

## The Role of NTSA in PSV Industry and its Incorporation of Stakeholders in Policy Formulation in the Nairobi Central Business District

Justus Mumo Kilundo<sup>1</sup> & Dr. James Gichuru Kariuki (PhD)<sup>2</sup>

### Abstract

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This study sought to find out the role of the National Transport and Safety Authority (NTSA) in the PSV industry and its incorporation of stakeholders in policy formulation in the Nairobi Central Business District (CBD). It was guided by two objectives which were:-to find out how NTSA influenced PSVs operations within CBD; and to find the extent to which NTSA incorporated other Stakeholders in policy formulation to address the problems caused by PSVs industry in the CBD. To achieve these objectives, the study interviewed 48 NTSA workers and 12 key informants. The study used a semi-structured questionnaire and a Key Informant guide as the instruments of data collection. The study found that NTSA used various methods to improve operations of PSVs in the CBD. These methods included ensuring that PSVs belonged to self-regulatory Saccos. This study recommends that NTSA should constructively engage stakeholders in policy formulation to address the problems caused by PSVs in the Nairobi CBD.

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**Key terms:** National Transport and Safety Authority, Public Service Vehicles, Central Business District, matatu operators, traffic rules and regulations, stakeholders, policy formulation.

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### Introduction

The National Transport and Safety Authority (NTSA) was established through an Act of parliament to regulate the transport Industry and provide rules and guidelines benchmarked on promoting safety to road users as a matter of principle (NTSA, 2014). Public Service Vehicle operators serve as an important tool in the economic growth of Kenya and provide huge employment to all classes of the society and especially to the youth. However, this sector also contribute immensely to some of the problems encountered within the Central Business District (NTSA, 2014). In its attempt to influence and ensure compliance by the PSVs operators in the industry and in line with its mandate, the National Transport and Safety Authority has made several rules and regulations. Unfortunately, these rules have had little or no impact on the operators especially within the Central Business District (Fulcher, 1999). The CBD being the point where all the PSVs from all the corners of the country converge, unplanned public service vehicle terminus have been established in every corner of the city with available spaces being taken over by different Saccos. As a result there is no smooth flow of traffic in the CBD and parking zones are not clearly demarcated. This is an impediment to those operating businesses because they encounter massive losses due to blockade directly imposed on their door steps by the undeterred and unregulated public service industry operators (Sector plan for Nairobi Metropolitan Department, 2008-2012). The end product of the chaotic PSVs operations has been obstruction, noise and air pollution which renders CBD a nightmare and impassable as PSVs buy the space and freedom (Chitere, 2006; Dewees, 2003).

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<sup>1</sup> Department of Sociology and Social Work, University of Nairobi, P.O Box 30197 00100 Nairobi Kenya.

<sup>2</sup> Department of Sociology and Social Work, University of Nairobi, P.O Box 30197 00100 Nairobi Kenya.

This study provides a layout framework to solutions and plans that are standardized to a larger extent in order to make it more convenient to develop more detailed programs and objectives. In this way, there shall be a healthy CBD having proper rules and guidelines acceptable and favourable to all (Nomano, 2015; NTSA, 2014; GOK, 2007). Inadequate proper rules providing for guidelines which the public service vehicle industry players fail to comply with result to the immense problems encountered within the Central Business District. The National Transport and Safety Authority is associated with the several problems, namely: Poor policy and decision making, inability to consult as per the spirit of constitution in matters affecting stakeholders, inadequate planning of PSVs terminus by Nairobi County Government, lack of clear structured guidelines and policies to streamline the industry, lack of economic consideration to other economic Stakeholders, noise and environmental pollution, increased criminal activities including cartels; and insufficient road safety campaigns and seminars to industry stakeholders, loss of revenue as a result of unregulated PSV industry.

