

SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON THE PROMOTION OF TRANSPORTATION CONVENIENCE OF MOBILITY DISADVANTAGED PERSONS

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Whole Amendment No. 4818, Jul. 30, 2009
Amendment of Other Laws No. 5137, Jul. 28, 2011
Amendment of Other Laws No. 5208, Dec. 29, 2011
Amendment of Other Laws No. 5214, Jan. 05, 2012
Partial Amendment No. 5387, Dec. 31, 2012
Amendment of Other Laws No. 6016, Oct. 08, 2015
Amendment of Other Laws No. 6429, Mar. 23, 2017
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Amendment of Other Laws No. 7912, Mar. 25, 2021
Amendment of Other Laws No. 8127, Sep. 30, 2021

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONS The purpose of this Ordinance is to contribute to the promotion of social participation and welfare of mobility disadvantaged persons in the Seoul Metropolitan City by ensuring their access to means of transportation, passenger facilities, and roads pursuant to the Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons.

Article 2 (Definitions)

The definitions of the terms used in this Ordinance shall be in accordance with subparagraphs 1 through 8 of Article 2 of the Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons (hereinafter referred to as the "Act").

Article 3 (Responsibilities of the Mayor)

(1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall formulate and implement policies to ensure convenient use of means of transportation and passenger facilities and to improve the pedestrian environment so that mobility disadvantaged persons can move safely and conveniently.

(2) The Mayor shall endeavor to secure finance for projects to promote the transportation convenience of mobility disadvantaged persons and shall proactively reflect such finance in the compilation of budgets.

Article 4 (Scope of Application)

Except as otherwise provided in statutes and regulations, this Ordinance shall apply to the promotion of the transportation convenience of mobility disadvantaged persons.

CHAPTER II FORMULATION OF PLANS TO PROMOTE TRANSPORTATION CONVENIENCE OF MOBILITY DISADVANTAGED PERSONS

Article 5 (Formulation of Plans to Promote Transportation Convenience of Mobility Disadvantaged Persons)

CHAPTER II FORMULATION OF PLANS TO PROMOTE TRANSPORTATION CONVENIENCE OF MOBILITY DISADVANTAGED PERSONS (1) The Mayor shall formulate a plan to promote the transportation convenience of mobility disadvantaged persons (hereinafter referred to as "plan to promote transportation convenience") every five years.

(2) A plan to promote transportation convenience shall include the following in addition to the matters referred to in the subparagraphs of Article 6 (2) of the Act:

1. A plan to establish and operate transportation support centers;

2. A plan to investigate and improve passenger facilities in the Seoul Metropolitan City;
3. A plan to provide and improve information on transportation convenience, taking into consideration the characteristics of mobility disadvantaged persons;
4. An education plan for drivers of low-floor buses, buses, and special means of transportation;
5. Matters concerning the maintenance of roads, bus stops and other facilities for mobility disadvantaged persons;
6. Matters concerning the order of priority of projects to promote the transportation convenience of mobility disadvantaged persons;
7. Matters concerning the supply of special means of transportation that are replaced due to deterioration, etc.;
8. Other matters the Mayor deems necessary.

Article 6 (Hearing of Opinions and Public Hearings)

The Mayor may hold a public hearing where he or she intends to hear the opinions of residents and related experts on the major details of a plan to promote transportation convenience.

Article 7 (Fact-Finding Survey)

(1) The Mayor may conduct a survey on the following matters to utilize them as basic data necessary for formulating a plan to promote transportation convenience:

1. Current status of mobility disadvantaged persons, including their population;
2. Actual state of mobility of mobility disadvantaged persons;
3. Current status of installation and management of convenient mobility equipment;
4. Actual state of the pedestrian environment;
5. Level of satisfaction of mobility disadvantaged persons with respect to the means of transportation, passenger facilities, convenient mobility equipment, and the pedestrian environment;
6. Other matters necessary to promote the transportation convenience of mobility disadvantaged persons.

(2) Detailed matters concerning the timing, method, etc. for a fact-finding survey under paragraph (1) shall be separately determined by the Mayor.

Article 8 (Formulation of Annual Implementation Plans)

The Mayor shall formulate an annual implementation plan to execute a plan to promote transportation convenience.

