



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

The Operating Licences Plan (OLP) 2023 to 2028

Urban Mobility Directorate

**Department: Transport Planning and Network
Management**

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List of Acronyms

A-Point	: Point of Origin of a public transport trip
AVO	: Average Vehicle Occupancy
BELLTA	: CATA/Bellville Taxi Association
BLOEWATA	: Bloekombos/Walacedene Taxi Association
BOC/VOC	: Bus Operating Company / Vehicle Operating Company
B-Point	: Destination Point of a public transport trip
BMT	: Bus and Minibus-Taxi lanes
BRT	: Bus Rapid Transit
CATA	: Cape Amalgamated Taxi Association
CBD	: Central Business District
CBRTA	: Cross Border Road Transport Agency
CCTV	: Closed Circuit Television
CMC	: Cape Metropolitan Council
CITP	: Comprehensive Integrated Transport Plan
CODETA	: Cape Organisation for the Democratic Taxi Association
CPTR	: Current Public Transport Register
CTICC	: Cape Town International Convention Centre
eNATIS	: National Traffic Information System
GABS	: Golden Arrow Bus Services (PTY) Ltd.
IPC	: Intermodal Planning Committee
IPTN	: Integrated Public Transport Network
IRT	: Integrated Rapid Transit
ITP	: Integrated Transport Plan
LDPT	: Long Distance Public Transport
LTPS	: Land Transport Permit System

MBT	: Minibus Taxi
MBT SRP	: Minibus Taxi Special Regulatory Process
MEC	: Member of Executive Council
MLC	: Municipal Local Council
MMC	: Member of Mayoral Committee
MRE	: Municipal Regulating Entity
MSE	: Metro Southeast
NDoT	: National Department of Transport
NLTA	: National Land Transport Act (Act 5 of 2009) as amended
NLTR	: National Land Transport Regulations (as amended)
NLTTA	: National Land Transport Transition Act (Act 22 of 2000)
NMT	: Non-motorised Transport
NPTR	: National Public Transport Regulator
NRTA	: National Road Traffic Act (Act 93 of 1996 as amended)
OL	: Operating Licence
OLAS	: Operating Licence Administration System as defined in the “ <i>Minimum Requirements for the Preparation of Integrated Transport Plans as Gazetted (no. 40174) on 29 July 2016,</i> ”
OLP	: Operating Licences Plan as defined in the “ <i>Minimum Requirements for the Preparation of Integrated Transport Plans as Gazetted (no. 40174) on 29 July 2016,</i> ”
OLS	: Operating Licence Strategy
PA	: Planning Authority (City)
PATA	: Paarl Taxi Association
POLB	: Permit Operating Licensing Board (now called the PRE)
PRASA	: Passenger Rail Agency of South Africa
PRASA CRES	: PRASA Corporate Real Estate Solutions
PRE	: Provincial Regulatory Entity

PTA	: Provincial Transport Authority
PTET	: Public Transport Evaluation Tool
PTI	: Public Transport Interchange
PTRS	: Provincial Transport Register System
RAS	: Registration Administration System
RE	: Regulatory Entity (as defined in the NLTA)
RMC	: Rank Management Committee
RSA	: Republic of South Africa
SABOA	: South African Bus Operators Association
SANTACO	: South African National Taxi Council
SAP	: Systems, Applications and Programmes
SAPS	: South African Police Service
SNP	: Special Needs Passengers
SOP	: Standard Operating Procedure of the PRE
TA	: Transport Authority (Transport for Cape Town)
TAT	: Transport Appeals Tribunal
TIC	: Transport Information Centre
TMC	: Traffic Management Centre
TMP	: Traffic Management Plan
TOC	: Taxi Operating Company
Traffic Bylaw	: City Traffic Bylaw
TRP	: Taxi Recapitalisation Project
TSA	: Taxi Scrapping Administrator
TSMS	: Transport Survey Management System
TRS	: Transport Reporting System
UMD	: Urban Mobility Directorate (City)
WC PLTF	: Western Cape Provincial Land Transport Framework

WCDE : Western Cape Department of Education

WCG : Western Cape Government

WCRTA : Western Cape Road Transportation Act Amendment Law, 1996

Definitions

In this OLP, unless the context indicates otherwise –

“authority” means the single permission to an operator to operate along a specific route as described on an OL;

“bus” means a motor vehicle designed or modified to carry more than 35 persons, including the driver;

“Cabotage” means transport undertaken on a public road by a foreign carrier with a vehicle which involves:

The on loading or offloading of freight or passengers between two points in the Republic; or

The on loading of freight or passengers in the Republic for conveyance to a third state that is not the state of registration of the vehicle used for such transport and where such state of registration is not traversed.

“City” means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or any structure or employee of the City acting in terms of delegated authority;

“Competition commission” means the Competition Commission of South Africa Report, titled, ‘Market Inquiry into the Land Based Public Passenger Transport Sector – Main Report Non-confidential,’ dated March 2021;

“courtesy service” means a service provided by or on behalf of an organisation such as an hotel, which is not an operator, for its customers or clients, either by means of its own vehicle or the vehicle of an operator in terms of an agreement with that organisation, with no direct charge to the passengers, according to the NLTA; *“cross-border road transport”* means the transport of passengers for reward or the transport of freight to or from the Republic crossing or intending to cross its borders into the territory of another state or in transit across the Republic or the territory of another state with a vehicle on a public road;

“distribution service” means a public transport service rendered within a geographical area with the purposes of picking up and setting down passengers over short distances between, example, their homes and destinations within their area whether the public transport facility, shops, schools, public open facilities etc. and vice versa without necessarily entering public transport interchanges.

“dormant process” means the administrative process carried out by the PRE of removing an OL or a minibus taxi route from the public transport system that has not been in operation for more than 180-days;

“foreign carrier” means a carrier who undertakes cross-border road transport with a vehicle which is registered in a state other than the Republic;

“geographical area” means a specific area served by a non-contracted service through its routes or networks or routes. Such an area may also refer to an area in

which it makes sense to extend certain minibus taxi operators into due to their routes and networks of routes linkages in an area;

"last-mile-home service" means a public transport service between the mainstream public transport services (as an alternative to walking) or as an attraction, tourist or otherwise, or to undertake a trip in a casual or unconventional manner;

"long-distance service" means a scheduled or unscheduled public transport service, other than a service for commuting, that is provided beyond the boundary of the area covered by an integrated transport plan, where passengers are charged fares individually, as contemplated in section 65 of the NLTA;

"metered taxi service" means a public transport service operated by means of a motor vehicle contemplated in Section 66 of the NLTA which:

- i. Is available for hire by hailing while roaming, by telephone or otherwise;
- ii. May stand for hire at a rank; and
- iii. Is equipped with a sealed meter, in good working order, for the purpose of determining the fare payable that is calibrated for such fare or complies with any other requirements applicable to such meters.

"minibus taxi-type service" means an unscheduled public transport service operated on a specific route or routes, or where applicable, within a particular area, by means of a motor car, minibus or midibus;

"minibus" means a motor vehicle designed or modified solely or principally for conveying more than nine but not more than 16 seated persons, including the driver;

"non-contracted service" means a road-based public transport service that does not receive any direct subsidy from the City, the WCG nor the National Government for public transport services provided, nor does it possess a formal contract to provide scheduled public transport services.

"midibus" means a motor vehicle designed or modified solely or principally for conveying more than 16 but not more than 35 persons, including the driver, and for the purposes of the National Road Traffic Act is a type of sub-category of bus;

"motor car" means a motor vehicle, other than a motor cycle, motor tricycle or motor quadrucycle as defined in the National Road Traffic Act, designed or modified solely or principally for conveying not more than nine persons, including the driver;

"motor vehicle" and *"vehicle"* means a motor vehicle as defined in section 1 the National Road Traffic Act; *"Operating Licence"* means a licence required by section 50 and granted and issued in accordance with the NLTA or the Transition Act; An OL may also include multiple authorities which could authorise operations on routes and facilities;

"overtrading" means the oversupply of OL's on routes or networks of routes;

"permit" means:

- a) A cabotage permit issued in respect of a vehicle for a period of three months, six months or one year or for a fixed number of journeys;
- b) A cross-border road transport permit issued in respect of a vehicle for a period of three months, six months or one year or for a fixed number of journeys authorising the transport of freight or passengers on specified routes; or
- c) A temporary cross-border road transport permit or cabotage permit issued in respect of a vehicle for a maximum period of 14 days authorising the transport of freight or of passengers on specified routes or cabotage, as the case may be.

"provincial regulatory entity" means a provincial regulatory entity contemplated in section 23 of the NLTA;

"provincial transport authority" means a dedicated transport authority at provincial level as described in the Competition Commission Report;

"public transport service" means a scheduled or unscheduled service for the carriage of passengers by road or rail, whether subject to a contract or not, and where the service is provided for a fare or any other consideration or reward, including cabotage in respect of passenger transport as defined in the Cross-Border Act, and except where clearly inappropriate, the term "public transport" must be interpreted accordingly;

"rationalised" means rationalised public transport services;

"rationalised public transport services" means where the City concludes that there is a surplus of legally operated services by operators on a particular route based on its integrated transport plan;

"registered member of the minibus taxi association" means a minibus taxi public transport operator as registered by the Provincial Transport Registrar in the Western Cape;

"Scholar transport service" means the dedicated transporting of scholars, students, teachers and lecturers as contemplated in Section 72 of the NLTA and does not include the transporting of such persons as part of a normal public transport service;

"staff service" means a public transport service by road provided by means of a vehicle owned by an employer or a vehicle provided by an operator in terms of a contract with the employer, used exclusively for conveying the employer's employees;

"Tuk – Tuk" means a three-wheeled motor vehicle designed or modified solely or principally for conveying not more than three seated persons, including the driver;

"via point" means a destination point between an A-point and a B-point;

"vehicle" means –

- a) in relation to cross-border freight road transport, any mechanically propelled road vehicle -
 - i. Which is constructed, adapted or used for the carriage of freight, excluding a semi-trailer and trailer in the case of an articulated vehicle;

and

- ii. Which either by itself or as part of an articulated vehicle exceeds a maximum gross mass of 3 500 kg.
- b) In relation to cross-border passenger road transport, any mechanically propelled road vehicle which is constructed or adapted for the conveyance of passengers or any other vehicle which is used to convey passengers; and
- c) In relation to cabotage, any mechanically-propelled road vehicle and, in the case of an articulated vehicle, also a trailer and semi-trailer.

Executive Summary

The Minimum Requirements for the preparation of ITP's of 2016 state that, the purpose of the OL's plan (OLP) as a public document is to "provide clear guidance to the City as to which OL applications and public transport transactions should be recommended or rejected by it". An approved OLP, therefore, guides the disposing of public transport OL's to public transport service providers.

The key focus of this plan, which is a subset of the approved PTP within the CITP, is to procedurally guide the commenting on OL applications, as provided by the various Regulating Entities (RE's) to the City. It deals in the main with road-based public transport applications for the supply of services, under the following categories, namely (1) Contracted Services and (2) Non-contracted Services. It also reflects the types of vehicular modes used, its operating licensing processes and procedures, the interchange facilities used to accommodate affected public transport services as well as, the relevant information systems used. It also reflects on law enforcement strategies for maintaining the operating licensing system, including institutional arrangements, the interrelationship with traffic law enforcement as a basis for the setting of targets and measuring performance.

The supporting of OL (OL) transactions are largely informed by existing OL's recorded in the Operating Licensing Administration System (OLAS). Furthermore, the total road-based public transport network is made up of routes and networks or groups of routes distributed across the City. In addition to the impact on interchanges, public transport routes utilisation is a critical consideration in the approval of OL's.

The City role in the operating licensing process bears on the operational relationship with the PRE and the NPTR as the dispensers of OL's based on the recommendations of the City as PA. The OLP, therefore, directs the PRE in the award of OL's for road-based public transport services within the City of Cape Town's jurisdictional areas as well as impacts on the intra-provincial, inter-provincial and international / cross-border services.

Section One reports on what the current public transport system consists of. As PA responsible for the planning and implementing of IRT services, the City becomes the responsible 'contracting authority' in accordance with section 11 of the NLTA, to administer its contracted services. Contracted services OL's are issued directly by the PRE after contract negotiations with public transport service providers, i.e. BOC's and TOC'S, are concluded. Although contacted services impacts OL processes as a key consideration in areas where its operations are implemented, it does not follow the typical current evaluation processes of Non-contracted services on which the City as TA is expected to prepare its recommendations on OL applications.

Non-contracted services consist in the main of Minibus taxi services and private bus services performing the majority of non-contracted services.

The following modes and facilities that make up the available public transport system are described in this section:

1. Scheduled and Subsidised Services;
2. Integrated Rapid Transit;
3. Dial-a-Ride;
4. Minibus Taxis;
5. LDPT Services;
6. Cross Border Transport Services;
7. Metered Taxi Services;
8. Staff Services;
9. Learner Transport;
10. Tourist Services;
11. Charter Services;
12. Courtesy Services;
13. Rail Services;
14. Major Public Transport Facilities;
15. Major Public Transport Corridors; and
16. Services competing in parallel to each other.

Section Two contains the typical City provisions used to prepare its recommendations on OL applications. This OLP takes into account the latest proposed SOP's as formulated by the PRE and the directives provided for in the NLTA and the subsequent regulations in assessing OL applications. The PRE's decision to grant public transport OL's to service providers is also informed by the agreed principle of not granting OL's when the City's OLP does not support an application. In addition, Section 38(2) of the NLTA states that, "all persons, including the state and parastatal institutions, agencies and utilities, are bound by the provisions of integrated transport plans," which in the case of the City, refers to the latest approved CIP and annual updates as the key guideline document of the OLP.

The provisions of the OLP describes the types of public transport services and the various categories of transactions considered by the City in preparing recommendations on OL applications, which is the key focus and objective of the OLP.

The Types Public Transport Services

The City prepares recommendations on applications for OL's received by the PRE, which include the OL applications for the following public transport services:

1. Non-contracted Services;
2. Learner Services;
3. Staff Services;
4. LDPT Services;
5. Metered Taxis;
6. Charter Services;
7. Tourist Services;
8. Contracted Services;
9. Special Events and Major Special Events;
10. Courtesy Services;
11. Tuk-Tuks; and
12. New Transportation initiatives.

The Categories of Transactions

All public transport service OL applications received from the PRE is for one or more of the following transactions:

1. New application for OL's;
2. Conversion of a Permit to an OL;
3. Additional authorities to OL's;
4. Change of particulars;
5. Late renewals;
6. Amendment of routes;
7. Transfer of OL's;
8. Increase of passengers;
9. Decrease in passengers; and
10. Replacement of vehicle to increase passenger carrying capacity by not more than 20% of the current vehicle passenger carrying capacity; and
11. Provision of a 180-day letter of operation.

A full description of the above transactions is provided in this section.

Section Three focusses on current Information Management Systems. Since the OLS 2013 much has been achieved by way of public transport data and information management through the PRE's OLAS upgrade having transformed into the PTRS. The PRE thus remains the custodian of all OL related data and information.

Since 2018, the City also upgraded its database system to the TRS with the purpose of drawing needed reports to support its recommendations on OL applications. The latest development in this regard is the TSMS where transport data, surveys, data-capturing, quality control systems are warehoused and controlled. This is where the cleaning, verification and matching of data, amongst other functions, are performed to assist in the understanding of passenger movements which is a key influencer to OL processes.

Section Four unpacks the City's law enforcement strategies for maintaining the operating licensing system, including institutional arrangements, the interrelationship with traffic law enforcement with the setting of targets and measuring performance.

The current enforcement agencies comprise of:

1. The SAPS;
2. The WCG Provincial Traffic;
3. The City Safety and Security Directorate, Operational Coordination Department consisting of Law Enforcement and Traffic Services Branches; and
4. The City Urban Mobility Directorate, Transport Planning and Network Management, and the Transport Enforcement Unit.

These agencies still meet regularly to discuss operational issues that inform the operating licensing recommendations processes.

Section Five summarises the way forward and includes the main area of current challenges to the effective performance of the OLP. As an outcome, the execution of the OLP guidelines must align with the City's deployment of an integrated, intermodal and interoperable public transport model. This approach prioritises public transport in accordance with demand, density and land use intensity which aligns with the City's IPTN.

For operating licensing purposes these forward planning proposals guide towards a proactive approach as opposed to the traditional reactive response to OL applications for all non-contracted, road based public transport. Some of the current key challenges leading to overtrading and illegal operations are elucidated on in terms of actions and processes. Within this statutory compliance process minibus taxi services currently dominate with the most transactions.

A critical dependency is the implementation of the SAP-based Platform to manage the City's live database is to churn out closest to real-time information for decision-making OL recommendations. The basis of this platform is now simplified into the TSMS as described where OL transactions have largely commuted to SAP-based transactions.

Safety and security on the public transport system is a critical success factor in attracting a passenger whose patronage will sustain public transport over private transport. Current institutional arrangements must, therefore, include the setting of related safety and security targets that will measure the current public transport system performance. The findings of these measurements will be utilised to inform the City assessment of OL applications.

Lastly, **Section Six** includes the OLP decision support tools which outlines the decision making criteria and its evidence-base upon which the City makes its recommendations on OL's for the various modes of road-based public transport services.

In order to give effect to this OL Plan, a set of decision support tools have been developed which can be updated from time to time and which include the following:

1. A Comprehensive Minibus-Taxi Service Demand Method;
2. A Comprehensive Metered Taxi Service Demand Method;
3. Route Evaluation Tool;
4. Route Verification Responsibility Matrix; and
5. The Custodian of the OLP and its Decision Making Tools.

SECTION 1: STATUS QUO OVERVIEW

Chapter One – Introduction

This OL's Plan (OLP) is nested in the Public Transport Plan (PTP) which is a component of the Comprehensive Integrated Transport Plan (CITP). The OLP guides the awarding of OL's for road-based public transport services within the City's jurisdiction. The process of issuing OL's is largely informed by existing OL's already in the PRE's OLAS. The PRE thus remains the custodian of all OL related data and information.

The City's statutory obligation of preparing recommendations on operating licensing transactions includes in the main, investigating ways of optimizing the balance between the current supply and demand. Recommendations are then submitted to the PRE for the finalisation and issuance of OL's to service providers. The outcomes of such decisions are intended to enhance the appropriate public transport modes and operator associations whether on a single route or networks of routes. In order to succeed with the intended outcomes, the operating licensing function must be measured against a level of interoperability that primarily favours the passenger and the sustainability of a future improved road-based public transport system.

The impact of the OLP extends into the City's adjacent municipalities, provinces and cross-border/ international agreements to guarantee a seamless running of the local public transport network through concurrency agreements.

In summary the OLP informs the need for more services on the public transport network. The total road-based public transport network is made up of routes and networks of routes distributed across the City and its adjacent municipalities.

1.1 Purpose of the OLP

Within the provisions of the NLTA, the OLP responds to the latest statutory guidelines namely, the "*Minimum Requirements for the Preparation of Integrated Transport Plans as Gazetted (no. 40174) on 29 July 2016,*" which state that, "*the purpose of the OLP is to provide clear guidance to the City as to which OL applications and public transport transactions should be recommended or rejected by it*". The OLP, therefore, directs the PRE through implementable and evidence-based proposals on the recommending of public transport OL's to applicant public transport service providers.

1.2 An Overview Of City's Current Public Transport System

All road-based public transport services are regulated through the NLTA. On this basis, all vehicles rendering a public transport service where passengers pay directly or indirectly under certain provisions, must obtain an OL that allows a service provider to use a specified vehicle to provide the public transport services. Below is a synopsis of the different types of public transport services rendered within the City:

- 1.2.1 Scheduled and Subsidised Services;
- 1.2.2 Integrated Rapid Transit;
- 1.2.3 Dial-a-Ride;
- 1.2.4 Minibus Taxis;
- 1.2.5 LDPT Services;
- 1.2.6 Cross Border Transport Services;
- 1.2.7 Metered Taxi Services;
- 1.2.8 Staff Services;
- 1.2.9 Learner Transport;
- 1.2.10 Tourist Services;
- 1.2.11 Charter Services;
- 1.2.12 Courtesy Services;
- 1.2.13 Rail Services;
- 1.2.14 Major Public Transport Facilities;
- 1.2.15 Major Public Transport Corridors; and
- 1.2.16 Services competing in parallel to each other.

Note that the above headings are explained under the same references which follows hereafter.

1.2.1 Scheduled and Subsidised Services

Scheduled and subsidised road based public transport services are operated by the City's MyCiTi Service in terms of a vehicle operating contract with the City. Individual distance based fares are collected via a smart card automatic fare collection system.

The other scheduled and subsidised road based public transport service is that of GABS and its sub-contractor Sibanye. This is maintained under an interim contract with the WCG's Department of Mobility. Individual fares, which are distance based, are charged using a manual ticketing system although multi-journey clip-cards are also available at discounted rates.

1.2.2 Integrated Rapid Transit

a) The City's IRT System is continuously being implemented through different phases with Phase 1A, which consists of the corridor along the R27, the Cape Town International Airport

express service, the N2 express service and some inner city services, already well established.

b) Further milestones ranging from IRT planning to infrastructure implementation and ultimately, to the commissioning of this type of public transport services are being rolled out.

c) Currently the Implementation of the infrastructure, the procurement of vehicles, and contract negotiations are underway for the IRT Phase 2A implementation set to be operational in 2028.

1.2.3 Dial-a-Ride

The City, and the WCG, contracts a service provider to operate an on demand service for passengers with special needs in the City. Qualifying passengers have to register for this service and pay fares according to a zonal system.

1.2.4 Minibus-Taxi Services

Unscheduled services are those that are operated on a route, routes or, where applicable, within a particular area (radius), without a timetable and where passengers are charged fares individually. These services are predominantly provided by minibus taxis, which provide non-contracted, non-subsidised, unscheduled services throughout the City.

The minibus-taxi service operators are organised into 110 different taxi associations - who in turn are divided under the six (6) SANTACO regions found in the City. These Regions represent the interests of the individual operator. Minibus taxi type services, are provided in most areas of the City and in some instances operating parallel with the subsidised bus services and the rail system along certain sections of the routes.

1.2.5 Long Distance Public Transport, i.e. Intra and Inter Provincial Services

Although LDPT services are required throughout the year, there are significant peaks during the holiday season with the December holiday period being the busiest, long weekends, and to a lesser extent weekends. LDPT services in the City are provided by scheduled buses, unscheduled buses, minibus taxis and to a lesser degree midibus services. Scheduled LDPT bus services render a service throughout the year, competing with budget airlines in respect of price and trip duration. Unscheduled LDPT bus services occur from the Joe Gqabi LDPT Facility and Montali Facility in Khayelitsha. Minibus taxi vehicles rendering a LDPT service do so from the respective facilities identified for this purpose whether formal or informal facilities.

1.2.6 Cross Border Transport Services

The City saw a significant increase in cross border transport services in recent years with passengers from Namibia, Botswana, Zimbabwe, Mozambique and even Angola, Zambia and Malawi travelling to Cape Town as a preferred end destination. These services operate from City endorsed facilities only due to the operational dynamic not allowing it to be rendered from just any facility.

1.2.7 Metered Taxi Services

The metered taxis that are operational in the City provide rank, base and e-hailing on demand services and cover the footprint of the City. With the advent of e-hailing, this service is no longer a seasonal one and is now also regularly used by passengers travelling from home to work, between meetings, from home to commercial/ industrial/retail centres as well as tourist attractions. The OL's authorise operations within an area or radius. These vehicles do not roam in search of passengers but rely on being hailed via a call centre or e-hailing platform. Fares are charged per kilometre on a sliding scale with an additional boarding (flag drop), time travel and surge charge fees being levied on the passenger.

1.2.8 Staff Services

Certain businesses, which choose to provide transport for their own employees can apply to the PRE to provide this service. This would normally be provided by means of a company's own vehicle/s or the company contracts a public transport operator to provide this service on their behalf. The persons transported in terms of such an OL authority must be employees of that company. The authority is then granted by the PRE for specified routes including timetables. The onset of the global COVID-19 Pandemic in 2020 in the City, resulted in a significant increase in staff service applications at the PRE as employers sought to safeguard their employees against the spread of this disease.

1.2.9 Learner Transport

Learner transport in the Western Cape is a mixture of formal contracted services as prescribed by WCED. As a condition to operate this type of public transport service arrangements are agreed upon between parents of children to be transported, educational institutions and the service provider. The PRE would sanction the necessary OL's for this purpose whilst the WCED would provide subsidy to contracted operators to provide these services to learners. This type of service is provided to learners who need to travel for more than 5 km to their school if there are no schools within their areas of residence. In terms of the NLTA, services that are publicly available to scholars require OL's that authorise such public transport. However, amidst awareness campaigns by the City on the importance of learner transport, operators have to secure the appropriate OL'S before operating this type of service. There are still a significant number of operators who do not hold the requisite OL's. The reason for this is that the PRE requires a learner transport vehicle to comply with the Minibus Taxi Recapitalisation vehicle requirements.