**The objectives of this study were:**

- i. To find out how NTSA influenced PSV operators within the Nairobi CBD
- ii. To find out the extent to which NTSA incorporated other stakeholders in policy formulation to address the problems caused by PSV industry in the CBD

**Literature Review and Theoretical Framework**

Knowledge has to be fitted into a framework of some kind in order to be usable. Sociological theories are important and worth attention, because they offer or attempt to offer a coherent explanation of social happenings in society. This study looks at how NTSA has influenced PSVs within the CBD. It examines the various approaches used to influence operations of PSVs entering and leaving the CBD from various parts of the country. Legal instruments that safeguard PSVs and interests of other stakeholders are examined. These instruments include the traffic Act chapter 403 laws of Kenya (NTSA, Act N0.33 of 2012; Kettinger and Lee, 2005). One of the nuclear problems encountered in the CBD is poor planning of PSVs terminus by the County Government of Nairobi. With the intent of introduction of PSVs Saccos, the CBD has been infiltrated by PSVs occupying each and every space available for their operations. Little or no consultation is done between NTSA, the City Authorities and other business operators concerning the right places for Matatu terminus. The unregulated operations of matatu has affected other businesses in the CBD. Matatu have ended up causing prolonged obstructions as they claim ownership of the space through the issued operator's licence (NTSA Operating of PSV Legal Notice 219, 2013; Traffic Amendment Act 2012 L.N No.37. Other issues that are of concern include Touting, Reflective Jackets and Helmets and driving on pavements and demerit points (Traffic Amendment Act 2012(L.N No.38). NTSA has not developed a clear structured guideline policy to streamline the PSV industry and this has given rise to cartels who have taken over the management of routes, bus stops and PSV terminus. To enforce the PSVs rules especially in the CBD without involving other players who have the capacity to help streamline the industry, the regulator would be doing itself injustice (Traffic Act Cap. 403(2012). Failure to abide by the constitution results to litigation and prolonged court cases which become detrimental in fast-tracking sanity in the already congested CBD.

**Theoretical Framework**

This study makes use of two sociological theories namely: the structural functionalism theory and conflict theory. The structural functionalist perspective, also called functionalism, is one of the main theoretical perspectives in sociology. Functionalism interprets each part of society in terms of how it contributes to the stability of the whole society. Society is more than the sum of its part; rather, each part of society is functional for the stability of the whole society (Parsons Talcott, 1961). The different parts are primary of the institution of society, each of which is organised to fill different needs and each of which has particular consequences for the form and shape of society. All parts depend on each other. Functionalism sees society as a system; a set of interconnected parts which together form a whole (Parsons, 1961). There is a relationship between all these parts and agents of socialization, and together they contribute to the maintenance of society as a whole. Social consensus, order and integration are key tenets of functionalism as this allows society to continue and progress because there are shared norms and values that means all individuals have a common goal and have a vested interest in conforming and thus conflict is minimal (Parsons, 1961)

Talcott Parsons viewed society as a system. He argued that:

*“any social system has four basic functional prerequisites; adaptation, goal attainment, integration and pattern maintenance. These can be seen as problems that society must solve if it is to survive. The function of any part of the social system is understood as its contribution to meeting the function prerequisite”* (Parsons, 1961)

In view of this, stakeholders in PSV industry is a good example of how interconnected parts operate to the survival of the whole. In its attempt to control and influence operations of PSVs in the CBD, it is prudent that NTSA include Stakeholders to participate in Policy formulation to address the problems caused by the PSVs Industry in the Nairobi CBD. This way, their views will be considered in decisions reached during consultative forums. Furthermore, participation of the stakeholders will promote sustainable decisions by recognizing and communicating the needs and interests of all participants. The end result will see a streamlined and well-structured PSVs industry.

Conflict theory is one of the key theories that expound on the role played by various classes/groups within a society (Kelloway, 1998). According to this theory conflict in society is over the means of production and the conflict is between the owners of the means of production (bourgeoisie) and the workers (proletariat). Karl Max believed that:

*“class of conflict is inherent in every differentiated class of society, since such a society systematically generates conflicts of interest between person and groups differentially located within the social structure, and more particularly, in relation to the means of production”.* (Karl Marx, 1818-1883)

The NTSA attempt to influence the PSV industry within the CBD in Nairobi has brought conflict between the regulator and the regulated. This has Prompted hostility from the opposing sides. Furthermore, this has culminated into protests, strikes by the matatu operators. Thus, this theory helps us to understand the class struggles that are evident in attempts to regulate the matatu industry.

### **Research Methodology**

The study used both quantitative and qualitative approaches in order to meet the objectives of the study.

