



PROPOSAL FOR A SUSTAINABLE MOBILITY BILL

Title I

General Dispositions

Article 1. Object

This law establishes the principles and objects for the management of mobility of persons and goods based on sustainability and safety principles, and defines the adequate instruments and means that shall guarantee sustainable mobility based on such principles.

Article 2. Scope

This law shall apply to mobility carried out by any means of land transport in the territory of Spain.

Article 3. Definitions

For the purposes of this law:

- a) Accessibility shall mean the ability to arrive safely to places of residence, workplaces, healthcare, social, service or leisure places from the perspective of quality and availability of infrastructures, mobility networks and transport services.
- b) Public Transport Authority (PTA) shall mean public organization responsible for planning and management of public transport in metropolitan areas.
- c) External costs or externalities of transport shall mean social and environmental effects or combined costs of the transport system that are not integrated in operation costs and include the costs of traffic congestion, air and acoustic pollution, costs derived from accidents and their consequences, costs of the use of public space, costs of the use energy, costs of resources used in the development and operation of mechanized transport, costs of the direct impact on the territory and on biodiversity, as well healthcare and occupational health costs.
- d) Journey shall mean an itinerary with specific origin and destination that involves the use of one or several means of transport and can be divided into sections or stages.
- e) Mean of transport shall mean a set of homogeneous technical instruments and devices used for the transport of persons or goods that includes travelling on foot.
- f) Mobility shall mean a set of journeys made by persons and goods for reasons of labour, training, healthcare, social, cultural, leisure activities or any other purpose.
- g) Sustainable Mobility shall mean the mobility completed within a given period of time with a reasonable cost and minimum negative effects on the environment and the quality of human life.

- h) Collective transport shall mean transport shared by several persons.
- i) Public transport shall mean transport services for the population whose price is approved by a competent public authority.

Article 4. Principles

This law is inspired by the following principles:

- a) Encouragement to reach sustainable mobility.
- b) Citizens' rights to accessibility in safe and adequate conditions with minimum environmental impact.
- c) The organization of a sustainable system for the distribution of goods.
- d) Priority to means of transport (for both persons and goods) with less social and environmental costs.
- e) Promotion and encouragement of public and collective transport and other transport system with low or none environmental impact, as travelling on foot or cycling.
- f) Cooperation between different transport authorities and sectoral administrations aware of transport needs and involved in the design and development of transport policies.
- g) Participation of social partners in decisions that affect citizens' mobility.
- h) Adequate distribution of initial investment and management costs, including the participation of companies in the funding of infrastructures and service they will benefit from.
- i) Promotion of sustainable urban development and rational use of territory reducing mobility needs of persons and goods.
- j) Compliance with international agreements for climate preservation related with mobility.

Article 5. Aims

The present law aims at:

- a) Integrating economic, urban development and policies to minimize daily regular journeys and guarantee full accessibility to workplaces, homes, cultural, social, healthcare, training or recreational facilities in the safest way and with the minimum environmental impact.
- b) Gradually adequate the system of charges and direct tariffs (fares) on mobility to a plan that integrate externalities and balance private and public transport in terms of production costs and system use, as well as granting a regulation of accessibility to urban centres that encourage a more rational use private vehicles.
- c) Conferring priority to public and collective transport, and other low impact systems as travelling on foot and cycling.
- d) Improving the efficiency and quality of transport services.
- e) Meeting the mobility needs of citizens and commercial flow in terms of adequate capacity, quality, safety and sustainability.
- f) Meeting mobility conditions required by disabled and physically challenged citizens.
- g) Establishing coordination mechanisms to optimize collective (public, school or company) transport
- h) Promoting more environmental forms of transport, especially non-mechanical traction modalities, like travelling on foot or cycling.

