

A REPORT OF THE NEEDS ASSESSMENT STUDY FOR PARATRANSIT PUBLIC SERVICE VEHICLE OPERATORS IN NAIROBI

Executive Summary

Paratransit operators famously known as MATATU provide crucial public transport services to a majority of city dwellers. Statistics indicate that more than 60% of city dwellers depend on MATATUS for their transportation needs. The sector has undergone various milestones over the years in terms of regulations and investments, however much more needs to be done to achieve a socially just public transport. Previously the sector was unregulated and attracted many players, became a breeding ground for criminal gangs and caused untold suffering to passengers and other road users through reckless driving and traffic accidents.

The enactment of the National Transport and Safety Act in 2013 gave rise to the formation of Savings and Credit Saccos and private companies for purposes of regulating their operations. The Cabinet Secretary for Transport via a gazette notice issued the National Transport and Safety Authority Public Service Vehicles Operator Regulations 2014 that required that any person operating a public service vehicle to be a member of a savings and credit society or private limited company.

As of today, there are over 800 registered saccos and companies operating public service vehicles countrywide. A majority of the registered saccos/companies operate in the capital city of Nairobi or begin and terminate their journeys in the central business district of Nairobi. The enactment of the Act and PSV Regulations was billed as the ultimate cure for the chaos-ridden sector. The Act was founded on the ideal situation of self-regulation. However, nearly ten years after its enactment, the sector is faced with more challenges that require urgent attention.

This Needs Assessment Study was commissioned by the Friedrich Ebert Stiftung Foundation to assess the needs that require the most urgent attention. The key objectives of the study was to provide a detailed overview of the current needs and gaps within the paratransit sub-sector in Nairobi; understand the severity of the needs and existing gaps in training, road safety compliance levels, legal compliance levels, ease of doing business, access to credit, access to information and professional advice, and the level of satisfaction among passengers and crew; and to provide information on how the existing needs and gaps affect different demographics in the study population. Finally, the study will provide recommendations that can be incorporated in the Socially Just Public Transport Working Group approach.

The study was undertaken by the National Public Transport Alliance, a non-profit membership organization working the public transport sector. The study involved Focus Group discussion of select PSV Sacco leaders from the nine different corridors in Nairobi; Focus Group discussions by route managers, drivers and conductors at select termini of Bus Station, Khoja, Latema Road and Commercial bus termini; filing of questionnaires by participants in the group discussions; and an online survey sent to identified persons who are either sacco officials, directors of PSV companies, or professionals working in the sector among others.

The focus group discussions and the surveys brought to fore the many needs and gaps that exist in the sector. The investors and operators feel they are a neglected lot without any form of government support and they have been left at the mercy of the police, county government askaris and criminal gangs. Operating in a tough environment, they are expected to provide

quality service and comply with all existing laws and regulations. Several needs were highlighted including continuous training and capacity building; revision of the current PSV regulations; harmonization of different county laws on public transport; investment in good infrastructure for public transport; fair administration and enforcement of regulations; and a strong and vocal voice for the sector.

Overview of the Activities of the Needs Assessment

The Needs Assessment was undertaken between the 30th March 2022 and 5th April 2022. The assessment involved PSV Sacco/Company Officials Focus Group; PSV Workers Focus Group; Survey Questionnaire and Interviews; and Survey Analysis and Final Report.

a) PSV Sacco/Company Officials Focus Group

We convened a meeting of select PSV Sacco/ Company officials on 1st April 2022 at KTDA PLAZA 7th Floor. The meeting was attended by thirteen officials representing various PSV Saccos/Companies from the nine corridors within Nairobi. The corridors are Waiyaki Way; Limuru Road; Kiambu Road; Thika Road; Juja Road; Jogoo Road; Mombasa Road; Langata Road; and Ngong Road.

The officials focus group debated the current needs and existing gaps in the para transit sector and made the following observations;

- i) There is lack of continuous training and capacity building – most sacco/company officials lack an understanding of the existing PSV regulations and Traffic laws. The Saccos/Companies do the bear minimum to acquire the Road Service License. Furthermore, majority of drivers and conductors learn their skills on the job and they lack basic training on customer care, laws, rules and regulations governing the sector.
- ii) There is skewed and unfair enforcement of PSV regulations – government agencies charged with the mandate to regulate the sector have failed to fairly enforce the law on PSV and the attending regulations. The result is a culture of extortion and bribery that benefits corrupt government officials at the expense of the public that depend on para transit for their transportation needs.
- iii) There is lack of good infrastructure to support the sector – the various termini that exist within the CBD are in a deplorable state lacking basic amenities. Due to the high number of public service vehicles, majority of the para transit operators have resorted to using every available space in downtown as picking and dropping areas. This has resulted in congestion of the central business district and left pedestrians and hawkers fighting for the remaining spaces. The County Government of Nairobi through the Nairobi Metropolitan Service embarked on the construction of various termini across the city with an objective of relocating the operators from the central business district. Majority of the operators are opposed to the relocation citing lack of consultations, limited space at the proposed termini, and poor design and construction work. They noted that the relocation is discriminating against para transit while allowing all other motorist unfettered access to the central business district. Government agencies charged with design and construction of roads should design and construct safe roads and incorporate public transport amenities.
- iv) The existing legal framework that governs the sector needs to be reviewed and harmonized especially on the formation of PSV Saccos/Companies and their

management. The operators decried the manner in which the current regulations were enacted which have hindered the growth of the sector from a chaotic one to a more organized one. They also faulted County governments of passing laws that are punitive to the sector and called for harmonized County Government laws on transport. They also decried punitive traffic fines and a tedious judicial process that makes it easy for the operators to opt for bribes to get away with traffic offences.