### **Site Selection and Description**

This study was conducted within Nairobi Central Business District region, located at the centre of the capital city of Kenya. Nairobi County was purposively selected because it is the capital city of Kenya and as such it was expected to have diverse social, cultural and economic orientations. Nairobi's CBD is also the convergence zone for all PSVs operating within and outside Nairobi. Nairobi County has 17 constituencies and is the biggest city in East Africa. It is one of the 47 counties and the most populous in the country with an estimated population of four Million people. The city generates approximately 60% of the country's GDP. The capital has one of the highest urban growth rate in the region. Nairobi is a city that is full of economic activities and a home to various local and international organizations. It has the largest number of PSVs in the region. However, the city faces various transport problems including congested roads, traffic jams, and failure to adhere to NTSA regulations, disorganized operations of PSVs, crime, poverty and proliferation of slums.

### **Sample Size and Sampling Design**

This study used stratified and simple random sampling to identify the 48 key respondents who were the NTSA workers. In addition the study used purposive sampling to identify 12 key informants. The key informants included officials of Matatu Welfare Association (MWA), officials of Matatu Owner Association (MOA), Officials in the traffic police Department Nairobi Area and officials from the Nairobi County Traffic Marshalls.

### **Instruments of Data Collection**

The key respondents were interviewed using an interview schedule. The questionnaire consisted of open ended and closed ended questions. The open ended questions enabled the researchers to probe deeply in order to get detailed information about the PSV industry. The key informants were interviewed using the key informant guide.

## Findings of the Study

### Demographic Information

The study found that a bigger percentage of the workers were in the age bracket of 36-40 years (29.2%), NTSA workers in the age bracket of 26-30 years and 31-35 years each had 22.9%, workers in the age bracket of 41-45 years (12.5%), workers of the age of 46-50 years 8.3% while those in the age bracket of below 25 years and 51+ years each had 2.1%. In terms of gender, the study found that majority of the NTSA workers comprising 62.5% were males while 37.5% were females. The study also found that most of the workers comprising 62.5% had attained university education, respondents with diploma/college certificate comprised 27.1%, and those with A' level certificate (form six) comprised 2.1% while those with form four certificates were only 8.3%.

### Departments of deployment within NTSA

Respondents were asked to indicate the departments they worked in NTSA and their responses were as shown in Table 1. The departments of deployment included Road Safety, Data Analysis, Motor Vehicle Inspection, Driving Test Unit, Registration and Licensing of motor vehicles and Enforcement of traffic rules and regulations.

**Table 1: Distribution of the Respondents by their Departments of Deployment in NTSA**

N=48

Department	Frequency	Percentage
Road Safety	10	20.8
Data Analyst	1	2.1
M/V Inspection	10	20.8
Driving Test Unit	10	20.8
Registration & Licensing	7	14.7
Enforcement	10	20.8
<b>Total</b>	<b>48</b>	<b>100.00</b>

### Methods Used by NTSA to Control and Influence Operations of PSVs in the CBD

The first objective of this study was to find out how NTSA influenced PSVs within CBD. This section therefore looks at the various methods that were used by NTSA to influence operations of PSVs in the CBD. The study looked at the compliance by PSVs with the rules and regulations set by NTSA, the procedures used to deal with operators who violated the set rules and regulations and the most preferred methods of ensuring compliance.

### PSVs Compliance with Rules and Regulations Set by NTSA in CBD

The researchers asked the respondents to state whether there were cases of failure to comply with rules and regulations set by NTSA in Nairobi CBD. All the respondents accepted that there were cases of non-compliance. This shows that non-compliance is the norm and the NTSA workers were aware of this fact. Hence there were methods used to enforce the rules and deal with cases of non-compliance. All the key informants also confirmed that there were many reported cases of failure to comply with the rules and regulations in the CBD in Nairobi.

### Regulations and Rules Violated by PSVs in the CBD

Having stated that there were cases of failure to comply with rules and regulations set by NTSA in Nairobi CBD, the researchers asked the respondents to state the rules and regulations that were violated. The violated rules and regulations cited by the respondents included obstruction, overlapping, failure to comply with TLB requirements, operating without valid membership of a Sacco, setting, dropping and picking of passengers at places other than designated areas, noise pollution from modified tail exhaust, driving on pavements, unregulated Matatu Sacco routes, Sacco terminus which were not well designated and failure to fasten safety belts. Most PSVs were found to operate without both seat belts and functional speed governors. Others had speed governors that had been tampered with. In addition, some PSVs had expired road documents and they operated without valid PSVs licenses.

