Problems of legal regulation of public transport services in the context of digitalisation

V Yu Lantseva
Admiral Ushakov Maritime State University, 93 Lenin Ave., Novorossiysk, 353924, Russian Federation

Abstract. The current challenges of providing transport services to the public in the context of digitalizing all sectors of public life are quite acute. A particular challenge in this process is the adaptation of the legal framework. The study has identified an urgent need to revise the legal provisions stipulating the rules for the provision of transport services to the public, the specifics of legal liability for non-compliance with such rules, and the protection of the rights of transport service consumers. The research methodology consists of a combination of general scientific and special scientific (logical-legal, comparative-legal, historical-legal, legal modelling) methods of knowledge. The conclusions are of practical significance and can be used to develop methods for improving the legal regulation of transport services for the public in the context of the digital transformation of social life.

1 Introduction

The Transport Strategy of the Russian Federation [1] has identified the state’s key objective regarding transport development as strengthening the competitive characteristics of the domestic economy and the quality of life of the population and creating an environment conducive to economic growth by providing access to safe and high-quality transport services.

Defining quality criteria and standards, ensuring their widespread implementation, introducing innovative technologies, transforming the technological and regulatory framework and methods of state regulation of transport activities are the main conditions for improving the quality of transport services provided to the population.

Transformation of the legal framework should aim at harmonisation of legislation, international integration. This requires a revision of the regulations governing the quality of transport services to the public, accountability for non-compliance with such regulations, and features of consumer protection in transport services.

At the same time, special requirements for, first, persons with disabilities, second, connecting remote settlements with transport links, and third, ensuring the affordability of socially important transport services should be further developed as part of the regulatory framework. Accordingly, it is not only the minimum social transport standards that should be subject to state regulation but also the process of compensating transport organisations for losses arising from state-setting tariffs for the provision of transport services to the public.

2 Materials and Methods

* Corresponding author: lantseva.v@yandex.ru

The development of passenger transport in Russia is currently lagging the growing transport needs of the population. The consequences of the economic crisis have been a reduction in funding for the transport sector, a drop in the quality and availability of transport services to the public, and a depreciation and reduction in the number of rolling stock units. These phenomena are predictably causing aggravation of socio-economic problems.

Urban passenger transport has low or no cost-effectiveness. Thus, market mechanisms alone are insufficient to regulate its system, leading to increased regulation of public transport services by state and municipal authorities.

The conceptual problem with the legal regulation of transport services for the public is the archaic regulatory framework, which was formed during the Soviet period and does not meet the current realities of the transport services market.

Despite the existence of transport charters and codes in the Russian Federation regulating the provision of transport services to the public by mode of transport, there is currently no set of specialised regulations based on general principles and laying down standards for the provision of transport services to the public. Most of the existing regulations date back to the Soviet period and have not been comprehensively reviewed. Until now, there are references in the texts to the transport companies of the RSFSR Ministry of Transport as carriers.

This study involved the use of both general scientific and special legal methods (comparative law, formal-legal). The analysis of the legal framework governing the individual aspects of the provision of public transport services in the context of digitalisation that currently exists in the Russian Federation allowed for a formal-legal method of investigation. The comparative legal method of...
research has been used to identify gaps in legislation and conflicts of laws.

The theoretical basis for the study derives from scholarly journalistic sources and legal acts laying down rules for the provision of public transport services in the context of digitalisation in the Russian Federation.

3 Results and Discussion

The basis of the legal regulation of the provision of transport services to the public is constitutional. Every party to transport legal relations has several rights and freedoms that are recognised as of the highest value in the Russian Federation. They are characterised by inalienability and naturalness of origin. The transport law system contains provisions aimed at ensuring the most important constitutional rights: the right to life and the right to health care. Particular attention focuses on protecting such rights for the most vulnerable participants in transport legal relations – passengers.

The constitutional rights to life and health of passengers in the provision of transport services are implemented by stipulating conditions for ensuring transport safety. The fundamental act in this sphere of public relations is the Federal Law “On Transport Safety” [2, p. 837]. The process of ensuring transport safety in relation to each mode of transport is specified by the Government of the Russian Federation through the issuance of decrees. Legal regulation of road safety is also aimed primarily at protecting the lives and health of citizens. Federal Law “On Road Safety” establishes that, “one of the most important principles of road safety is the priority of life and health of citizens involved in road traffic over the economic results of economic activity.” [3, p. 4873]. Transport charters and codes also contain separate rules on passenger safety and health in certain modes of transport.

Cyber-attacks on transport management information systems have also recently become a subject of legal regulation [4, p. 110; 5]. The leap in information technology has created a new risk of potential threats to passenger life and health through attacks on information management systems for different modes of transport [6, p. 73]. The protection of vehicles and transport infrastructure against unlawful interference is ensured through the legal establishment of a procedure for assessing the vulnerability of such facilities. However, full protection of such facilities is not possible without coordinated cooperation between federal executive authorities in the field of transport [7, p. 82].

The constitutional right of an individual and citizen to freedom of movement can be exercised by obtaining transport services. There are also separate regulations on accessibility requirements for different modes of transport. For example, the boundaries of municipalities should be established considering transport accessibility to and from their administrative centres during the working day.

