

National Policy on Urban Mobility as an Instrument for Urban Planning and Sustainability in Brazil

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Abstract: *Urban mobility conditions in Brazilian municipalities are precarious due to the lack or lack of planning for public transport services and an urban mobility policy. This reality can be changed with the strengthening and application of the National Urban Mobility Policy. Law No. 12,587 / 2012 was born with the purpose of determining the guidelines of the National Urban Mobility Policy, aiming at the integration between the different modes of transport and the improvement of accessibility and mobility of people and cargo in Brazilian cities. Initially, the importance of the National Urban Mobility Policy for Brazilian cities was investigated. In this scenario, the responsibilities of federative entities in defining urban development policies were characterized, with the purpose of ordering the social functions of cities, based on the master plan. In this way, concepts of urban sustainability, planning and management of urban mobility systems and sustainable urban mobility are presented. For this purpose, a survey of the legislation related to the theme and a bibliographic survey on the directions of Urban Mobility and the main policies applied in Brazil on the subject were used to collect the information. Finally, it is concluded that the participation of the population, business, professional, academic and research entities and public agents in the decision-making taken by the government for the construction and development of sustainable cities is extremely important.*

Keywords: Public Management, Public policy. Urban Engineering

1. Introduction

Urban mobility conditions in Brazilian municipalities are very precarious due to the deficiency or absence of public transport services. This reality can be changed with the strengthening and application of the National Urban Mobility Policy, which considers the principles of universal accessibility, sustainable development of cities, in socioeconomic and environmental dimensions, equity in citizens' access to public transport, efficiency, effectiveness and effectiveness in the provision of urban transport services, democratic management and social control of the planning and evaluation of the National Urban Mobility Policy, security in the displacement of people, fair distribution of benefits and burdens resulting from the use of different modes and services, equity in the use of public circulation space, roads and public spaces and efficiency, efficacy and effectiveness in urban circulation.

This article addresses the subject of Urban Mobility in a broad sphere, with regard to the National Urban Mobility Policy by the federal entities, assessing the technical and legal instruments for planning its application.

In order to make these article effective, surveys of the legislation related to the subject and bibliographic survey on the directions of urban mobility and the main policies in Brazil were carried out.

2. Cities

According to MOREIRA (2008), the Federal Constitution of 1988, in its art. 182, by assigning the municipalities the responsibility for defining their urban development policies, with the objective of ordering the full development of the social functions of the cities, based on the so-called master

plan.

Also according to MOREIRA (2008), with the appearance of the Statute of Cities (Federal Law nº 10.257 / 2001), the role of the master plan was reinforced as a fundamental instrument for the sustainable planning of Brazilian cities.

According to NBR 12.267 / 1992, the social function of the city is the function that the city must fulfill in order to ensure the general conditions for the development of production, commerce and services, and, in particular, for the full realization of rights citizens, such as the right to health, basic sanitation, education, work, housing, public transport, security, information, leisure, environmental quality and participation in planning.

The Art. 2º of Law nº 10.257/2001 establishes that urban policy aims to order the full development of the social functions of the city and urban property, taking into account the following general guidelines:

Art. 2º The objective of urban policy is to order the full development of the social functions of the city and urban property, through the following general guidelines:

- 1) Guarantee of the right to sustainable cities, understood as the right to urban land, housing, environmental sanitation, urban infrastructure, transportation and public services, work and leisure, for present and future generations;
- 2) Democratic management through the participation of the population and associations representing the various segments of the community in the formulation, execution and monitoring of urban development plans, programs and projects;
- 3) Cooperation between governments, the private sector and other sectors of society in the urbanization process, in order to serve the social interest;