- i) Promoting innovative systems to favour a more rational use of private motor vehicles like carpooling or car sharing.
- j) Promoting integration of fares for public transport systems in metropolitan areas, as well as financial measures to promote the use of public transport.
- k) Adjusting transport systems to demands in areas with lower population density, especially rural areas and regions located outside cities and urban centres and ensuring their connection with urban centres.
- l) Adjusting collective transport systems to demands in industrial estates and areas with considerable business activity.
- m) Reducing traffic congestion in urban areas through incentive measures, the promotion of public transport and measures that act as deterrents to the use of private vehicles in urban centres to improve air quality in those areas.
- n) Improving the regular speed of public transport.
- o) Correcting traffic patterns and demanding compliance with regulation on the prevention of air and acoustic pollution, especially in municipalities whose registered population exceeds 20,000 inhabitants.
- p) Promoting actions to improve road safety and reduce traffic accidents rates.
- q) Reviewing transport services and infrastructure policies on the basis of sustainability criteria to make a more rational use of road space and ensure an adequate share for each transport system and modality, adjusted to their characteristics and to the principles of this law.
- r) Gradual introduction of computer technology and Internet resources into the management of mobility in order to achieve a rational, organized mobility that meet citizens' needs.
- s) Promoting the building of park and ride (incentive parking) facilities for cars and motorcycles in railway and bus stations and around central bus terminals to favour social exchange; and in access to metropolitan areas with sufficient capacity to meet users' demands and adequate parking fees; promoting the construction of safe parking facilities for bicycles in railway and bus stations.
- t) Expediting the definition of policies that favour a balanced and sustainable development of freight transport, meeting the demands and reducing its impact, especially through the promotion of intermodal freight transport with other means as railways or maritime transport.
- u) Promoting intermodal freight transport by funding the different regions and the basic axes that connect the necessary infrastructures.
- v) Promoting the efficient use of energy resources in order to reduce greenhouse emissions and comply with international treaties on climate change.
- x) Promoting an intense environmental education programme on sustainable mobility.
- y) Promoting and encouraging the use of low environmental impact fuels, especially in collective and urban transport.
- z) Connecting urban planning with public transport propositions.

Article 6. Functions of Central Government Agencies

Central government agencies shall:

- a) Draft and approve the Strategic Plan for Transport and Infrastructure, sectoral plans with national scope and guidelines for sustainable mobility.
- b) Promote coordination between regional governments and local institutions.

- c) Set the common goals of transport policy.
- d) Guarantee coordination between different transport modalities.
- e) Contribute to the funding of transport infrastructures and sustainable mobility efforts.
- f) Represent Spain in equivalent international organizations.

Chapter I

Instruments of implementation

Article 7. Strategic Plan for the Development of Infrastructure and Transport

1. The Strategic Plan for the Development of Transport and Infrastructures (SPDTI) is a government tool for mid-term planning of transport. The plan outlines a stable framework for the development of transport policies for both infrastructures and services. It seeks to develop active coordination with the rest of government agencies based on the principles, objectives and guidelines stated by this law.

Article 8. Sectoral Transport Plans.

1. Authorities shall develop sectoral transport plans based on SPDTI and on the principles, objects and guidelines stated by this law. Sectoral transport plans will have a shorter duration than SPDTIs.

2. Authorities shall adopt at least the following sectoral plans:

- Sectoral highway plan.
- Sectoral railway plan.
- Sectoral road transport plan.
- Sectoral plan for the development of maritime transport and port facilities.
- Sectoral plan for air transport policies.
- Innovation programme for transport.
- R+D+i programme for transport.
- Programme for the promotion of non-motorized transport.

3. Intended investment for the SPDTI in urban and metropolitan areas will be subject to previous approval of **RSMP** and **USMP**, and to their adjustment to the objects, principles and guidelines of this law.

Article 9. Guidelines for the development of sustainable mobility policies

1. The guidelines for the development of sustainable mobility policies are the framework for the implementation of the mobility objectives of this law through directions, criteria, temporary goals, operational proposals and control indicators. Such guidelines must establish a connection between land mobility, maritime and air transport and with the necessary services to grant their adequate operation. Sustainable mobility guidelines shall also establish a correlation between the use of soil and transport offers.

