) (d))**

The toilet shall be equipped with facilities to enable a disabled person to wash and dry their hands without moving from the seat of the toilet.

### **2. Reason for Seeking Exemption**

It is only possible to wash one's hands while seated in a wheelchair, not directly while seated on the toilet. This was a change in the requirement from the Draft 6 document to the Consultation document.

### **3. Effect of Non-Compliance for Disabled Persons**

The chief effects of the non-compliance are described in Section 2 above.

### **4. Measures Taken to Reduce the Effect of Non-Compliance for Disabled Persons**

The present design of the wheelchair accessible toilet is substantially different from that originally proposed for the Class 458 and Class 460 trains and reflects the comments made by RADAR on the original design. RADAR was consulted at that stage so that the design of the toilet cubicle would facilitate its use by disabled passengers in wheelchairs.

Land based toilets with wheelchair access are available at both Victoria and Gatwick Airport stations. The normal journey time of 30 minutes should reduce the frequency that the toilets on the train need to be used.

### **5. Subsequent Modification**

The design and manufacture of modern toilets with waste retention facilities means that it is not easily modified in situ. The cost of modification to achieve compliance for the two wheelchair accessible toilets on the two units would be inordinately expensive and have excessive lead times for design and installation. On this basis, and bearing in mind the short journey time of the Gatwick Express operation, it is not proposed to modify the toilets at the present time. Compliance will be achieved when a refurbishment programme is put in place incorporating elimination of RVAR non-compliance.

### **6. Period for Which Exemption is Sought**

Exemption is sought until the end of the current franchise on 28/04/2011 or implementation of RVAR compliance work on the remainder of the Class 458 or Class 460 fleets.

## **Annex H**

### **1. Requirements for Which Exemption is Sought: Toilets for Disabled Persons in Wheelchairs (Clause 20 (1) (e))**

There shall be sufficient space inside the toilet cubicle for a reference wheelchair to be positioned in front of the toilet and at one side of the toilet so that it is possible for a disabled person to move from a reference wheelchair on to the toilet seat from the front of the side of the toilet.

### **2. Reason for Seeking Exemption**

It is not possible for a disabled person to move to the toilet seat from a wheelchair placed at the side and the front of the toilet.

### **3. Effect of Non-Compliance for Disabled Persons**

The chief effects of the non-compliance are described in Section 2 above.

### **4. Measures Taken to Reduce the Effect of Non-Compliance for Disabled Persons**

The present design of the wheelchair accessible toilet is substantially different from that originally proposed for the Class 458 and Class 460 trains and reflects the comments made by RADAR on the original design. RADAR was consulted at that stage so that the design of the toilet cubicle would facilitate its use by disabled passengers in wheelchairs.

Land based toilets with wheelchair access are available at both Victoria and Gatwick Airport stations. The normal journey time of 30 minutes should reduce the frequency that the toilets on the train need to be used.

### **5. Subsequent Modification**

The design and manufacture of modern toilets with waste retention facilities means that it is not easily modified in situ. The cost of modification to achieve compliance for the two wheelchair accessible toilets on the two units would be inordinately expensive and have excessive lead times for design and installation. On this basis, and bearing in mind the short journey time of the Gatwick Express operation, it is not proposed to modify the toilets at the present time. Compliance will be achieved when a refurbishment programme is put in place incorporating elimination of RVAR non-compliance.

### **6. Period for Which Exemption is Sought**

Exemption is sought until the end of the current franchise on 28/04/2011 or implementation of RVAR compliance work on the remainder of the Class 458 or Class 460 fleets.

## **Appendix B**

Tony Francis  
Gatwick Express  
Stewarts Lane Maintenance Depot  
Dickens Street  
London  
SW8 3EP

Engineering Development Manager  
4th floor, Burdett House  
Tel : 05 62589  
Fax : 05 64116  
Ian.walmsley@porterbrook.co.uk  
O/R: PB 64-6, GAT/ID

14 October 2005

### **Class 458 units – Plans for RVAR compliance**

As you are aware the Class 458 units are running with a number of non – compliances to the RVAR, resulting from the changes to the regulations during the build programme. It is Porterbrook's intention to bring these features into full compliance as soon as it is practical to do so; indeed some features have already been installed, such as external door sounders and interior door buttons.