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- 4) Planning the development of cities, the spatial distribution of the population and the economic activities of the Municipality and the territory under its area of influence, in order to avoid and correct the distortions of urban growth and its negative effects on the environment;
- 5) Provision of urban and community facilities, transport and public services appropriate to the interests and needs of the population and local characteristics;
- 6) Ordering and controlling land use, in order to avoid:
 - a) The inappropriate use of urban properties;
 - b) The proximity of incompatible or inconvenient uses;
 - c) Land parceling, excessive or inappropriate building or use in relation to urban infrastructure;
 - d) The installation of undertakings or activities that can function as traffic generating poles, without the provision of the corresponding infrastructure;
 - e) The speculative retention of urban property, which results in its underutilization or non-use;
 - f) The deterioration of urbanized areas;
 - g) Pollution and environmental degradation;
 - h) The exposure of the population to the risks of disasters.
- 7) Integration and complementarity between urban and rural activities, in view of the socioeconomic development of the Municipality and the territory under its area of influence;
- 8) Adoption of patterns of production and consumption of goods and services and of urban expansion compatible with the limits of environmental, social and economic sustainability of the Municipality and the territory under its area of influence;
- 9) Fair distribution of benefits and burdens resulting from the urbanization process;
- 10) Adequacy of the instruments of economic, tax and financial policy and public spending to the objectives of urban development, in order to privilege investments that generate general well-being and the enjoyment of goods by different social segments;
- 11) Recovery of investments by the Government that resulted in the appreciation of urban properties;
- 12) Protection, preservation and recovery of the natural and built environment, cultural, historical, artistic, landscape and archaeological heritage;
- 13) Audience of the municipal Public Power and of the population interested in the processes of implantation of undertakings or activities with potentially negative effects on the natural or built environment, the comfort or safety of the population;
- 14) Land tenure regularization and urbanization of areas occupied by low-income population through the establishment of special rules for urbanization, use and occupation of land and building, considering the socioeconomic situation of the population and environmental standards;
- 15) Simplification of land subdivision, use and occupation legislation and building regulations, with a view to reducing costs and increasing the supply of plots and housing units;
- 16) Equality of conditions for public and private agents in promoting undertakings and activities related to the urbanization process, meeting the social interest.
- 17) Encouraging the use, in land parcels and urban buildings, of operating systems, construction standards and technological inputs aimed at reducing environmental impacts and saving natural resources.
- 18) Priority treatment for works and buildings of energy, telecommunications, water supply and sanitation infrastructure.
- 19) Guarantee of decent conditions of accessibility, use and comfort in the internal dependencies of urban buildings, including those destined to housing and to the service of domestic workers, observing minimum requirements for dimensioning, ventilation, lighting, ergonomics, privacy and quality of the materials used.

The City Statute establishes rules of public order and social interest that regulate the use of urban property for the benefit of the collective good, security and well-being of citizens, as well as environmental balance.

3. National Urban Mobility Policy

Federal Constitution of 1988 determined in its item XX of art. 21 that it is the Union's competence to institute guidelines for urban development, including housing, basic sanitation and urban transport.

In view of popular pressures and demands from Brazilian society, Law No. 12,587, of January 3, 2012, was created, which institutes the guidelines of the National Urban Mobility Policy.

The National Urban Mobility Policy is the instrument of the Urban Development Policy, which aims to integrate the different modes of transport and improve the accessibility and mobility of people and cargo in the territory of the municipalities.

The National Urban Mobility Policy aims to contribute to universal access to the city, the promotion and implementation of conditions that contribute to the implementation of the principles, objectives and guidelines of the urban development policy, through the planning and democratic management of the National Urban Mobility System.

According to BRASIL (2013), Law No. 12,587 / 2012 aims to contribute to reverting the current model of urban mobility in Brazilian cities by integrating it with the instruments of urban management, together with the principles of environmental sustainability and turning decisively towards inclusion Social. To this end, it institutes guidelines that provide municipalities with technical and legal instruments to improve urban mobility in conditions of efficiency and quality in Brazilian cities.

In view of the importance of the National Urban Mobility Policy, the Law n° 12.587/2012 establishes that:

Art. 5° The National Urban Mobility Policy is based on the following principles:

- 1) Universal accessibility;
- 2) Sustainable development of cities, in socioeconomic and environmental dimensions; III - equity in citizens' access to public transport;

- 3) Efficiency, efficacy and effectiveness in the provision of urban transport services;
- 4) Democratic management and social control of the planning and evaluation of the National Urban Mobility Policy;
- 5) Security in the displacement of people;
- 6) Fair distribution of benefits and burdens arising from the use of different modes and services;
- 7) Equity in the use of public spaces for circulation, roads and public areas; and IX - efficiency, efficacy and effectiveness in urban circulation.

