MECHANISM OF THE ADMINISTRATIVE AND LEGAL REGULATION OF PUBLIC TRANSPORTATION SYSTEM

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ABSTRACT

Transport infrastructure is vital for every person; a sustainable transportation system helps to build a better future and reduce poverty while protecting the environment and ensuring economic growth.

This article provides a brief description of the mechanism of the administrative and legal regulation of public transport and presents ways for its improvement.

Key words: Public Transport, Means of Transport, Administrative and Legal Regulation, Passenger Transport Services

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1. INTRODUCTION

Within the boundaries of populated areas, people use public transport or their own vehicles to get to work and fulfill other socially useful intentions, i.e. they show vitality and economic activity. These daily actions are the essence of the citizen's life, therefore vehicles enabling the above-mentioned actions or significantly accelerating/improving them guarantee a certain level of comfort and play the key role in society.

The influence of transport vehicles and the corresponding relations have become so complex due to the development of society that their use would have turned into chaos without proper state organization. Firstly, the state began to actively address issues of accessible transport vehicles for workers and other citizens intended to improve the efficiency of business processes in the country, in the middle of the 19th century. Secondly, only public authorities were able to perform this process purposefully and successfully, to solve a number of complex issues, namely land allotment as part of road construction; the organization of the population to perform complex engineering road projects; the accumulation of funds for these purposes, etc. Thus, public authorities acted as a social benefactor, fulfilled their social mission and made passenger transport not a benefit to wealthy citizens but a general social
good. Thirdly, public authorities began to address environmental issues caused by the predominant use of internal combustion engines by public transport and individual vehicles in the late 1980s. Fourthly, the problem of transport safety has become so acute that only government intervention helps control drivers and ensure law and order in the system of public transport.

Nowadays the problem of public transport has become an exclusive (or almost complete) sphere of administrative law. Public authorities govern all issues in an imperative manner: determine the terms of contracts concluded by municipal authorities with tender winners, resolve the issues of safety, environment, road infrastructure, road surface conditions, etc. according to the existing state standards.

This study aims to analyze the administrative and legal regulation of public transport and directions for its improvement.

2. BRIEF DESCRIPTION OF THE ADMINISTRATIVE AND LEGAL REGULATION OF PUBLIC TRANSPORT

The administrative and legal regulation of public transport aims to fully ensure the rights of the residents of the respective administrative-territorial unit in passenger traffic and other transport services by authorized persons using administrative and legal methods in accordance with the best international standards and the Russian legal principles through arranging transport relations, forms and tasks of establishing an effective system of public transport and an effective mechanism of ensuring the rights of consumers for high quality and safe passenger transport services, achieving social objectives for improving public transport infrastructure, the comfort of people within the responsibility of the relating municipality and overcoming social tensions in this area [1].

Among tasks of the administrative and legal regulation of public passenger transport services there is the development and implementation of legal norms that meet the positive and promising essence of social relations and provide: 1) the motion speed and design of vehicles (buses, etc.) safe for the health and life of passengers and other road users; 2) incentives for high-quality services provided by public transport; 3) around-the-clock schedules for the transportation of passengers by means of public transport; 4) differential rates for the transportation of passengers by means of public transport according to certain criteria; 5) advance audio and video information (on the monitor) about the next stop for passengers; 6) video information about the arrival time of a particular means of public transport on the main routes and stops within populated areas; 7) adherence to transportation schedules and the advantage of public transport on roads within populated areas; 8) the safety of drivers and conductors working in public transport; 9) the energy optimization of fuel consumption; 10) the inevitability of administrative and criminal liability for intentional damage to public transport and/or its infrastructure; 11) tax and other administrative preferences for public transport and Russian manufacturers of vehicles for the system of public transport [2]

The object of the administrative and legal regulation of public transport is activity aimed at meeting the needs of residents of some populated areas and legal entities operating within these territories in transport services for passenger and freight traffic.

