

Road safety, risk and traffic regulations in Argentina

Seguridad vial, riesgo y regulaciones de tránsito en Argentina

Carla del Cueto

Sociologist and researcher, lecturer at @UNGSoficial and professor at @UBAonline.

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Abstract

Current debates on road safety warn against thinking about risk prevention based on individual behaviors. It is proposed, instead, to approach the issue of traffic safety from a more comprehensive and systemic perspective, in which the human factor is linked to other factors of equal or greater weight, such as vehicle safety and road infrastructure.

Resumen

En los debates en seguridad vial que se dan en la actualidad se advierte sobre el error de pensar la prevención de riesgos a partir de comportamientos individuales. Se propone, en cambio, abordar la cuestión de la seguridad en el tránsito desde una perspectiva más integral y sistémica, en la cual el factor humano se enlaza con otros de igual o mayor peso, como la seguridad de los vehículos y la infraestructura vial.

In this article, I'll present you with a few considerations on traffic risk management. In Argentina, the rapid adherence to automobile was very early accompanied by sustained concern about the damage caused by motor vehicle traffic. Hence, steps were taken to increase road safety beginning with the National Traffic Administration's early years of operation in the 1930s. Road safety has been reduced as a topic of investigation in the social sciences generally, despite the fact that it has created extensive debate and concern in state agencies to the point of becoming a public problem (Gusfield, 1981; Kessler 2008; 2009).

The perception of dangers and formal regulatory mechanisms to manage vehicular and pedestrian mobility zones within a society, are an intrinsic part of the concept of road safety.

According to this definition, road safety focuses first on lowering risks and the subsequent deaths and injuries brought on by traffic accidents (Bess and del Cueto, 2018). However, more recent approaches propose to expand the concept and take into account the greater comfort in human mobility, since it is considered that this approach qualitatively expands the possibilities of analysis and intervention (Rojas, 2015).

According to Tabasso (2012), four road safety paradigms can be found in the concept's evolution that have predominated at various points at the international level. The first of these (1900–1925/35) intended to regulate the usage of automobiles, and safety initiatives concentrated on mechanical parts, long-term restrictions, and adjustments between vehicle and driver. The second paradigm, which spanned the years 1925/1935–1965/1970, concentrated on traffic situation control. In this approach, the emphasis switched from the cars to the drivers, emphasizing on human error. The administration of the traffic system, which comprised the circulation of pedestrians and vehicles on the ground, was the issue facing the third paradigm (1965/70-1980/85). Eliminating system hazards was given top attention in order to achieve this. The fourth paradigm focuses on managing the transportation system for the achievement of a sustainable road safety; regarded as a complex, and global system which comprehends all mobility modes. Prevention aims not only to reduce the risk of injury, but, and above all, to proactively minimize its exposure. In a similar vein, it is asserted that infrastructures are crucial to road safety and that road design may both prevent human error and lessen the damage when it occurs (Sánchez Ferreira, 2012).

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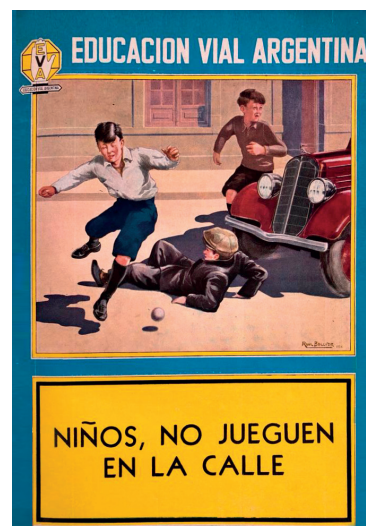
We can think about traffic control and road safety policies using the perspective of governmentality. This phrase refers to the set of procedures for executing government business. Firstly, it lays more emphasis on “ideal” understanding of governmental objectives rather than specifics of the implementation of measures and their empirical results. These problems have something to do with “government technology” or approaches to solving these “imagined” problems. Second, it is assumed that government is a widespread and dispersed practice from the perspective of governmentality. This means that several forms of government can always be identified in relation to any given situation (O’Malley 2007, p. 155). Documents, government initiatives, political comments, pamphlets and manuals, all serve as sources used in the governmentality method.

Simon (1998) contends, in his study on the introduction of liability insurance in the United States, that the automobile—and practically every facet of its ownership and use—became a catalyst for the development of new political strategies. Politics discussions have shifted to a discussion of the fundamental rationality of government or governmentality. The essential role that behaviors play in enhancing road safety is a recurring theme across the various governmental initiatives around traffic. In this way, the many forms of government action aim to produce a person who is aware of the law and accountable for his deeds.