2. Guidelines for sustainable mobility shall be reviewed at least every six years.

Article 10. Regional sustainable mobility plans (RSMP)

1. Regional authorities shall draft regional sustainable mobility plans whose object will be the development of the following aspects within regional boundaries:

- a) Analysis, monitoring and management of mobility in the region.
- b) Planning of intercity car traffic.
- c) Promotion and funding of adequate infrastructures and services for collective public transport.
- d) Promotion of bicycles and travelling on foot
- e) Planning and operation of a main road network in the region.
- f) Arrangement of intrazonal parking facilities
- g) Transport and distribution of goods.

2. Regional sustainable mobility plans shall include an analysis of the state of affairs, goals to be achieved, measures to be adopted, as well as financing and investment programmes.

3. The drafting and proceeding of regional sustainable mobility plans shall guarantee the participation of affected local stakeholders, organizations and institutions within the scope of sustainable mobility, and of government agencies that might be affected by the plans.

4. Dispositions adopted by regional sustainable mobility plans must be included in instruments and lower rank planning documents, and by all sectoral, land and urban planning instruments.

5. Regional authorities can also develop sectoral plans for different means or infrastructures related with transport of persons or goods, as well as specific land plans for intermediate areas between regions and municipalities as in the case of metropolitan areas. The development of such plans shall guarantee the participation of affected local stakeholders, transport authorities and representative social organizations involved in environmental and sustainable mobility projects.

Article 11. Urban sustainable mobility plans (USMP)

1. Urban sustainable mobility plans are essentials tools to define sustainable mobility strategies in municipalities. City councils shall be responsible for the drafting and adoption of USMPs.

2. The development and approval of urban sustainable mobility plans will be mandatory for municipalities which in accordance with local and regional regulation on sustainable mobility must provide collective transport services for passengers. They will also be mandatory for municipalities whose population exceeds 20,000 inhabitants and in which the level of one or more air pollutants exceeds air quality standards stated by legislation in force.



3. The contents of urban mobility plans must be adjusted to criteria and guidelines expressed in the governing mobility plans of their range, and if applicable by specific mobility plans. Urban mobility plans shall include a projection of the state of affairs, objects, measures to be implemented, funding and investment programmes.

4. The proceedings for the development of urban sustainable mobility plans shall guarantee the participation of territorial mobility councils and organizations, institutions and social partners involved in mobility and environmental projects. The approval of urban mobility plans shall require a previous report by the competent transport and infrastructure authority. In the report the competent authority must pronounce its opinion on the consistency of the plan with the criteria and guidelines established by the regional mobility plan, and express its commitment to ensure that such coherence is maintained.

5. Urban mobility plans will be reviewed every six years.

Article 12. Mobility plans for industrial estates or business areas

1. City councils shall develop sustainable mobility plans for industrial estates, business and recreational areas, and university campuses based upon urban mobility plans.

2. Companies located in those areas shall participate in the financing of infrastructure and transport services that affect them. City councils, and where applicable public transport authorities shall establish new methods and shares of participation in the funding of mobility plans to be implemented by public and collective transport companies. Companies that provide collective transport services for their employees which cover at least 25% of journeys to workplaces will exempt of financial contribution.

3. In industrial estates or business areas located in the territory of two or more municipalities, the drafting, development and funding of the mobility plan will be carried out jointly by the authorities of the affected municipalities.

Article 13. Company transport plans (CTP)

1. Companies or public agencies with workplaces whose staff exceeds 200 workers shall draft and develop similar company plans to reduce the use of cars and promote less polluting options. Companies shall submit their plans to their respective municipal authorities.

2. Workers representatives shall participate in the drafting and development of mobility plans for their companies.

Article 14. Environmental Assessment of Mobility Programmes

Municipal, regional and national transport and mobility plans shall be subject to an environmental assessment in accordance with law 9/2006 of 28th of April on the assessment of the environmental effects of certain plans and programmes.