CHAPTER III OPERATION OF LOW-FLOOR BUSES AND SPECIAL MEANS OF TRANSPORTATION AND ESTABLISHMENT AND OPERATION OF TRANSPORTATION SUPPORT CENTERS

Article 9 (Plan for Introduction of Low-Floor Buses)

CHAPTER III OPERATION OF LOW-FLOOR BUSES AND SPECIAL MEANS OF TRANSPORTATION AND ESTABLISHMENT AND OPERATION OF TRANSPORTATION SUPPORT CENTERS(1) The Mayor shall conduct the following matters to facilitate the introduction of low-floor buses:

1. Securing budget necessary for the introduction of low-floor buses;
2. Maintenance of bus stops and pavements for the introduction of low-floor buses;
3. Road maintenance for the introduction of low-floor buses;
4. Other matters the Mayor deems necessary.

(2) The Mayor shall aim to replace all buses in regular route service with low-floor buses no later than 2025. <Amended by Ordinance No. 6731, Jan. 4, 2018>

(3) The Mayor shall subsidize a transport business entity for expenses additionally incurred in the introduction of low-floor buses within the budget.

Article 10 (Operation of Low-Floor Buses)

(1) The Mayor shall prepare administrative measures necessary for the operation of low-floor buses.

(2) Where necessary for the proper operation and use of low-floor buses, the Mayor shall provide publicity and education thereon.

Article 11 (Establishment of Transportation Support Centers)

(1) The Mayor shall establish and operate transportation support centers that connect mobility disadvantaged persons intending to use special means of transportation and persons operating special means of transportation through any means of communication available.

(2) A transportation support center shall be operated on a 24-hour-a-day, and 365-day-a-year basis.

(3) Vehicles owned by a transportation support center shall have a structure that enables wheelchair users to board and alight conveniently.

(4) The Mayor shall compile and execute a budget necessary for the establishment and operation of transportation support centers.

(5) Matters concerning the qualifications of the head and employees of a transportation support center shall be prescribed by rule of the Seoul Metropolitan Government.

Article 12 (Functions of Transportation Support Centers)

(1) A transportation support center shall conduct the following affairs:

1. Receiving and processing applications from persons who intend to use special means of transportation;
2. Operating special means of transportation;
3. Assessing the eligibility of the users of special means of transportation;
4. Providing guidance, consultation, and education for drivers of special means of transportation and other relevant persons;
5. Collecting and providing information on transportation support for mobility disadvantaged persons;
6. Other necessary matters concerning transportation support.

(2) Matters concerning the performance of affairs of transportation support centers under each subparagraph of paragraph (1), standards for assessment of the eligibility of users of special means of transportation, etc. shall be separately determined by the Mayor.

Article 13 (Operation and Entrustment of Transportation Support Centers)

(1) For the efficient management and operation of special means of transportation, the Mayor may entrust the following affairs to the Seoul Facilities Corporation, a nonprofit corporation, or a nonprofit private organization:

1. Management and operation of special means of transportation;
2. Operation of transportation support centers.

(2) Where the Mayor intends to entrust affairs pursuant to paragraph (1), the Seoul Metropolitan Government Ordinance on Entrustment of Administrative Affairs to the Private Sector shall apply mutatis mutandis to matters that are not prescribed by this Ordinance in respect of entrustment: Provided, That where the Mayor entrusts affairs to Seoul Facilities Corporation, Articles 8 and 9 of the Seoul Metropolitan Government Ordinance on Entrustment of Administrative Affairs to the Private Sector may not be applicable mutatis mutandis.

(3) All budgets necessary for the operation of transportation support centers in the Seoul Metropolitan City shall be subsidized by the Seoul Metropolitan Government.

Article 14 (Operation of Special Means of Transportation)

(1) A special means of transportation shall be operated on a 24-hour-a-day, and 365-day-a-year basis, shall be available upon immediate request or by reservation, and may be used for a long period of time.

(2) A driver of a special means of transportation shall operate the relevant special means of transportation from the place of departure to the place of destination of a user to avoid any inconvenience caused to the user and shall assist the user in boarding and alighting.

(3) A special means of transportation shall be installed with lifting equipment such as a wheelchair lift or wheelchair crane, wheelchair holding devices, and wheelchair handrails, all of which enable a mobility disadvantaged person to board and alight the relevant special means of transportation while sitting in a wheelchair.

