

Fifth draft for discussion: 27 October 2014

CITY OF TSHWANE: DRAFTING OF BY-LAWS ON PUBLIC TRANSPORT AND NON-MOTORISED TRANSPORT

Notes and points for discussion:

- 1. This document is intended as a draft for discussion purposes, and not as a definitive final view on any aspect.*
- 2. The by-laws (BLs) are designed to cater for all public transport aspects, as well as requirements of the A Re Yeng TRT system (safety and security as well as other aspects) and non-motorised transport (NMT).*
- 3. Are more provisions required on providing for passengers with reduced mobility? – This aspect is still under discussion*
- 4. Some of the provisions of the National Road Traffic Regulations, 2000 are restrictive in relation to NMT. Section 156(3) of the Constitution provides that by-laws may not be in conflict with national or provincial legislation. Some by-laws have been added to supplement the national Regulations, but the DoT should be asked to amend the Regulations where appropriate. A submission to the Minister will be drafted in due course.*

LOCAL AUTHORITY NOTICE ...**CITY OF TSHWANE METROPOLITAN MUNICIPALITY****PROPOSED PUBLICATION OF TSHWANE PUBLIC TRANSPORT AND NON-MOTORISED TRANSPORT BY-LAWS**

The Municipal Manager of the City of Tshwane Metropolitan Municipality hereby gives notice that the City proposes to publish the by-laws in the Schedule in terms of section 13 of the Local Government: Municipal Systems Act 32 of 2000 read with sections 156(2) and 162 of the Constitution. The By-Laws have been approved by the Council of the City.

Interested persons wishing to provide comments or representations on the draft by-laws may submit written comments to the following e-mail address for attention Mr/Ms; e-mail address

Any person who cannot write may come during office hours, i.e. between 8h00 and 16h00 to where Mr/Ms will be available to assist that person to transcribe his or her comments or representations.

Schedule**CITY OF TSHWANE METROPOLITAN MUNICIPALITY****PUBLIC TRANSPORT AND NON-MOTORISED TRANSPORT BY-LAWS****Preamble**

Whereas the City of Tshwane Metropolitan Municipality is responsible for the functions of municipal public transport, traffic and parking and municipal roads in terms of Parts B of Schedules 4 and 5 to the Constitution of the Republic of South Africa, 1996, read with section 11(1)(c) of the National Land Transport Act, 2009 (Act No. 5 of 2009);

The City is empowered by that legislation as well as section 80A of the National Road Traffic Act, 1996 (Act No. 93 of 1996) to make these By-Laws,

BE IT HEREBY ENACTED by the City of Tshwane Metropolitan Municipality as follows:

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CHAPTER 1: GENERAL MATTERS

1. Definitions

[Drafting note: Definitions in the NLTA have not been repeated except in some limited cases to promote ease of reference.]

In these By-Laws, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or the National Road Traffic Act has the same meaning, and–

“accessible transport” means transport that is accessible to all persons in the municipal area, as well as those travelling to and from that area, including, but not limited to, special categories of passengers, pedestrians and cyclists to their intended destinations in a safe and convenient manner, and in relation to infrastructure means the design of facilities that are usable by all people to the greatest extent possible, with or without the need for adaptation or specialised design;

“Act” means the National Land Transport Act, 2009 (Act No. 5 of 2009);

“association” means a formal grouping of operators or body to which two or more of these bodies are affiliated, which is formed not for gain, its main object being to promote the group interests of its members;

“authorised officer” means an inspector, traffic officer or member of the South African Police Service or Metro Police contemplated in the definition of authorised officer in section 1 of the Act;

“authorised official” means an official appointed and authorised by the City to enforce or implement these By-Laws;

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

“bus rapid transport system” means the A Re Yeng bus rapid transit system developed by the City;

“By-Laws” means these By-Laws;

“Central Control Centre” means the Central Control Centre established by the City to manage and control its transport system;

“CITP” means the City’s Comprehensive Integrated Transport Plan contemplated in section 36 of the Act together with the Minimum Planning Requirements promulgated under or recognised by the Act;

“City” means the City of Tshwane Metropolitan Municipality, and includes authorised agents of the City;

“controlled facility” means a public transport facility for which a rank permit is required and which is proclaimed in terms of section 4(5);

“cycle lane” means a road or path designated by the City or other competent authority for the exclusive use of cyclists by means of appropriate road traffic signs or road markings;

“cyclist” means a person riding or using a bicycle or tricycle, defined as a pedal cycle in the National Road Traffic Act;

“decal” means a sticker, decal or similar device issued with a rank permit in terms of section 6(1);

“Disaster Management Framework” means the City’s Disaster Management Framework contemplated in section 42 of the Disaster Management Act, 2002 (Act No. 57 of 2002);

“examiner of vehicles” means an examiner of vehicles appointed in terms of section 3A of the National Road Traffic Act;

“**facility**” means a public transport facility;

“**facility marshal**” means a person authorised by the City to control, manage or direct traffic in, into or out of a public transport facility;

“**Gazette**” means the *Provincial Gazette* of Gauteng;

“**holder**” despite the definition in the Act also means the holder of a rank permit;

“**meter**” means a meter that must be installed in a metered taxi in terms of the definition of “metered taxi service” in section 1 of the Act, and includes a taximeter;

“**metered taxi service**” means a public transport service operated by means of a motor vehicle contemplated in section 66 which—

- (a) is available for hire by hailing while roaming by telephone or otherwise;
- (b) may stand for hire at a rank; and
- (c) 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;

“**Metro Police**” means the Metropolitan Police Service established by the City in terms of Chapter 12 of the South African Police Service Act, 1995 (Act No. 68 of 1995);

“**Metro Police officer**” means a member of the Metro Police;

“**MFMA**” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

“**midibus**” means a motor vehicle designed or modified solely or principally for conveying more than 16 but less than 35 persons, including the driver, and for the purposes of the National Road Traffic Act, is a type of sub-category of bus;

“**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;

“**minibus taxi**” means a minibus or midibus used for minibus taxi-type services;

“**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;

“**municipal area**” means the geographical area of jurisdiction of the City;

“**Municipal Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“National Road Traffic Regulations” means the National Road Traffic Regulations, 2000, made in terms of the National Road Traffic Act;

“non-motorised transport” means transport by any mode other than a motor vehicle including, but not limited to, walking, cycling and animal-drawn vehicles, but for purposes of these By-Laws includes cycles, scooters and wheelchairs assisted by motors of a prescribed type and capacity whereby the speed of the cycle, scooter or wheelchair is not significantly enhanced;

Commented [N1]: It should be noted that motorized scooters fall under the definition of “motor cycle” in the National Road Traffic Act and may not be used on public roads until the SABS has developed standards for them

“non-motorised transport infrastructure” means and includes cycle paths, walkways, public open spaces and other buildings and structures used or intended for, or to promote non-motorised transport;

“operator” means a person carrying on the business of operating a public transport service and, for purposes of these By-Laws, is confined to persons holding valid operating licences or permits as required by section 50(1) of the Act;

“park” in relation to a vehicle means to keep the vehicle, whether occupied or not, stationary for longer than is reasonably necessary actually to load or unload persons or goods, but does not include keeping the vehicle stationary owing to a cause beyond the control of the person in charge of the vehicle;

“prescribed” means prescribed by the City by notice in the *Gazette*;

“Province” means the Province of Gauteng;

“Provincial Regulatory Entity” means the Provincial Regulatory Entity established for the Province in terms of section 23 of the Act;

“public road” means a public road as defined in the National Road Traffic Act;

“public transport facility” means and includes a–

- (a) bus terminus;
- (b) rapid transport station;
- (c) minibus taxi rank;
- (d) metered taxi rank;
- (e) stopping place dedicated to minibus taxi-type services;
- (f) bus or taxi stop;

- (g) holding area, and
- (h) taxi depot.