Unfortunately the future of the Class 458 units is now in some doubt, with only 8 diagrams remaining on South West Trains for the 28 units still at Wimbledon. Porterbrook sees five options for the units, none of which can be confirmed until at least March 2006. These are:-

- Continued use on SWT, catering for growth
- East London Line for Transport for London
- Scotrail for Ayrshire Coast services
- “Warm storage” for occasional use on 3rd Rail network
- Permanent withdrawal or sale

Since these vehicles are still worth a considerable sum on Porterbrook's books we are strongly motivated to find a secure future for them, but this depends on securing the business in a competitive environment. It is quite possible that the units may be withdrawn from service, and it would therefore be reckless of Porterbrook to make the £4.5 Million investment needed to bring the units into full RVAR compliance. Assuming the units do secure a lease they would need to be brought into compliance, since we are advised exemptions will be very difficult to secure in future, and the units would be expected to run beyond the 2020 end date for full compliance. When this is done for the remainder of the fleet the additional cost of a further two units would be minor compared to attempting to attend to them separately. For example the Passenger Information System will cost £606,067 to bring into compliance on the fleet, or £20,200 per unit. If this was only done on two units the design and approval costs would all fall to them, making the cost around £170,000 per unit.

In the event of short-term leases to cover for temporary stock shortages there would be no case for major modifications, but some items may be considered essential. If this was the case it would be sensible to attend to the two units on loan to Gatwick Express as well.

Ian Walmsley

Ffion Grant  
Secretariat  
Disabled Persons Transport Advisory Committee

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05 December 2005

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## **Appendix C**

Peter Colmans  
DfT Mobility and Inclusion Unit  
4/23 Great Minster House  
76 Marsham Street  
London  
SW1P 4DR

Dear Peter

**Disability Discrimination Act 1995**  
**Rail Vehicle Accessibility Regulations 1998**  
**Application for Extension of Exemption by Gatwick Express**

Thank you for seeking DPTAC's advice on these extension applications for exemption under Section 47(3) of the Disability Discrimination Act 1995.

Gatwick Express are seeking exemptions in relation to Class 458 vehicles which would be sublet from South West Trains.

In making our recommendations, DPTAC have considered the applications in terms of their implications and effect on disabled passengers.

We have not necessarily taken any financial, technical or operational issues into account. We accept that the Mobility and Inclusion Unit of DfT, after consultation with other relevant bodies, will include these wider considerations when making their recommendation to the Secretary of State.

DPTAC were disappointed to receive this from Gatwick Express, some nine years after the introduction of RVAR.

However, when considering this application, DPTAC took into account the nature of the service provided by Gatwick Express, (adequately staffed trains running between staffed stations every 15 minutes with a short journey time and no intermediate stops), and the intended limited use of these additional vehicles, as 'backup stock' to ensure full service during maintenance and emergencies.

DPTAC were encouraged that Gatwick Express had employed an independent access consultant to undertake research into the overall accessibility of their service and were extremely interested in the results of the Mystery Shopping exercise submitted as background information with the application.

DPTAC are also mindful that the Class 458 vehicles will offer significant access improvements over the Mark 2 stock currently used for this purpose, and standardisation with the existing fleet of Class 460 vehicles.

DPTAC understand that Porterbrook who own the vehicles are involved in ongoing discussions with the DfT Mobility and Inclusion Unit in relation to their 458 Fleet and believe that the whole fleet will be upgraded within a relatively short timescale. DPTAC would seek assurances that the vehicles leased to Gatwick Express are included in any upgrade project undertaken.

DPTAC's views on the specific clauses are set out in the attached papers as follows:

- Annex A - Class 458 : Clause 5(1a)
- Annex B - Class 458 : Clause 5(1b)
- Annex C - Class 458 : Clause 5(1c)
- Annex D - Class 458 : Clause 6(1d)
- Annex E - Class 458 : Clause 11(1a)
- Annex F - Class 458 : Clause 13(7)
- Annex G - Class 458 : Clause 20(1d)
- Annex H - Class 458 : Clause 20(1e)

Yours sincerely

**Ffion Grant**  
DPTAC Secretariat

## **RVAR Exemption Extension Application**

**Gatwick Express**  
Class 458

**Considered November 2005**

**Regulation Clause Number**

5(1a)

**Regulation**

(1) No control device to enable a passenger to open or close a power-operated door, *other than a device to which paragraph (3) below applies*, shall be fitted to a regulated rail vehicle unless:

- (a) the centre of the control device is not less than 700 millimetres and not more than 1200 millimetres vertically above an imaginary horizontal line extended from the door sill of the relevant doorway;

**Period Sought**

28<sup>th</sup> April 2011 - End of Franchise

### **DPTAC Recommendation**

Further to the overarching comments given in the covering letter.

