



THE BUSINESS

ADVOCACY FUND  
Supporting Private Public Dialogue

End of project evaluation

Matatu Owners' Association

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# **End of project evaluation**

## **Matatu Owners' Association**

### **1. Introduction**

In their concept note, Matatu Owners' Association (MOA) set out an objective to advocate to implement particular elements of the Road Safety Action Plan for the benefit of its members as matatu owners including better and safer roads, vehicle safety standards and compliance, public transport regulations and compliance, driver training, testing and licensing, traffic legislation and enforcement. In their application they narrowed this objective to focus on Step 4 in BAF's five step approach to advocacy – to pressurise MoT to lead the implementation process. This report reviews and evaluates their project.

### **2. Background**

#### **2.1 Matatu Owners' Association**

Since its inception, the matatu industry has experienced exponential growth in size and employment. The industry has an estimated fleet of about 40,000 vehicles, of which 11,000 operate in Nairobi. It is estimated that the industry supports 80,000 jobs directly and a further 80,000 indirectly. It generates considerable revenue both for the central and local governments (in the form of taxes), insurance firms, spare parts dealers, mechanics and many other parties.

The growth of the industry has, however, not been effectively facilitated by the government. Most drivers and conductors fail to observe traffic rules and are responsible for many accidents. Other problems include harassment of owners and workers by the police, extortion from the owners and operators by law enforcers especially in relation top traffic offences, corruption for example matatu owners operating vehicles with fake insurance stickers, high government and local authority taxes coupled by lack of control of the industry by the vehicle owners and exploitation by cartels.

The Matatu Owners' Association was formed by individuals to address the unfavourable business environment affecting matatu owners in Kenya. The Association was registered with Registrar of Societies in April 2003 and now has some 5,000 members. It has one member of staff. Its mission is "to represent interests of individual and group members who invest in the matatu sector through seeking avenues to lobby, advocate and negotiate with the Government."

MOA has had several successes in the past including:

- In 2008, it collaborated with General Motors East Africa Limited to launch a 51 seater bus designed with safety and comfort of commuters in mind.
- In 2008, it negotiated with Mutsimoto Motor Company Limited to offer a discounted price for filters to PSV operators.
- In 2007, it successfully lobbied the Government of Kenya to scrap the requirement that PSV owners pay annual advance tax of KES720 per passenger and an additional KES20 per passenger for the windshield ticket.
- In 2008, it partnered with Kenya Bureau of Standards to develop a standard articulating the code of conduct for public service vehicle drivers, conductors and owners. Once adopted, it will be a statutory requirement for all matatu owners and operators to comply with the code of conduct.

## **2.2 The issue**

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The National Road Safety Action Plan 2004/11 observes that there are some 3,000 deaths and 30,000 injuries annually as a result of road traffic accidents. The action plan notes that this has a heavy cost to the victims, their families and the economy.

The Ministry of Transport (MOT) set up a task force in 2003 which prepared the Integrated National Transport Policy (INTP). The policy sought to reduce overall commuter travel time. Its goal was to achieve an efficient, safe and affordable public transport system.

A road safety review study in late 2004 carried out under the Ministry of Roads &Public Works 2000 project, supported by the Swedish Government, recommended the need for a Road Safety Action Plan for Kenya.

In 2005, Swedish Development Agency (SIDA) facilitated a consultative process to develop a National Road Safety Action plan co-ordinated through a steering group under the chairmanship of the Deputy Secretary, Ministry of Transport working closely with other Road safety stakeholders including Ministry of Health, Ministry of Public Works, Ministry of Education, Nairobi City Council, KIPPRA, IPAR and the Institute of Development Studies (IDS) University of Nairobi. Other stakeholders included the Kenya Revenue Authority (KRA), Kenya Police, Matatu Owners Association, Association of Kenya Insurers, National Road Agency and the Motor Vehicle Inspection Unit.

The result of the programme was a new five year plan: the Road Safety Action Plan 2006-2010.

The action plan was agreed and adopted by the MOT. Its key objective is to reduce road fatalities by 50 per cent over the five year period. It is divided into 14 sectors.

## **2.3 The project**

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MOA explained in their application that they intended, in partnership with other stakeholders, to advocate for the Ministry of Transport to lead the NRSAP implementation process. The key objective was to gain agreement (again) on the timing of implementation by MoT and adequate publication (in advance) of new regulations and requirements so that all parties are aware of their new respective obligations.

The specific objective was to seek a more predictable regulatory framework in which matatu owners would be able to assess and monitor their investment and returns while providing a reliable service to the members of the travelling public using matatu transport services.