“public transport interchange” means a location where facilities are provided for specified types of public transport services for the interchange of passengers between those services;

“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 Road Transport Act, 1998 (Act No. 4 of 1988), and except where clearly inappropriate the term “public transport” must be interpreted accordingly;

“public transport vehicle” means a motor vehicle used for public transport services;

“rank permit” means a permit issued in terms of section 6 to entitle an operator to use a controlled facility;

“rapid transport lane” means a rapid transport lane as defined in regulation 1 of the National Road Traffic Regulations and demarcated by the City on a public road by means of appropriate road traffic signs, which may either be a lane permanently dedicated for the sole use of rapid transport vehicles, or a priority lane that is set aside for the exclusive use of public transport vehicles during certain times of the day;

“rapid transport vehicle” means a rapid transport bus, rapid transport bus train, rapid transport complementary bus, rapid transport complementary bus-train, rapid transport feeder bus or rapid transport feeder minibus as defined in regulation 1 of the National Road Traffic Regulations;

“road traffic sign” means a road traffic sign contemplated in the National Road Traffic Act;

“SAPS” means the South African Police Service contemplated in the South African Police Service Act, 1995;

“stop” used as a verb means, in relation to a public transport vehicle, to keep it stationary for no longer than is reasonably necessary to load or offload passengers;

“stopping place” means a stopping place or bus stop established in terms of section 4;

“taxi” means a minibus taxi or metered taxi;

“time-plated rapid transport lane” means a rapid transport lane where loading or parking in the lane may occur only during certain hours and usually outside of peak operating hours;

“traffic signal” means a traffic signal contemplated in the National Road Traffic Regulations; and

“Website” means the City’s official website contemplated in section 21B of the Municipal Systems Act.

2. Objectives

- (1) The objectives of these By-Laws are to–
 - (a) provide a regulatory framework for public transport services in the City, subject to and in addition to the Act, and to provide for ancillary issues such as safety and security in relation to public transport;
 - (b) control and regulate facilities (ranks, stops and terminuses) for public transport services and their operation and to promote the efficient and effective operation of public transport to serve the travelling public in the municipal area; and
 - (c) provide for the promotion of non-motorised transport in terms of operations and infrastructure.
- (2) The City must endeavour, within budgetary constraints, to ensure that there are sufficient facilities in its area to ensure that passengers are provided with public transport in accordance with the objectives of the Act, and that the aspirations of operators to provide the business of conveying the public are realised.

3. Application of these By-Laws

- (1) These By-Laws do not apply to parking meters and issues relating to parking meters that are dealt with in the City of Tshwane Handheld Parking By-Laws, 2013 promulgated under Notice 519 of 2013.
- (2) Where any activity contemplated in these By-Laws involves a provincial road as defined in the Gauteng Transport Infrastructure Act, 2001 (Act No. 8 of 2001) or legislation replacing that Act, these by-laws are subject to the provisions of that Act or replacing legislation.

CHAPTER 2: PUBLIC TRANSPORT FACILITIES

4. Establishment of public transport facilities

- (1) The City may establish public transport facilities for the exclusive use of public transport vehicles by notice in the *Gazette*.
- (2) Before establishing such a facility, the City must give notice of its intention to establish it by—
 - (a) publishing a notice in the *Gazette* in English and another in another official language;
 - (b) publishing it in at least one English newspaper and one newspaper in another official language circulating in the area;
 - (c) displaying the notice at the City's head office, and satellite offices and libraries in the relevant area; and
 - (d) displaying the notice on the Website,describing the type and location of the proposed facility and allowing interested and affected persons not less than 30 days to provide written comments and representations in relation to the establishment of the facility, and also complying with section 21(4) of the Municipal Systems Act.
- (3) The City must consider any such comments received and then take a decision whether or not to proceed with the establishment of the facility.
- (4) In the notice published under subsection (1), subject to the National Road Traffic Act, the City must demarcate such facilities as—
 - (a) a bus terminus for the exclusive use of buses;
 - (b) a rapid transport station;
 - (c) a minibus taxi rank for the exclusive use of minibus taxis;
 - (d) a metered taxi rank for the exclusive use of metered taxis;
 - (e) a stopping place for the exclusive use of minibus taxis;
 - (f) a bus stop, which may also be used as a stop for minibus taxis;
 - (g) a parking ground;
 - (h) a public transport interchange, or
 - (i) a combination of the above.
- (5) The City may proclaim in the *Gazette* that one or more ranks or terminuses, called in these By-Laws a controlled facility, will be managed by a rank permit system and may impose a fee on operators for the use of such a facility.
- (6) The fees imposed in terms of subsection (5), must as far as possible, at least be calculated to cover the operational and maintenance costs of the facility concerned,

taking into account the cost of operation and maintenance of the facility, with annual increases to cover the rate of inflation.

- (7) Where the city establishes a rank or terminus, it must provide sufficient ablution facilities within or near to the facility.
- (8) The City may, subject to the Businesses Act, 1991 (Act No. 71 of 1991), provide facilities for trading at or in a facility.
- (9) The City must keep a list of all public transport facilities within the municipal area and their location, and make it available on request to interested parties at the prescribed fee.
- (10) Where a rank permit is required, the relevant facility may only be used in terms of and subject to conditions imposed by the City when issuing the permit.
- (11) A rank permit is required in addition to any operating licence or permit that is required in terms of section 51(1) of the Act.
- (12) The facilities contemplated in subsection (1) may be established and demarcated for the exclusive use of public transport vehicles or services of specified types or that operate on specified routes or in specified areas, or operators who belong to a particular association or operate a particular type of service or vehicle.
- (13) Each demarcated facility must be distinguished by the appropriate road traffic signs to indicate the type of public transport vehicle entitled to use that facility.
- (14) The City may establish and demarcate a facility on private land if the City has concluded an agreement to such effect with the owner of that private land.
- (15) The agreement referred to in subsection (14), may provide for the fees referred to, in subsection (5), to be paid in part or in full to the owner of the land on which the facility has been established.
- (16) A public transport vehicle may not use a filling station for the purpose of a bus terminus or taxi rank, or park in the premises of a filling station, except with the written permission of or in terms of an agreement with the owner of the filling station, but this subsection does not prevent the City from authorising the construction of a filling station within a facility.
- (17) In emergencies or at recreational and other similar functions, the City may set aside temporary facilities suitable for ranking, parking or holding of public transport vehicles without proclaiming or establishing them in terms of these By-Laws.

5. Application for rank permit

- (1) No operator may use a controlled facility without holding a rank permit issued by the City.

- (2) An operator must apply to the City for a rank permit by completing the application form provided by the City and lodge the completed form with the City by hand or by electronic mail at the place or address directed by the City.
- (3) An application for a rank permit must be accompanied by—
 - (a) a copy of the operator's identity document, passport, certificate of incorporation or other form of identification that is acceptable to the City;
 - (b) the prescribed application fee;
 - (c) a copy of the valid operating licence or permit issued for the vehicle as required by section 51 of the Act; and
 - (d) a copy of the current vehicle licence certificate of the vehicle issued in terms of the National Road Traffic Act.
- (4) The operator must indicate on the application form the controlled facility or facilities that the operator wishes to use.
- (5) Where an operator applies at the same time for a rank permit for more than five vehicles, the City may, in its discretion, grant a discount on the application fee for the additional vehicles.
- (6) The City may refuse to grant an application for a rank permit if there is insufficient ranking space in the facility, subject to section 2(2) and the City's CITP.
- (7) No one may knowingly supply incorrect information on such an application form or in relation thereto.
- (8) Where the City rejects an application for a rank permit, the applicant may appeal in writing to the Municipal Manager, who must consider the appeal within 30 days of receipt thereof and may then confirm or reverse the decision to refuse the application and notify the applicant accordingly.
- (9) Subsection (8) will also apply where a holder is dissatisfied with any condition that the City has attached to a rank permit.