Art. 6° The National Urban Mobility Policy is guided by the following guidelines:

- 1) Integration with urban development policy and respective sectorial housing policies, basic sanitation, land use planning and management within the scope of federative entities;
- 2) Priority of non-motorized modes of transport over motorized ones and of public transport services over individual motorized transport;
- 3) Integration between urban transport modes and services;
- 4) Mitigation of environmental, social and economic costs of displacement of people and cargo in the city;
- 5) Encouraging scientific and technological development and the use of renewable and less polluting energy; prioritization of public transport projects that structure the territory and induce integrated urban development; and
- 6) Integration between twin cities located on the border strip with other countries on the international dividing line.
- 7) Guarantee of economic sustainability of public passenger transport networks, in order to preserve the continuity, universality and low tariff of the service.
- 8) Art. 7° The National Urban Mobility Policy has the following objectives: I - reduce inequalities and promote social inclusion;
- 9) Promote access to basic services and social facilities;
- 10) Provide improvement in the urban conditions of the population with regard to accessibility and mobility;
- 11) Promote sustainable development by mitigating the environmental and socioeconomic costs of displacing people and cargo in cities; and
- 12) Consolidate democratic management as an instrument and guarantee for the continuous construction of the improvement of urban mobility.

Law n° 12.587 establishes the powers of the Union, States and Municipalities:

Art. 16. The duties of the Union are:

- 1) Provide technical and financial assistance to States, Federal District and Municipalities, under the terms of this Law;
- 2) Contribute to the continuous training of people and to the development of institutions linked to the National Urban Mobility Policy in the States, Municipalities and the Federal District, under the terms of this Law;
- 3) Organize and make available information on the National

System of Urban Mobility and the quality and productivity of public transport services;

- 4) Encourage the implementation of large and medium capacity public transport projects in urban agglomerations and metropolitan regions;
- 5) (VETED);
- 6) Encourage technological and scientific development in order to comply with the principles and guidelines of this Law; and
- 7) Provide, directly or by delegation or associated management, urban interstate public transport services.
 - a) The Union will support and encourage coordinated and integrated actions between Municipalities and States in conurbated areas, urban agglomerations and metropolitan regions aimed at common urban mobility policies, including in cities defined as twin cities located in regions bordering other countries, observing art. 178 of the Federal Constitution.
 - b) The Union may delegate to the States, the Federal District or the Municipalities the organization and provision of interstate and international public transport services of an urban nature, provided that a public consortium or cooperation agreement for this purpose is constituted, subject to art. 178 of the Federal Constitution.

Art. 17. They are the responsibility of the States:

- 1) To provide, directly or by delegation or associated management, the inter-municipal public collective transport services of an urban nature, in accordance with § 1° do art. 25 of the Federal Constitution;
- 2) Propose specific tax policy and incentives for the implementation of the National Urban Mobility Policy; and
- 3) Guarantee support and promote the integration of services in areas that exceed the limits of a municipality, in accordance with § 3° of the Federal Constitution.

Single paragraph. States may delegate to municipalities the organization and provision of public intercity public transportation services of an urban nature, provided that a public consortium or cooperation agreement for this purpose is constituted..

Art. 18. They are the attributions of the Municipalities:

- 1) Plan, execute and evaluate the urban mobility policy, as well as promote the regulation of urban transport services;
- 2) To provide, directly, indirectly or through associated management, urban public transport services, which are essential in nature;
- 3) Train people and develop institutions linked to the city's urban mobility policy; and IV – (VETED).

Art. 19. Applicable to the Federal District, where applicable, the attributions foreseen for States and Municipalities, under the terms of the arts. 17 e 18.

Art. 20. The exercise of the attributions provided for in this Chapter shall be subject, in each federative entity, to the rules established by the respective laws of budgetary guidelines, to the effective availabilities ensured by its annual budgetary laws and to the imperatives of

Complementary Law no. 101, of 4 May 2000.

4. Director's Plan of the Cities

According to NBR n° 12.267 / 1992, the Master Plan is the basic instrument of a municipal planning process for the implementation of urban development policy, directing the action of public and private agents.

The Master Plan should indicate its objectives relating to the social functions of urban property and the city and the municipal development policy.

According to NBR n° 12.267/1992, the Master Plan consists of at least three parts, which are: Rationale for the Master Plan, the Master Plan Guidelines and the Master Plan Instrumentation.

The Rationale of the Master Plan consists of the objectives, characterization, diagnoses and prognoses, alternatives and evaluation criteria.

