

Clearer criteria for special transport service permit

– report from a government commission

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Summary

Attention has recently been focused on people who were formerly considered to belong to the target group for special transport service (STS) having been denied their right to the service, and on a case that has already set a precedent, in which leave to appeal was denied in the highest court. Against this background, the Swedish government decided to commission Transport Analysis to analyse whether the current application of the provisions of Swedish Special Transport Service Act is consistent with the intentions in the preparatory work for the Act. In this report we will address the criteria for obtaining a STS permit, but not the regulations and conditions with which such permits may be associated.

Our investigation has shown that the problems with STS did not start with the noted cases, but rather over 10 years ago. We find that STS permits are not wholly fulfilling their intended role as a supplement to public transport. The ways in which the Act is being applied deviate in several respects from the intentions of the Government Bill and have been made stricter on several occasions since the advent of the Act. This has to do primarily with the fact that the applicant's distance to their nearest stop has not been taken into account in legal practice. If that distance exceeds a couple of hundred metres, no STS permit need be granted.

In addition, requirements have been developed within this legal practice demanding that the applicants practice in order to being able to make trips, or to have someone accompany them on public transport. These requirements have negatively affected the eligibility of permits for visually impaired people, and other people who have problems orienting themselves. We find that these applications of the Act deviate from the goals of national disability policy and illustrate a difference in terms of social accountability for the inhabitants between regional public transport authorities (RPTAs) and municipalities, which is working against the integration of STS in the RPTAs that was an important goal in the Government Bill.

Because the Swedish Special Transport Service Act is a framework law, i.e., one that establishes the extreme limits but not the details of its application, the reasons for these developments are to be found among the legal practices of the authorities and, in some cases, the courts.

Both the number of STS permits and the proportion of the population holding them have decreased dramatically since the advent of the Act. A large share of this decrease was originally intentional, but the trend has since continued. We estimate that the decrease attributable to the intended effect of changing STS from a social issue to one of transport policy took place up to roughly 2010.

The decrease has occurred mainly among those over 80 years of age, and to some extent among those in the 65–79 age range. Because there are no aggregated national statistics regarding applications submitted or denied, or regarding the distribution of disabilities among them, it is not possible to identify any discriminating factors in the group that has been denied permits. One factor contributing to the lower proportion of STS permits could also be more prevalent car ownership among the elderly, and particularly women, which raises the question of whether mobility among those with disabilities should be a matter of financial resources.

Despite this legal practice, not all municipalities are consistent with it in their own application of the Act. On the contrary, our study indicates that at least one quarter of Swedish municipalities make an overall assessment of the ability to travel using public transport, including the route to the stop. On the other hand, it is not clear whether they also consider the

ability of the applicant to move from their final stop to the destinations to which they wish to travel.

One of the points of uncertainty that has led to this practice likely has to do with the interpretation of the term 'disability'. Up until 2007 'disability' could refer to both a reduction in ability per se, and the difficulties that result in relation to one's surroundings. The UN Convention on the Rights of Persons with Disabilities introduced a distinction between the terms 'impairment' and 'disability'.

Another reason likely involves the gradual transfer of the responsibility for STS from the municipalities to the RPTAs. A third and fundamental reason concerns the ambiguities and gaps present in the Government Bills for both Special Transport Service and Car Allowance Acts, which have to do with, for example, the definition of 'absence of public transport', an whether the route to one's stop is to be included in the assessment process.

To rectify the ambiguities in the legislation that have led to this practice, we propose a clarification with respect to the geographical area served by public transport based on a person with no functional impairment, and that the ability to use public transport be assessed from the point of departure to the destination, i.e., to apply an entire trip perspective from door to door. We also propose a stricter breakdown of the assessment in terms of 1) access to public transport and 2) functional impairments and disabilities.

Access to public transport is defined here as the public transport at the location which a person with no functional impairments can normally use, which must also include areas served by local transport services (närtrafik) and complementary services. These practices will enable us to avoid the risk of discriminating between people with and without functional impairments, which we believe the current practice engenders.