(4) Matters necessary for the operation of special means of transportation shall be prescribed by rule of the Seoul Metropolitan Government.

Article 15 (Persons Eligible to Use Special Means of Transportation)

(1) The scope of persons eligible to use a special means of transportation shall be as follows:

1. A person with a Grade I or II disability under Article 2 (1) of the Enforcement Rule of the Act on Welfare of Persons with Disabilities;
2. A person who has difficulty in using mass transportation services or in leaving home and moving alone, from among mobility disadvantaged persons who do not fall under subparagraph 1;
3. A family member or guardian who accompanies a mobility disadvantaged person falling under subparagraph 1 or 2;
4. Other persons deemed in need of a special means of transportation.

(2) Matters concerning the use of and request for a special means of transportation and detailed matters concerning the selection of users shall be prescribed by rule of the Seoul Metropolitan Government.

Article 16 (Fares and Number of Special Means of Transportation)

(1) The fares for special means of transportation shall not exceed three times the fares for urban railroads (distance-based fare system) pursuant to the Urban Railroad Act.

(2) The Mayor shall determine the fares for special means of transportation within the extent referred to in paragraph (1) and publicly notify them in the public gazette or via the Internet. The same shall also apply where the Mayor intends to change such fares.

(3) The number of vehicles for special means of transportation shall be provided for in a plan to promote transportation convenience, based on Article 16 (1) of the Act and Article 5 of the Enforcement Rule of the Act.

Article 17 (Education)

(1) Each transport business entity and each driver of a special means of transportation shall undergo education on the installation and management of convenient mobility equipment and on services to mobility disadvantaged persons, provided by the Mayor pursuant to Article 13 of the Act.

(2) The contents of education under paragraph (1) shall include the following:

1. Matters concerning statutes or regulations and policies on the promotion of the transportation convenience of mobility disadvantaged persons;
2. Matters concerning the installation, maintenance, and management of convenient mobility equipment;
3. Matters concerning education on the human rights of persons with disabilities;
4. Matters concerning services to mobility disadvantaged persons;
5. Other matters necessary to promote the transportation convenience of mobility disadvantaged persons.

(3) A person who intends to drive a special means of transportation may drive the relevant special means of transportation after completing the education course under paragraph (1).

(4) The education under paragraph (1) shall be provided by an agency in charge of education for persons engaged in transportation services of the Seoul Metropolitan Government and may be separately entrusted to an external institution where deemed necessary to enhance the effect of such education.

Article 18 (Announcements for Mobility Disadvantaged Persons)

(1) A transport business entity shall make announcements on accommodations, concessions, etc. for mobility disadvantaged persons in a means of public transportation, so as to create an environment that enables mobility disadvantaged persons to safely and conveniently use a means of public transportation. <Amended by Ordinance No. 7244, Jul. 18, 2019>

(2) A transport business entity shall make announcements to ensure mobility disadvantaged persons are seated or hold a handle for their safe use of public transportation. <Newly Inserted by Ordinance No. 7244, Jul. 18, 2019>

(3) A transport business entity may make posters, stickers, etc. related to announcements under paragraphs (1) and (2) and put them on the inside of a vehicle. <Newly Inserted by Ordinance No. 7244, Jul. 18, 2019>

Article 19 (Information on Inspection of Convenient Mobility Equipment)

(1) A transport business entity shall provide information on plans for the inspection of convenient mobility equipment in advance to promote the convenience of mobility disadvantaged persons.

(2) Where wheelchair lifting equipment, elevators for people with disabilities, etc. which are installed in urban railroad stations under subparagraph 2 of Article 2 of the Urban Railroad Act and wide-area railroad stations under subparagraph 3 of Article 2 of the Railroad Construction Act for the convenience of mobility disadvantaged persons fail to operate normally due to breakdown or other reasons, the Mayor shall promptly post information thereon on the Seoul Metropolitan Government's website and app, etc.

(3) For the provision of information under paragraph (2), a transport business entity shall cooperate therein unless there is a compelling reason not to do so.

CHAPTER IV INSPECTION OF CONVENIENT MOBILITY EQUIPMENT

Article 20 (Inspection of Convenient Mobility Equipment)

CHAPTER IV INSPECTION OF CONVENIENT MOBILITY EQUIPMENT(1) The Mayor shall inspect convenient mobility equipment installed in facilities subject to installation of convenient mobility equipment under Article 9 of the Act (hereinafter referred to as "facilities subject to installation").