One of the female traffic officer summarised the violations as follows:

*"there is noise exhausts, overlapping, overloading, picking, dropping and setting of passengers at places other than designated, operating without legal documents failing to comply with TLB requirements by operating on unauthorised routes, failing to register with Sacco, causing obstruction, careless driving, branding PSVs and operating without requisite documents."*

It was therefore very clear that violation of the set rules and regulations was the norm despite attempts by the NTSA to ensure total compliance.

### Procedures of Dealing with PSVs who Violate Rules and Regulations

The respondents were asked how they dealt with PSV operators who violated the rules and regulations. Their responses indicated that there were cases of prosecution in court for those found violating traffic rules and regulations. However, there were also internal mechanisms like suspending of licences until there was compliance by the PSVs operators. Instant fines which would act as a deterrent measure to other road users were also used to ensure compliance. Furthermore, some of the offenders were charged in accordance with the traffic Act. Reprimand/warnings and suspensions from operations for a specified period were also used as a deterrent (Table 2). A male traffic officer had this to say:

*“those PSVs who violate rules/regulations are suspended from operations, warned, charged by way of being issued with a notice to attend court at an appropriate time and place and in other cases Kangaroo courts are applied where money change hands leading to corruption.”*

The views of the traffic officer above indicates that corruption amongst key players in enforcement was the reason for the mess in the CBD. Thus, from the findings of this study it was evident that whereas there were several measures undertaken to streamline the PSV industry in the Nairobi CBD, these procedures were not working effectively mainly due to corruption among other factors.

**Table 2. Procedure of dealing with PSV operators who violate rules**

Methods of Dealing with Operators who Violate Rules	Frequency
Prosecution	30
Suspension of licenses	15
Instant fines	14
Charged before court of law	10
Reprimanding/warnings	8
Suspension from operation	5

### Most Appropriate Methods Preferred to Ensure Compliance

The researchers further engaged the respondents to state in their own opinion which methods they preferred as the most appropriate way of ensuring compliance. Their responses as shown in Table 3 indicated that the preferred methods used included enhanced legislation and penalties by court of law, road safety and sensitization. Suspension was most preferred because it affected all the players in the sector from the owners, staff, PSV Saccos, and general public and was therefore likely to be the most effective in ensuring compliance with the traffic rules and regulations.

Interviews with key informants indicated what they thought was required in order to improve the operations of PSVs: One of the key informants reported:

*“PSVs are supposed to belong to self-regulatory Sacco; therefore a particular Sacco is allocated a picking and dropping bay and route within the CBD”*

Another key informant indicated:

*“Creating awareness to the operators would improve the sector. Furthermore detecting and arresting those who violate Traffic rules/regulations and in addition working together with the management of various Saccos would get rid of errant drivers and cartels.” Furthermore, public education and sensitization should be emphasized especially to end corruption which is a societal evil. If we do this we are going to see a streamlined operation of PSVs in the CBD.”*

**Table 3: Most Preferred Methods of Compliance N=48**

Preferred Method of Ensuring Compliance	Frequency	Percentage
Enhanced Legislation	8	16.7
Penalties/fines	9	18.8
Road safety and compliance education	10	20.8
Suspension	11	22.9
Sensitization	10	20.8
<b>Total</b>	<b>48</b>	<b>100.0</b>

### Stakeholders Participation in Policy Formulation to Address the Problems Caused by PSVs

The second objective of this study was to establish whether stakeholder's participated in policy formulation to address the problems caused by PSV industry in Nairobi CBD. Thus, the study identified the main stakeholders in the PSVs and some of the policies, rules and regulations that were formulated by NTSA to guide PSVs in Nairobi CBD.

