

EXPLANATORY MEMORANDUM TO
THE RAIL VEHICLE ACCESSIBILITY (NON-INTEROPERABLE RAIL SYSTEM)
(LONDON UNDERGROUND VICTORIA LINE 09TS VEHICLES) EXEMPTION ORDER
2013

2013 No. 3318

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the Instrument**

The Rail Vehicle Accessibility (Non-Interoperable Rail System)(London Underground Victoria Line 09TS Vehicles) Exemption Order 2013 (the "Order") exempts specified rail vehicles operated by London Underground Limited ("LUL") from three requirements, under the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010¹ ("RVAR"). These are explained in further detail in paragraphs 7.2 to 7.13.

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

3.1 A version of the Order was originally laid before Parliament on 9 December 2013 and considered by the JCSI at its meeting on 15 January 2014 (see the Seventeenth Report of Session 2013-14). However, it has recently come to the Department's attention that the version of the Order laid in December differed in two minor respects from the Order as actually signed by the Minister of State at the Department, Baroness Kramer.

3.2 The purpose of the Order, as noted, is to provide for exemptions from certain requirements for rail vehicle accessibility set out in the RVAR for certain specified types of London Underground trains. The Order as signed by the Minister included provision for one of the exemptions² to expire on 31 May 2015 ("the time limit provision"). The version of the Order laid in December (and published by the Stationery Office Limited as S.I. 2013/3031) however erroneously failed to include the time limit provision.

3.3 The version of the Order laid in December also cited section 183(4)(a) of the Equality Act 2010 in its preamble whereas the signed version cited section 183(4)(b). Section 183(4)(b) is the correct provision to be cited since the inclusion of the time limit provision meant that the Order was made in terms different to those which had been applied for by LUL (they had applied for the time-limited exemption to be made permanent - see further paragraph 7.8 below and section 5 of the application in Annex A).

3.4 In the light of these errors, the Department has concluded that the Order cannot be considered to have been properly laid in December. Technically, therefore the Order (which came into force on 1st January 2014) will have come into force prior to being laid before

¹ S.I. 2010/432

² This is the exemption (set out in article 3(b) of the Order) from requirements in relation to audible warnings before a door closes (as set out in paragraph 3(5)(b) of Part 1 of Schedule 1 to RVAR). Article 5 of the Order provides that this exemption is to expire at the end of 31 May 2015.

Parliament.

3.5 The Department is therefore now laying the Order as originally signed (and so including the time limit provision and reference to section 183(4)(b) in the preamble). The version of the Order laid in December has been withdrawn and is replaced by the Order as now laid. In compliance with the proviso to section 4(1) of the Statutory Instruments Act 1946, the Department has also written to the Speakers of the House of Lords and the House of Commons, copies of these notifications are attached at Annex C. The Department is also ensuring that the correct version of the Order as made is published and that all purchasers of the incorrect version of the Order published as S.I. 2013/3031 who can be identified are provided with the replacement instrument free of charge. The incorrect version of the Order published in December has also been withdrawn by the Stationery Office and has been removed from the Government's legislation website (www.legislation.gov.uk)

3.6 The Department has sought to investigate how the mistake in this case occurred. What appears to have happened is that the version of the Order submitted electronically to the National Archives in December was a very late pre-signature version which did not include the time limit provision as opposed to the final made version of the Order which did correctly include this time limit provision. We are considering what further checks can be put in place to ensure that a similar error does not occur in the future.

3.7 It seems unlikely that there will have been any prejudice as a result of the error in this case. Whilst the version of the Order laid and published in December omitted the time limit provision, the Explanatory Memorandum laid with that instrument (on 9 December 2013) correctly referred to this provision. Transport for London, who applied for the Order to be made, were also made aware at the time that the relevant exemption would expire at the end of 31 May 2015 and so will have been able to start planning accordingly. Nor will there have been any prejudice to disabled users as a result of this error.

3.8 The Rail Vehicle Accessibility Exemption Orders (Parliamentary Procedures) Regulations 2008³ (the "2008 Regulations") govern how exemption orders such as this are to be made. Under the 2008 Regulations, orders exempting rail vehicles from RVAR without an expiry date, as is the case with this Order, would normally be subject to the draft affirmative resolution procedure⁴. However, regulation 5(2) of the 2008 Regulations provides for the Secretary of State, having regard to the circumstances and representations of the Disabled Persons Transport Advisory Committee⁵ ("DPTAC"), to elect to make orders which would otherwise be subject to the draft affirmative procedure, using the negative resolution procedure instead.

3.9 Equivalent exemptions, though with expiry dates, have previously been granted for the same class of vehicles by the Rail Vehicle Accessibility (London Underground Victoria Line 09TS Vehicles) Exemption Order 2008⁶ (the "09TS Order 2008"). The 09TS Order 2008 was subject to the draft affirmative resolution procedure. As noted below (paragraph

³ S.I. 2008/2975, see in particular regulation 5.

⁴ The Order sets out an exemption subject to conditions, but without an expiry date, for certain requirements (set out in paragraph 11(5) of Part 1 of Schedule 1 to RVAR) relating to information to be given passengers when a vehicle is stationary.

⁵ DPTAC was established under section 125 of the Transport Act 1985 to advise the Government on the public passenger transport needs of disabled people.

⁶ S.I. 2008/2969

4.5) this Order restates one exemption, provided for under the 09TS Order 2008 that previously would have expired at the end of 31 December 2013 without an expiry date and extends another that would also have expired at the same time to the end of 31 May 2015. It also restates an exemption for Pimlico station which is of limited duration. As the principles for those exemptions were previously considered under the draft affirmative resolution procedure, the Secretary of State believes that Parliament's time can more effectively be used on other matters.

3.10 The Secretary of State consulted DPTAC on the use of the negative resolution procedure to make those exemptions which he believes are appropriate. DPTAC was content with the use of the negative resolution procedure on this basis. The Secretary of State has therefore used his discretion under regulation 5(2) of the 2008 Regulations to decide that the negative resolution procedure should be adopted for this Order.

4. Legislative Context

4.1 Section 182 of the Equality Act 2010 (the "EA") empowers the Secretary of State to make rail vehicle accessibility regulations 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 EA repealed the Disability Discrimination Act 1995 ("DDA") and replaced those parts applying to rail vehicles (sections 46 and 47 of the DDA as well as section 67 of that Act which related to the power to make regulations and orders) with equivalent provisions (sections 182 to 187 and 207 of the EA).

4.2 The Rail Vehicle Accessibility Regulations 1998 ("RVAR 1998") were made under powers of the DDA and initially applied to rail vehicles constructed or adapted for passenger use and first brought into use after 31st December 1998. A number of amendments were made to RVAR 1998 in 2000. In 2010 they were revoked and replaced by RVAR; although the relevant provisions affected by this Order remained substantively the same.

4.3 Equivalent exemptions to those in the Order, from regulations 4(3)(b), 13(4) and 23(1) of RVAR 1998, came into force in November 2008 (the 09TS Order 2008, see paragraph 7.4 below). Although RVAR 1998 has since been revoked, the transitional provisions of RVAR ensured that those exemptions remained in force. A fourth exemption, from regulation 13(7) of RVAR 1998 (relating to the height of lettering on visual public address systems) was also granted at the same time but this became redundant when LUL decided to install compliant equipment instead.

4.4 Section 183 of the EA enables the Secretary of State to make orders authorising regulated rail vehicles to be used in passenger service without requirements of the RVAR having to be met. These orders may impose conditions and restrictions on the exemptions.

4.5 This Order has been made as a stand alone exemption order. The 09TS Order 2008, in granting similar exemptions, made reference, as noted above, to provisions of the RVAR 1998 which have now been replaced by equivalent provisions in RVAR. In view of this, it was considered it would be inappropriate and potentially legally uncertain simply to remove or amend the expiry dates for those exemptions in the 09TS Order 2008 that remain in place. Instead the Order restates exemptions in relation (a) to audible warnings before the closure of a train door and (b) to passenger information when a train is stationary, by reference to the applicable provisions of RVAR. With the first of these, the exemption will expire now at

the end of 31 May 2015 while, with the second, the exemption is no longer subject to an expiry date⁷. By also restating the sole remaining exemption from regulation 23(1) of RVAR 1998 – for Pimlico station – but with reference to RVAR instead, we have been able to revoke the 09TS Order 2008 in its entirety.