The right to freedom of movement of citizens, realised within the context of transport accessibility, implies a focus on the rights of persons with disabilities. The ratification of the Convention on the Rights of Persons with Disabilities has transformed several domestic legal provisions. The legal regulation of transportation of such citizens has undergone changes in terms of amendments to the Air Code and Railway Transport Statute and the adoption of relevant rules on inland waterways and road transport.

The legal acts regulating the provision of transport services to the public should be classified according to their content and divided into the following types:

1. Acts establishing a set of powers for state and municipal authorities in relation to ensuring the accessibility and quality of transport services for the public.


3. Acts setting out the specific procedures for providing transport services to certain categories of the population.

The first type of acts, first, it is necessary to refer to the Constitution of the Russian Federation [8, p. 4398], which enshrines that the exclusive jurisdiction of the Russian Federation includes federal transport and roads, the Federal Law “On General Principles of Organization of Legislative (Representative) and Executive Bodies of State Power of the Subjects of the Russian Federation”, the Federal Law “On General Principles of Organisation of Local Self-Governance in the Russian Federation.”

As for the second type of act, there is no specialised federal law setting out the basics of passenger transport services in the Russian Federation at this time.

Currently, the main source of legal regulation for the provision of transport services to passengers is the Charter of Road Transport and Urban Land Electric Transport and the Order of the Ministry of Transport of Russia “On Approval of the Rules of Organising Provision of Passenger, Luggage, Road Vehicles and Railway Rolling Stock Transport Services Using Ships Providing Communication between Sea Ports of the Republic of Crimea, the Federal City of Sevastopol and Sea Ports of Krasnodar Territory.” Nevertheless, the adoption of a legal act regulating the procedure for ensuring the accessibility and quality of transport services for the public is certainly advisable. The Charter also regulates the legal relationship arising from the provision of transport services to the public. The provisions of the Charter are more in line with modern economic realities, allowing the parties to establish legal relations through contractual regulation.

The Russian government has repeatedly attempted to fill this gap through targeted programmes. In the current period, the state programme of the Russian Federation “Development of the transport system” is in force [9, p. 340]. In particular, the federal draft programme “System-wide Road Sector Development Measures” contains a comprehensive sub-project on “Modernisation of Passenger Transport in Urban Agglomerations.” The implementation of the measures set out in the programme will effectively improve the accessibility and quality of transport services provided to the population.

The third type includes a much larger number of regulations. These include, for example, the Federal Law...


The state is digitising public services for citizens, including transport services [12, p. 67]. When designing and developing public services, it is necessary to anticipate different user scenarios to ensure equal access to transport services for all categories of citizens. Without access to technology for a variety of reasons, some people are at risk of losing public services as well, often those who are most in need of social support from the state.

In the era of the digital revolution, the digital divide (digital barrier, digital divide, digital divide) is an important concept. The term originally referred to the difference between the availability of technology in developed and developing countries. Over time, it has become clear that the problem is much broader and information inequalities can exist at different levels. Even in a technologically advanced region, it is possible to identify population groups that, for various reasons, do not have access to technology. It is possible to bridge the digital divide by ensuring the availability of technology, namely infrastructure (digital networks, internet access devices) and improving digital literacy of the population.

The topic of the technological divide and ensuring access to the Internet for all people, regardless of their characteristics and social status, is widely discussed in the international community. The International Telecommunication Union is a telecommunications and international community. The International Telecommunication Union is a telecommunications and radio advice organisation. This specialised UN office seeks to promote the accessibility of information and communication technology (ICT) to people with special needs.

In ensuring that citizens have access to technology in general and to the services and services provided by the state, it is important to address ethical issues in advance of the service or service design phase. These include combating discrimination in the provision of public services and ensuring access for groups of people who, for various reasons, cannot fully use the service (pensioners, people with disabilities, those who for some reason choose not to use modern means of communication or live in places where they are not accessible).

People with disabilities are not always comfortable using conventional items and services because they are not designed with their needs and abilities in mind. However, there are many more people with special needs than people with disabilities, appropriate user scenarios are needed for many: left-handed people, elderly people, pregnant women, people after trauma, etc. [13, p. 42]

Inclusion is the process of including all citizens in society. In Russia, when people talk about an inclusive (accessible) environment, they usually mean infrastructure: ramps, lifts, etc., but inclusion also means accessibility of digital products. Inclusion should cover all areas of a person’s life. An inclusive environment is an environment that ensures accessibility of opportunities regardless of a person’s characteristics.

It is the state’s task to create such an environment. When things and services are initially designed with different usage scenarios in mind, the product, function, option will be available to the person, even if their capabilities and needs change over time. If the service is designed to be accessible to people with disabilities (blindness, deafness, motor impairments), it will also be suitable for many people with different other life scenarios.

Major technology corporations Microsoft, Apple and Google have large-scale inclusive projects. Microsoft is one of the leaders in this field and the main promoters of the method.