1.2.10 Tourist Services

This transport services type carries tourists to or from tourist destinations where the tourists are accompanied by a registered tour guide. Authority to operate tourist services are generally area or radius based OL's and can include the entire country. The centre point of the radius would normally be the address where this service is conducted from. Sections 80 to 84 of the NLTA regulate tourist services and place this responsibility under the auspices of the NPTR.

In addition, Section 55(1) of the NLTA exempts the NPTR from referring tourist applications to the PA in as such the CCT has no further responsibility in the regulation for this type of service. However, NLTA Regulation 31 (2) makes provision for these applications to be referred to the PA for recommendations by it. Despite this apparent conflict in law, applications for this service is still submitted to the City for its recommendations.

Section 81 (2) of the NLTA requires that the operators of tourist transport services are required to be accredited and the vehicles need to be certified by the NPTR (NLTA Part 3). It is in the experience of the City and PRE that operators, who have been refused OL's to operate minibus-taxi type unscheduled services, apply for OL's that authorise either Charter or Tourist services. If this authority is granted the operator then proceeds to operate services that are considered as unscheduled services. In order to manage this phenomenon, the City and the PRE concluded in a written agreement that all applications for Tourist and Charter Services are referred to the City for direction.

1.2.11 Charter Services

Charter services are where a vehicle and driver is hired for a journey at a charge arranged beforehand between the client and the operator. The person hiring this service has the right to decide on the route, date and time of travel where all passengers are taken to a common destination. It is thus generally regarded as a service provided to transport organised parties to and from an event. Charter service OL's being similar to that of tourist services are generally granted on an area or radius basis where the centre point of the radius would normally be the address where this service is conducted from. Further to this, experience has shown that applicants, who were unsuccessful in obtaining minibus-taxi service OL authorities, have been submitting applications for charter services and then proceed to operate as an unscheduled minibus-taxi services.

1.2.12 Courtesy Services

These services also referred to as shuttle services and are provided mainly between hotels, guest houses, as airport transfers, and to attractions within the City and are paid for by the business that provide them. The full extent of these services are not known as this type of service is exempt from requiring OL's on the condition that no more than three vehicles are operated by the business providing such services as per Section 29(1) of the NLTR. In the event of a business utilising three or more motor cars, a minibus, a midibus or a bus then an OL would be required as per Section 29(2) of the NLTR.

1.2.13 Rail Services

The Passenger Rail Agency of South Africa (PRASA) through their subsidiary, Metrorail, provides the rail passenger transport services in the City. This service collapsed completely in recent years with the strict COVID-19 rail operational restrictions, amongst other factors such as vandalism. To date rail infrastructure has been vandalised to such an extent that the rendering of a rail service on a key corridor like the central line is no longer possible. This failure, caused a significant increase in the use of minibus taxi services who absorbed the passengers lost to rail. Currently in 2022 the minibus taxi service provide close to 80% of all daily public transport trips generated in the City.

1.2.14 Major Public Transport Facilities

The City provides 213 public transport interchange facilities, across its jurisdiction, to and from which daily public transport services are provided. In many locations, facilities meant for one transport mode are located adjacent to facilities for another mode. This allows passengers to interchange relatively easily between modes in addition to passengers walking to and from, destinations and origins. The City's key public transport interchanges have reached its design and operational capacities some years ago already. Current capacity constraints have been exacerbated by the failed rail system as passengers elect to use alternative public transport services.

On the other hand, as part of the implementation of contracted public transport services roll-outs facilities for the MyCiTi services are being implemented which consist of depots, route stations, termini, and control centres.

There are currently thirteen (13) facilities established across the City from which LDPT road services may operate from. Joe Gqabi, terminus in Khayelitsha, is regarded as one of the major LDPT facilities, which experience numerous departures and arrivals during peak holiday season and over long weekends.

Traditional metered taxi ranks are provided in CBD by the City of which the intention of the City is to phase out on-street ranking facilities in the next five years. Other state institutions and private organisations also provide ranking facilities for metered taxis, but they are essentially located in areas frequented by tourists.

With respect to the rail infrastructure PRASA owns the majority of rail lines and stations that are used by Metrorail for passenger rail purposes throughout the City.

1.2.15 Major Public Transport Road and Rail Corridors

The main road and rail based public transport corridors with the highest levels of passenger travel in the City, are:

- a) Klipfontein Road/N2 (Khayelitsha - Cape Town);
- b) Lansdowne Road (Khayelitsha- Claremont/ Wynberg);
- c) Vanguard Drive;
- d) Delft Main Road/R300;
- e) Cape Town - Khayelitsha/Kapteinsklip (Central rail line);
- f) Cape Town - Bellville (Northern rail line); and
- g) Cape Town - Simon's Town (Southern rail line).

1.2.16 Services competing in parallel to each other

From an inspection of the routes that are operated by the rail, bus, and minibus-taxi services, it can easily be established that both bus and minibus-taxi compete with passenger rail along similar transport corridors. Furthermore, in other areas bus and minibus-taxi services compete along the same routes. The scheduled bus services provide an almost equivalent collection/distribution service in most areas as that provided by the unscheduled minibus taxi service so as to protect their public transport market segment.

SECTION 2:

THE CITY'S STATUTORY PROVISIONS FOR MAKING RECOMMENDATIONS ON OL APPLICATIONS FOR NON-CONTRACTED SERVICES FOR ROAD BASED PUBLIC TRANSPORT

1. Overarching Provision for All Non-contracted Services for Road-Based Public Transport

- (1) With all road-based public transport services regulated through the NLTA, the cross-cutting provision in this section is that all vehicles rendering a road-based public transport service in the non-contracted services category where passengers pay directly or indirectly under certain provisions for transport services, must obtain an OL that allows a service provider to use a specified vehicle to provide public transport services.

Chapter Two – Minibus Taxi Type Services

2. Application for New OL's

Until a fully integrated, optimised, reliable and sustainable public transport network is a reality in the City, the City remains committed to achieve an equitable balance and sustainable operations in terms of the need for minibus-taxi type services by considering the following broad approaches:

- (1) The City will only favourably consider the support of new OL's or additional authorities when justified in terms of passenger demand or, if the level of service offered by other existing public transport services is inadequate;
- (2) The City is currently in the process of implementing the Minibus Taxi Special Regulatory Project and for this reason, no new minibus taxi type service applications will be considered unless it forms part of the said project; and
- (3) Only the renewal of OL's, a new OL in lieu of a lapsed OL, inter municipal, interprovincial and cross border applications (i.e. origin point is not within in the City boundaries) will be considered subject to certain conditions. A moratorium on all new minibus taxi type service applications will be imposed for a period of 5 years once the MBT SRP has been completed.

3. New OL in Lieu of a Lapsed OL (“Late Renewal”)

It is important to note that no provision is made in the NLTA for the late renewal of an OL. Section 58 of the NLTA, read in conjunction with the associated Regulation 25 stipulates that an OL must be renewed 30 days prior to expiry thereof. Therefore, a new application must be applied for in lieu of a pending lapse of an OL in such an instance. The following conditions will be considered by the City when formulating its recommendations with respect to the application for a new OL in lieu of a lapsed OL application:

- (1) The OL owner of a lapsed OL must be the applicant for the new OL application;
- (2) The lapsed OL must have expired within a maximum of two (2) years prior to applying for a new OL in lieu of a lapsed OL. If the period of two (2) years is exceeded, the application will purely be considered, as a new application, in terms of the need for the service applied for;
- (3) The authorities carried by the OL, or any additional OL authorities applied for, will be considered as a new application;
- (4) Any OL authority not in line with the network of routes, the route alignment, origin, destination and via points of the minibus taxi association in question, will be refused;
- (5) The applicant has furnished the City with the following:
 - (a) A letter of support from the minibus taxi association;
 - (b) Minutes of the general meeting in which the members of the minibus taxi association resolved that the applicant was recommended to apply for an additional authority or OL; and
 - (c) A signed attendance register of aforementioned meeting.
- (6) A new application in lieu of the lapsed OL (“Late renewal”), must first be applied for by the OL owner before an application of transfer of such an OL to a different operator can be submitted.

4. Application for Minibus Taxi Authorities

An application for an authority to operate a public transport service can either be added to an existing OL or it can be a completely new OL application. The following conditions will be considered by the City when formulating its recommendations with respect to an application for a new authority:

- (1) That there is a demand for the service which will be determined by the City via its decision making tools described in section ix;
- (2) Operators without OL's who have formed part of the existing capacity for more than three years must be given preference;
- (3) The applicant is a registered member of the minibus taxi association (Registered by the Provincial Transport Registrar in the Western Cape);
- (4) The applicant has furnished the City with the following:
- (5) A letter of support from the minibus taxi association;

- (a) Minutes of the general meeting in which the members of the minibus taxi association resolved that the applicant was recommended to apply for an additional authority or OL; and
 - (b) A signed attendance register of aforementioned meeting;
 - (c) The affected minibus taxi association is recommended by the City to operate on that route or network of routes applied for;
 - (d) The route or area is not adequately served by any other existing public transport services which includes existing or planned subsidised services;
- (6) That the support for an additional OL authority application will not lead to more than one minibus taxi association operating on the same origin, route alignment and destination. An exemption from this requirement will only be considered when:
- (a) In the case where two or more associations with OL authorities operate on the same route and where there is a need for an increase in OL authorities , then in this instance additional OL authorities will be equitably distributed between the respective minibus taxi associations; OR
 - (b) An MOA between the minibus taxi associations and the City is in place. In the instance where any of the parties are in breach of the said MOA the City will submit a request to the PRE for the OL to be subjected to a NLTA Section 79 process in which the OL could be suspended or cancelled.
- (7) The new authority applied for does not contain more than one A - Point (origin) outside of a geographical area;
- (8) In the instance where a route logically traverses through a via point i.e. another public transport facility, a MOA will be required between all the affected minibus taxi associations, using the said public transport facility, and the City; and
- (9) All applications for new additional authorities must have a designated A-point, as the origin of the route, and a designated B-point as the destination of the route.

5. Application for the Renewal of an OL

The City will consider the following when formulating recommendations for renewal applications:

- (1) In consideration of the City IPTN applications for renewal of OL's with an unlimited period of validity will not be recommended;
- (2) In consideration of the City IPTN applications for renewal of OL's wit fixed periods of validity are subject to restrictions on the OL validity period.
- (3) Prior to lodging an application with the PRE, the onus is on the operator to obtain a statement confirming operation within the last 180 days from the City. In the instance where the City is not in a position to confirm operation, the onus is then on the operator to supply proof of operation to the satisfaction of the PRE as part of the application;
- (4) The City will only recommend the renewal of routes that have been regularly operated within the last 180 days. In other words, no inactive routes will be

recommended as part of the renewal process;

- (5) The application for new LDPT routes can be considered as part of the renewal application, so long as the applicant's taxi association is in agreement and that the LDPT route forms part of the authorities of that association;
- (6) In the case where the minibus taxi mode is considered the appropriate mode on the route or network of routes, the City will not support the renewal of the OL if the route/s has sufficient capacity to meet the demand;
- (7) In the instance where an operator has operated contrary to the OL conditions, the renewal of the OL will not be recommended by the City; and
- (8) Where the OL contains authorities which are included in a contracted public transport service, as part of any of the phases of the MyCiti service, then such authorities must be removed from the OL.

6. Transfer of an OL

The following conditions will be considered by the City when formulating its response to an application for a transfer of an OL:

- (1) OL's are not allowed to be transferred without the express consent of the OL holder and thus subject to a transfer agreement between the two parties;
- (2) The transferor and transferee must belong to the same minibus taxi association with the same network of routes, origins and destinations;
- (3) Each of the services authorised by the OL to be transferred must have been provided on a regular basis (by the vehicle linked to the OL) for a period of at least 180 days before the date of application in terms of Section 78 of the NLTA;
- (4) Prior to lodging an application with the PRE, the onus is on the operator to obtain a statement confirming operation within the last 180 days from the City. In the instance where the City is not in a position to confirm operation, the onus is on the operator to supply adequate proof of operation, to the satisfaction of the PRE, as part of the application;
- (5) In the case of a transaction for a transfer of a radius permit, then such a transaction must be executed simultaneously with the conversion from the radius permit to a route OL.
- (6) The application for a new LDPT authority can be submitted at the same time as the transfer application, so long as the applicant's taxi association is in agreement and that the LDPT authority applied for is part of the associations network of routes; and
- (7) The City will only support the transfer of routes that have been regularly operated on within the last 180 days. In other words, no inactive routes will be recommended as part of the transfer process.

7. Amendment of an OL

- (1) Replacement of specified vehicle

The City must consider the following when recommending applications for the replacement of a specified vehicle:

- (a) Prior to lodging an application with the PRE, the onus is on the operator to obtain a statement confirming operation within the last 180 days from the City. In the instance where the City is not in a position to confirm operation, the onus is then on the operator to supply proof of operation to the satisfaction of the PRE as part of the application; then
- (b) Where the replacement of vehicle transaction is successful, the PRE must ensure that:
 - i. the applicant surrenders the replaced OL (previous issue) to the RE; and
 - ii. the applicant remove all distinguishing marks related to the vehicle being replaced and hand in any such markings to the PRE.

(2) Application for additional authority

The City must consider the following when recommending applications for additional authorities:

- (a) Operations on all routes forming part of the network, be serviced continuously for a period of 180 days.
- (b) Whether there is a demand for the additional service or if the level of service offered by other existing public transport services is inadequate
- (c) Applications will only be recommended if, in the view of the City, there are insufficient vehicles to cater for the passenger demand.
- (d) It is also important that the proposed service does not result in wasteful competition with existing subsidised services.
- (e) In addition, the following conditions will be considered by the City when formulating its recommendations on an application for an additional authority to be added to an OL:
- (f) The applicant is a registered member of the minibus taxi association (Registered by the Provincial Transport Registrar in the Western Cape);
- (g) The applicant has furnished the City with the following:
 - i. a letter of support from the minibus taxi association;
 - ii. minutes of the general meeting in which the members of the minibus taxi association resolved that the applicant was recommended to apply for an additional authority or OL; and
 - iii. a signed attendance register of aforementioned meeting;
- (h) The recommendation of the OL authority will not lead to more than one minibus taxi association operating on the same route i.e. same origin, route alignment and destination. An exemption from this requirement will only be considered when:
- (i) historically there are already two or more associations with authorities to operate on the same route - Where an increase of authorities are required, then in this instance it will be distributed equally between the respective

minibus taxi associations; OR

- (j) a duly signed and vetted Memorandum of Agreement (MOA) between the minibus taxi associations and the City is in place. In the instance where any of the parties are in breach of the said MOA the City will submit a request to the PRE for the OL to be subjected to a NLTA Section 79 process in which the OL could be suspended or cancelled;
- (k) Where a specific number of authorities were recommended to render a service on a dedicated minibus taxi route or network of routes, the agreed number of OL authorities cannot be exceeded unless there is an agreement between the PRE and City to increase the authorities;

(3) General Amendments

- (a) Prior to lodging an application with the PRE, the onus is on the operator to obtain a statement confirming operation within the last 180 days from the City. In the instance where the City is not in a position to confirm operation, the onus is then on the operator to supply proof of operation to the satisfaction of the PRE as part of the application;
- (b) Where the holder of an existing OL has not been providing a regular service as required in terms of the NLTA on all the routes authorised by the OL, the City will only support the renewal of routes that have been regularly operated within the last 180 days. In other words, no inactive routes will be recommended as part of the transfer process.

8. Existing Registered Network of Routes

(1) Taxi Associations are Authorised to Operate on Existing Networks of Routes

The following conditions will be considered by the City when formulating its recommendation to an application for a full network of routes to be added to an OL:

- (a) Where the additional route is registered in the name of the same association;
- (b) Where the minibus taxi association is authorised to render a service on a particular network of routes, and not all the members are authorised to operate on the complete network of routes, then those members can apply for the full network of routes;
- (c) The applicant has furnished the City with the following:
 - i. A letter of support from the minibus taxi association;
 - ii. Minutes of the general meeting in which the members of the minibus taxi association resolved that the applicant was recommended to apply for an additional authority or OL;
 - iii. A signed attendance register of aforementioned meeting;
- (d) Where a specific number of OL authorities were recommended to render a service on a dedicated minibus taxi service, the agreed number of OL authorities cannot be exceeded unless there is an agreement between the

PRE and the City to increase the authorities; and

- (e) Where a specific number of authorities were recommended to render a service on a dedicated minibus route or network of routes, the agreed number of authorities cannot be exceeded unless there is an agreement between the PRE and the City to increase the authorities.

9. New Route Addition to Existing Network of Routes

(1) Minibus Taxi Associations may Expand their Networks of Routes

The following conditions will be considered by the City when formulating its recommendation to an application for a new route to be added to an OL:

- (a) Where the additional route is registered in the name of the same association;
- (b) That there is a need for the service - scientifically determined by the City in terms of Annexure A;
- (c) When considering support for a new application on a particular route, operators without OL's who have formed part of the existing capacity for more than three years must be given preference;
- (d) The applicant is a registered member of the minibus taxi association (Registered by the Provincial Transport Registrar in the Western Cape);
- (e) The applicant has furnished the City with the following:
 - i. a letter of support from the minibus taxi association;
 - ii. minutes of the general meeting in which the members of the minibus taxi association resolved that the applicant was recommended to apply for an additional authority or OL;
 - iii. a signed attendance register of aforementioned meeting;
- (f) The said minibus taxi association is authorised by the City to operate on that route or network of routes applied for to;
- (g) The route or area is not adequately served by any other existing public transport services which includes existing or planned subsidised services;
- (h) The support of the authority will not lead to more than one minibus taxi association operating on the same route i.e. same origin and destination. An exemption from this requirement will only be considered when:
 - i. historically there are already two or more associations with authorities to operate on the same route - Where an increase of authorities are required, then in this instance it will be distributed equally between the respective minibus taxi associations; OR
 - ii. If an agreement between the minibus taxi associations and the City is in place. In the instance where any of the parties are in breach of the

said agreement the City will submit a request to the PRE for the OL to be subjected to a NLTA Section 79 process in which the OL could be suspended or cancelled.

- (i) The new OL authority applied for does not contain more than one A - Point (origin) outside of a defined area served by a network routes;
- (j) In the instance where a route logically traverse through a via point - a defined pick up or drop off location - i.e. another public transport facility, a MOA will be required between all the affected minibus taxi associations using the said public transport facility and the City;
- (k) In the instance where a route destination is on a property privately owned - including land owned by parastatals and state owned entities, an agreement will be required between the minibus taxi association terminating its journey on private property and the property owner;
- (l) All applications for new additional authorities must have a designated A-point, as the origin of the route, and a designated B-point as the destination of the route; and
- (m) No other type of public transport services will be recommended by the City to be added as additional OL authorities to a minibus taxi type service OL.

10. Minibus Taxi Special Regulatory Process (MBT SRP): 2019 - 2021

In recent years it has become apparent through public transport surveys and observations at public transport facilities and stations that there is a significant increase in the use of minibus taxis by passengers. Reasons cited for this increase is the continuous rise in fuel prices, the drastic decline in rail services (The rail system in Cape Town requires approximately 90 trainsets and currently there are only 33 trainsets), increased congestion on the roads as a result of an exponential population growth (The City has grown with approximately 325,000 residents per year for the past 3 years or so). Currently limited subsidised transport in the form of the Golden Arrow Bus Service (GABS) and MyCiTi (limited footprint) also contribute to passengers opting for a minibus taxi service. In some instances, subsidised transport fares are considerably higher than that of the minibus taxis during the peak period.

Interviews with passengers indicated that safety and security also play a big role when considering which mode of transport to use. This resulted in a move from rank collection to collection of passengers at their houses as result of safety (incidents of crime when they walk from their houses to public transport facilities). It must also be noted that public transport is not always convenient as passengers have to walk LDPT s to public transport facilities in inclement weather, there are long passenger queues at public transport facilities and in most instances they have to transfer several times which apart from being inconvenient is also costly. There is a desire from passengers to travel direct from point A to Z and not via other points and with point A being the front door of their home and not an overcrowded and unsafe public transport facility.

In other instances, industrial and work opportunities shifted from where it was traditionally situated causing passengers to explore alternative transport options to get to and from work on time every day.

The intent of the MBT SRP is to ensure that long standing operators without OL's i.e. who operated prior to 31 December 2015 and back (2015, 2014, 2013, 2012 and so on) obtain OL's. Minibus taxi associations also have the opportunity through this project legalise drivers that have been in their employ for a considerable period.

It must be made clear that this is a **bottom up** and not a **top down** approach. This means that the first to qualify to be recommended through available OL's will be operators with no OL's. This does not include operators who already have a number of OL's and a number of vehicles operating without an OL. The intent is to ensure that all those members of minibus taxi associations without OL's are first seen to and should there be any OL's available, (once all the those with no OL have been recommended), then OL's can be allocated to those already in possession of an OL. Ultimately, the idea is to balance OL's numbers in the minibus taxi associations.

It must be noted that due to the COVID-19 Disaster being declared in March 2020, the MBT SRP could not progress as anticipated and with the COVID-19 Disaster still in place, it is not possible to execute all work necessary to complete the project as planned. Therefore, the project was divided into 3 phases which deals with the following:

Phase 1: Verifying of all information supplied by the minibus taxi associations by the different spheres of government, determining the supply and demand on the registered routes of the respective taxi associations by the City in terms of most recent survey information and then, should it be established that there is a need to increase the number of OL's on registered routes, the City will supply directions the PRE to that effect, in terms of Section 14(c) of the NLTA.

Phase 2: An overwhelming number of proposed new routes (In most instances routes on which the operators already operate illegally) were submitted by the taxi associations registered within the City boundaries as part of the MBT SRP. For this reason, the proposed new routes will follow the City and PRE agreed route verification and approval process which, is a separate process. The City does the verification of routes whilst the Registrar of public transport routes at the PRE registers all routes as informed by the City. Should a route or routes be considered favourably by the PRE as a result of this process, then a survey will be conducted to determine the number of vehicles required to meet the demand on the newly registered route(s) and the City will recommend accordingly.

Phase 3: Notwithstanding the long and drawn out "Dormant Process" which, came to an end in 2016, it has become evident during the industry engagements as part of this process, that there are still quite a number of inactive¹OL's in the minibus taxi associations.

Based on the above phases for the PRE recommended to in order to consider the following:

- (1) These operating licences need to be taken through a NLTA Section 78 process in order for the PRE to determine whether the OL(s) should be cancelled or not;
- (2) Should the PRE determine that the OL be cancelled, then, once cancelled in PTRS,

¹ An inactive OL is an OL that might still reflect as active in PTRS, but has not been in use for an extended period.

the minibus taxi association must approach the PRE regarding the deregistration of the member(s) whose OL's were cancelled.

- (3) Once the member(s) have been deregistered by the PTR, the City will consider supporting long standing operators without OL's, who did not benefit through Phase 1 or Phase 2 above, to become eligible to apply for an OL; and
- (4) That phases 1, 2, and 3 should run concurrently with government being responsible for giving effect to Phases 1 and 2 and for the minibus taxi associations to initiate Phase 3 and seeing it to conclusion. RA's only becomes a role player at the end of Phase 3 should OL's be freed up to be reassigned as part of this phase.

11. Rationalisation Of Minibus Taxi Services

- (1) The City desires to move from a reactive scenario in terms of public transport provision by minibus taxi operators - and other public transport operators for that matter - to a proactive scenario where operators are invited by the City to apply for OL's instead of minibus taxi operators approaching the City to consider proposed new routes or additional OL's.
- (2) Rationalisation in this instance, does not necessarily mean reducing the number of OL's required. It in fact endeavours to first, right size minibus taxi operations to ensure that supply meets the demand on the respective minibus taxi association routes and second, to rationalise minibus taxi route authorities (clean up) to ensure that all A-points and B-points are adequately covered, that route descriptions read correctly, that route alignment makes operational sense, any duplication is eliminated and that minibus taxi routes are assigned to the correct minibus taxi association that was authorised by the City to operate on any particular route.
- (3) In order to achieve the above, the following considerations must be pursued:
 - (a) Implementing a sustainable operational model where minibus taxi operations are considered within a specific geographical footprint to another geographical footprint instead of being public transport facility specific (Point to point) operations;
 - (b) Eliminate unsustainable unidirectional minibus taxi operations i.e. a minibus taxi vehicle travels to a public transport facility with a full vehicle but then returns empty due to restrictions agreed to by minibus taxi associations which do not allow loading at B-points in some instances. This is not in the best interest of the passenger and sustainable operations. The City and PRE need to agree on the application of the same routes where return trips can also transport passengers without undermining other operators' authorities;
 - (c) Rationalisation of minibus taxi service operations on line haul routes where the large number of smaller vehicles needs to be replaced with higher occupancy vehicles. This will give effect to the City's travel demand measures aimed at alleviating congestion on the City's roads; and
 - (d) For this rationalization initiative, the City needs to develop clear guidelines for when operators surrender OL's of lower occupancy vehicles to be replaced by

higher occupancy vehicles with the following considered:

- i. The impact the replacements with higher occupancy vehicles will have on the operators with lower occupancy vehicles or a limited number of vehicles;
- ii. An audit of all existing public transport facilities must be carried out by the City to determine which facilities can accommodate higher occupancy vehicles or not;
- iii. Consider existing public transport facilities, vehicle movement layouts and operational impacts of higher occupancy vehicles.