In modern conditions, the administrative and legal regulation of public transport fulfills a number of important functions, namely: rulemaking; organizational and enforcing; resource-providing; goal-setting (forecasting and planning); controlling (supervisory); administrative and jurisdictional; improvement; ensuring the safety of vehicles in the area of municipal responsibility; accounting; planning and logistics; technical administration; coordination; preventive, etc.
Subjects of the administrative and legal regulation of public transport are as follows:

1) The central public authority in the sphere of transport relations is the Federal Transport Oversight Service (the Ministry of Transport of the Russian Federation);

2) Basic municipal bodies that perform key and related functions in the field of public transport: executive committees of local councils (their offices and departments) and local state administrations;

3) Authorized state bodies that specialize in certain areas of public transport relations, namely: ensure the safety of road users with the participation of public transport – the State Motor Vehicle Inspectorate of the Ministry of Internal Affairs of Russia (ensures safety on public road transport, urban electric, railway transport, state supervision (control) on safety issues on these means of transport, carries out traffic regulation);

4) Civil open society and social groups;

5) Public authorities of general competence: a) the highest – the State Duma of the Russian Federation and its Committee on Transport and Construction, the President of the Russian Federation, the Cabinet of Ministers of the Russian Federation; b) central – the Ministry of Finance, the Ministry of Economic Development, the Ministry of Labor and Social Protection and others; c) central law enforcement directions and/or with administrative and jurisdictional functions.

As a result, local councils, their chairpersons and executive committees should ensure the formation of full-fledged complexes (infrastructure facilities) in the field of public transport that do not need support from the central public authority, remain self-sufficient and are able to develop. [3]

Forms of administrative and legal regulation in the sphere of public transport represent the complex of means (methods) used by subjects of public administration to regulate the transportation of passengers and cargo, as well as other transport relations. Important forms of the administrative and legal regulation of the above-mentioned relations are as follows: the main one – the issue of general regulations and laws; the issue of non-regulatory public administration acts; the issue of permits, for example, licensing the carriage of passengers, dangerous goods and hazardous wastes by various types of vehicles; the control of carriers and other regulated subjects with respect to the fulfillment of licensing and/or other conditions defined in regulations and laws, including tasks and responsibilities. A special form of administrative and legal regulation in the sphere of public transport is the prevention and investigation of administrative offenses, as well as the registration of vehicles and certification of persons wishing to become drivers and carry passengers and/or goods.

Methods of the administrative and legal regulation of public transport is a system of techniques that purposefully influence the behavior of participants in transport and corresponding relations, public authority subjects (in the appropriate form and within the limits established by law) and aim to ensure the rights, freedoms and legitimate interests of passengers and other subjects of these relations. They have the following main characteristics:

- They determine how a certain legal phenomenon is manifested in the field of public transport;
- They mediate the implementation of power-organizational effects on the relevant objects and are characterized by a certain range of methods and means for the practical maintenance of order in the sphere of public transport used by the subjects involved in the process;
- The main purpose of methods of administrative and legal regulation is to specifically influence all the participants of administrative relations in the field of public transport;
They are based on rules of administrative law and should protect and guarantee the rights, freedoms and legitimate interests of all the subjects of these relations.

We consider coercion, persuasion and stimulation (tax, etc.) as basic methods in the sphere of public transport which form the special methods of administrative and legal regulation used by the public administration in this sphere (licensing, control, supervision, registration, etc.) [4].

3. DIRECTIONS FOR IMPROVING THE MECHANISM OF THE ADMINISTRATIVE AND LEGAL REGULATION OF PUBLIC TRANSPORT

One of the ways to improve the administrative and legal regulation of public transport can be the development and adoption of the Transport Code of Russia to replace the current Charter of motor transport and city ground-based electric transport [5], where public transport will be included in a separate section, or the separate Charter of public transport of Russia (hereinafter referred to as the Charter of public transport).

