

The right to life in urban mobility and in public spaces in Latin America: The need for a re-equilibrium between the motorized and the non-motorized sub-systems.

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In Latin American cities, non-motorized parties such as pedestrians, cyclists and handicapped people are the ones who see their right to urban mobility and public space more often violated. Although the picture is quite different between the South Cone, the Andean one and Central America, there are several common elements between these regions, which may be summarized as a very precarious state, almost as if forgotten, with regards to legislation, infrastructure, management, education and protection. This state of fragility derives into very limited road safety conditions for more than a third of the urban population, who moves daily by non-motorized means. This population ends up being the main victim of road insecurity in Latin America. Indeed, in almost all the cities of the region, most of the victim's from transit accidents are pedestrians and cyclists². In this way, one of the fundamental rights, the right to live, is being violated. Non-motorized mobility and public space are more related to the right to live than many citizens may imagine. In addition, they include, among others, environmental protection, public health, healthy lifestyles, and urban sociability and sustainability.

In most countries, legislation regarding non-motorized parties is very limited, to the extent that many transit codes do not even consider pedestrians. Cyclists are, above anything else, the object of imposed or restrictive measures that go against the promotion of this means of mobility³. In legal terms, it is very common to treat a bicycle in a contradictory manner, with the obligations of a vehicle (the same as a motorbike and even an automobile), but without the same rights⁴. It must obey general and specific transit laws, but at the same time it may not take up a whole lane of circulation. In countries where legal matters and infrastructures have seen a development with respect to non-motorized elements, for example in Colombia or Chile⁵, this progress is not really reflected in the management and difficulties with which pedestrians and cyclists are faced.

Pedestrian infrastructures and bicycle paths, when available, are insufficient and are generally badly kept, or, even worse, permanently invaded by street sellers and automobiles among other. Even in the few cities that have seen considerable improvements, such as Bogotá in Colombia, the situation is complex and paradoxical⁶. On one hand, significant advances have been made in structural matters such as citizen education and culture, reduction in road accidents and improvement of the public space, among others; but on the other hand, pedestrians and cyclists encounter great difficulties in crossing many streets or avenues and they are still the most numerous fatal victims in transit accidents. These users of public space have very high vulnerability conditions, specially around corners or road intersections, since these have been devised, in many cases, with priority for the motorized sub-system

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² See: Enrique Jacoby, Ricardo Montezuma, Marilyn Rice., Miguel Malo and Carlos Crespo. Transportation, Urban Development, and Public Safety in Latin America: Their Importance to Public Health and an Active lifestyle in "Nutrition and an Active Life: From knowledge to Action". PAHO, Scientific and technical publication 612, Washington D.C. 2005

³ Mandatory use of a helmet, mandatory license and even a license plate for the bicycle.

⁴ See: National Transit Code, Law 769 of the 6th of August, 2000. "Thereby, the Terrestrial Transit Code is issued and other dispositions are dictated". Official diary 44932, Friday the 13th of September, 2002.

⁵ For Colombia see: Road Prevention Fund (Fondo de Prevención vial), and for Chile National Commission of Transport Safety (CONASET).

⁶ Ricardo Montezuma, "La transformación de Bogotá y la situación de los peatones" in *Movilidad Sustentable (Sustainable Mobility)*, Centre of Sustainable Mobility (CTS), No.1 year 1, México D.F., September 2005, 26-29 pp.

⁷ - specially on favour of the automobile - and to the disadvantage of the non-motorized one. This condition of the predominance of the automobile over the rest of the elements of the urban mobility system is a constant in most of the cities of the developing world, and even in those of the developed world⁸. For example, generally in Europe, and in particular in France where the automobile is a minority, a specific type of urban space is being configured, one in which the priority is given to the individual motorized vehicle⁹.