4.6 LUL's application also sought to extend exemptions on two other of its fleets – the S8s and S7s used on the Metropolitan, Circle, District and Hammersmith & City Lines. Those requests are still under consideration.

5. Territorial Extent and Application

This instrument applies to Great Britain.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1 The policy objectives of the EA, in relation to rail vehicle accessibility are to ensure that all rail vehicles first brought into use after 31st December 1998 are designed and required to be used so as to ensure that disabled persons can board them in safety and without unreasonable difficulty, can do so whilst in wheelchairs and can travel in them in reasonable safety and comfort. The EA also requires all rail vehicles to be accessible by 1 January 2020. Where applications are received for exemption from RVAR requirements, each is considered on a case by case basis. The Order grants the extensions to all of the exemptions in relation to the Victoria Line fleet requested in LUL's application, subject to certain conditions.

7.2 In 2008 LUL, the operator, began taking delivery of 376 new vehicles (09 Tube stock, known as "09TS"). These vehicles are part of the broader Victoria Line Upgrade project which also included upgrades to signalling and stations with the aim of increasing capacity and reducing delays. These have enabled LUL to achieve a frequency of 33 trains per hour during peak times – one of the highest frequencies in the world.

7.3 The new 09TS vehicles were the first LUL trains to be subject to RVAR 98 and progressively replaced the existing 67TS stock. The 67TS stock was not subject to RVAR because it was built decades before the regulations came into force, and therefore did not meet the RVAR specifications in a number of ways. The 09TS fleet was phased in as new vehicles are delivered although the last 67TS vehicle was not withdrawn from service on the Victoria Line until November 2011. This meant that the two fleets operated alongside each other for a transition period.

7.4 LUL identified a small number of areas where RVAR 98 was a challenge to its high frequency/high capacity operation, together with some new technology which could be beneficial to disabled passengers but which was not permitted under RVAR 98 (this related to Regulation 13(7) (height of lettering on visual public address systems), the exemption for

⁷ Under the 09TS Order 2008 the equivalent exemptions expired on 31 December 2013.

which became redundant when LUL decided to fit standard equipment instead). LUL therefore applied for exemptions from four regulations and these were granted by the 09TS Order 2008. The scope of the exemption from regulation 23(1) of RVAR 98 (boarding devices at wheelchair compatible doorways) has progressively reduced as LUL has installed “platform humps” that allow level access for wheelchair users, ahead of the expiry dates set out in the 09TS Order 2008 for each station. The exemption for Pimlico station alone was limited in duration until step free access is provided at that station. There are currently no plans to provide step free access to the platforms there, nor does that station provide interchange opportunities to other lines. However, should a step-free route from the street to the platform be provided in the future, the exemption will lapse. By restating the exemption for Pimlico station in the Order, we have been able to revoke the 09TS Order 2008.

Audible door closure warnings

7.5 The audible door closure warning on 67TS stock began to sound 1.75 seconds before the doors begin to close. This is the standard warning period used on existing LUL trains. However, on vehicles subject to RVAR 98 (and indeed RVAR), such as the 09TS fleet, a longer audible door closure warning is required which starts 3 seconds before the doors begin to close. LUL was concerned that, during the transition period while both fleets were running, passengers could be confused by vehicles operating on the same route having different durations of audible warning, depending on whether they were subject to RVAR or not. Passengers would not know how long they had until the doors closed. This would increase the risk of them being trapped in the doors and potentially increase dwell times (the time between train doors opening and closing at a platform) as the doors would have to be reopened. LUL were also concerned that providing a 3 second warning would give passengers more time to rush towards the doors before they closed and, when taken cumulatively across the line, result in fewer trains being able to operate (which was a core target of the Victoria Line Upgrade).

7.6 For these reasons LUL was granted an exemption from this requirement until 31 December 2013. That would allow LUL to use the 3 second warning which complies with RVAR 98 on the 09TS once the last 67TS vehicle had been withdrawn from service in November 2011 and run a trial to see whether the increased warning time could be incorporated on a metro service without compromising safety and the frequency of the train service.

7.7 As it explains in its application (see Annex A), LUL did not run the trial as it was concerned not to lose the train frequency and hence capacity benefits of the upgrade. In addition, LUL presents figures which suggests that no boarding or alighting incidents involved people with visual impairments (who would most rely on the audible warnings) in the period 1 January 2011 to 18 August 2012.

7.8 The Secretary of State is not yet convinced about the negative impact on the train service of complying with the 3 second door closure so he has decided to extend this exemption until 31 May 2015 (which aligns with an identical exemption for LUL’s S8 Metropolitan Line⁸) rather than make the exemption permanent as LUL had requested. During that time, the Secretary of State expects LUL to undertake trials to establish the

⁸ The Rail Vehicle Accessibility (London Underground Metropolitan Line S8 vehicles) Exemption Order 2010 [SI 435/2010]

practical impact of providing a 3 second warning. He also notes that the Order can be revoked if circumstances change.

On-board announcements

7.9 RVAR 98 (and RVAR) requires both the 'next stop' and 'terminating station' to be announced, audibly and visually, on the train while it is stationary at a station. The original requirement was included in RVAR 98 so that passengers boarding at a station knew whether a train to a particular destination was a "fast" service which skipped several stations, or a "stopping" service which called at intermediary stations. However, as the Victoria Line has no branches or junctions, and does not have a mixture of "fast" and "stopping" services, LUL believed that the 'next station' and 'terminating station' announcements effectively serve the same purpose in assuring passengers they are on the right train.

7.10 Granting an exemption in the 09TS Order 2008 which permitted LUL to provide only one of the two mandated announcements while the train is at the station allowed alternative information to be given instead about connections and places of importance at the current stop, during the limited time available at the station.

7.11 The 09TS Order 2008 granted this exemption on the condition that whichever of the two mandated announcements is omitted while at the station must be made while the train is en route to the next station instead, and that an announcement is made that the train is on the Victoria Line. This is restated in the Order.

7.12 Having taken the issues into account, the Secretary of State has decided to extend this exemption indefinitely. However, he has decided that it would additionally be helpful for passengers to require LUL to announce the current location whilst stopped at each station (which LUL already does in practice) and this is reflected in the Order. The Secretary of State also notes that the Order can be revoked if circumstances change.

7.13 The exemptions granted by this Order are specific to certain station platforms, to the Victoria Line and to LUL's operational requirements, meaning they would not apply if the vehicles were used on another network or at other stations.

8. Consultation Outcome

8.1 Section 183(4) of the EA 2010 requires the Secretary of State, as part of his consideration of an application for exemption, to consult DPTAC together with any other appropriate persons. In this case, the Office of Rail Regulation (ORR) and London TravelWatch (LTW) were also consulted. All three organisations commented on the application as a whole – that is, including those aspects relating to the S-Stock, on the Metropolitan, Circle, District and Hammersmith and City Lines, that are not the subject of the Order.

8.2 DPTAC was content for the exemptions requested to be granted, as was LTW. DPTAC was also content for the Order to be considered via the negative resolution procedure.

8.3 The ORR had no objection to the exemption regarding announcements but was disappointed by LUL's failure to carry out the trial of a 3 second warning promised in their original application. As a result, it was not able to support the exemption regarding the shorter door warnings.

8.4 The Secretary of State has considered carefully ORR's concerns about lack of evidence to justify extending the exemption for door warnings. He is also mindful of the estimated increase in journey time on the Victoria Line if the warning were increased to 3 seconds. He notes that, according to LUL, there have been no boarding/alighting incidents involving visually impaired passengers on either the Victoria or Metropolitan Lines since the new fleets were introduced.

8.5 Having considered the merits of LUL's application, and following consultation, the Secretary of State has decided to extend indefinitely the exemption concerning announcements at stations but with an additional condition. He has also decided to extend until 31 May 2015 the exemption with respect to door warnings in order to enable LUL to gather practical evidence of the possible impact on the train service of complying with the relevant requirement in RVAR.

