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## **Overcrowded buses and clandestine transport in Brazil**

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### **Abstract**

Constraints on public transport during the Covid-19 pandemic pushed many urban residents to travel in overcrowded vehicles, and even take to clandestine means.

### **Keywords**

Brazil, transportation, clandestine, work, Covid-19

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Public transportation is an essential service, with both social and economic functions. In Brazil, access to transportation was recognised as a social and fundamental right by the Constitutional Amendment No. 90,<sup>2</sup> acknowledging the importance of people's urban mobility. The Institute of Applied Economic Research (Ipea) found that 65.9% of the population living in state capital cities rely on public transportation for travel.<sup>3</sup> During the pandemic, there has been a decrease in the number of passengers using public transportation<sup>4</sup> in some areas as well as a fleet reduction, which limited transport options.

Federal and state agencies assumed that by reducing the supply of regular public transportation, people would move less, thus minimising viral spread.<sup>5</sup> In the city of São Paulo, city officials reduced the bus fleet to 40% in March 2020.<sup>6</sup> Additionally, there was a decrease in demand in some areas, but the changes were not homogeneous and occur differently depending on local circumstances. In fact, some bus lines that serve peripheral areas in major cities registered an increase in demand.<sup>7</sup>

Although it may be argued that it is sensible to reduce public transport fleets from an economic point of view, excessive and widespread fleet reduction across Brazil's major cities failed to consider that there is higher demand for public transportation in urban peripheries than in the central area of cities.<sup>8</sup>

While there has historically been greater demand for public transportation in urban peripheries, that has corresponded with less reliable options available to people living there.<sup>9</sup> Workers living in peripheral regions depend on public transportation to reach the central area of cities where they work. With limited reliable transportation, people are forced to travel standing up in overcrowded vehicles daily. Shortage of public transportation in the peripheries has intensified during the pandemic, posing additional challenges and health risks for poor working-class people. A research study conducted by the Federal University of São Paulo (Unifesp) found that most Covid-19 victims in the city resided in peripheral neighbourhoods, where the population depends on public transport. Workers who depend on

<sup>2</sup> *Casa Civil*. 2015. *EMENDA CONSTITUCIONAL Nº 90*. Planalto – Governo do Brasil. Available online at: [http://www.planalto.gov.br/ccivil\\_03/constituicao/Emendas/Emc/emc90.htm](http://www.planalto.gov.br/ccivil_03/constituicao/Emendas/Emc/emc90.htm). Last accessed on 05 October 2020.

<sup>3</sup> Galindo, Ernesto Pereira and Vicente Correia Lima Neto. 2019. *A Mobilidade Urbana no Brasil: percepções de sua população*. IPEA. Available online at: [https://www.ipea.gov.br/portal/images/stories/PDFs/TDs/td\\_2468.pdf](https://www.ipea.gov.br/portal/images/stories/PDFs/TDs/td_2468.pdf). Last accessed on 15 October 2020.

<sup>4</sup> Faria, Flávia, Diana Yukari and Leonardo Diegues. 2020. *Transporte público no Brasil perde 62% dos passageiros*. Available online at: <https://gauchazh.clicrbs.com.br/geral/noticia/2020/04/transporte-publico-no-brasil-perde-62-dos-passageiros-ck8ltd6hx00pu01tea9lldr8z.html>. Grupo RBS. Last accessed on 15 October 2020.

<sup>5</sup> Siqueira, Julia. 2020. *O que mudou na mobilidade urbana com a chegada da pandemia?*. UNINTER. Available online at: <https://www.uninter.com/noticias/o-que-mudou-na-mobilidade-urbana-com-a-chegada-da-pandemia>. Last accessed on 10 November 2020.

<sup>6</sup> Terra. 2020. *Prefeitura de SP reduz frota de ônibus para 40% do efetivo*. Available online at: [https://www.terra.com.br/noticias/brasil/cidades/prefeitura-de-sp-reduz-frota-de-onibus-para-40-do-efetivo\\_b2029faa845a3775095238e64d0c4a67y6j0t0c9.html](https://www.terra.com.br/noticias/brasil/cidades/prefeitura-de-sp-reduz-frota-de-onibus-para-40-do-efetivo_b2029faa845a3775095238e64d0c4a67y6j0t0c9.html). Last accessed on 15 October 2020.

