

EXPLANATORY MEMORANDUM TO
THE RAIL VEHICLE ACCESSIBILITY (NON-INTEROPERABLE RAIL SYSTEM)
(BLACKPOOL TRAMWAY) EXEMPTION ORDER 2014

2014 No. 2660

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) (Blackpool Tramway) Exemption Order 2014 (the "Order") exempts certain categories of historic and vintage tramcars operated by Blackpool Transport Services ("BTS") from certain requirements of the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010¹ ("RVAR"). These are explained in further detail in paragraphs 7.3 to 7.12.

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

3.1 The Rail Vehicle Accessibility Exemption Orders (Parliamentary Procedures) Regulations 2008 (the "2008 Regulations") govern how exemption orders such as this are to be made.² Under the 2008 Regulations, orders exempting rail vehicles from the RVAR without an expiry date, as is the case with this Order, would normally be subject to the draft affirmative resolution procedure. However, regulation 5(2) of the 2008 Regulations enables the Secretary of State, having regard to the particular circumstances and representations made by the Disabled Persons Transport Advisory Committee³ ("DPTAC"), to elect to make orders which would otherwise be subject to the draft affirmative procedure, using the negative resolution procedure instead.

3.2 Given the age of the tramcars involved, and that the exemptions will not apply to the modern fleet of accessible tramcars which BTS uses to provide its year-round public transport service, the Secretary of State consulted DPTAC on the use of the negative resolution procedure to make the exemptions BTS applied for. DPTAC was content with the use of the negative resolution procedure on this basis. The Secretary of State has therefore decided to use this discretion and to allow this Order to be made using the negative resolution procedure.

4. **Legislative Context**

4.1 Section 46 of the Disability Discrimination Act 1995 (the "DDA"), now replaced by section 182 of the Equality Act 2010 ("EA 2010"), enabled the Secretary of State to make rail vehicle accessibility regulations to ensure that rail vehicles to which the regulations

¹ S.I. 2010/432

² S.I. 2008/2975, see in particular regulation 5.

³ DPTAC was established under section 125 of the Transport Act 1985 to advise the Government on the public passenger transport needs of disabled people.

applied (“regulated rail vehicles”) conformed to standards and specifications which enabled disabled persons, including wheelchair users, to access such vehicles and to travel in safety and reasonable comfort. The Secretary of State made the Rail Vehicle Accessibility Regulations 1998⁴ (“RVAR 1998”) under section 46 of the DDA, which initially applied to all passenger rail vehicles that first entered service after 31st December 1998, and set the technical standards such vehicles were obliged to meet to facilitate use by disabled travellers.

4.2 In 2010 RVAR 1998 was revoked by RVAR. RVAR applied similar accessibility requirements (which had been updated in light of experience and progress in technology) to all passenger vehicles on light rail systems such as tramways and the London Underground. Passenger rail vehicles on national "heavy rail" lines have been subject instead to pan-European access requirements since 2008.⁵

4.3 Section 47 of the DDA (now section 183 of the EA 2010) enabled the Secretary of State to exempt certain regulated rail vehicles by Order from the requirements thereby authorising such vehicles to be used in passenger service even though they do not conform to some, or all, of the requirements of the RVAR 1998 (now RVAR). In accordance with section 183 of the EA 2010, exemption orders can include conditions and restrictions and a number have been made since 1998.

4.4 This Order is an exemption order made under section 183 of the EA 2010 and is being made to exempt specified tramcars, and tramcars of a specified description, operated by BTS from some, or all, of the requirements of the RVAR.

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 2010 and RVAR are to ensure certain accessibility standards apply to passenger rail vehicles for the benefit of disabled people. Broadly, vehicles first brought into use after 31st December 1998 must meet these requirements,⁶ and older vehicles must comply as they undergo refurbishment. All vehicles will be required to comply with certain requirements by 1st January 2020. In April 2012, BTS began operating a year round public transport service with 10 minute frequency, using a fleet of fully RVAR compliant tramcars ("Fleet A").

7.2 Where applications are received for exemption from RVAR requirements, each is considered on a case by case basis. Two separate applications for exemptions were received

⁴ S.I. 1998/2456

⁵ Rail Vehicle Accessibility (Interoperable Rail System) Regulations 2008, S.I. 2008/1746

⁶ As previously noted, passenger rail vehicles on national, "heavy rail" lines have been subject instead to pan-European access requirements since 2008.

in 2012 from BTS, relating to an "historic" fleet of partially modernised tramcars ("Fleet B") and a "vintage" fleet of unmodernised tramcars ("Fleet C").