9. Guidance

Comprehensive guidance on the application of RVAR 1998 has been published.⁹ This remains relevant to RVAR.

10. Impact

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

10.2 The impact on the public sector is beneficial – through the saving of expenditure on accessibility requirements that would add no value, and savings in journey times.

11. Regulating small business

The Order does not apply to any small businesses.

12. Monitoring & Review

12.1 The Government's policy objective is to ensure that the number of exemptions is minimised and that new and refurbished rail vehicles are as compliant as possible with the requirements of RVAR.

12.2 Since the Order contains exemptions which are not time limited, the Secretary of State will keep these provisions under review and will consider whether to revoke these in future, in consultation with stakeholders, if it were felt that these were no longer appropriate.

⁹ See www.dft.gov.uk/transportforyou/access/rail/vehicles/pubs/rva/rvareg1998

12.3 The Office of Rail Regulation is the enforcement body for RVAR and is responsible for ensuring that LUL's fleets comply with accessibility requirements to the extent permitted by this, and other, Orders.

13. Contact

John Bengough at the Department for Transport (Tel: 020 7944 5035 or e-mail: john.bengough@dft.gsi.gov.uk) can answer any queries regarding the Order.

1. Full name of applicant and address

London Underground Limited
 42-50 Victoria Street,
 London
 SW1H 0TL

2. Description of Rail Vehicles**Victoria line 2009 Tube Stock - Vehicle numbers:**

Train Formation:	47 x 8 Car permanent formations
Train Numbers:	
Driving Motor Cars:	11001 to 11094
Trailer Car:	12001 to 12094
Non Driving Motor Car:	13001 to 13094
Uncoupling Non Driving Motor Car:	14001 to 14094

Circle, District and Hammersmith & City line 'S7 Stock'

Train Formation:	133 x 7 Car permanent formations
Train Numbers:	
Driving Motor Cars:	21301 – 21566
Non Driving Motor Cars M1:	22301 – 22566
Non Driving Motor Cars M2:	23388 – 23566 (even numbers)
Non Driving Motor Cars MS2:	24301 – 24566
Non Driving Motor Cars de-icing:	25302 – 25386 (even numbers)

Metropolitan line 'S8 Stock'

Train Formation:	58 x 8 Car permanent formations
Train Numbers:	
Driving Motor Cars:	21001 - 21116
Non Driving Motor Car M1:	22001 – 22116
Non Driving Motor Car M2:	23057 – 23116
	23001 – 23055 (odd numbers only)
Non Driving Motor Car:	24001 - 24116
Non Driving Motor Cars de-icing:	25002 – 25056 (even numbers)

3. Circumstances in which exemptions are to apply

Permanent, at all times in passenger service

4. Relevant requirements from which exemption is sought**Schedule 1, Part 1 (General Requirements):**

- Paragraph 3 (5) (b) in relation to 09TS, S7 and S8: Audible Door Closure Warnings
- Paragraph 4 (2) in relation to S7 and S8: Visual Door Closure Indicators
- Paragraph 11 (5) in relation to 09TS, S7 and S8: Announcements at stations.

Paragraph 3 (5) (b) in relation to 09TS, S7 and S8: Audible Door Closure Warnings

3(3) Subject to sub-paragraph (4), each passenger doorway in the side of a rail vehicle must be fitted with an audible warning device which must emit warning sounds in accordance with sub-paragraph (5) inside and outside the vehicle in the proximity of each control device for the doorway or, if there is no such control device, adjacent to the doorway.

3(5) Subject to sub-paragraph (6), the audible warning device must—

3(5)(a) where the unlocking of all the passenger doors in the side of a rail vehicle is activated by a member of the operator's staff, emit a distinct sound for a period of not less than 3 seconds commencing when the doors become openable by passengers; and

3(5)(b) emit a different distinct sound to that required by paragraph (a) and, where applicable, paragraph 1 of Part 2 of this Schedule, commencing not less than 3 seconds before the door starts to close.

Paragraph 4 (2) in relation to S7 and S8: Visual Door Closure Indicators

4(1) Subject to **sub-paragraph (6)**, no control device to enable a passenger to open or close a power operated door, other than a device to which **sub-paragraph (3)** applies, may be fitted to a rail vehicle unless—

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

Paragraph 11 (5) in relation to 09TS, S7 and S8: Announcements at stations.

11 (5) Whilst a rail vehicle is stationary at a station or stop any public address systems required to be fitted inside the vehicle, and on its exterior, must be used to announce the destination of the vehicle or, if it is following a circular route, the name or number of the route and, in the case of systems inside the vehicle only, to announce the next stop.

5. Technical, economic and operational reasons why exemption is sought

London Underground (LUL) has temporary exemptions for the schedules listed in section 4, and these expire at the following dates:

- 09TS Victoria line vehicle in December 2013
- The S8 Metropolitan line vehicles in May 2015
- The S7 Circle, District and Hammersmith & City line trains in December 2016

LUL is requesting untimed exemptions on the basis that these train fleets are in line with all other stock in operation on London Underground. It is believed that these exemptions in no way cause detriment to any passengers using the service and maintains consistency across the network. Furthermore LUL believes that

complying with these regulations in full would increase the risk to safety and introduce confusion. LUL believes that the information provided below gives a considered and balanced view with respect to complying with regulations and providing the best service to all of our customers.

Paragraph 3 (5) (b) in relation to 09TS, S7 and S8: Audible Door Closure Warnings

These vehicles are all capable of complying with the 3 second closure warning required by RVAR. These audible door closure tones can be heard both inside and outside the vehicle. They play adjacent to doorways to assist people in locating the controls and/or doorway.

LUL currently has three temporary exemptions from the requirements listed in section 4 to allow for evaluation of the door tones on the Victoria line and to maintain consistency with existing stock during mixed fleet running. The first of these, granted to the 09TS expires in December 2013.

These exemptions were granted on the basis of a number of safety and operational concerns about the use of the 3 second door closure warning in the Underground environment. These concerns, which are listed below, are the same for all three rolling stocks.

We are requesting a permanent exemption in order to maintain continuity with other fleets and to provide the continuing increase in service level that the complete upgrades of the Victoria and Sub Surface lines are delivering. We believe an audible door closure warning starting 1.75 (+/- 0.25) seconds before the doors begin to close is sufficient and appropriate to the nature of our service without having an impact on customers safety or journey time.

Safety Concerns:

LUL understands the significance and importance of the 3 second duration to disabled passengers, especially those with visual impairments. In the past, we have worked closely with the DfT on their “Design and Use of Rail Door Warning Systems for Sensory Impaired People” research – contributing funding towards Stage 1 of the research and hosting a trial at Charing Cross underground station as part of Stage 2. However we still have concerns about the safety of this duration in the Underground environment. All other vehicles currently in service on the Underground and the Docklands Light Railway use the 1.75 (+/- 0.25) second warning

LUL believes that it is important for passenger safety and confidence that audible and visual warnings are consistent. This consistency between the new rolling stock and those currently on the network will preserve the familiarity that our customers have with the meaning of audible tones and thereby minimise the risk of accidents.

The use of varying warning durations across the network may lead to confusion amongst passengers changing lines and increase the risk of accidents and injury. The current audible warning of 1.75 (+/- 0.25) seconds has been in use on all LUL

trains for many years and we believe that it is appropriate to the nature of the service we operate. On the Underground, the audible door closure warning is considered by most passengers as a 'hustle alarm'. During everyday service, the sounding of the alarm is used as the signal to run and jump onto the train as the doors are closing.