6. Issuing of rank permit

- (1) When the City grants an application for a rank permit, it must issue the permit to the operator together with a decal specific to the permit.
- (2) No public transport vehicle may enter or use a controlled facility unless the vehicle displays the decal issued with the rank permit or issued to replace that decal.
- (3) The operator must also ensure that the original rank permit is kept in the vehicle to which it relates at all times while the vehicle is being operated in the municipal area.

- (4) A rank permit is valid for a maximum of 12 months from the date of issue, but the City may issue that permit for a shorter period, in which case the relevant fees will be reduced *pro rata*.
- (5) The City may attach conditions to the rank permit which are not in conflict with the Act, the National Road Traffic Act or these By-Laws, and which must appear on the permit or in an annexure thereto.
- (6) A rank permit issued to a partnership must specify the full names of all of the partners and the name under which the partnership conducts business.
- (7) When a rank permit is issued and the operator does not uplift it within 90 days after he or she has been notified that it is ready for uplifting, the permit lapses, unless the City grants a written extension on the written request of the operator.
- (8) Subject to section 74 of the Act on temporary replacement of vehicles, a rank permit is valid only for the vehicle in respect of which it was issued.

7. Renewal of a rank permit

- (1) Sections 5 and 6 apply with the necessary changes to an application for the renewal of a rank permit.
- (2) The holder of a rank permit must apply for the renewal of the permit not later than 14 days before the permit expires, failing which the permit will expire, but the holder will then not be prevented from applying for a new permit.
- (3) The City may refuse an application for renewal of a rank permit if there is insufficient space in the facility concerned, subject to section 2(2) and the City's CITP.

8. Transfer of a rank permit

- (1) Subject to this By-Law, a rank permit is not transferable to another person.
- (2) Where an operating licence or permit for the vehicle for which a rank permit has been issued, is transferred to another person under section 58 of the Act, the City must issue a rank permit to the transferee on application by the transferee on the approved form and on payment of the prescribed fee.
- (3) Where –
 - (a) the holder of a rank permit dies;
 - (b) the estate of such a holder is provisionally or finally sequestrated;
 - (c) such holder is a company or a close corporation which is being liquidated; or
 - (d) such holder becomes in any way incapable in law of carrying on business,

the executor, trustee, liquidator or curator of the holder, as the case may be, must notify the City within 10 days of being appointed as executor, trustee, liquidator or curator of the event and may on payment of the transfer fee determined by the City by notice in the *Gazette*, carry on the use of the vehicle to which the permit relates for the unexpired period of that permit.

9. Issuing and display of decals

- (1) The decal issued with a rank permit must state—
 - (a) the name of the operator;
 - (b) the rank permit number allocated by the City;
 - (c) the controlled facility or facilities that the operator may use by colour coding or another method chosen by the City;
 - (d) the vehicle registration number; and
 - (e) the expiry date of the authorisation.
- (2) The holder of a decal must—
 - (a) where the vehicle concerned is fitted with a clear windscreen, affix the decal in a conspicuous place on the front left-hand inside of the windscreen in an upright position, with the printed side facing to the front in such a way that the particulars on the decal are clearly legible to any person standing on the left front side of the vehicle;
 - (b) where the vehicle is fitted with a tinted or smoked glass windscreen, display the decal in a watertight holder in a conspicuous place on the outside left-hand front of the windscreen in such a way that the particulars on the decal are clearly legible to any person standing on the left front side of the vehicle; and
 - (c) ensure that the decal is kept displayed at all times while the vehicle is operated in the municipal area for public transport services.
- (3) No one may operate a public transport vehicle in the municipal area with a rank permit or decal that has been defaced or is no longer clearly legible or with a rank permit or decal that does not relate to the vehicle in question.
- (4) A holder may apply in writing to use additional facilities by following the procedures in section 4, and if the City grants the application it must issue an additional or replacing rank permit and decal to the holder.

10. Duplicate rank permit or decal

- (1) Where a rank permit or decal has been lost, destroyed or damaged to the extent that the particulars thereon are no longer legible, the holder of the authorisation must, on the approved form, apply to the City for a duplicate and the application must be accompanied by an affidavit describing the reasons for the loss, destruction or damage of the permit or decal.
- (2) If the City is satisfied that the lost, destroyed or damaged permit was valid and, in the case of the decal that it relates to a valid permit, the City must on receipt of the prescribed fee, issue a duplicate permit or decal, as the case may be, clearly marked as a duplicate.
- (3) Where a duplicate decal is issued, the holder must immediately on receipt of the decal affix it to the windscreen of the vehicle in the manner contemplated in section 9.

11. Amendment of particulars of rank permit

- (1) Where the holder of a rank permit or decal becomes aware that the particulars on that permit or decal are incorrect, he or she must submit the permit or decal to the City for amendment within 10 days of this coming to his or her notice for issuing of a correct permit or decal.
- (2) If the City becomes aware that the information contained in a rank permit or decal is incorrect, the City may, despite anything to the contrary in these By-Laws—
 - (a) notify the holder in writing;
 - (b) where applicable, require the holder to give a satisfactory explanation; and
 - (c) require the holder to return the permit or decal for amendment not later than 10 days after the date of the notification.
- (3) A notice referred to in subsection (2)(a) that is posted to the holder by registered post is deemed to have been received by him or her ten days after posting.
- (4) When a rank permit or decal is surrendered for it to be amended or replaced in terms of this section, the City must provide the holder with a temporary permit or decal, which is valid until the amended permit or decal is returned to the holder.
- (5) Where a holder fails to submit a permit or decal to the City as required by this section within the required time, the permit concerned will lapse, but the holder may apply to the City for a new permit.

12. Withdrawal or suspension of rank permit

- (1) The City may, subject to subsection (2), suspend a rank permit for a period determined by it or withdraw the permit if—

- (a) the holder does not comply with–
 - (i) an instruction or direction issued in terms of these By-Laws; or
 - (ii) the conditions of the permit; or
- (b) an authorised officer inspects the vehicle and finds that it–
 - (i) is constructed or has been adapted in such a way or is in such a condition that it is unsafe for the carrying of passengers; or
 - (ii) does not comply with these By-Laws, the Act or the National Road Traffic Act.
- (2) Before acting under subsection (1) the City must notify the holder by registered post or e-mail of the proposed action, and allow the holder not less than 14 days to provide reasons why the permit should not be withdrawn or suspended.
- (3) The City must consider any reasons provided by the holder before deciding to withdraw or suspend the permit.
- (4) Where the City has acted in terms of subsection (1) it must report the matter to the Provincial Regulatory Entity.
- (5) A person may not use a motor vehicle as a public transport vehicle in or at a controlled facility or allow it to be so used while the authorisation has been suspended or withdrawn.
- (6) A holder who transgresses or fails to comply with the conditions of a rank permit also commits an offence.

13. Use of public transport facilities

- (1) The City will not be liable for loss of or damage to any public transport vehicle, however caused, or any accessories or contents of that vehicle while it was stopped or parked in a public transport facility.
- (2) Persons in public transport facilities must heed any road traffic signs and other signs erected by the City in the facility.
- (3) No one may in a public transport facility–
 - (a) trade or carry on a business except in terms of a licence granted by the City;
 - (b) wash a vehicle except at a washing bay specially demarcated for that purpose;
 - (c) repair, maintain or service a vehicle except in an area specially demarcated for that purpose;
 - (d) drive a vehicle in a manner that endangers other persons, or property; or
 - (e) tamper with any vehicle, or other property, whether movable or immovable.