Following approval of the application, there was recognition that seeking to lobby for implementation of all aspects of the NRSAP was too onerous. MOA then engaged in a consultative process involving BAF and MOA members and decided to focus on two of the NRSAP sectors:

- Public transport regulations and compliance: improved public transport operations and safety standards as a result of better legislation, self regulation in the industry, Government & industry partnership, improved awareness of compliance requirements and corrective enforcement;
- Traffic legislation: updating and enacting traffic legislation to improve road safety standards and to support effective enforcement and penalisation of traffic law offenders to bring compliance in the road sector.

The specific objectives, one relating to each sector, were:

- To implement the NRSAP recommendation for improved self-regulation by transport associations – which they perceived required participation in the operations management of the bus terminals.
- To seek the introduction of an ‘instant ticketing’ arrangement as a means of curbing corruption and extortion whereby traffic offenders would be issued with a ticket specifying the offence committed and the prescribed fine which would be payable directly to the Kenya Revenue Authority, as opposed to the NRSAP proposal for traffic courts and instant fines.

The target audiences for the first objective were the Ministry of Transport and the Nairobi City Council. The project ran from December 2007 to November 2008. BAF agreed to provide a grant of KES1m.

### **3. Evaluation methodology**

Fieldwork for the end of project evaluation was undertaken by Pauline Mwangi at the end of February 2009 using a standardised key informant interview questionnaire. Nine randomly selected commuters at each terminal, namely Muthurwa, Hakati and Globe roundabout in Nairobi, were surveyed to assess project achievements and impact. The Nairobi City Council Inspectorate section based at Muthurwa terminal and MOA national officials including the chairman, treasurer and coordinator were also interviewed. Pauline also reviewed the project concept note, application form and quarterly reports. The report was finalised by the BAF staff team.

### **4. MOA's approach**

#### **4.1 Capacity building**

An MOA board member participated in the Institutional Competence programme and two participated in the Advocacy Competence programme.

In their feedback, they confirmed that they found the courses very useful, that they regularly refer back to the handbook and that they have shared it with Board members, staff and other players in the transport industry.

#### **4.2 Risks and challenges**

The project was designed and implemented by MOA, who expected to achieve results despite some risks which they identified as:

- Being able to create and maintain goodwill and commitment from the public sector counterparts
- Continuity of personnel in counterpart organisations.

MOA observed that they faced a number of other challenges, including:

- City-by laws refer solely to NCC Inspectorate Department in the management of bus termini with no reference to participation by other stakeholders
- Extortion by law enforcers in relation to traffic offenders is seen to be a major operational constraint to matatu owners and operators.

#### **4.3 Relationships**

During the project, MOA interacted with and developed relationships with:

- Ministry of Transport
- Ministry of Public Works
- Nairobi Central Business District Association
- Kenya Private Sector Alliance
- Taxi Cab Association
- Kenya Police –Traffic department

- Long Distance Truck Drivers' Association

#### **4.4 Activities**

MOA adopted an approach largely mirroring the five-step methodology:

- Held two advocacy workshops which provided fora for MOA members to discuss the issues affecting the industry. MOA prepared reports following each workshop but neither sets out a clear action plan.
- Presented the conclusions from the workshop to the Ministry of Transport and the Nairobi City Council and held meetings with a view to attaining their commitment to implement the NRSAP.
- In parallel, a media campaign was planned to support the campaign and to repair the reputation of the matatu sector and position it as a professional association mindful of the welfare of public transport commuters and the industry investors. During the project period MOA received coverage as follows: four newspaper articles (see appendix), seven radio broadcasts and 12 TV broadcasts in news and transport related programmes.
- A need for continuous follow-up was foreseen.

Following the workshops, MOA decided to focus primarily on implementing terminal co-management and self-regulation arrangements and to leave instant ticketing until later.

### **5. The results**

There is consensus among members of the MOA that implementation of the NRSAP is vital to enhancing road safety and creating a business environment conducive to matatu owner operations. This provided a common ground around which members agree and resulted in a single voice.

MOA successfully negotiated with the NCC on the implementation of self regulation through terminal co-management by NCC Inspectorate Department and MOA officials for Muthurwa, Globe Roundabout, Waiyaki Way and Hakati termini in Nairobi. Self regulation has been introduced nationally at the bus termini in Karbarnet, Machakos, Mombasa, Embu and Nyeri by the Matatu Owners' Association branch offices and the respective Local Authorities. Self-regulation is achieved through MOA or the matatu owners directly employing supervisors at the termini. The wages of the supervisors is paid by the operators of the route.