The Master Plan Guidelines should cover at least aspects related to the type and intensity of land use, the road system and respective standards, infrastructure and social equipment and urban services, with a view to meeting the social functions of urban property and of the city.

The Instrumentation of the Master Plan is made up of legal, technical, budgetary, financial and administrative documents, in order to integrate the programs, budgets and investments of the municipality with its guidelines, enabling its implementation.

The master plan is mandatory for cities with more than twenty thousand inhabitants, members of metropolitan regions and urban agglomerations, where the municipal Government intends to use the instruments provided for in §4° of art. 182 of the 1988 Federal Constitution, members of areas of special tourist interest, inserted in the area of influence of projects or activities with significant environmental impact at regional or national level and included in the national register of Municipalities with areas susceptible to the occurrence of high impact landslides, sudden floods or related geological or hydrological processes.

The Council of Cities, in the use of its attributions established by Decree n° 5.031, of April 2, 2004, by referral from the Technical Committee for Urban Territorial Planning, issued the guidelines and recommendations that follow regarding the minimum content of the Master Plan through the Recommended Resolution n° 34, of July 1, 2005, determining that:

Art. 1° The Master Plan should provide, at least:

- 1) The actions and measures to ensure the fulfillment of the city's social functions, considering the rural and urban territory;
- 2) The actions and measures to ensure the fulfillment of the social function of urban property, both private and public;
- 3) The objectives, priority themes and strategies for the

development of the city and for the territorial reorganization of the municipality, considering its suitability for the adjacent territorial spaces;

- 4) The instruments of urban policy provided for in art. 42 of the City Statute, linking them to the objectives and strategies established in the Master Plan.
 - a) Municipalities included in the national register of municipalities with areas susceptible to the occurrence of high impact landslides, sudden floods, related geological or hydrological processes, as provided by Law No. 12,608 / 2012, must comply with the provisions of Article 42-A of the City Statute, its items and paragraphs, highlighting the need for the preparation and approval of the Master Plan and subsequent referral for approval by the City Council within 5 (five) years. (Included by Recommended Resolution No. 164, 2014)
 - b) Municipalities that intend to expand their urban perimeter must observe the provisions of article 42-B of the City Statute, its items and paragraphs. (Included by Recommended Resolution No. 164, 2014).

For cities with more than five hundred thousand inhabitants, an integrated urban transport plan, compatible with or included in the master plan, must be prepared.

5. Direct Plan of Transport and Mobility

According to BRASIL (2015), Law n° 12.587/2012 determines that municipalities over 20 thousand inhabitants and the others required by law to develop their Urban Mobility Plans, as a condition for accessing federal resources for investment in the sector.

Also according to BRASIL (2015), the municipalities required by law are the same ones that are required to make the Master Plans and currently total 3,065 municipalities, according to data from IBGE (2012). Art. 41 of the City Statute lists the cities required to prepare the Master Plan, such as: municipalities with more than 20 thousand inhabitants, members of metropolitan regions and urban agglomerations, members of areas of special tourist interest, inserted in the area of influence of significant enterprises environmental impact, among others.

In view of the importance of the Urban Mobility Plan, Law n° 12.587/2012 establishes that:

Art. 24. The Urban Mobility Plan is the instrument for implementing the National Urban Mobility Policy and should include the principles, objectives and guidelines of this Law, as well as:

- a) Public transport services;
- b) Road circulation;
- c) The infrastructures of the urban mobility system, including bicycle and cycle lanes; IV - accessibility for people with disabilities and restricted mobility;
- d) The integration of public transport modes and these with private and non-motorized modes;
- e) The operation and disciplining of cargo transportation in the road infrastructure; VII - the travel generating hubs;