14. Parking and removal of vehicles in public transport facilities

- (1) Vehicles in a public transport facility must be parked and driven in compliance with instructions or directions given by an authorised officer, authorised official or facility marshal.
- (2) If no parking space is available at the facility at any particular time for the parking of a vehicle to which a rank permit relates, the vehicle must be parked at a holding area specified by an authorised officer, authorised official or facility marshal on duty at the facility, until that officer, official or marshal directs the driver to park it at the facility.
- (3) Vehicles may only enter or exit a public transport facility through the demarcated entrance or exit.
- (4) Where areas in a public transport facility have been demarcated for parking, drivers must–
 - (a) park only in a place at the facility which is demarcated for that purpose, unless instructed to park elsewhere by an authorised officer, authorised official or facility marshal;
 - (b) park in a parking bay in such a position that the vehicle is entirely within the demarcated area; and
 - (c) not encroach upon a parking bay that is already occupied by another vehicle.
- (5) No one may park a vehicle–
 - (a) on a sidewalk or in the roadway within a public transport facility; or
 - (b) in such a facility in a manner which obstructs or inconveniences other users of that facility.

15. Abandoned vehicles

- (1) Subject to regulation 305(6) of the National Road Traffic Regulations, the City may impound a vehicle which has been left in the same place in a public transport facility for a continuous period of more than seven days.
- (2) The City must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if that owner or the person entitled to possession of the vehicle cannot be found within 90 days after the vehicle has been removed, the City may, subject to subsection (4), sell the vehicle at a public auction.
- (3) The City must, 14 days before the auction contemplated in subsection (2), publish a notice of the auction in at least two newspapers circulating within the municipal area.
- (4) If the owner or the person entitled to the possession of the vehicle concerned claims the vehicle before the auction commences, the vehicle may not be sold at that auction, and the person who claims the vehicle must pay to the City the prescribed fees and the applicable cost in terms of subsection (5).

- (5) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (4) and thereafter to defray—
- (a) the costs incurred in tracing the owner;
 - (b) the costs of removing the vehicle;
 - (c) the costs of publishing the notice of the auction;
 - (d) the cost of effecting the sale of the vehicle; and
 - (e) the costs, calculated at a rate determined by the City, of keeping the vehicle secure.
- (6) Where the owner of a motor vehicle or the person who is entitled to its possession claims that vehicle after the sale referred to in subsection (2), the balance, if any, of the proceeds of that sale after the fees and costs contemplated in subsection (5) have been deducted, must be paid to that owner or person if he or she can prove his or her right or title to the vehicle.
- (7) If a claim is not lodged within one year of the date of the sale referred to in subsection (2), the balance of the proceeds contemplated in subsection (6) will be forfeited to the City.

16. Appointment of facility marshals

- (1) The City may appoint facility marshals to perform the functions contemplated in subsection (4) in or at a facility or facilities, and must issue the marshal with a certificate of appointment and an identification badge or other means of identification.
- (2) A facility marshal need not be an employee of the City, but may be an official or employee of an operator association.
- (3) The City may formulate a code of conduct for facility marshals, who must abide by that code.
- (4) A facility marshal may not perform any duty contemplated in subsection (5) unless he or she is wearing the means of identification referred to in subsection (1).
- (5) The duties of a facility marshal are to—
- (i) in the case of minibus taxi-type services, direct drivers of taxis to form queues according to their destinations on a first-come-first-served basis;
 - (ii) direct drivers to holding areas if there is no space at the rank;
 - (iii) regulate the loading of passengers according to priority and route destination;
 - (iv) ensure the smooth loading of passengers;
 - (v) control numbers of passengers to prevent overloading of vehicles;
 - (vi) co-ordinate vehicle movements between the loading and offloading of passengers;

- (vii) attend to queries and refer problems to the City or Metro Police on ranking issues;
 - (viii) report contraventions of these By-Laws, the Act or the National Road Traffic Act to authorised officers; and
 - (ix) promote the efficient co-ordination of public transport services within the facility.
- (6) Passengers in a facility must comply with all lawful directions of a facility marshal or authorised officer.
- (7) No one may obstruct, hinder or interfere with a facility marshal in the execution of his or her duties.

CHAPTER 3: DUTIES OF OPERATORS, DRIVERS, CONDUCTORS AND PASSENGERS

17. Duties of operators

- (1) The operator of a bus used for scheduled services must ensure that a destination sign is displayed on the bus.
- (2) Operators must ensure that all public transport vehicles operated by them are clean when leaving a depot or place where the vehicle is based and kept in a sanitary and tidy condition while being used for public transport services.
- (3) Where property is left in a public transport vehicle, the operator and driver must ensure that it is delivered to the call centre contemplated in section 35 for safekeeping and reclaiming by the person who left it in the vehicle.
- (4) Where a public transport vehicle becomes defective while conveying passengers, the operator must promptly arrange a substitute vehicle or alternative transport for them, failing which the passengers will be entitled to a refund of the ticket as required by the Consumer Protection Act, 2008 (Act No. 68 of 2008).

18. Duties of drivers

- (1) The driver of a vehicle providing scheduled services must stop at every bus stop designated as such by the City on its designated route to pick up passengers, unless the capacity of the vehicle will be exceeded or the Central Control Centre directs the driver not to stop at specified bus stops.
- (2) The driver of a vehicle providing a minibus taxi-type service may not–
 - (a) pick up or set down passengers at any place other than a designated rank or stopping place, unless no such rank or stopping place exists within a radius of 500 meters from that place; or

- (b) roam or tout for passengers or be hailed by the public with a view to picking up passengers at any place other than a designated rank, terminus or stopping place.
- (3) The driver of a public transport vehicle may not–
 - (a) allow the number of passengers in the vehicle to exceed the number allowed by the National Road Traffic Regulations as shown in the relevant roadworthy certificate or in the relevant operating licence or permit;
 - (b) park the vehicle at any stopping place longer than is necessary to load or offload passengers, unless directed to do so by an authorised officer or marshal;
 - (c) drink alcohol, take narcotic drugs, smoke or use offensive language while driving the vehicle; or
 - (d) use a hooter or other sounding device to tout for passengers or in contravention of regulation 301A of the National Road Traffic Regulations.
- (4) Drivers of public transport vehicles must be clean and neatly dressed at all times while driving the vehicle.
- (5) The driver of a public transport vehicle must refuse access to a passenger carrying baggage that could pose a danger or inconvenience to other passengers or lead to the overloading of the vehicle.

19. Duties of passengers

- (1) Passengers may board or alight from a bus or midibus only at the entrance thereof, unless the driver or conductor directs otherwise.
- (2) No passenger may board a public transport vehicle–
 - (a) except at a facility designated by the City, unless the vehicle is a metered taxi or is providing a charter service or tourist transport service;
 - (b) while refusing or failing to pay the fare charged for the public transport service;
 - (c) until all passengers wishing to alight from the vehicle have done so unless the vehicle is provided with more than one entrance and no passengers are alighting from the entrance in question; or
 - (d) while the vehicle is in motion.
- (3) Standing passengers in a public transport vehicle must hold onto hanging straps, rails or seats at all times when the vehicle is in motion.

20. Seats for special categories of passengers

- (1) The operator or driver of a public transport vehicle may–

- (a) set aside seats in the vehicle for special categories of passengers; and
 - (b) may prevent any passenger from occupying such a seat unless he or she forms part of such a special category.
- (2) No passenger may occupy such a seat unless he or she forms part of such a special category of passengers.