Our investigation leads us to propose a few changes in the law. We believe that the problems related to differences in interpretation could be rectified at least in part via a clearer regulatory framework. However, some differences among the municipalities' assessments must be allowed to remain, as different municipalities operate under different conditions and assumptions.

Costs and consequences

We believe that our proposals would rectify some of the deviations that we have identified in the application of the law, while also entailing an increase in public spending compared to today. We further believe that these proposals will give the RPTAs greater incentive to develop and integrate local transport services with the STS.

We are presenting two methods for estimating the municipalities' increased long-term costs, if our legislative proposals become a reality.

The first method in our investigation assumes that the assessment process for STS permits could be brought into better alignment with the goals and intentions present in the Government Bills. In our consequence analysis we presume, hypothetically, that the share of permits in the population could, in the long run, return to the levels that prevailed in 2010–2012. We have chosen to use the 2010 level as a reference level for this first method.

In our second, 'geographical', method, we proceed based on the population residing at specific distances from public transport, using the distribution of STS permits present just prior to the pandemic (2019) as our reference point.

We estimate that our proposals would, in the long run, result in the proportions of permits returning to the levels prevailing in 2010–2012, corresponding to around 75,000–115,000 more permits than at present, resulting in a total long-term cost increase of between SEK 0.8

and 1.0 billion per year, net after the passengers' personal fees (between SEK 1.0 and 1.3 billion gross).

This increase in STS permits could occur at a rate of 10,000 more permits per year over a transitional period, at a cost of roughly SEK 100 million more per year.

The cost of the STS depends primarily on the travel done, and not on the number of permits per se. If the permits are granted to people who travel little (the oldest group), the costs will be lower, while if they are issued to people with a greater need to travel (children, students, people of working age), the costs will be higher. The numbers and proportions of permits have decreased mainly among the very oldest people, which limits the financial consequences.

A certain share of the costs is attributable to administrative procedures and appeals to the authorities, although we find that such costs are included in the annual accounts which the municipalities submit to Statistics Sweden, with the result that they are included in our estimates as well.

The costs of the STS vary geographically among regions and groups of municipalities. We have made a rough estimate as to how the cost increases may be distributed on average among municipalities in different regions, and among different groups of municipalities. It is difficult to discern a clear pattern among the regions, as they operate under such different conditions and assumptions from the start. According to the geographic method, the Swedish Association of Local Authorities and Regions' (SALAR) three main groups of municipalities would be affected to roughly the same extent in absolute terms, although rural municipalities would be affected more in relative terms and per inhabitant. The variations between the municipalities in each group are extensive, depending on what their practices look like. It would be possible to prepare more detailed reports on the consequences, if necessary.

The municipalities would have to absorb the increased costs in most cases, although the RTPAs bear the financial responsibility in one quarter of the municipalities, and would thus bear the costs. Municipalities and RTPAs which already have an assessment process that is consistent with the intentions in the preparatory work for the Government Bill would be affected little or not at all. The municipal cost equalisation system does not take STS costs into account.

There are significant uncertainties in the consequence analysis, both upward and downward. Our proposals will hopefully cause the volume of appeals to decrease in the long run, which would lead to savings for our courts. Also, the administrative process could become simpler and faster, with clearer rules as to, for example, how the public transport catchment area is defined. On the other hand, we know very little about how such changes might impact the number of applications from the public, which has to do with how the information is disseminated, and the availability of alternatives such as private vehicles. The proportion of elderly people is expected to increase over the coming years, but their health status will improve in parallel, making it difficult to determine the net effect. The permitting authorities can adjust the level of the personal fee of the STS, and the possibility cannot be ruled out that more permits and thus higher costs could also, in some cases, entail an increase in taxes.

Transport Analysis is a Swedish agency for transportpolicy analysis. We analyse and evaluate proposed and implemented measures within the sphere of transportpolicy. We are also responsible for official statistics in the transport and communication sectors. Transport Analysis was established in 2010 with its head office in Stockholm and a branch office in Östersund.



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