DPTAC acknowledge that although not compliant with RVAR, the height of the door controls buttons is adequate for the two stations served by these vehicles which have relatively short vertical gaps between the train and the platform. This was supported by the levels of staff available to give assistance if necessary.

Therefore DPTAC recommend that the exemption should be granted until 28<sup>th</sup> April 2011 in line with existing exemptions across the Gatwick Express fleet.

However DPTAC would like to see it made a condition of the granting of the application that:-

- All platform and on-train staff undertake disability awareness training in order to identify and be able to provide appropriate assistance if required.
- Any complaints relating to the usability of these control buttons should be reported to the MIU.

If granted DPTAC recommend that this exemption should only remain valid for Class 458 vehicles, as specified in the application, when operated by Gatwick Express Ltd on this specific route and service.

### **RVAR Exemption Extension Application**

**Gatwick Express**  
Class 458

**Considered November 2005**

**Regulation Clause Number**

5(1b)

**Regulation**

(1) No control device to enable a passenger to open or close a power-operated door, *other than a device to which paragraph (3) below applies*, shall be fitted to a regulated rail vehicle unless:

(b) the control device is operable by the palm of the hand exerting a *force* not exceeding 15 newtons;

**Period Sought**

28<sup>th</sup> April 2011 - End of Franchise

## **DPTAC Recommendation**

Further to the overarching comments given in the covering letter.

DPTAC are concerned that at up-to 40Newtons, the force potentially required to operate the door internal door control device between vehicles is nearly 3 times the recommended maximum force.

However they acknowledge that Gatwick Express have modified all other internal door controls to comply with RVAR and recognise the technical problems have precluded the modification of these particular controls.

Therefore DPTAC recommend that the exemption should be granted until 28<sup>th</sup> April 2011 in line with existing exemptions across the Gatwick Express fleet.



However DPTAC would like to see it made a condition of the granting of the application that;-

- All platform and on-train staff undertake disability awareness training in order to identify and be able to provide appropriate assistance if required.
- Any complaints relating to the usability of these control buttons should be reported to the MIU.

The Committee also recommend that should the extension be granted, it is on the provision Gatwick Express staff are made aware of the difficulties some passengers might have when attempting to operate the door control device and that coaches are always staffed sufficiently so that assistance would be readily available.

If granted DPTAC recommend that this exemption should only remain valid for Class 458 vehicles, as specified in the application, when operated by Gatwick Express Ltd on this specific route and service.

## **RVAR Exemption Extension Application**

**Gatwick Express**  
Class 458

**Considered November 2005**

**Regulation Clause Number**

5(1c)

**Regulation**

(1) No control device to enable a passenger to open or close a power-operated door, *other than a device to which paragraph (3) below applies*, shall be fitted to a regulated rail vehicle unless:

(c) the control device or its immediate surround is illuminated continuously whenever it is operable;

**Period Sought**

28<sup>th</sup> April 2011 - End of Franchise

**DPTAC Recommendation**

Further to the overarching comments given in the covering letter.

DPTAC acknowledge that Gatwick Express have modified all other internal door controls to comply with RVAR and recognise the technical problems have precluded the modification of these particular controls.

Therefore DPTAC recommend that the exemption should be granted until 28<sup>th</sup> April 2011 in line with existing exemptions across the Gatwick Express fleet.

However DPTAC would like to see it made a condition of the granting of the application that;-

- All platform and on-train staff undertake disability awareness training in order to identify and be able to provide appropriate assistance if required.
- Any complaints relating to the usability of these control buttons should be reported to the MIU.

If granted DPTAC recommend that this exemption should only remain valid for Class 458 vehicles, as specified in the application, when operated by Gatwick Express Ltd on this specific route and service.

## **RVAR Exemption Extension Application**

**Gatwick Express**  
Class 458

**Considered November 2005**

**Regulation Clause Number**

6(1d)

**Regulation**

(1) Steps for use by passengers at any external doorway of a regulated rail vehicle shall comply with the following requirements -

(d) each step shall be illuminated by a light placed within or immediately adjacent to the step;

**Period Sought**

28<sup>th</sup> April 2011 - End of Franchise

**DPTAC Recommendation**

Further to the overarching comments given in the covering letter.

Although DPTAC would wish to see Gatwick Express achieve compliance on these vehicles, the Committee are aware that to achieve compliance would require significant engineering work well beyond the scope of this modification project.

Taking into account the very specific and localised environment of the two stations between which these vehicles operate, DPTAC recommend the exemption should be granted until 28<sup>th</sup> April 2011 in line with existing exemptions across the Gatwick Express fleet.

