

# Public transport and user representation - Who speaks for the passengers? Who speaks with the passengers?

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## 1 Background

A number of countries of the European Union were analysed in the BUSREP project in 2004. The key points analysed were:

- Which possibilities do passengers and customer organisations have in the process of public transport planning?
- Which rights and responsibilities of the operator for passengers can be derived from the transport contract?
- Which participants (e.g. associations, organisations) represent the interests of the customers in these countries?

The main task was to get a qualified overview about the structure and key points in each country. These countries were observed:

- Austria
- Netherlands
- Sweden
- Czech Republic

The empirical work was done by a postal survey. Sometimes it was pre-announced by telephone. The questionnaire was available in German, English and Czech. We investigated the following institutions and organisations as important participants in those countries:

*Transport operators:* The main question was if passenger or representative bodies of passengers' were included in the development and planning processes. The questionnaire took account of the special situation in each country. Transport operators are not always responsible for planning themselves. Sometimes this task is managed by political or infrastructure management bodies.

*Public transport authorities:* Again, the main question was if passenger or their representative bodies were included in the development and planning process. Sometimes public transport authorities are responsible for this, sometimes they are only an association of transport providers mainly responsible for coordination.

*Transport ministries:* The transport ministries set the frame of transport policy for the whole country. We asked them for further information about the laws, the structure of the public transport sector, the legal framework and especially about the passengers' rights as users of railways and other public transport.

*Associations and organisations for customer representation:* There are different bodies catering for consumer interests in each country. We focused on two main groups: The general consumer associations and the specialised groups for (bus and rail) passengers' interests.

*Out-of-court settlement offices, further participants, coordination bodies:* In some countries, out-of-court settlement bodies exist. Sometimes there are coordination bodies or umbrella organisations with different interests.

The survey took place from April to December 2004. After a short orientation period, the questionnaire was sent out between June and October. Analysis and condensation of the data took place in parallel.

In the following, I present some data in brief because there are experts from Austria and the Netherlands present who can give us further details of their view on the situation in their country.

## 2 Austria

### 2.1 Structure

Austria has a federal structure with nine federal states and a population of approximately 8.1 million. The federal government is responsible for subsidies for local public transport. The offer is organised by the federal states. Most states delegate this task to special organisations, e.g. public transport organisation societies (Verkehrsverbundorganisationsgesellschaften). There are in addition eight public transport associations in Austria whose shareholders are the transport providers.

### 2.2 Participation

Participation possibilities for users are only available depending on the goodwill of the other stakeholders. There is no legal guarantee for participation. There are some good examples, however, like the new passenger advisory board introduced in Vienna in 2004 at the “Wiener Linien” or a similar forum in Salzburg. There is a “transport user council” in Linz, and discussion is under way to extend this council to the whole federal state. Furthermore we got answers which referred to “case-by-case inclusion” of passengers’ views or “addressed if required”. There was also a hint that a large part of the operating cost of public transport comes from public subsidies and not from passengers.

### 2.3 Organisations

There are four larger organisations working on passengers’ topics. The “Arbeiterkammer” (it is primarily a trade union), Pro Rail Austria (Pro Bahn Österreich), “Fahrgast” (“Passenger”) and Traffic Club Austria (VCÖ – Verkehrsclub Österreich). The “Arbeiterkammer” represents the interest of all employees. It is working on consumer protection and offers legal counselling. Its key points are the rights and interests of commuters. But it works also on other passenger groups.

Pro Rail Austria was founded in January 2004. A lot of members were active before by “We are the Railway”. The organisation has now the same name as “Pro Rail” in Switzerland and Germany. It is a member of the European Passengers’ federation (EPF).

The organisation “Fahrgast” works on improvements for passengers (bus/tram/rail) in Austria. The “VCÖ” has a wider focus and campaigns for the “weak” participants in traffic, e.g. pedestrian, cyclist, children and elderly people).

### 2.4 Legal framework

Since 2000 there is a law called “ordering of local and regional public transport”. It was set up to coordinate the work between the different participants especially the federal and the nationwide administration bodies.