Historic Fleet B

7.3 Patronage on the Blackpool Tramway varies widely between seasons (from approximately 20,000 passengers per day during the summer and Illumination peaks, to approximately 4,000 a day during the winter). When purchasing its new, accessible fleet (with tax payer support), it was not cost-effective for BTS to buy additional new tramcars to meet peak demand but which would lie idle for half the year. Instead BTS planned to make eleven double deck "Balloon" tramcars from the 1930s (Fleet B) significantly more accessible (see also paragraph 7.9 below), including the provision of audio-visual passenger information, priority seating and near level boarding from the platform. However, due to their design these tramcars cannot be made wheelchair accessible, and there are a number of other, minor non-compliances with RVAR, for which BTS has sought exemption. These are:

- the slip resistance of handholds;
- the minimum cross-section of handholds;
- distance between handrails;
- positioning of request stops controls;
- illumination of boarding step;
- dimensions of steps; and
- provision of wheelchair spaces.

7.4 BTS intends to supplement the 10 minute frequency, fully accessible service provided by Fleet A with additional capacity from historic Fleet B at busy times. BTS recognises that these tramcars will not be wheelchair accessible but no wheelchair user will need to wait for more than 10 minutes for a tramcar that is accessible to them.

Vintage Fleet C

7.5 In 2010, Ministers exempted rail vehicles built before 1999, which operate predominantly on specified heritage or tourist networks, from the requirement to comply with RVAR by 1 January 2020 (the "Network Exemption Order").⁷ This was in order to avoid harming Britain's railway heritage, and was supported by stakeholders and Parliament. BTS' vintage Fleet C consists of 16 vehicles, built between 1901 and 1985, which the operator wishes to use to provide a tourist attraction along its network. This will help maintain Blackpool's world renown for vintage tram experiences and contribute to regeneration of the resort.

7.6 As the Blackpool Tramway is predominantly a public transport service, its system (including its vintage Fleet C) could not be included in the Network Exemption Order. Instead, BTS wishes to exempt this fleet from the requirements of the RVAR indefinitely. Its attraction lies in the vehicles reflecting the designs from the eras when they were built, rather than adopting modern access standards (although one vehicle from the "Illuminated Western Train" has been discretely modified with space for one wheelchair). Despite this,

⁷ The Rail Vehicle Accessibility (Networks) Exemption Order 2010, S.I. 2010/904

most disabled and older visitors will still be able to travel on this fleet. As its vehicles have different widths and floor heights, vintage Fleet C services will operate from platforms separate from those served by the public transport fleets A and B. This will additionally help to differentiate between the two types of service.

7.7 A copy of the original applications from BTS can be found at **Annexes A and B** respectively.

7.8 Initially, the Department considered adding conditions within the exemptions, setting time limits on when or for how long fleets B and C could be used, so that people did not predominantly encounter non-fully accessible vehicles when using the system. However, the Department no longer believes that setting time limits is appropriate, as keeping records of usage, in order not to breach any limit, represents an administrative burden on the operator and reduces the flexibility available to meet demand as circumstances allow. Ministers also recognise that BTS, as a publicly owned operator, is additionally subject to duties in the Equality Act 2010 to advance equality of opportunity for disabled people.

Revised Application

7.9 Following discussions with the Department, in February 2013 BTS submitted a request to revise its original applications. One revision would see two Balloon vehicles (Cars 701 and 723) which were originally expected to be partially modernised and operate in Fleet B instead to operate un-modernised as part of the vintage Fleet C. This was possible because operating experience in 2012 had shown BTS that nine vehicles in Fleet B were sufficient to meet the additional demand above that which could be met by Fleet A during busy times.

7.10 Further, BTS explained that it had aspirations to add vehicles to vintage Fleet C over time but was unable to provide details of individual vehicles that could be included in an exemption Order. It also explained that the 20 day limit allowed by the Network Exemption Order for vehicles covered by that exemption to be operated on a non-exempt system (such as Blackpool's) was too short to allow the additional revenue generated by the visiting vehicle to cover the costs of transporting it to Blackpool in the first place. BTS' request to amend the original applications can be found at **Annex C**.