It is noted that there are a plethora of informal agreements between minibus taxi associations and operators in place that influences minibus taxi operations at public transport facilities and along routes. Government has never been a part of any of these agreements. All these informal agreements between minibus taxi associations need to be formalised by way of Memoranda of Agreement (MOA) duly signed by all the parties including the respective spheres of government.

In some instances, formal MOA's - albeit being very rudimentary - have been in place for decades between minibus taxi associations to govern operations along local routes as well as LDPT routes and at the respective public transport facilities. These MOA's need to be revisited and aligned to what is happening on the ground today from an operational perspective.

The minibus taxi route authority clean up exercise, will be done in conjunction with the IPC's Minibus Taxi Sub-Committee. This will ensure the minibus taxi industry plays an integral part to ensure that all A-points and B-points are adequately covered, that route descriptions read correctly, that route alignment makes operational sense, any duplication is eliminated and that minibus taxi routes are assigned to the correct minibus taxi association authorised by the City to operate on any particular route.

The minibus taxi route clean up exercise will commence in the second half of 2022 and be completed at the end of 2025 if all goes according to plan.

12. Minibus Taxi Services Rationalisation through MyCiTi Services Implementation

The City rationalised public transport services in 2012 through vehicle operating contracts. These services are thus provided in terms of a subsidised services contract along the affected routes. The said services are different in nature, of a better standard and quality than the service rendered before the rationalization process the public transport services along these routes or in the areas. The following must be considered:

- (1) In terms of the provisions of the NLTA, these are negotiated contracts that, once it comes to the end of its lifespan, will be subjected to an open market through a formal tender process. This process will allow current contract holders, other contracted service contract holders or any new entrants to the contracted public transport

service market to compete on a level playing field to render the MyCiTi contracted public transport service through a vehicle operating company on behalf of the City; and

- (2) There are four different scenarios in terms of the MyCiTi services roll out that will be considered by the City when formulating its recommendations to the following types of applications as requested by minibus taxi associations and operators who benefitted from the MyCiTi service roll out. These may include a completely new route to be added to an existing OL or an additional OL's to respond to passenger needs as claimed by applicants. These four scenarios include the following where:
- (a) Scenario One - All authorities to operate on minibus taxi routes that have been rationalised and compensated as part of the MyCiTi service roll out have been removed from existing OL's or the OL having been cancelled in totality;
 - (b) Scenario Two - Certain phases of the MyCiTi service have not been rolled out as per the MyCiTi Business Plan and will not be implemented in the foreseeable future;
 - (c) Scenario Three - A MyCiTi service has been rolled out between geographical areas as a "top up" service for the passengers to compensate for the failing rail service and where only limited number of authorities were removed or OL's surrendered to allow for the implementation of the said service; and
 - (d) Scenario Four - All authorities to operate on minibus taxi routes that have been rationalised and compensated as part of the MyCiTi service roll out have been removed from existing OL's or the OL having been cancelled in totality and where there is now a desire to establish a new minibus taxi association with new route authorities and OL's.

The specific considerations for each of the abovementioned four scenarios are provided for below under the relevant headings and will be adhered to by the City when formulating its recommendations to any applications for new OL or for additional authority.

13. Scenario One - Removal of Authorities from OL's or Cancellation of OL's as Result of MyCiTi Service Roll Out

In this instance and in terms of Section 39 of the NLTA, the City rationalised and compensated for public transport services as part of the MyCiTi service roll out within a specific footprint. Public transport services are thus provided in terms of a subsidised services contract along the rationalised routes. These services are different in nature, of a better standard and quality than the service rendered before rationalising the public transport services along these routes or in the areas. The following impacts on OL recommendations must be considered:

- (1) Where authorities were removed and OL's cancelled as part of the said rationalisation, no authority or OL will be reinstated;
- (2) No OL's or additional authorities be recommended. The reason for this is, that the existing public transport services have been rationalised with services that are different in nature, of a better standard and quality in terms of a negotiated contract for a period of 12 years; and

- (3) Once this contract ends, and it is not extended, it is to be replaced with a contract formulated through a formal competitive bidding process in an open market to replace the same services rendered through the past negotiated contract. In this way there will not be a need for the public transport services to be rationalised and compensated as was done in the past.

14. Scenario Two - MyCiTi Service Roll Out Phases not Implemented in Foreseeable Future

In this instance, a decision was taken, to not roll out certain phases or sections of MyCiTi services as initially intended in the original roll out business plan. In a case like this, where a need for more authorities or OL's is demonstrated (whatever the case may be) for the phases or sections not implemented, then the City will consider additional authorities or new OL's in relation to the following:

- (1) The route or area is not adequately served by any other existing public transport services which includes existing or planned subsidised services;
- (2) there is a need for the service - scientifically determined by the City in terms of Annexure A - and taking into account the top up service already rendered by the MyCiTi service;
- (3) Where the route applied for to meet the demand - over and above the top up service already in place - is registered in the name of the same association;
- (4) When considering support for a new application on the said route, operators without OL's who have formed part of the existing capacity for more than three years MUST be given preference;
- (5) The applicant is a registered member of the minibus taxi association;
- (6) The applicant has furnished the City with the following:
 - (a) A letter of support from the minibus taxi association;
 - (b) Minutes of the general meeting in which the members of the minibus taxi association resolved that the applicant was recommended to apply for an additional authority or OL; and
 - (c) A signed attendance register of aforementioned meeting.
- (7) The said minibus taxi association is authorised by the City to operate on that route or network of routes (In the case where the partially compensated route forms part of a network of routes) applied for;
- (8) The support of the authority will not lead to more than one minibus taxi association operating on the same route i.e. same origin and destination. An exemption from this requirement will only be considered when:

- (a) Historically there are already two or more associations with OL authorities to operate on the same route - Where an increase of authorities are required, then in this instance it will be distributed equally between the respective minibus taxi associations; OR
- (b) If a duly signed and vetted Memorandum of Agreement (MOA) between the minibus taxi associations and the City is in place. In the instance where any of the parties are in breach of the said MOA the City will submit a request to the PRE for the OL to be subjected to a NLTA Section 79 process in which the OL could be suspended or cancelled;
- (c) The new OL authority applied for does not contain more than one A - Point (origin) outside of a geographical area;
- (d) In the instance where a route logically traverse through a via point - a defined pick up or drop off location - i.e. another public transport facility, a MOA will be required between all the affected minibus taxi associations using the said public transport facility and the City;
- (e) In the instance where a route destination is on a property privately owned - including land owned by parastatals and state owned entities, an agreement will be required between the minibus taxi association terminating its journey on private property and the property owner;
- (f) All applications for new additional authorities must have a designated A-point, as the origin of the route, and a designated B-point as the destination of the route; and
- (g) No other type of public transport service will be recommended by the City to be added as an additional authority to a minibus taxi type service OL.

15. Scenario Three - Removal of a Limited Number of Authorities or Cancellation of Limited Number of OL's as Result of MyCiTi Top Up Service Roll Out

This would apply where another public transport service was deemed inadequate to provide the needed public transport service. In this instance, operators were compensated City for their OL's when the City implemented MyCiTi services. These OL's were then cancelled by the PRE and replaced with OL's to implement a MyCiTi top up service to meet the passenger need. In a case like this, where a need for more authorities or OL's is demonstrated, then the City will consider additional authorities or new OL's under the following circumstances:

- (1) The route or area is not adequately served by any other existing public transport services which includes existing or planned subsidised services;
- (2) That there is a need for the service - scientifically determined by the City in terms of Annexure A - and taking into account the top up service already rendered by the MyCiTi service;

- (3) Where the route applied for to meet the demand - over and above the top up service already in place - is registered in the name of the same association;
- (4) When considering support for a new application on the said route, operators without OL's who have formed part of the existing capacity for more than three years must be given preference;
- (5) The applicant is a registered member of the minibus taxi association (Registered by the Provincial Transport Registrar in the Western Cape);
- (6) The applicant has furnished the City with the following:
 - (a) a letter of support from the minibus taxi association;
 - (b) minutes of the general meeting in which the members of the minibus taxi association resolved that the applicant was recommended to apply for an additional authority or OL; and
 - (c) a signed attendance register of aforementioned meeting;
- (7) The said minibus taxi association is authorised by the City to operate on that route or network of routes (In the case where the partially compensated route forms part of a network of routes) applied for to operate on;
- (8) The recommendation of the OL authority will not lead to more than one minibus taxi association operating on the same route i.e. same origin and destination. An exemption from this requirement will only be considered when:
 - (a) historically there are already two or more associations with authorities to operate on the same route - Where an increase of authorities are required, then in this instance it will be distributed equally between the respective minibus taxi associations; OR
 - (b) a duly signed and vetted Memorandum of Agreement (MOA) between the minibus taxi associations and the City is in place. In the instance where any of the parties are in breach of the said MOA the City will submit a request to the PRE for the OL to be subjected to a NLTA Section 79 process in which the OL could be suspended or cancelled;
 - (c) The new OL authority applied for does not contain more than one A - Point (origin) outside of a network of routes affecting an area;
 - (d) In the instance where a route logically traverse through a via point - a defined pick up or drop off location - i.e. another public transport facility, a MOA will be required between all the affected minibus taxi associations using the said public transport facility and the City;;
 - (e) In the instance where a route destination is on a property privately owned - including parastatals and state owned entities, an agreement will be required between the minibus taxi association terminating its journey on private property and the property owner;
 - (f) All applications for new additional authorities must have a designated A-point, as the origin of the route, and a designated B-point as the destination of the route; and
 - (g) No other type of public transport service will be recommended by the City to

be added as an additional authority to a minibus taxi type service OL.

16. Scenario Four - Removal of Authorities from OL's or Cancellation of OL's as Result of MyCiTi Service Roll Out

In this instance and in terms of Section 39 of the NLTA, the City rationalised public transport services as part of the MyCiTi service roll out within a specific footprint. Public transport services are thus provided in terms of a subsidised services contract along the rationalised routes. The said services are different in nature, of a better standard and quality than the service rendered before rationalising the public transport services along these routes. The following must be noted:

- (1) Where authorities were removed and OL's cancelled as part of the said rationalisation, no authority or OL will be reinstated, neither will any new OL's or additional authorities be considered favourably. The reason for this, is that the existing public transport services have been downsized and replaced with services that are different in nature, or of a better standard and quality. This was achieved in terms of a negotiated contract for a period of 12 years. Once this contract ends and it is not extended, then it is to be replaced with a contract realised through a formal competitive bidding process in an open market to provide the same services that was rendered by the negotiated contract. This will obviate the need for previous public transport services to be reinstated.

17. OL Conditions

In terms of Section 55(2)(a) of the NLTA, the following supplementary conditions must form part and parcel of the generic OL conditions for minibus taxi type services as per the SOP manual of the PRE. Should any of the supplementary conditions below not be added to the OL by the PRE, then the City will not accept any responsibility (financial or other) in respect of the granting of the OL. OL's are issued on the following conditions:

- (1) The PRE issues a new route number(s) to the route(s) applied for should it be recommended by the City;
- (2) Authority and support to operate on the new route(s) will be summarily withdrawn, should it create or perpetuate any violence or conflict between taxi associations or operators;
- (3) Any evidence indicating that the operator operates contrary to the OL conditions will result in a request to the PRE by the PA for the cancellation and withdrawal of the OL in terms of Section 79 of the NLTA;
- (4) The service provided should at all times adhere to the approved route line and operators must not deviate from the route or extend the route beyond the approved destination;
- (5) OL authorities acquired are subject to agreements with the City and the PRE, and will only be valid whilst such agreements are in force;
- (6) That operators be aware that the City reserves the right inspect any vehicle within any facility and along routes;
- (7) Any violation of an agreement will result in the immediate request to the PRE from

the PA for the cancellation and withdrawal of the OL in terms of Section 79 of the NLTA; and

(8) In the event of the route being affected by the rationalisation of services in future and as such may be required for a BRT system service rollout, the City will not be held financially liable and will not provide any compensation for such an OL authority.

(9) Furthermore the Operator must:

- (a) Only operate from the facilities and on routes with a valid OL and in accordance with the authority, conditions and routes embedded therein;
- (b) Not violate any authority or conditions stipulated on OL's or laws regulating the taxi association;
- (c) Refrain from interfering with legal operations of any other association or its members within the City;
- (d) Refrain from charging or collecting money for ranking rights at any facility from other public transport operators or drivers plying their trade;
- (e) Refrain from invading any other existing public transport routes serviced by any other legal taxi association;
- (f) Refrain from preventing any other legal operator or public transport vehicle driver from exercising his or her right in terms of a valid OL;
- (g) Refrain from intimidating and threatening any other public transport operators;
- (h) Adhere to any disciplinary action taken against any public transport vehicle owner, driver and marshall who fails to comply with his/her obligations in terms of any documents governing the operator;
- (i) Agree that internal matters will be dealt with in accordance with the Minimum Standard Constitution (Annexure C) and the Code of Conduct (Annexure D);
- (j) Agree to resolve any conflict through dialogue rather than through violence and intimidation;
- (k) The association management and its membership must play its part to ensure that there is peace and stability in the industry;
- (l) Ensure that the authorised vehicle, whilst in a public transport facility, including a holding area that is provided for it by the City, is operated in accordance with any management procedures, and regulations that the City has put in place at the facility;
- (m) When making use of any public transport facility refrain from overnighting in, or on the periphery, of the facility;
- (n) only rank within any facility in which they are authorised to do so as per the Facility Layout Plan;

- (o) Not, nor allow any drivers to park personal vehicles on the taxi rank;
- (p) Not instigate or exercise any violence and intimidation towards other public transport operators, passengers or the public within, or on the periphery of, any facility;
- (q) Not allow unruly or violent behaviour by the operator and/or his driver within any facility or on the periphery thereof;
- (r) Ensure that no vehicle, public transport or other, is maintained or repaired within the confines of any facility or on the periphery thereof;
- (s) Ensure that there is no illegal dumping/discharging of any chemical substances (including motor oils) in the storm water system inside any facility or the periphery thereof;
- (t) Ensure that the selling and consumption of any alcoholic beverages or recreational drugs are strictly forbidden within the confines of any facility or on the periphery thereof;
- (u) Ensure that no loud music is played in any vehicle or within the confines of any facility or on the periphery thereof;
- (v) Ensure that he/she or his/her driver will strictly abide by that vehicles should only be washed in authorized car wash facilities; and
- (w) Provide that all the service(s) authorised in terms of this OL is provided on a continuous basis.

18. The operator will further note and comply with the following:

- (1) Should the OL holder decide to leave their current association or join a different association, then he/she forfeits the operating authority in terms of this OL and the OL will summarily be withdrawn;
- (2) Adherence to operational agreements between the City , PA's and RE's outside of the City's area of jurisdiction in respect of LDPT operations, routes and areas;
- (3) That operators be aware that the CCT reserves the right inspect any vehicle within any facility and along routes as per the norm
- (4) That all vehicles, public transport and other, within any facility or on the periphery thereof are operated in accordance with the management procedures, and regulations that the City has put in place at the facility;
- (5) The operator will accept full responsibility for his actions or the actions of his driver in the event of non-compliance in terms of any of these conditions. Failure to comply, will result in more drastic action being taken in terms of Section 79(2) of the NLTA which reads as follows, "Subject to Section 79(3) of the NLTA, in the case of an OL or permit that has not been granted on the basis of a contract, the RE may, at any time, withdraw, amend or suspend the OL for such a period as it may deem fit, if the holder or employee of the holder:

- (a) Have in terms of section 79(2)(a) of the NLTA, been convicted of an offence under this Act or under a law relating to motor vehicles or the regulation of traffic or occupational safety or labour relations, or an offence due to fraud or dishonesty; or
 - (b) Has in the opinion of the RE, has not complied with the conditions of the OL or permit in terms of section 79(2)(b) of the NLTA.
- (6) Public transport operators and drivers shall at all times refrain from having any weapons and items that can pose any danger to passengers or any members of the public in their possession in, or on the periphery of, the public transport facility; and
- (7) All public transport operators and public transport vehicle drivers using any public transport facility shall strictly adhere to the provisions of the following where applicable:
- (a) The Facility Management Plan;
 - (b) The Facility Layout Plan;
 - (c) Comprehensive Integrated Transport Plan (CITP);
 - (d) Operating Licensing Strategy (OLS);
 - (e) City's Traffic By-law;
 - (f) City Water By-law;
 - (g) The City's Wastewater and Industrial Effluent By-law;
 - (h) OL conditions and authorities; and
 - (i) Any other applicable laws and regulations.
 - (j) These documents are available from the Facility Manager on request.

The WCG process to change permits from radius to route based OL's (1997 - 1999) followed the violence in the minibus-taxi industry which was the result of open ended radius permits and tension in the industry. The WCRTA aims to formalise the minibus-taxi industry, hence the following considerations:

- (8) Section 7(A)(13) and (15) of the WCRTA, require permits to be granted in accordance with the provisions of transport plans prepared by the relevant local authorities or any other authorities responsible for transport and land use planning in areas within their jurisdictional boundaries;
- (9) The WCRTA, made it mandatory for a public permit, for a minibus taxi service, to specify a route or network of routes provided that such a permit may be granted for a defined area where it is justified in exceptional circumstances;
- (10) A permit had to specify a detailed description of all points where passengers could be picked up or set down and the ranks and other facilities that may be used;

- (11) Section 24(3) of the WCRTA makes it a requirement for every holder of a public permit authorising minibus taxi services to submit the permit to the POLB (PRE) annually for registration in the manner prescribed by regulation on or before the date of expiry of the registration certificate issued in respect of the motor vehicle to which the permit relates, failing which the permit will lapse. Provision was made for the permit to be extended for a period not exceeding twelve months if the applicant could prove to the POLB;
- (12) Similarly, section 25(1)(d) of the WCRTA, also requires that every holder of a public permit authorizing the conveyance of persons in respect of a minibus taxi service to apply in the manner and on the form prescribed, for the registration and reissuing to him, her or it of such permit, within the period prescribed, failing which such permit shall lapse:
- (a) The section further stipulates that no permit may be reissued unless the permit specified the route or network of routes on which the holder may operate, unless the applicant can show that defining an area of operation is justified in exceptional circumstances.
 - (b) The promulgation of the WCRTA also provided the POLB with an opportunity to compel operators to change radius and area-based permits to route-based permits. This process commenced during 1997 and the bulk of the changes were completed by 1998. Members of the POLB set out to meet with Taxi Associations, liaison committees and local authorities to explain the process and requirements.
 - (c) At the time all Minibus Taxi Associations were requested to provide the POLB with a list of routes (falling within their allocated radius) on its letterhead. Under its former titles namely, the MLC and CMC, the City was requested to verify route descriptions falling within its respective boundaries. At the time such information would be provided to the POLB where routes as requested by the Minibus Taxi Associations would be granted by the POLB.
 - (d) The POLB issued routes prior to 1997/1998. At that time route numbers were not yet assigned. Initial routes did not have route numbers or follow a detailed road-by-road description. Later, the POLB, with the assistance of the MLC, improved the route description to include the roads that could be traversed by the holder. Still no route numbers were assigned. The minibus taxi route book was only created as part of the provincial conversion process (from radius/area-based permits to detailed route permits) by the POLB.
 - (e) Seemingly, the POLB did not keep proper record of which routes were assigned to taxi associations and some taxi associations were given the same routes whilst others were issued with different route numbers for the return journey. Unknowingly, this was a recipe for future conflict. Certain restrictions (drop-off only) were issued ex-post facto resulting in variations of the same route. Subsequent permits/OL's were issued with these restrictions whereas the initial licences were issued with "and return" status. This process was also perniciously flawed. The correct process that should have been followed was to issue a new route number where restrictions were imposed, and if need be,

recall the previous route permit (for amendment) following the process outlined in section 25(2)(b) of the RTA.

- (f) Most minibus taxi operators and Minibus Taxi Associations complied with the POLB's request to change from radius/area-based to route-based permits out of fear that permits may lapse.

19. The conversion of permits to OL's (National Conversion Process): 1997 - 1998

- (1) The Western Cape has always been the leader in the field of public transport regulation and planning. By the time the NLTTA was promulgated, introducing the requirement to convert permits to OL's, by changing from radius to route, most of the permits in the Western Cape already specified road-by-road route descriptions. This was achieved through the provincial conversion process that took place between 1997 and 1998. The provincial conversion process was conducted in terms of section 25(1)(d) of the WCRTA.
- (2) Effectively, in the Western Cape, most of the work had already been done. In most cases, compliance with the national conversion process merely amounted to changing a code in the LTPS from permit to OL. Most permits in the past were granted for an indefinite period whilst OL's could only be issued for a maximum period of five years in terms of Section 35 of the NLTTA. There were divergent views amongst provinces as to whether the conversion process also required POLB's to change indefinite permits to definite period OL's together with the requirement to renew such licences.
- (3) Even members of the Western Cape POLB felt that with the conversion process the indefinite status of OL's had to be taken away. In fact, this process was followed with the initial conversions and was then aborted by the POLB following extensive discussions between the City and the POLB.
- (4) Section 32 of the NLTTA stipulated that all permits had to be converted to OL's by the date set by the Minister in the Government Gazette. The initial date set by the Minister by notice in the Government Gazette was 31 August 2005. Save for the Western Cape, there was widespread apprehension about the ability of POLB's to meet this deadline.
- (5) In terms of section 32(4) of the NLTTA, an OL that was converted from a permit conferred the same authority and had the same status as the permit from which it was converted. The Western Cape took the view that the indefinite status could not be changed with the conversion process. This was also in accordance with Section 35 of the NLTTA which stated that an OL must be issued for a maximum period of 5 years except where the OL was issued pursuant to the conversion of a permit and this is allowed for in terms of Sections 32 and 79 of the NLTTA. Indefinite permits were therefore converted to indefinite OL's.

- (6) In terms of Section 37(1)(b) of the NLTA all conversion applications (from radius or area-based to route) had to be published in the government gazette to allow interested and affected parties an opportunity to provide comments and representations with regard to the applications. By this time, in some instances two Taxi Associations were already operating on the same route. Unfortunately, the POLB never published the routes requested by the Taxi Association in the Government Gazette and this did not allow other Taxi Associations to provide input. It also resulted in the same route or segments of the same route being awarded to multiple Taxi Associations. This created tension between operators and Taxi Associations. As a result of mounting tension and in some instances based on objections received by the POLB from interested parties, restrictions were later imposed on certain OL's when subsequent transactions were done i.e. renewals, replacement of vehicles, etc. In terms of Section 79(4) of the NLTA, the authority conferred by a permit could not be renewed, amended or transferred unless the permit had first been converted to an OL.
- (7) There was also a requirement in Section 39 of the NLTA to refer applications for conversions to the PA for recommendations. A permit could not be converted to an OL unless the transport service that it authorised had been provided on a regular basis for a period of at least 180 days prior to the date of application for conversion. Only the planning authorities could provide such confirmation given that surveys were conducted by municipalities at minibus-taxi ranks as part of the update of the CPTR. In the case of the conversion of a permit for an unscheduled service, the OL to which that permit is converted had to authorise the operation of that service according to one or more routes based on the holder's actual operations for the period of 180 days prior to the date of operation.
- (8) The deadline for conversions was eventually moved to 31 May 2006 by the then Minister of Transport. This was mostly to accommodate other provinces. The erstwhile Minister also published a notice in the Government Gazette called the non-deprivation of permits. In terms of this notice, a further opportunity was created for those taxi operators who did not apply for the conversion of permits by 31 May 2006 due to reasons not of their own doing, to submit their applications subject to the submission of written reasons to the POLB. With the promulgation of the NLTA a further opportunity was created for operators to convert permits to OL's (see Sections 47 and 48 of the NLTA). Operators were given 7 years from the commencement of the NLTA to convert permits to OL's (effectively December 2016). A further order to extend the validity of permits until the NLTA Amendment Bill is promulgated was obtained from the North Gauteng High Court. When the NLTA Amendment Bill is promulgated, operators will again be afforded a five-year period to convert permits to OL's. Approximately 98% of permits in the Western Cape have already been converted to OL's.
- (9) To date there are still indefinite permits that must be converted to OL's in spite of the provisions of the NLTA in section 47 that declared all indefinite permits lapsed after seven years. The National Transport Minister at the time determined this date as 9 April 2016 Section 47(2) of the NLTA bear reference, in that:

- (10) Under NLTR Regulation 14 relating to conversions, holders of such permits on application for renewal will simultaneously have to apply for the conversion to an OL.
- (11) NLTR Regulation 14 (4) also makes it a necessity to amend an area or radius based permit to a route based OL during this conversion. This conversion must also confer the same authority of the permit to the new OL as per NLTR 14 (2). In terms of this legislation, operators that did not convert their radius based permits to route based OL's are now subject to "forced" conversions whenever any transactions on such permits are engaged.