There are further laws on passengers' rights on railways, buses, trams, underground and trolley bus. Passengers' have in most cases no rights by law, e.g. of compensation. In some cases the conditions of carriage of the transport enterprises offer some rights e.g. to use the next transport opportunity or changing the ticket in case of delays.

## **2.5 Conclusion**

The participation opportunities of passengers' associations are marginal. There are no guaranteed rights. However, there are some positive examples: the new passenger advisory board in Vienna and a new user council introduced by the Austrian Railways (ÖBB). Another positive example of case-specific participation is the new "traffic master plan" in Vienna ("Masterplan Verkehr"). The passenger rights follow the principle of "goodwill in individual cases". This is unsatisfactory.

## **3 Netherlands**

### **3.1 Structure**

The Netherlands are a decentralised country with a population of 16 million. Twelve provinces are clustered in four regions. Long distance traffic by rail is coordinated by the transport ministry in The Hague. Provinces and regions are responsible for all other modes of transport.

### **3.2 Participation**

Opportunities for participation have been extended by the new transportation law since 2001. Transport operators must now have a complaint management. All passengers can call to the "SGV" (see presentation of Jack Nijgh) which offers out-of-court settlement for various industries. The SGV is funded by all transport providers. At least once a year a dialogue between user organisations, transport enterprises and transport authorities must be held. There are organisations to coordinate the work between the different participants: Locov on the national level and the OPC for the regions. Their work is subsidised by the transport ministry.

### **3.3 Organisations**

ROVER is a specialised organisation of passengers' interests on railways and buses and was founded in 1971. It is involved in the planning and developing processes in public transport. The "Consumentenbond" is a general consumer association. On nationwide subjects it works together with the Locov. For individual problems, there is the arbitration board SGC (see above).

### **3.4 Legal framework**

There is a new transport law valid since January 1st, 2001. It includes the framework for the tendering of transport services, the cooperation between the central government and the provinces/regions as well as the opportunities for participation. The legal base for the passengers' rights is the civil code. A liability for delays or cancellation is almost completely excluded. The general conditions of carriage refer to this legal situation. The regulation of the Dutch Rail (NS) "money back in case of delay" is based on a separate agreement between the transport ministry and NS. The details are regulated in general transportation terms of NS.

### **3.5 Conclusion**

There are good participation possibilities in the Netherlands. The new transport law includes participation. Passenger and customer organisations do not have the same resources as the transport enterprises or authorities. To compensate this, there are two different organisations which support and coordinate the work of passenger associations. This is positive. An arbitration board exists and supports passengers since 1997 if an operator does not process a complain as the customer expects it. However, the passenger rights outside of the compensation scheme of Dutch Rail (NS) still deserve improvement.

## **4 Sweden**

### **4.1 Structure**

Sweden is a constitutional monarchy. The country has a population of approx. 9 million (Stockholm 760,000, region 1,643 Mio.). There are 18 provinces, two administration regions and the Gotland island. The provinces are divided into 290 local authorities.

Public transport is financed by the state, provinces and local authorities. The latter two have been responsible for public transport since 1978. They founded transport associations, of which 21 exist today. They are responsible for developing, planning and fares of the different transport modes.

### **4.2 Participation**

The passenger bodies and general consumer organisation work together with transport operators or other authorities only on a case-by-case basis. In the Stockholm region passengers with reduced mobility are having a regular dialogue with the public transport authority SL.

### **4.3 Organisations**

The main passenger organisation is called “Järnvägsfrämjandet”. It represents the interests of passengers. This voluntary organisation has approximately 900 members and some regional branches in addition to the national structure. The association is in some cases included in a planning process.

The general consumer organisation is called “Konsumentverket”. It negotiates for example with the transport enterprises on the general conditions of carriage. For an out-of-court settlement exists the so-called “Allmänna Reklamationsnämnden” (ARN, The national board of consumer complaints). It deals with consumer problems in different areas including transport. However, the minimum dispute value is 1000 SKR (approximately 110 Euro). That means that small disputes - and thus many public transport trips - are not dealt with here.

