



April 2014
AK Position Paper

Urban Mobility Package

About us

The Federal Chamber of Labour is by law representing the interests of about 3.4 million employees and consumers in Austria. It acts for the interests of its members in fields of social-, educational-, economical-, and consumer issues both on the national and on the EU-level in Brussels. Furthermore the Austrian Federal Chamber of Labour is a part of the Austrian social partnership.

The AK EUROPA office in Brussels was established in 1991 to bring forward the interests of all its members directly vis-à-vis the European Institutions.

Organisation and Tasks of the Austrian Federal Chamber of Labour

The Austrian Federal Chamber of Labour is the umbrella organisation of the nine regional Chambers of Labour in Austria, which have together the statutory mandate to represent the interests of their members.

The Chambers of Labour provide their members a broad range of services, including for instance advice on matters of labour law, consumer rights, social insurance and educational matters.

Rudi Kaske
President

More than three quarters of the 2 million member-consultations carried out each year concern labour-, social insurance- and insolvency law. Furthermore the Austrian Federal Chamber of Labour makes use of its vested right to state its opinion in the legislation process of the European Union and in Austria in order to shape the interests of the employees and consumers towards the legislator.

All Austrian employees are subject to compulsory membership. The member fee is determined by law and is amounting to 0.5% of the members' gross wages or salaries (up to the social security payroll tax cap maximum). 560.000 - amongst others unemployed, persons on maternity (paternity) leave, community and military service - of the 3.4 million members are exempt from subscription payment, but are entitled to all services provided by the Austrian Federal Chambers of Labour.

Werner Muhm
Director

Executive Summary

It is the view of the European Commission (EC) that although the cities of Europe – in which 70% of the EU populations live and over 80% of the EU's GDP is generated– are connected to each other by one of the best transport systems in the world, mobility within cities is becoming increasingly difficult and inefficient. The EC believes that urban mobility will continue to be based to a large extent on conventional fuel-driven cars and that the shift towards more sustainable means of transport will progress only slowly. According to the EC, around 23% of total CO₂ emissions from traffic are produced in urban areas. It is therefore calling for cities to make greater efforts to reverse past trends and to contribute towards the goal of reducing greenhouse gases, which the Commission has formulated in its White Paper on Transport¹. In order to support cities, the EC's intention is to promote the exchange of best practices, to provide targeted financial support (through the European Structural and Investment Funds) and to invest in research and development in the field of urban mobility.

¹ COM(2011) 144: By 2050, a reduction of greenhouse gas emissions of 60% compared to 1990 should be achieved in the transport sector. As an intermediate target, a reduction of 20% compared to the 2008 level is sought by 2030.

It is the view of the Austrian Federal Chamber of Labour (AK) that the legitimisation with which the EC is arguing for an intervention into urban transport policy should be questioned and it is also unclear which cities are actually addressed by the EC initiative, because the EC has not made any definite statements on this matter. In addition, it must be noted that the proposals put forward relate to non-binding guidelines, databases of best practice examples, exchange forums etc. and thus there will be no mandatory implementation for individual Member States or cities. At the same time, in the communication, the appendix and the working documents², a number of problem and action areas (e.g. noise and exhaust emissions, road safety, the use of intelligent transport systems) are discussed that are already covered by existing regulations, although only slow progress is being made in terms of implementation, or revisions to the legal framework are not being addressed. It is the view of the AK that a targeted approach to these unresolved points would be a more promising way forward than developing a completely new policy that is not even binding.

² SWD(2013)913 annex, SWD(2013)524, SWD(2013)525, SWD(2013)526, SWD(2013)527, SWD(2013)529

The AK position in detail

Below is the AK's assessment of the questions arising from the debate of 14.3.2014:

Question 1: Assessment from a transport policy perspective¹

The organisation of urban mobility comes under the remit of the relevant local authorities according to the principle of subsidiarity. In the summary of the impact assessments², the EC states that the right of the EU to implement measures in the area of urban transport would arise from Articles 90 and 91 of the Treaty on the Functioning of the European Union (TFEU) - which contains provisions on common transport policy - and from Articles 170 and 171 of Title XVI of the TFEU on trans-European networks. Moreover, it believes that EU measures are needed in the field of urban mobility because, as integral elements of the European transport system, urban transport systems are also of significance to the common transport policy. As the transportation of goods or people usually starts and ends in a city, according to the EC, the urban dimension of the TEN-T should not be overlooked.