(2) The inspection conducted pursuant to paragraph (1) shall be divided into pre-inspection and post-inspection as follows:

1. Pre-inspection: Inspection to check whether convenient mobility equipment has been installed in a facility subject to installation in compliance with the installation standards under Article 10 of the Act before the installation of such equipment in the relevant facility subject to installation is completed or the use of the relevant facility subject to installation is approved;
2. Post-inspection: Inspection to check whether convenient mobility equipment installed in a facility subject to installation is maintained and managed in compliance with the installation standards under Article 10 of the Act.

(3) The inspection under paragraph (2) shall be conducted through review of design drawings, on-site examination or other methods.

Article 21 (Composition and Duties of Inspection Personnel)

(1) When conducting an inspection pursuant to Article 20, the Mayor shall organize an inspection group by appointing or commissioning not more than seven inspection personnel from among the following persons. In such cases, the number of persons of the inspection group may vary according to the scale, etc. of the facilities subject to inspection:

1. Relevant public officials;
2. Persons with disabilities under Article 2 of the Act on Welfare of Persons with Disabilities;
3. Other persons who have much knowledge and experience in the installation, inspection, etc. of convenient mobility equipment.

(2) The inspection group shall prepare a result report signed by all inspection personnel that participated in the relevant inspection and submit it to the Mayor within seven days from the date the relevant inspection was conducted.

(3) Inspection personnel shall perform their duties faithfully and fairly and shall not use any inspection results for purposes other than those prescribed by Ordinances of the Seoul Metropolitan Government.

Article 22 (Reflection of Inspection Results)

(1) Upon receipt of a result report pursuant to Article 21 (2), the Mayor shall notify the details thereof to the relevant facility subject to installation without delay to make inspection results fully reflected.

(2) The Mayor may hear the opinions of related agencies, experts, etc. or request the submission of data, where deemed necessary to reflect inspection results or review the details of inspection result reports.

Article 23 (Efficient Execution of Convenient Mobility Equipment Inspection)

(1) The Mayor may establish and operate a specialized agency where deemed necessary to efficiently conduct an inspection of convenient mobility equipment pursuant to Article 20.

(2) The Mayor may entrust the inspection of convenient mobility equipment under Article 20 to a specialized agency, etc. that would act as an agent for performing duties to verify compliance with the standards for installation of amenities pursuant to Article 9-3 of the Act on the Guarantee of Convenience Promotion of Persons with Disabilities, Older Persons, Pregnant Women and Nursing Mothers, Etc.

Article 24 (Authentication of Barrier-Free Living Environment)

The Mayor shall endeavor to receive authentication of a barrier-free living environment under Article 17-2 of the Act for the means of transportation, passenger facilities, and roads to ensure that mobility disadvantaged persons move safely and conveniently.

[This Article Newly Inserted by Ordinance No. 6977, Jan. 3, 2019]

[Previous Article 24 moved to Article 25 <by Ordinance No. 6977, Jan. 3, 2019>]

Article 25 (Support for Installation of Convenient Mobility Equipment)

(1) Where an owner of a facility that does not belong to the category of facilities subject to installation intends to install convenient mobility equipment, the Mayor may fully or partially subsidize expenses incurred in such installation, if deemed necessary: Provided, That facilities for which such subsidy is provided shall be limited to means of transportation, passenger facilities, and roads other than the facilities prescribed in Article 2 of the Act. <Amended by Ordinance No. 7244, Jul. 18, 2019>

(2) Where a transport business entity intends to install convenient mobility equipment in excess of the installation standards under Article 10 of the Act to enhance the transportation convenience of mobility disadvantaged persons, the Mayor may fully or partially subsidize expenses incurred in installing the convenient mobility equipment. <Newly Inserted by Ordinance No. 7244, Jul. 18, 2019>

[Moved from Article 24; previous Article 25 moved to Article 26 <by Ordinance No. 6977, Jan. 3, 2019>]

Article 26 (Enforcement Rules)

Matters necessary for the enforcement of this Ordinance shall be prescribed by rule of the Seoul Metropolitan Government.

[Moved from Article 25 <by Ordinance No. 6977, Jan. 3, 2019>]