<sup>7</sup> Agência FAPESP. 2020. *Mudança na oferta de transporte coletivo na periferia de grandes cidades aumentou o risco de contágio*. FAPESP. Available online at: <https://agencia.fapesp.br/mudanca-na-oferta-de-transporte-coletivo-na-periferia-de-grandes-cidades-aumentou-o-risco-de-contagio/33398/>. Last accessed on 28 October 2020.

<sup>8</sup> Bittencourt, Tainá and Pedro Logiodice. 2020. *Mudanças no Transporte Coletivo de Grandes Cidades Aumentaram o Risco de Contágio dos Grupos Mais Vulneráveis*. Rede de Pesquisa Solidária. Available online at: <https://rededesquisasolidaria.org/boletins/boletim-10/mudancas-no-transporte-coletivo-de-grandes-cidades-aumentaram-o-risco-de-contagio-dos-grupos-mais-vulneraveis/>. Last accessed on 03 November 2020.

<sup>9</sup> de Souza, Marcelo Nogueira. 2020. *Mobilidade urbana na periferia de Curitiba em tempos de pandemia*. UFRJ. Available online at: <https://ippur.ufrj.br/index.php/pt-br/noticias/outros-eventos/772-mobilidade-urbana-na-periferia-de-curitiba-em-tempos-de-pandemia>. Last accessed on 20 December 2020.

mass transit are the most common victims of Covid-19 related deaths. On the other hand, in parts of city where private car ownership is greater, there have been less deaths by Covid-19.<sup>10</sup>

People living in peripheral neighbourhoods are forced to move around more to earn a living due to the nature of their employment and lack of financial assistance. Most workers in these regions are also occupied with informal jobs, such as domestic aid and street vending, requiring them to continue circulating throughout the city.<sup>11</sup> Despite risks, a significant part of the population has been forced to continue taking public transport to go to work throughout the pandemic.<sup>12</sup> Shortages in services then means that the sizeable share of residents who rely on them have to travel in overcrowded vehicles<sup>13</sup> and may even be forced to take clandestine transport.

### Clandestine transport

*Clandestine* transport within cities has intensified during the pandemic.<sup>14</sup> Media outlets and the public refer to this type of unofficial, or informal, transport as illegal, ‘pirate’, complementary or alternative because it operates without substantial government oversight to carry paying passengers within cities, or across city and state lines.<sup>15</sup> Clandestine transportation has long been carried out in Brazil and started to intensify in the late 1980s and 1990s.<sup>16</sup> Violation of the laws that prohibit clandestine transportation is a serious offence, subject to hefty fines and state-led seizure.<sup>17</sup> In Alagoas, a north-eastern state, the number of vehicles offering clandestine transport options to the population grew by 40% in the first eight months of 2020.<sup>18</sup> Similarly, in Brasília, shortages of reliable, less crowded public transportation forced people to travel on clandestine vehicles because they were left without options.<sup>19</sup>

Clandestine passenger transport can be offered by any individual or any company that has a vehicle and the willingness to provide service. Providers of clandestine transportation generally charge less than official transport, but the value of fares vary depending on location and circumstances.<sup>20</sup> While buses

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<sup>10</sup> Lacerda, Nara. 2020. *Covid mata mais entre trabalhadores que dependem do transporte coletivo*. Brasil de Fato. Available online at: <https://www.brasildefato.com.br/2020/08/18/covid-mata-mais-entre-trabalhadores-que-dependem-do-transporte-coletivo>. Last accessed on 13 December 2020.

<sup>11</sup> Ibid.

<sup>12</sup> Barbosa, Aline. 2020. *Os riscos no transporte público durante a pandemia*. Grupo Padrão. Available online at: <https://www.consumidormoderno.com.br/2020/06/18/riscos-transporte-publico-pandemia/>. Last accessed on 13 December 2020.