Consequently, the EC initiatives under the title "Together towards competitive and resource-efficient urban mobility" (Urban Mobility Plan) are targeted at urban nodes of the trans-European

¹ "What are the Ministers' views on the Sustainable Mobility Planning (SUMP) as suggested in the Communication, with the collaborative multilevel and synergy approach taken?"

² SWD(2013) 529

transport network. The urban nodes of the core network in Austria addressed by the EC are therefore Vienna, Vienna Schwechat, Graz-Werndorf, Enns and Wels and the urban nodes of the overall network affected by this are the cities of Graz, Innsbruck, Klagenfurt, Villach-Fürnitz (freight terminal), Krems (inland port), Linz, Salzburg, Wolfurt and Wörgl³.

None of the other medium-sized and small cities, or the provincial capitals of Bregenz, Eisenstadt or St. Pölten are the focus of the EC initiatives, meaning that they do not apply to around two-thirds of the Austrian population located outside the cities specified. Before the EC pursues these initiatives further, the AK therefore believes it is necessary to communicate more precisely which cities or even types of cities or city sizes the EC actually wants to address with its plans; in the conclusions at least, it talks about "all cities".

Even the title of the communication is unclear with regard to competitiveness: In what ways should mobility be competitive and who should compete against whom: between individual cities or between town and country? Thus, it would be assessed as positive if the cities vied with each other over which had the best air quality or which offered the best working conditions for transport staff. However, the EU Commission clearly means primarily ensuring the unrestricted transport of goods and people in and between cities.

³ Regulation 1315/2013 Union guidelines for the development of the trans-European transport network

In the AK's view it should be noted with regard to Austria that the Federal Ministry of Transport, Innovation and Technology (BMVIT) takes a much broader approach with regard to transport policy. In 2013, Federal Minister Bures formulated specific objectives within the overall transport plan for ensuring a more socially responsible, safer, environmentally friendly and efficient transport system, including strategic implementation concepts and specific implementation measures. As well as taking into account the mobility needs within cities, where about 29% of Austrians live, objectives and framework conditions are also formulated for suburban areas (more than 42% of the population) and rural mobility (affecting approximately 29%). The focus here is on social aspects, i.e. affordable mobility for all based on need, accessibility and intermodal hubs for passenger transport. With regard to freight transport, Austria, unlike the EC, expresses itself decidedly in favour of a shift towards rail.

The AK believes that this means that many problems the EC describes are already well-known and are dealt with in a more committed way in the context of the implementation of the objectives of the overall transport plan than the EC is planning.

With regard to the federal capital, it should be noted from the AK's point of view that the assessment in the EC communication that mobility within cities is becoming increasingly difficult and inefficient is not true for Vienna.

Vienna has a high-quality, effective public transport network made up of buses, trams, underground and overground trains. Ongoing network expansion, investment in existing infrastructures, renovation work, tariff changes (e.g. tariff reductions with the annual

ticket) and service enhancements, such as increased frequency, contribute towards a high level of acceptance of public transport in Vienna. The trend towards increasing use of public transport that has been evident in Vienna for years is continuing and can be seen in the choice of transport means, high passenger numbers and in ticket sales.

Vienna is a pioneer in terms of its modal split. As many as 39% of the journeys made by Viennese people take place on the underground, bus and tram. The share of public transport has risen steadily since the 1990s (+10%), cycle traffic has doubled (currently at 6%) and pedestrian traffic is stagnant at a high level (28%). The proportion of car journeys has fallen significantly in the last twenty years (by 13%) and stands at 27%. The car ownership rate is declining. Promoting environmentally-friendly forms of transport is a defined objective of the City of Vienna.

However in the regional context, i.e. where transport goes beyond the city limits, there is a need for modernisation and for greater coordination between the local authorities with regard to sustainable and resource-efficient mobility. The support promised in the communication for the development of a concept for urban mobility intended to ensure coordinated measures on a regional level is therefore welcomed – as the first stage of an integrated regional transport policy, a coordinated transport concept between the provinces of Vienna, Lower Austria and Burgenland is currently being drawn up.