20. Conversion of Radius or Area Based OL's

The following conditions will be considered by the City when formulating its recommendation on an application for the conversion of a radius or area based OL to a route based OL:

- (1) Where the radius or area is converted to a route, the local and LDPT routes must be registered in the name of the same association;
- (2) The applicant is a registered member of the minibus taxi association (Registered by the Provincial Transport Registrar in the Western Cape);
- (3) The applicant has furnished the City with the following:
- (4) A letter of support from the minibus taxi association;
- (5) Minutes of the general meeting in which the members of the minibus taxi association resolved that the applicant was recommended to apply for a conversion from radius or area permit or OL to a route based OL;
- (6) A signed attendance register of aforementioned meeting;
- (7) The said minibus taxi association is authorised by the City to operate on the local route or network of local and LDPT routes applied for to operate on;
- (8) The support of the authority will not lead to more than one minibus taxi association operating on the same route i.e. same origin and destination. An exemption from this requirement will only be considered when:
 - (a) Historically there are already two or more associations with OL authorities to operate on the same route - Where an increase of authorities is required, then in this instance it will be distributed equally between the respective minibus taxi associations; OR
 - (b) a duly signed and vetted Memorandum of Agreement (MOA) between the minibus taxi associations and the City is in place. In the instance where any of the parties are in breach of the said MOA the City will submit a request to the PRE for the OL to be subjected to a NLTA Section 79 process in which the OL could be suspended or cancelled;
 - (c) The authority applied for does not contain more than one A - Point (origin) outside of a geographical area;

- (d) In the instance where a route logically traverse through a via point - a defined pick up or drop off location - i.e. another public transport facility, a MOA will be required between all the affected minibus taxi associations using the said public transport facility and the City;;
- (e) In the instance where a route destination is on a property privately owned - including land owned by parastatals and state owned entities, an agreement will be required between the minibus taxi association terminating its journey on private property and the property owner;
- (f) All conversion applications must have a designated A - point, as the origin of the route, and a designated B-point as the destination of the route; and
- (g) No other type of public transport service will be recommended by the City to be added as an additional authority to a minibus taxi type service OL.

21. Land Use Restrictions

Section 128 of the City's Municipal Planning By-Law, 2015 stipulates that a motor vehicle owned by an occupant of a dwelling unit and used for commercial activities conducted away from the dwelling unit, may be parked on the property where the occupant resides, provided that:

- (1) There is adequate space on the property concerned;
- (2) No more than one commercial vehicle per dwelling unit shall be parked on the property;
- (3) The gross weight of any such commercial vehicle shall not exceed 3 500 kg; and
- (4) The OL holder thus needs to ensure that the property used for the purpose of holding public transport vehicles during off peak and overnight are appropriately zoned for this purpose.

22. Floor Crossing - Changing of Minibus Taxi Associations

A total of 110 minibus taxi associations are registered with the Provincial Taxi Registrar for the City area. These associations are responsible for the provision of minibus taxi services on some 600 (common origins and destinations have been grouped) minibus taxi routes within the City boundaries.

A major reason for the tension between associations is the issue of 'floor crossing'. In many instances, operators who are not in good standing with one association opt to join a different or newly established minibus taxi association. This also happens in cases where operators are unhappy with the management practices of a particular association. In conflict situations some operators will also opt to join the more powerful association in fear of their personal safety. This is, in many cases, done without informing the PRE and the PTR and operators continue to provide the service authorised by their OL's even when they "crossed the floor and joined" a new minibus taxi association. This often leads to conflict

between associations and operators since there are then two or more associations providing the same service.

The City, will not under any circumstances whatsoever, support the practice of allowing two associations to operate on the same route i.e. a route with same origin, route alignment and destination in the instance of "floor crossing". In the event of 'floor crossing', the conditions under which the OL had initially been granted, have thus materially changed.

The City's response to OL applications takes into account comments from the minibus taxi association authorised to operate on a particular route and the supporting letter would be subject to membership of that particular association.

Even with the transfer of an OL, the City's support would be subject to membership of the minibus taxi association authorised to operate on the route in question. The PRE must also satisfy itself that the applicant is a member of the minibus taxi association authorised to operate on that particular route hence the requirement of a supporting letter. These conditions and criteria are put in place to prevent route related tension and play a major role in the decision of the PRE to grant a particular application.

The issue of association membership is therefore considered and plays a major role in the City's direction(s). Therefore, when an operator moves from one association to the next, the conditions under which the OL had been granted to him, have materially changed. If the City becomes aware of any "floor crossing" then the City reserves it's right to formally request the PRE that the affected OL's be subjected to the provisions of Section 79 of the NLTA. Under this section of the Act, the PRE is authorised to withdraw, suspend, or vary a permit or OL in the circumstances.

Section 79 (2)(a) of the NLTA allows for a permit or OL to be withdrawn or suspended at any time, if in the opinion of the PRE, the holder of a permit or OL has not carried out faithfully the conditions or requirement of such an OL. In such cases, where the operator in question left the membership of the association, the association needs to take the necessary steps to deregister the member and ensure the cancelation of the OL.

In such an instance, the City will recommend:

- (1) The deregistration of the member as well as the cancelation of the OL. However, before the licence can be cancelled, the due process provisions of the Promotion of Administrative Justice Act would have to apply;
- (2) The operator who left one association to join another, is entitled to apply for an OL on the route or network of routes served by the minibus taxi association he joined as a new member. However, the principle of supply/demand would apply in the City's evaluation of this application and there will thus be no guarantee that an OL will be recommended; and
- (3) Where an operator(s) left a minibus taxi association to join another minibus taxi association, they must first surrender any OL's for route or network of routes registered under the association they left before any new applications will be considered.

23. Bypassing of interchanges (re-routing) - Direct/Express Services

Traditionally, minibus taxi passengers were transported to a central public transport facility from where they would transfer to another public transport service in order to reach their end destination. To date, the minibus taxi routes were usually agreed upon between specific minibus taxi associations concerned and subsequently endorsed by the City. In the interest of the passenger, a minibus taxi association will only be allowed to bypass a minibus taxi facility if the proposed direct service does not prejudice the sustainability of the other minibus taxi associations rendering a service from the public transport facility bypassed to the same destination applied for. Therefore, the City adopted the following guidelines to be met to inform its recommendations for direct services, that is:

- (1) Where no alternative public transport service is available or where the public transport service has deteriorated to such an extent that passengers can no longer rely on it for their daily commuting to work and back home;
- (2) Provided that the public transport facility is either stipulated as the A-point or B-point, and that the bypassing cater for additional capacity that allows for the proposed new direct route;
- (3) Area based authorities to allow for feeder services to the rank in the morning peak and perform a distribution service or service circulating within a geographical area in the afternoon not having to enter and exit interchanges. These distribution services will not be allowed to render services between A-points and B-points as its sole purpose is to feed and distribute within the geographical area whilst bypassing interchanges;
- (4) Existing or new public transport routes carrying 300 passengers or more in the morning peak hour will be considered;
- (5) In order to give effect to the City's Travel Demand Management Strategy, only high occupancy vehicles (midibus vehicle i.e. 17 - 35 seating capacity) will be considered for this purpose where the public transport facility design and road geometry allows for it;
- (6) An assessment by the City of the proposed direct route in terms of the social, economic and land use impact it might have on the community it intends to serve, as well the provisions of existing public transport operational agreements between different public transport service providers; and
- (7) In the instance of a proposed direct (express) route, no passengers will be allowed to be dropped off or picked up along the proposed route; and
- (8) Such a vehicle must be marked as a direct (express) service.

24. Minibus Taxi Route Origin (A - Point), Multiple Origins or Via Point Origins

For purposes of improved administration and management of the minibus-taxi operations, and so as to avoid any conflict amongst minibus taxi associations, the City is not in favour of more than one (1) origin (A - point) to be specified on an OL. The origin (A - point) is

determined as the minibus taxi facility from which the minibus taxi association commence their journey in the morning peak. However historically, in some instances in the City, minibus taxi associations are authorised to operate from more than one A-point. The following considerations must be noted:

- (1) In the instance where a specific minibus taxi association serve a geographical area, which necessitates multiple A-points due to the spatial configuration of the residential areas, then more than one A-point will be considered in terms operational efficiency;
- (2) In the instance where routes pass through a via point which is a defined pick up or drop off location, then an operational an agreement will be required between the City and all the affected minibus taxi associations using that affected public transport facility;
- (3) If it is a direct (express) route, then no via points will be considered as part of the direct route authority, the direct route must not be broken up to create a shorter route between key points along the direct route; and
- (4) Existing authorities with more than one A-point will be corrected as part of the route verification/rationalisation process.

25. Safe Keeping of OL's

Minibus taxi operators are encouraged to submit their OL for safekeeping - for a maximum period of 180 days at the PRE in the event of the vehicle linked to the OL becoming defunct or non-operational for whatever reason. The OL will be physically handed over for safe keeping at the PRE. This includes when the vehicle is in for repairs or was damaged in an accident where the operator is not in a financial position to execute the necessary repairs timeously or that the OL and vehicle are attached to a deceased estate or the assets in the dissolution of an estate.

- (1) In the above instances, the operator needs to produce a letter from the PRE to the City explaining the exact reasons for submitting an OL under the safekeeping provisions. This will assist the City in instances where surveys are done and the affected vehicle are unaccounted for in terms of the supply and demand assessments for the routes that the operator serves.

26. Gatekeeping

It has been experienced in the past, that some minibus taxi associations' leadership are limiting support for new OL's and additional authorities to themselves only or close friends, and family.

As stated above the City requires a letter of support, to be issued by the resident association to indicate that that the applicant is a member of the association and that the association supports the application to operate on the authorised routes.

In order to circumvent any possibility of gatekeeping, the City adopted a bottom up approach to its recommendations where long standing members who are not in possession of an OL within an association are prioritised and recommended for any new OL's to be

issued. For this reason, the City requires that the minibus taxi association submits, as an attachment, to their applications the following:

- (1) A letter of support from the minibus taxi association;
- (2) Minutes of the general meeting in which the members of the minibus taxi association resolved that the applicant was recommended to apply for a conversion from radius or area permit or OL to a route based OL; and
- (3) A signed attendance register of aforementioned meeting.

27. Intra and Inter Provincial LDPT Minibus Taxi Services

The City is not in favour of dedicated LDPT minibus taxi operators. The demand for LDPT services normally diminishes after peak holiday seasons, resulting in an oversupply of vehicles on LDPT routes. As a result, these operators tend to then impinge on other existing minibus routes, causing conflict. The City has therefore taken a stance to only support existing operators who apply for additional authority to operate on the LDPT routes in terms of Section 65 of the NLTA.

The rationale behind this decision is the fact that operators can revert back to the local routes when the demand on the LDPT routes diminishes. It also allows the minibus taxi association to rotate vehicles on both the local and LDPT routes to alleviate some of the overtrading taking place on the local routes.

The City is also in the process of restricting all formal LDPT minibus taxi operations within the City boundaries to the following interchanges:

1. Cape Town Station Deck;
2. Bellville;
3. Khayelitsha;
4. Nyanga;
5. Mitchell's Plain;
6. Du Noon;
7. Masiphumelele;
8. Mfuleni;
9. Lwandle;
10. Joe Gqabi; and
11. Gugulethu.

The current decentralised system and the continuous granting of OL's all over the metropolitan area places a tremendous financial burden on the City, which has the responsibility of providing passenger facilities at these ranking points. This practice also means that certain safety standards are compromised during the process. In future and in order to ensure that consistent quality standards are maintained throughout the system, the City will apply the following:

- (1) That only LDPT applications with the above areas listed as either an origin or destination point would be recommended;

- (2) That only recapitalised vehicles will be recommended for LDPT minibus taxi services;
- (3) With the renewal of existing LDPT OL's with A - points other than those listed above, applicants should be requested to change the A-point to one of the official LDPT ranks. Two applications for additional authority can be recommended for every operator required by the City in terms of its demand analysis; and
- (4) Holders of OL's for special hire trips (within the boundaries of RSA) should be forced to convert these authorities to the provision of LDPT services and provide detailed route descriptions to the City for consideration.

The City, from time to time, receives applications, that have been submitted in other Provinces that apply to operate to destinations in the City's jurisdiction. The City requires that the applicable RE ensure that a detailed route description with a specific public transport facility as end destination be supplied for the section of the route within the City's jurisdiction. In the absence of the required information, the City will unfortunately not be in a position to make informed decisions in order to support any applications for new OL's or the renewal thereof and these applications will then be refused.

- (5) The following conditions will be considered by the CCT when formulating its response to an application for LDPT (inter and intra provincial) authority to be added to an OL:
 - (a) Whether the operator has an existing OL for one of the routes within the jurisdiction of the CCT;
 - (b) Whether the public transport service authorised by the OL has been provided on a regular basis for a period for at least 180 days within the CCT jurisdiction before the date of application for the LDPT route was made;
 - (c) Whether the operator is a member of the resident LDPT association and has furnished the City with:
 - i. a letter of support from the minibus taxi association;
 - ii. minutes of the general meeting, including a signed attendance register, in which the members of the association resolved to support the application, for the route(s) to be authorised by the OL application; and
 - iii. a signed attendance register of aforementioned meeting.
- (6) Whether the application is for one of the official LDPT facilities;
- (7) Whether there is concurrence from the PA at the destination point of the route(s);
- (8) Whether a detailed route description has been submitted for evaluation;
- (9) Whether the vehicle is suitable for LDPT services;
- (10) Whether the application clearly stipulates where passengers will be picked up or set down; and
- (11) Whether the demand calculations justifies the service..

28. Arbitration and Inquiries

In order to resolve conflict or regulatory issues between affected parties or operational issues along specific corridors or routes or issues at particular public transport facilities, the WC MEC: Mobility may from time to time or as and when required, appoint arbitrators or the PRE to investigate minibus taxi service related matters in order to find a solution.

This section details the outcomes of the BELLTA/BLOEWATA and Route B97 Arbitration processes, respectively as expounded hereunder. These findings also advise how the different spheres of government are expected to respond to these outcomes. It also details the findings and recommendations of regulatory inquiries and the expected responses thereto by the different spheres of government in resolving route and operational disputes between conflicting minibus taxi associations. This ultimately will affect OL recommendations developed by the City.

It is therefore critical that these findings, outcomes and recommendations be incorporated in the OLP during each review so as to ensure that the City responds accordingly to prevent history repeating itself.

(1) The BELLTA and BLOEWATA Arbitration Award

The arbitrator in this matter ruled on 23 April 2020 as follows:

Ruling 1: The Establishment of a Steering Committee which implies the following:

- (a) A Steering Committee, to be convened by the Provincial Department of Transport, must be established, within one month of the date of this award;
- (b) The Steering Committee shall be comprised of empowered representatives of all of the spheres of government needed to investigate, decide and address taxi licensing, PTI establishment and related planning with regard to current and future BLOEWATA and BELLTA routes. Their terms of reference will be to fulfil their respective statutory duties and functions, within the coordinating framework of that Steering Committee, in order to implement the outcomes of the mediation and arbitration process;
- (c) The Steering Committee will, accordingly, include representatives of the Western Cape Provincial Department of Transport, the City, and other relevant municipalities in the Western Cape with operating routes to be connected to the Kraaifontein/Bloekombos PTI, as well as the national Department of Transport, if necessary; and
- (d) That the Steering Committee must execute the following tasks:
 - i. put measures in place to investigate, collect and analyse information pertaining to the establishment of a PTI, for both short-distance and long-distance (including intra provincial or inter-provincial) routes at either Kraaifontein or Bloekombos and, in consultation with the Consultative Committee (referred to below), decide whether the PTI will be situated in Kraaifontein or Bloekombos; and
 - ii. put measures in place to draw up and implement a strategic plan, specifically designed to achieve the objectives of the mediation and

arbitration outcomes. The drawing-up of the strategic plan must be completed within eight months of the date of this award. The strategic plan should address the following issues:

1. Implementing the provincial and municipal transport policy and strategy as it pertains to the Kraaifontein/Bloekombos PTI (and Kraaifontein, Bloekombos and Wallacedene transport facilities more generally);
2. Implement the City's Comprehensive Integrated Transport Plan (CITP) as it pertains to the Kraaifontein/Bloekombos PTI (and Kraaifontein, Bloekombos and Wallacedene transport facilities more generally);
3. Commission a supply and demand evaluation for all existing and proposed new, expanded or amended taxi routes and services, for the Kraaifontein/Bloekombos PTI, in accordance with the methodology as set out in Annexure A of the 2013-2018 OL Strategy (and any updated and additional procedures as may now exist), and have the City and Province decide and implement the results flowing from this, in terms of their respective powers and the relevant legislation;
4. Detail new routes of all types (including short distance, long-distance and inter-provincial) from the Kraaifontein/Bloekombos PTI, proposed by BLOEWATA, the City and the Province;
5. Detail all amendments, expansions and extensions of all recognised routes (of all types) from Bloekombos/ Kraaifontein PTI proposed by BLOEWATA, the City and the Province;
6. Commission the necessary surveys and studies of actual operations in Kraaifontein, Bloekombos and Wallacedene, which are to be conducted by the City's Regulation and Survey Section (or any successor section now performing these functions);
7. Commissioning a comprehensive risk analysis for new, amended or expanded routes to be established from Kraaifontein/Bloekombos PTI, and ensuring that the City and Province act upon the results thereof in terms of the relevant legislation;
8. Commission the use of the Public Transport Evaluation Tool as a method of assessing the risks of new taxi routes to be established at the Kraaifontein/Bloekombos PTI;
9. Commissioning the development of a strategy for the establishment of low-risk minibus-taxi routes on the proposed Kraaifontein/Bloekombos network of routes, including the issue of limited licences for a limited period to allow verification of routes and gauge effectiveness of the new routes and their

impact on existing routes;

(e) Thereafter, the City and Province, within the coordinating framework of the Steering Committee, are to fulfil their respective duties and functions, by deciding on and thereafter implementing, in accordance with all relevant statutory requirements:

- i. the routes indicated to be appropriate, viable, low risk and necessary in terms of the above strategic plan and planning; and
- ii. the new, additional and amended licence applications by BLOEWATA members, shown to be permissible, low risk and required in terms of the above strategic plan and planning.

(f) The Steering Committee must facilitate and oversee:

- i. the conducting of audits of both BLOEWATA and BELLTA Associations, within one month of the date of this award. These must include (but need not be restricted to), a membership audit, OL's audit, operating routes audit; and
- ii. the convening of Annual General Meetings of both BLOEWATA and BELLTA, in the manner prescribed in the Standard Minimum Constitution for Minibus-taxi Association, read with the Constitutions of the respective taxi associations, within two months of the date of this award. In accordance with the split:
- iii. Current BLOEWATA and BELLTA dual members must choose the association to which they wish to belong, must fulfil the requirements of membership of the chosen association, be allowed to participate fully as members of their chosen association;
- iv. No dual member may be prevented from joining an association of their choice.
- v. No person should be allowed to vote at an AGM in respect of an association of which they are not a member.
- vi. The updating of the record system of the Department of Transport as it relates to BLOEWATA and BELLTA.
- vii. The Steering Committee, through its appropriate members, must consider awarding BLOEWATA the status of primary taxi association at the Kraaifontein/Bloekombos PTI.

Ruling 1.1 - Interim arrangement which requires the following:

(g) The Steering Committee shall oversee the following interim arrangement regarding BLOEWATA members who have existing and valid OL's or permits with A-points at Bellville with respect to:

- i. no member of BLOEWATA shall use the Bellville Interchange as an A-point in respect of any routes (except as provided for below) and no member of BELLTA shall use any of the BLOEWATA taxi ranks as an A-point in respect of any routes.
- ii. only those BLOEWATA members having a valid OL or permit in respect

of intra and inter-provincial routes, with the Bellville PTI as their A-point, may operate from Bellville PTI, until such time that such person decides to resign from BLOEWATA and to formally join BELLTA, in which event such person may continue to so operate, unconditionally (subject to the usual legislative regime applicable to renewal and continuance of licences thereafter);

- iii. the Kraaifontein/Bloekombos long-distance PTI is in full operation, as determined by the Steering Committee, and any still existing Bellville A - Point licence has expired, been terminated or fallen due for renewal;
- iv. where a BLOEWATA member's Bellville A-point licences/permit expires prior to the long-distance PTI coming into operation, the appropriate members of the Steering Committee must decide, in the spirit of the resolution of the BLOEWATA/BELLTA dispute, on the fate of that OL.
- v. The Steering Committee must act in a manner that promotes the objectives and spirit of this arbitration ruling and proposals as set out above.

Ruling 2: Establishment of a Consultative Committee which include the following:

- (h) There is a general obligation on public authorities to consult and engage meaningfully with the people who stand to be affected by their decisions;
- (i) The principle of full and fair participation aims to ensure that all parties to a particular problem, and those with a substantial interest in the resolution of that problem, have an opportunity to participate in the remedial process. This is in order to reach a sustainable solution;
- (j) The broader role of participation at the remedial stage of decision-making is to promote cooperation amongst the different actors that must live by the plan;
- (k) Accordingly, the Steering Committee must establish a Consultative Committee, which must include representatives of key government institutions and stakeholders in the taxi industry in the Kraaifontein, Bloekombos and Wallacedene area. The members of the Consultative Committee should include:
 - i. the Western Cape Provincial Department of Transport;
 - ii. the City;
 - iii. BLOEWATA;
 - iv. BELLTA;
 - v. representatives of other relevant taxi mother body and taxi alliance which either BLOEWATA, BELLTA, the City or Western Cape Provincial Transport Department may deem is necessary to participate in this committee;
 - vi. any experts on the taxi industry selected by agreement between BLOEWATA, BELLTA, the City and Western Cape Provincial Transport

Department; and

- vii. any bona fide and functioning non-governmental organisations that work in the interests and for the welfare of passengers in the Kraaifontein, Bloekombos and Wallacedene areas.

- (l) The Steering Committee must engage with the Consultative Committee when working out the strategic plan above.

Ruling 3: Governance and Oversight which include the following:

- (m) The Steering Committee must take responsibility for the implementation and monitoring of this arbitration award; and
- (n) The Steering Committee must ensure that the entire process of the implementation of this arbitration award is completed within three years from the date of this award.

The BELTA/BLOEWATA arbitration award implementation is still in process and for this reason, restricts the City in dealing with OL applications unilaterally as all applications are to be presented to the Steering Committee for consideration in terms of the arbitration award.