Through the partnership between MOA and NCC, there has been notable reorganisation and improvement of the bus termini to be safe and efficient transit points for commuters.

Before implementation of the self management at bus termini, matatu operators jostled for space at bus stops. To attract customers, the touts engaged in attention seeking activities such as hooting, banging on the matatu body, and driving to and fro around the bus stop.

Now, there is less human and vehicle traffic congestion around Development House, Moi Avenue where previously matatus obstructed the road in a bid to attract commuters.

There is reduced noise pollution as the matatus do not have to attract customers through hooting.

Reduced touting has resulted in better customer service and enhanced customer care. PSV commuters especially women who were previously subjected to physical and verbal harassment by the touts now received customer friendly service.

The decongestion has been appreciated by the commuters, motorists and other road users. The public image of the MOA has improved significantly as the association has shifted from confrontational lobbying on matters affecting the BMO to advocacy and dialogue with the Government and the NCC. Commuters interviewed expressed satisfaction with the termini reorganisation as well as the matatu drivers' and touts' courteous conduct.

MOA has developed good relationships with several organisations and institutions in the region through either formal Memoranda of Understanding or simply interpersonal relationships.

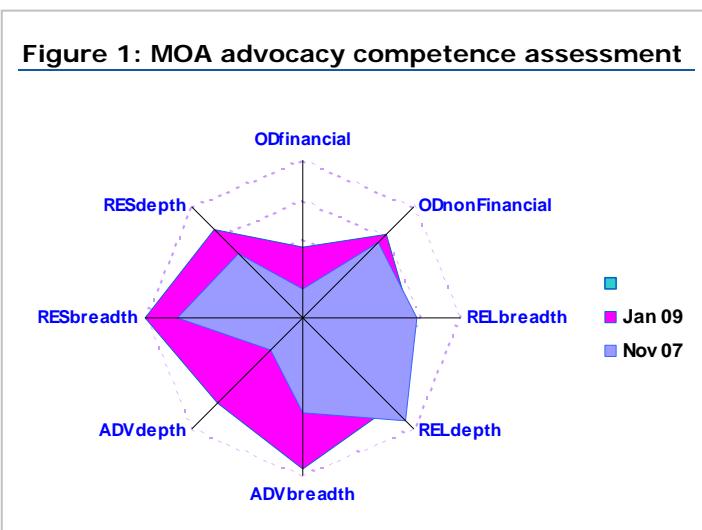
Interaction between MOA and MOT was assessed as being collaborative, evidenced by the co-option of the National Chairman of MOA to the Nairobi Metropolis Planning Committee (Public Transport sector).

MOA worked hard to develop a positive relationship with the Nairobi City Council Inspectorate department. The evaluator noted elusiveness on the part of NCC in scheduling interviews and in offering feedback. The two initial meetings with NCC did not materialise as the officers were unavailable due to unforeseen circumstances. In the third instance, where the interview progressed as scheduled, the respondent was courteous but non committal. These point towards the need to further build the relationship to enhance rapport between the two road safety stakeholders. This is critical for the sustainability of the co-management of bus termini by MOA and NCC officials.

The MOA's advocacy competence appears to have improved. BAF undertakes an advocacy competence diagnostic assessment with all new BMOs and then again at roughly 12 month intervals. The chart shows the improvement by BAF from November 2007 to January 2009. Curiously, their assessment of their relationships with key organisations suggests that they have regressed

in both breadth and depth. However, they have improved considerably in breadth and depth of advocacy and results. Their financial competence has improved as well. They say that during the period their membership has risen, more members are paying their subscriptions, their awareness of advocacy techniques has improved, they have become better at prioritising issues, their research activities have increased, their media coverage has increased, they have gained the support of relevant politicians and they recognise themselves that their advocacy competence has improved.

**Figure 1: MOA advocacy competence assessment**



During the project, MOA had over 18 discussions with Government officials and related Government bodies, including Nairobi Metropolitan, Ministry of Local Government, Nairobi City Inspectorate, Kenya Bureau of Standards, Insurance Regulatory Authority, Kenya Revenue Authority, Parliamentary Committee on Transport, NEMA City Inspectorate, Nairobi City Engineer, Transport Licensing Board, Ministry of Transport, Traffic Commandant - Inspection Department, Nairobi Metropolitan Ministry.

MOA also had discussions and formed alliances with Nairobi Central District Business Association, Kenya Private Sector Alliance, Association of Kenya Insurance, Kenya Institute of Management, KMVDL, University of Nairobi, Westlands Association, Kenya Bus Owners' Association and Kenya Taxi Association.

