Retour au sommaire
Back to menu

The new Brazilian Traffic Code: evaluation after 10 years

Eduardo Alcântara de Vasconcellos1[1]
Instituto Movimento and ANTP, Brazil
eavas@uol.com.br

ABSTRACT:

The discussion of a new Brazilian traffic code began in 1992 and the code was approved in 1998 after a harsh discussion in the Congress, related to the proposed re-division of powers among the federal, regional and local authorities. It brought several important changes that overcame severe obstacles and outdated legislation, opening the opportunity to improve significantly the safety and efficiency of traffic in the country. Important benefits arrived, especially the decrease in the number and severity of traffic accidents, the transferring of the power to operate traffic to new local authorities (the "traffic municipalization" process) and the creation of a dedicated fund to support investments on traffic safety. The paper discusses the benefits from the new code and the obstacles that still have to be overcome.

La discussion sur le nouvel Code Routiére Bresilién a commencé en 1992, pour changer les conditions trés mauvaises de la securité routiére, de la desorganización y de la inpunité dans le traffic routiére de pays. Le code a eté promulgué en 1998, suivant an discussion dificile dans le Congrès Nacionale, relatif a la division de pouvoir entre les autorités fédérales, régionales y locales. Le code a aporté des grand bénéfices pour le traffic routiére dans le pays, especialement la réduction des accidents, la transfer du pouvoir pour coordonner le traffic local pour les autorités locales (avec des grand bénéficies pour la capacité de gestion) y la creatión d´un fond de ressources pour sutien des programmes de securité routiére. Le texte analyse les bénéfits y aussi les obstacles pour finaliser la implémentacion du code.

1. Context

[1] This paper is part of an ongoing study about Brazilian transport policies funded by the Volvo Educational Foundation.

Retour au sommaire
Back to menu

Since the end of WWII Brazil has been incrementing gradually its roadway system (replacing interstate railways) and has experienced an intense growth in its population, that increased from 70 million in 1960 to 185 million in 2007. Theses processes came along with a large increase in the vehicle fleet – from 1 million in 1960 to 36 million in 2007 – increasing motorization rate from 72 inhabitants per vehicle to 6 in the period. Another parallel consequence was an increase in traffic accidents, that reached an estimated number of 35,000 fatalities in 2007 (MS, 2007) These conditions occurred inside a legal environment backed by an old and outdated traffic code and a permanent deficiency in enforcement, that led to generalized impunity for serious traffic offenders.

In 1992 several public and NGO organizations started to discuss a new traffic code that would be able to improve traffic safety in the country. At the NGO side, the movement was championed first by the Institute of Engineers in São Paulo and eventually by ANTP, the Brazilian Association for Public Transport. The movement originated a multitude or proposals that eventually converged to a comprehensive, logic body of new legislation, as the backbone of the new traffic code. Such proposal was intensively discussed by the House of Deputies and the Senate for 6 years, reaching a final agreement that turned out to be the new Brazilian Traffic Code in January 1998.
This paper describes the content of the new code and its results so far.

2. The objectives of the new Brazilian Traffic Code

The proposals of the new Brazilian Traffic Code were based on the acknowledgement of the following problems:

a) The high (and increasing) number of traffic accidents, injuries and fatalities and related rates;
b) The lack of adequate data on traffic accidents and fatalities;
c) The poor performance of state traffic departments in charge of licensing drivers, controlling the vehicle fleet, organizing traffic educational programs and enforcing traffic behavior.
d) The high percentage of drivers and vehicles circulating without license and permits and without paying traffic related taxes and fines;

Retour au sommaire
Back to menu

e) The low level of technical training of public servants in charge of traffic issues;

Based on these problems the new code was designed with the following key objectives:

a) The creation of a National Traffic System, encompassing the three levels of government – federal, regional and local – as the main place to exchange information and discuss proposals and actions;
b) The transferring to the local level of the legal power to plan and operate the traffic system, and also to enforce it with local police – the "traffic municipalization" process;
c) The definition of safety in traffic as a right of Brazilian citizens and the corresponding possibility of making traffic authorities legally responsible for unsafe treatment of traffic conditions;
d) The definition of new rules to license drivers and tougher rules and higher fines to serious traffic offenses such as drinking and driving and speeding;
e) The definition of a clear resource fund to support traffic educational programs;
f) The definition of a mandatory vehicle inspection program;