However DPTAC would like to see it made a condition of the granting of the application that;-

- All platform and on-train staff undertake disability awareness training in order to identify and be able to provide appropriate assistance if required.
- Any complaints relating to the usability of these steps should be reported to the MIU.

If granted DPTAC recommend that this exemption should only remain valid for Class 458 vehicles, as specified in the application, when operated by Gatwick Express Ltd on this specific route and service.

### **RVAR Exemption Extension Application**

**Gatwick Express**  
Class 458

**Considered November 2005**

**Regulation Clause Number**

11(1a)

**Regulation**

(1) A handrail shall be fitted in the following positions:

- (a) in every regulated rail vehicle as close as practicable on either side of the interior of an external doorway extending vertically from a point not more than 700 millimetres above the floor to a point not less than 1200 millimetres above the floor; and

**Period Sought**

28<sup>th</sup> April 2011 - End of Franchise

**DPTAC Recommendation**

Further to the overarching comments given in the covering letter.

DPTAC acknowledge that although not compliant with RVAR, the relatively short vertical gaps between the train and platforms at the two stations served suggest that the height of the handrail not as relevant as it might be to other services serving a variety of stations with varying platform heights.

This was supported by the levels of staff available to give assistance if necessary.

DPTAC recommend the exemption should be granted until 28<sup>th</sup> April 2011 in line with existing exemptions across the Gatwick Express fleet.

However DPTAC would like to see it made a condition of the granting of the application that;-

- All platform and on-train staff undertake disability awareness training in order to identify and be able to provide appropriate assistance if required.
- Any complaints relating to the usability of these handrails should be reported to the MIU.

If granted DPTAC recommend that this exemption should only remain valid for Class 458 vehicles, as specified in the application, when operated by Gatwick Express Ltd on this specific route and service.

## **RVAR Exemption Extension Application**

**Gatwick Express**  
Class 458

**Considered November 2005**

**Regulation Clause Number**

13(7)

**Regulation**

13(7) The first letter of, and numbers used in, announcements on visual systems shall be not less than 70 millimetres high on systems on the front of the vehicle and not less than 35 millimetres high on other systems, and all letters and numbers shall contrast with their background.

**Period Sought**

28<sup>th</sup> April 2011 - End of Franchise

**DPTAC Recommendation**

Further to the overarching comments given in the covering letter.

DPTAC were reluctant to recommend the granting of this extension given that the technology needed to comply is available. However the Committee were aware that to achieve compliance would require significant engineering work well beyond the scope of this modification project and also conscious of the limited intended use of the vehicles.

DPTAC took into account the nature of the service provided by Gatwick Express, adequately staffed trains run every 15 minutes with a short journey time and no intermediate stops and were also mindful of statements made by Gatwick Express previously when applying for exemptions for the Class 460 vehicles that none of the 3,000 customer complaints received since 2001 when the original exemption was granted, none of them have related to this particular PIS issue.

On these grounds only, DPTAC recommend that the exemption should be granted until 28<sup>th</sup> April 2011 in line with existing exemptions across the Gatwick Express fleet.

However DPTAC would like to see it made a condition of the granting of the application that;-

- All platform and on-train staff undertake disability awareness training in order to identify and be able to provide appropriate assistance if required.
- The effectiveness of these PIS units should be monitored and
- Any complaints relating to the usability of these PIS Units should be reported to the MIU.

If granted DPTAC recommend that this exemption should only remain valid for Class 458 vehicles, as specified in the application, when operated by Gatwick Express Ltd on this specific route and service.

DPTAC wish to emphasise the importance of Passenger Information to disabled people during train journeys and wish to make it clear that this recommendation has been made after considering the specific circumstances of the service provided by Gatwick Express and should not be seen as setting a precedent for non compliance with RVAR on similar vehicles.

### **RVAR Exemption Extension Application**

**Gatwick Express**  
Class 458

**Considered November 2005**

**Regulation Clause Number**

20(1d)

**Regulation**

(1) If a regulated rail vehicle or train is equipped with toilets the nearest toilet cubicle to a wheelchair space or wheelchair-compatible sleeping compartment shall comply with the requirements in regulation 14 and with the following requirements:

(d) the toilet cubicle shall be equipped with facilities to enable a disabled person in a wheelchair to wash and dry his hands without moving from the seat of the toilet;

**Period Sought**

28<sup>th</sup> April 2011 - End of Franchise

**DPTAC Recommendation**

Further to the overarching comments given in the covering letter.

DPTAC recognise that Gatwick Express sought and implemented guidance from RADAR during the development of the designs for wheelchair accessible toilets.