In addition, MOA successfully lobbied for implementing the recommendation in the NRSAP to reconstitute the National Road Safety Council.

MOA reports that the capacity building significantly changed their approach to advocacy. Previously, MOA adopted threats and smear campaigns through the mass media. Now, they engage the public sector through dialogue and advocacy. This approach will serve MOA well as they continue to advocate the instant ticketing issue with the ministry of Transport.

## **6. Economic impact assessment**

Interviews with MOA members suggest that they have seen a reduction in their overall costs as a result of reduced congestion.

MOA has calculated the savings as follows:

- More orderly queuing and improved passenger collection has seen each vehicle saving as much as 10 litres of fuel per day at a cost of KES 680.
- 3,000 matatus use this terminus daily saving KES2m per day collectively.
- If self-regulation was introduced at every bus terminal in Nairobi, used by some 10,000 matatus, the collective savings could be as high as KES6.8m per day.

Against this needs to be offset the cost of employing the bus terminal supervisors.

## **7. Lessons**

A key lesson for MOA was the discovery that changing their approach from one of strikes, media smear campaigns and heckling to one of seeking to engage the relevant authorities in dialogue and negotiation makes a significant difference to the likelihood of them listening and acting. The MOA now recognises that a more professional and collaborative approach can result in the achievement of sustainable results faster and more amicably.

As a result, the commuters' and matatu operators' perception of MOA improved. Commuters interviewed during the evaluation at the Muthurwa, Hakati and Globe Roundabout termini highlighted the safer and orderly queuing system at the bus termini and improved customer services by the matatu touts as landmark achievements of MOA's self regulation initiative.

Matatu operators previously perceived the matatu owners as a group of thugs out to collect funds from them, MOA is now appreciated as a valuable organisation creating and an enabling and conducive business environment in which matatu owners and operators may profitably invest and safely work. Matatu operators interviewed at the MOA's office highlighted that MOA had come a long way and continues repairing the dented image of the matatu operators.

The role of MOA was crucial in enabling MOT to realise implementation of sector 8 of the NRSAP.

MOA learnt the importance of involvement of all its members in making decision on issues to advocate and the advocacy strategies to adopt. MOA members have a sense of ownership not only of the advocacy issue but of the BMO as well.

## **8. Conclusion**

MOA has laid a solid foundation for a long-term institutional capacity building project with a view to long-term sustainability. It is now important to start a dialogue among the various stakeholders on the vision of a future instant ticketing for traffic offenders system in Kenya.

Further capacity building to be arranged for MOA members to equip them to become effective custodians of ethics and standards and promoters of public-private partnerships through advocacy and dialogue in a sustainable manner

The challenge remains for MOA to translate the gains made in advocating with the Government on implementation of Self Regulation through co management at bus termini.

## **9. Recommendations**

### **9.1 Monitoring and follow up**

There is little doubt that follow up work is required. Whilst MOA clearly does not require support to ensure that the policy is carried through, there may be merit in supporting MOA to undertake a rather more effective socio-economic analysis to identify the real savings.

### **9.2 Instant ticketing**

MOA dropped their plans to advocate in instant ticketing in order to focus on self-regulation of bus termini. BAF should now consider supporting MOA to advocate on this second issue.

### **9.3 Extension of terminal management**

MOA is participating on bus terminal management committees by invitation, but there is no legal basis for their continued involvement. MOA may wish in due course to advocate that NCC and other relevant authorities revise the City By Laws to include business owners in the management of NCC owned bus termini.

### **9.4 Building sustainability**

Notwithstanding clear success to date, MOA still needs capacity building on advocacy skills and organisational effectiveness. MOA should be offered the opportunity to seek further support through the sustainability window when it is launched.

23/01/09  
NATIONAL NEWS 9  
MDA

## Chief gives top police officers tongue lashing

By FRED MUKINDA

Police Commissioner Hussein Ali yesterday summoned provincial commanders over rampant corruption in the force.

The traffic department was singled out as the biggest culprit, sources said.

Major General Ali is said to have given the senior officers a tongue lashing and ordered them to stamp out bribery.

The police chief is also said to have ordered the provincial commanders to ensure a reduction in traffic accidents and threatened to sack officers sleeping on the job.

However, most cases involving officers are not documented in official records.

Last year, the police chief released statistics showing that only 15 officers were indicted for receiving or soliciting bribes.