7.11 The Department views Fleet C as being a distinct heritage service that happens to share tracks with a public transport service – though with different stops. It therefore wishes to treat that fleet in the same manner as those that are subject to the Network Exemption Order. This means that rather than exempting individual vehicles, the exemption will be based on the description of the vehicle and the circumstances in which it operates. The exemption will, therefore, cover vehicles which are used to demonstrate or operate a historical or special type of transport service, are primarily used for tourist, educational or recreational purposes, and that only stop at the separate designated heritage stops. This future-proofs the exemption and allows BTS to acquire further vehicles for Fleet C, without needing to return to the Department to have the exemption revised every time an additional vehicle is procured. This avoids a future administrative burden on the operator and Government and is consistent with the exemptions granted to similar operations by the Network Exemption Order.

7.12 Further, this approach will enable vehicles from other heritage fleets to be loaned to BTS for an unlimited length of time, so enabling services with such vehicles to recoup the cost of transporting them to Blackpool in the first place.

7.13 Later in 2013, the Department became aware of BTS' aspirations to extend the tram network, so as to reach Blackpool North railway station. Officials considered whether it would be possible to include this extension in the Order, to avoid BTS having to seek an amendment to it once the route to Blackpool North was completed. We concluded that, as the preparations for the extension have not yet been completed, with neither the full funding nor planning permission having yet been obtained, it cannot be included in the Order at this time.

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. Both applications were posted on the Department's web site.

8.2 Comments on both applications were received from DPTAC, the Office of Rail Regulation (ORR), Passenger Focus and the Heritage Railway Association – all of which were supportive. Copies of their replies can be found in **Annex D**. DPTAC was content for the Order to be dealt with under the negative resolution process.

8.3 DPTAC, the ORR and Passenger Focus were consulted a second time following BTS' request to amend the original applications, particularly in light of the request to make the scope of Fleet C more flexible. Each was supportive and their replies can be found at **Annex E**.

8.3 Having considered the merits of BTS' applications, and following consultation, the Secretary of State has decided to grant the exemptions requested.

8.4 Given that the applications relate to the same operator, the Department has decided to make the exemptions in a single order rather than two separate statutory instruments for reasons of efficiency and best use of Parliamentary time.

9. Guidance

Comprehensive guidance on the application of RVAR 1998 has been published.⁸ 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 avoidance of expenditure on accessibility requirements, from maximising value-for-money when meeting seasonal demand plus increasing patronage through the use of heritage vehicles.

⁸ See www.dft.gov.uk/transportforyou/access/rail/vehicles/pubs/rva/rvareg1998

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. The ORR is the enforcement body for RVAR and is responsible for ensuring that all of BTS' fleets comply with accessibility requirements to the extent permitted by this Order.

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.

The Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations 2010

Schedule 1 - Particulars to be provided with applications for exemption orders for rail vehicles

the full name of the applicant;	David James Hislop on behalf of the owners of Blackpool Transport Services Ltd the operators of the Blackpool Tramway
the address of the applicant which, in the case of a company, must be the address of its registered or principal office;	Rigby Road. Blackpool FY1 5DD
a description of the rail vehicles to which the application relates, including the— (i)class number; (ii)unit number; (iii)vehicle number; (iv)name of the manufacturer; (v)place of manufacture; and (vi)date the vehicle first brought into use, (unless not yet brought into use);	“B” Fleet Double Deck “Balloon” trams (no class number) N/A N/A Fleet No.’s 700, 701, 707, 709, 711, 713, 718, 719, 720, 723, and 724. English Electric Preston, Lancashire 1934/1935
a general description of the services which the rail vehicle is likely to be used to provide and the routes on which it is likely to be operated;	The primary tram service in Blackpool will be a year round, 10 minute frequency service along the full length of the line from Fleetwood to Starr Gate using modern, fully RVAR compliant vehicles (Fleet A) The vehicles for which partial exemption is sought (Fleet B) will be used to provide a supplementary 10 minute frequency service on the busiest part of the line Cleveleys to Pleasure Beach – at peak times. This will result in a service on this section with a 5 minute frequency at busy times, fleet B will also be used to guarantee the availability of an end to end service should Fleet A be reduced or unavailable. It is expected that “B” fleet trams might be operated through-out the year to cover additional service requirements, however, this fleet is not expected to be used every week, particularly during low season.
the provisions of RVAR from which exemption is sought	9(1)(b) – handholds must have a slip resistant surface – existing handholds are stainless steel 9(1)(e) – minimum cross-section for handholds - existing handholds across the back of each seat are oval (thickness in the middle 15mm tapering off to 6mm giving a total width of 23mm) 10(1)(b) – handrails within every 1050mm in a tramcar – these are present within the priority seating areas. There are also handholds throughout 12(2)(c) – request stop controls are not adjacent to every 3 rd row of seats – existing layout. Controls are provided beside all priority seats 14(1)(e) - each step must be illuminated by a light placed