Article 15. Feasibility Studies

1. Feasibility studies are essential instruments to assess the impact of development, modification or adjustments of infrastructures or transport services. Studies provide a perspective on financial, economic, safety, environmental and operational aspects. Each assessment must take into account the population, social and labour factors of different areas and develop according to respective criteria.

2. The regional sustainable mobility plan for each region and urban area must include a feasibility study for each new planned infrastructure. The study shall include:

- a) an assessment of demand
- b) an analysis of initial investment, amortization costs, operating revenues and maintenance costs
- c) an assessment of probable environmental impacts
- d) an assessment of social costs
- e) a versatility study to guarantee the system's efficiency and safety

Article 16. Study for the assessment of generated mobility

1. The study to assess generated mobility is an instrument to measure the potential increase of journeys caused by the new planning, urban developments, activities, as well as the absorptive capacity of road services and transport systems, including low or null impact systems as cycling or travelling on foot. The study shall also assess the feasibility of recommended measures for the sustainable management of the new mobility and particularly the methods of participation of promoters in the solution of generated problems.

2. The study of generated mobility shall be included at least in territorial technical service plans, urban planning or similar instruments.

3. The study on generated mobility shall be available for public information with its respective plan or project and shall be subject to a report by the transport authority.

4. As mandatory and binding requirement the study on generated mobility shall be taken into account and assessed for the final approval of the projects and plans they are associated with.

5. Studies on generated mobility must consider the possibility of financial contribution by the promoters of the project for the necessary increase of public transport services according to the regulation adopted for such activities.

Chapter II

Monitoring, participation and management organizations

Article 17. Metropolitan mobility observatory

1. The Metropolitan Mobility Observatory will be an instrument to study and disseminate general mobility trends in metropolitan areas through the scrutiny of relative mobility indicators and essential data by areas such as environmental impact, supply and demand, funding and investment, accessibility, quality of transport services and innovation.
2. The Metropolitan Mobility Observatory shall incorporate central government's transport, environmental and energy agencies, metropolitan transport authorities, Spanish Railways, and the Spanish Federation of Municipalities and Provinces (SFMP), among other pertaining employers' and social organizations.
3. Mobility indicators studied by the observatory must conform to international standards adopted by the European Union, especially those associated with environmental integration policies.

Article 18. Public transport authorities (PTA)

1. Public transport authorities are instruments for the planning and management of public transport infrastructure and services in metropolitan areas.
2. Regardless of their legal status, these public institutions aim at improving the operation of transport systems and among their functions are the financial and economic arrangement of public transport and the management and integration of transport fares. Transport authorities can also be involved in the development, processing and assessment of regional sustainable mobility plans and specific territorial plans, and in the production of reports on urban sustainable mobility plans and studies on generated mobility.

Article 19. National Council on Sustainable Mobility

1. The National Council on Sustainable Mobility is established as an advisory body for the purpose of consensus and participation of authorities, organizations, corporate agencies, institutions and social sectors related to mobility.
2. Membership, organization, and operational procedures of the Council will be established by regulation. The arrangement of membership shall guarantee the participation of all environmental and mobility authorities, employers' and workers' organizations, consumers' associations and all social and environmental institutions.
3. The responsibilities of the National Council on Sustainable Mobility include:
 - a) Monitoring SPDIT's forecasts regarding land transport, and especially its urban and metropolitan branches.

- b) Putting forward actions for the study of mobility of persons and goods, as well as citizens' and business sectors' demand for transport services.
- c) Assessing actions taken for the organization of mobility, paying special attention to issues related to intermodality; monitoring those actions.
- d) Providing information on regulation projects and plans which affect mobility issues.
- e) Forwarding any mobility recommendations the Council considers adequate.
- f) Receiving information on mobility and transport services on a regular basis and according to the periods stated by the Council.

Article 20. Territorial Councils for Sustainable Mobility

1. Municipal authorities, municipal and district councils, metropolitan institutions and territorial mobility authorities will, within the scope of their urban sustainable mobility plans or their regional sustainable mobility plans, set up territorial councils for sustainable mobility, as advisory bodies with the participation of citizens, employers', social and environmental and mobility organizations.