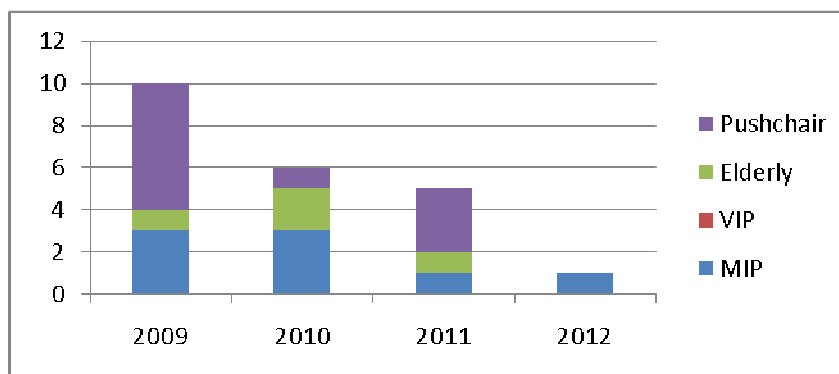
LUL are concerned that extending the warning duration to 3 seconds will encourage additional passengers to attempt to board, increasing the risk of accidents and injury. It also necessitates the re-opening of the doors which will delay the vehicles, causing service disruption and increased journey time for all passengers, especially so where lines are operating high frequencies of trains, such as the current 33 trains per hour peak frequency on the Victoria Line.

We have carried out analysis of the number of 'passenger caught in the doors' incidents there have been across the Metropolitan line since before the roll out of the S Stock, to there being a majority S Stock fleet on that line.

This analysis looked at all instances from 1st January 2009 to 19th July 2012. There was a year on year decrease in reported instances during that time, from 34 incidents in 2009 to 3 in the first half of 2012.

During this period there were 2 reported S stock caught in doors incidents and 2 incidents where stock was not recorded compared to a total of 14 A stock (stock previously used on the Metropolitan line) incidents in 2011 and 2012 to date.

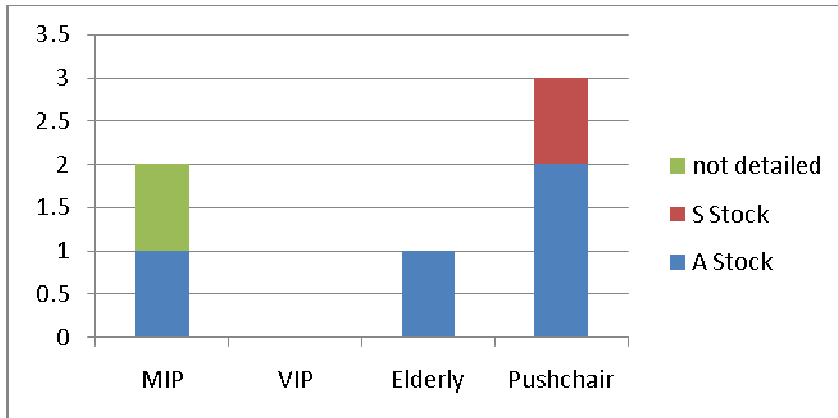
Incidents involving Mobility Impaired Persons (MIPs) / Visually Impaired Persons (VIPs) 1st January 2009 to 19th July 2012



Key findings for S Stock:

- Low level of caught in doors incidents involving MIPs/VIPs between 1st January 2009 to date and no reported incidents of caught in doors involving visually impaired customers
- There have been no recorded caught in doors incidents involving VIPs
- Total number of incidents has decreased year on year since 2009

Incidents involving MIPs/VIPs 1st January 2011 to 19th July 2012

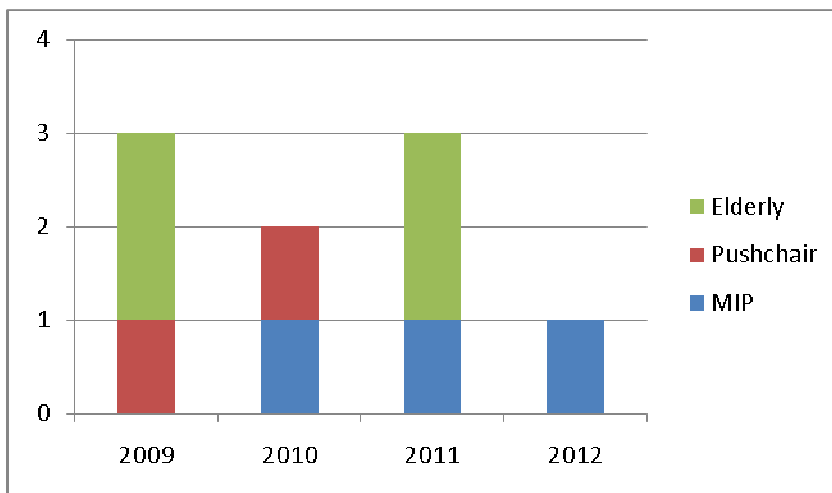


Key findings for S Stock:

- Between 1st January 2011 and 19th July 2012 there was a total of 6 recorded caught in doors incidents involving MIPs, Elderly and Pushchairs

The same analysis was carried out on the Victoria line to offer a view from having 67TS (stock previously used on the Victoria line) to the complete introduction of 09TS. A similar low number of incidents have occurred as detailed below.

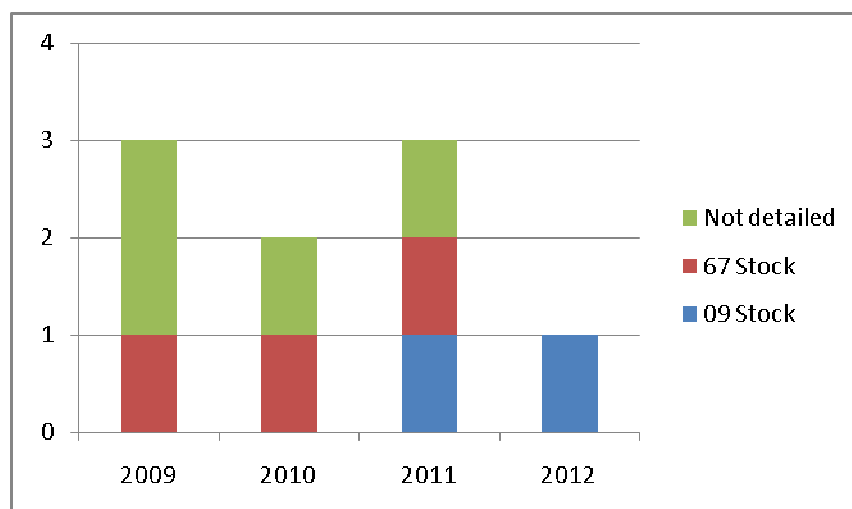
Incidents involving MIPs / VIPs 1st January 2009 to 3rd September 2012



Key Findings for 09TS:

- Low level of caught in doors incidents involving MIPs/VIPs between 1st January 2009 to date
- There have been no reported incidents of caught in doors involving visually impaired customers

Incidents involving MIPs/VIPs 1st January 2009 to 3rd September 2012



Key Findings for 09TS:

- Between 1st January 2011 and 18th August 2012 there have been a total of 4 recorded caught in doors incidents involving MIPs and Elderly
- During this time, the complete fleet of 09TS was in operation and there have been no recorded caught in doors incidents involving VIPs.

Operational Concerns:

In operational terms, extending the warning would increase the dwell time at each station, which would have a cumulative effect along the entire journey. For example, the overall effect of these longer journey times across the whole fleet would mean that we would have been unable to run the 33 trains per hour on the Victoria Line, brought into operation in early 2013, which would have greatly reduced the benefit gained from the line Upgrade improvements. By complying with the 3 second audible warning, a round trip would be increased by 77 seconds (origin to origin) on the line for each train. This not only costs passengers in journey time but also reduces the operational flexibility and recovery time.

After a very basic assessment, the value of time saved for passengers across the subsurface lines¹⁰ by maintaining the door tones at 1.75 (+/- 0.25) seconds instead of increasing the tone duration to 3 seconds equates to 0.1424 seconds saved per journey. In monetary terms this represents £8.68m per annum.

This figure is derived using the journey time capability model which is used to measure the benefits delivered by line upgrades.

Paragraph 4 (2) in relation to S7 and S8: Visual Door Closure Indicators

LUL are also requesting a permanent exemption to reduce the period prior to the closure of the doors when the illumination of the door control device must extinguish, from 3 to 1.75 (+/-0.25) seconds for consistency with the timing of the

¹⁰ Subsurface lines are Metropolitan, Circle, Hammersmith & City and District lines

audible closure tone. LUL is concerned that inconsistencies in the door closure warning systems may lead to confusion or possibly injury to customers as the doors close.