	<p>within or immediately adjacent to the step – existing, 80 year old design</p> <p>14(1)(f) - each step must be not more than 200 millimetres high measured vertically from the surface of the tread to an imaginary line extended horizontally from the surface of the next tread or floor of the vehicle – Due to existing tram design including stairs to upper deck (step heights are 250 to 310mm)</p> <p>14(1)(g) - each step must be not less than 300 millimetres deep measured from the front edge of the tread to its rear - Due to existing tram design including stairs to upper deck (step depths are 235 to 240mm)</p> <p>18(2) - A tramcar with capacity to accommodate 100 or more passengers (including those seated and standing) must have at least two wheelchair spaces – there is a step between the vestibule and saloon which makes it impossible to fit a wheelchair space. A year round wheelchair accessible service will be provided.</p>
<p>the provisions of RVAR from which partial exemption is sought</p>	<p>n/a</p>
<p>the technical, economic and operational reasons for the application;</p>	<p>Blackpool Tramway was the first in Britain to use electric power 1885, and was the only tram operator to remain in public transport service throughout the 20th century. Its sea front services are an iconic part of the resort's attractions.</p> <p>The level of patronage varies considerably during the year- from 4000 per day in low season to 20000 per day in peak season based on 2005 patronage (which was the last full year the trams operated due to the upgrade works which required winter closures). When procuring new trams for the year-round service, it was agreed that it would not be a good use of constrained funding to procure additional trams to meet demand during the peak season but which would sit idle for months in the low season.</p> <p>Instead, the operator is expending considerable effort to make a number of vehicles in its existing fleet more accessible. These present a tourist attraction in their own right – being the only double-deck trams in public transport use in the UK.</p> <p>These vehicles are almost 80 years old but are being fitted with modern audio-visual passenger information systems, priority seating and colour contrast. Regrettably, their floor layout means that they cannot be made wheelchair accessible. However wheel chair users will be able to use the modern fleet instead.</p> <p>Blackpool Transport Services fully recognises its responsibilities under the Equality Act 2010. It consulted local user and disability groups before making this application, which it considers to be a reasonable approach to the provision of extra capacity at busy times.</p>
<p>the effect which non-compliance with the provisions referred to in sub-paragraph (e) would have on a disabled person's ability to use the rail vehicle;</p>	<p>The handrails are not at the 1050mm spacing's through out the trams but are compliant to 1050mm in the priority seating area.</p> <p>Chrome handholds are fitted to the top of the seat backs but not of the correct diameter due to the seat design, except</p>





	<p>where flip over seats are fitted.</p> <p>There is no wheelchair space available due to the vehicle design (there is a step from the vestibule to the lower saloon). Steps (including those to the upper deck) are not compliant in all areas due to the vehicle design.</p>
<p>the measures proposed, if the application is granted, to enable a disabled person to use the rail vehicle;</p>	<p>These trams are being made considerably more accessible than in the past. They are being fitted with priority seating, passenger information system and colour contrast.</p> <p>Platforms will be provided for the first time in 120 years. This will make boarding and alighting considerably easier for all ambulant passengers. A new low floor RVAR compliant service tram will always be available with-in 5 minutes of a "B" fleet tram.</p>
<p>the period for which the exemption order is requested to be in force;</p>	<p>Indefinite</p>
<p>unless an exemption order is sought for an indefinite period, the proposed timetable of action, before it would cease to be in force, to render the rail vehicle compliant with any RVAR provisions from which it had been exempt;</p>	
<p>where prior consultation with the operator of the rail vehicle is required by regulation 3(2), the response of the operator to the consultation;</p>	<p>n/a</p>

The Rail Vehicle Accessibility (Applications for Exemption Orders) Regulations 2010