21. General duties

- (1) The driver, conductor or operator of a public transport vehicle—
- (a) may not force any person to board or leave the vehicle against their will, except that the driver or conductor of the vehicle may do so in the interests of public safety or if so directed by an authorised officer or marshal;
 - (b) may not prevent anyone from using a lift club contemplated in section 69 of the Act or boarding a vehicle lawfully used as part of a lift club;
 - (c) may not show films or videos in the vehicle or display advertisements in or on it that may be offensive to any sector of the public, or play loud music in the vehicle;
 - (d) may not tout or solicit passengers by calling out, hooting or in any manner that is offensive or a nuisance to the public;
 - (e) may refuse to allow a passenger to board a public transport vehicle where the passenger fails or refuses to pay the fare, or where the lawful capacity of the vehicle will be exceeded, and may oblige the passenger to leave the vehicle in such a case; and
 - (f) may not knowingly convey a person or thing if that person or thing may not be conveyed in terms of any law or that person has an infectious or contagious disease or has recently been exposed to such a disease.
- (2) No one may—
- (a) threaten or intimidate a passenger on a public transport vehicle or in or at a facility;
 - (b) use force, intimidation, threats, or by acting in a clandestine manner or by any other means prevent or try to prevent any passenger, driver or operator from obtaining or engaging a public passenger transport vehicle or prevent the driver thereof from loading or offloading passengers;
 - (c) hang onto the exterior of a public transport vehicle, or stand or sit on any step or other part of the exterior of the vehicle at any time while the vehicle is in motion;
 - (d) bring any animal onto a public transport vehicle or into a rapid transport station except a guide dog being used to guide a sight-impaired person;

- (e) interfere with, harass, intimidate, insult or use bad language to the driver or conductor of a public transport vehicle or to passengers in that vehicle or in a public transport facility;
 - (f) enter a public transport vehicle or rapid transport station while suffering from an infectious disease or while wearing filthy clothes;
 - (g) leave any baggage unattended in a public transport vehicle or public transport facility;
 - (h) obstruct the passage of or delay a public transport vehicle in any way, except where necessary in an emergency situation or as allowed by law;
 - (i) bribe or attempt to bribe an authorised officer, authorised official or marshal; or
 - (j) bring any of the following onto a public transport vehicle:
 - (i) Any firearm or ammunition, unless the person possesses a proper and valid licence for the firearm or ammunition;
 - (ii) any explosives or explosive device;
 - (iii) any dangerous weapon as defined in the Dangerous Weapons Act, 1968 (Act No. 71 of 1968); or
 - (iv) any other dangerous, offensive or filthy article, object or thing.
- (3) The driver or conductor of a public transport vehicle may remove any animal from the vehicle unless it is a guide dog contemplated in subsection (2)(d), or direct the person who brought it to remove it, and that person must comply with such direction.
- (4) The owner, driver or person in charge of a public transport vehicle must take immediate steps to have the vehicle disinfected as soon as it has come to his or her knowledge that there has been conveyed in the vehicle—
- (a) a passenger suffering from an infectious or contagious disease;
 - (b) the body of a person who died from such a disease;
 - (c) anything that has been exposed to or contaminated by such a disease.
- (5) The owner, driver or person in charge of a public transport vehicle may not convey any person in the vehicle until it has been so disinfected and must carry out the instructions of an authorised officer or authorised official with regard to such disinfection.
- (6) A passenger may bring a fold-up bicycle onto any public transport vehicle that is a midibus or bus, but not a motor car or minibus, and not if the bicycle is of such a size or nature that it is likely to cause a danger or disturbance to other passengers.

Commented [N2]: To be discussed with the TMPD

CHAPTER 4: METERED TAXIS

22. Marking of metered taxis

- (1) All metered taxis operating in the municipal area must be fitted with an illuminated roof sign that complies with the specifications attached as Schedule 2, as well as an indicator which may be incorporated in the roof sign with the words "For hire" displayed when the taxi is available for hire, and the roof sign must be maintained in good working order at all times while the taxi is operated.
- (2) In addition all such metered taxis must display on the left hand front door in legible characters of not less than five centimetres in height a sign showing–
 - (a) the fares being charged;
 - (b) the number of persons the taxi is authorised to carry in terms of law or the relevant operating licence; and
 - (c) where the operator requires a rank permit, the rank permit number

23. Taxi meters

- (1) All metered taxis must be fitted with a meter in working order which has been sealed by an examiner of vehicles, and no metered taxi may be operated in the municipal area unless fitted with such a meter.
- (2) If the Minister or MEC has determined a fare structure for metered taxi services under section 66(3) of the Act, the meter must register a fare in accordance with that structure.
- (3) The meter may reflect charges for extras such as waiting time and time spent in traffic congestion.
- (4) The meter must–
 - (a) be fitted to the inside of the taxi so that the recorded fare is plainly visible at all times by a passenger occupying the rear seat;
 - (b) be illuminated after dark; and
 - (c) must reflect whether the meter is running or not and whether it is recording waiting time only.
- (3) The taximeter must be operated electronically or mechanically either solely from the gearbox or left front wheel of the metered taxi or from another portion of the mechanism of the metered taxi that the City approves by notice in the Gazette.
- (4) No one may –
 - (a) destroy, break or tamper with the seal affixed to a meter by an examiner of vehicles or by an agent appointed by the City; or

- (b) adjust, interfere with or tamper with a meter or any wire or appliance connected to a meter, or any tyre or fitting on a metered taxi that may cause that meter to register anything other than the true and correct fare chargeable.
- (5) An operator or driver may not use a metered taxi for a metered taxi service if–
 - (a) the meter affixed to that taxi does not reflect the true fare; or
 - (b) the tyres fitted to that taxi are not the same size as those that were on the taxi when the meter was tested and sealed.
- (6) The operator and driver of a metered taxi–
 - (a) must ensure that the metered taxi is fitted with an odometer and speedometer in good and proper working order, and that the odometer reflects the true distance travelled; and
 - (b) may not operate the metered taxi unless the odometer and speedometer work properly.
- (7) Subject to section 24(3), the tolerances to be allowed on all meters when tested are as follows:
 - (a) Road test: No tolerance in deficiency or over-registration is allowed: Provided that if the vehicle's tyres are obviously worn, a tolerance in deficiency (or over-registration) of 10 metres per kilometre and a tolerance in excess (or under-registration) of 50 metres per kilometre is allowed;
 - (b) Time test: A tolerance in deficiency (or over-registration) of one second per minute and a tolerance in excess (or under-registration) of two seconds per minute is allowed.
- (8) An authorised officer may by written notice instruct the operator or driver of a metered taxi to present the taxi to an examiner of vehicles for examination and testing of the meter at a time and place specified in the notice, and that operator or driver must comply with that instruction..
- (9) If a meter affixed to a metered taxi is found not to be in order or not working satisfactorily, an examiner of vehicles may condemn the meter and remove the seal or mark placed on it in terms of these By-Laws.
- (10) No one may operate a metered taxi in the municipal area with a condemned meter in the taxi until the meter has been retested, approved and sealed by an examiner of vehicles.

24. Sealing and testing of meters

- (1) The operator of a metered taxi must ensure that the seals affixed to the meter by a vehicle examiner are intact and undamaged.

- (2) If the seal on a meter is broken or defaced, the operator must immediately apply to the City or an agent directed by the City to replace or renew that seal, and may not operate that metered taxi in the municipal area until the seal has been replaced or renewed.
- (3) The City may by notice in the *Gazette* determine the tolerances allowed when testing a meter, which may differ from those stated in section 23(7).
- (4) The operator of a metered taxi must pay the prescribed fee when a meter is tested, sealed or resealed.