3. Actions and results of the new traffic code

3.1 The National Traffic System (NTS)

The NTS was created to join the main public agencies: the CONTRAN (National Traffic Council- the highest national legal authority) the Denatran (National Traffic Department – the national normative and executive agency) the Detrans (27 State Traffic Departments), the DERs (State Highway Departments) and local public agencies of cities that formally adhered to traffic municipalization. The creation of the NTS was followed in 2004 by the launching of the National Traffic Policy, a comprehensive set of norms and proposals that encompass all issues related to traffic. The DENATRAN is in charge of put all SNT members together to apply the National Traffic Policy. In addition, four technical committees were formally organized, to gather experts to discuss legislation, traffic

Retour au sommaire
Back to menu

engineering, health issues and educational issues, and send technical suggestions to the DENATRAN.

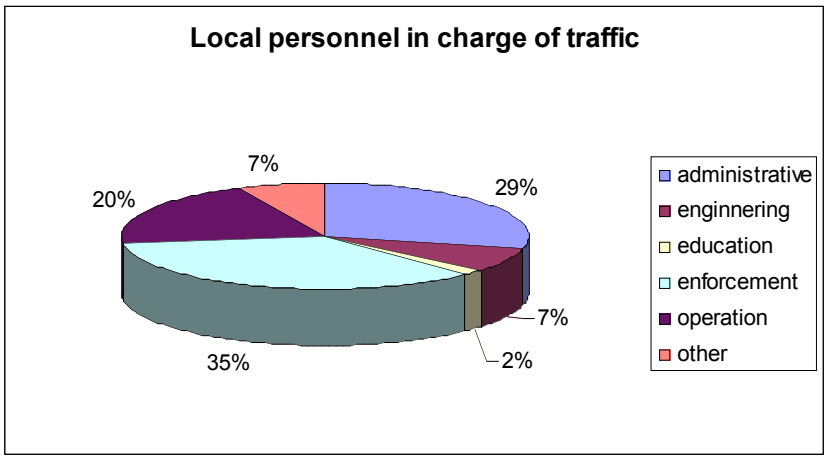
Among the latest activities coordinated within the NTS were: the implementation of a national program to train about 14,000 regional and local experts; the first comprehensive survey about the profile of the private training centers for evaluating prospective drivers (CFC), through a national examination of these professionals; the implementation of the REVAVAN (National Vehicle Databank), the RENACH (National Drivers License Databank) and the RENAINF (National Traffic Violations Databank) that for the first time in the country history allowed the fining of a driver who violated traffic laws outside his state of origin; the first technical tests on vehicle electronic identification.

3.2 The “traffic municipalization” process

Brazil has about 5,600 cities and 717 of them had in 2005 formally municipalized its traffic operation. This set of cities encompasses 62% of total urban population in the country and 76% of total vehicle fleet. This means that now most Brazilian people live in towns were traffic is a local responsibility making it possible a closer relationship between inhabitants and authorities.

These cities organized their local traffic agencies and started using a large number of professionals (figure 1), most of them working with traffic engineering and operations. Also, most cities now have material resources such as special vehicles, ambulances, cranes and motorcycles to operate and enforce traffic conditions.

Figure 1 – Human resources used by local traffic agencies, cities over 60,000 inhabitants, 2005.