<sup>13</sup> Bocchini, Bruno. 2020. *Oferta de ônibus em SP expõe mais à covid-19 moradores da periferia*. Agência Brasil. Available online at: <https://agenciabrasil.ebc.com.br/geral/noticia/2020-06/oferta-de-onibus-em-sp-expoe-mais-covid-19-moradores-da-periferia>. Last accessed: 10 November 2020.

<sup>14</sup> Globoplay. 2020. Transporte clandestino cresce 30% durante a pandemia. Available online at: <https://globoplay.globo.com/v/8749183/>. Last accessed on 10 November 2020.

<sup>15</sup> Agência Tocantinense de Regulação. 2020. Governo do Estado do Tocantins. *Transporte Clandestino de Passageiros*. Available online at: <https://atr.to.gov.br/transporte-clandestino-de-passageiros/>. Last accessed on 13 December 2020.

<sup>16</sup> Zuanella, Manuel. 2020. *O transporte clandestino no Brasil e seu impacto*. Revista Justiça & Cidadania. Available online at: <https://www.editorajc.com.br/o-transporte-clandestino-no-brasil-e-seu-impacto/>. Last accessed on 10 November 2020.

<sup>17</sup> Senado Federal. 2015. *Projeto de Lei do Senado nº 569, de 2015*. Available online at: <https://legis.senado.leg.br/sdleg-getter/documento?dm=4366480&disposition=inline>. Last accessed on 8 October 2020.

<sup>18</sup> Bezerra, Janylle, Regina Carvalho e Hebert Borges. 2020. *Pandemia e clandestinos agravam crise no transporte público de Maceió*. Gazeta de Alagoas. Available online at: <https://d.gazetadealagoas.com.br/cidades/282566/pandemia-e-clandestinos-agravam-crise-no-transporte-publico-de-maceio>. Last accessed on 05 November 2020.

<sup>19</sup> Pinheiro, Ana Laura, Isadora Martins, Millena Campello. 2020. *Em Brasília, a “capital do carro”, trabalhadores sofrem com má qualidade do transporte público*. Available online at: <https://apublica.org/2020/09/em-brasilia-a-capital-do-carro-trabalhadores-sofrem-com-ma-qualidade-do-transporte-publico/>. Last accessed on 05 November 2020.

<sup>20</sup> Fernandes, Fernanda. 2017. *Veículos realizam transporte clandestino de passageiros*. Portal News. Available online at: [http://www.portalnews.com.br/\\_conteudo/2017/06/cidades/59063-transporte-ilegal-cresce-em-itaqua.html](http://www.portalnews.com.br/_conteudo/2017/06/cidades/59063-transporte-ilegal-cresce-em-itaqua.html). Last accessed on 18 December 2020.

may be the most common type of vehicle used, vans and small vehicles offer this service as well.<sup>21</sup> Drivers of clandestine transport vehicles may stop at key bus stops or similar locations to offer their services to potential passengers, who often wait for a long time to enter an overcrowded formal bus.<sup>22</sup> Users of clandestine transportation have long argued that this type of transport is serving a need, cheaper and that the government should recognise it as legitimate.<sup>23</sup>

Clandestine urban transport has been regulated in the past. In October of 1992, Luiza Erundina, then mayor of São Paulo, signed a decree incorporating clandestine buses into a new type of system. This historic move was a recognition that clandestine buses, clearly responding to significant population demand, were a force to be reckoned with.<sup>24</sup>

### Interstate and intercity clandestine transport

In June 2020, the National Land Transport Agency (ANTT) published guidelines setting out measures limiting the interstate transport of passengers during the pandemic.<sup>25</sup> Transport companies were advised to reduce the frequency of interstate bus services to each of their destinations, without risk of being fined even if their services went below the minimum frequency.<sup>26</sup> Mobility restrictions across city and state lines were implemented in March 2020, leading to a 70% drop in passengers boarding formal travel buses. Then, when more restrictive mobility measures were adopted in some regions, there was a 95% drop in the sector's revenue.<sup>27</sup> As early as March 24, states such as Goiás prohibited the entry of passengers by bus or plane from states with confirmed cases of coronavirus.<sup>28</sup> Formal intercity and interstate bus companies had to abide by these measures imposed by federal and local governments, reducing their services. Due to the scarcity of affordable, regular interstate and intercity transportation options, people seeking to leave the industrial centres such as São Paulo and Rio de Janeiro to reach other regions of the country, saw in clandestine transport an opportunity.