The Charter of public transport controls the sphere of transport activities within one or several administrative-territorial units consisting in the carriage of passengers and the provision of any other transport services by municipal carriers and/or on conditions determined by municipal authorities, including intermunicipal public authorities. Most countries do not have a unified transport code but use several transport codes for certain types of transport. For instance, the USA has a single transport code of October 17, 1978.

The Charter of public transport is presented according to the pandects of Justinian as follows:
1) The first chapter: general provisions – the subject, purpose and principles of legal regulation; definition of basic concepts;
2) The second chapter – information about passengers and their baggage, cargo; the transportation of children, pregnant women, elderly people, foreigners, disabled people (travel privileges, special facilities, information, etc.); fare (baggage transportation, freight rates);
3) The third chapter – standards of public transport, carriers, vehicles and infrastructure: types of vehicles (bicycles, electric vehicles, etc.); their technical characteristics (energy intensity, environmental friendliness), available comfort, the formation of personnel for public transport system (training, prestige, etc.); the logistics of passenger and other types of transportation made by public transport – regularity, observance of schedules and others; information systems and other components of the intermodal model of public transport; security options available on public transport;
4) The fourth chapter – public administration in the field of public transport: a) tasks and powers of central and local authorities in the field of public transport in settlements of different sizes; b) the mechanism of licensing, technical regulation, road safety, insurance, the tariffication of public transport services; c) a mechanism for controlling the observance of laws by carriers and other participants in public transport relations; g) law and order in the sphere of public transport; e) effective liability for any damage to the vehicles of infrastructure of public transport.

We of the article believe that the adoption of codified regulations and laws and the unified Charter of public transport or the Transport Code of Russia will lead to a uniform interpretation of the legal regulation of public transport relations and all other areas of transport and traffic; and will contribute to economic uniformity in the sphere of transport.

The advantage of the initial Charter of public transport is, firstly, an objectively smaller amount of legal relations settled with the Charter norms, which suggests that the creation of
such a charter will be faster and cheaper compared to the development of the Transport code of Russia; secondly, the creation of the Transport code of Russia is still necessary for the long term since it will include rules on the administrative and legal regulation of public transport.

An important direction for improving the administrative and legal regulation in public transport is the unification of public transportation standards for all populated areas. The maximum size of any given settlement should be dynamically balanced by the development of its transport system, both municipal and intermunicipal. Problems of small towns and urban-type settlements (including those located within 10 km of each other) should be solved through the introduction of efficient routes by private carriers or public utility companies.

The improved functioning of public transport will contribute to the development of public-private partnerships – the municipalization of public transport and the licensing of carriers. Most EU Member States and the European Commission consider a public-private partnership as an important tool for attracting additional financial resources to the sphere of public transport. They include investments in transport and road construction (the most common type of public-private partnership transactions), but these agreements were most prevalent only in the UK and Portugal, which had a positive structural impact on the entire road infrastructure [6].

The profitability of public transport should maximally contribute to the financial capabilities of city authorities. If municipal carriers are more efficient in the market in terms of "reasonable price – high-quality transport services", then they should work in the urban transportation market. In addition to passenger traffic, local budgets can be substantially refilled by efficient logistics calculations for the carriage of goods by means of public utility companies.

At the same time, private transport companies should be involved in all these types of services on those routes where utilities cannot provide the above-mentioned transport balance between quality and price. This second option should complement the work of utility carriers.

The most known method of the administrative and legal regulation in this market is to ensure fair competition of participants capable of providing high-quality transport services at an affordable price, according to popular tender procedures through electronic systems, in order to eliminate the corrupt interference of private companies in the work of municipal authorities.

After winning some tender, it is necessary to conclude contracts with an exhaustive list of requirements regarding the transport standards that the carrier must meet: compliance with the established safety and quality requirements for passenger transportation; technical and technological support of traffic management on routes; providing passenger transport and routes with appropriate information signs; ensuring the profitable work of a passenger carrier; operating procedures for management bodies and the carrier in the event of an emergency; liability and penalties for non-compliance with the contract terms, including the deprivation of the license to carry passengers for a year or more.