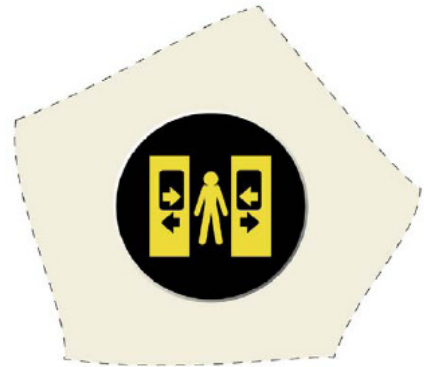
At all platforms, the doors will be operated by the driver. The customer door open buttons will only be enabled and used by customers when there is a significant dwell time or at a terminal station where customer numbers are often low and the trains are stationary at the platform for longer periods. At these locations the doors will be kept shut as much as possible to preserve the temperature within the train. This is particularly relevant and important as the 'S Stock' trains are the first on the Underground network to have air conditioning.

To enable customers to open the doors, Door Open push-buttons are provided at each doorway. The interior control is fitted towards the centre of the doorway on the edge of the left hand door (when looking from within the car)



Position of interior door closure buttons

The interior door controls are hidden when the door is open, so their extinguishment prior to door closure is not visible as a warning to users. Therefore, we have installed an additional visual indicator in each doorway to signal that the doors are about to close. This indicator is positioned at eye-level and will flash as the audible door closure warnings are sounded.



Position and close up of additional visual door indicator

These indicators will flash at a rate of 2 hertz per second, which complies with the new Additional Requirements of Part 2 of RVAR 10.

The two exterior door controls are fitted to the outside edge of each door and are visible at all times.



Position of interior and exterior door closure buttons

The positioning of the buttons encourages customers outside the train to stand away from the doorway and those inside the train to stand in the middle of the doorway, to influence customer flow.

In addition, the immediate door control surround or “halo” will remain continuously illuminated to indicate that the doors are operable.

The features of the push-buttons are compliant with the requirements of the RVAR. They are located at appropriate heights, identifiable by touch, surrounded by suitably contrasting bezels and require a force not exceeding 15 Newtons to operate them.

Paragraph 11 (5) in relation to 09TS, S7 and S8: Announcements to be made whilst at a station

London Underground is committed to providing sufficient timely, accurate and accessible customer information to enable our customers to be confident during their journey, make informed decisions and to minimise the impact of disruption.

Since the exemption was granted, the Victoria line upgrade has been completed providing a faster, more frequent service with 33 trains per hour. The upgrade of the sub-surface lines will also deliver significant increases in trains per hour from 2016 to 2018. This greatly limits the amount of information we are able to give at stations to ensure timetable adherence and minimise delays. LUL is seeking permanent exemption that would allow the removal of the 'next station' or 'terminus station' information inside the saloon whilst the train is stationary at a platform for the 09TS, and the ability to provide some of this information once the doors are closed for the S7 and S8 at non 'key' stations.

The information systems in the new 09TS, S7 and S8 vehicles are adaptable and capable of complying with this Regulation; however we strongly believe that we can provide a better service to passengers by reducing the amount of regulated information given. This would allow us to give additional information about service disruption, interchange with other transport modes or LUL lines, step free access and where appropriate high-level local and tourist information. All regulated information will still be given inside the train between stations in both audible and visual formats. Passengers on the platform will be able to get information from a range of sources including audible station announcements, platform 'next train' display indicators, visual displays on the external side of the vehicle and fixed signage such as network maps. Supplementing this are Platform Help Points which enable passengers to communicate directly with station staff for further information.

The 09TS on the Victoria line

The Victoria line runs on a direct route between Brixton and Walthamstow Central with no branches or junctions. Given this simple and straight forward route, LUL believe that the 'next station' and 'terminal station' announcements serve the same purpose in providing reassurance to passengers that they are in a train heading in the right direction. Stations on the Victoria line are close together, the vast majority are less than 3 minutes apart. If a passenger gets on a train headed in the wrong direction, they can usually turn around within 2- 3 minutes and have level access on all platforms except Pimlico.

Currently we are required to give the following information:

“The next station is Highbury and Islington. This is a Victoria line train to Walthamstow Central.”

Since the temporary exemption was granted we have been providing:

“This is King’s Cross St. Pancras. This is a Victoria line train to Walthamstow Central.”

This has enabled us to give additional information which we believe is very important for all customers to make informed decision such as:

“This is King’s Cross St. Pancras. Change here for the Northern, Piccadilly, Metropolitan and Hammersmith & City lines, National and International Rail services. Exit for the British Library. This station has step free access. This is a Victoria line train to Walthamstow Central.”

The new trains will also link to an intelligent service disruption system which will give updates to passengers about potential disruption to their journey. This integrated system will ensure that passengers are not given misleading information about interchange options that are not currently available to them. Where necessary, to maintain the appropriate message length, the system will not give tourist/local information. For example:

“This is King’s Cross St. Pancras. Change here for the Piccadilly, Metropolitan and Hammersmith & City lines, National and International Rail services. There is currently no service on the Northern line from this station, please see staff for help with your onward journey. This is a Victoria line train to Walthamstow Central.”

The S8 and S7 on the Metropolitan, Hammersmith & City, Circle and District lines

The S8 and S7 trains will give customer information in both audible and visual formats within the carriage. Information will be given audibly using the train announcement system and visually using 4 dot matrix indicators within each carriage.

LUL understands that one reason for requiring both pieces of information whilst at a station was to help passengers differentiate between fast and stopping services to the same destination. This type of operation does not occur on most of the Metropolitan line, and not at all on the Circle, District or Hammersmith & City lines. The majority of these lines run on simple and straight forward routes with trains stopping at all stations, providing a fast, frequent service with short station stops. This greatly limits the amount of information we are able to give to our customers whilst the trains are stationary at a platform.

This includes information about Selective Door Opening (SDO)¹¹, any excessively large gaps between the train and the platform, and the name of the line on which the train is travelling. More information about Selective Door Opening is given in Annex A.

¹¹ Selective Door Opening - At a number of stations the new ‘S8’ trains are longer than the platforms. In order for the trains to stop at these shorter platforms safely, one or more sets of doors at either end of the train will not open.

Providing **both** the next stop **and** destination within the 'doors-open' time at many platforms as required by RVAR during the 'doors-open' period would increase the dwell time at a large number of platforms, which would have a cumulative effect along the entire journey. This would increase journey times for passengers across the whole fleet, greatly reducing the line capacity and benefit gained from the Upgrade improvements.

The Circle line, Hammersmith and City line, Metropolitan line south of Finchley Road, and District line east of Gloucester Road run on a direct route with no branches or junctions, and with all trains stopping at all stations.

On these routes, LUL believes that the 'next station' and 'terminus station' announcements serve the same purpose in providing reassurance to passengers that they are in a train heading in the right direction.

We believe that this purpose can be served equally well by making next stop or destination announcements after the doors have closed. This would allow the short period of doors-open time to be utilised for key information about the current station, including safety information, and allow the train to depart promptly.

However, there are a number of points on the S7 and S8 network where the service becomes more complicated and branches off to different destinations.

Branches on the S8 network: North of Finchley Road the Metropolitan line branches to 4 different terminus stations:

- Amersham
- Chesham
- Uxbridge
- Watford¹²

In addition between Finchley Road and Moor Park the service has 4 different stopping patterns.

- Local trains¹³: These are mainly trains on the Uxbridge Branch and trains on the Watford branch during off peak hours¹⁴. These trains stop at all stations.
- Semi fast trains: These are mainly trains on the Watford Branch during peak hours. These trains do not stop between Finchley Road and Harrow on the Hill stations, missing out Wembley Park, Preston Road and Northwick Park stations
- Fast Trains- Peak hours: These are mainly trains on the Amersham and Chesham Branches which do not stop at stations between Finchley Road to Harrow on the Hill and Harrow on the Hill to Moor Park, missing out Wembley Park, Preston Road, Northwick Park, North Harrow, Pinner, Northwood Hills, and Northwood stations.

