

User Rights in Passenger Transport

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1. Introduction

The agreements between users and providers of transport services are complex. In formal and regulated markets, agreements exist that are legally binding. However, in many informal markets common in developing countries, there are only broad consumer protection laws at best. This study reviews the different types of transport policies, consumer laws and contracts of carriage that determine transport user rights. First it identifies a hierarchy of general parameters of human rights through literature. Secondly, with the combined analysis of literature and primary data gathered through a questionnaire, it develops a framework of user rights in passenger transport. The study identifies the different service attributes that constitute satisfactory mobility and how the delivery of such expectations can be measured. These expectations have been classified under four headings, namely, the right to access, right of receiving the service offered, rights arising from unforeseen circumstances and the right to redress.

2. Literature Review

Discussion about human rights has gained much importance in the academic as well as political spheres. The Universal Declaration of Human Rights (UDHR), which is regarded as the primary document pertaining to human rights discusses a wide range of rights related to freedom such as those pertaining to equality, life, recognition, marriage, property, religion or belief, expression, assembly, governance, employments, leisure, education and culture. The traditional notion of human rights is further developed by later researchers by specifically bringing in the gender perspective, economic and social freedoms, political rights and participation in governance, moral obligations and legal institutionalisation. Thus, the general parameters of rights can be identified in a hierarchical pattern, until the level of ultimate liberation is reached.

The user rights in transport can be viewed as a subset within the large picture of human rights. Previous literature lacks any approach that discusses transport user rights as a whole. The current trend in literature has been limited to identifying the strengths and weaknesses of the existing legal framework regarding passenger

rights, or to evaluate the passenger needs within a specific sector. European Commission Transport Law can be considered as one of the most comprehensive passenger rights frameworks while Australia, Ireland and USA also provide legislation for the protection of transport user rights. Sri Lanka, like many other developing countries, has a strong legislative framework pertaining to rights in general, but the rights of transport users are not explicitly set out. Due to the complexity of the complaint and redressal processes many users refrain from seeking legal solutions. This lack of protection is also associated with poor governance issues and vulnerabilities of people.

3. Methodology

The crucial factors which affect customer satisfaction in public transport were identified as waiting time, service quality, cleanliness, comfort, reliability, driver kindness and vehicle quality. Availability of clear information is also a decisive factor for service quality. Another significant measure of transport improvement of a country is its accessibility by the disabled. Most developed countries have taken in to account passenger satisfaction and convenience when framing legislation regarding the passenger rights (Karsten, 2007; Government of Victoria, 2014; Irish Rail, 2008).

Based on information gathered from the previous studies and international models (dell'Olio et al., 2011; dell'Olio et al., 2010; Karsten, 2007), a questionnaire was developed in order to conduct a survey to validate these parameters. This questionnaire measured the attitudes and awareness of passengers about their rights, covering all modes of transport. The responses to questions were based on Likert scale from 0 to 5, 0 standing for the lowest and 5 for the highest ranking. The survey was conducted on an open participation basis. A total number of 180 responses from 17 countries were received. The data were analysed using excel software. The responses were analysed according to three criteria: developing versus developed countries; regular users versus non-regular users; and male versus female passengers.

4. Results and Discussion

While there were no significant differences in the responses depending on the gender, the other two categorisations showed substantial differences. Compared to developed countries, awareness as well as protection of rights is at a lower level in developing countries. Passengers in developing countries experience discrimination in accessing bus, rail and taxi services. They also face a number of difficulties in accessing the complaints and redressal procedures. Passengers from developing countries also face issues of safety and reliability in their encounters with fellow

passengers. It is evident in the data that regular users of bus and rail services are more aware about the availability of information on those services, user rights and redressal procedures. However, when it comes to delays and accidents, the refund and compensation procedures are quite difficult and unpromising for the passengers using bus, rail and taxi services in developing countries. The overall analysis highlights a significant difference in all aspects between users of bus, rail and taxi, and users of airlines and ships.

5. Conclusion

It is necessary to integrate passenger expectations into policy circles in order to ensure the rights of passengers are protected. It is important to ensure that passengers have adequate information about their rights and easy access to the rights-protection processes. The difference between developing and developed countries arises mainly due to the lack of awareness and of information.

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