2. The organization, structure and operational procedures of territorial councils will be determined by the promoting organization to guarantee the appropriate level of civil and social participation.

Chapter III

Violations and sanctions

Article 21. Violations

Without prejudice of any other sanctions established by regional authorities for violations of this law, failure to develop and submit the company's transport plan described in Article 13 and failure to fund such programme as expressed in article 12.2 of this law will be considered grave infringements.

Article 22. Sanctions

Infringements mentioned in Article 21 can face penalties between 1,000 and 40,000 Euros, as well as the temporary, partial or total closure of the company's parking facility.



First additional disposition. Changes in the Ministry of Public Works.

The Ministry of Public Works will become Ministry of Sustainable Mobility.

Second additional disposition. Funding of mobility management

Out of the annual investment and transfer budget of the Ministry of Transport and Mobility no more than 50% will account for infrastructure and the remaining percentage will account for mobility management expenditures. This budget distribution will be implemented progressively, starting with a 10% of investment on mobility management during the year of entry into force of the law until a minimum of 50% of investment budget is reached. The proposed distribution of the investment budget shall be completed within an 8-year period maximum.

Final Disposition

Deadlines for implementation

1. The government shall approve sustainable mobility guidelines within a period of 12 months from the date of entry into force of this law.
2. Regional Authorities shall approve the Governing Plans for Regional Sustainable Mobility within a period of 18 months from the date of entry into force of this law.
3. City councils shall approve Urban Sustainable Mobility Plans within a period of 12 months from the date of entry into force of this law. The plans shall be reviewed and updated to meet sustainable mobility guidelines and Governing Plans for Regional Sustainable Mobility.
4. Municipal authorities shall approve mobility plans for industrial estates and business areas within a period of 6 months after the entry into force of Urban Sustainable Mobility Plans.

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Acronyms and terms

The following of terms and acronyms are explained by the translator for the purpose of a better interpretation of this text. Some are direct translations of existing Spanish acronyms, others are proposed by the bill and created specifically for this document and therefore are not official acronyms.

CTP (Company transport plan) – Proposal included in this document for a transport service to be provided by companies with more than 200 employees.

RSMP – Acronym for Regional sustainable Mobility Plan, one of the plans put forward by this bill. Spain is made up by 19 administrative **regions** consisting of one or more provinces and having political powers devolved from Madrid, as stipulated by the 1978 Constitution. They have their own democratically elected parliaments, form their own cabinets and legislate and execute policies in certain areas such as housing, infrastructure, health and education, though Madrid still retains jurisdiction for all matters affecting the country as a whole, such as defence, foreign affairs and justice. (Definition by Collins Master Dictionary)

Ministry of Public Works and Transport (Spanish: *Ministerio de Fomento*) Formed in 1832 the Spanish is the government ministry in charge of government policy on land transport infrastructure, air and maritime jurisdiction. The Bill suggests the conversion of the Ministry of Public Works and Transport into **Ministry of Sustainable Mobility**.

MPIE / BA - Mobility plans for industrial estates or business areas

Municipal Authorities – general term used in this document to refer to town councils, city councils or any other form legislative and executive bodies in cities, towns and municipalities.

National Council for Sustainable Mobility: an advisory body on sustainable mobility issues suggested by the Sustainable Mobility Bill.

PTA – acronym for Public Transport Authorities, an inclusive term to refer to any of the public agencies involved in the management and development of public transport services.

SFMP – Spanish Federation of Municipalities and Provinces– a nationwide association of local institutions that includes city councils and province councils.

SPDTI is an English acronym created by the translator to refer to the Spanish Strategic Plan for the Development of Transport and Infrastructures, a plan developed by the Ministry of Public Works which will carry out actions to improve and update transport systems and infrastructure in a period from 2005 to 2020 with a gross investment budget of 241.3 billion Euros.

USMP – Urban Sustainable Mobility Plan.