¹² Watford Metropolitan line station will close to customer traffic when the Croxley Rail link opens for passenger service.

¹³ Also known as 'stopping trains'

¹⁴ Peak times refers to the Monday to Friday morning and evening rush hours. Off peak refers to all other times.

- Fast Trains – Off Peak hours: These are mainly trains on the Amersham and Chesham Branches which do not stop at stations between Wembley Park to Harrow on the Hill and Harrow on the Hill to Moor Park, missing out Preston Road, Northwick Park, North Harrow, Pinner, Northwood Hills, and Northwood stations.

Croxley Rail Link

The Croxley Rail Link is the proposed extension of the London Underground Metropolitan line which will link Croxley London Underground Station on the Metropolitan Line to Watford Junction Mainline Station, with the introduction of two new LU stations to be called Cassiobridge and Watford Vicarage Road.

Watford Metropolitan line station will close to customer traffic when the new Croxley Rail Link opens for passenger service. The Watford Metropolitan Line station will still be used to stable trains, with these trains terminating and detraining passengers at Croxley station, the station before.

Watford Junction station will become the new terminus station for this branch of the Metropolitan line with the current LOROL Station at Watford High being served by both LOROL and LU train services.

The scheme is being promoted by Hertfordshire County Council in partnership with London Underground and Network Rail. The target date for trains to start running on the new link is 2016.

Branches on the S7 network: West of Gloucester Road the District line branches to 4 different terminus stations:

- Ealing Broadway
- Richmond
- Wimbledon
- Kensington Olympia

LUL recognises the impact these variations may have on passengers' confidence that they are boarding or on board the correct train.

To ensure that passengers have sufficient appropriate information, we have committed to making sure that all regulated information about both the next station and final destination is given in full within the dwell time at a number of key stations.

These key platforms will be those prior to a junction or split in service between fast and stopping trains or junction points offering the last opportunity to change with other LUL and Chiltern services where action or reassurance may be required:

Key Platforms

S8 on the Metropolitan line

- Chalfont & Latimer 1

- Finchley Road 1
- Harrow on the Hill 1,2,3,4,5,6
- Moor Park 1,2,3,4
- Wembley Park 1,2,5,6
- Baker Street 1,2
- Finchley Road 1,4
- Liverpool Street 1
- Rayners Lane 1,2

S7 on the Hammersmith & City, Circle and District lines

- Acton Town westbound 1,2
- Aldgate East westbound 1
- Baker Street westbound 6
- Ealing Common westbound 1
- Earl's Court westbound and eastbound 1, 2, 3, 4
- Edgware Road westbound 4
- Gloucester Road westbound 1, 2
- High Street Kensington westbound 1
- Liverpool Street eastbound 1
- Tower Hill eastbound 3
- Turnham Green westbound 1, 2

Terminus Platforms

In addition at terminus platforms, trains entering service have an extended doors-open period. This means that at these platforms there is sufficient time to provide all of the necessary information, including both next stop and destination. All regulated information will be given at the following terminus platforms:

S8 on the Metropolitan line

- Aldgate 2,3
- Amersham 1,2,3
- Chesham 1
- Uxbridge 1,2,3,4
- Watford 1,2
- Watford Junction 3,4

S7 on the Hammersmith & City, Circle and District lines

- Barking 3
- Ealing Broadway 7,8,9
- Edgware Road 2,3
- Hammersmith 1,2,3: (H&C/Circle lines)
- High Street Kensington 3,4
- Kensington Olympia 1
- Plaistow 3
- Richmond 4,5,6,7
- Tower Hill 2
- Upminster 3,4,5
- Wimbledon 1,2,3,4

Exemptions are not being requested for these platforms.

We are asking for an exemption for the non key stations. At these stations, the regulated information will be given, but some of it may be given after the doors have closed.

The information will also be given in both audible and visual formats during the journey between the stations in good time to enable passengers to prepare themselves for any action needed.

Customers on the platform will be able to get information about the destination of trains from a range of sources including audible station announcements, platform 'next train' display indicators, visual displays on the front and external sides of each carriage of the vehicle and fixed signage such as network maps.

Currently we are required to give the following information

“The next station is Kings Cross, St Pancras. This is a Hammersmith & City line train to Barking.”

Some additional routine pieces of information given by the on train customer information system at stations and between stations to assist and inform passengers on the Circle, District and Hammersmith & City lines ¹⁵ include:

- This is Shepherd's Bush Market
- This is a Circle line train via Embankment and Victoria.
- Change here for the Northern, Piccadilly and Victoria lines, National and International Rail services.
- Exit here for the Royal National Institute of Blind People and the British Library

¹⁵ These messages are indicative and may differ slightly from the final messages used.

- Change here for the Piccadilly line and District line services to other destinations
- The next station has a short platform. The rear two doors will not open there. Please use the other doors
- Please mind the gap between the train and the platform.

The exact combination of information messages given in the ‘at station’ announcement will be specific to each individual platform and programmed to be announced automatically. The information given is prioritised according to its usefulness and importance to our customers.

To ensure that the entire message can be played within the doors-open time, LUL has removed all non-essential tourist and interchange information from the at-station announcements. This information will now be played on the approach to the station.

A full list of all platforms, for which exemptions are requested, is given in Annex B.

6. The effect which non-compliance would have on a disabled person’s ability to use rail vehicles of the description to which the application relates

Paragraph 3(5) (b) in relation to 09TS, S7 and S8: Audible Door Closure Warnings & Paragraph 4 (2) in relation to S7 and S8: Visual Door Closure Indicators

LUL considers that due to our existing standard operating procedures outlined in Section 7, the shorter audible and visual door closure warnings will have minimal effect on disabled passengers’ ability to board or alight from the train safely.

All three rolling Stock have an intelligent door system which incorporates both obstacle detection and ‘sensitive edge’ anti-drag technologies. These intelligent systems will ensure that if people are in the doorway when closing, they will not suffer injuries as a consequence.

If an obstruction is detected the doors will open just enough to allow the object to be removed. The obstacle detection will cycle three times before holding on the obstruction until it is removed.

The rubber door edge seals are also fitted with a sensitive edge strip which will detect any opposing force should the train move away with an object such as a rucksack strap or dog’s lead trapped in the doors. The sensitive edge is only active once the doors are closed and locked. Currently an activation of the sensitive edge will always trigger the application of the automatic emergency brake.

Paragraph 11 (5) in relation to 09TS Announcements at Stations

LUL does not believe that this non-compliance would have an effect on disabled people’s ability to use the Victoria, Metropolitan, Hammersmith & City, Circle or District lines. We firmly believe that it would in fact enable us to provide a better

service to all passengers through more meaningful and useful information such as interchange details and real time disruption messaging on the Victoria line.

We believe that there are a number of other audible and visual sources, both inside the train and on the platform, which enable a disabled passenger to be confident in the direction of the train and next station that the train will call at.

Within the train regulated information will be given in both audible and visual formats during the journey between the stations in good time to enable passengers to prepare themselves for any action needed.

Customers on the platform will be able to get information about the destination of trains from a range of sources including audible station announcements, platform 'next train' display indicators, visual displays on the front and external sides of each carriage of the vehicle and fixed signage such as network maps.

7. Any measures which could be taken to enable disabled persons to use the rail vehicle if exemption sought is granted.

Paragraph 3(5) (b) in relation to 09TS, S7 and S8: Audible Door Closure Warnings & Paragraph 4 (2) in relation to S7 and S8: Visual Door Closure Indicators

All three rolling stocks provide audible and visual closure warnings to assist passengers.

The door closure mechanisms are operated by the train driver. Drivers are required to ensure that it is safe to close the doors by using the platform CCTV cameras via their in-cab monitors, which give an exterior view of the full length of the train at the platform. Drivers are trained to hold the train on the platform with the doors open if they see that someone is still boarding or alighting.