(2) Route B97 Arbitration Award

The Award records that the Arbitrator was appointed to adjudicate the primary dispute as to which of the two associations and individuals have the rights to operate on Route B97. The Arbitrator made findings (but not rulings or orders), on 22 November 2021 on the following issues and found that:

- (a) The allocation of routes to associations is not recommended by legislation and that the assignment of routes to associations has occurred as the result of the provisions of the WCRTA which requires the granting of OL's to members of associations;
- (b) Although Route B97 was originally assigned to CATA Boland, the conversion of PATA radius permits to OL's resulted in both associations having rights to operate on Route B97;
- (c) A total of six OL's on Route B97 were legitimately issued to three members of CATA Boland (and three members of PATA giving all six members rights to operate the route;
- (d) Although he had practically crossed the floor to PATA, Mr Xakaza remains a member of CATA Boland as he is precluded from resigning his membership of the association which recommended his application for Route B97 and join another association with that licence; and
- (e) Both associations and those six members with valid OL's for the route have the right to use both A-Point (Mbekweni) and B-Point (Bellville) taxi ranks.
- (f) The Arbitrator also remarked that:
 - i. She did not have the power to amend, revoke or cancel any of the six licences nor did she have the power to order the PRE to do so. That process is regulated by law and should be followed as such;
 - ii. Violence and conflict has been compounded by the increased

- demand on the route which, in the absence of legally sanctioned supply, resulted in operators without OL's belonging to both associations and the first interested party (BELLTA) providing the demanded services on Route B97;
- iii. There is lack of effective law enforcement to clamp down on operators without OL's on Route B97;
 - iv. The issue of demand has not been addressed in the Integrated Transport Plan ("ITP") of Drakenstein and Cape Winelands municipalities;
 - v. There is no statutory provision for those who apply for the OL's to obtain a letter of support from municipalities first before making a formal application to the Provincial Regulatory Entity ("PRE"). This practice is undesirable. The relevant City is only required by law to give its directions, based on its ITP, after an application has been received by the PRE; and
 - vi. The overarching legislative framework governing the minibus taxi industry and the OL application process are outdated and inefficient. The statutory framework is complex which only creates confusion and uncertainty in the industry. The deficiencies in the system have also enabled a parallel system of rules by the taxi associations.
 - vii. The Award makes a number of recommendations on issues that the Arbitrator felt did not have the power to rule upon, but was of the opinion that the proposals could assist in the negotiations and settlement discussions between the parties. These recommendations or proposals are however not enforceable:
 - viii. A new regulatory scheme (replacing or amending the current legislative framework) must be clear, unambiguous and provide certainty;
 - ix. OL conditions for the minibus-taxi industry must be standardised;
 - x. The issue of floor-crossing must be addressed. The current system is untenable and not pragmatic;
 - xi. A possible amnesty for operators without OL's should be considered for a limited period of time with strict conditions;
 - xii. Taxi associations and registered members who operate lawfully must be recommended and protected by the relevant law enforcement authorities, and operators who do not operate lawfully should be the subject of firm, effective and decisive law enforcement.
 - xiii. As noted above, the Arbitrator only made findings on some issues raised, nor did she grant orders or relief sought by the parties in their pleadings on the basis that she did not have the powers to pronounce on them.
 - xiv. As a result of the conflict on Route B97 (Mbekweni to Bellville) the route has been closed by the MEC until 25 September 2022 to allow the

necessary processes to determine the demand on the route to be completed.

The other Arbitration processes include:

(3) Strandfontein Corridor Regulation 9(2) Inquiry

This inquiry is still in progress and once completed, the findings and recommendations will be incorporated during the next review of the OLP.

(4) Route 611 NLTA Regulation 9(2) Inquiry

The inquiry has been completed and the final report not issued yet for comment by all the interested and affected parties. Once the report has been issued, the findings and recommendations will be incorporated during the next review of the OLP.

(5) Station Deck NLTA Regulation 9(2) Inquiry

The inquiry has been completed and the final report issued on 7 June 2022 for comment by all the interested and affected parties. Once the final report has been issued, the findings and recommendations will be incorporated during the next review of the OLP.

Chapter Three – Metered Taxi Type Services

29. Background

In 2014, after the completion of the Metered Taxi Rationalisation Strategy, the City started considering applications for metered taxi services again after a considerable period of not allowing any new metered taxi applications. At the same time, e-hailing services entered the market and disrupted the traditional business model of metered taxis. Furthermore, it caught the legislative and regulatory framework of public transport within South Africa off-guard.

In the absence of any legislation specifically dealing with or mentioning “e-hailing services”, the City, and the PRE jointly decided to categorise e-hailing services under the metered taxi service umbrella, as it deemed it as the best fit within the National Land Transport Act, Act 5 of 2009.

This approach was tested at the Transport Appeal Tribunal (TAT) when the Western Cape Metered Taxi Council took the matter on appeal and the TAT confirmed that e-hailing services is not in contravention of the NLTA and that it is provided for by reading it into Sections 1 and 66 of the NLTA.

At this juncture, there were two very distinct metered taxi services i.e. rank based and base services found in the City, which are referred to as traditional metered taxi services due to the hailing and fare collection method. The new, and now third category, e-hailing, initially only made provision for a service that was completely electronic in nature, in terms of hailing and fare collection i.e. the vehicle will be hailed and fare collected via a platform developed for this specific purpose.

As time went on, the traditional metered taxi industry caught up with the use of technology for hailing and fare collection purposes - but not discarding cash transactions. Equally, the e-hailing industry regressed from an exclusive electronic hailing and fare collection service which brought about the e-hailing categorisation at the time to that of one which now also accept cash as a payment method.

The aforesaid resulted in a morphing over a period of time of three very distinct type categories into one type of service with very little differentiation. It is now a complete mix of rank, base and e-hailing that is hailed in various ways and with fares collected electronically as well as in cash. There is thus no longer a very clear distinction between the three categories and they are considered as one service with essentially the same clientele, hailing and fare collection methods.

During the stakeholder participation process (2017 in Cape Town) of the Competition Commission’s market inquiry into land based public passenger transport, the traditional metered taxi operators as well as e-hailing operators in the City made representations as part of that process. Said submissions indicated that the number of OL’s in the metered taxi/e-hailing service sector needs to be limited in order to ensure a sustainable metered taxi/e-hailing industry in the City, where supply adequately meets demand subject to a reasonable waiting time and reasonable working hours for the drivers.

During the Western Cape Provincial Transport Magotla and the subsequent National Transport Legotla in 2020, the sustainability of the metered taxi/e-hailing service sector in terms of supply meeting demand was again highlighted and a request for a moratorium on any further new applications for metered taxi (which includes rank, base and e-hailing) service OL's was tabled by the industry.

Considering the complexity and time frames required to review and update any relevant bylaws, policies, statutory plans and strategies, to develop a metered taxi demand method and to establish and smoothly run an IPC Metered Taxi Sub-Committee, the moratorium came into effect.

For this reason, existing and any new e-hailing platform providers or any other new business entities who wish to operate or wish to expand their business within the City boundaries are encouraged to approach existing metered taxi (which includes rank, base and e-hailing) OL holders to sign up/join their platforms should there be a need for more operators to meet their demand.

Recognising the inadequacy of current legislation in dealing with the advances in the provision of metered taxi services, the City consulted with its administrative and political principals. It was considered prudent at that juncture, given the above, for the City, to inform the PRE, to impose a moratorium on any new applications for metered taxi services (which includes rank, base and e-hailing) for the following reasons:

- (1) Current national and provincial legislation as well as City by-laws, statutory documents and policies do not adequately address the provision of e-hailing services and the consequences should operators operate illegally and in so doing oversaturate the market and jeopardise sustainability;
- (2) Provide the City with an opportunity to review and update existing City bylaws, policies, statutory plans and strategies;
- (3) Allow the City to take into account and proactively plan for the proposed amendments to the NLTA which is currently before Parliament and then afterward aligning the City's bylaws, policies and strategies with it;
- (4) Allow the City to take inventory of metered taxi OL's in the system, consider recent survey information, consider trips generated via e-hailing and any other relevant information. This will enable the City to then develop a method to establish the demand for metered taxis - similar to that which is used to determine minibus taxi demand - to govern the support for any new metered taxi OL's in future; and
- (5) Afford the City an opportunity to establish a Metered Taxi Inter Modal Planning (IPC) Sub-Committee in an effort to consolidate all the fragmented metered taxi operators under one umbrella. The intent of this forum will be to constructively deal with all metered taxi (which includes rank, base and e-hailing) matters going forward - in particular to assist industry's consultation with government, to advance the interests of the industry in light of the digitisation of the market, to name but a few. This sub-committee, through establishing a working committee, can then play an integral role when developing the method that will establish the demand for their industry (which includes rank, base and e-hailing).

30. New OL Application Considerations

Once the moratorium on new metered taxi service OL's has been lifted, and there is still a need for more metered taxi service OL's, then the following conditions will be considered by the City when formulating its recommendations to the granting of a metered taxi service (rank, base and e-hailing operations) OL application. In the instance of whether and where the metered taxi service will be rendered from the following must be considered:

- (1) A residential base from which the service will be rendered, that the property must have sufficient parking complying with the Municipal Planning Bylaw 2015 provisions of Section 128(a) - Proof of home ownership or rental of property to be provided as part of the application;
- (2) A private estate, then the home owners' association must confirm that a parking bay is allocated to the applicant and that a business can be conducted from the property indicated as a base;
- (3) A sectional title scheme, then the body corporate must confirm that a parking bay is allocated to the applicant and that a business can be conducted from the property indicated as a base;
- (4) A block of flats that has not been sectionalised, then the owner of the block of flats must confirm that a parking bay is allocated to the applicant and that a business can be conducted from the property indicated as a base;
- (5) If a commercial or retail property - including hotels or guest houses, then a formal agreement between the owner of the property and the applicant must accompany the application;
- (6) If a parastatal or state owned entity property (such as ACSA, PRASA, PORTNET, SANPARKS, CTICC, etc.), then a formal agreement between the owner of the property and the applicant must accompany the application.
- (7) Vehicles rendering a metered taxi type service must not be older than 10 years so as to ensure the same quality and standard of service in terms of the passenger experience and to ensure that the vehicle fleet is regularly recapitalised;
- (8) In the instance of municipal rank based authorities, the City intends phasing out these authorities in the next 5 years. During this period, the holders of such authorities will be encouraged to amend these authorities to reflect a base, meaning a residential or business premises, instead of a rank. During this period, the City will investigate the most appropriate locations across the City for drop-off and pick-up points for metered taxi services.

31. New OL in Lieu of a Lapsed OL (“Late Renewal”)

It is important to note that no provision is made in the NLTA for the late renewal of an OL. Section 58 of the NLTA, read in conjunction with the associated Regulation 25 stipulates that

an OL must be renewed 30 days prior to expiry thereof. Therefore a new application must be applied for in lieu of a lapsed OL in such an instance.

Furthermore the following conditions will be considered by the City when formulating its response in terms of a metered taxi service (rank, base and e-hailing operations) new OL in lieu of a lapsed OL application:

- (1) The OL holder of a lapsed OL must be the applicant for the new OL in lieu thereof;
- (2) The onus is on the applicant to stipulate the correct base address from which the metered taxi service will be rendered when applying for a new OL in lieu of a lapsed OL. If the base address reflected in the application does not correspond with where the metered taxi service will be rendered from, then the City will refuse the application;
- (3) The said OL expired within a maximum of two (2) years prior to applying for a new OL in lieu of a lapsed OL;
- (4) If the period of two (2) years is exceeded, the application will not be recommended as a new application in lieu of a lapsed OL and will not be considered as part of the existing metered taxi service capacity;
- (5) The authorities carried by the OL, or any additional authorities applied for, will be considered in terms of a new application. Thus, any authority not in line with the metered taxi type service in question, will be refused;
- (6) A new application in lieu of lapsed OL ("Late renewal"), must first be applied for, before an application to transfer an OL to a different operator;
- (7) In the instance where the service will be rendered from:
 - (a) A residential base from which the service will be rendered from, the property must have sufficient off-site parking and comply with Municipal Planning Bylaw 2015, Section 128(a) provisions - Proof of home ownership or rental of property to be provided as part of the application;
 - (b) A private estate, then the home owners' association must confirm that a parking bay is allocated to the applicant and that a business can be conducted from the property indicated as a base;
 - (c) A sectional title scheme, then the body corporate must confirm that a parking bay is allocated to the applicant and that a business can be conducted from the property indicated as a base;
 - (d) A block of flats that has not been sectionalised, then the owner of the block of flats must confirm that a parking bay is allocated to the applicant and that a business can be conducted from the property indicated as a base;
 - (e) A commercial or retail property - including hotels or guest houses , then the a formal agreement between the owner of the property and the applicant must accompany the application;

- (f) A parastatal or state owned entity property (such as ACSA, PRASA, PORTNET, SANPARKS, CTICC, etc.), then a formal agreement between the owner of the property and the applicant must accompany the application; and
- (g) Vehicles rendering a metered taxi type service must not be older than 10 years so as to ensure the same quality and standard of service in terms of the passenger experience and so as to ensure that the vehicle fleet is regularly recapitalised.

In the instance of municipal rank based authorities, the City intends phasing out these authorities in the next 5 years. During this period, the holders of such authorities will be encouraged to amend these authorities to reflect a base (residential or business premises) instead of a rank. During this period, the City will investigate the most appropriate locations across the City for drop-off and pick-up points for metered taxi services.

32. Application for Transfer of an OL

When deciding whether to support an application for the transfer of an OL for a metered taxi type service, the conditions below will be considered by the City when formulating its response in terms of the transfer of a metered taxi service (rank, base and e-hailing operations) OL application:

- (1) Prior to lodging a transfer application with the PRE, the onus is on the operator to obtain a statement confirming operation within the last 180 days from the City. In the instance where the City is not in a position to confirm operation, the onus is then on the operator to supply proof of operation to the PRE as part of the application;
- (2) OL's are not allowed to be transferred without the express consent of the OL holder and thus subject to a transfer agreement between the two parties;
- (3) Each of the services authorised by the OL to be transferred must have by the vehicle linked to the OL for a period of at least 180 days before the date of application in terms of Section 78 of the NLTA;
- (4) When a metered taxi OL is transferred, then the following must be executed:
 - (a) An application to transfer the OL from operator A to operator B; and
 - (b) The authority of the OL should be amended to reflect the base address of the new owner and not the original owner - unless the new owner has an agreement in place between him/her and the previous owner affirms in writing that he/she can continue to operate from the previous owner's base.
 - (c) Such an agreement as described in (4)(b) above must accompany the application for the transfer.
- (5) In the instance where the service will be rendered from:
 - (a) A residential base from which the service will be rendered from, the property must have sufficient off-site parking and comply with Municipal Planning Bylaw 2015, Section 128(a) provisions of Proof of home ownership or rental of property to be provided as part of the application;

- (b) A private estate, then the home owners' association must confirm that a parking bay is allocated to the applicant and that a business can be conducted from the property indicated as a base;
- (c) A sectional title scheme, then the body corporate must confirm that a parking bay is allocated to the applicant and that a business can be conducted from the property indicated as a base;
- (d) A block of flats that has not been sectionalised, then the owner of the block of flats must confirm that a parking bay is allocated to the applicant and that a business can be conducted from the property indicated as a base;
- (e) A commercial or retail property - including Hotels or guest houses, then the a formal agreement between the owner of the property and the applicant must accompany the application;
- (f) A parastatal or state owned entity property (such as ACSA, PRASA, PORTNET, SANPARKS, CTICC, etc.) then a formal agreement between the owner of the property and the applicant must accompany the application;
- (g) The City reserves the right in terms of Section 55(2) of the NLTA to carry out any investigations or request the PRE to carry out any such investigations it deems necessary to verify any of the information supplied as part of the application;
- (h) Vehicles rendering a metered taxi type service must not be older than 10 years So as to ensure the same quality and standard of service in terms of the passenger experience and so as to ensure that the vehicle fleet is regularly recapitalised; and

In the instance of municipal rank based authorities, the City intends phasing out these authorities in the next 5 years. During this period, the holders of such authorities will be encouraged to amend these authorities to reflect a base (residential or business premises) instead of a rank. During this period, the City will investigate the most appropriate locations across the City for drop-off and pick-up points for metered taxi services.

33. Renewal of a Metered Taxi Service

The following conditions will be considered by the City when formulating its response to the renewal of a metered taxi service (rank, base and e-hailing operations) OL application:

- (1) Prior to lodging an application with the PRE, the onus is on the operator to obtain a statement confirming operation within the last 180 days from the City. In the instance where the City is not in a position to confirm operation, the onus is then on the operator to supply proof of operation to the PRE as part of the application;
- (2) Where the holder of an existing OL has not been providing a regular service as required in terms of the NLTA on all the routes authorised by the OL, the City will only support the renewal of authorities that have been regularly operated within the last 180 days;

- (3) In the instance where an operator has operated contrary to the OL conditions, the renewal of the OL will not be recommended by the City;
- (4) When a metered taxi OL is renewed, then the authority of the OL should be amended to reflect the base address of the current owner; and
- (5) In the instance where the service will be rendered from:
 - (a) A residential base from which the service will be rendered from, the property must have sufficient off-site parking and comply with the City's Municipal Planning Bylaw 2015, Section 128(a) provisions - Proof of home ownership or rental of property to be provided as part of the application;
 - (b) A private estate, then the home owners' association must confirm that a parking bay is allocated to the applicant and that a business can be conducted from the property indicated as a base;
 - (c) A sectional title scheme, then the body corporate must confirm that a parking bay is allocated to the applicant and that a business can be conducted from the property indicated as a base;
 - (d) A block of flats that has not been sectionalised, then the owner of the block of flats must confirm that a parking bay is allocated to the applicant and that a business can be conducted from the property indicated as a base;
 - (e) A commercial or retail property including Hotels or guest houses, must be supported with a formal agreement between the owner of the property and the applicant, which must accompany the application;
 - (f) A parastatal or state owned entity property (such as ACSA, PRASA, PORTNET, SANPARKS, CTICC, etc.) then a formal agreement between the owner of the property and the applicant must accompany the application;
 - (g) The City reserves the right in terms of Section 55(2) of the NLTA to carry out any investigations or request the PRE to carry out any such investigations it deems necessary to verify any of the information supplied as part of the application;
 - (h) Vehicles rendering a metered taxi type service must not be older than 10 years so as to ensure the same quality and standard of service in terms of the passenger experience and so as to ensure that the vehicle fleet is regularly recapitalised; and

In the instance of municipal rank based authorities, the City intends phasing out these authorities in the next 5 years. During this period, the holders of such authorities will be encouraged to amend these authorities to reflect a base (residential or business premises) instead of a rank. During this period, the City will investigate the most appropriate locations across the City for drop-off and pick-up points for metered taxi services.

34. Amendment of an OL

The following conditions will be considered by the City when formulating its response in terms of a metered taxi transport amendment of OL application:

- (1) In the case of Replacement of specified vehicle
 - (a) Prior to lodging an application with the PRE, the onus is on the operator to obtain a statement confirming operation within the last 180 days from the City. In the instance where the City is not in a position to confirm operation, the onus is then on the operator to supply proof of operation to the satisfaction of the PRE as part of the application; and
 - (b) If the replacement of vehicle transaction is successful, the PRE must ensure that:
 - i. the applicant surrenders the replaced OL (previous issue) to the RE; and
 - ii. the applicant removes all distinguishing marks related to the vehicle being replaced and hand in any such markings to the PRE.
- (2) In the case of Application for additional authority

Once the metered taxi service demand method has been developed and the moratorium on new metered taxi service OL's has been lifted, the City will consider the potential of supporting any additional service types to a metered taxi service (rank, base and e-hailing operations) OL application.

35. Metered Taxi Service OL Conditions

In terms of Section 55(2)(a) of the NLTA, the supplementary conditions below must form part and parcel of the generic OL conditions for metered taxi type services as per the SOP manual of the PRE and any other legislative requirements. Should any of the supplementary conditions below not be added to the OL by the PRE, then the City will not accept any responsibility (financial or other) in respect of the granting of the OL. The supplementary conditions include the following that:

- (1) It is a strict condition that if the OL is not uplifted within the prescribed time frames that the PA's support of the OL will lapse and the applicant will not be eligible to re-apply for the OL and a 12 month waiting period will then automatically apply;
- (2) The service authorised by this OL is solely that of an on demand service achieved by means of hailing while roaming, by telephone or otherwise;
- (3) Waiting or plying for hire in any private or public road (regardless of classification), dedicated public transport right of way or stop, private or public parking areas - demarcated or not, bus, metered taxi, disabled, aged, child or any other areas - demarcated or not - is strictly forbidden;
- (4) When the vehicle is not in service it must be parked off street at the base as indicated in the area of operation;
- (5) Should the address used as the base of this authority change for whatever reason, then the authority of this OL must be amended with immediate effect to reflect the new address used as a base;
- (6) In terms of the Municipal Planning By-Law 2015, Section 128(a) a motor vehicle owned by an occupant of a dwelling unit and used for commercial activities conducted away from the dwelling unit, may be parked on the property where the occupant resides, provided that:
 - (a) There is adequate space on the property concerned;

- (b) No more than one commercial vehicle per dwelling unit shall be parked on the property; and
- (c) The gross weight of any such commercial vehicle shall not exceed 3 500 kg.
- (7) Fare structure be restricted to that of flag fall, ie. Rand/km and waiting time only;
- (8) Time based fares and any type of surcharging is strictly prohibited as this provision of Section 21 (1)(d) of the NLTA pertaining to setting of fare structures applies to the NPTR and not metered taxi service providers;
- (9) Fare structure to be clearly legible and displayed on both back doors of the vehicle;
- (10) Detailed trip data (electronic or other) to be kept and made available to the PA or the Provincial Regulatory Entity on request - especially in terms of 180-day proof of operation;
- (11) Display OL, decal and rank (municipal or private) token where applicable at all times;
- (12) Leasing of metered taxi service vehicles and OL's strictly prohibited;
- (13) Drivers with an international driver's licence need to convert same to a RSA driver's licence before carrying any passengers;
- (14) OL authority subject to vehicle meeting all required specifications and standards set;
- (15) Non - Transferable i.e. a trading commodity of which a Transfer will only be considered if part of a deceased estate or complete business take over;
- (16) No ranking allowed at any municipal or private ranks including the Waterfront, Port and Airport unless expressly authorised by the land owners; and
- (17) The operator may carry passengers to destinations outside the area and may return with the same passengers, but may not ply for hire outside the area.

36. Tariffs

In order to ensure a sustainable metered taxi industry in the City, metered taxi type services fares are provided for in section 66(3) of the NLTA. Fares are to be calculated on a sliding scale to accommodate fuel price fluctuations, different vehicle engine sizes and levels of luxury of vehicles used to render the metered taxi service. The following conditions must be taken into account in calculating fares:

- (1) The fare to be charged must be motivated and can vary within one operator's fleet to allow for different size, type and luxury of vehicles in the said fleet;
- (2) The current fare must be quoted to the passenger before the trip commences within the following prescribed fare scales:
- (3) Flag Fall : R 2.00 - R 10.00
- (4) Waiting time : R 45.00 - R 60.00 per hour
- (5) Per km : R 7.00 - R 15.00/km

- (6) Cancellation Fee : R 25.00 - R 50.00
- (7) Minimum Charge : R 20.00 - R 50.00
- (8) Travel Time : R 0.50 - R 1.50 per minute
- (9) Surge Charge (High Demand) : Capped at rate of 1.5 of fare
- (10) Surge Charge (Fuel Increase) : to be adjusted given the current unstable rise in fuel prices

37. Land Use Restrictions

The City's Municipal Planning By-Law 2015 stipulates that a motor vehicle owned by an occupant of a dwelling unit and used for commercial activities conducted away from the dwelling unit, may be parked on the property where the occupant resides, provided that, as per Section 128(a):

- (1) There is adequate space on the property concerned;
- (2) No more than one commercial vehicle per dwelling unit shall be parked on the property; and
- (3) The gross weight of any such commercial vehicle shall not exceed 3 500 kg.

38. Authority Clean Up

Metered taxi service OL authorities currently specify either a single radius of operation or an inner (pick-up) or an outer (service) radius of varying distances, normally between 15 km and 35 km radius, respectively. The centre of the said radius, is the base from which the metered taxi is authorised to operate from.

These types of authorities are problematic and therefor one component of the City's initiative to move from a reactive regulatory space to that of a proactive one, is to execute what is referred to as an authority 'clean up' of all metered taxi services authorities found in the PTRS. This initiative will ensure a level playing field in that all metered taxi services authorities are aligned and uniform in terms of origin and area of operation. The City's intention is to embark on a metered taxi service authority clean up exercise during 2022 and 2023.

This exercise will be done in conjunction with the IPC Metered Taxi Sub-Committee to ensure the metered taxi industry play an integral part to ensure alignment and uniformity.

Chapter Four – Staff Services

39. New OL's

The City prefers that staff travel to their place of work, and return home, by way of mainstream public transport - provided mainstream public transport modes are fully functional. However, there are employers who elect to provide or subsidise their employees (i.e. the employers pay for the service, not the employee) to be transported by means of an exclusive staff service provider from their place of residence to where they work.

