

# Introduction

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Do better passengers' rights strengthen customer satisfaction and lead to more passengers, and ultimately to growth and improvement in public transport? Or do enforceable passengers' rights weaken already loss-making transport companies? This book gives clear, documented answers to these questions central to the future and the potential of public transport: In almost all cases that passengers' rights have been codified and enforced, the number of passengers has increased, the image of public transport and of transport companies has improved; and despite additional expenses, the economic situation of the transport industry has improved as well. A discerning view shows that, particularly in long-distance transport, extensive reimbursement regulations have proved of value; while local transport still has little experience with major compensatory services.

This book builds on around five years of European comparative research by the nexus Institute about the customer's position in public transport. In the context of Europe, it comparatively documents the widespread rise of passengers' rights in several countries, as well as the direction of the path before us, which in the meantime has started to seem irreversible. According to the authors' predictions, it will lead to a broader strengthening of public transport in Europe.

In recent years, the most important motor for the strengthening of passengers' rights in Europe has been the European Commission, thus strikingly demonstrating its citizen-orientation. The EU Commission closely observes individual improvements on the national level and uses them as arguments for the development of new supranational instruments.

The second topic of this book is passenger participation in service design. There is a connection, if only indirect, between passengers' rights and passenger participation. Both areas address a new appreciation of the passenger: the identification of the passenger as a customer with enforceable rights instead of merely something that is transported, and the inclusion of passengers as collaborative counterparts and decision-makers in identifying weak points and developing proposals for the improvement of the public transport system.<sup>1</sup> *Passenger participation and passengers' rights have significant overlapping areas, and both have a common overall goal of strengthening public transport.*

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1 A good overview of participatory practices in transport is provided in the report of the EU project GUIDEMAPS (Gaining Understanding of Improved Decision Making and Participating Strategies). A handbook was also produced (Kelly et al. 2005), which can be ordered free of charge.

Both approaches are still relatively new in public transport. In its combination of passengers' rights and passenger participation, this book is the first substantial work about this topic. It is truly astonishing that an issue so important for the future of public transport has to date been so neglected.

This book approaches the topics of passengers' rights and passenger participation from not only a comparative transport political perspective, but from judicial and socio-political perspectives as well. The transport political dimension has already been addressed. The judicial perspective particularly emphasizes the necessity of enforcing passengers' rights as customers in relation to their contractual partner, the transport company. This perspective is important and fully justified, but not without its own dangers. *Justitia non calculat* (jurisprudence does no accounting). This old legal motto could be radically applied – in local transport for instance – to passengers' rights, which many transport companies fear will undermine their basic economic conditions. They refer to legal consumer protection in the United States, which has endangered some commercial sectors due to indemnity claims that are sometimes exorbitant. This certainly has a tradition in the USA. In the first decade of the twentieth century, railways were so weakened by cartel bans and law suits that they almost had to completely give up their fight for passenger transport against competition on the streets. In Europe, the fears that a strengthening of passengers' rights could weaken the position of transport companies is, however, not empirically demonstrable.

From a socio-political perspective, it is overall desirable to strengthen civic involvement in public commodities. Public transport is a public commodity. Just as the judicial perspective places passengers' rights at the centre, the socio-political perspective emphasizes passenger participation.

Passenger participation is about the development and adaptation of new, more customer-oriented transport systems and the development of solutions that often occur more easily to the customers than to the experts. Customers are experts, so to speak, in their own affairs – and this is not limited to the design of seats, etc. Customer participation is becoming increasingly important for the development of new and better services in many sectors. In the 1950s, it was often sufficient for the planning and development of new transport services if transport engineers and planners acted on even their own instincts. Today, technology developers and transport planners have to consult their customers, because post-industrial society has become more starkly divergent, and because engineers and planners themselves often no longer reflect the mainstream of society. The technology historian and innovation researcher Ulrich Wengenroth<sup>2</sup> calls them the 'farmers of the twenty-first century'. We need farmers in industrial society as well, but they are no longer the core of the society.

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2 Wengenroth (2001).

The inclusion of passenger associations is also part of customer participation. It is a sad situation that the over a hundred passenger associations in German-speaking countries alone often have a latently tense relationship with transport companies. What should be aspired to, in contrast, is a relationship like that between a supporters' club and the management of a well-lead football organization.

Chapter 1 provides a brief introduction to the topic of 'passenger interests'. The book then proceeds in four main parts: two main sections (Chapters 2 and 4) are focused on passengers' rights and passenger participation, complimented by a section (Chapter 3) on quality management, and a section (Chapter 5) on European comparison. A short sixth chapter provides conclusions and perspectives for further development.

The aim of this book is to provide both analysis and advice. Hence each chapter can be read on its own, and due to the fact that there are links between different issues in practice, some are addressed in more than one location. As the present version of this book is based on a similar text for a German readership, the German situation is used to illustrate some of the issues raised in the following chapters. However, case studies and good practice examples from around Europe are included in Chapters 2 to 4 as well.