Schedule 1 - Particulars to be provided with applications for exemption orders for rail vehicles


the full name of the applicant;	David James Hislop on behalf of the owners of Blackpool Transport Services Ltd the operators of the Blackpool Tramway
the address of the applicant which, in the case of a company, must be the address of its registered or principal office;	Rigby Road. Blackpool FY1 5DD
a description of the rail vehicle to which the application relates, including the—	See End
a general description of the services which the rail vehicle is likely to be used to provide and the routes on which it is likely to be operated;	<p>From April 2012, there be a frequent public transport service operating across the network using 16 new fully accessible trams, which will achieve a 10 minute frequency by high season 2012. In recognition of the wide variance in patronage between high and low season, this accessible service will at times be augmented by a fleet of older trams which will have been made more accessible but which are not fully compliant (Heritage Fleet B which is subject to a separate exemption application).</p> <p>The 16 vehicles to which this application applies (“Fleet C”) will provide a distinct “vintage” service for tourist, educational and recreational purposes over the same network, including during the illuminations period.</p> <p>This will help maintain Blackpool’s world renown for vintage tram experiences and contribute to regeneration of the resort.</p> <p>The “C” fleet of trams will only be permitted to stop at 6 ground level vintage tram stops in each direction. These stops will be marked as “Vintage Only” tram stops and are separate from those in use for public transport services.</p>
the provisions of RVAR from which exemption is sought	From all parts of RVAR in order to maintain the vintage experience that visitors will be paying to experience.
the technical, economic and operational reasons for the application;	<p>In 2010, Ministers and Parliament accepted that rail vehicles that pre-date the introduction of accessibility requirements in 1998, and which primarily provide a tourist, educational or recreational experience should be exempt from rail vehicle accessibility requirements in perpetuity. This resulted in the Rail Vehicle Accessibility (Networks) Exceptions 2010 which exempted pre-1999 vehicles on over 200 named networks.</p> <p>Blackpool’s system could not be included in that Exemption as its prime role will remain one of providing public transport services, for which it receives considerable financial support from the public purse.</p> <p>Between 2009 and 2012 £101 million, will be invested in bringing Blackpool Tramway up to the standard expected of a modern tramway in the 21st Century.</p>

	<p>The desire is to over-lay that accessible service with one of vintage vehicles.</p> <p>This will uphold Blackpool Council's ongoing heritage strategy as part of their dedication to regenerate Blackpool Tourism and further enhance the Blackpool visitor experience along the sea front. The historic element of the tramway is seen as an integral part of the Councils ongoing commitment to ensure that Blackpool can remain a World Class Resort with special emphasis on culture and heritage.</p> <p>In December 2010, Norman Baker MP , Under-Secretary of State for Transport wrote " I recognise that the appeal of those vehicles is in their being in their original form and that they have significant historic importance for the UK"</p>
the effect which non-compliance with the provisions referred to in sub-paragraph (e) would have on a disabled person's ability to use the rail vehicle;	Many disabled people will continue to be able to travel on these vehicles, as now. With the dedicated boarding sites, all passengers will be aware that they are boarding a vintage vehicle.
the measures proposed, if the application is granted, to enable a disabled person to use the rail vehicle;	<p>One vehicle 733/734 has been discretely modified so that a wheelchair user can use it and join in the heritage experience.</p> <p>In addition to the driver, each vehicle will have at least one other member of staff that will have received disability awareness training and will be able to assist older and disabled passengers.</p> <p>In addition, there will be a year-round, end to end low floor accessible service to allow disabled persons to travel on the tramway. There is no such service available at the present time.</p>
the period for which the exemption order is requested to be in force;	Indefinite
unless an exemption order is sought for an indefinite period, the proposed timetable of action, before it would cease to be in force, to render the rail vehicle compliant with any RVAR provisions from which it had been exempt;	
where prior consultation with the operator of the rail vehicle is required by regulation 3(2), the response of the operator to the consultation;	n/a

<p>Vehicle description;</p> <p>vehicle class;</p> <p>vehicle number;</p> <p>name of the manufacturer;</p> <p>place of manufacture; and</p> <p>date into service;</p>	<p>Enclosed double deck bogie tram</p> <p>Blackpool Standard class</p> <p>147</p> <p>Hurst Nelson & Co</p> <p>Motherwell</p> <p>1924</p>	
<p>Vehicle description;</p> <p>vehicle class;</p> <p>vehicle number(s);</p> <p>name of the manufacturer;</p> <p>place of manufacture; and</p> <p>date into service;</p>	<p>3 x Open top single deck bogie tram</p> <p>Boat class</p> <p>600; 602; 604</p> <p>English Electric Co</p> <p>Preston</p> <p>1934</p>	
<p>Vehicle description;</p> <p>vehicle class;</p> <p>vehicle number;</p> <p>name of the manufacturer;</p> <p>place of manufacture; and</p> <p>date into service;</p>	<p>Open top double deck bogie tram</p> <p>Balloon class</p> <p>706</p> <p>English Electric Co</p> <p>Preston</p> <p>1934</p>	
<p>Vehicle description;</p> <p>vehicle class;</p> <p>vehicle number;</p> <p>name of the manufacturer;</p> <p>place of manufacture; and</p> <p>date into service;</p>	<p>Enclosed single deck bogie tram</p> <p>Fleetwood Box class</p> <p>40</p> <p>United Electric Car Company</p> <p>Preston</p> <p>1914</p>	