In many of the recent improvements carried out in several Latin American cities¹⁰, the non-motorized systems (recuperation of public space, pedestrian infrastructure, bicycle pathways and educational campaigns in citizen culture) have lost importance, continuity or efficiency when superimposed on the motorized sub-system (streets, artery roads, avenues and highways). This is, to a great extent, the result of incomplete actions in their interaction between subsystems. Indeed, these actions were focused on intervention on pedestrian and bicycle spaces as isolated entities (sidewalks, boulevards, parks, squares, etc), and not as continuous elements within a sub-system¹¹. In light of all this, superimposing the motorized sub-system was insufficient (pedestrian crossings, crosses, passageways, paths, bridges, traffic lights, traffic signals, etc.). In order to generate a true equilibrium between both sub-systems, one must go further than the isolated components of pedestrian public space: what must be generated is its articulation and its continuity, and for this the motorized sub-system, especially the automobile, must be necessarily intervened. This means reducing the cars speed at crossings so as to favour those parties that are most vulnerable, the non-motorized parties.

The insufficient intervention on the motorized sub-system

Intervening the motorized sub-system means integrating in it certain infrastructural elements that will allow speed reduction and, above all, a safe superimposition of pedestrian and bicycle circulation. This infrastructure is not limited to pedestrian tunnels or bridges, which happen to be the last resource in urban design to protect the lives of passers-by¹². What is needed in order to facilitate the integration of the motorized and non-motorized sub-systems, is the introduction of simple elements such as pedestrian crossings, vertical signals, speed reducers, pedestrian traffic lights or simply the right amount of time in traffic lights for pedestrians to be able to comfortably cross the street at an intersection. In addition to all this, it is essential to broadcast and enforce the laws on the preference that pedestrians have over cars in most of the intersections. This fact is very significant since pedestrians themselves ignore that they also have rights and preference in many crossings. This ignorance leaves them completely unprotected against drivers who, for the most part, aggressively impose themselves over passers-by¹³. This aggressive tendency on the part of automobiles is what has

⁷ We consider the urban mobility system to be composed of two subsystems, motorized and non-motorized. The former is mainly made up of individual and collective modes, both public and private, for the transport of passengers and/or merchandise. The latter is made up of human traction modes, pedestrians, bicycle paths and handicapped people.

⁸ For the USA case see: "A review of Pedestrian Safety Research in the United States and Abroad", McLean, U.S. Department of Transportation – Federal Highway Administration – Pedestrian and Bicycle Safety. 2004. 142 p.

⁹ On the predominance of the automobile in its full scope within public action and within the different lifestyles see: Gabriel Dupuy, *Les territoires de l'automobile*. Paris, Anthropos, 1995, 217 p. By the same author, *L'auto et la ville*. Paris, Dominos - Flammarion, 1995 125 p.

¹⁰ There are several recent developments both for pedestrians and for bicycle users in Bogotá, México DF., Lima or Santiago among other cities.

¹¹ In Bogotá, the concept of urban public space has been reduced to that of pedestrian space, since urban thought and action have been restricted for pedestrians. Indeed, this concept has been preferably associated with the human activities of circulating or staying put, both of which take place in platforms, pedestrian streets and squares, forgetting that these are also carried out using other means of transportation (automobiles, motorcycles, bicycles, etc.). We must take into account the fact that roads and car parks are also public spaces of circulation and permanence. This is why the means of transportation used should not be a criterion to exclude certain infrastructures from the definition of public space, since pavements of urban roads, avenues and highways, as much part of the public space for mobility as are platforms, boulevards, squares, etc. This exclusion from the definition of public space has been the cause of ill-fated results, since action and reflection have been polarized in isolated disciplines. On the one hand, architecture has been left with the space reserved for pedestrians, and on the other, road and transport engineering have been entrusted with space destined for vehicles. Nonetheless, public space should be considered as one sole entity. To reflect on the matter is it worth asking, what discipline should be in charge of deciding matters relative to a pedestrian crossing or a pedestrian passageway? The answer is very simple: this type of intervention requires inter-disciplinary action between, among others, architecture, engineering, urbanism and urban design.

¹² See: Pedestrian Overpasses and Underpasses in Op. cit. "A review of Pedestrian Safety Research in the United States and Abroad", McLean, U.S. Department of Transportation – Federal Highway Administration – Pedestrian and Bicycle Safety. 2004., pp. 96-99.