There are four potential scenarios on how the employer provides a staff service that the City will consider in terms of a new staff service OL application:

- (1) The employer enters into a contract with a staff service provider and pays for the service in full;
- (2) The employer enters into a contract with a staff service provider and subsidises a portion of the fare for the service as an employee benefit;
- (3) The employer enters into a contract with a staff service provider and manages the contract, but the service is paid for by the employee directly either by way of an employee salary deduction or by the employee paying the staff service provider directly; and
- (4) Where the employer endorses a staff service provider to provide a service to its employees, but all arrangements between the employees and the staff service provider will be dealt with directly.
- (5) The City will require the following in terms of the above scenarios where all contracts, agreements or endorsements accompanying a staff service application, must be on the company or the organisations letterhead and must contain the following as an absolute minimum:
 - (a) All particulars (Physical and postal address, e-mail address and all contact details) of the employer;
 - (b) All the particulars of the staff service provider(s);
 - (c) The nature of the business;
 - (d) The number of staff to be transported;
 - (e) The number, class and capacity of vehicles required to render the service;
 - (f) The residential areas of pick up and the routes;
 - (g) The times of operations i.e. timetable;
 - (h) The frequency of the service i.e. which days of the week;
 - (i) Contract validity period i.e. specific start and end dates - No indefinite/open ended contracts;
 - (j) Capacity of signatories of contract;
 - (k) Every page of the contract and any annexures must be initialled by all

signatories - last page of contract however to be signed in full by all signatories; and

- (l) Letter of support from the property owner for the service to be rendered to and from its premises.
- (6) In the instance of multiple contracts in succession - where one contract cascades to another - giving effect to a staff service being rendered, then all the contracts in succession must allow for subcontracting and be included as part of the application;
- (7) The validity period of the staff OL authority to operate will be linked to the contractual period for services as set between the public transport operator and the company seeking transport services for its staff. However, in the event of such contracts planned for beyond seven years, then it must be noted that the provisions of the NLTA limits such staff contracts to 7 years only.;
- (8) The City reserves the right in terms of Section 55(2) of the NLTA to carry out any investigations or request the PRE to carry out any such investigations it deems necessary to verify any of the information supplied as part of the application;
- (9) In the instance where a staff service originates or terminates in another PA, then the City will only provide direction on the section of the authority within its jurisdiction; and
- (10) Different staff contracts cannot be combined to become one authority and must be stipulated as separate authorities and then applied for as such.

40. Transfer of an OL

The following conditions will be considered by the City when formulating its response in terms of a staff transport transfer of OL application:

- (1) Prior to lodging a transfer application with the PRE, the onus is on the operator to provide a statement confirming operation within the last 180 days and submit same as part the application;
- (2) OL's are not allowed to be transferred without the express consent of the OL holder and are thus subject to a transfer agreement between the two parties;
- (3) Each of the services authorised by the OL to be transferred must have been provided on a regular basis (by the vehicle linked to the OL) for a period of at least 180 days before the date of application in terms of Section 78 of the NLTA;
- (4) The transferee must have a valid staff contract linked to the staff transport service authorised by the OL to be transferred (as a new signatory or a subcontractor);
- (5) The OL will only be transferred for the remainder of the validity period of the OL or the validity period of the new contract - whichever duration period is the shortest;
- (6) All contracts, agreements or endorsements accompanying a staff service application must be on the company or the organisations letterhead and must contain/reflect the following as an absolute minimum:
 - (a) All particulars (Physical and postal address, e-mail address and all contact

- details) of the employer;
 - (b) All the particulars of the staff service provider(s);
 - (c) The nature of the business;
 - (d) The number of staff to be transported;
 - (e) The number, class and capacity of vehicles required to render the service;
 - (f) The residential areas of pick up and the routes;
 - (g) The times of operations i.e. timetable;
 - (h) The frequency of the service i.e. which days of the week;
 - (i) Contract validity period i.e. specific start and end dates - No indefinite/open ended contracts;
 - (j) Capacity of signatories of contract;
 - (k) Every page of the contract and any annexures must be initialled by all signatories - last page of contract however to be signed in full by all signatories; and
 - (l) Letter of support from the property owner for the service to be rendered to and from its premises;
- (7) In the instance of multiple contracts in succession - where one contract cascades to another - giving effect to a staff service being rendered, then all the contracts in succession must allow for subcontracting and be included as part of the application;
- (8) The validity period of the staff OL authority to operate will be linked to the contractual period for services as set between the public transport operator and the company seeking transport services for its staff. However, in the event of such contracts planned for beyond seven years, then it must be noted that the provisions of the NLTA limits such staff contracts to 7 years only.;
- (9) The City reserves the right in terms of Section 55(2) of the NLTA to carry out any investigations or request the PRE to carry out any such investigations it deems necessary to verify any of the information supplied as part of the application;
- (10) In the instance where a staff service originates or terminates in the jurisdiction of another PA, then the City will only provide direction of the section of the authority within its jurisdiction;
- (11) Different staff contracts cannot be combined to become one authority and must be stipulated as separate authorities and then applied for as such.

41. Renewal

The following conditions will be considered by the City when formulating its response in terms of a staff transport renewal of OL application:

- (1) Prior to lodging a renewal application with the PRE, the onus is on the operator to provide a statement confirming operation within the last 180 days and submit as part the application;

- (2) Each of the services authorised by the OL to be transferred must have been provided on a regular basis (by the vehicle linked to the OL) for a period of at least 180 days before the date of application in terms of Section 78 of the NLTA;
- (3) The validity period of the staff authority will be linked to the renewed contract's validity period, but with a limit of 7 years as per the NLTA requirements should the contract be for more than 7 years; and
- (4) In the instance where an operator has operated contrary to the OL conditions, the renewal of the OL will not be recommended by the City;
- (5) All contracts, agreements or endorsements accompanying a staff service application must be on the company or the organisations letterhead and must contain the following as an absolute minimum:
 - (a) All particulars (Physical and postal address, e-mail address and all contact details) of the employer;
 - (b) All the particulars of the staff service provider(s);
 - (c) The nature of the business;
 - (d) The number of staff to be transported;
 - (e) The number, class and capacity of vehicles required to render the service;
 - (f) The residential areas of pick up and the routes;
 - (g) The times of operations i.e. timetable;
 - (h) The frequency of the service i.e. which days of the week;
 - (i) Contract validity period i.e. specific start and end dates - No indefinite/open ended contracts;
 - (j) Capacity of signatories of contract;
 - (k) Every page of the contract and any annexures must be initialled by all signatories - last page of contract however to be signed in full by all signatories; and
 - (l) Letter of support from the property owner for the service to be rendered to and from its premises.
- (6) In the instance of multiple contracts in succession - where one contract cascades to another - giving effect to a staff service being rendered, then all the contracts in succession must allow for subcontracting and be included as part of the application;
- (7) The City reserves the right in terms of Section 55(2) of the NLTA to carry out any investigations or request the PRE to carry out any such investigations it deems necessary to verify any of the information supplied as part of the application;
- (8) In the instance where a staff service originate or terminates in the jurisdiction of another PA, then the City will only provide direction of the section of the authority within its jurisdiction;
- (9) Different staff contracts cannot be combined to become one authority and must be stipulated as separate authorities and then applied for as such.

42. New Application in Lieu of Lapsed OL (“Late Renewal”)

It is important to note that no provision is made in the NLTA for the late renewal of an OL. Section 58 of the NLTA, read in conjunction with the associated Regulation 25 stipulates that an OL must be renewed 30 days prior to expiry thereof. Therefore a new application must be applied for in lieu of a lapsed OL in such an instance.

The following conditions will be considered by the City when formulating its recommendation in terms of a staff transport new OL in lieu of lapsed OL application:

- (1) The OL holder of a lapsed OL must be the applicant for the new OL in lieu thereof;
- (2) The said OL expired within a maximum of two (2) years prior to applying for a new OL in lieu of a lapsed OL;
- (3) If the period of two (2) years is exceeded, the application will not be recommended as a new application in lieu of a lapsed OL and will not be considered as part of the existing metered taxi service capacity;
- (4) A new application in lieu of lapsed OL (“Late renewal”), must first be applied for before an application to transfer to a different operator;
- (5) The validity period of the staff authority will be linked to the renewed contract’s validity period but with a limit of 7 years as per the NLTA requirements should the contract be for more than 7 years;
- (6) All staff contracts, agreements or endorsements as part of a renewal application must be on the company or the organisations letterhead and must contain the following as an absolute minimum:
 - (a) All particulars (Physical and postal address, e-mail address and all contact details) of the employer;
 - (b) All the particulars of the staff service provider(s);
 - (c) The nature of the business;
 - (d) The number of staff to be transported;
 - (e) The number, class and capacity of vehicles required to render the service;
 - (f) The residential areas of pick up and the routes;
 - (g) The times of operations i.e. timetable;
 - (h) The frequency of the service i.e. which days of the week;
 - (i) Contract validity period i.e. specific start and end dates - No indefinite/open ended contracts;
 - (j) Capacity of signatories of contract;
 - (k) Every page of the contract and any annexures must be initialled by all signatories - last page of contract however to be signed in full by all signatories; and
 - (l) Letter of support from the property owner for the service to be rendered to and from its premises;
- (7) In the instance of multiple contracts in succession - where one contract cascades to another - giving effect to a staff service being rendered, then all the contracts in succession must allow for subcontracting and be included as part of the application;
- (8) The City reserves the right in terms of Section 55(2) of the NLTA to carry out any

- investigations or request the PRE to carry out any such investigations it deems necessary to verify any of the information supplied as part of the application;
- (9) In the instance where a staff service originates or terminates in the jurisdiction of another PA, then the City will only provide direction of the section of the authority within its jurisdiction;
- (10) Different staff contracts cannot be combined to become one authority and must be stipulated as separate authorities and then applied for as such; and
- (11) In the instance of the employer providing only a cover letter in order to extend the contract, then the original contract must accompany the said letter. Should the original contract not contain the minimum information stipulated in clause 40.6 above, then the required information must be supplied in the letter confirming the extension of the contract.

43. Amendment of an OL

The following conditions will be considered by the City when formulating its recommendation in terms of a staff transport amendment of OL application include:

- (1) Replacement of specified vehicle include that:
- (a) Prior to lodging a replacement of vehicle application with the PRE, the onus is on the operator to provide a statement confirming operation within the last 180 days and submit it as part the application;
 - (b) Each of the services authorised by the OL must have been provided by the vehicle linked to the OL for a period of at least 180 days before the date of application in terms of Section 78 of the NLTA;

If the replacement of the vehicle application is successful, the PRE must ensure that:

- (c) The applicant surrenders the replaced OL (previous issue) to the RE; and
- (d) The applicant remove all distinguishing marks related to the vehicle being replaced and hand in any such markings to the PRE.

- (2) Application for additional authority include that:
- (a) Prior to lodging a renewal application with the PRE, the onus is on the operator to provide a statement confirming operation within the last 180 days and submit as part the application;
 - (b) Where the holder of an existing OL has not been providing a regular service as required in terms of the NLTA on all the routes authorised by the OL, the City will only support the renewal of routes that have been regularly operated within the last 180 days. In other words, no inactive routes will be recommended as part of the transfer process.
 - (c) The City will only support a staff transport service to be added as an additional OL authority to a metered taxi type service OL and thus the staff transport service requirements will apply in terms of these authorities.
 - (d) Pick up within the geographical area of the A-Point and drop off at

destinations within the geographical area of the B-Point.

44. OL Conditions

In terms of Section 55(2)(a) of the NLTA, the supplementary conditions below must form part and parcel of the generic OL conditions for staff type services as per the SOP manual of the PRE. Should any of the supplementary conditions below not be added to the OL by the PRE, then the City will not accept any responsibility (financial or other) in respect of the granting of the OL:

- (1) That the validity period of the OL is less than or equal to that of the contracts;
- (2) That the authorised vehicle is clearly marked with the name, address and nature of the business of the holder of the OL on both doors of the vehicle;
- (3) The vehicle should be marked 'Staff Only';
- (4) That none of the City's official transport facilities are used by the operator;
- (5) That the OL is brought into use within 90 days of collection at the PRE;
- (6) The applicant is not allowed to operate during public transport core hours should he/she not adhere to these stipulated times, the City will withdraw the OL;
- (7) That the OL will be withdrawn if mainstream public transport service are introduced in the future;
- (8) That the City is not liable to pay compensation if the OL is withdrawn before the expiry date, in line with the restructuring and transformation of public transport services;
- (9) This authority may not be used in combination with a minibus-taxi type service;
- (10) Any additional authority/authorities applied for by the applicant to offer a minibus-taxi service will be refused by the City;
- (11) Any future application by the applicant to operate during public transport hours will be opposed by the City;
- (12) The applicant should furnish the PRE with a vehicle clearance certificate issued, after inspection, by the City;
- (13) The OL must specify the times of operation; and
- (14) The appropriate notifications and authorities to operate be secured when classified as an essential service during a disaster lock-down, as per the applicable National Government Regulations and Directives.

Chapter Five – Scholar Transport Services

The transportation of scholars, students, teachers and lecturers is becoming a growing area of concern for the City given that in most cases these services are operated in direct competition with existing public transport services. This is not in line with the public transport plan for the PA area. In terms of the NLTA, the needs of special categories of passengers (which include learners) must be considered in planning and providing public transport infrastructure, facilities and services and these needs should be met as far as may be possible by the system provided for mainstream public transport (NLTA Section 11 (1)(c)(xiv)). Law enforcement initiatives have brought to light the fact that most of the operators providing this service are doing so without valid OL's.

Given the fact that this type of service is now regarded as a public transport service, Section 72 of the NLTA applies. It stipulates that an OL is a prerequisite for the provision of a public transport service. Operators who are guilty of providing this type of service without the necessary OL will be charged in terms of the NLTA Section 90 for providing a public transport service without a valid OL.

45. New OL Applications

The following conditions will be considered by the City when formulating its response in terms of a scholar transport new OL application:

- (1) In terms of NLTA Regulation 42(1)(a), where applicable, a contract between the operator and the school or other educational institution or department or certified copy thereof, or a letter from the principal or authorised administrative officer of such an institution approving the operator and the transport, a copy of which must be kept in each vehicle being used for such a service. The said documents must adhere to the following requirements:
 - (a) Must be on the school's letterhead which reflects all particulars (physical and postal address, e-mail address and all contact details) of the school;
 - (b) Reflect the name of the operator AND NOT the driver of the vehicle;
 - (c) Be dated within the past 180 days;
 - (d) The number of scholars to be transported and the vehicles required when lodging multiple applications;
 - (e) Contract validity period i.e. specific start and end dates - No indefinite/open ended contracts;
 - (f) Capacity of signatories of contract;
 - (g) Every page of the contract and any annexures must be initialled by all signatories - last page of contract however to be signed in full by all signatories;
 - (h) The applicant must submit a detailed route description outlining the residential areas from which learners will be picked up and the schools the learners will be transported to;

- (i) The operator must submit a timetable reflecting the morning and afternoon pick up and drop off times as part of the authority applied for; and
- (2) The vehicle type, capacity and condition thereof must be adequate to transport scholars;
- (3) In the instance where a scholar transport service application requires more than one vehicle to provide the service, then the supporting documentation referred to above must include the number of vehicles required to render the service and an application must be lodged for each of the vehicles required; and
- (4) The City reserves the right in terms of Section 55(2) of the NLTA to carry out any investigations or request the PRE to carry out any such investigations it deems necessary to verify any of the information supplied as part of the application.

46. Renewal of OL

The below will be considered by the City when formulating its recommendations in terms of a scholar transport new OL application:

- (1) Prior to lodging a renewal application with the PRE, the onus is on the operator to provide a statement confirming operation within the last 180 days and submit as part the application;
- (2) Each of the services authorised by the OL must have been provided by the vehicle linked to the OL for a period of at least 180 days before the date of application in terms of Section 78 of the NLTA;
- (3) In the instance where an operator has operated contrary to the OL conditions, the renewal of the OL will not be recommended by the City;
- (4) In terms of NLTA Regulation 42(1)(a), where applicable, a contract between the operator and the school or other educational institution or department or certified copy thereof, or a letter from the principal or authorised administrative officer of such an institution approving the operator and the transport, a copy of which must be kept in each vehicle being used for such a service. The said documents must adhere to the following requirements:
 - (a) Must be on the school's letterhead which reflects all particulars (physical and postal address, e-mail address and all contact details) of the school;
 - (b) Reflect the name of the operator and not the driver of the vehicle;
 - (c) Be dated within the past 180 days;
 - (d) The number of scholars to be transported and the vehicles required when lodging multiple applications;
 - (e) Contract validity period i.e. specific start and end dates - No indefinite/open ended contracts;
 - (f) Capacity of signatories to be reflected in the documents;
 - (g) Every page of the contract and any annexures must be initialled by all signatories endorse on last page of the contract to be signed in full by all

signatories;

- (h) The applicant must submit a detailed route description outlining the residential areas from which learners will be picked up and the schools the learners will be transported to;
 - (i) The operator must submit a timetable reflecting the morning and afternoon pick up and drop off times as part of the authority applied for; and
 - (j) The vehicle type, capacity and standard thereof must be adequate to transport scholars.
- (5) In the instance where a scholar transport service application requires more than one vehicle to provide the service, then the supporting documentation referred to above must include the number of vehicles required to render the service and an application must be lodged for each of the vehicles required; and
- (6) The City reserves the right in terms of Section 55(2) of the NLTA to carry out any investigations or request the PRE to carry out any such investigations it deem necessary to verify any of the information supplied as part of the application;

47. Application for New OL In Lieu of Lapsed OL (“Late Renewal”)

It is important to note that no provision is made in the NLTA for the late renewal of an OL. Section 58 of the NLTA, read in conjunction with the associated Regulation 25 stipulates that an OL must be renewed 30 days prior to expiry thereof. Therefore a new application must be applied for in lieu of a lapsed OL in such an instance.

The below will be considered by the City when formulating its response in terms of a scholar transport new OL in lieu of a lapsed OL application:

- (1) The OL holder of a lapsed OL must be the applicant for the new OL in lieu thereof;
- (2) The said OL expired within a maximum of two (2) years prior to applying for a new OL in lieu of a lapsed OL;
- (3) If the period of two (2) years is exceeded, the application will not be recommended as a new application in lieu of a lapsed OL and will not be considered as part of the existing scholar transport service capacity;
- (4) A new application in lieu of lapsed OL (“Late renewal”), must first be applied for before an application to transfer to a different operator;
- (5) Prior to lodging the aforementioned application with the PRE, the onus is on the operator to provide a statement confirming operation within the last 180 days and submit as part the application;
- (6) Each of the services authorised by the OL to be transferred must have been provided on a regular basis (by the vehicle linked to the OL) for a period of at least 180 days before the date of application in terms of Section 78 of the NLTA;
- (7) In the instance where an operator has operated contrary to the OL conditions, the renewal of the OL will not be recommended by the City;

- (8) In terms of NLTA Regulation 42(1)(a), where applicable, a contract between the operator and the school or other educational institution or department or certified copy thereof, or a letter from the principal or authorised administrative officer of such an institution approving the operator and the transport, a copy of which must be kept in each vehicle being used for such a service. The said documents must adhere to the following requirements:
- (a) Must be on the school's letterhead which reflects all particulars (physical and postal address, e-mail address and all contact details) of the school;
 - (b) Reflect the name of the operator and not the driver of the vehicle;
 - (c) Be dated within the past 180 days;
 - (d) The number of scholars to be transported and the vehicles required when lodging multiple applications;
 - (e) Contract validity period i.e. specific start and end dates - No indefinite/open ended contracts;
 - (f) Capacity of signatories to be reflected in the documents; and
 - (g) Every page of the contract and any annexures must be initialled by all signatories on the last page of contract however to be signed in full by all signatories.
- (9) The applicant must submit a detailed route description outlining the residential areas from which learners will be picked up and the schools the learners will be transported to;
- (10) The operator must submit a timetable reflecting the morning and afternoon pick up and drop off times as part of the authority applied for; and
- (11) The vehicle type, capacity and condition thereof must be adequate to transport scholars;
- (12) In the instance where a scholar transport service application requires more than one vehicle to provide the service, then the supporting documentation referred to above must include the number of vehicles required to render the service and an application must be lodged for each of the vehicles required; and
- (13) The City reserves the right in terms of Section 55(2) of the NLTA to carry out any investigations or request the PRE to carry out any such investigations it deems necessary to verify any of the information supplied as part of the application.

48. Transfer of OL

The below will be considered by the City when formulating its response in terms of a scholar transport transfer of an OL application:

- (1) Prior to lodging a transfer application with the PRE, the onus is on the operator to provide a statement confirming operation within the last 180 days and submit same as part the application;
- (2) OL's are not allowed to be transferred without the express consent of the OL holder

and is thus subject to a transfer agreement between the two parties;

- (3) Each of the services authorised by the OL to be transferred must have been provided on a regular basis (by the vehicle linked to the OL) for a period of at least 180 days before the date of application in terms of Section 78 of the NLTA;
- (4) The transferee must have valid support documentation linked to the scholar transport service authorised by the OL to be transferred (as a new signatory);
- (5) The OL will only be transferred for the remainder of the validity period of the OL;
- (6) In the instance where an operator has operated contrary to the OL conditions, the transfer of the OL will not be recommended by the City;
- (7) In terms of NLTA Regulation 42(1)(a), where applicable, a contract between the operator and the school or other educational institution or department or certified copy thereof, or a letter from the principal or authorised administrative officer of such an institution approving the operator and the transport, a copy of which must be kept in each vehicle being used for such a service. The said documents must adhere to the following requirements:
 - (a) Must be on the school's letterhead which reflects all particulars (physical and postal address, e-mail address and all contact details) of the school;
 - (b) Reflect the name of the operator and not the driver of the vehicle;
 - (c) Be dated within the past 180 days;
 - (d) The number of scholars to be transported and the vehicles required when lodging multiple applications;
 - (e) Contract validity period i.e. specific start and end dates - No indefinite/open ended contracts;
 - (f) Capacity of signatories to be reflected in the documents;
 - (g) Every page of the contract and any annexures must be initialled by all signatories - last page of contract however to be signed in full by all signatories;
- (8) The applicant must submit a detailed route description outlining the residential areas from which learners will be picked up and the schools the learners will be transported to;
- (9) The operator must submit a timetable reflecting the morning and afternoon pick up and drop off times as part of the authority applied for; and
- (10) The vehicle type, capacity and condition thereof must be adequate to transport scholars;
- (11) In the instance where a scholar transport service application requires more than one vehicle to provide the service, then the supporting documentation referred to above must include the number of vehicles required to render the service and an application must be lodged for each of the vehicles required;
- (12) The City reserves the right in terms of Section 55(2) of the NLTA to carry out any investigations or request the PRE to carry out any such investigations it deem

necessary to verify any of the information supplied as part of the application;

49. Scholar Transport Service OL Conditions

In terms of Section 55(2)(a) of the NLTA, the supplementary conditions below must form part and parcel of the generic OL conditions for scholar transport services as per the SOP manual of the PRE and any other legislative requirements. Should any of the supplementary conditions below not be added to the OL by the PRE, then the City will not accept any responsibility (financial or other) in respect of the granting of the OL:

- (1) The applicant should furnish the PRE and the City with copies of a contract between the operator and the school or authorised administrative officer of the institution approving the operator and the transport;
- (2) The validity period of this specific OL will be for 12 months i.e. the school calendar year;
- (3) That none of the City's official public transport facilities are used by the operator;
- (4) A passenger list printed on the school's letterhead must be kept in the vehicle. This list must show the names, residential addresses (including street names) and contact details of all parents / guardians as well as the contact details of the school's administrator;
- (5) In the case of pre-primary and primary school learners and learners with physical, mental or visual disabilities, a responsible adult (other than the driver) must be on the vehicle to manage learners;
- (6) Despite contrary provisions in the National Road Traffic Act, Act 93 of 1996, the operator may not load more than the number of passengers (learners) specified as the seating capacity of the vehicle stipulated in the application;
- (7) That the OL will be withdrawn if mainstream public transport services are introduced in the future furthermore, the PA will not be held liable for the payment of compensation if the OL is withdrawn before the expiry date in line with the restructuring and transformation of public transport services;
- (8) All schools and other institutions must provide areas off of busy public roads where scholars and students may be picked up or set down by motor vehicles (National Land Transport Regulations 42(8));
- (9) All vehicles used for scholar transport must:
 - (a) be marked in the manner prescribed or required by the relevant regulatory entity to indicate that scholars or students are being carried; and
 - (b) have a first aid kit in the vehicle at all times that complies with prescribed requirements or those stipulated by the regulatory entity (National Land Transport Regulations 42(4)(a) & (b)).
 - (c) Scholars must only be picked up or set down in a safe area which is not on busy public roads and where a safe crossing of roads by the scholars are possible (National Land Transport Regulations 42(10)); and

- (d) Strict adherence at all times by the operator and driver of the public transport vehicle of the City: Traffic By-Law, 2011 until the current draft City: Traffic By-Law 2021 is promulgated.

50. Amendment of an OL

The below will be considered by the City when formulating its recommendations in terms of a scholar transport amendment of OL application:

(1) Replacement of specified vehicle

- (a) Prior to lodging a replacement of vehicle application with the PRE, the onus is on the operator to provide a statement confirming operation within the last 180 days and submit it as part the application;
- (b) Each of the services authorised by the OL must have been provided on a regular basis (by the vehicle linked to the OL) for a period of at least 180 days before the date of application in terms of Section 78 of the NLTA; and
- (c) If the replacement of vehicle transaction is successful, the PRE must ensure that:
 - i. The applicant surrender the replaced OL (previous issue) to the PRE; and
 - ii. The applicant remove all distinguishing marks related to the vehicle being replaced and hand in any such markings to the PRE.