The websites of public transport structures in Russia should be accessible to people with special needs, but adapting the website is usually only a matter of creating a separate version for the visually impaired, which is not enough to consider the needs of all people with disabilities. An example would be an eye or glasses icon to signify switching to the visually impaired version. In its absence, visually impaired people are unlikely to be able to use such a service. The visually impaired version requires a special layout, in which case the user can enlarge the font to the right size. It is recommended that audio content for the hearing impaired be captioned. For people with motor problems, it is important to be able to operate the site from the keyboard, without a mouse. The “visually impaired version” service does not meet any of these needs.

Accessibility of transport services for people with disabilities is not only a legal obligation but also a source of potential benefit for businesses.

Designing digital services at the outset with specific needs in mind avoids the cost of reworking the service later.

On GooglePlay, there is a free crowdsourced app called Be My Eyes that aims to improve the quality of everyday life for visually impaired people. Through the available online video call function, they can get instant help from sighted volunteers in everyday situations: checking if the light is off, identifying the colour of an object or the expiry date of a product, etc. The average session lasts about 2 minutes. Anyone with a smartphone can become a project volunteer by downloading the app and joining the community.

Public services provided digitally (e.g., on gouslugi.ru) should be accessible to people with disabilities. If the service allows all interactions to take place remotely, it saves the human and financial resources of government agencies. The accessibility of institutions
and services for persons with disabilities is currently hampered primarily by communication problems. Employees in state institutions do not always understand the specificities of people with disabilities, job descriptions often lack requirements for interacting with persons with disabilities, and employees do not receive special training in how to do so. As a result, the client himself does not want to find himself in an awkward situation and avoids such interactions.

In 2016, Russia ratified the UN Convention on the Rights of Persons with Disabilities. The same time, the Federal Law "On Amendments to Certain Legislative Acts of the Russian Federation on Social Protection of Disabled Persons in Connection with Ratification of the Convention on the Rights of Persons with Disabilities" was adopted, making access to facilities and services much easier for people with disabilities.

In terms of digital services, the situation is different: unfortunately, the relevant standard that exists in Russia in its current form does not promote accessibility. The international standard Web Content Accessibility Guidelines are based on the expertise of the international community and contain specific sections for developers and designers with examples of solutions for different digital products. Version 2.1 is now available in Russian.

Digital public services are relatively new. They were created with the expectation that potential users are digitally savvy and have devices on which to use such services. Lack of access to technology for some groups is part of the problem of discrimination, so the planning of public services should take this into account.

The number of internet and mobile phone users in Russia's largest agglomerations had reached the limit by 2015, according to the Digitalisation in Small and Medium-sized Russian Cities study. The share of citizens with access to the Internet will be further increased by providing modern communication services to small towns and communities, which is part of the objectives of the Information Infrastructure project of the Digital Economy of the Russian Federation national programme. There are 1,112 towns in Russia, of which 1,016 (91%) have populations of less than 200,000, and 36 million people live in towns with populations of less than 200,000 (a third of the total Russian urban population).

4 Conclusion

The development of digital services is related not only to infrastructure, but also to user culture, the practice of using modern digital services, and digital literacy. In the context of information abundance, digital literacy is not limited to computer and internet skills but involves the growth and expansion of a range of digital competences.

For Russians to be able to use digital public services, 100% of citizens should be able to do so (we are not talking about targets fixed in government programmes, but about the actual accessibility of digital services for every citizen).

However, the availability of an internet connection does not mean that this opportunity will be used. Not all citizens have devices that enable them to use public services: some cannot afford to buy them, some do not use them on principle, or think they cannot master modern technology due to their age, and for them it is also necessary to provide access to public services. Among the initiatives aimed at reducing the digital divide in this area is a rehabilitation programme for ex-prisoners, whose participants are given low-cost smartphones to facilitate their employment.

The important point is that the importance of the human factor is not diminished, but increased when public services are switched to digital services. The provision of a particular service, including a digital service, should be the responsibility of a person with sufficient authority. If such an employee is not available, the client may be trapped in a "vicious circle" of referrals or left alone in a vicious cycle of automated services.

The problem of access has been worked on at national level for many years, but it is now clear that the solution must be a comprehensive one. In addition to infrastructure development, there is a need to provide additional analogue access routes to digital public services. This is also relevant for "refuseniks" who for various reasons do not want to switch to digital services. When creating a digital service for users in one form or another, the analogue version of the service must remain. The entry in the electronic register becomes a legally significant document. This creates a kind of 'analogue interface' to the digital service - an alternative, non-digital access to the digital service. The service itself remains fully digital, but categories of citizens who do not have access to digital services receive its external manifestation in analogue form.

To summarise, we should note that when creating a system of digital transport public services, the needs of citizens who, for various reasons (e.g. technical inaccessibility of services), functional (lack of digital literacy, inaccessibility of services due to health conditions), do not have access to digital technologies cannot be ignored. Challenges to be addressed include bridging the digital divide between different social groups; providing an inclusive environment where access for people with special needs is envisaged at the design stage; ensuring human control of user interaction with the service; checking the accessibility of existing digital services; and providing alternative options for accessing digital services.

References

   Collection of Legislation of the Russian Federation 50(part IV), 8613 (December 13, 2021)