To establish violations committed by carriers, it is necessary to develop technological and organizational schemes for fixing these violations of the existing law so that the evidence base is of irrefutable importance for the administrative and jurisdictional body and the court that will punish the carrier.

The system of state and public control should include the following components: criteria for evaluating the work of any given enterprise; the determination of violations subject to financial or other sanctions; the procedure for monitoring and applying sanctions for each violation, etc.
Civil society must prove itself in the field of public transport through the creation of an appropriate All-Russian public transport organization having the authority to participate in the formulation and a dynamic increase of qualification requirements for urban carriers.

The key issues of this reform are also the affordability and standards of public transport services. The main areas of regulation should be based on economic mechanisms and control of safety and quality requirements of transport services.

Regulation primarily covers the following aspects: the formation of a market for services; the organization and control of road transport; ensuring the safety and quality of passenger traffic, as well as environmental safety; relations between carriers and customers (consumers of transport services). The customer of transport services should have the right to set additional standards determining the quality parameters of customer services and defined in the corresponding contract. Public transport standards should provide the greatest possible comfort for passengers. In this regard, it is possible to use the experience of Switzerland, which has become the recognized international standard of high-quality transport services provided to socially vulnerable groups of the population [7, p. 141].

It is also necessary to take into account such important factors as the environment and the capacity of existing roads. This issue can be resolved by prioritizing the use of electric transport, reconstruction and expansion of some streets and traffic interchanges, re-equipment of buses for gas-fuel operation. The optimization of the existing route network can be achieved by balancing the ratio of different types of vehicles used on urban routes.

The regularity of public transport routes and other parameters of the effective operation of its systems is possible only if there are interconnections between different carriers and means of transport. Nowadays the fundamental issue is to increase the number of public property in the complex of passenger transport. This result can be achieved by centralizing the management of urban traffic (the determination of routes, timetables, requirements for rolling stock and the quality of passenger services, etc.) in the relevant transport department of the local government. This centralization is typical of most cities in developed countries. In 2001, 15% of the inhabitants of Seoul used public buses. Since 2011, their number has exceeded 60% [7, p. 55].

The further development of public transport should be adjusted in accordance with the German model: an intermodal system that combines work schedules of two or more types of public transport, synchronizes and complements them providing clarity, speed and maximum financial benefits to carriers and passengers.

The integrated intermodal system of the Russian public transport is a way of ensuring the functioning of public transport in a certain territory (district, city, etc.), which means combining (intersecting) schedules of several types of urban transport (buses, trams, trolley buses, subway, trains) and creating clear systems of interconnected routes that carry passengers according to a unified fare, subject to a number of transportation conditions and regular intervals between these combinations.

This model deals with a low passenger capacity of public transport, complex and non-correlated schedules of its different types, unequal tariffs on different routes, difficulties in changing one means of transport to another due to poor transport infrastructure. As a result, more citizens will choose public transport instead of individual vehicles.

The ineffectiveness of the existing administrative and legal regulation is also manifested in the administration of public transport fares. We are convinced that the situation will not improve without the introduction of a unified automated system of public transport fares, which will allow considering the number of transported passengers by each carrier, along each route, time intervals of the largest passenger traffic (people eligible for benefits and their
categories) on a daily cashless basis; to determine other important parameters of public transport activities – financial costs of carriers, the regularity of routes, etc.

This system lets avoid an uncontrolled turnover of unspecified amounts of cash daily received by carriers in the form of a fare that can be used for corruption schemes in the sphere of public transport.

4. CONCLUSIONS
To further improve the administrative and legal regulation of public transport, we offer to develop the Charter of the Ministry of Transport taking into account the existing legislative framework, best practices and the enormous potential of lawyers who can be involved in this task. Following the example of the Federal Republic of Germany, it is possible to introduce an intermodal system of public transport.

We also propose to expand public-private partnership in the field of public transport, develop exact standards of passenger transport services provided by means of public transport and comply these standards in all residential areas.

REFERENCES