However, about 35 per cent of those arrested by Kenya Anti-Corruption Com-

# 15

The number of officers indicted for receiving or soliciting bribes

mission officials on bribery allegations are police officers.

Late last year, KACC detectives unearthed a syndicate in which corrupt officers receive bribes via mobile phone-based technology, like M-Pesa and Sokotele.

**Mataatu Owners Association** chairman Simon Kimutai said bribery has been "legalised", thanks to traffic police officers.

"Research has shown that the force is the most corrupt institution in Kenya, but no action is taken," he said.

Mr Kimutai suggested that instant ticketing be introduced by the Kenya Revenue Authority for traffic offences as most operators prefer parting with cash rather than face the cumbersome court process.

"I'm sure this would reduce bribery cases by 50 per cent," he said.

Nation 21/3/09

MDA

NAIROBI

21/3/09  
Wayward motorists  
to pay instant fines

Instant ticketing for drivers who flout traffic rules will soon be implemented by the government. Internal Security PS Francis Kimemia said yesterday that on the spot fines would help curb corruption. Matatu Owners Association Chairman Simon Kimutai said that with instant ticketing, there would be no room for negotiation between the police and the traffic offender. They were speaking during the MOA annual delegates conference at a city hotel. Mr Kimutai said the system would also save courts and motorists time.

**TRAFFIC CONTROL**

MOA

# PSV operators geared up for reforms

Policy seeking to ease congestion in towns and streamline business ignored, they say

BY MWANIKI WAHOME

If the government had implemented the National Integrated Transport Policy in 2004, traffic chaos in Nairobi and other major towns would be a thing of the past, according to experts. Yet the document, prepared at a cost of Sh50 million, is gathering dust in the ministry of Transport offices, as traffic management gets chaotic by the day.

Some stakeholders fear that the selfish interests that have driven the public transport sector could have scuttled the implementation of the policy seen by many as the solution to the chaotic, car-dominated public transport system. Stakeholders, frustrated that the status quo has slowed business, have vowed to boycott future consultations if the key measures agreed on are not first implemented.

"We shall not sit in any other policy meeting unless what was agreed on earlier is implemented. There is no reason why they should not implement the poli-

cy," said Matatu Owners Association chairman Simon Kimutai.

Prepared by transport experts and stakeholders, it is perhaps the most comprehensive document on what can be done to improve public transport and make it more profitable. Its implementation would not only assist to ease movement in major towns, he said, but also gives far-reaching proposals on how to link up the country with the rest of the world.

It recommends the establishment of public transport as profitable service with competition and regulated by central or local government. The information was gathered from the provinces and other countries with modern transport systems like Sweden, Brazil, Malaysia and Uganda.

"All these have been sitting on the minister's desk for the last five years," says General Motors East Africa Managing Director Bill Lay. It had recommended an overhaul of public transport that would have resulted in phasing out the 14-seater PSV vehicles, known as matatus, by 2009 in favour of higher capacity vehicles to ease congestion.

Traffic offenders were to face stiffer penalties to reduce road fatalities estimated to be among the highest in the world compared with developed coun-

tries that have higher vehicle traffic. The policy had proposed a toll-free traffic offence phone for the public to report culprits. While the Transport and Licensing Board briefly publicised the offenders in national newspapers at some point the concept was silently withdrawn.

It is estimated that public transport vehicles are almost four times likely to cause accidents than other vehicles. It is estimated the country losses over Sh14 billion annually due to high levels of accidents. To instill order, according to the recommendations, major companies

would be granted franchises through periodic tenders to operate public transport. Transport companies were to be encouraged to invest through co-operatives with organised funding by financial institutions. An urban traffic zoning control would have been established and matatus from upcountry barred from entering Nairobi's central business districts to ease congestion.

In the plan, terminal facilities were to be provided and linkages with public transport established to assist movement without passing through the city centre. Bus operators and metro services were to be offered by legal entities that could be sued for traffic offences.

The policy envisages an integration of road and rail transport by providing tramways services, commuter rail services, metro or light rail passenger services. "Deeply entrenched interests are responsible for the delay," said Kenya Bus Services Management Ltd Managing Director Edwin Mukabana.

He said his company is losing 5 per cent of its revenue to illegal groups that have infiltrated the public transport. The owner of Double M bus company, Mr Mary Mwangi, said the government had ignored the transport sector. She said her company was grappling with frequent incidents of carjacking.