#### Main Stakeholders in PSV Industry.

The respondents were asked to tell who the main stakeholders in PSV industry were, and they cited the Ministry of Transport, National Transport and Safety Authority, the Nairobi County Government, Commuters, Traffic Department, Companies, Individuals, PSVs and Saccos, Matatu Welfare Association, Matatu Owners Association. Non-governmental Organisations, Motor Vehicle Dealers, National Road Safety Trust, Drivers, Conductors, Insurance Companies, Matatu touts and members of the public.

#### Policies formulated by NTSA to Guide PSVs

In regards to the policies formulated by NTSA to guide PSVs, respondents indicated that it was a requirement that all PSVs belong to Saccos which must keep records of owners and crew hence PSVs must operate within specified routes. When travelling outside such routes, a special permit was required to authenticate the operations. There was also a requirement for registration of Saccos and companies across the country. The owners of PSVs were expected to register them with Saccos for ease of management. Regulation legal notice no. 23 and legal notice 21 were formulated to regulate the PSV industry. Other policies included instant fines, speed governors, legal notice 217, NTSA operation of tourist service, licensing of drivers, regulating public service vehicles, formulating and reviewing the curriculum for driving schools. A male key informant from Matatu Welfare Association had this to say:

*"There is licensing of PSVs routes and in addition PSVs operators should work with the Nairobi County Government to relocate PSVs pick points outside in order to decongest the CBD".*

The views above were supported by a traffic police officer who explained that:

*"picking and dropping areas have been identified like Kencom, GPO, Bus station, Old Nation, Ambassador and Railways. Furthermore, the traffic Act, County Government by-laws and the NTSA Act have formulated rules and regulations which are used within the CBD. In addition other policies include the Traffic Amendment Act LN No.38-Driving on pavements and demerit points. Traffic amendments act 2012 LN No. 37-Traffic signs, Touting, Reflective Jackets and Helmets."*

Thus it was clear that a number of measures were put in place to ensure a functional PSV industry in Nairobi CBD. The challenge remained the implementation of the set rules and regulations.

#### Incorporation of Stakeholders in Policy Formulation by NTSA to Address PSV Problems.

Respondents we asked to state whether NTSA incorporated other stakeholders in formulation of policies to address PSV problems. The responses were that majority comprising 73% of the respondents said that stakeholders were incorporated while only 27% said that stakeholders were not incorporated. Respondents were further asked to state those stakeholders that were incorporated in policy formulation. The stakeholders that participated in policy formulation included the county government, the police, state law office, insurance fraternity, members of Public who were represented by the commuters, Matatu owners association, Matatu welfare association and the ministry of transport.

The researchers wanted to establish from the respondents how choice of participants who participated in policy formulation was done. The finding was that they were represented by leaders of the various organizations that were involved in the PSVs. They included officials of Matatu Owners Association, Matatu Welfare Association, Ministry of transport, and the Insurance fraternity. Thus the study found that there were attempts to engage various stakeholders in the operations of PSVs in Nairobi CBD. However the rules of engagement were not clearly spelt out.

**Table 4: Stakeholders Participation in Policy Formulation**

Stakeholders who Participated in policy Formulation	Frequency
County Government	15
Police	8
State law office	5
Insurance fraternity	6
Commuters	18
Matatu Welfare Association	6
Matatu Owners Association	5
Ministry of Transport	4

### Conclusion and Recommendations

This study concludes that NTSA used different methods to influence operations of PSVs in the Nairobi CBD. Such methods were regulated through established procedures to effectively solve the problems caused by the PSVs within CBD. Furthermore, stakeholders were to an extent incorporated in policy formulation to address the problems caused by PSV industry within the CBD. This study further established that during the consultative forums, views and interests of most of the participants were taken into consideration.

This study make the following recommendations:

1. The regulator should make the routes in the CBD circular in order to facilitate movement of PSVs inside and outside the CBD. The new circular routes should run from Eastlands, Southlands, Westlands and Thika Road to areas such as Kenyatta National Hospital and Karen without entry into the CBD. This will effectively address the problems caused by traffic jams.
2. There should be a replacement of the fourteen seater Matatu with double decker's which will see fewer PSVs within the CBD.
3. The regulator should put more emphasis on the training of drivers to create a culture of civility amongst PSV operators.
4. All the key stakeholders should be incorporated in policy formulation to effectively address the problem of PSVs in the CBD.

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