



**Equality Commission for
Northern Ireland**

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George Kearns / Ebby Walsh
Transport Policy, Strategy and Legislation Division
Department for Regional Development
Room 3-01, Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Dear Messrs Kearns and Walsh

**RE: Consultation on Proposed Changes to Rail Vehicle
Accessibility Regulations & Rail Vehicle Accessibility (Applications
for Exemption Orders) Regulations**

The Commission welcomes the opportunity to comment on the current consultation around proposed changes to the current Rail Vehicle Accessibility Regulations (RVAR) in Northern Ireland.

We agree with the broad thrust of the Department's proposals to make revised RVAR regulations (The Rail Vehicle Accessibility Regulations (Northern Ireland 2013) that will replace the Rail Vehicle Accessibility Regulations (Northern Ireland) 2001.

The Commission appreciates the Department's rationale for the review of the RVAR 2001 regulations i.e. to ascertain whether they can be improved for the benefit both of disabled people and rail operators taking

into account the European standards for the accessibility of heavy rail vehicles (the Technical Specification of Interoperability for Persons with Reduced Mobility) which came into force on 1st July 2008.

We acknowledge the need for the Department to prevent the application of dual accessibility regimes to those rail vehicles now subject to the new European accessibility standards set out in the 'European Standards for the Accessibility of Heavy Rail Vehicles (the Technical Specification of Interoperability for Persons with Reduced Mobility) which came into force on 1st July 2008.

Moreover, we are pleased to observe that the proposed revisions will amend the RVAR 2001 regulations obliging train operators to make older rolling stock fully accessible and to ensure that future refurbishment of these trains meet the same accessibility standards.

As highlighted in the Consultation paper, the Disability Discrimination Order 2006 contains provisions requiring the Department to set an end date by which time all rail vehicles must be accessible and ensure that this can be no later than 1st January 2020.

We welcome the ongoing commitment by the Department that an accessible rail fleet will be achieved by the end date. However, we are concerned with the caveat that a small number of rail vehicles may be unable to fully comply with RVAR by the 2020 deadline and that in such cases the Department proposes to grant specific exemptions from certain provisions of RVAR in these circumstances.

The Commission believes that the Department should fully commit to the existing 2020 deadline with regard to all rolling stock operating mainstream services for the public on Northern Ireland's main rail network.

It is important when considering any exemptions regarding the end date for the full accessibility of our main rail network that the Department take account of the Northern Ireland Executive's commitment in the Disability Strategy to eliminate the barriers disabled people face in accessing transport ensuring necessary measures are in place to allow personal mobility for people with disabilities¹.

¹ Office of the First and Deputy First Minister (OFMdfM) (2013): *A Strategy to Improve the Lives of Disabled People – 2012-2015*. Available at: <http://www.ofmdfmi.gov.uk/disability-strategy-2012-2015-revised-010313.pdf>

Furthermore, when considering changes to the RVAR regulations the Department should be mindful of government's obligations under the UN Convention on the Rights of Persons with Disabilities (CRPD), including the requirement under Article 9 (1a), 'Accessibility', which requires the consideration of measures including the identification and elimination of obstacles and barriers to accessibility which applies to a range of areas including transportation.

Moreover, Article 9 (2a) of the CRPD requires the Department to develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public.

In addition, Article 20 of the CRPD requires the Department to take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities in the manner, and time of their choice and at affordable cost. The limited exemption proposed in the consultation paper is likely to be contrary to the Convention in respect of the above articles.

We welcome the commitment by the Department to consult on the proposed single exemption order to exempt all existing appropriate heritage and tourist railway networks likely to be covered by the RVAR in the future.

With respect to the operation and acquisition of rolling stock relating to the heritage railways, the Department should consider alternative measures, including reasonable adjustments, to ensure disabled people and older people are able to access the existing network infrastructure and services including:

- Keeping disabled people and their representative organisations informed of ongoing developments including revised dates for the accessibility of rail carriages;
- Disability Equality and Awareness Training for all staff working in the heritage railways particularly those delivering front line services;
- A commitment to ensure railway infrastructure is fully accessible to disabled people and older people taking account of the diversity and multiple identities of both groups.

We hope our comments will be of assistance to the Department and that positive consideration will be given to our concerns in relation to the exemptions with the regard to the end date for the accessibility of stock in Northern Ireland.

We commend the Department for the work it has already undertaken in the context of the review of the existing regulations and the ongoing commitment to deliver a fully accessible and inclusive rail network and service in Northern Ireland.

Please do not hesitate to contact us should you require any additional information or clarification on this matter.

Yours sincerely

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Annex 1

1. The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment and treatment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
2. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
3. The Commission's general duties include:
 - working towards the elimination of discrimination;
 - promoting equality of opportunity and encouraging good practice;
 - promoting positive / affirmative action
 - promoting good relations between people of different racial groups;
 - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities;
 - keeping the legislation under review;
 - promoting good relations between people of different religious belief and / or political opinion.
4. The Commission, with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the rights of Persons with Disabilities (UNCRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of UNCRPD in Northern Ireland.