25. Metered taxi fares

- (1) The operator or driver of a metered taxi may not charge, demand or attempt to obtain a fare lower or higher than that shown by the meter or that is in conflict with a fare structure determined by the Minister or MEC in terms of section 66(3) of the Act.
- (2) The driver of a metered taxi must advise passengers of the applicable fare before the journey commences, and must issue a receipt to each passenger on payment of the fare.
- (3) In terms of section 66(1)(d) of the Act a particular journey may be operated at a fare not determined by the meter if that fare is agreed on before the journey begins, but the meter must be kept running for the information of passengers.
- (4) Multi-hiring (more than one passenger per journey) is permitted with the consent of all of the passengers if the fare for each passenger is agreed before the journey.
- (5) The driver of a metered taxi must on arrival at the passenger's departure point, and not sooner, start the meter in the "hired" position and immediately stop the meter from recording on termination of the hiring.
- (6) The meter may be stopped where the taxi is stopped at the request of or due to the action of the passenger.
- (7) The meter need not be stopped when the taxi is stopped due to traffic congestion or road traffic signs or signals.
- (8) A meter may be calibrated to record a lower fare where the driver agrees to wait at a fixed spot at the request of the passenger.
- (9) A person who calls for or summonses a metered taxi and fails to engage it on its arrival must pay the fare for the distance from the rank, stand or place from which the taxi was dispatched to the place to which the taxi was called or summonsed.
- (10) If a metered taxi is kept waiting through no fault of the driver before the driver is told that the taxi's services are not required, the person who called for or summonsed the taxi must pay the driver the tariff for waiting time.

26. Duties of drivers of metered taxis

- (1) The driver of a metered taxi must take the shortest route from the departure point to the destination, unless a longer route is agreed to or directed by the passenger or unless instructed to do so by an authorised officer.
- (2) Where a longer route is taken the driver must explain to the passenger the reasons why it is being taken.
- (3) Where the driver of a metered taxi is unable to deliver passengers and their effects to their destination because the vehicle has become unserviceable or for any other reason, the driver must make best efforts to call another taxi to transport them or to arrange an alternative means of transport.
- (4) Drivers of metered taxis must be conversant with the areas that they serve and must be trained or instructed by the operator as to the best routes to be taken.
- (5) The operator of a metered taxi must keep a current street map of the municipal area in the taxi and make it available to passengers on request.
- (6) When ranking at facilities or at airports, stations, hotels, conference centres or similar places metered taxis must queue on a first-come-first-served basis.

CHAPTER 5: RAPID TRANSPORT SYSTEM

27. Use of rapid transport lanes

- (1) Where a rapid transport lane or any other lane on a public road has been set aside for the exclusive use of one or more types of rapid transport vehicles by means of appropriate road traffic signs, no one may, subject to subsection (2)-
 - (a) drive any motorised or non-motorised vehicle in or on such a lane except a bus or other vehicle authorised by the City to use the lane;
 - (b) park or leave any vehicle in such a lane at any time;
 - (c) leave or deposit any object, refuse or other thing in such a lane; or
 - (d) enter or cross the lane on foot except at a designated pedestrian crossing or traffic signal where such crossing is permitted.
- (2) The driver of a vehicle may enter a lane contemplated in subsection (1) if-
 - (a) he or she cannot enter or leave any premises adjacent to such a lane without doing so, and then only insofar as necessary to be able to enter or leave those premises: provided that such a driver may not turn right over such a lane;

Commented [J3]: What happens if the TRT lane is kerb side, where does the cyclist go; in the middle of the road? Discuss

Commented [N4]: Comment received that this is unenforceable - discuss

- (b) he or she cannot enter or leave any public road without encroaching on such lane;
 - (c) he or she intends turning at the next intersection, on-ramp or off-ramp, but only if no turning lane is provided;
 - (d) in compliance with the direction of an authorised officer, authorised official, marshal or the Central Control Centre
- (3) Subsection (1) does not apply in case of emergencies to—
- (a) a firefighting vehicle or firefighting response vehicle;
 - (b) an emergency medical response vehicle or ambulance;
 - (c) a vehicle engaged in civil protection in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - (d) an authorised officer driving the vehicle in the execution of his or her duties.
- (4) This by-law is in addition to, and not in substitution of, regulation 296A of the National Road Traffic Regulations.
- (5) An authorised officer may impound a vehicle left, parked or driven in a rapid transport lane in contravention of this section pending the investigation and prosecution of the relevant offence, in which case the vehicle must be dealt with in terms of Chapter 3 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (6) Where a rapid transport lane has been demarcated as a time-plated rapid transport lane, this section will apply only to the times when the lane may not be used by the public, except for subsection (1)(c).

Commented [N5]: If we allow persons to enter the dedicated lane when the other lanes are blocked, they will do so when traffic is heavy. I think we should allow it only of an authorized officer so directs. The term authorized officer is defined in section 1. Discuss

Commented [N6]: Should we follow Rea Vaya and delete subsection (3)? Discuss

28. Roadworks in rapid transport lanes

- (1) A person wishing to undertake roadworks in a rapid transport lane must apply to the City for written authorisation to undertake such works.
- (2) No one may carry out any works in a rapid transport lane without such an authorisation, except in the case of an emergency.
- (3) For the purposes of this section, “emergency” means a situation where the City or its delegate or agent perceives that—
 - (a) there is an immediate or imminent danger of harm or damage to persons or property;
 - (b) public transport vehicles will be prevented from operating so as to cause major disruptions in timetables;
 - (c) there is a danger of substantial disruption of traffic;
 - (d) emergency vehicles will be prevented from using the lane; or
 - (e) critical electronic infrastructure will be off-line for an unacceptable period.

- (4) Persons must apply for such authorisation not later than seven days before the planned commencement of the works by completing the form on the Website and supplying the information indicated on the Website.

29. Rapid transport stations

- (1) No one, except an authorised officer, authorised official, marshal or person authorised by the City to do so, may enter that portion of a rapid transport station set aside for the boarding of vehicles without being in possession of a ticket to use the rapid transport service.

- (2) No one may, in the rapid transport system, in a rapid transport station or on a rapid transport bus, as the case may be—

(a) eat or drink anything except in a restaurant, coffee shop or similar establishment in that station;

(b) loiter, except for the purpose of waiting to board a rapid transport vehicle;

(c) jump over or cross a ticket gate except in the permitted manner;

(d) attempt to open the doors of such a bus except by signalling to the driver to do so;

(e) tamper with or damage any fixtures or other property;

(f) enter a portion of the station to which entry is barred by a sign displayed to that effect;

(g) tamper with or damage any electronic equipment, fibre-optic cables and any installation or structure relating thereto; or

(h) perform any other act that is prohibited in such a station or on any public transport vehicle

- (3) An authorised officer, authorised official or marshal may, in a rapid transport station request any person to—

(a) produce a ticket or travel media card for use of the rapid transport service;

(b) desist from any activity that is prohibited by these By-Laws or another law; and

(c) to leave the station where his or her presence is in contravention of these By-Laws or another law.

- (4) A person so requested must comply with the request forthwith.

Commented [N7]: Do we want to prohibit eating and drinking? Discuss

CHAPTER 6: NON-MOTORISED TRANSPORT

30. Obstructing sidewalks

- (1) No road traffic sign, advertising sign, pole, barrier or other obstruction may be erected or placed on a sidewalk that obstructs the free movement of pedestrians, unless it is essential to do so for reasons of safety or security, or for another reason that is acceptable to the Municipal Manager.
- (2) No one may place any building material, goods, boxes, pipes or other objects on a sidewalk for longer than is necessary for loading purposes or where the sidewalk is temporarily part of a building site and appropriate road traffic signs have been erected to signify that it is a building site.
- (3) Where hawking or street vending is permitted on a sidewalk in terms of any law, no hawker or vendor may position his or her wares or furniture in such a position that the sidewalk is obstructed.
- (4) Where an authorised officer or authorised official perceives that a person is obstructing or blocking a sidewalk in contravention of this section, he or she may direct that person to remove the obstruction or blockage, and that person must comply with the direction forthwith.

Commented [N8]: How do we deal with signs etc. that have already been erected? Discuss

31. Protection of pedestrians

- (1) In addition to complying with the National Road Traffic Regulations, drivers of motor vehicles must take special care to protect the safety of pedestrians.
- (2) Without derogating from the generality of subsection (1), drivers of motor vehicles must—
 - (a) anticipate situations where pedestrians may or will cross the road in question, either legally or illegally, and reduce speed or take other measures to avoid danger to them; and
 - (b) immediately reduce speed, despite the applicable speed limit, where a pedestrian is crossing or using a road either legally or illegally, to avoid causing a danger to such pedestrian or other road users.