The popularity of the automobile represented a problem for governments everywhere, including Argentina. The country's streets and roadways were filled with this object, which sparked several legal efforts and the beginning of the management of new facets of social life. These regulations covered things like the permitted speeds and rights of way, parking locations, car identification laws, technical specifications, and the installation of mandatory civil liability insurance, among other things. Due to the varied historical periods at which traffic rules were developed, the challenge took on various shapes at the legal level. The infrastructure evolved, there were new needs, and the vehicles themselves underwent technical improvements.

The earliest attempts to control traffic on a national scale were made in the middle of the 1930s. As a result, the National Traffic Administration (Dirección de Vialidad Nacional, DNV) was established under Act 11.658 in 1932, and once it was put into operation the following year, it became clear that national roads required traffic legislation. It also became clear that regulations were needed to regulate traffic on the new roads since connecting the various parts of the country was a key component of the physical and symbolic creation of the territory.

Figure 1. Road education campaign poster of the National Traffic Administration, 1934



Source: DNV Report, 1934.

Figure 2. Hand-Changeover campaign poster, 1945



Source: AGN.

The General Traffic Rules on National Highways were implemented in 1936. The rules related to a general order that included a variety of topics, including technical specifications, driving guidelines, speed restrictions, parking, races organization, passenger transportation regulations, required civil liability insurance, and infractions. This law is the first to create national traffic laws, which are essential for any upcoming construction of new highways.

A presidential decree that was authorized with the force of law in 1949 replaced the prior regulation in 1945, under the administration of Edelmiro Farrell. This time, the nationalization of the railways and a complete break with England are the contexts. The fundamental justification for the adjustments focused on the requirement for legislation to keep pace with technical advancements and the upgrading of transportation infrastructure. A productive structure centered on industrial activities was consolidated over those years. These strategic considerations in transportation include the nationalization of the railroads, the decision of manufacturing materials for transportation, and the promotion of the

automotive industry. Transportation requirements for both people and products increased since the mid-1940s because of the developing industrialization. All these components work together to create a foundation for the creation of new traffic laws.

The Executive Branch enacted a traffic law in September 1983, the final month of the previous civic-military dictatorship, but it was overturned by Parliament two years later. It is notable how the law's structure differs from other laws in a significant way. Even with the justification of ensuring freedoms, the oppressive nature of its conceptualization is obvious in its fundamental structure. It prioritizes penalties over the declaration of regulations. The need of road safety instruction is emphasized, and the need for national examples of articulation is urged. The phrase "road safety" makes its first appearance in this law.

The Traffic Law 24449 was enacted in 1994 as part of the State's reform and "modernization" process, and it is currently in effect. Carlos Menem was the president at the time. The key road corridors were given to concessionaires as part of the "modernization" project. Most of the legislative debates were devoted to the subject of law enforcement authority on national roads. They also indicated worries about how to deal with the rising number of fatalities from traffic accidents and emphasized the significance of raising awareness and improving controls through road safety education. New standards for driving safety were established, and the criterion for determining speed limits grew increasingly complicated.

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The rules became more exact throughout time, narrowed their scope of application, and began to regulate a wider range of subtler issues. Concern over minimizing hazards grew stronger. The limits governing the idea of safety likewise grew increasingly intricate. Examples of this include the modification of speed limits or the mandated use of new safety equipment. There was an increase in interest in the governance of individual behavior. On the one hand, strict enforcement of adherence to technical, legal, and vehicle safety criteria. But ultimately, individual traffic behaviors assume centrality: for instance, rights of way, overtaking, and speeds. These actions were identified and made the focal point of an intervention program for improving road safety. In short, the effort to regulate traffic using tools

that can serve as models for more responsible and risk-averse conduct became more important.

Regarding government initiatives to improve road safety, numerous studies that looked at experiences in other nations have demonstrated how individual responsibility is at the core of our nation's policy in this area.

Several control and prevention methods, in which the burden of the problem of road safety rests with drivers, are included in the regulatory package that establishes road safety measures at the national level. The analysis of these projects reveals that the State's engagement in this field was given priority, as evidenced by the National Road Safety Agency's establishment in 2008. The national rules of Traffic and Road Safety set the framework for state measures to address the issue of road safety.