Consumer protection has a long tradition in Sweden with the “ombudsman” system. For the consumers, this function is taken over by “Konsumentverket”. A special “ombudsman” for passengers interests does not exist.

### **4.4 Legal framework**

There are no legal rights to participation for passenger or consumer organisations in planning processes. There are different laws which define the cooperation of the different participants in this sector and the liability. There is no special law about passenger rights, e.g. for delays or cancellation. These issues are regulated by general conditions of carriage. However, a number of public transport authorities provide voluntary “travel guarantees”.

#### **4.5 Conclusion**

In 2004, the debate in Sweden was dominated by the integration of the changed COTIF-agreement into national law and the EU-discussion to improve European passenger rights. One main question was if the national passengers’ rights should be extended by transforming the international COTIF-agreement into national law. Some participants in public transport bodies said that they work together with passenger groups and wanted to extend this cooperation.

There are two organisation (Konsumentverket and Allmänna reklamationsnämnd) who deal with passengers’ topics and complains. Consumer protection has a long tradition in Sweden. But it still can be improved, especially in public transport. The participation opportunities could be better.

## **5 Czech Republic**

### **5.1 Structure**

The Czech republic is a parliamentary democracy. The country has a population of 10.3 million. In the capital Prague live approximately 1.2 million. The Czech Republic joined the European Union at May 1<sup>st</sup>, 2004 and has been member since that. There was an administration reform valid since January 1<sup>st</sup>, 2001. The country is now divided in 14 regional districts with regional parliaments. Planning of public transport is organised by these regional districts. A regional district is divided in sub-areas, followed by local authorities. Nationwide transport is organised by the transport ministry in Prague, local traffic is organised by the regional districts.

### **5.2 Participation**

There are some organisations dealing with consumer interests in general as well as with the interests of passengers. We could not analyse in this study how much these bodies are in planning processes by other authorities. Hence we present these organisations without this aspect.

### **5.3 Legal bases**

The railroad law is the most important legal basis for rail transport. It has been valid since 1994. Some ministerial orders regulate further details referring to the law. The transport ministry is still preparing a special law about public transport. So far, every transport provider needs general conditions of carriage based on the rail law. An order has regulated details since 2000.

### **5.4 Organisations**

There are two general consumer organisations in the Czech Republic: the Czech consumer association and the Czech consumer protection society. Both also deal with complains from citizens of other EU-countries and inform about national particularities. This includes public transport.

Special passengers' organisations are the "association of train customers" which is member in the European Passenger Federation (EPF). There is another society for public transport and the "Czech traffic club". The operators are organised in the "Czech traffic association".

## 5.5 Conclusion

The situation in the Czech Republic last year was dominated by joining the EU. The main task has been to change the national laws so that they become compatible to European law. One example is the new structure of public transport associations. The main aim is to separate the political and the operators' responsibilities. One problem is the decreasing market share of public transport. All people who are involved in the topic of public transport should work against this. More participation of passengers' and consumer organisations may be one contribution to this.

## 6 General conclusions

Back to the question: who speaks with the passengers? Who speaks for the passengers? The operators and the consumer/passenger organisations in principle have the willingness to work together. This is a positive result of our studies.

The possibilities for participation diverge a lot. All countries have well organised general consumer organisations. They deal with the passenger interests as one of numerous other consumer issues. The specialised passengers' associations are competent but often weakly organised and rely almost completely on voluntary work. In many cases they can offer only a limited power against the well organised operators or public transport authorities.

Comparing these countries, the Netherlands perform best. They provide participation with a legal base and support provide associations with public money to reduce the power deficit between consumer associations and the operators. Sweden and Austria are on the same level. In both countries, there were discussions about improvements in connection with the passengers' rights debate in the European union.

However there are no legal rights which means that passenger representative bodies depends in many case on the "good will" of the transport operator or other authorities. It looks like that participation is not a big topic in the Czech Republic. Changing the laws to European legal standards may have been more important.

The representative bodies of consumer and passengers' interests are existing. Due to the decreasing market share of public transport, all opportunities to improve the public transport should be used. This may includes a better participation.