In the AK's view, it is evident that the measures called for in the Commission's White Paper confirm the objectives and measures of the transport master plan of 2003/2008, as well as the STEP 2014 and the preparation of the technical transport

concept that is currently under way.

A (European) goal for sustainable mobility, in the sense of strengthening and promoting cycle and pedestrian traffic, achieving a high-quality, affordable public transport system, reducing the amount of motorised private transport and thereby enabling a better quality of life in the city, is basically welcomed. However, implementation and design in the urban transport sector is the responsibility of the city authorities.

Question 2: How can the different funds and financing best be coordinated?⁴

In the AK's view it should be noted that in Austria, the fact that a single ministry (BMVIT) has responsibility for the areas of transport, innovation and technology and therefore the promotion of research is located within the BMVIT, helps to harness corresponding synergies. The initiative of the Commission to target structural fund resources more towards implementing a sustainable transport system is welcomed.

Question 3: Other issues and measures to be considered⁵

4 "How could the various funding mechanisms such as structural funds, research funds at EU and national level as well as the private sector financing be best used and coordinated/blended to put in place an Urban Mobility strategy?"

5 "Do Ministers consider that in addition to urban logistics, access restriction schemes, road user charging, urban ITS and road safety, there are any other priority issues/measures not covered by the Communication, which should be considered/taken into account at an EU level?"

Urban mobility plans form a kind of political programme for a municipality or a region and, following their adoption, provide local authorities with guidance on how to implement strategies for urban mobility. In a number of European countries and cities, these are common practice, and the Commission intends to promote such plans for sustainable urban mobility as the cornerstone for urban mobility policies in the future. There are guidelines with specific suggestions for the implementation of strategies for urban mobility with regard to assessing the current situation and possible elements relating to the future of mobility in the urban area concerned. Although trade unions and workers representatives are not specifically mentioned, the guidelines imply that *"the local planning authority should involve the relevant actors - citizens as well as representatives of civil society and economic actors - from the outset and throughout the development and implementation of the plan in order to ensure a high level of acceptance and support."*

Fundamentally speaking, it should be noted that urban transport is sustainable if measures are taken to reduce motorised private transport. This can be achieved both by increasing the attractiveness of public transport, cycling and walking and also by implementing restrictive measures for motorised private transport. Only a combination of both measures ultimately leads to success.

Regarding both types of measure, it should generally be noted that their implementation is heavily dependent on local decisions, not least because of the principle of subsidiarity. The regional authorities that are striving for more sustainable development do so even without the support of the Commission. The regional authorities that see unlimited car transport as the solution

to their mobility problems will continue to do so in the future.

Regarding the content, a criticism that should be raised is that the Commission, as well as the vision in the White Paper on transport, sees the (growing) volume of traffic as a given and does not address the subject of traffic avoidance at any point. Here, in addition to the shift to more energy-efficient means of transport and the use of sustainable forms of energy, another essential component for improving safety and the quality of life in cities is avoiding unnecessary traffic. In the AK's opinion, the Commission's proposal also ignores the important bases or areas of responsibility within sustainable urban development: city planning and public health.

Generally, the key concern is to distribute the scarce public space in cities in a fairer, more ecological and more socially responsible way. In most European cities, car drivers are a minority, but take up most of the available road space. This calls for a redistribution on two fronts:

(1) Within traffic areas, a higher proportion should be given over to environmentally-friendly forms of transport (walking, cycling, public transport).

(2) More space should be made available for parks, playgrounds, recreational facilities and outdoor restaurants, rather than car parks and roads.

The Commission continues to support the basic assumption that everything must be done to promote the free transport of goods and passengers. In this context, the fact that the EC wants to encourage the growth of e-commerce, or more precisely online trade, and the associated delivery traffic, instead of finally curbing anti-competitive prac-

tices in this area, should be criticised. Countless documents make it clear that this industry generates a substantial proportion of its success and its profit on the basis of wage and social dumping⁶ and the circumvention of trade and tax regulations. This includes the bogus self-employment status of delivery agents, the miserable working conditions and pay practices in the large logistics centres and the numerous exemptions (e.g. from the obligation to fit tachographs or from lorry vehicle bans) for lorries weighing less than 3.5 tonnes. Another fact that is also ignored in the euphoria is that it undermines regional economic activity, causing local supply to decrease, which ultimately makes it impossible to create cities with short transport routes. It should be noted that the postal and parcel services sector represents a growing traffic problem because the cut-throat competition leads to inefficiencies (multiple attempts to deliver) and road safety problems (badly parked delivery vehicles, overtired drivers under time pressure, etc.). This calls for action and, particularly in the context of these experiences, the AK is strongly critical of the fact that the issues of employment and working conditions in the urban transport sector are not on the EC's agenda.