¹³ There are many streets in the city where it is almost impossible to cross at the corners, since automobile drivers do not respect the preference of the pedestrian. Even on intersections with a traffic light, when the green light gives way to pedestrians or automobiles, for the former it is almost impossible to cross, since automobiles turning to the right make it impossible. This means that, supposedly, the safer points to cross the streets which, in theory, are the pedestrian crossings, end up being the most dangerous.

driven the whole world to develop the concept of “pacification of transit” or “traffic calming”¹⁴. This initiative looks for different ways of reducing speed in cars. One of the most frequent resources for “calming traffic” is placing physical elements before the car (contiguous or Pompeian platforms, speed reducers, speed bumps, etc) that will make it go slower in certain places with lots of pedestrians.

The disequilibrium between the motorized and non-motorized sub-systems

As a result, a considerable disequilibrium has been maintained between both sub-systems, which is reflected in the way legislation, public policy, road design, citizen representations and technicians prioritize the flow of motorized traffic over pedestrian and bicycle safety. This disequilibrium is the result of many causes related to the preference given to motorized vehicles in the planning, construction, operation and control of mobility as a whole. This means that pedestrians are not the subjects of the same attention and responsibility that motorized circulation enjoys. This circulation has traditionally been treated with priority from many public-private, technical-political, administrative, financial and legal instances, with the main objective of guaranteeing its fluidity, its progression and its agility. Trying to achieve these objectives is translated into an infrastructure and operation that give priority to the speed of vehicles to the detriment of some basic safety conditions for pedestrians.

The disequilibrium between motorized and non-motorized means has very deep roots in structural matters, in technical, political and expert terms as well as in the advisors and representation of most of the involved parties. Indeed, pedestrians and bicycles are not taken into account in administrative and professional environments with the same attention and priority as motorized parties, and, what is even worse, most of the citizens do not realize this fact, and, thus, are not aware of the risk to which they are exposed.

One of the many causes of the disequilibrium between the motorized and the non-motorized sub-systems may be found in the capacity of professionals. They are mainly prepared to facilitate vehicle transit without necessarily taking into account pedestrians and bicycles. In summary, road engineering only barely includes pedestrian and cyclist circulation and safety in the curriculum at university, and, in turn, in vehicle infrastructure, management and circulation. Because of this, the joining and superimposing of both sub-systems is done to the disadvantage of the non-motorized one. The structural voids with respect to pedestrians that we find in the preparation of those responsible for road matters is considerably amplified by the priority given to the automobile by technicians and politicians. In addition, the latter are the main users of motorized means, and, thus, their worried and decisions are much more related to automobile users than to pedestrians.

Pedestrian issues and fundamental rights

In summary, the good intentions of codes, decrees and infrastructure projects which aim to prioritize and guarantee a minimum safety for non-motorized parties have lost strength because of the ignorance and lack of will on the part of road engineers to reduce the preference and speed in automobiles and, above all, because of the lack of interest of those who take political and technical decisions. They reproduce and strengthen with their actions the will of advisors and social representations associated to motorized vehicles as a predominant paradigm of urban, social and economic development. This is massively amplified by the media who, in addition, promotes within society consumer patterns in which the automobile is one of the most precious goods¹⁵. The fact that pedestrians and cyclists are forgotten in Latin America is greatly due to a third world vision of “he who goes on foot”, or by bicycle, represents an inferior being when compared to automobile users, who would represent superior beings with priority. Ultimately, we are faced with a crucial issue in urban life which goes beyond the non-motorized arena, and which is related to fundamental rights such as the right to mobility, to the city and to the life that each one of us leads.

¹⁴ Traffic Calming, *in Op. cit.* “A review of Pedestrian Safety Research in the United States and Abroad”, McLean, U.S. Department of Transportation – Federal Highway Administration – Pedestrian and Bicycle Safety. 2004., pp. 99-114.

¹⁵ Automobile and oil companies exercise great pressure on world consumers due to their great economical power: eight out of ten of the world’s biggest companies in terms of annual revenue are oil companies (4) and car manufacturers (4). See *Fortune*, cited by Semana, No 1214, page. 84.