<sup>21</sup> G1 Minas Gerais. 2020. *Mesmo com lei mais dura, vans e carros ainda fazem transporte clandestino na Grande BH; veja flagrantes*. Globo. Available online at: <https://g1.globo.com/mg/minas-gerais/noticia/2020/07/31/mesmo-com-lei-mais-dura-vans-e-carros-ainda-fazem-transporte-clandestino-na-grande-bh-veja-flagrantes.ghtml>. Last accessed on 18 December 2020.

<sup>22</sup> Teixeira, Ellyo. 2020. *Mesmo com restrição na quarentena, transporte clandestino estaria ocorrendo em carros de passeio*. Portal OitoMeia. Available online at: <https://www.oitomeia.com.br/noticias/2020/04/09/mesmo-com-restricao-na-quarentena-transporte-clandestino-estaria-ocorrendo-em-carros-de-passeio/>. Last accessed on 08 October 2020.

<sup>23</sup> Fernandes, Fernanda. 2017. *Veículos realizam transporte clandestino de passageiros*. Portal News. Available online at: [http://www.portalnews.com.br/\\_conteudo/2017/06/cidades/59063-transporte-ilegal-cresce-em-itaqua.html](http://www.portalnews.com.br/_conteudo/2017/06/cidades/59063-transporte-ilegal-cresce-em-itaqua.html). Last accessed on 18 December 2020.

<sup>24</sup> Bazani, Adamo. 2017. *HISTÓRIA: Quando os ônibus clandestinos viraram lotação em São Paulo*. Diário do Transporte. Available online at: <https://diariodotransporte.com.br/2017/01/22/historia-quando-os-onibus-clandestinos-viraram-lotacao-em-sao-paulo/>. Last accessed on 22 October 2020.

<sup>25</sup> ANTT. 2020. *Ônibus de viagens interestaduais devem adotar procedimentos de limpeza para prevenção ao coronavírus*. Governo do Brasil. Available online at: <https://www.gov.br/pt-br/noticias/transito-e-transportes/2020/06/onibus-de-viagens-interestaduais-devem-adotar-procedimentos-de-limpeza-para-prevencao-ao-coronavirus>. Last accessed on 22 October 2020.

<sup>26</sup> Prado, Marcelo Vinaud. 2020. *Resolução nº 5.893, de 02 de junho de 2020*. Ministério da Infraestrutura/Agência Nacional de Transportes Terrestres/Diretoria Colegiada. Available online at: [https://www.in.gov.br/web/dou/-/resolucao-n-5.893-de-2-de-junho-de-2020-259855393?\\_ga=2.171881504.1894674577.1607567466-516503333.1606232971](https://www.in.gov.br/web/dou/-/resolucao-n-5.893-de-2-de-junho-de-2020-259855393?_ga=2.171881504.1894674577.1607567466-516503333.1606232971). Last accessed on 22 October 2020.

<sup>27</sup> Terra. 2020. *Transporte clandestino cresce no país durante a pandemia*. Terra. Available online at: <https://www.terra.com.br/noticias/dino/transporte-clandestino-cresce-no-pais-durante-a-pandemia,3025b2e67ea0d4d295c8b007b3126877bf6n9daz.html>. Last accessed on 22 October 2020.

<sup>28</sup> Oliveira, Rafael. 2020. *Goiás proíbe entrada e circulação de passageiros de ônibus e avião que venham de estados com casos confirmados de coronavírus*. Globo. Available online at: <https://g1.globo.com/go/goias/noticia/2020/03/20/goias-proibe-entrada-e-circulacao-de-passageiros-de-onibus-e-aviao-que-venham-de-estados-com-casos-confirmados-de-coronavirus.ghtml>. Last accessed on 22 October 2020.