<p>Vehicle description; vehicle class; vehicle number; name of the manufacturer; place of manufacture; and date into service;</p>	<p>Open vestibule, closed balcony double deck bogie tram Bolton class 66 Electric Railway and Tramway Carriage works Preston 1901</p>	
<p>Vehicle description; vehicle class; vehicle number; name of the manufacturer; place of manufacture; and date into service;</p>	<p>Enclosed single deck bogie tram Brush Railcoach class 631 BRUSH Electrical Machines Ltd Loughborough 1937</p>	
<p>Vehicle description; vehicle class; vehicle number; name of the manufacturer; place of manufacture; and date into service;</p>	<p>Enclosed single deck bogie tram Centenary class 648 East Lancashire Coachbuilders Blackburn 1985</p>	
<p>Vehicle description; vehicle class; vehicle number; name of the manufacturer; place of manufacture; and date into service;</p>	<p>Enclosed single deck bogie tram Coronation class 660 Charles Roberts & Co Horbury Junction, near Wakefield 1953</p>	

<p>Vehicle description;</p> <p>vehicle class;</p> <p>vehicle number;</p> <p>name of the manufacturer;</p> <p>place of manufacture; and</p> <p>date into service;</p>	<p>Enclosed double deck bogie tram</p> <p>Balloon class</p> <p>717</p> <p>English Electric Co</p> <p>Preston</p> <p>1935</p>	
<p>Vehicle description;</p> <p>vehicle class;</p> <p>vehicle number;</p> <p>name of the manufacturer;</p> <p>place of manufacture; and</p> <p>date into service;</p>	<p>Enclosed single deck bogie tram illuminated frigate "HMS Blackpool"</p> <p>Illuminated Feature class</p> <p>736</p> <p>Blackpool Corporation Transport</p> <p>Blackpool</p> <p>1965</p>	
<p>Vehicle description;</p> <p>vehicle class;</p> <p>vehicle number;</p> <p>name of the manufacturer;</p> <p>place of manufacture; and</p> <p>date into service;</p>	<p>Enclosed single deck bogie tram illuminated trawler</p> <p>Illuminated Feature class</p> <p>737</p> <p>BRUSH Electrical Machines Ltd.</p> <p>Loughborough</p> <p>1937 (Has been externally rebuilt with illuminations at different times)</p>	
<p>Vehicle description;</p> <p>vehicle class;</p> <p>vehicle number(s);</p> <p>name of the manufacturer;</p> <p>place of manufacture; and</p> <p>date into service;</p>	<p>Illuminated Western Train tram (permanently coupled tram and trailer set) Tram is an enclosed single deck bogie unit – Trailer is a non-motorised open balcony single deck bogie unit) One vehicle, 733, has been discretely modified so that a wheelchair user can use it and join in the heritage experience.</p> <p>Illuminated Feature class</p> <p>733 + 734</p> <p>Blackpool Corporation Transport</p> <p>Blackpool</p> <p>1962</p>	

<p>Vehicle description;</p> <p>vehicle class;</p> <p>vehicle number(s);</p> <p>name of the manufacturer;</p> <p>place of manufacture; and</p> <p>date into service;</p>	<p>2 x Progress Twin Car (permanently coupled tram and trailer set) comprising enclosed single deck motor bogie unit and a non-motorised single deck enclosed bogie trailer.</p> <p>Twin Car Class</p> <p>672 + 682; 675 + 685</p> <p>Tram = English Electric; Trailer = <u>Metro Cammell Weymann</u></p> <p>Tram = Preston; Trailer = Saltley, Birmingham</p> <p>Tram - 1935; Trailer - 1960</p>	
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Mr John Bengough
Rolling Stock Technical & Accessibility
Rail Sustainability – Operations
Department for Transport
3/14 Great Minster House
33 Horseferry Road
London SW1P 4DR

04 February 2013

Dear John

Hope all is well with you and your leg is better. Bryan Lindop has asked me to put a proposal to you to assist with the operation of our vintage tram services.