We have no objections to the efforts of the Commission to offer examples of best practice in urban logistics or to undertake analyses. The examples quoted should also include construction site logistics (= lorry traffic avoidance by sorting of construction waste and optimisation of supply traffic). Municipal authorities have effective leverage in the form of building plot use and housing subsidies. The municipality of Vienna has some model demonstration projects that it can put forward www.zeit.de/2012/23/Wallraff-Paketzusteller

⁶ <http://www.zeit.de/2012/23/Wallraff-Paketzusteller>

rumba-info.at. Many areas of urban logistics could be converted to electric mobility using current technology (taxis, postal and parcel services, retail deliveries, freight trams etc.). If cities want to make the implementation of these and other measures (e.g. bundling of deliveries) compulsory, they may easily come into conflict with the applicable competition law and be exposed to accusations of discrimination. This calls for changes to the EU legal framework.

On the issue of urban logistics, it has been suggested many times that a large part of the urban transport of goods could take place at night to reduce traffic congestion. This cannot be done without considering the consequences for the employees concerned with regard to working conditions and the reconciliation of work and private life. The impact in terms of noise pollution must also be taken into account.

With regard to the issue of air quality, it is right, in our view, that emission standards have been tightened in recent years. However, the Commission communication fails to mention that the “real emissions” of modern passenger cars, buses and lorries (Euro 4 and 5 standards) in the case of nitrogen dioxide (NO₂) have increased, in some cases dramatically. This is due to the EU-standardised certification procedure which is partly based on unrealistic assumptions. Many problems in urban areas (e.g. non-compliance with EU ambient air pollution limits for NO₂, health problems) result from this regulatory failure of the Commission. Unfortunately, up to now, it has still not got to grips with this regulation issue⁷.

⁷ The AK would be happy to provide the relevant measurement results from the Graz University of Technology on request

Similarly, the Commission has been putting off the definition of new emissions standards for off-road equipment (construction machinery, diesel locomotives, inland navigation, tractors, etc.) since 2006 (!) and is making no effort to introduce regulations requiring the certified retrofitting of exhaust gas treatment systems on these machines, which have high emissions.

With regard to personal mobility, the Commission fails to take into account the issue of social sustainability. In our view, electric mobility will continue to be a programme for elite minorities for a long time to come due to the high costs involved, and does not solve the issue of urban space constraints. In addition, it should be emphasised that the promotion of alternative forms of energy for transport in itself does not affect the volume of urban traffic nor does it necessarily result in positive environmental effects. To control traffic requires subsidies and measures to create a high-quality range of public transport options (in particular local trains and trams) and to promote walking and cycling, as well as measures to reduce motorised private transport. In this respect, measures promoting environmentally-friendly forms of transport (public transport, cycling, walking) are much more socially equitable and sustainable than funding programmes for converting private vehicle fleets. Another aspect that should be mentioned in this context is that of gender equality and equal access to mobility for diverse sections of the population, which is likewise only mentioned in passing in the Commission papers. The affordability of necessary passenger mobility, such as that of commuting to work is not addressed in the Communication. Commuting journeys must be achievable with a reasonable cost-time ratio.

Another issue not touched on in the EC Communication is the problem of suburban sprawl. The increasing population in the areas surrounding cities is leading to a sharp rise in the number of commuter trains. Whereas public transport in cities themselves is usually very well developed, it lags behind in the surrounding areas. Many urban transport services only operate as far as the city limits. In the AK's view, the reason for this lies in PSO Regulation 1370, which heavily limits what constitutes an internal operator and what they are allowed to do. In order to avoid mandatory tendering processes, with all their disadvantages (e.g. social dumping), many cities therefore restrict their public transport services to within the bounds of the city. The PSO Regulation should be more flexible in this regard. A general criticism that should be made in this regard is that the Commission demands more quality in public transport in its plans on urban mobility, yet at the same time inhibits the scope of the public sector to organise public transport through initiatives such as mandatory tendering and price competition in terms of the cheapest providers (PSO, 4th Railway Package) and thus tries to undermine it.