**Public service transport has become chaotic.**  
PHOTO / ANTHONY OMBUA



## SLOW MOTION

# Traffic jams in city might be ended soon

Plan to decongest roads the best news to motorists who burn Sh50m daily

By DAVE OPIYO

The proposal to ease congestion in Nairobi could just be the best news for the thousands of residents who have been praying for a major solution to the city's growing transport crisis.

A first time visitor in the city, one is amazed at how one gets to his destination.

The congestion is reinforced by recent studies, which indicate that it now takes more than half an hour to cover a distance that previously took less than five minutes 10 years ago.

That's why many say that Nairobi probably suffers from the worst forms of traffic congestions in the world. From Thika Road to Jomo Kenyatta Road and others, the story is simply the same.

Every morning and evening especially during peak hours, the city comes to a standstill.

There are thousands of both personal and minibuses, popularly known as matatus, plying our roads. And despite this sudden explosion of vehicles, there has been very little construction of new roads or upgrading of old ones.

Public service vehicles (PSVs) plying city routes make the matters worse. Their drivers frequently create traffic chaos by dropping off passengers in the middle of the street and stopping anywhere and at any time to pick up more people.

It is estimated that the traffic jams costs motorists up to Sh50 million daily through increased fuel consumption, mechanical damage, pollution and lost hours.

## 280

The money in millions of shillings to be used on project consultancy

Indeed, millions of Kenyans are believed to suffer at one time or another from diseases related to air pollution.

A report released last year by the Architectural Association of Kenya warned that the city would grind to a halt in less than 15 years if this problem is not adequately tackled.

And the association, in the report, suggested that the city must come up with a new master plan to deal effectively with this problem.

It is against this backdrop that the Government recently announced an ambitious programme that would see an end to traffic jams menace and bring sanity back to our roads.

The plan announced by Transport minister Chirau Mwakwere, will see the construction of a light rail and rapid bus systems in the city for mass transportation.

This will lead to a clean, efficient public transport system that will ultimately discourage people from solely relying on their cars.

The ministry has already advertised for a consultancy study for the proposed transportation project to be funded by the African Development Bank at a cost of US \$4 million (Sh280 million).

If implemented, the project would link the city and its suburbs thereby providing the much needed transport requirements in the city. The same could be replicated in other expanding urban centres.

Mr Mwakwere was optimistic that the project, together with the construction of road bypasses around the city being undertaken by the Ministry of Roads and Public Works, would indeed go a long



way in ending the menace.

The bypasses, whose construction has begun, will divert traffic from the city centre.

According to Mr Douglas Kaunda, the ministry's public relations officer, the feasibility study will determine whether either the light rail or rapid bus systems would be appropriate.

"If those undertaking the study tell us that both of them are fine then we shall move forward from there," said Mr Kaunda.

Added the PRO: "The advertisement for the consultancy was done in December. We are however waiting for those interested to come forward and place their bids. That's when we shall know how to move forward."

The project is being undertaken in consultation with the Ministry of Roads and Public Works.

#### Rapid bus systems

Mr Kaunda said the idea of rapid bus systems was borrowed from the former mayor of Bogota, Colombia, Mr Enrique Penalosa, who is credited for solving much of his city's traffic woes through a series of innovative projects.

The former charismatic mayor transformed the city of seven million from a third world gridlock of congested streets to a city for people with world leading public transport system which includes bicycle and walking trails and a green network of 1,200 parks and quality public spaces.

Light rail on the other hand, will be used by "trains" intended to transport light loads or passengers and occasionally

Passenger service vehicles should be barred from picking up and dropping off passengers as they wish as depicted in the main picture.

Above from left: Transport minister Chirau Mwakwere, Nairobi town clerk John Gakuo and Matatu Welfare Association chairman Dickson Mbogua. Photo/PHOEBE OKALL

ally freight between towns, villages and cities, among others.

That is what we want to emulate and we are sure that it's really going to succeed if implemented," says Mr Kaunda.

However, as much as stakeholders in the transport business fully support the government's initiative, they believe that the current infrastructure should first be improved before embarking on other serious development projects.

Said Mr Dickson Mbogua, the chairman of the Matatu Welfare Association: "We should first perfect our infrastructure before jumping to the next level. That will do us a lot of good."

He adds: "We should come up with elaborate programmes on how to improve the public transport sector in major towns like Kisumu, Mombasa and Nairobi."

Mr Mbogua believes that for congestion to ease in the CBD the Government should pass a law prohibiting PSVs from picking up and dropping off passengers at will.

"These should always be on transit. Dropping off their passengers at designated terminus before proceeding to other areas where they will be allowed to pick them up," he says.