- f) The public and private parking areas, free or expensive;
 - g) The restricted and controlled access and circulation areas and times;
 - h) The mechanisms and instruments for financing public collective transport and urban mobility infrastructure; and
 - i) The systematic evaluation, review and periodic update of the Urban Mobility Plan within a period not exceeding 10 (ten) years
- 1) In Municipalities above 20,000 (twenty thousand) inhabitants and in all the others obliged, according to the law, to the elaboration of the master plan, the Urban Mobility Plan must be prepared, integrated and compatible with the respective master plans or inserted in them.
 - 2) In Municipalities without a public or individual public transport system, the Urban Mobility Plan should focus on non-motorized transport and on the planning of urban infrastructure for walking and cycling, in accordance with current legislation.
 - 3) The Urban Mobility Plan must be made compatible with the municipal master plan, existing or under preparation, within a maximum period of 6 (six) years from the entry into force of this Law.
 - 4) Municipalities that have not prepared the Urban Mobility Plan by the date of enactment of this Law will have a maximum period of 7 (seven) years from its entry into force to prepare it, after which they will be prevented from receiving federal budgetary resources. intended for urban mobility until they meet the requirements of this Law.
 - 5) The Urban Mobility Plan should include measures designed to serve the consolidated informal urban nuclei, under the terms of Law n° 13.465, of July 11, 2017.
 - 6) (VETOED).

The Council of Cities, in the use of its attributions established by Decree n° 5.031, by referral from the Technical Committee for Urban Territorial Planning, issued the guidelines and recommendations that follow regarding the minimum content of the Master Plan through the Recommended Resolution n° 34, of July 1, 2005, determining that:

Art. 8° In the cases provided for by art. 41, § 2° of the City Statute, the integrated urban transport plan, hereinafter referred to as the Transport and Mobility Master Plan, must include the following general principles and guidelines:

- 1) Ensure the diversity of modes of transport, respecting the characteristics of cities, prioritizing collective transport, which is structuring, over individual, non-motorized modes and valuing pedestrians;
- 2) Ensure that the management of Urban Mobility occurs in an integrated manner with the Municipal Master Plan;
- 3) Except local and regional specificities;
- 4) Guarantee control of urban expansion, universal access to the city, improvement of environmental quality, and control of impacts on the mobility system generated by the ordering of land use.

Art. 9° The principles and guidelines set out in article 8 should be considered in the preparation of the Municipal Master Plans when dealing with urban mobility issues.

Art. 10° In addition to the minimum content required, the Master Plan may include other relevant topics, considering the specificity of each municipality.

According to BRASIL (2015), every Urban Mobility Plan is unique, whether municipal or regional and that the guidelines for the preparation of the Municipal Urban Mobility Plan are the same for the preparation of Regional Urban Mobility Plans. Therefore, the use of information and data must be evaluated in accordance with the specificities of the municipality; they must also be used for the Plan of a given region, as appropriate.

6. Planning and Management of Urban Mobility Systems

According to BRASIL (2013), the Ministry of Cities has the institutional competence to develop policies to foster urban land and land planning and management. It is a policy of support to municipalities and states, since urban planning and territorial management of municipalities are the responsibility of local governments.

The Council of Cities - ConCidades, is a collegiate body of a deliberative and consultative nature, part of the structure of the Ministry of Cities, whose purpose is to study and propose the guidelines for the formulation and implementation of the National Urban Development Policy, as well as to monitor and evaluate its execution, as provided by Law n° 10.257, of July 10, 2001 - City Statute.

The ConCidades is the body responsible for proposing the general guidelines for the formulation and implementation of the National Urban Development Policy, in line with the resolutions approved by the National Conference of Cities and its composition, structuring, competences and functioning of the Council of Cities - ConCidades are determined by Decree n° 5.790, of May 25, 2006.

According to BRASIL (2013), Brazilian cities in the last decades have been gradually suffering from an urban mobility crisis, requiring substantial changes in the planning and management of urban mobility from the various spheres of government. The lack of a mobility policy that integrates urban management instruments, paradigm changes, interface with sustainability, efficiency, quality, social inclusion, etc., has caused Brazilian cities today to face serious unsustainability problems, ineffectiveness, inequality in the use of public space, thus producing socially exclusive cities.

According to BRASIL (2013), people and cargo move because there are means and systems of transport, as well as the respective infrastructures. This movement produces traffic. Therefore, a given spatial organization of urban elements, promote interrelationships between traffic, transport and land uses that produce issues that need solutions of different orders.

Regarding the planning, management and evaluation of

mobility systems, Law n° 12.587 determines in its Art. 21 that:

Art. 21. The planning, management and evaluation of mobility systems should include:

- 1) The clear and transparent identification of short, medium and long term objectives;
- 2) The identification of the financial and institutional means to ensure its implementation and execution;
- 3) The formulation and implementation of systematic and permanent monitoring and evaluation mechanisms for the established objectives; and
- 4) The definition of the goals of service and universalization of the offer of public public transport, monitored by pre-established indicators.