32. Protection of scholars and students

- (1) All schools and other educational institutions in the municipal area must provide areas off of busy public roads where scholars and students may be picked up or set down by motor vehicles, or provide safe inlets alongside such a road, in compliance

with regulation 42(8) of the National Land Transport Regulations, 2009 made under the Act.

- (2) The Municipal Manager may by written notice direct such a school or institution to provide such an area within a time specified in the notice, and the school or institution must comply with such a direction.
- (3) Drivers of motor vehicles may not pick up or set down scholars or students on a public road except in places–
 - (a) that are safe to do so; and
 - (b) where the scholars or students are able to cross the road after being set down at a pedestrian crossing, traffic light or other place that is safe to cross.
- (4) Where a public transport vehicle is obviously carrying scholars or students and is loading or offloading passengers on a public road next to a school or other educational institution, all other vehicles in its vicinity must slow down or stop to ensure the safety of the scholars or students that may be or be likely to cross the road, in compliance with regulation 42(11) of the National Land Transport Regulations, 2009 made under the Act.

33. Duties of drivers of motor vehicles in relation to pedestrians and joggers

- (1) The driver of a motor vehicle when passing a jogger on a public road must–
 - (a) exercise due care while passing the jogger so as to avoid colliding with the jogger or giving the jogger a shock or fright so that he or she falls or swerves into the line of traffic;
 - (b) leave a distance of at least one point five metres between the motor vehicle and the jogger; and
 - (c) maintain that distance until safely clear of the jogger.
- (2) Where there is a solid barrier line or other road traffic sign or marking prohibiting encroaching on the other side of the road, a driver contemplated in subsection (1) may, where the roadway is not wide enough to allow him or her to comply with that subsection, encroach upon the other side of the road, but only if–
 - (a) it can be done without endangering or obstructing other persons or vehicles;
 - (b) it is safe to do so, and

- (c) it is done no longer than is necessary to pass the jogger safely.

34. Duties of pedestrians

- (1) No pedestrian may walk on the roadway of a public road where a shoulder or sidewalk has been provided, except to cross the road at a point where crossing it is permitted. *[Note: The terms roadway, shoulder and sidewalk are defined in the National Road Traffic Act.]*
- (2) Where no shoulder or sidewalk has been provided on a public road, pedestrians–
- (a) must not walk on the roadway unless it is impossible or impractical not to do so; and
 - (b) when walking on the roadway must keep as close as possible to the left edge of the roadway.

35. Duties of joggers

- (1) Where a shoulder has been provided on a public road, joggers using that road must jog only on the shoulder or otherwise off of the roadway unless crossing the road or where it is necessary to do so to avoid a collision or pass an obstruction.
- (2) Where a jogger is using a public road with no shoulder, he or she must jog off of the roadway if possible, or otherwise as close as possible to the left edge of the roadway.
- (3) A jogger on a public road may not–
- (a) where a sidewalk has been provided, jog on any part of that road except the sidewalk except when crossing the road;
 - (b) jog on the right hand side of a parked or slowly moving motor vehicle going in the same direction, except when it is not possible to pass it on the left;
 - (c) jog abreast of another jogger going in the same direction except when passing him or her.
- (4) A jogger must exercise due care while passing a motor vehicle or another jogger or a pedestrian in order to avoid endangering him- or herself or other road users or pedestrians.

36. Planning of infrastructure, and travel demand management

- (1) Any person planning a public transport facility, public transport interchange, shopping centre, mall, business complex or similar development must ensure adequate provision for the needs of public transport and non-motorised transport in accordance with the standards, specifications and requirements published in terms of section 39.
- (2) In evaluating a traffic impact assessment or public transport assessment in terms of section 38(2)(b) of the Act, the City must give due attention to the provision of infrastructure that promotes and accommodates non-motorised transport including, but not limited to–
 - (a) secure places to store cycles;
 - (b) easy and convenient access to the premises by pedestrians and cyclists;
 - (c) safe pedestrian crossings over public roads giving access to the property;
 - (d) traffic calming measures, such as zebra crossings, pelicans, toucans and midblock crossings;
 - (e) accommodating special categories of passengers and pedestrians; and
 - (f) pedestrian walkways and cycle lanes where appropriate.
- (3) Landscaping in developments contemplated in subsection (1) must give due attention to non-motorised transport, including, but not limited to–
 - (a) cycle lanes and pedestrian paths;
 - (b) the separation of pedestrian, cycle and vehicle lanes where possible;
 - (c) planting of trees and landscaping that promotes social interaction;
 - (d) park benches, seating areas and drinking fountains; and
 - (e) measures to promote safety and security, such as intelligent lighting and security cameras.
- (4) All parking areas planned or provided after the date of commencement of these By-Laws must provide space for cycles, unless the Municipal Manager is satisfied that adequate storage place for cycles exists in the vicinity.

37. Standards, specifications and requirements for public transport infrastructure and non-motorised transport infrastructure

- (1) The City may establish standards, specifications and requirements for public transport infrastructure and non-motorised transport infrastructure and once established must publish them on its Website and in the *Gazette* and keep copies available for inspection at the offices and libraries mentioned in section 16(1).
- (2) The standards, specifications and requirements contemplated in this section–
 - (a) must comply with the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1997) and any regulations and standards made in terms of or recognised by that Act, as well as any other applicable national or provincial legislation, or by-laws of the City; and
 - (b) may include, but need not be limited to–
 - (i) standards and dimensions for kerbs at the road edge;
 - (ii) specifications for paving placement and materials;
 - (iii) kerbs or barriers for cycle and pedestrian paths;
 - (iv) specifications for landscaping, greening and tree planting;
 - (v) specifications for park benches, seating areas and water fountains;
 - (vi) specifications for lighting and placing of street lights, and the avoidance of dark areas;
 - (vii) specifications for the maintenance, upkeep, cleaning and upgrading of non-motorised transport infrastructure;
 - (viii) specifications for dedicated bus or taxi lanes, subject to the National Road Traffic Regulations;
 - (ix) specifications for signage and road markings, subject to the National Road Traffic Regulations;
 - (x) standards and specifications to make the infrastructure more easily usable by special categories of passengers and pedestrians with disabilities;
 - (xi) the transformation of streets for the exclusive use of pedestrians or cyclists;

- (xii) prohibiting or regulating the placing of signage, dustbins and other structures on sidewalks and in cycle and pedestrian paths that impede the passage of pedestrians or cyclists;
 - (xiii) standards or requirements for establishing non-motorised transport networks and preventing the interruption of journeys by pedestrians and cyclists;
 - (xiv) *[others to be added?]*
- (3) Before finalising those standards, specifications or requirements the Municipal Manager of the City must publish them for comment on the Website and in the *Gazette* and allow any interested or affected person to comment on them by a date to be determined in the notice, which may not be less than 30 days after publication.
 - (4) The City must consider any comments received under subsection (3) before finalising the specifications, standards or requirements.
 - (5) As from a date to be determined by the City and published on its Website and in the *Gazette*, all non-motorised transport infrastructure planned or constructed after that date must comply with those standards, specifications or requirements.
 - (6) Where non-motorised transport infrastructure is planned or constructed in contravention of those standards, specifications or requirements, the City may direct the owner of the land in question or the developer of the infrastructure by written notice to adapt, reconstruct or retro-fit it to comply with the relevant standard, specification or requirement, and the owner or developer must comply with such directive within the time specified in the notice.