(2) Application for additional authority

- (a) Prior to lodging an additional authority application with the PRE, the onus is on the operator to provide a statement confirming operation within the last 180 days and submit as part the application;
- (b) Where the holder of an existing OL has not been providing a regular service as required in terms of the NLTA on all the routes authorised by the OL, the City will only support the renewal of routes that have been regularly operated within the last 180 days. In other words, no inactive routes will be recommended as part of the additional OL authority process;
- (c) The City will only recommend that a Scholar transport service be added as an additional authority to a metered taxi type service OL however charter and scholar transport service conditions will apply in terms of metered taxi OL authorities. It must also be noted that a Charter service OL holder cannot add these as additional authorities a charter service OL; and
- (d) Pick up within geographical area of the A-Point and drop off at schools within geographical area of the B-Point.

51. Land Use Restrictions

- (1) The City's Municipal Planning By-Law, 2015 stipulates that a motor vehicle owned by an occupant of a dwelling unit and used for commercial activities conducted away

from the dwelling unit, may be parked on the property where the occupant resides, provided that:

- (a) There is adequate space on the property concerned;
- (b) No more than one commercial vehicle per dwelling unit shall be parked on the property; and
- (c) The gross weight of any such commercial vehicle shall not exceed 3 500 kg.

Chapter Six – Tuk – Tuks

Tuk - Tuks render a “*last-mile-home*” type service and the City not recognise them as part of the mainstream public transport system, since this type of vehicle is not suited to operate during the adverse weather conditions that are common in Cape Town and are thus considered un-reliable.

52. Typical Operations

- (1) These modes should only operate with a very limited radius from their “rank” or loading points due to potential fatigue of both driver and passenger given the limited comfort of this vehicle. Typical on-street ranking and stacking for these vehicles present a challenge given the priority that main-stream public transport requires.
- (2) The City to explore the possibility of recommending Tuk - Tuk services in areas such as:
 1. Fresnaye/Bantry Bay;
 2. Sea Point;
 3. Green Point;
 4. Bo Kaap/De Waterkant;
 5. Tamboerskloof;
 6. Walmer Estate/University Estate/Zonnebloem/District Six;
 7. Kalk Bay/St James/Fish Hoek;
 8. Simon’s Town; and
 9. Durbanville

From a land use perspective, Tuk - Tuks may then also use normal road facilities for parking, safe stopping/loading areas.

The parameters and conditions to be included as an amendment to the updated CITP for the City should include:

53. Support systems

- (1) Tuk - Tuks are explored to be included as a pedestrian assistant mode in the marketing and management of the single public transport system; and
- (2) Tuk - Tuks are planned to operate as a short distance mode typically last mile home, no longer than a 3 km trip on a dedicated route, as will be defined in its OL conditions.

54. Operations

- (1) The service will be limited to one area or neighbourhood only, with a dedicated route descriptions, not longer than 3 km, incorporated into the Integrated Public Transport Network (IPTN);
- (2) Supplementary to mainline services, where relevant as identified in the IPTN;

- (3) Maximum speed of 30km/hour; and
- (4) OL to be displayed at all times.

55. Infrastructure

- (1) Tuk - Tuks are seen as a base operation (same as sedan taxi) with respect to facilities with no formal City facilities provided. Base facilities will be privately owned/leased by the Tuk - Tuk operator. Their base facilities shall be stipulated and within an acceptable radius from their route.

56. Regulatory

- (1) Vehicles to be licenced by the RE after taking due regard of the current statutory plans i.e. the CITP, PTP, OLP and the IPTN;
- (2) Children under the age of 13 years, must be accompanied by an adult when travelling on a Tuk - Tuk;
- (3) All trips must be pre-booked with the Tuk - Tuk Operator;
- (4) No Tuk - Tuk OL can be converted to another mode of transport, if the business case does not prove viable, the licence shall immediately be withdrawn;
- (5) Vehicles will be subject to regular inspection as determined by the Regulating Authority;
- (6) A maximum of three persons (including the Driver) to be conveyed at one time (as per definition in NLTA); and
- (7) Zero tolerance principles will apply, and the sanction shall be that the licence shall be immediately withdrawn, in the following cases:
 - (a) Overloading;
 - (b) Operations on illegal route;
 - (c) Vehicle standards not adhered to; and
 - (d) When the service is not in operation for a 180 day period once the operator is in receipt of an OL.

57. Areas where approval will be considered

- (1) These areas and parameters will be reviewed in the CIP and include:
 - (a) Waterfront/Sea Point/Bantry Bay (Atlantic Sea Board);
 - (b) CBD as long as no conflict with sedan taxis;
 - (c) Kalk bay; and
 - (d) Fishoek/Simonstown

58. Land use

- (1) Tuk - Tuks may use normal road facilities for parking, safe stopping/loading areas.

Chapter Seven – Cross Border

59. New and Renewal Cross Border Transport Permit Considerations

The Cross Border Road Transport Agency (the Agency), established in terms of the Cross Border Road Transport Act, Act 4 of 1998 (the Act), is an entity of the Department of Transport and regulates the movement of freight and passenger vehicles across the borders into the SADEC Region.

The Agency also plays a facilitation and advisory role by making sure that working relationships with stakeholders, such as the City, are established and maintained to ensure the smooth flow of cross border road transport.

In order to enhance relations with all the various municipalities, the Agency - In terms of their Stakeholder Management Plan - hosts the City Transport Forum on a bi-annual basis. The purpose of this forum is to share any new policy developments, resolve operational, regulatory and infrastructure challenges experienced. The City plays a very active role in the said forum.

The City saw a significant increase in cross border transport services in recent years with passengers from Namibia, Botswana, Zimbabwe, Mozambique and even Angola, Zambia and Malawi travelling to Cape Town as a preferred end destination. These services operate from City endorsed facilities only due to the operational dynamic not allowing it to be rendered from just any facility.

The following conditions will be considered by the City when formulating its response in terms of a new, or renewal of a, cross border road transport permit application in terms of the public transport facility within its jurisdiction:

- (1) The City provides the necessary response in terms of Section 28(1)(c) of the Act, Section 75(4) of the (NLTA) within the required timeframes of the said notice as per Section 33(1) of the Act;
- (2) There are a limited number of official LDPT /cross border facilities in the City with limited capacity. In some instances, routes leading to these facilities are oversaturated or specific facilities reached its capacity with respect to the number of vehicles it can accommodate. The only formal (recognised) LDPT / cross border facilities within the City's jurisdiction are the following:
 - (a) Motali LDPT Bus Terminus (Inkonde Street, Gugulethu) - Privately Owned;
 - (b) Cape Town Station LDPT Bus Facility (Old Marine Drive) - PRASA Owned;
 - (c) Jumbo Properties (Mabel Street, Bellville) - Privately Owned;
 - (d) Cape Town Station LDPT Minibus Taxi Facility (Station Deck Road) - City Owned; and
 - (e) Joe Gqabi LDPT Bus Facility (Terminus Road, Philippi) - City Owned.
- (3) All contracts or agreements accompanying a cross border service application, must be on the company, or the organisation's, letterhead and must contain the following as an absolute minimum:

- (a) All particulars (Physical and postal address, e-mail address and all contact details) of the employer;
 - (b) All the particulars of the staff service provider(s);
 - (c) The nature of the business;
 - (d) The number passengers to be transported;
 - (e) The number, class and capacity of vehicles required to render the service;
 - (f) The PTI's to be used for boarding of passengers and the routes;
 - (g) The times of operations i.e. timetable;
 - (h) The frequency of the service i.e. which days of the week;
 - (i) Contract validity period i.e. specific start and end dates - No indefinite/open ended contracts;
 - (j) Capacity of signatories of contract;
 - (k) Every page of the contract and any annexures must be initialled by all signatories - last page of contract however to be signed in full by all signatories; and
 - (l) Letter of support from the property owner for the service to be rendered to and from its premises.
- (4) In the instance of multiple public transport contracts operate in short succession which is where one contract cascades into another. Given the long trip duration times with this service, then all such contracts can be subcontracted to another service provider to provide the service. This arrangement between parties must be included as part of the application for OL's to operate in this way;
- (5) Due to the significant distance via road between the City and neighbouring countries, and with the comfort of the passenger travelling across the border of South Africa, the vehicles used to render the cross border service from a City facility needs to be high volume capacity vehicles, ie. Midibus and bus including a secondary driver to allow for the change of drivers during the journey.

Chapter Eight – Existing and New Residential/ Industrial/ Retail Commercial and Mixed Use Developments

The City has a duty to ensure that public transport operational plans are developed for existing and new commercial, industrial, residential and mixed use developments as well as existing, refurbished, upgraded and new public transport infrastructure. For this purpose, the City considers all modes of public transport (road and rail) and the role they each play in the public transport network, to ensure public transport is undertaken in the most efficient and economic manner to the satisfaction of both the users and providers thereof when developing such plans.

60. Considerations for Specific Geographical Areas

These plans are for specific geographical areas - or between geographical areas, along particular public transport routes/areas and for all types of public transport facilities - or between public transport facilities in the City. The key focus of these plans will be to:

- (1) Rationalise and transform existing public transport operations to the most sustainable operational solution with the most appropriate vehicle fleet, cost effective routes, hierarchy, type and number of OL's to render the service; and
- (2) To identify most suitable locations for the erection of new public transport facilities and inform prioritising of existing public transport infrastructure improvements or refurbishments and the design and provision of new facilities.

These plans will also consider remote holding, staging and ranking - and how operations between these are best achieved by way of the most effective facility management measures and most appropriate vehicle access control measures.

It must be appreciated, that a new commercial or industrial development is an attractor of passengers who travel there for work and retail purposes. Residential developments in contrast, is a passenger generator as it is here where those residing there start their public transport journey when going to work, shopping or for recreational and social purposes. With job opportunities not always readily available in close proximity to where passengers reside, cognisance needs to be taken of how far people are actually prepared to travel by way of public transport to secure employment.

Considering the above, it is of paramount importance that all new developments - no matter the nature, as part of the Transport Impact Assessment (TIA) develop a comprehensive public transport component for the TIA. This component needs to be considered in terms of all the different public transport needs (Walking, cycling, subsidised, minibus taxi, metered taxi, staff services) in close proximity to the proposed development but also way beyond.

The "Draft Guidelines for the Public Transport Component of Transport Impact Assessments (December 2021)" is a good guiding document in achieving the aforesaid albeit being dated and in need of review to allow for recent trends in the provision of public transport.

61. Specific Considerations by Developers

Specific considerations the developers of residential, commercial, industrial and mixed use developments - amongst other - must considered are the following:

- (1) Primary public transport corridors along which provision must be made for public transport stops (covered and enclosed on 3 sides) for both buses and midi/mini bus taxis (One stop for both modes);
- (2) Capillary public transport feeder routes (Geographical area authority) along which provision must be made for public transport stops for midi/mini bus taxis feeding the primary public transport corridor and PTI or facility;
- (3) Provision of an onsite forecourt or public transport facility on the side or in the centre of the proposed new development - significant in size - which allows for minibus taxis (Local and LDPT), buses (Local and LDPT), drop and go for private vehicles, metered taxi services, ablution facilities, offices, spaces for traders and public open spaces;
- (4) Provision of an onsite public transport facility in terms of National Land Transport Regulations 42(8) and 42(10) that provides sufficient space for buses, mini/midi buses and private vehicles to circulate in an orderly and safe manner should the proposed development necessitate the need for a school or schools due to the size of the proposed development;
- (5) Provision of onsite public transport bays strategically placed for the use of metered taxi services (base and e-hailing) for picking up and dropping off of passengers;
- (6) Provision for onsite e-hailing delivery vehicle bays especially at retail outlets such as supermarkets and restaurant chains where the goods are picked up but also at residential developments where it is delivered;
- (7) The advent of COVID-19 has seen a major shift in employers opting to provide staff services for their employees for various reasons. Commercial, Industrial and Mixed Use developments must thus include a zone where staff can be dropped off and be picked up again. Keep in mind that call centres and main stream supermarkets have very unique operating hours which will affect the hours in which staff transport are provided; and
- (8) A pedestrian walkway network that link all the required public transport facilities so as to ensure that passengers can safely walk to where they need to enter into a public transport vehicle.

Chapter Nine – The Competition Commission Report and Future Impacts on OL Recommendations

The Competition Commission which reports on its “*market inquiry into land based public passenger transport*” bear reference.

In its investigation and after having considered the comments from mainly public transport stakeholders, its detailed responses are contained in chapters 4 to 14 of the above report. The Commission has finalised its recommendations which is aimed at improving the functioning of the public transport system. These recommendations by the Competition Commission will also affect OL processes and recommendations directly and indirectly which include:

- (1) The relationship between PRASA CRES and Autopax raises several concerns for the interprovincial LDPT bus industry. It is recommended that the NDOT must address the conflict of interest between PRASA CRES and Autopax. This can be achieved through, among other things, a complete structural separation between the entities;
- (2) Furthermore, PRASA CRES should ensure that all bus operators are treated in a non-discriminatory manner;
- (3) The perpetual extension of subsidised bus contracts, without going out on tender, inhibits competition. Where contracts are put out on tender, the provincial transport departments or the NDOT should consider breaking some of the contracts into smaller contracts in order to create opportunities for new entrants and smaller bus operators.
- (4) Small and local bus operators should be given preference, given the incumbency advantages enjoyed by the existing large bus operators;
- (5) To promote the use of public transport as an integrated system and improve coordination, the Commission recommends:
 - (a) To improve coordination, dedicated transport authorities to be established at provincial or metropolitan or district municipal level, where appropriate. Given the interconnectedness of the metropolitan municipalities, a provincial transport authority may be appropriate; and
 - (b) National and provincial government together with the South African Local Government Association (SALGA) to create capacity at local government level to ensure that transport planning is prioritised by municipalities.
- (6) The Commission notes that government, through the NDOT, is currently in the process of developing the subsidy policy. The Commission recommends that the subsidy policy be finalised and consider the following:
 - (a) Address fragmented subsidies in the public transport sector to improve coordination and correct the skewed distribution of subsidies between urban and rural areas;
 - (b) Equitable allocation of subsidies to the taxi industry and rural bus operators;
 - (c) To support integration, the NDOT to fast-track roll-out of an integrated ticketing system for various modes of transport; and

- (d) The NDOT to promote the use of a card or electronic system in the public transport sector, in preparation for the use of an integrated ticketing system.
- (7) While the subsidy policy is being developed, and in order to ensure stability (especially in the passenger bus industry), the current contracts should only be extended on a short-term basis. Given the timeframe required to finalise the subsidy policy, in order to support and empower small bus operators in the interim, the subsidy policy should:
- (a) Prescribe the conclusion of negotiated contracts (as opposed to tendered contracts) with small bus operators in all the provinces. The negotiated contracts awarded to small bus operators should account for a minimum of 30 per cent of all contracts, and progressively increase over time; and
 - (b) The subsidy policy under development by NDOT, should ensure equitable allocation of subsidies in the public sector and this also extends to the minibus taxi industry.
- (8) With respect to the BRT/IRPTN implementation, the Commission recommends the following:
- (a) Municipalities, with guidance from the NDOT and National Treasury, should do a complete review of the BRT/IRPTN model considering the following:
 - i. long-term fiscal and financial sustainability;
 - ii. suitability of the model in smaller cities; and
 - iii. inclusion and participation of the minibus taxi industry.
 - (b) The NDOT should consider reviewing the 12 – year BOC/VOC model, or undertake a study to evaluate if the 12 - year model promotes transformation and empowerment.
- (9) To facilitate proper functioning of passenger rail services, foster coordination in the rail sector (especially in Gauteng), and improve efficiency through economies of scale, the Commission recommends the following:
- (10) NDOT to develop a policy that ensures efficiency and integrated planning in passenger rail services;
- (11) The NDOT and National Treasury should explore alternative funding sources to deal with infrastructure backlogs and new rail infrastructure investments;
- (12) To deal with fragmented law enforcement in the public transport industry, the Commission recommends that a specialised division within SAPS be created, to deal with all public transport related matters;
- (13) To improve the state of public transport in rural areas, the NDOT and National Treasury are recommended to create a dedicated funding for rural public transport;
- (14) On backlogs at PREs, the Commission recommends the following:
- (a) The Commission recommends that capacity at PREs and planning authorities be increased to deal with the backlogs;
 - (b) Furthermore, the Commission recommends that all pending applications for OL's, must finalised within six months from the date of publishing a report of the inquiry in the Gazette; and
 - (c) The Commission recommends retaining the separation of planning and licensing functions and where appropriate, PTA's and PRE's enter into

memoranda of understanding to jointly exercise their respective powers and functions, as contemplated in Section 12 of the NLTA.

- (15) The Commission recommends that the regulatory framework for e-hailing and metered taxis should be uniform to create an even competitive environment. The regulatory dispensation in the Amendment Bill for e-hailing services should be extended to metered taxis in respect of the following:
- (a) The Amendment Bill does not impose any area restrictions for e-hailing services and this should be extended to metered taxis to create an even competitive environment; and
 - (b) The Amendment Bill does not regulate fares for e-hailing services and therefore, the Commission recommends that the legislature delete Section 66(3) of the NLTA which allows MEC or Minister together with the PA to determine a fare structure for metered taxi services. No price regulation for metered taxis is recommended as the Amendment Bill does not regulate e-hailing fares. This is essential to create an even competitive landscape.
- (16) On quantity restrictions, the Commission maintains that these markets are best served without quantity restrictions. In light of public interest considerations to mitigate violence, the Commission recommends that, quantity restrictions may still be imposed on both e-hailing and metered taxis;
- (17) On backlogs of OL's, the Commission recommends:
- (a) Maintaining the separation of planning and licensing functions and where appropriate, PTA's and PRE's enter into Memoranda of Understanding (MOU's) to jointly exercise their respective powers and functions, as contemplated in Section 12 of the NLTA; and
 - (b) With respect to all existing applications for OL's which are still pending upon the completion of this market inquiry, the Commission recommends that they must be finalised within six months from the date of publishing a report of the inquiry in the Gazette.

SECTION 3:

OVERVIEW OF THE RELEVANT INFORMATION SYSTEMS

Chapter Ten – The OL Administration System (OLAS) / Provincial Transport Register System (PTRS)

Traditionally, the function of OLAS was to maintain an active record of all operating licensing data, related records of decisions and all public transport route information. The PRE as the custodian of the OLAS is in the process of upgrading its information systems with latest software to become the Provincial Transport Register System (PTRS) capable of linking with the City's intended Municipal Regulating Entity (MRE) SAP platform. This is poised to achieve the well-managed administration system which would assist the balancing of the supply and demand of public transport services. The PTRS software upgrading process is currently in its final completion phase at the PRE. This new upgrading also holds the benefit of assisting with the administering of enforcement matters. Shorter turnaround times are also anticipated to speed up assessment processes on road based public transport applications for OL's.

The key objective of the OLAS/PTRS is to have a database that accurately and reliably reflects the details of all active OL's pertaining to an area where it is used to provide public transport services. When another OL application is received then the data in 'real time' will effectively inform the assessment process at the PRE and the City. This approach is in response to a key challenge of the past where long data processing and capturing time allocations resulted in multiple applications for the same OL, routes, etc. Because of this some applicants would resubmit their applications. Then by the time the City received its OLAS informants to respond to OL transactions, it faced the risks associated with outdated information and the decisions based on it.

On the side of the City, work on the Municipal Regulating Entity (MRE) SAP platform to accommodate OLAS commenced during 2016 and is still a work in progress. This platform on which the operators will be able to submit and pay for applications electronically (Transact with the City) is expected to go live at some stage and will be linked with the PTRS, functioning as one service. This joint platform will also accommodate the migration of all public transport services and operators' details, public transport routes and OL's in the

system to augment public transport decision-making in regards to the recommending or rejecting of OL's related transactions, by both the PRE and the City.

Once the system is 'live', then all public transport service providers and the details of their public transport operations will be registered and profiled on the City's MRE SAP platform.

Once the system is fully operational, the City will avail links of this platform to the relevant authorities to forge effective concurrency in the provision of public transport services.

62. Current Information Management Systems

Since the OLS 2013, much has been achieved by way of public transport data and information management, however, it is still a work in progress. Currently the PRE's OLAS system, consists of and functions at three levels of input which include the following:

- (1) The Registration Administration System (RAS) is managed by the RE. This includes the registration and documentation of public transport associations whether contracted or non-contracted. This also includes lists of registered members per association, as well as their non-registered members or members awaiting the outcomes OL's for new applications.
- (2) The Route Book is an electronic register of all public transport routes used and routes successfully applied for by operators. This record consists of a road-by-road description of all single routes and groups of routes.
- (3) The Land Transport Permit System (LTPS) records all public transport transactions produced by the PRE. In the main, an application would be recorded, once lodged with the relevant (RE), managed with an electronic tracking system and concluded when the PRE decision favouring the granting of an OL is recorded electronically. This final capturing into the OLAS follows the collection of an OL by the successful applicant. Applicants are firstly notified with a PRE Decision/Upliftment letter which must be responded to by the applicant within 30-days otherwise the application is cancelled and the decision is reversed.
- (4) eNATIS – Although not an integral part of OLAS, eNATIS serves to verify data, relating to critical vehicles and transport modes, to strengthen the relevant authorities' evidence base for road based public transport decisions.

The impact that this current arrangement has on the City's information system is that the City is external to this information loop once the City's comment is submitted to the PRE midway through the process the City. In order to update its information systems, the City requests the PRE to supply periodic updates of OLAS data through data dumps. These data dumps enable the City to perform retrospective analyses to comprehend the impacts it has on the City ability to make recommendations on OL transactions. A current guideline mitigating this systemic challenge is the City's own records of comments and institutional memory. The PRE and City are cooperating to resolve the long standing challenge with the introduction of the PTRS.

SECTION 4:

Chapter Eleven – SAFETY AND SECURITY

63. Enforcement Strategies

The City's law enforcement strategies for maintaining the operating licensing impacts once in operation delivering public transport services. This, includes institutional arrangements, the interrelationship with traffic law enforcement and the setting of targets and measuring performance are set out below.

64. Institutional arrangements

The NLTA, provides for the establishment of regulatory entities at the national, provincial and municipal spheres of government which include:

- (1) the NPTR;
- (2) the PRE;
- (3) the MRE where in the case of a City the OL's function is been assigned under Section 11(2) of the NLTA; and
- (4) The current enforcement agencies that comprise of:
 - (a) The SAPS;
 - (b) The WCG Provincial Traffic;
 - (c) The City Safety and Security Directorate, Operational Coordination Department consisting of Law Enforcement and Traffic Services Branches; and
 - (d) The City Urban Mobility Directorate, Transport Planning and Network Management, and the Transport Enforcement Unit.

These agencies meet regularly to discuss operational issues that inform the operating licensing decision-making processes.

65. Interrelationship with traffic law enforcement

The law enforcement agencies primarily involved in enforcing the requirements of both the NLTA and the National Road Traffic Act No. 93 of 1996, are the Traffic Inspectorates of both the City and Province, and assisted where appropriate, by the Metro Police and the South African Police Service (SAPS).

66. Targets and Measuring Performance

The fundamental building blocks that will support the enforcement strategy are:

- (1) A visible presence of enforcement personnel;
- (2) Preventative interventions to deal with specific areas of concern, followed by sustained law enforcement and the prosecution of operators without OL's and operations;
- (3) Access to information and intelligence regarding components of the public transport system;
- (4) Coordination between various authorities to optimise the use of limited resources;
- (5) The implementation of appropriate technologies for detection and processing of offenders; and
- (6) Continuous information sessions with relevant parties, informing them of new developments and any changes in the business processes of the City as PA and the PRE.
- (7) Law enforcement programmes must be considered and implemented in a transparent manner that:
 - (a) Informs both the public transport industry and passengers of problem areas;
 - (b) Creates understanding of the need to address these identified issues;
 - (c) Recognises that the initiatives will positively contribute to better service delivery; and
 - (d) Is seen as beneficial to public transport service providers.
 - (e) Based on resource priorities, the setting of targets and measuring performance in relation to OL enforcement involves in the main:
 - i. reducing illegal public transport operations and operators;
 - ii. addressing current overtrading of Minibus Taxi routes;
 - iii. resolving the issue of destructive competition between different services on the same routes or networks of routes;
 - iv. more visible enforcement is also required to rid the system of operators without OL's and operations. Illegal vehicles are generally not subjected to the same quality standards as legal vehicles and the significant presence of operators without OL's compromises both the quality of service and passenger safety. A new demand and supply analysis must be undertaken after sustained enforcement as well as a general verification process on all non-contracted services with respect to illegal operations;
 - v. the successful enforcement of the public transport priority lanes will also significantly alter the balance between public transport supply and demand. This may necessitate a review and update of the current supply and demand analysis formula; and

- vi. reducing current suspected overtrading and managing the issues that lead to routes becoming overtraded.