Most of the policies supported by the National Administration center on social control, including speed limits, alcohol restrictions, and point licensing (which this year was implemented in the Autonomous City of Buenos Aires or Ciudad Autónoma de Buenos Aires, CABA). Since this new law was approved in 2008, road safety became "State policy". The problem is described in several texts as an urgent one that requires action and whose solution places the State at the center. This emphasis on the State's centrality takes place in the context of a reevaluation of its capabilities under the administrations of Néstor Kirchner and Cristina Fernández. The actions of the various traffic users remain the focal point of the intervention, nevertheless.

A two-pronged approach is used to address the issue of road safety. One, through means of restrictions and penalties. On the other hand, education and awareness-building campaigns support these approaches. Governance technology such as driver's manuals and preventative campaigns are aimed at enhancing stakeholder self-governance. It is suggested that citizen training include a focus on traffic safety.

The various measures to increase road safety and consequently decrease the number of fatalities and injuries in traffic accidents are shown in various sociological evaluations of European experiences, particularly in France. Pérez-Díaz (2004) notes that various variables, including the development of automobiles, infrastructure, and the control of conduct using criminal law and prevention, are responsible for the decline in traffic fatalities observed in France since the early 1970s. However, currently, expectations are focused on drivers' behaviors. Despite the multiple factors recognized in traffic accidents, drivers are generally held responsible for "accidents." The means of action in this area are then education, in the long term; prevention and repression, in the short term. In other words, government initiatives are mainly aimed at generating prudent behavior and minimizing risks.

Nevertheless, human error is not always the only cause of an accident, even when the driver is at fault for losing control of the car. On the other hand, these measures give criminal law the authority to alter conduct due to both the prohibition and the preventative role that calls for the detection and punishment of offenses. The risk models specify that the rules must be applied effectively and frequently to achieve this. Pérez-Díaz draws the conclusion that technical advancements in control, rather than legal considerations, are more important to the effectiveness of some measures. The likelihood of catching the offender is increased by these control and penalty methods. Automatic speed controls fall under this category.

For his part, Brenac (2004) criticizes the morality of many of the assumptions of prevention policies in his critical review of the many road safety prevention measures in multiple European countries, particularly the notion that accidents only happen to drivers who break

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the rules (in Argentina this reading has a lot of resonance). The emphasis on breaching the law goes against the core of the concept of "accident" (as a confluence of common circumstances). Investigation reveal that "mistakes" rather than infractions are the primary cause of accidents. Speeding issues that put people's safety on the road at jeopardy, prompted new public efforts to try and limit car traffic.

It should be mentioned that from the point of view of governmentality, this emphasis on behavior control and awareness to address road safety is consistent with what has been stated because it attempts to reduce hazards not only through control and repression but also through awareness. In this approach, new aspects of traffic behavior that are open to government interference are set up. It regulates conduct and aspires to be an example of caution and risk-aversion. Road safety education campaigns and manuals serve to raise awareness, but policies also clearly have a repressive element in their controls and fines.

Figure 3. National Road Safety Agency campaign poster, 2012



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Source: ANSV, 2012

Regarding the education campaigns in our nation, a common characteristic is that drivers' carelessness and lack of accountability are what cause most traffic accidents, with a focus on the behavior of the actors themselves. In recent years, the National Road Safety Agency (Agencia Nacional de Seguridad Vial, ANSV) has incorporated statistical data that would aid in forming ethical behavior.

The mistake of thinking about risk prevention from individual behaviors is warned against in current debates on road safety. Instead, a more thorough and systemic approach to addressing the problem of traffic safety is suggested, one in which the importance of the human aspect is linked to that of other factors, such as the safety of the vehicles and the road system, that are at least as important if not more so.

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occur in a particular sequence of time and place. While risky behaviors cannot always be avoided, the sustainable safety vision, which has been put into practice in some European nations like the Netherlands, strives to eradicate latent flaws from transit.

This sort of action seeks to lessen the user’s instantaneous and individual decisions that direct the actions in transit, as these decisions may not be the best and may increase the risks (Wegman, and Letty, 2006). The Safe System approach’s initial implementation is the Netherlands’ sustainable security strategy (OECD, 2008). Australia then created its own Safe System method after Sweden launched Vision Zero. Although the three countries developed similar techniques, each one made adaptations for its own geographical conditions.

Road safety policy is a process that is directly related to governmentality and modernization. It was developed in reaction to the deployment of new transportation technology that altered daily mobility. Is it feasible to find a solution to an issue that has confounded governments since the early years of the proliferation of motor vehicles in light of these fresh perspectives on road safety?

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