

# Position paper

*Prise de Position – Stellungnahme*

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## Appropriate and practical rights for passengers in urban, suburban and regional bus services

- UITP comments for the European Parliament and triologue discussions

Maintaining the attractiveness of urban, suburban and regional bus services and their competitiveness with the private car is a key objective. Unexpected and negative effects from the introduction of inappropriate passenger rights would increase costs both to customers and to public authorities and would not necessarily meet customer expectations which are diverse<sup>1</sup>. Budgets for public transport are under pressure everywhere in Europe. Where local authorities (or customers) were unwilling or unable to pay the additional costs, a reduction in overall service levels would follow. The environmental and social consequences are clear.

The EUC believes that rights for bus and coach passengers cannot be developed at a European level without reference to the practicalities of operating public transport services, the financial effects on public authorities, operators and passengers and the need for local services to match local needs and resources. The Council's common position of 17 December 2009 offers a pragmatic approach, representing a realistic balance between the rights of passengers and what can be delivered by operators and authorities.

The UITP European Union Committee (EUC) represents public transport undertakings providing rail, road and waterborne urban and regional transport services in the European Union. Members are committed to a clear focus on the delivery of high quality services and the EUC has actively promoted charters and customer guarantees to increase the quality of service<sup>2</sup> and to increase the use of public transport. The EUC will be pleased to discuss passenger rights in urban public transport as proposed in the European Commission's Green Paper on urban mobility<sup>3</sup>

<sup>1</sup> For example, older passengers prefer seats; short-distance commuters are more concerned with overall vehicle capacity than specific levels of comfort; passengers in wheelchairs want to use the same space as parents travelling with children in baby buggies; for some users, predictable travel times are critical – for others, less so.

<sup>2</sup> Publication of the UITP Passenger Charter in 2006: <http://www.uitp.org/mos/brochures/37-en.pdf>

<sup>3</sup> COM(2009)490: Action Plan on Urban Mobility

## 1. Scope: Same rules for urban, suburban and regional services

The Spanish Presidency has proposed a change to the scope of the regulation in order to seek an agreement with the European Parliament. The EUC has strong doubts about the proposal on integrated services with all its implications as the situation is very diverse across the Member States. We suggest using the same scope and definition for regional transport as regulation 1371/2007<sup>4</sup>.

In many urban areas, regional services form part of the urban network, often being integrated into urban service timetables. Including regional services in the Regulation without the option for Member States to adapt the rules to their national situation would risk parts of some urban networks being subject to rules designed for long distance services. This would be confusing for passengers, would add cost both to urban and regional services and could create obligations for regional services that cannot be adapted to suit the characteristics of urban operations.

## 2. Retaining flexibility at a local and regional level

The EUC accepts that urban, suburban and regional bus services can be included in the scope of the regulation. Basic rights (articles 4(2), 10 and 11) apply to all services.

Severe practical difficulties would remain in applying other articles of the proposed Regulation to all urban, suburban and regional services. Member States should determine how the Regulation would apply in the light of their national needs and circumstances.

## 3. Appropriate and realistic rules on accessibility

There is continuing improvement in accessibility for persons with reduced mobility throughout the EU. Progress depends on many factors – not only the availability of capital for new vehicles. Unless bus stops are themselves accessible – with buses able to pull up to a stop, without obstructions from parked cars or vans – there are difficulties in access to services. In many places, special services are provided for people with special needs (either in terms of disability, or of geographic location of origin or destination points). All Member States recognise that progress is important, is expensive and – with the best will in the world – takes time.

The adaptation of infrastructure such as bus stops needs high investment and should not be an obligation in the proposed Regulation. The number of bus stops in the EU is huge; the costs of adaptations for bus services will be far higher than for airlines or rail services<sup>5</sup>. In many places, buses stop on demand anywhere where it is safe to do so; requiring an accessible bus stop would prevent the flexibility that the existing situation allows. Moreover, space on urban and regional buses cannot be booked in advance and in most situations, it is only possible for safety reasons to carry one or two passengers using wheelchairs.

The EUC believes that the measures identified in the Council position, along with other measures taken in Member States, such as the provision of alternative services

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<sup>4</sup> Article 2(5) which refers to the definition of regional services in Directive 91/440/EC, article 3: “regional services: shall mean transport services operated to meet the transport needs of a region”

<sup>5</sup> Examples: a. There are over 370,000 bus stops in England, Scotland and Wales alone

b. Milan has a programme of continuous improvement for bus stops. Current estimates are that a further 2000 stops would need to be converted at a cost of €50.000 per stop.

c. Almost 20 % of the 1700 bus stops in Stuttgart have been progressively adapted to improve accessibility, e.g. to create level boarding or with physical markings for blind passengers. All new bus stops are built with improved accessibility features. Further adaptation of existing infrastructure requires high investments of up to €50.000 per stop.

or continuous investment in infrastructure will support the obligations in Article 9 of the United Nations Convention on the Rights of Persons with Disabilities.

#### 4. Insurance, liability and training

It is not clear that there is a requirement for action at a European level on these matters as insurance and liability rules are well developed in Member States; rules match the legislative framework of each state and Directive 2009/103/EC. It is not usual practice for operators of urban, suburban and regional bus services to take passengers' luggage into their care. National legislation on liability and on the duty of care for operators should be sufficient to deal with all matters affecting the accidents and loss or damage and the training of bus drivers is already covered by Directive 2003/59/EC.

#### Conclusion

The proposed regulation must be feasible in operation, affordable in its effects on operators, public authorities and passengers and should concentrate on those areas where there is added value from action at a European level. Urban, suburban and regional bus services are already subject to a wide range of obligations to passengers through compliance with national legislation, often accompanied by specific charters or customer service promises developed by each operator. The proposed European regulation should address those areas where specific action is necessary to bring in improvements that would not otherwise be achievable. The Council's common position of 17 December 2009 is a practical and pragmatic way of approaching this objective.