#### Waste time

adds Mr Mbogua: "They should not be allowed to simply waste time queuing for passengers. It is in this that causes heavy traffic snarl-up in our major towns."

Another option, he says, is the park and ride alternative, which he says has worked well in other countries he has visited. Under this option, the Government will set up huge parking spaces just in the outskirts of the city centre where motorists

will park their vehicles. They will then be required to board special buses to town.

"It is easier to fund such interventions as opposed to constructing light rail or rapid bus systems for that matter. We should take some of these challenges step by step and not rush to implementing long term initiatives in the short term," he says.

Mr Simon Kimutai, the chairman of the Matatu Owners Association on the other hand proposes that the Government first expands the existing roads before embarking on any other long term projects.

"This is what we need today, not tomorrow. We at the same time need proper structures for traffic management as lack of this also plays a major role in the congestion we are currently experiencing in our roads," he says.

But Mr Kimutai adds that members of his association should not be left out in finding a concrete solution to this crisis because it is them who will ultimately suffer when the whip is cracked eventually.

"We actually welcome this move by the Government but at the same time also ask them to involve us in their initiatives as we don't want to fizzle out of business just like that," says Mr Kimutai.

#### Remained unanswered

Efforts to get comments from Nairobi town clerk, Mr John Gakuo, were unsuccessful. His phone remained unanswered.

And speaking earlier this week, the chairman of the Nairobi Central Business District Association, Mr Wafula Nabutola, said his association supported any transport project that would help them realise their dream of making Nairobi a 24-hour economy.

"Any good transport system drives any economy," he said adding: "We totally support such projects because they will encourage people to work longer hours knowing that they are safe and can easily move around."

**'We should come up with elaborate programmes on how to improve the public transport sector'**

Nation 14/4/09

## NATIONAL NEWS 9



# Matatu drivers' lobby seeks to control trade

By NATION Reporter

Mataatu operators will push for self-regulation when the taskforce formed to streamline the industry starts its meetings tomorrow.

It was the only way to rid the industry of extortion by the police and criminal gangs, said Mr Samson Wakabu, the chairman of the newly registered Matatu Drivers and Conductors Association.

He complained that even after the two-day go-slow in many parts of the city, the police and City Council askaris were still harassing the crew.

If the negotiations on new rules to govern the city's public transport fail, Mr Wakabu said, another strike would be held at the end of this month.

"We are not pre-empting the meeting's outcome, but all we want the government to do is to remain committed to seriously addressing our problems," he said.

Last week, matatu drivers and conductors went on strike, paralysing transport in many parts of the city. They were protesting against extortion by police.

### Streamlining

A taskforce has since been formed to address the matter, with a view to streamlining city transport.

Previous attempts to govern the matatu industry have failed due to the laxity of transport officials.

A proposal by the association seeks to have the Ministry of Transport spearhead the implementation of rules, with amendments such as doing away with the display of the drivers' badges and pictures in the vehicles.

There is also a request to reduce the fee to obtain the requisite papers. With the proper documentation costing Sh7,600 in taxes, the government could rake in Sh1.5 billion annually from the industry.

The industry employs an estimated 200,000 people throughout the country.

D. Nation 3/6/09

**YEAH  
NEW LAWS**

# Traffic offences to attract spot fines

Proposal by the city council expected to reduce backlog of cases if it is approved

By PETER LEFTIE

**T**raffic offenders will soon pay instant fines if a set of new laws proposed by the Nairobi City Council is passed.

The proposed instant ticketing by-law empowers council inspectors to impose fines on traffic offenders instead of being arraigned before the court.

This is among a set of by-laws proposed by City Hall to streamline its operations in the city. The move is expected to help reduce the backlog of cases at the traffic court. The proposed by-law sets the penalty for first offenders at Sh2,000 and Sh3,000 for offences committed subsequently. First offenders also risk being jailed for up to six months while subsequent offenders could languish in jail for as long as nine months.

In paid advertisement in the press, Town Clerk Philip Kisila invites those aggrieved by the proposed by-law to raise

any objections by June 14. Under the proposed by-law, council inspectors will issue traffic offenders with a "City Council Offence Ticket".

A clause in the proposed by-law reads: "Where the offence charged in the ticket is one for which the penalty may be paid out of court, the enforcement officer issuing the summons may enter the amount of the penalty in the place provided therefore on the ticket, and that entry constitutes the endorsement required by this

## 2,000

Penalty, in shillings,  
for first offenders

section."

Currently, many motorists are arrested by city council askaris and traffic police officers and hurled before the court to answer to various traffic charges. Matatu drivers have frequently held demonstrations, accusing traffic policemen and city council askaris of harassment.