CHAPTER 6: LAW ENFORCEMENT

38. Powers of authorised officers

- (1) An authorised officer may–
 - (a) exercise any powers or perform any duty conferred on an authorised officer by the Act, the National Road Traffic Act, these By-Laws or any other legislation to enforce these By-Laws;
 - (b) request any passenger in a public transport vehicle to supply his or her full name and address, and the origin and destination of the relevant journey; and
 - (c) request any driver or conductor of such a vehicle to–

- (i) supply his or her full names and address, the name and particulars of the operator of the vehicle and the origin and destination of the journey being undertaken or to be undertaken; and
 - (ii) produce for inspection the applicable operating licence or permit and, where applicable, rank permit;
- (d) evict from a public transport vehicle or from any facility a person who is not entitled to be there in terms of these by-laws or any other law, or whom the officer suspects of having committed an offence or being about to commit an offence.
- (2) An authorised officer or authorised official may request a passenger in or about to board a public transport vehicle to show his or her ticket for the trip in question and may where that person is not in possession of a valid ticket–
- (a) evict that person from such vehicle; or
 - (b) prevent that person from entering the relevant vehicle; and
- may where appropriate request that person to supply his or her name, address and other particulars necessary to prosecute him or her.
- (3) Drivers and operators of public transport vehicles must obey the instructions and directions of authorised officers and authorised officials while operating on public roads or in facilities in the municipal areas, and must obey the directions and instructions of marshals and parking attendants in facilities.
- (4) A person requested to supply information or produce a document or ticket in terms of subsection (1) or (3), or is directed to leave or not to enter a vehicle as contemplated in subsection (3), must comply with the request or direction forthwith.
- (5) Anyone who hinders or interferes with an authorised officer, authorised official or marshal in the execution of his or her duties, or fails to comply with a lawful direction issued by such a person, commits an offence.

39. Agreements on law enforcement matters

- (1) The City must negotiate with the SAPS and Provincial Department with a view to concluding an agreement between those parties and the Metro Police on how accident and incident scenes on public roads and in facilities in the municipal area should be managed.
- (2) The agreement contemplated in section (1) must include, but need not be limited to the following:

Commented [N9]: Discuss with TMPD

- (a) Directing traffic at those scenes and ensuring the safety of the persons involved in the accident or incident and emergency services personnel, as well as passing motorists and pedestrians;
- (b) the cleaning up of spills of dangerous goods as defined in section 1 of the National Road Traffic Act;
- (c) evacuating injured persons; and
- (d) clearing the road of vehicles and other obstructions.

40. Management of accident scenes

- (1) Subject to national and provincial legislation, a Metro Police officer arriving at the scene of an accident involving death of or injury to a person or substantial damage to property–
 - (a) must take control of the scene and establish and secure the perimeter of the scene until another officer that has been appointed in terms of legislation, the Disaster Management Framework or an agreement contemplated in section 33 arrives on the scene or control has been relinquished under paragraph (b); and
 - (b) may relinquish control to another officer because of that officer's specialized skills or if that officer has been assigned by a competent person or authority.
- (2) Pending the takeover of control by another officer, the Metro Police officer must–
 - (a) take immediate steps to secure the safety of the scene and direct other responding persons and units: provided that rapid transport lanes must only be closed for periods that are absolutely necessary for such an officer to perform his or her duties;
 - (b) tend to the needs of special needs passengers;
 - (c) request the required fire, rescue and ambulance resources;
 - (d) evacuate injured persons and bystanders;
 - (e) establish a command post;
 - (f) determine how and where equipment and personnel should be distributed;
 - (g) arrange for transportation of stranded passengers to their destinations;
 - (h) control access of bystanders and the media to the scene;

Commented [J10]: Should we have a clause about someone from the TRT company being requested to attend and requiring metro police to communicate with them. Discuss

Commented [J11]: If there are fatalities involved do we need to do more and who decides. Fatality could require the TRT lane to be closed for many hours what's the process, who makes that decision? Discuss – will there be Standard Operating Procedures?

- (i) comply with other relevant legislation, including, but not limited to, dealing with fatalities; and
- (j) clean or otherwise deal with the spillage or escaping of dangerous liquids or gases in accordance with the National Road Traffic Regulations.

41. Offences and penalties

Anyone who contravenes or fails to comply with any provision of these By-Laws commits an offence and liable on conviction to imprisonment for a period not exceeding six months or a fine, and, in the case of a continuing offence, to a further fine not exceeding one thousand rand (R1 000,00), for every day during the continuance of such offence after a written notice has been issued by the City and served on the person concerned requiring the discontinuance of such offence.

Commented [N12]: This is a maximum, but may be too harsh. Discuss with TMPD

CHAPTER 7: MISCELLANEOUS PROVISIONS

42. Codes of conduct, customer care plan, passenger charter and other policies

- (1) The City may develop codes of conduct for operators, drivers, conductors or parking attendants and publish them in the *Gazette*.
- (2) The persons to whom such a code of conduct applies must comply with the relevant provisions of the code of conduct.
- (3) The City may develop a customer care plan or passenger charter and publish it in the *Gazette*, in which case operators, drivers, conductors, passengers, authorised officers, parking attendants and marshals must comply with its provisions.
- (4) The City must develop and implement a plan for dealing with lost children found in public transport vehicles and public transport facilities.

43. Call centre and lost property office

- (1) The City must establish a lost property office where property left in public transport vehicles and public transport facilities can be kept for safekeeping and reclaiming by the person who so left the property.
- (2) The City as well as operators of scheduled public transport services must provide information for passengers on the public transport system provided or managed by the City as required by the Consumer Protection Act, 2008 (Act No. 68 of 2008) and in compliance with section 11(1)(c)(xii) of the Act.
- (3) In compliance with subsection (2) the City must, as a minimum–

- (a) provide timetables of those public transport services in compliance with section 11(1)(c) (xxii) of the Act;
 - (b) post such timetables at public transport facilities where they are easily visible to passengers.
- (4) The City must take steps to market and promote public transport, introduce integrated ticketing systems and take other measures to enable passengers to move easily and seamlessly from one public transport mode to another and reduce travel time and costs in compliance with section 11(1)(c) of the Act, and in particular paragraphs (vii) and (xxii) thereof.

44. Routes for dangerous goods

- (1) Where the City has determined one or more routes for the transporting of dangerous goods in its integrated transport plan in terms of section 36(3) of the Act, and such plan has been approved by the MEC and Minister, the City may publish details of such route by notice in the Gazette and in the manner contemplated in sections 21 and 21A of the Municipal Systems Act.
- (2) As from a date specified in that notice, no one may transport dangerous goods as defined in the National Road Traffic Act in the municipal area on any road except on a road forming part of such a route.
- (3) This section is subject to the National Road Traffic Act and National Road Traffic Regulations.

45. Transitional provisions

Any facility declared, proclaimed or established as such in terms of the Local Government Ordinance, 1937 (Act No. 17 of 1937) or any other law before the commencement of these By-Laws is deemed to be a facility proclaimed or established in terms of these By-Laws.

46. Repeal of by-laws

The by-laws listed in the Schedule to these By-Laws are repealed or amended to the extent indicated in the Schedule.

47. Short title and commencement

- (1) These By-Laws are called the City of Tshwane Public Transport By-Laws, 2014 and come into operation on the date of publication in the *Gazette*, but the City may

determine by notice in that *Gazette* that any provision of these By-Laws will come into operation at a later date.

- (2) Despite subsection (1), the City may for two years after the date of commencement of these By-Laws relax any provision or requirement in these By-Laws in accordance with an implementation plan approved by the City, if details of such relaxation are published by notice in the *Gazette*.

Schedule 1: By-laws repealed by section 48

Notice no. and year of By-law	Short title	Extent of repeal or amendment
Administrator's Notice 557 of 22 July 1964	Pretoria Municipal Traffic By-Laws	Repeal of the whole
Administrator's Notice 548 of 20 May 1970	Pretoria Municipality: Bus By-Laws	Repeal of the whole
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Schedule 2: Specifications for illuminated signs in terms of section 22(1)

[To be inserted]