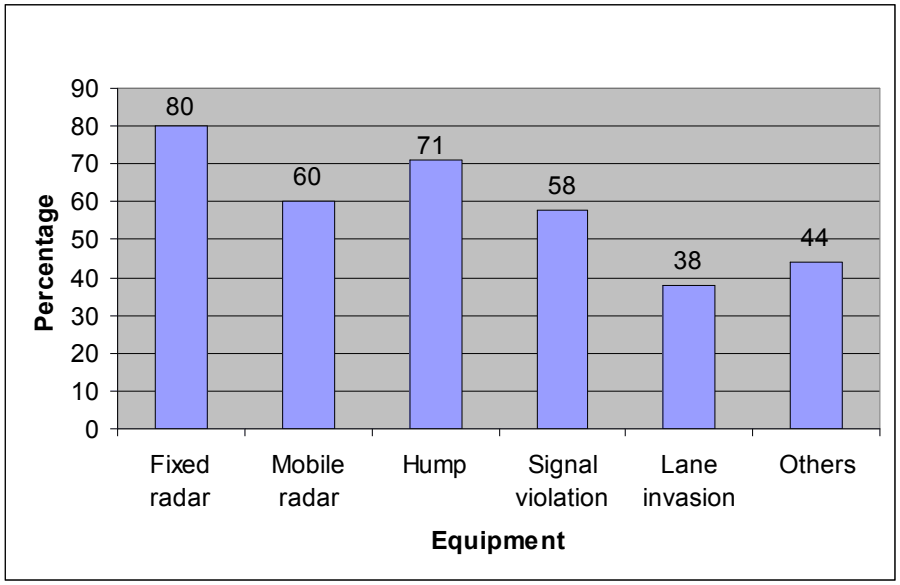
Source: ANTP (2007)

The traffic municipalization process also allowed for a significant improvement in the development of traffic engineering local capability. The isolated experience accumulated in the last 30 years in the city of Sao Paulo – that had benefited from the single legal agreement in the country to transfer power from the state traffic authorities to the local ones – began to be used and transferred to other cities. Most large cities have now its own well organized and equipped traffic engineering agencies, that have been implementing a large variety of actions and projects on traffic education and safety, signal optimization, new signing and traffic operation in special events (festivals, football games, political demonstrations). In 2005 cities over 60,000 inhabitants had about 30,000 signalized intersections and 44% of them already were controlled by computers (ANTP, 2007).

With traffic education, most of the cities (68%) with more than 60,000 inhabitants have permanent traffic education programs, a value that reaches 80% in the case of cities over 250,000 people and 100% for cities with more than 1 million people.
Also, most cities now have electronic safety devices to improve traffic safety conditions (figure 2).

Figure 2 – *Type of electronic enforcement devices implemented by cites with more than 60,000 inhabitants, 2005.*

Retour au sommaire
Back to menu



NOTE: Only cities that informed the existence of the devices (majority of them with over than 250,000 inhabitants)
Source: ANTP (2007)

With enforcement, the municipalization process allowed for the creation of local civil traffic police corps. Most of the large cities (over 1 million people) already have their own police in operation, to enforce traffic behavior in their territory and to also work with education efforts. These were some of the most important factors in reducing traffic accidents in the first period of the new traffic code (see ahead). Once Brazilian Constitution states that the power to stop and inquire drivers remains with the military police, new local civil police forces have operational agreements with the remaining local military police in charge of traffic operations to conduct joint enforcement operations.

3.3 The reorganization of state traffic departments

The reorganization of state traffic departments also brought several benefits. The first one was the relationship to the general public, which is now submitted to new administrative routines and backed by new technology that significantly increased the speediness of bureaucratic actions. Citizens have now decentralized offices to ask for information and send legal documents. Also, the new code gave to traffic offenders more legal opportunities to argue with authorities, which is now done through a much more transparent way.

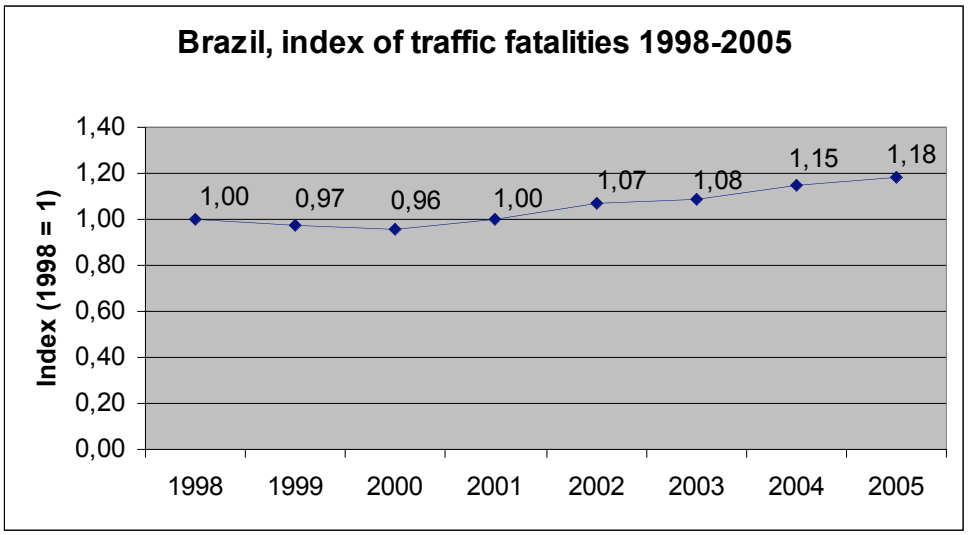
3.4 The funding of educational programs – the FUNSET fund