You will recall that Blackpool operates a fully accessible public passenger transport tram service all year-round, which partially compliant Fleet B augments when demand requires it. Fleet C is our fleet of vintage vehicles which serve to attract visitors to the resort, on a separate tourist type service.

Since Blackpool Transport Services submitted our applications for exemptions from part or all of RVAR, we have been able to test our requirements regarding the size of Fleet B. As a result, the size of Fleet B can be reduced from eleven vehicles to nine. Instead, we would like Double Deck "Balloon" trams 701 and 723 to be exempt from RVAR, so that they can operate the vintage service as part of Fleet C.

Further, we have aspirations over the next few years to add vehicles to Fleet C for the vintage service, which you will recall uses the same rails as the public passenger transport service but which uses different stops and tickets. Rather than amending the Fleet C exemption every time a new vehicle is added to the collection, we wondered whether the whole vintage service could be exempted from RVAR, as similar services on discrete heritage lines already are ?

This would also enable units from museums, etc to be loaned to us and operated on the vintage service for longer than 20 days, which is currently too short to be financially viable when considering the cost of transportation of course in operating those other units we would check them through our existing stringent maintenance procedures.

Rigby Road, Blackpool. Lancashire, FY1 5DD
Tel: 01253 473001 Fax: 01253 473101

Please consider this as an amendment to our exemption applications. Please accept my apologies for not setting this more aspirational approach out from the beginning and hope that this proposal can be accommodated.

Look forward to hearing from you when you have had chance to consider this suggestion.

Kind Regards.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Trevor Roberts', written over the text 'Yours sincerely'.

Trevor Roberts
Managing Director



Mr John Bengough
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Deputy Chair
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30th March 2012

Equality Act 2010 Section 183 exemption applications by Blackpool Transport

Thank you for consulting on the exemption requests for Blackpool Transport.

DPTAC notes the very good news that the new RVAR compliant (Fleet A) vehicles will soon come into operation and that these will form the core, 10 minute, frequency service. We appreciate too the practical and funding issues with providing additional fully compliant vehicles to meet peak services in the holiday season.

Set in that context DPTAC supports the exemption applications for Fleet B, the adapted 1930s vehicles to supplement this service at peak times. We also support the application for the "vintage" Fleet C vehicles which will operate as a tourist service and note that the improved information at boarding points, staff training and adaptation of vehicle 733/734 to carry a wheelchair will enable more disabled people to enjoy this service.

DPTAC agree that it is appropriate to use the negative resolution procedure.

Yours sincerely,

A handwritten signature in black ink that reads 'Tomi Jones'. The signature is written in a cursive, slightly slanted style.

**Tomi Jones
Deputy Chair
DPTAC**

30/4/2012

Dear Mr Bengough

Blackpool tramway - applications for exemptions from RVAR: RGEN/39/24/42

Thank you for your letter dated 23 March 2012 in respect of Blackpool Transport's application for exemptions from the Equality Act 2010 Section 183 for the heritage tramway service. Inspectors from ORR's Heritage and Light Rail team have been in discussion with Blackpool Transport about its proposals, and ORR is satisfied that granting the proposed exemptions will not have implications for safety nor will it affect ORR's ability to enforce the unaffected provisions of accessibility legislation.

Yours sincerely,

Giles Turner
Engineer, Rail Vehicles
Engineering & Asset Management
Railway Planning & Performance Directorate
Office of Rail Regulation

John Bengough
Rail Sustainability - Operations
Zone 3/14
Department for Transport
4/18 Great Minster House
33 Horseferry Road
LONDON
SW1P 4DR

19 April 2012

Dear John

Equality Act 2010, section 183 – exemption applications by Blackpool Transport

Thank you for your letter of 23rd March with its enclosures.

This matter has been considered at both staff and at Board-member level.

We appreciate that granting of the exemption will deny some disabled passengers access to most of the vintage and heritage vehicles in the company's fleet and we regret that not everyone will be able to travel by these services. However, we note the efforts made to enhance the accessibility of these vehicles, even though they will still fall short of full compliance. The adaptation of one vehicle in the heritage fleet to carry a wheelchair, and the undertaking to ensure that both driver and on-board staff on this vehicle will have received accessibility-assistance training, is significant in that wheelchair users will not be wholly barred from the 'historic' experience.