At stations where customer service assistants are present on the platform, they will not give the all clear for departure signal if they can see that someone is still boarding or alighting from a train.

All of our staff are trained to identify when passengers may need assistance and receive disability awareness training to enable them to give appropriate assistance when necessary.

If requested station staff guide visually impaired passengers from the ticket hall to the platform and onto the train or vice versa. For LUL staff, giving such assistance is an everyday occurrence. London Underground regularly receives positive feedback and praise from visually impaired passengers about the assistance given by staff, and has recently been awarded RNIB's 'beacon' status for this service.

Paragraph 11 (5) in relation to 09TS Announcements at Stations

LU does not believe that this non-compliance disadvantages customers using the 09TS, S7 or S8.

On the S7 and S8 we will give all regulated information at key stations where passengers need to take action or require extra assurance that they are on the correct train. At all other sites, the information will be given, although some parts of the message may be given after the doors close.

In addition all of the regulated information will be provided in both audible and visual formats within the train between stations. The information is also available from a variety of sources on the platform before the train arrives and when it is stationary.

8. Any proposals for later modification of rail vehicles to secure compliance with RVAR within a stated period

Paragraph 3(5) (b) in relation to 09TS, S7 and S8: Audible Door Closure Warnings & Paragraph 4 (2) in relation to S7 and S8: Visual Door Closure Indicators

The system installed on the new 'S7' vehicles is capable of giving a 3 second audible warning before the doors start to open and close.

As part of the Victoria Line Upgrade, LUL investigated the possibility of carrying out a trial using the 3 second warning duration once the last of the 67TS vehicles had left service in 2011.

However, upon full consideration of the implications of such a trial, the customer disbenefit, even during a short period of time and the possibility of customer injury as a result of lack of consistency was too great.

This would also have been prohibitively difficult and costly due for the following reasons

- Communicating a short term trial to all customers and users of the Victoria line, given its nature and route through Central London connecting a number of termini, would have been particularly difficult. In addition to this, a test would have been conducted on only a small number of trains, leading to increased confusion at a time when customers were building familiarity with the new trains.
- The process for implementation and roll back of a 3 second door tone would involve work to the door systems on the train. This would have also incurred a notable cost from Bombardier Transport UK in order to carry out the work. These trains would have to be tracked and if removed from service for any reason would have severely impacted the test results
- The negative impact on benefit delivered by the line upgrade would be detrimental to LUL's reputation on delivery of a multi million pound upgrade. Customer expectation of the new trains and signalling system is that faster journey times follow. It is likely that this would not have been realised during the trial period.

Paragraph 11 (5) in relation to 09TS Announcements at Stations

LUL is always striving to provide better customer information. On initial delivery of the 09TS active disruption messaging was not available as this system required significant development. This system is now capable of providing enhanced journey information which LUL feels is more beneficial to our Victoria line customers than regulated information. This is as a result of the simple single route nature of the Victoria line. This system is in development for the S Stock.

9. Unless permanent exemption sought, the period during which exemption is to apply.

London Underground is requesting permanent exemptions for the paragraphs listed in section 4.

Annex A: Selective Door Opening (SDO)

At a number of stations the new S7 and S8 trains are longer than the platforms. In order for the trains to stop at these shorter platforms safely, one or more sets of doors at either end of the train will not open. Therefore customers must move further along the train to exit.

This system is already in use on a number of LUL lines including the Northern line and some National Rail services.

The priority for LU at these stations is to ensure that our customers understand which doors will not open at which platforms to avoid confusion and panic when doors do not open as expected. This will also avoid delays to the service caused by passengers using the emergency alarm because the doors don't open.

The customer information system will be used to inform customers audibly and visually that doors will not open both whilst the train is stationary at the platform and on the approaching journey to an affected station. The SDO message will also be given whilst the train is stationary at the preceding station to enable customers to get on at the correct doors for their stop if possible or to ensure that they begin moving towards the correct doors once on the train as soon as possible.

These messages will be carriage specific, which means that only those customers to whom the message applies will see and hear it. These localised announcements will help to avoid confusion.

In addition, if a door will not open, a 'Door Out of Use' dot matrix indicator above door will be illuminated. These indicators are located above the first four and last four sets of doors of the train (as all the doors in between will open at every station).

Selective Door Opening will be necessary at the following stations:

S8 on the Metropolitan line

- Barbican

- Euston Square
- Great Portland Street
- Liverpool St
- Northwood
- Rayners Lane
- Harrow-on-the-Hill
- Eastcote
- Watford High Street¹⁶
- Willesden Green*
- Neasden*

S7 on the Hammersmith & City, Circle and District lines

- Acton Town (Piccadilly line)*
- Baker Street
- Barking
- Bayswater
- Cannon Street
- Ealing Broadway
- Ealing Common
- Gloucester Road
- Goldhawk Road
- Gunnersbury
- Hammersmith (Circle and H&C lines)
- Hammersmith District (Piccadilly line)*
- Monument
- Notting Hill Gate
- Paddington (Circle and District lines)
- Parsons Green
- Putney Bridge
- Sloane Square
- Temple
- Upminster
- West Brompton
- West Kensington

* These locations are only potentially used by the S8 or S7 during disruption and are not used in regular everyday service.

Annex B: A full list of all platforms, for which exemptions are requested

S8 exemptions requested by Platform

Station	Platforms			
Baker St	3			
Barbican	1	2		
Cassiobridge ¹⁷	1	2		

¹⁶ Part of the Croyley Rail Link.

¹⁷ Part of the Croyley Rail Link.

Chalfont & Latimer	2			
Chorleywood	1	2		
Croxley	1	2		
Great Portland St	1	2		
Eastcote	1	2		
Euston Square	1	2		
Farringdon	1	2		
Hillingdon	1	2		
Ickenham	1	2		
Kings Cross	1	2		
Liverpool Street	2			
Moorgate	1	2	3	4
Station	Platforms			
North Harrow	1	2		
Northwick Park	1	2		
Northwood	1	2		
Northwood Hills	1	2		
Pinner	1	2		
Preston Road	1	2		
Rickmansworth	1	2	3	
Ruislip	1	2		
Ruislip Manor	1	2		
Watford High Street ¹⁸	1	2		
Watford Vicarage Road ¹⁹	1	2		
West Harrow	1	2		

S7 Exemptions by platform

Station	Platforms			
Aldgate	1	4		
Aldgate East	2			
Baker Street	5			
Barbican	1	2		
Barking	1a	2	6	
Barons Court	1	4		
Bayswater	1	2		
Becontree	1	2		
Blackfriars	1	2		
Bow Road	1	2		
Bromley-by-Bow	1	2		
Cannon Street	1	2		

¹⁸ Part of the Croxley Rail Link.

¹⁹ Part of the Croxley Rail Link.

Station	Platforms			
	1	2		
Chiswick Park	1	2		
Dagenham East	1	2		
Dagenham Heathway	1	2		
Ealing Common	2			
East Ham	1	2		
East Putney	1	2		
Edgware Road (H&C)	1			
Elm Park	1	2		
Embankment	1	2		
Euston Square	1	2		
Farringdon	1	2		
Fulham Broadway	1	2		
Gloucester Road	3			
Goldhawk Road	1	2		
Great Portland Street	1	2		
Gunnersbury	1	2		
Hammersmith (District)	3	4		
High Street Kensington	2			
Hornchurch	1	2		
Kew Gardens	1	2		
King's Cross	1	2		
Ladbroke Grove	1	2		
Latimer Road	1	2		
Liverpool Street	2			
Mansion House	1	3		
Mile End	2	3		
Monument	1	3		
Moorgate	1	2		
Notting Hill Gate	1	2		
Paddington (Circle)	1	2		
Paddington (H&C)	15	16		
Parsons Green	1	2		
Plaistow	1	2		
Putney Bridge	1	3		
Ravenscourt Park	1	2	3	4

Station	Platforms			
Royal Oak	1	2		
Shepherd's Bush Market	1	2		
Sloane Square	1	2		
South Kensington	1	2		
Southfields	1	2		
St James's Park	1	2		
Stamford Brook	1	2	3	
Stepney Green	1	2		
Temple	1	2		
Tower Hill	1			
Upminster Bridge	1	2		
Upney	1	2		
Upton Park	1	2		
Victoria	1	2		
West Brompton	1	2		
West Ham	1	2		
West Kensington	1	2		
Westbourne Park	1	2		
Westminster	1	2		
Whitechapel	1	2		
Wimbledon Park	1	2		
Wood Lane	1	2		



Mr John Bengough
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Tomi Jones
Disabled Persons Transport Advisory
Committee
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76 Marsham Street
London
SW1P 4DR
Telephone: 020 7944 8013
21 November 2013

Dear John

London Underground's indefinite exemptions on their RVAR fleets

Thank you for your request of 18 October 2013 for comments on this application for exemptions for this stock to be made indefinite.