One of the greatest advances of the new code was the creation of a special fund to support traffic education programs. The fund (FUNSET) comes from 5% of all traffic tickets emitted in the country and is expected to be divided among local and state traffic authorities that propose traffic safety actions.

3.5. Impacts on traffic safety

The greatest benefit that came out of the new code in the first years was a clear decrease in the number and severity of traffic accidents in the country. The data collected by the Ministry of Health reveal a decrease in the first two years of the new code: from 31,026 fatalities in 1998 to 29,645 in 2000 (figure 3), while the population increased by 5% (IBGE, 2007) and the motorized fleet by 6% (Anfavea, 2008).

Figure 3: Traffic fatalities in Brazil, 1998-2005.



NOTE: Fatalities increased from 31,026 in 1998 to 36,611 in 2005.
Source: Ministry of Health (MS, 2007)

4. Remaining challenges

The imprisonment of financial resources of the FUNSET

Retour au sommaire
Back to menu

Although the new code has created for the first time in his history a dedicated fund for traffic safety programs most of the resources accumulated in the FUNSET were imprisoned by the federal government to increase the country fiscal surplus needed to support the national fiscal policy. Therefore, few resources have been used so far, placing strong limitations to comprehensive and permanent traffic safety programs. Recently, considering the dedicated nature of FUNSET judicial authorities have been pressing federal authorities to release funds or face legal punishments however little has been done so far.

Conflicts in the implementation of the RENACH and RENAINF

Although several state traffic authorities have adopted the RENACH and RENAEST several of them still resist, in face of conflicts with local traffic authorities about who is going to pay for the transaction costs and how resources from fines will be split between the two (files of punished drivers belong to state authorities). This conflict has prevented the country from having a nationwide driver offense control.

The conflicts between military and civil police

Although the new code clearly separates the role of local civil police and state military traffic police some of the military leaders still resist to the idea of dividing the enforcement power and some cities (and regional traffic authorities) face problems to organize joint operations. Also, the conflict makes it difficult to achieve a proper exchange of information on fines and penalties applied by both police forces.

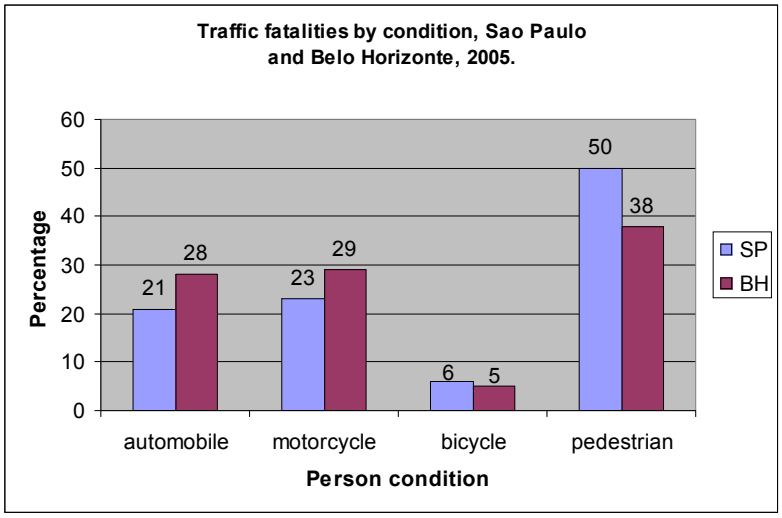
The accomplishment of the traffic municipalization process

Although most large cities already formalized their responsibility for local traffic planning and operation medium and small cities resist do accomplish this task once their fear extra expenses or local political problems.