Law n° 12.587 em seu artigo n° 22 in its article 22, defines the minimum attributions of Organs managing bodies of the federal entities responsible respectively for the planning and management of the urban mobility system:

Art. 22. Minimum duties of Organs managing bodies of the federal entities responsible for planning and managing the urban mobility system, respectivel:

- 1) Plan and coordinate the different modes and services, observing the principles and guidelines of this Law;
- 2) Evaluate and supervise services and monitor performance, ensuring the achievement of universalization and quality goals;
- 3) Implement the tariff policy;
- 4) Provide for itineraries, frequencies and quality standards of services; V - stimulate the effectiveness and efficiency of public transport services; VI - guarantee the rights and observe the responsibilities of the users; and VII - combat the illegal transportation of passengers

In addition, Law n° 12,587 in its article 23, defines the other management instruments of the urban transport and mobility system:

Art. 23. The federative entities may use, among other instruments of management of the transport system and urban mobility, the following:

- 1) Restriction and control of access and circulation, permanent or temporary, of motor vehicles at predetermined locations and times;
- 2) Stipulation of pollutant emission standards for specific locations and times, which may condition access and circulation to urban spaces under control;
- 3) Application of taxes on urban transport modes and services for the use of urban infrastructure, aiming to discourage the use of certain mobility modes and services, linking the revenue to the exclusive application in urban infrastructure intended for public transport and transportation non-motorized and in the financing of the public subsidy of the public transport tariff, in accordance with the law;
- 4) Dedication of exclusive space on public roads for public transport services and non-motorized modes of transport;
- 5) Establishment of the public and private use parking

- policy, with and without payment for its use, as an integral part of the National Urban Mobility Policy;
- 6) Control of the use and operation of the road infrastructure intended for the circulation and operation of cargo transportation, granting priorities or restrictions;
- 7) Monitoring and control of local and greenhouse gas emissions from motorized modes of transportation, allowing the restriction of access to certain roads due to the criticality of pollution emission rates;
- 8) Agreements to combat illegal passenger transport; and
- 9) International urban collective transport agreement in cities defined as twin cities in the border regions of Brazil with other countries, observing art. 178 of the Federal Constitution.

Regarding the instruments to support urban mobility, the Law n° 12.587 determines in its Art. 25 that:

Art. 25. The Executive Power of the Union, that of the States, that of the Federal District and that of the Municipalities, according to their budgetary and financial possibilities and observing the principles and guidelines of this Law, will include in the respective projects of pluriannual plans and laws of budgetary guidelines the actions programmatic and support instruments that will be used, in each period, to improve urban mobility systems and improve the quality of services.

Single paragraph. The indication of the actions and support instruments referred to in the caput will be accompanied, whenever possible, by the establishment of criteria and conditions for access to financial resources and other forms of benefits that are established.

7. Urban Sustainability

The Federal Constitution enacted in 1988 expresses its concern for the environment and determines in its art. 225 that all Brazilians have the right to an ecologically balanced environment, a common use of the people and essential to a healthy quality of life, imposing on the Public Power and the community the duty to defend and preserve it for those present and future generations.

Law n° 6.938/1.981 defines that the environment is the set of conditions, laws, influences and interactions of a physical, chemical and biological order, which allows, shelters and governs life in all its forms.

According to BARBOSA (2008), sustainability consists of the search for productive means, distribution and consumption of existing resources in a more coherent, economically effective and ecologically viable way. Therefore, sustainability can be understood as meeting the demands of the present without jeopardizing the continuity of the context in question and guaranteeing the existing resources for future generations.

According to BRASIL (2013), sustainable development refers to intra-generational justice (needs of the present generation) and intergenerational justice (needs of future generations). Furthermore, it emphasizes the limited

availability of natural resources and demands a balance between economic development, social equality and environmental protection.

According to SAMPAIO (2009), cities with sustainable development represent a more equal place for everyone, with concern for the environment and the population that lives there.

According to Sampaio (2009), several proposals are presented by different authors from multiple areas, as urban sustainability is an interdisciplinary concept and difficult to characterize. To achieve applicability in the urban environment, it depends on political, social and environmental actions.