Although some cities and states implemented restrictions suspending intercity and interstate transportation to help contain the spread of the coronavirus, clandestine transport such as buses, SUVs and smaller cars have continued taking passengers all over the country.<sup>29</sup> Interstate and intercity clandestine transport has long happened in Brazil, but it is generally as camouflaged as possible. However, due to mobility restrictions, it became easier for the ANTT to spot and apprehend the offenders. In the context of the pandemic, clandestine transport was portrayed as posing significant public health risks.<sup>30</sup> The media focused on how clandestine transport has contributed to the rapid spread of the virus,<sup>31</sup> when contaminated passengers travelled from cities with higher cases of infections to other parts of the country that had been less exposed to the coronavirus.<sup>32</sup>

After an increase in reports of illegal transportation during the pandemic, the ANTT started a task force (*Operação Pascal*) focused on combating clandestine transport of passengers and monitoring all road systems.<sup>33</sup> When the ANTT apprehends a clandestine transport vehicle, the passengers have their journeys interrupted and may ultimately be returned to the city of departure. In addition, state surveillance agencies, such as ANTT and the police, seize the vehicle(s), apply fines and may seize passengers' merchandises, too.<sup>34</sup> Despite the attempts from agencies to control clandestine mobility, this service has continued to function. While at São Paulo's Tietê Bus Terminal, the largest in Latin America, the movement fell to as low as 93% as compared to last year, while in other parts of the city, clandestine agencies continue to sell tickets for long journeys freely.<sup>35</sup> The ANTT and local state surveillance have been unable to control informal transport precisely because it is feeding a demand, and surveillance overall is poor.

### Clandestine transport and internal return migration

Historically, there has been a great flow of people from the north and northeast regions to the southeastern region of the country in search of work opportunities.<sup>36</sup> During the pandemic, there has been a reversal. Many migrant workers who had been working in the southeastern region of the country lost their jobs at factories, restaurants and shops. Due to economic uncertainty caused by job losses,

<sup>29</sup> Terra. 2020. *Transporte clandestino cresce no país durante a pandemia*. Terra. Available online at: <https://www.terra.com.br/noticias/dino/transporte-clandestino-cresce-no-pais-durante-a-pandemia,3025b2e67ea0d4d295c8b007b3126877bf6n9daz.html>. Last accessed on 22 October 2020.

<sup>30</sup> Diário de Pernambuco. 2020. *Operação intensifica fiscalização de transporte clandestino para evitar aglomeração*. Diário de Pernambuco. Available online at: <https://www.diariodepernambuco.com.br/noticia/vidaurbana/2020/03/operacao-intensifica-fiscalizacao-ao-transporte-clandestino-de-passage.html>. Last accessed on 22 October 2020.

<sup>31</sup> Costa, André and Honório Barbosa. 2020. *"Migração de retorno" acelera disseminação do coronavírus no CE*. Diário do Nordeste. Available online at: <https://diariodonordeste.verdesmares.com.br/regiao/migracao-de-retorno-acelera-disseminacao-do-coronavirus-no-ce-1,2238361>. Last accessed on 23 October 2020.

<sup>32</sup> G1 Bahia. 2020. *Ônibus clandestino que saiu de SP desembarca com nove pessoas infectadas por Covid-19 em Nova Soure, na Bahia*. Globo. Available online at: <https://g1.globo.com/ba/bahia/noticia/2020/06/10/onibus-clandestino-que-saiu-de-sp-desembarca-com-nove-pessoas-infectadas-por-covid-19-em-nova-soure-na-bahia.ghtml>. Last accessed on 23 October 2020.

<sup>33</sup> ANTT. 2020. *ANTT inicia Operação Pascal em todo país*. Governo Federal do Brasil. Available online at: [https://portal.antt.gov.br/noticia/aberta/-/asset\\_publisher/ES3IO01qMsue/content/id/1280117](https://portal.antt.gov.br/noticia/aberta/-/asset_publisher/ES3IO01qMsue/content/id/1280117). Last accessed on 22 October 2020.