As with previous applications, we have considered the matter and it is clear that there is little prospect that the way that these vehicles are operated will change. Extending the exemptions for the life of the vehicles within the London Underground network is therefore acceptable.

DPTAC also support the use of use of the negative resolution procedure.

Yours sincerely,

A handwritten signature in black ink that reads 'Tomi Jones'. The signature is written in a cursive style with a large, sweeping initial 'T'.

Tomi Jones Deputy Chair of DPTAC

Dear John,

I apologise for the delay in responding. Long- and short-term reductions in staffing are proving quite challenging at the moment.

In relation to the request to extend the exemption permitting shorter than 3-second duration of audible door closure warnings (Victoria, Metropolitan [S8] and Hammersmith & City/Circle [S7] lines) I note that in its original application for the exemption from Regulation 3.4b of RVAR98 for the Victoria Line 09 Tube Stock LUL stated (document *Exemption Application Reg 3.4b Audible Warning*):

8. Any proposals for later modification of rail vehicles to secure compliance with RVAR within a stated period

The system installed on the 09TS vehicles is capable of giving a 3 second audible warning before the doors start to close.

As part of the Victoria Line Upgrade, we will conduct a trial using the 3 second warning duration once the last 67TS vehicle has left service.

This trial will enable us to get accurate information about the impact of using a 3 second audible door closure warning on the operation of the Victoria line and any changes to the safety and behaviour of passengers.

If the trial shows that the 3 second warning is safe and causes minimum disruption on the service, the 3 second warning will remain in use.

LU is requesting this exemption as a precaution in case the trial shows that the 3 second warning is not appropriate in the Underground environment or causes an additional safety risk. In this situation the current 1.75 second warning would be reinstated.

9. Unless permanent exemption sought, the period during which exemption is to apply.

London Underground is requesting an exemption until 31st December 2013.

We believe this will give us enough time to undertake and evaluate the trial. Due to the above safety concerns, the trial will not start until the last 67TS train has left service in 2011.

During the mixed fleet running dual running LU will monitor the Victoria line and gather data and statistics on any incidents or accidents relating to the audible door closure warning.

We will then be able to compare this information against the data and statistics obtained during the trial of the 3 second audible door closure warning to give us a better understanding of the impact on the safety and behaviour of passengers.

ORR's original absence of objection to the application for a timed exemption in July 2008 took into account LUL's proposals for further analysis and a commitment to apply the

standard three second timing unless it was found to be “inappropriate”. I have not identified any evidence in LUL’s application that this trial has taken place, nor that there has been a change in circumstances that renders such a trial less appropriate now than it was at the time of the original exemption application. In the absence of the results from such a trial ORR does not support the extension of the exemption from the audible door closure warnings requirements (now para 3(5)(b) of Schedule 1 Part 1 of RVAR10).

The visual door closure warnings (S8 and S7 fleets) are linked to the audible door closure warnings, and therefore the extension to this exemption is also not supported by ORR.

ORR has no objection to the permanent exemption proposed for the timing of next stop/destination announcements.

Yours sincerely,

Giles Turner | Engineer, Rail Vehicles

Office of Rail Regulation | One Kemble Street | 2nd and 3rd Floors | London | WC2B 4AN
Tel: 020 7282 3870

Dear John

Thank you for the opportunity to comment on the request from LUL for exemptions to be granted on lines within the Underground network. I am replying on behalf of London Travel Watch which is the statutory representative of those using the London transport network.

I note the request from LUL to make current temporary exemptions permanent. I also note the concern that LUL expresses about the conflict between an efficient service and the need to ensure adequate and safe "dwell" time at stations.

I further note the data supplied by LUL on the number of incidents on the new fleet and the clear reduction in incidents of concern for passengers. I also note the point made about a consistent experience for passengers across the network.

With those points in mind London Travel Watch has no objection to the proposals from LUL. However, we would also urge the Department to ensure that there is continued monitoring by LUL of the impact of the exemptions. It will be essential to ensure the continuing confidence of the travelling public in their safe carriage by LUL

Best wishes

Rob Gifford
Safety Advisor

London TravelWatch, Dexter House, 2 Royal Mint Court, London, EC3N 4QN



The Speaker
House of Commons
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Martin Bedford
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16th May 2014

Dear Mr Speaker

S.I. 2013/3318 - The Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Victoria Line 09TS Vehicles) Exemption Order 2013

In compliance with the proviso to section 4(1) of the Statutory Instruments Act 1946 the Department for Transport invites attention to the fact that S.I. 2013/3318, the Rail Vehicle Accessibility (Non-Interoperable Rail System) (London Underground Victoria Line 09TS Vehicles) Exemption Order 2013, which was made under sections 183(1), (2), (4)(b) and (5) and 207(4) of the Equality Act 2010 on 3 December 2013 and came into force on 1 January 2014, has yet to be laid before Parliament.

He is informed by the Department for Transport that the reason is that it has recently come to the Department's attention that whilst a version of this instrument with S.I. number 2013/3031 was laid on 9 December 2013, this differed in two minor respects from the version that was signed. The Department has concluded therefore that the instrument cannot be considered to have been properly laid on 9 December 2013. As a result S.I. 2013/3031 has been withdrawn and replaced by S.I. 2013/3318 which is now being laid.

This instrument provides exemptions from certain requirements for rail vehicle accessibility set out in the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010 (SI 2010/432) for, in this case, specified types of London Underground trains. The instrument as signed by Baroness Kramer, Minister at State at the Department included an additional article (correctly numbered 5) which provided for one of the exemptions to expire on 31 May 2015¹ ("the time limit provision"). The signed version of the instrument also referred in its preamble to section 183(4)(b) of the Equality Act 2010. Unfortunately, as a result of an administrative error, the version of the instrument which was registered as S.I. 2013/3031 and subsequently laid did not include the additional article and referred to section 183(4)(a) of the Equality Act 2010 in the preamble. The version of the statutory

¹ This is an exemption, set out at article 3(b) of S.I. 2013/3318 in relation to certain audible warning requirements on the opening of the doors of the relevant train rolling stock

instrument published by the National Archives as S.I. 2013/3031 was also incorrect in these respects.

The Department is therefore now laying the version of the instrument which was signed (numbered as S.I 2013/3318). S.I. 2013/3031 has been withdrawn and the Department will be ensuring that the correct version of the instrument appears on the legislation.gov.uk website, and that purchasers of S.I. 2013/3031 are provided with the correct version free of charge.

The Department regrets this error and apologises to the Speaker for this. We have sought to investigate how the mistake in this case occurred. What appears to have happened is that the version of the instrument submitted electronically to the National Archives (this was also the version that was laid on 9 December) was a very late pre-signature version which did not include the time limit provision as opposed to the final made version which, at the Minister's request, did include this time limit provision.

We are considering what further checks can be put in place to ensure that a similar error does not occur in the future.

It seems unlikely that there will have been any prejudice as a result of the error in this case. Whilst the version of the instrument laid omitted the time limit provision, the Explanatory Memorandum laid with that instrument (on 9 December 2013) correctly referred to this provision. Transport for London, who applied for the exemption order, were also made aware at the time that the relevant exemption would expire on 31 May 2015 and so will have been able to start planning accordingly. Nor will there have been any prejudice to disabled users as a result of this error.

Date:

for Department for Transport



Department for Transport

The Lord Speaker
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16th May 2014

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