According to BRASIL (2013), urban sustainability involves a set of aspects that are dynamic and that affects each population in a different way and in different dimensions, in addition to the cities constituting human formations that carry a history, specificities, potentialities and various local characteristics that make part of its morphology and identity, sustainability must be treated as a theme that generates contradictions, which is loaded with values, emotion, perception, sensitivity, ethics and that, its understanding is related to the evolution process of each society, in such a way, presenting its characteristics in each specific urban territory, which requires an attentive look at all urban problems that have been established throughout history.

According to BRASIL (2013), studies on the development of urban space must be made possible by mechanisms capable of predicting impacts and giving new courses of action that offer sustainable options, through evidence that reveals future trends or perspectives. Since, the concept of urban space development itself must consider the complexity of environmental systems and the need for self-organization as a natural process to adapt to the impacts already produced, which requires integrated approaches based on the specific characteristics of each investigated system, encompassing the values and meanings of the adopted development process, a fact that makes it difficult to achieve more consistent results.

8. Sustainable Urban Mobility

According to BRASIL (2006), sustainable urban mobility seeks to incorporate into the concepts of environmental, economic and social sustainability the ability to meet the demands of society to move freely to carry out the desired activities, aiming at improving the quality of urban life in this city and future generations.

According to BRASIL (2006), urban mobility allows citizens and goods to move safely and efficiently, ensuring physical access to the activities and services they need and the perfect maintenance of urban dynamics. Urban mobility is influenced by factors such as the dimensions of the urban space, the complexity of the activities developed in it, the availability of transport services and the characteristics of the population, especially with regard to issues such as income, age and gender. In addition, mobility conditions directly affect the economic development of cities, social

interaction and the well-being of their inhabitants.

According to OLIVEIRA (2010), the proposal of alternatives for sustainable urban planning must cover the areas of guarantee of multicentricity, such as the gradual reformulation of urban design, reconsidering from the road system itself to elements referring to local accesses, the continuity of pedestrian paths, the incorporation of new forms of transport, encouraging the use of non-motorized means (bike paths, walking, good sidewalks, landscaping, security), giving priority to urban transport.

According to BRASIL (2006), mobility problems are multidimensional and do not exclusively involve issues related to access to means of transport. These also involve more complex daily issues, in addition to aspects related to the physical planning and organization of cities. All of these factors, in turn, have a direct influence on the sustainability of cities. Finally, the problems associated with mobility in all shapes and dimensions have contributed to the decline in the quality of life and the loss of efficiency of the economy in cities.

According to BRASIL (2006), the construction of sustainable cities results in profound changes in transport and in the development of a new prototype that takes into account the concepts associated with the increase in urban mobility.

9. Conclusion

The purpose of this article was to gather a possible list of legal references that present in general how the Municipalities, the Federal District, the States and the Union should organize themselves with regard to urban mobility, according to the proposal to bring to this work a approach on the National Urban Mobility Policy and bibliography on the subject.

Urban mobility infrastructure is a duty of the Brazilian State. Therefore, it is up to the federative entities to create and maintain these infrastructures, which entails high investments in works and constant improvements in the services provided to the population. However, the State starts to fulfill its constitutional duty, thus guaranteeing quality of life for its population.

It is undeniable that the Brazilian State has made great progress in the scope of urban mobility in its urban planning instruments, but there is a great deficiency in the way that the State develops its urban development and transport policies, due to the lack of planning, inspection and evaluation of the National Urban Mobility Policy by the federal entities, leading to low effectiveness, efficiency and effectiveness in the provision of services between the different modes of transport, accessibility and mobility of people and cargo. This situation can be changed with the strengthening and application of the National Urban Mobility Policy in the planning and development instruments of the Municipalities, being essential the interaction between the States, the Federal District and the Union in this process.

In addition, it is suggested the development of additional studies and research in order to deepen the issues addressed in this scientific article.

Finally, the participation of the population, business, professional, academic and research entities and public agents in the decision-making taken by the public authorities for the construction and development of sustainable cities is of paramount importance.