<sup>34</sup> Bom Dia Brasil. 2020. *Circulação de transporte clandestino aumenta pelo país durante a pandemia*. Globo. Available online at: <https://globoplay.globo.com/v/8935768/>. Last accessed on 04 November 2020.

<sup>35</sup> Giacomoni, Roberta, William Santos and Bruno Tavares. 2020. *Linhas de ônibus clandestinos continuam operando durante pandemia em SP*. Globo. Available online at: <https://g1.globo.com/sp/sao-paulo/noticia/2020/05/01/linhas-de-onibus-clandestinos-continuam-operando-durante-pandemia-em-sp.ghtml>. Last accessed on 18 September 2020.

<sup>36</sup> Costa, André and Honório Barbosa. 2020. *Migração de retorno" acelera disseminação do coronavírus no CE*. Diário do Nordeste. Available online at: <https://diariodonordeste.verdesmares.com.br/regiao/migracao-de-retorno-acelera-disseminacao-do-coronavirus-no-ce-1,2238361>. Last accessed on 23 October 2020.

these workers had to return to their home states. In Brazil, return migration occurs mainly through clandestine routes.<sup>37</sup> Many migrant workers see clandestine transportation as their most viable and affordable option, which can be 60% cheaper than formal transportation.<sup>38</sup> Passengers trying to reach their homes and families in faraway locations are the most affected by the lack of appropriate transport options.

### **Clandestine transport and international land border crossings**

In Corumbá, a city in the Brazilian state of Mato Grosso do Sul, which borders Bolivia, the local authorities were concerned with stopping all clandestine transport and preventing people from crossing the border. Due to the pandemic, the border was closed and Bolivians living in Brazil were not allowed to cross over into Bolivia, but local government authorities in Mato Grosso do Sul stated that Bolivian nationals were still crossing the border irregularly.<sup>39</sup>

Bolivians may travel on clandestine transport from Brazil to Bolivia and vice versa. In December 2020, the Brazilian Traffic and Transport Agency (Agetrat) seized two vehicles and charged two Bolivian drivers for operating clandestine passenger transport in Corumbá. Three passengers revealed that one of the bus drivers charged them 2,000 Bolivianos (Bolivian currency) to transport them from La Sierra (Bolivia) to Corumbá. The passengers said that they did not know they were using clandestine transport but admitted that it was not the first time they had used the services of the driver. Around the same time, another Bolivian vehicle was intercepted by authorities when the driver was trying to pick up passengers in Corumbá with the purpose of taking them back to Bolivia.<sup>40</sup>

Undoubtedly, precarious public transportation and some patterns of immobilities in Brazil pre-date Covid-19. However, working-class people's immobilities have only intensified due to socio-economic barriers and mobility restrictions imposed by government and formal transport company providers in the effort to curb the pandemic nationwide. Planning decisions must bare this in mind going forward. Because as a population disproportionately afflicted by the virus, they have the most to lose.

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<sup>37</sup> Ibid.

<sup>38</sup> Hoje em Dia. 2020. *Conheça os perigos do transporte clandestino no Brasil*. TV Record. Available online at: [https://www.youtube.com/watch?v=pL-E5Taw5Jk&ab\\_channel=HojeemDia](https://www.youtube.com/watch?v=pL-E5Taw5Jk&ab_channel=HojeemDia). Last accessed on 07 November 2020.

<sup>39</sup> Santos, Vivianne Nunes. 2020. *Agepan e Detran-MS deflagram operação contra o transporte clandestino em Corumbá e região*. Agepan – Governo do Estado do Mato Grosso do Sul. Available online at: <http://www.ms.gov.br/agepan-e-detran-ms-deflagram-operacao-contra-o-transporte-clandestino-em-corumba-e-regiao/>. Last accessed on 03 October 2020.

<sup>40</sup> Machado, Mirian. 2020. *Bolivianos têm carros apreendidos por fazer transporte clandestino em MS*. Campo Grande News. Available online at: <https://www.campograndenews.com.br/cidades/interior/bolivianos-tem-carros-apreendidos-por-fazer-transporte-clandestino-em-ms>. Last accessed on 16 December 2020.