The by-law also prohibits the use of skate-boards on public roads or sidewalks. It also proposes a ban on hand-carts in the city.

D Nation 4/6/09

## Spot fine idea timely

**N**ot long ago, Nairobi motorists who had the misfortune of committing a traffic offence like double-parking used to get it rough.

Sometimes they would be towed away even as they sat in their vehicles and any demand to be charged for the offence would be ignored.

These days, the tow-trucks are fewer and not as active as before. However, many of the ridiculous practices in which minor infringements of traffic rules would cost a motorist a whole day, a huge sum of money, and a great deal of inconvenience before his or her vehicle was freed still remain.

However, the quiet relaxation of the towing rules has led to a rise in the number of people charged in the city court, leading to a serious backlog. This has, fortunately, led to fresh thinking.

The practice of hauling to jail anyone who jumped traffic rights just served to encourage corruption among traffic police officers and city askaris.

The spot-fine idea, which, incidentally, is commonplace in most cities of the world, should help decongest courts and reduce inconvenience, though it is hard to see how it can reduce corruption in a police department riddled with graft.

An even better idea is to impose spot fines country-wide. It does not make sense to throw the book at a motorist for a minor defect like a missing side-mirror. Sometimes, justice is better served by using common sense rather than the brute force of the law.

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## BUDGET 2009

# Motorists back instant fines

Proposal will save time for offenders, cut corruption and reduce case back-log

By JILLO KADIDA and  
KIBIWOTT KOROSS

All traffic offenders from those accused of failing to fasten their seat belts to those causing obstruction and speeding, are taken to court to answer to the charges.

If the proposal by Mr Kenyatta succeeds it will help reduce backlog of cases, Matatu drivers and conductors welcomed the proposal for on-spot penalties. They said the move would reduce corruption.

Mr Andrew Ireni a matatu driver on Kangemi route said police often demand bribes for petty offence. "For example when you are found changing lanes an officer can waste your whole day trying to get something from you," said the driver.

### Demand bribes

He said most traffic offences are petty and do not even warrant court cases.

Mr Steve Wafila, another matatu driver said petty cases are always made up by traffic police officers looking for bribes.

Matatu Owners Association chairman Simon Kimutai described the minister's proposal as positive. "Petty cases contribute to the highest rate of bribery in the country. This will also save time."

But private motorists said the move will lead to more traffic offences. Ms Nancy Leleito said matatu drivers would hold other motorists to ransom.



**petty offenders on the spot.**  
**Matatu owners have welcomed the proposal.** Photo/  
CHRIS OLOW

Traffic police officers at work yesterday during the reading of the Budget. They will now have the power to fine

Daily Nation 15/6/09

D NATION 15/6/09

## Instant fine rule risks abuse, says group

By NATION Correspondent and Reporter

Interested parties should be involved before the government amends the Traffic Act to allow instant fines for petty offences.

The Matatu Owners Association national vice-chairman Ali Bates warns that unless checks and balances are put in place, the 'noble move' would be turned into a cash cow by some unscrupulous police officers.

"Let us not rush into implementing this, lest we give some people an avenue to enrich themselves," Mr Bates told the *Nation* yesterday.

### Criteria

While welcoming Finance minister Uhuru Kenyatta's proposal for instant fines for minor traffic offences, he wondered what criteria the police would use to determine what to charge.

"Motorists and their passengers should know what to expect in case, for example, they are arrested for speeding, obstruction or failure to wear a seat belt."

Meanwhile, a public notice on enforcement of traffic laws issued by the Justice ministry has drawn the wrath of police who have questioned its legality. The ministry informed motorists arrested for flouting road regulations not to allow

police officers to ride in their vehicles but police have vowed not to stop the habit.

Citing the law, the police have warned that motorists risk facing extra charges for barring officers from entering or searching their vehicles.

In refuting the notice, Traffic commandant Aggrey Adoli said he would not stop his officers from stopping and searching vehicles, because police don't necessarily need warrants to do so.

He quoted sections of the Police, Traffic and the Criminal Procedure Acts, to contradict the public notice.

Mr Adoli cited Section 105 of the Traffic Act which says in part: "It shall be lawful for any police officer in uniform to stop any vehicle, and for any police officer to enter any vehicle, to drive any vehicle or cause any vehicle to be driven, upon reasonable suspicion of any offence under this (Traffic) Act."

'It shall be lawful  
for any police  
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to enter any  
vehicle upon  
suspicion of any  
offence'

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