References

- [1] ABNT, ASSOCIAÇÃO BRASILEIRA DE NORMAS TÉCNICAS. **NBR 12627**: Normas para Elaboração de Plano Diretor. Rio de Janeiro, 1992.
- [2] BARBOSA, Gisela Silva. **O DESAFIO DO DESENVOLVIMENTO SUSTENTÁVEL**.
- [3] Revistas Visões. 4ª Edição. n° 4. Volume 1 – Jan/Jun – 2008. Available in: http://www.fsma.edu.br/visoes/ed04/4ed_O_Desafio_Do_Desenvolvimento_Sustentavel_Gisele.pdf. Accessed on: 10/26/2016.
- [4] BRASIL. **Constituição da República Federativa do Brasil**, 5 de outubro de 1988. Brasília, 1988. Available in: www.planalto.gov.br/ccivil_03/constituicao/constituicao_aocompilado.htm. Accessed on: 10/26/2016.
- [5] BRASIL. **Lei Federal nº 6.938, de 31 de agosto de 1981**. Brasília, 1981. Available in: http://www.planalto.gov.br/ccivil_03/LEIS/L6938.htm. Accessed on: 10/04/2018.
- [6] BRASIL. **Lei Federal nº 10.257, de 10 de julho de 2001**. Brasília, 2001. Available in: http://www.planalto.gov.br/ccivil_03/leis/LEIS_2001/L10257.htm. Accessed on: 10/04/2018.
- [7] BRASIL. **Lei Federal nº 12.587, de 3 de janeiro de 2012**. Brasília, 2012. Available in: www.planalto.gov.br/ccivil_03/_ato2011-2014/2012/lei/12587.htm. Accessed on: 10/04/2018.
- [8] BRASIL. **Gestão Integrada da Mobilidade Urbana**. Brasília, 2006. Available in: http://www.solucoesparacidades.com.br/wpcontent/uploads/2010/01/40%20Gestao%20Integrada%20mobilidade%20urbana_MCidades.pdf. Accessed on: 10/27/2016.
- [9] BRASIL. **Planejamento em Mobilidade Urbana**. Brasília, 2013. Disponível em: http://www.cidades.gov.br/images/stories/ArquivosSEMOb/planejamento_mobilidade_urbana_dialogossetoriais2013.pdf. Accessed on: 10/27/2016.
- [10] BRASIL. **PlanMob – Caderno de Referência para Elaboração de Plano de Mobilidade Urbano**. Brasília, 2015. Available in: [cidades.gov.br/images/stories/ArquivosSE/planmob.pdf](http://www.cidades.gov.br/images/stories/ArquivosSE/planmob.pdf). Accessed on: 28/10/2016.
- [11] BRASIL. **RESOLUÇÃO RECOMENDADA Nº 34/2005**. Ministério das Cidades. Brasília, 2011. Available: www.cidades.gov.br/images/stories/ArquivosCidades/ArquivosPDF/Resolucoes/resolucao-34-2005_alterada.pdf. Accessed on: 28/10/2016.
- [12] CÂNDIDO, A. G.; MARTINS, M. F.; **Análise da Sustentabilidade no Contexto das Cidades: proposição de critérios e indicadores**. Rio de Janeiro, 2013. Available in: http://www.anpad.org.br/admin/pdf/2013_EnANPAD_GCT2482.pdf. Accessed on: 10/26/2016.
- [13] GUIMARAENS, Maria Etelvina B.; **Função Social da Cidade e da Propriedade Urbana**. Porto Alegre, 2012. Available in: www.ibdu.org.br/imagens/funcao-social-dacidade-e-propriedade-urbana.pdf. Accessed on: 27/10/2016.
- [14] MOREIRA, Helion França. **O Plano Diretor e as Funções Sociais da Cidade**. Rio de Janeiro, 2008. Available in: http://www.cprm.gov.br/publique/media/plano_diretor_helion.pdf. Accessed on: 10/27/2016.
- [15] OLIVEIRA, M. F. S., OLIVEIRA, O. J. R., OLIVEIRA, J. F. S.; **Mobilidade Urbana e Sustentabilidade**. Florianópolis, 2010. Available: www.anppas.org.br/encontro5/cd/artigos/GT11-236-949-20100904103333.pdf. Accessed on: 10/10/2016.
- [16] SAMPAIO, Danusa Teodoro. **Sustentabilidade Urbana: Conceitos e Controvérsias**. Recife, 2009. Available: www.iau.usp.br/pesquisa/grupos/habis/biblioteca/digital/artigos/sustentabilidade/Artigo_ELECS2009_Sustentabilidade%20Urbana_conceitos%20e%20controversas_Sampaio.pdf. Accessed on: 10/27/2016.

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