DPTAC recognise that designs for wheelchair accessible toilets to be retro-fitted into vehicles are restricted by existing structural and engineering issues.

Taking into account the journey length and provision of fully accessible toilet facilities at both stations served by Gatwick Express, DPTAC recommend that the exemption should be granted until 28<sup>th</sup> April 2011 in line with existing exemptions across the Gatwick Express fleet.



However DPTAC would like to see it made a condition of the granting of the application that;-

- All platform and on-train staff undertake disability awareness training in order to identify and be able to provide appropriate assistance if required.
- The effectiveness of these facilities should be monitored and
- Any complaints relating to the usability of these toilet cubicles should be reported to the MIU.

If granted DPTAC recommend that this exemption should only remain valid for Class 458 vehicles, as specified in the application, when operated by Gatwick Express Ltd on this specific route and service.

### **RVAR Exemption Extension Application**

**Gatwick Express**  
Class 458

**Considered November 2005**

**Regulation Clause Number**

20(1e)

**Regulation**

(1) If a regulated rail vehicle or train is equipped with toilets the nearest toilet cubicle to a wheelchair space or wheelchair-compatible sleeping compartment shall comply with the requirements in regulation 14 and with the following requirements:

(e) there shall be sufficient space inside the toilet cubicle for a reference wheelchair to be positioned in front of the toilet and to be positioned at one side of the toilet so that it is possible for a disabled person to move from a reference wheelchair on to the toilet seat from the front or the side of the toilet;

**Period Sought**

28<sup>th</sup> April 2011 - End of Franchise

**DPTAC Recommendation**

Further to the overarching comments given in the covering letter.

DPTAC recognise that Gatwick Express sought and implemented guidance from RADAR during the development of the designs for wheelchair accessible toilets.

DPTAC recognise that designs for wheelchair accessible toilets to be retro-fitted into vehicles are restricted by existing structural and engineering issues.

Taking into account the journey length and provision of fully accessible toilet facilities at both stations served by Gatwick Express, DPTAC recommend that the exemption should be granted until 28<sup>th</sup> April 2011 in line with existing exemptions across the Gatwick Express fleet.

However DPTAC would like to see it made a condition of the granting of the application that;-

- All platform and on-train staff undertake disability awareness training in order to identify and be able to provide appropriate assistance if required.
- The effectiveness of these facilities should be monitored and
- Any complaints relating to the usability of these toilet cubicles should be reported to the MIU.

If granted DPTAC recommend that this exemption should only remain valid for Class 458 vehicles, as specified in the application, when operated by Gatwick Express Ltd on this specific route and service.

## **Appendix D**

**From:** <Ron.Whalley@hse.gsi.gov.uk>  
**To:** "Peter Colmans" <Peter.Colmans@dft.gsi.gov.uk>  
**Date:** 26/10/05 00:35:04  
**Subject:** DDA ~ Gatwick Express ~ Class 458 EMU's. Your ref DP1/3/46

Peter,

I have read the request for exemption by Gatwick Express in order that they might use class 458 EMU's to supplement their fleet until the end of their current franchise.

Where the "Disability Matters Ltd." report refers to "older stock" I assume that it refers to slam door stock, now defunct, and not the proposed class 458 EMU. The report does serve to identify the level of "human" service available on these trains.

With regard to the force for internal doors, it may be worth asking if the class 458's could be fitted with contrasting vinyls on the accessible doors to enable them to be readily identified thereby removing the necessity to pass through the corridor connections.

I can see no safety related issues which might arise as a result of this exemption given the evidence provided in the submission and, therefore, have no objection to the exemption.

Regards,

Ron.

Ronald H. Whalley C.Eng., MIEE.  
H.M.Specialist Inspecting Officer of Railways,

Tel. VPN 512 2341 / GTN 4324 2341/  
GPO 01625 571135 Mob. 0779 893 2451

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Please visit the HSE website at the following address to keep yourself up to date.

[www.hse.gov.uk](http://www.hse.gov.uk)

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## **Appendix E**

Peter Colmans Esq  
Mobility and Inclusion Unit  
Department for Transport  
Zone 4/23  
Great Minster House  
76 Marsham Street  
London  
SW1P 4DR

21 November 2005

**DDA 1995, SECTION 47(3), EXEMPTION APPLICATION BY GATWICK EXPRESS (CLASS 458)**

***your ref: DP1/3/46***

1. I acknowledge receipt of a copy of the above application.
2. The Office of Rail Regulation has no comments to make regarding the application.

**Michael Haizelden**