The growing motorized fleet and the unleash of motorcycles

There has recently been a large increase in the number of automobiles and motorcycles in Brazil. Internal automobile sales increased from 1.2 million in 2000 to 1.8 million in 2007. Yearly motorcycle sales increased from 120,000 in 1990 to 1.2 million in 2007. If the increase in automobiles has been translated in increasing congestion in major towns, the increase in motorcycles has resulted in a dramatic increase in accidents and fatalities. This is related a liberal approach to the unleash of motorcycles in Brazil after the 1994 economic reforms that justify such public policy in name of economic progress and increased mobility opportunities for the poor. Such irresponsible policy was applied inside a weakly enforced traffic environment – already physically dominated by large vehicles such as trucks, buses and automobiles – and the existence of a large unemployed workforce composed by male young people willing to work in urban delivery services organized to avoid increasing congestion. The practical consequence was that the number of motorcycle-related fatalities in the country increased from 1,000 in 1998 to 7,000 in 2007 (MS, 2007), with an enormous number of survivors with permanent disabilities. In major cities such as Sao Paulo and Belo Horizonte, current motorcycle fatalities already match or outnumber automobile fatalities (figure 4). Also, it must be emphasized that pedestrian fatalities remain the most important, revealing that the violent nature of road space division in Brazilian towns remain very high.

Figure 4: Traffic fatalities in São Paulo and Belo Horizonte, 2005.



Source: CET (2006) and BHtrans (2006).

The punishment of serious traffic ofenses




Retour au sommaire
Back to menu

Although the new code imposed higher penalties and fine levels the biased Brazilian judicial system continues to delay the actual punishment of serious traffic offenders. There still are many ways of avoiding punishment, either by having competent layers that manage to postpone indefinitely the penalty or by bribing authorities. It is still very rare to see a wealthy traffic offender getting punished.

5. Conclusions

The discussion of a new Brazilian traffic code began in 1992, supported by non-governmental organizations that voiced the general discontentment with the high levels of traffic accidents and impunity of serious traffic violators, and the inefficient administrative and bureaucratic process surrounding vehicle use in the country. This initial effort eventually yielded a comprehensive legal proposal, which was discussed in the National Congress for six years until its approval in 1998. The new code brought several important changes in the way road space is used in Brazil. Such changes overcame important obstacles and outdated legislation, opening the opportunity to improve significantly the safety and efficiency of traffic in the country. Several benefits from the new code may be celebrated, especially: the initial decrease in the number and severity of traffic accidents; the organization of a National Traffic System backed by a National Traffic Policies; the reorganization of the state traffic authorities; the transferring of the power to operate traffic to new local authorities (the “traffic municipalization” process); the creation of a dedicated fund to support investments on traffic safety; the reorganization of the driver licensing procedures and the increase in possible punishments for severe traffic violations; and the organization of national databanks on vehicle property, driver licenses and driver punishments. These major changes have brought two main positive impacts: a decrease in traffic accidents and the empowering of local authorities, which made possible a revolution in the treatment of local traffic problems that is still under way and may bring further benefits in the future. However, some challenges still remain to be overcome: traffic accident rates are still high, especially due to the irresponsible unleash of the use of motorcycles in the country; the final legal punishment of severe traffic violations resulting in fatalities is still rare; and several conflicts surround the transferring of power to local authorities, once state and military corporations react to such power division, creating

Retour au sommaire
Back to menu

difficulties to its full implementation. However the final lessons that may be extracted are that this long time venture to improve traffic safety and efficiency in Brazil was successful and further efforts have to be made to overcome the still existing obstacles.

References

ANFAVEA (2008) *Anuário da indústria automobilística brasileira*, São Paulo.

ANTP (2007) *Sistema de informações da mobilidade* (www.antp.org.br)

BHTrans (2006) *Acidentes de trânsito em Belo Horizonte*, Belo Horizonte.

CET – Cia de Engenharia de Tráfego (2006) *Acidentes de trânsito em São Paulo*, São Paulo.

IBGE (2007) *Estimativas da população brasileira* (www.ibge.gov.br)

MS – Ministério da Saúde (2007), *Morbidade e Mortalidade em acidentes de trânsito no Brasil*, Brasília. (www.ms.gov.br).