Disabled passengers' general travel needs, we understand, can still be met by the regular and frequent low-floor service trams, as this new fleet is compliant with current accessibility legislation. The separation of tram stops for the vintage/heritage services will reduce the likelihood of confusion as to the appropriate service to take. For clarity, suitable publicity of the compliant accessibility of the new fleet and of the arrangements applicable on the older fleets must be made.

Under these circumstances, we feel that the exemptions sought by Blackpool Transport should be granted.

Yours sincerely

Philip Wilks
Senior Policy Adviser



Heritage Railway Association

Patron: Dame Margaret Weston DBE

President: Lord Faulkner of Worcester

Deputy President: S. Richard Bowker CBE

Vice Presidents: Ian Allan OBE, Allan Garraway MBE, Brian Simpson MEP

Mr John Bengough
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e-mail: bill.hillier@hra.gb.com

29th April 2012

Dear John:

Equality Act 2010 Section 183 exemption applications by Blackpool Transport

We are grateful to the Minister for inviting our observations on these applications.

In the very special position of Blackpool Transport Services, we strongly support their concept of dividing their fleet into three classes of tramcar for the purposes of disability discrimination legislation.

To the best of our knowledge, the classification is appropriate and accurate.

The only other comment we would offer is that, given the individual nature of the exemptions sought, from time to time adjustments will be needed to the list of vehicles needing exemption. But given the approach adopted, there appears to be no obvious way of avoiding this eventuality.

Yours sincerely

Bill Hillier

Representing Heritage & Tourist Railways, Tramways and Preservation Societies

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Mr John Bengough
Department for Transport
Zone 3/14
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11 March 2013

Dear John

Exemption applications by Blackpool Transport

Thank you for your further consultation on the exemption request for Blackpool Transport that we considered in detail in March 2012 – DPTAC notes the revised approach.

DPTAC support the application in this revised form. It remains clear that careful consideration has been given to improving accessibility for disabled people as far as practicable across the range of vehicles operated as a whole service.

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
DPTAC**

1 March 2013

Dear John,

The revised proposal has been considered at both staff and at Board-member level.

We had previously agreed that the exemption sought by Blackpool Transport should be granted as the heritage and regular service would be wholly discrete operations save that they occupied the same tracks. In view of the significant amendment to the original proposal we have consulted again.

We have considered a number of points:

- The services will still be almost entirely separate.
- Some of the vintage vehicles will be accessible to certain categories of people with reduced mobility; staff will have received suitable training. One of the vintage/heritage vehicles will have been converted to allow access by a wheelchair user.
- The extension of the 20-day limit will make running loaned vintage vehicles from museums financially attractive which should help generate additional revenue. We accept that such vehicles will be largely inaccessible.
- Disabled passengers' general travel needs can still be met by the regular and frequent low-floor service trams, as this new fleet is compliant with current accessibility legislation.
- The separation of tram stops and ticketing between the vintage/heritage services and general services will reduce the likelihood of confusion as to the appropriate service to take.
- The operation of vintage vehicles as part of the public service in peak periods will avoid the costly need to procure additional low-floor vehicles which will otherwise see service only in peak periods. The vintage vehicles in this instance will be preceded and followed by a low-floor accessible vehicle by not more than 5 minutes.

It seems to us that the proposal offers a sensible compromise in the circumstances where the use of vintage/heritage vehicles is concerned. Provided that the service is not unreasonable when considered from the viewpoint of a passenger with reduced mobility and that clear information is given at all tram stops, in literature, on the internet and so on, we believe that the exemption should be granted.

With kind regards,

Phil

Philip Wilks
Senior Policy Advisor
Passenger Focus (London)

The independent passenger watchdog

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17 April 2013

Dear John

Thank you for consulting ORR on the revised approach proposed for the Blackpool Tramway heritage service RVAR exemption. ORR has no objection to the approach you describe. We have seen how Blackpool Tramway has taken steps to separate the 'public transport' tramway operation from the tourist service, and appears to be making appropriate operational arrangements so that some vehicles in the tourist operation will still have accessibility changes made where this is appropriate. The inspectors who deal with the company advise me that they are comfortable with the arrangements that have been put in place. From the point of view of enforcement arrangements, there appears to be sufficient clarity of the differences between the two operations for ORR's enforcement role not to be compromised. Documenting the exemption by a robust reference to the service rather than by individual vehicle numbers brings benefits of simplification and less ongoing maintenance of the exemption when fleet changes occur.

Regards

Giles Turner
HM Inspector of Railways

Giles Turner | Engineer, Rail Vehicles

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