Congestion problems may cause significant problems in some cities (London, Paris, northern Italy), but in Austria, traffic-flow problems (e.g. south-east tangent of the A23) are showing a downward trend. Congestion problems due to motorised private transport can also be solved by the creation of high quality public transport systems. Moreover, there is still potential for improvement in public transport in all urban metropolises.

With regard to all approaches proposed by the EU regarding "urban road charging", the AK categorically emphasises

subsidiarity. As a workers' representative, the Austrian Federal Chamber of Labour (AK) would like to point out that commuters make their journeys to work in the peak hours due to the working hours set by employers and therefore have few alternatives in terms of what time they travel.

ITS are, by definition, systems in which information and communication technologies are used in the field of road transport, including infrastructure, vehicles and users, as well as traffic management and mobility management, and interfaces with other modes of transport. These systems are used to support the planning of urban mobility, the management of specific transport operations and the provision of dynamic (real time) information to the authorities, and possibly to users, so that decisions about mobility can be made in full knowledge of the facts. The AK points to the fact that these already operate under the heading "smart" telematics projects, under the umbrella of "Intelligent Transport Services". In addition, the AK notes that ITS should never be used as a pretext for introducing equipment for companies to rigorously monitor transport employees and to put pressure on them.

In many European cities, rules on access for motorised private transport to certain parts of the city have been adopted (congestion charging, green zones) or different forms of parking area management have been implemented. The Commission stresses that there are a bewildering array of regulations that are applied not only among Member States but also within the same country. A proposed solution to this is to work with Member States to overcome this fragmentation, taking into account the different needs and characteristics of urban areas.

Standardising road signs throughout the EU may be a positive step forward, but must not restrict city-specific solutions. In the AK's view, however, it must be noted that an EU initiative to harmonise the components of low emission zones (including car badges, traffic signs, official procedures) comes at least five years too late. There are already "designs" in place in Austria, Germany, the UK and Italy, so any harmonisation changes will face strong opposition from the authorities concerned. The introduction of urban access rules has led to good results in terms of reducing congestion and CO2 emissions in the cities concerned, but must be accompanied by a significant increase in public transport services, which should in turn be provided under fair working conditions. Moreover, such access restrictions should not lead to social exclusion by favouring wealthy drivers. For professional drivers in international road transport, reliable information systems on emission-related vehicle bans in all the EU countries could be useful. However, this is not true in the case of drivers of private cars.

The Commission stresses that safety must be improved in urban road transport as the majority of fatalities or serious traffic accidents take place in urban areas and involve vulnerable road users (pedestrians, cyclists). In the AK's view, the safety of public transport workers must also be adequately taken into account in this context, because they spend all of their working hours on the road at the controls of vehicles.

The AK points out that any modal shift from motorised private transport towards more environmentally-friendly forms of transport also results in greater road safety. This calls for an expansion of public transport and a more attractive infrastructure for walking and cy-

cling. This additional infrastructure can only be established at the expense of roads and car parks.

In the AK's view, the onus is on the EC to propose measures for ensuring compliance (directive on minimum checks) and for more effective penalties. The aim here should be to protect pedestrians and cyclists, who are the most vulnerable road users in congested urban areas.

To sum up, the AK is of the opinion that instead of presenting well-known problems and action areas under a new guise, the EC must finally work towards implementing the recommendations on health protection (noise, exhaust fumes, etc. of WHO and the EC itself) and relating to the social conditions of transport workers (e.g. obligatory use of tachographs from 2.8 tonnes). It is necessary to formulate a clear commitment to the absolute priority of health protection over the economic interests of "transport" and to establish appropriate compulsory measures, such as vehicle bans. Although usage charges may be a way of reducing traffic, they should nevertheless be rejected because they are not socially equitable and therefore breach the rules on sustainability.

Should you have any further questions
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