67. The Blue-Dot Taxi Service

An initiative to encourage self-enforcement in the Minibus Taxi Industry saw the introduction of the Blue-Dot Taxi Service. This partnership was established between, the City, the Western Cape Government's Department of Transport and the eight SANTACO Taxi Regions operating within the Western Cape Province. Six of these Taxi Regions are located within the City municipal area.

68. Participating Regions

The Six Regions within the City are:

- (1) Northern Region;
- (2) Two Oceans;
- (3) CODETA;
- (4) Greater Cape Town;
- (5) CATA; and
- (6) Mitchell's Plain.

The seventh and eighth taxi regions included are the Cape Winelands District Municipalities (Boland) and the Garden Route District Municipalities (Eden).

69. Objectives

The Blue-Dot Taxi Service agreement included the following objectives:

- (1) Improving the quality and safety of the Minibus Taxi public transport services offering to passengers and passengers;
- (2) Achieve empowerment in, and transformation of, the Minibus Taxi industry; and
- (3) Address Illegal operations and violent conflict.
- (4) With this new incentive-based pilot programme and approximately 1300 minibus taxis across the Western Province, this pilot project was initiated on 15 May 2021 and was scheduled to run for nine months. In turn, the implementation of the Blue Dot system would reward improved driving behaviour and higher service quality to compliant operators.

70. The Blue Dot Eligibility Criteria and Performance Standards

To participate in the Blue Dot Programme, operators need to meet several eligibility criteria. Participants can earn an incentive payment based on their performance against

the performance standards, which cover driving behaviour and service quality. Performance is monitored using the onboard trackers and on-the-ground monitoring, as well as user feedback from passengers and other members of the public. Eligibility criteria and performance standards include:

- (1) Installation of onboard vehicle trackers;
- (2) Automated monitoring of habitual poor driving behaviour such as speeding, harsh cornering, harsh braking, and rapid acceleration;
- (3) Automated monitoring of adherence to licenced routes;
- (4) A requirement for taxi operators to provide a minimum level of service each day;
- (5) A requirement for vehicles to be licenced and roadworthy, and for drivers to have a professional drivers permit (prdp) ;
- (6) A requirement for operators and drivers to have completed blue dot training;
- (7) A requirement for taxi operators to bring vehicles in for periodic vehicle inspections at the discretion of the western cape government;
- (8) Feedback from passengers, other road users and the public on driver performance, vehicle quality and covid safety compliance;
- (9) A requirement to display blue dot branding and the required passenger information;
- (10) Participating operators must be registered on the central supplier database; and, therefore, must be tax compliant, without conflict of interest and have a valid bank account; and
- (11) Participants must also sign the blue dot project's terms and conditions.
- (12) In addition, there is a responsibility on participating members of the taxi industry to support adherence to blue dot standards at provincial and regional levels, and to manage crucial issues like illegal operations and taxi violence.

71. The Expected Outcome

With Blue Dot Taxis marked off with a sticker on the outside, the general public is given the opportunity to rate the performance of such Minibus Taxis with respect to-

- (1) Speeding;
- (2) Driving safely;
- (3) Following the rules of the road; and
- (4) Overloading.
- (5) Services can then be rated and submitted anonymously by dialling *134*30472 for FREE or WhatsApp "Hi" to 073 249 2152 with the taxi's unique number and your rating. This rating affects the level of financial incentive an operator will receive in turn from the WCG.

SECTION 5:

RECOMMENDATIONS FOR THE NEXT FIVE YEARS

Chapter Twelve – WAY FORWARD

72. Outcome of the OLP

As an outcome, the execution of the OLP guidelines must align with the City's deployment of an integrated, intermodal and interoperable public transport model that prioritises public transport in accordance with demand, density and land use intensity in line with the City's IPTN.

In order to give full effect to this OLP 2023 to 2028, guiding operating licensing activities, it must be underscored by the following actions;

(1) Planning

- (a) Continue to work towards responding to the principles of the CIP, PTP, IPTN and respective road and rail based strategies and plans.
- (b) Remaining cognisant of the impact of the COVID-19 pandemic on the City statutory duties towards operating licensing and applying the relevant recommendations to all public transport services and its ancillary functions.
- (c) Integrated planning with all stakeholders or spheres of government to proactively regulate public transport.

(2) Minibus Taxis

- (a) Explore more refined regulatory measures to manage the granting of 'By-passing' authorities, overtrading and illegal operations on Minibus Taxi routes and association membership intakes.
- (b) Understand and explore the function of mini-bus taxis in a feeder role for Contracted Services, eg. MyCiTi services and the implications thereof.
- (c) Continue with current conversion processes.
- (d) Continued engagement between the PA and RE to finalise the legal lifespan of OL's.
- (e) Ensure consistency in the regulation of MBT and granting of OL's to decrease violence and conflict in the industry.

(3) Charter Services

- (a) Explore more refined operational conditions pertaining to Charter Services OL's and its overall impact on non-contracted services.

(4) Public Transport Facilities

- (a) Develop and refine agreed definitions for the terms 'Public Transport Facility' and 'Public Transport Interchange' in the public transport network.
- (b) The upgrading and repurposing of current PTI facilities to enable seamless feeding by MBT's to the routes and networks of routes and vice versa.

(5) Metered Taxis

- (a) Explore regulatory measures towards appropriate fare-collection systems for this service.
- (b) Keep abreast of evolving technology platforms to develop appropriate responses and strategies to operating licensing processes.

(6) Long Distance Public Transport

- (a) Explore measures to improve LDPT facility management, facility design, facility provision, while assisting in optimising utilisation and uses of existing infrastructure and improving services for LDPT users.

(7) Other Modes

- (a) Formulate procedure on how to appropriately respond to ad hoc transport service proposals, for example, Bus-Bicycles, Pedicabs, Segways, eBikes, scooters, quadricycles, electric walking bikes or treadmill on wheels, etc.
- (b) Secure a clear legal position including operational parameters for these modes currently described as ad hoc modes, personal mobility devices, pedestrian assistant modes, e-modes, etc. as well it's functional relationship with public transport provision.

(8) Public Transport Data and Information

- (a) Continually explore and apply value add data and information sourcing approaches to respond to the needs of the City and regulatory requirements from the other relevant spheres of government.
- (b) Data and information sourcing and management need to be updated regularly to add value to the effective regulation of public transport.

(9) Safety and Security

- (a) Continually monitor and improve inter-agency collaboration and agreements towards improved safety and security strategies and plans.

SECTION 6:

THE OLP DECISION SUPPORT TOOLS

The Internal Decision Making Tools

The OLP outlines the decision making criteria and its evidence-base upon which the City makes recommendations on OL's for various modes of road-based public transport. It outlines what factors the City considers when making recommendations on new applications, transfers, renewals or amendments to OL's for different modes of transport.

To give effect to this OL Plan, a set of decision support tools has been developed which includes the following:

- 73. A Comprehensive Minibus-Taxi Service Demand Method;
- 74. A Comprehensive Metered Taxi Service Demand Method;
- 75. Route Evaluation Tool;
- 76. Route Verification Responsibility Matrix^[1]; and
- 77. The Custodian of the OLP and its Decision Making Tools.

Note that the above headings are explained in detail under the same references that follows hereafter.

73. A Comprehensive Minibus-Taxi Service Demand Method

- (1) This method takes into account both legal and illegal operations to establish demand, passenger waiting times, trip duration as well as loading and holding areas' utilisation;
- (2) It is based on the assumption that if there are enough vehicles to cater for times of maximum passenger utilisation there will be enough vehicles to cater for the demand throughout the day. In essence, this considers the worst case scenario. Whilst it may be argued that this method would result in an oversupply of services during the off-peak period, the City ensures that the available supply of public transport services meets the peak period demand;
- (3) The City jurisdictional area still has a passenger based public transport system where services are most prevalent during the peak periods. The aim is to migrate to a public transport service with extended business hours with additional services over weekends and public holidays. The conditions for all day public transport usage are, therefore encouraged;

^[1] Developed in conjunction with the PRE and documented by PRE

- (4) It should however be noted that the enforcement of the public transport lanes and the construction of new priority lanes to aid the movement of public transport vehicles will significantly impact on the number of vehicles required to meet peak demand. The effective operation of these lanes would allow vehicles to return at a faster rate, which means that a better quality service can be provided without adding more vehicles to the system; and
- (5) The number of vehicles required to meet demand was determined by:
 - (a) Firstly calculating the peak hour passenger demand for a particular route;
 - (b) The number of passengers waiting in the queue at the end of the peak hour (where waiting times exceeded 15 minutes) were added to the peak hour passenger numbers;
 - (c) The next step involves calculating the number of trips required to meet peak hour demand (number of peak hour passengers/14 = number of trips); and
 - (d) The final step in this demand analysis involves calculating the number of vehicles required to undertake the number of trips.
- (6) This is achieved by calculating the number of trips each vehicle can do during the peak hour by taking into account trip duration (60/trip duration). In some cases vehicles do 2 trips per hour (where trip duration is less than 30 minutes) which means that for example, only 6 vehicles will be required to undertake the 12 trips. The number of vehicles required is determined as follows:
 - (a) Number of trips required/number of vehicle trips per hour. This number was increased by 20%, ie. 1 additional vehicle for every 5 would be required to provide additional vehicles to augment the minimum number, thereby allowing vehicles to be non-operational at times for reasons such as maintenance, sickness of the driver and so forth.
- (7) Note that routes with common origins and destinations are grouped as part of the demand analysis; and
- (8) The difference in the granted number of authorities and the number to suit the observed demand are considered together with the following factors:
 - (a) Whether all existing OL's are sufficient to service current passenger numbers;
 - (b) Whether all current OL's are used to service passenger numbers; and
 - (c) Whether the average passenger waiting times are less than 15 minutes.

The demand analysis is carried out to determine the number of vehicles required on each route to cater for the passenger demand.

The next step is to establish how many OL's have been registered for a particular route in the LTPS.

The results allow the City to gauge the balance between public transport demand and supply on the various routes.

Using this information, the City can conclude whether the route has a shortfall or surplus of OL's. In cases where there are shortfalls of OL's, the City will support

applications for new OL's.

A Step By Step Guide to do the Demand Analysis

STEP 1 - PEAK HOUR RESULTS

Acquire the following peak hour data bearing in mind that the peak hour is defined as highest four consecutive 15-minute passenger volumes within the peak period.

Example - Samora Machel to Bellville

- a) Number of Trips : 30
- b) Number of Passengers : 445
- c) Peak hour start : 06H00
- d) Peak hour finish : 07H00

To calculate the average occupancy of the vehicle you need to divide the peak hour passengers in the number of observed trips.

Example: $445/30 = 14.83$

STEP 2 - CALCULATING TOTAL PEAK DEMAND

To calculate the total peak hour demand, add the peak hour passengers and the passengers waiting in a queue at the end of the peak hour. Ideally these people must be transported during the peak hour as well. Note that the length of the queue (number of people waiting at the end of the peak hour) can be obtained from the Transport Register Data.

Example:

Peak hour passengers = 445

Number of passengers waiting in a queue at the end of the peak hour (07h00) = 156

Total peak hour demand = $445+156 = 601$

STEP 3 - CALCULATING THE NUMBER OF TRIPS REQUIRED TO MOVE PEOPLE FROM POINT A TO POINT B (SAMORA MACHEL TO BELLVILLE)

This can be achieved by taking the total peak hour demand (Step 2) and dividing it by 14 (a constant). Note that the reason 14 is used and not 15 is that some lower capacity vehicles also operate on certain routes)

Therefore, the number of trips required = $601/14 = 42.92$. Round up i.e. 43. (when decimal figure is ≥ 0.5)

Total trips required = 43

STEP 4 - NUMBER OF TRIPS PER VEHICLE PER PEAK HOUR

This is achieved by firstly establishing the passenger waiting times a quarter of an hour before the end of the peak hour. In this case it would be 06h45. In the example the passenger waiting times at this point is 17 minutes. The national benchmark for urban areas is that passengers should not wait for more than 15 minutes. Subtract the actual passenger waiting times from this benchmark. In the example = 17-15= 2 minutes. This means that passengers have been waiting 2 minutes longer than the national requirement. If the waiting times are less than 15 minutes no calculation is required.

Do subtract the excess waiting time (2 minutes) from the total number of minutes in your peak hour (60 minutes). This will reduce your peak hour.

Example = Peak Hour 60 - 2 = 58 minutes

STEP 5 - CALCULATING THE NUMBER OF VEHICLES REQUIRED TO MEET PEAK HOUR PASSENGER DEMAND

This can be achieved by taking the total number of trips required (Step 3) and dividing it into the number of trips per vehicle per peak hour (Step 4).

Number of Trips required/number of trips per vehicle per peak hour = 43/1.18 = 36.32

Always round up i.e. therefore, the number of vehicles required to meet peak hour passenger demand = **37**

STEP 6 - ADDING A CONTINGENCY

Now add 20% extra capacity (adding one vehicle for every 5 required). Remember that with the current aging fleet that not all vehicles will be at the rank on a particular day. Ensure that an equitable balance between supply and demand is maintained.

How is this achieved?

Take the total vehicles required = 37/5 = 7.4 Round down = 7 (when decimal figure is ≤0.5)

Add this to the total vehicles required = 37 + 7 = 44

Total demand is therefore = 44

Note that the PRE provides the supply information (number of active permits/OL's registered in the OLAS.

This will allow gauging of the balance between supply and demand to determine if the route is overtraded or whether additional operators are required. In the example above there is a need for 44 vehicles to cater for passenger demand. If for example there are already 50 active permits/OL's registered in OLAS, then the route is overtraded. If for example there are only 36 active permits/OL's, then the City can direct the regulatory entity to grant a further 8 OL's to balance peak period demand and supply.

74. A Comprehensive Metered Taxi Service Demand Method

To be populated once demand method has been developed

75. Proposed New Route Evaluation Tool

(1) The Public Transport Evaluation Tool is a method of assessing new minibus-taxi routes, and is particularly useful in avoiding conflict between local operators since its outcome measures the level of risk of conflict in an area. The elements of this method applied, in respect of the impact of each application on the following criteria includes:

a. Technical Criteria

- i. Cost to User;
- ii. Travel Distance;
- iii. Travel Time; and
- iv. Infrastructure.

b. Operational Criteria

- i. supply of services/licences;
- ii. demand for services;
- iii. a point (origin);
- iv. b point (destination);
- v. operations management; and
- vi. law enforcement.

c. Institutional Criteria

d. Existing associations.

e. Network and Modal Choice Criteria

f. Expansion of Route Network; and

g. Modal choice options to users.

h. Then each of the above criteria is evaluated on the:

i. Impact that the route would undergo, i.e. whether

- i. Negative;
- ii. Neutral; or
- iii. Positive, as well as

j. Risk and level of conflict that could occur should the route be approved

- i. High;
- ii. Medium; and
- iii. Low.

The scores from this evaluation are then plotted on a chart that indicated if the route was established or authorised, what would the associated risk be refer to Figure 1

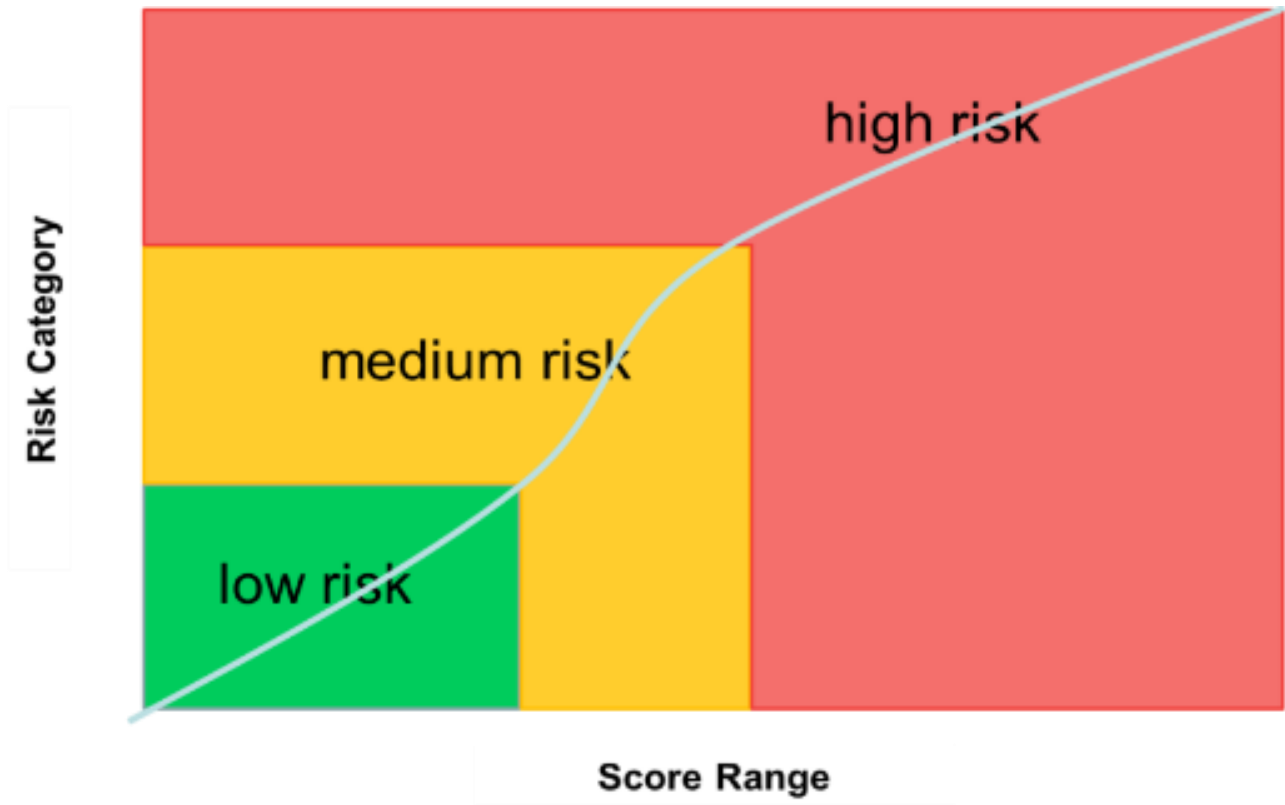


Figure 1 - PT Evaluation Tool: Risk Analysis and Outcomes Chart.

76. Route Verification Responsibility Matrix²

The regulation of road-based public transport services is a concurrent responsibility between all spheres of government. Most of the functions are mutually exclusive although there are some minor overlaps. Section 11 of the NLTA sets out the roles and responsibilities of the various spheres of government in respect of road-based public transport. Public transport is also a matter of concurrent national and provincial legislative competence as enshrined in Schedule 4 of the Constitution and in this regard the following bears reference:

- (1) Section 41 of the South African Constitution deals with the principles of co-operative governance and intergovernmental relations. This section requires all spheres of government and all organs of state within each sphere to respect the constitutional status, institutions, powers and functions of government in the other spheres; they must not assume any power or function except those conferred on them in terms of the Constitution and they must inform one another of, and consult one another on matters of common interest.
- (2) Municipal planning is an exclusive local government matter. Section 14 read together with section 36 of the NLTA requires each City to produce an Integrated Transport Plan ("ITP") for its area. Land transport planning must be integrated with the land development and land-use planning processes, and the ITP required by the NLTA is designed to give structure to the function of municipal planning mentioned in Part B of Schedule 4 of the Constitution, and must be accommodated in and form an essential part of Integrated Development Plans (the principal policy document of a City). The ITP must be updated annually to respond to changes in the demand and supply of public transport services.
- (3) One of the objects of a City as per the Constitution (section 152) is to provide services to communities in a sustainable manner. Public transport is clearly one such service that connects citizens with social and economic opportunities. The overwhelming majority of the people of Cape Town (and South Africa) are indeed captive to this mode of travel to participate in the economy. New commercial and residential developments increase the demand for public transport services and require the establishment of new routes to connect residential areas with employment centres.
- (4) In terms of section 38(2)(a) of the NLTA, all persons including the state and parastatal institutions, agencies and utilities are bound by the provisions of ITP's and no substantial change or intensification of land use on any property may take place without the written consent of the PA. Development on property within the area of the PA are subject to traffic impact assessments and public transport impact assessments. Where new or upgraded infrastructure or services are suggested in such assessments, the Developer/Applicant will be responsible for the cost of the internal and link services in line with the land use approval conditions. The cost of the required bulk services will be a shared responsibility between the PA and the

² Developed in conjunction with the PRE and documented by PRE

developer. A written services agreement must be concluded upfront to ensure that required bulk services mitigating the impact is provided and the PA will offset any relevant Development Charges against the bulk services provided. This provision must be consulted with the City's Roads Infrastructure Management Department prior to commencement of the development and the services agreement reflecting the provision of bulk services must be concluded upfront.

- (5) On 29 July 2016, erstwhile Minister of Transport, Elizabeth Depuo Peters, published the minimum requirements for the development of Integrated Transport Plans in terms of section 8(1)(q),(r) and (s) read together with section 36(1) and (2) of the NLTA. Chapter 6(e) deals with the non-contracted services plan. This plan should describe in detail the routes where OL's will be granted for non-contracted services. It should describe the capacity requirements of these routes, and the modes that will be considered suitable. It must contain a determination of the required supply of vehicles of a particular mode on each route. Note that where the ITP has not been updated or is inadequate, such decisions must be based on the inquiries and investigations carried out by the PA.

Ref	Action	Timeline	Relevant Sphere of Governance
1	The minibus taxi association submits the proposed new route description to the PA for consideration. In the case of an inter-municipal route or interprovincial route, the route description will also be forwarded to the B-point City /PRE for input. However, the A-point City will champion the process;	Day 1	City
2	City's internal route verification - A team is tasked by the City to traverse the route to check the accuracy of the route alignment i.e. road-by-road route description (flow/sequence) and facilities indicated for boarding and alighting. This is only a physical check. Alternatively, the City can confirm the accuracy of the road-by-road description by using relevant software applications;	Day 2- 5	City
3	Once the physical check is completed and the route description is deemed practical and the required changes have been made, the route description is forwarded to the PRE Administration for publication in the Government Gazette;	Day 6-8	City

Ref	Action	Timeline	Relevant Sphere of Governance
4	The proposed new route is published in the Government Gazette for a 21-'say' period (to solicit public comment) in terms of section 59/regulation 17 of the NLTA to allow interested parties to provide comments in respect of the application. In the Government Gazette it will be clearly indicated that it is a proposed new route;	Day 10-12	PRE Administration
5	A copy of the Government Gazette notice forwarded to the Provincial Taxi Registrar (PTR). The PTR must identify all potentially affected Associations and forward the Government Gazette to the said associations via e-mail;	Day 12	PRE Administration
6	A PTRS message is sent to all affected Associations alerting them of the publication of proposed new routes in the Government Gazette;		
7	The City to do an assessment of the need for the proposed service;	Day 13-21	City
8	The City to do a risk analysis to determine if the proposed route infringes on an existing route(s)/identity potential for conflict. This must be done in consultation with the Provincial Registrar of public transport routes to provide input in respect of hotspot areas, possible route overlaps and early warning signs;		
9	The City to determine the availability of ranking space at both proposed A and B Points and make any recommendations on loading restrictions;		
10	An engagement between the City and Provincial Registrar of public transport routes Office to discuss the proposed route and the reach final decision. Note it is a municipal responsibility so the Registrar can only advise;		City & PTR
11	After the 21-day publication period all comments must be forwarded to the Registrar's Office for consideration;	Day 22-29	PRE Administration

Ref	Action	Timeline	Relevant Sphere of Governance
12	The PRE must deal with any objections/comment/input in an open hearing to allow the applicant and objectors to state their views in person;	Day 30	OL Adjudication
13	The City in consultation with the PTR and PRE consider all objections/comments/input and either recommend the approval or decline the proposed new route. Note that the PTR and PRE can provide input/advise, but this is a municipal planning function;	Day 31-35	City/PRE/PTR
14	City to forward final consolidated directive to the PRE;	Day 36	City
15	Where the route is approved, the PRE Administration to issue a route number and register any restrictions or suspensive conditions recommended by the City in PTRS;	Day 37	PRE Administration
16	The RO assigns the route to the Association in PTRS;	Day 38	RO
17	Applicant is informed to lodge the application for the proposed routes and the process is initiated and completed in PTRS	Day 39	City/PRE Administration

77. The Custodian of the OLP and its Decision Making Tools

- (1) These decision support tools are flexible and will be updated and reviewed as required based on the latest available data and are therefore separate documents to be read alongside the OLP. Any updates will be consulted with and approved by the Executive Director for Urban Mobility, who is responsible for the implementation of this OLP and custodian of the contents of the decision support tools to the OLP.
- (2) The Executive Director will report periodically on the implementation of the OLP to the relevant political oversight bodies and provide an overview of the current decision support tools as required.