- v) High cost of credit – the operators decried the high cost of credit making it hard for them to service their loans and invest in big, clean and safe buses. Whereas there is government support for other sectors by way of cheap loans, the sector has been left to the whims of commercial banks. Without having a financing model that encourages investment in the sector, the sector will continue to suffer and lag behind.
- vi) Government support for the sector is non-existent – the lack of government subsidies and tax breaks for the sector has led to high cost of doing business. The cited the cost of spare parts and fuel.

b) PSV Workers Focus Groups

The PSV Workers Focus Groups brought together PSV Sacco/Company managers, route managers, drivers and conductors at Bus station, Commercial, Latema road and Khoja stages. The discussions were mainly focused on the most critical needs. The following were some of their concerns:

- i) Lack of professional development through training – they were concerned that there has been no deliberate effort by the government or any organization to improve their skills, competencies and training to help them provide quality service to the public.
- ii) Lack of social protection by way of deductions to NHIF, NSSF, and WIBA cover – PSV Saccos and companies have deliberately failed to comply with PSV regulations on social protection in the sector. Whereas, Sacco/company managers and route managers or supervisors are catered for due to their permanent employment, majority of drivers and conductors are not under any social protection program due to the nature of their employment as casual laborers paid a daily wage.
- iii) Lack of a strong PSV workers union to champion issues – whereas the sector has several organizations registered as trade union for the sector, many workers are yet to hear about them or feel their impact.
- iv) Police harassment and intimidation – they decried police harassment and intimidation through extortion and bribery where if they don't part with a bribe, they are charged with several offences, most of which are trumped up charges. When they are arraigned in court, the cash bail or fines are very punitive.
- v) Punitive fines and odious court processes for traffic offenses – the courts were accused of imposing high cash bails and fines that make them prefer to part with a bribe. Coupled with a high cost of legal services, majority who are arraigned in court are unrepresented.
- vi) Women working in the sector were concerned by unabated sexual harassment and lack of equal opportunities. The sector does not support employment of women due its chaotic nature. The women were optimistic that if the sector could be professionalized then, it will attract more women.

c) Survey Questionnaire

The participants in the focus groups were taken through a questionnaire containing forty questions. The questionnaire was also given to other people outside the focus groups who are well conversant with the sector. The questionnaire was in both print and digital versions to cater for everyone.

The questionnaire was divided into two parts. The first part had closed ended questions requiring the participant to respond on how important is a particular issue being asked and how satisfied they were on how the issue had been dealt within the sector. The second part contained 5 open ended questions requiring the participant to write down their answers. A total of 102 persons participated in the survey. Below is a summary of the responses.

NO	SURVEY QUESTION	HOW IMPORTANT (%)	HOW SATISFIED (%)
1.	Understanding the NTSA Regulations	79.1	2.3
2.	NTSA enforcement of PSV regulations	90.7	11.6
3.	NTSA engagement with the sector through dialogue and partnerships	88.4	14
4.	Understanding the Traffic Act	93	9.3
5.	Understanding the different Traffic offences	44.2	39.5
6.	The role of Traffic Police	44.2	32.6
7.	Understanding the Court Process for Traffic offenses	97.7	2.3
8.	Coordination between different government agencies working in the PSV sub sector	88.4	9.3
9.	Having in place a Code of Conduct for Management PSV Saccos/Companies	88.4	7
10.	Strict enforcement of the Code of Conduct for PSV Saccos/Companies by NTSA	83.7	7
11.	Having in place a Road Safety Code for PSV Saccos/Companies	90.7	4.7
12.	Membership in a PSV Sacco/Company	83.7	2.3
13.	Professional Management /of PSV Saccos/Companies	86	14
14.	Training and re-training of PSV Sacco/ Company officials and Management staff	100	2.3
15.	Permanent employment of drivers and conductors	88.4	4.7
16.	Social Protection for drivers and conductors and other employees in the sector	88.4	4.7
17.	Training and re-training of drivers and conductors	95.3	2.3

18.	Professional registration/Licensing of PSV drivers	95.3	9.3
19.	A comprehensive PSV Driver Training Curriculum	88.4	2.3
20.	A professional PSV driver/conductor training Institute	93	0
21.	A professional Code of Conduct for PSV drivers and conductors	90.7	0
22.	Access to professional advice	88.4	2.3
23.	Access to Insurance Services	81.4	2.3
24.	Access to accurate Information via a trusted Media outlet	86	23.3
25.	Drivers and conductors Personal Accident cover/WIBA	88.4	0
26.	Understanding insurance Claim process and Compensation	83.7	4.7
27.	Government incentives/tax breaks and support	86	4.7
28.	Infrastructure- stages/termini, dedicated lanes/safer road network	93	2.3
29.	Safety standards for Public Service Vehicle Manufacturers	88.4	2.3
30.	Access to quick Dispute Resolution Mechanisms, Processes, and Agencies	86	2.3
31.	Access to affordable credit and financial services	90.7	2.3
32.	Access to easy banking services,	90.7	2.3
33.	Access to affordable legal advice and representation	95.3	2.3
34.	Cashless payments system	30.2	30.2
35.	Other ICT innovations to improve efficiency in service delivery	69.8	7

The survey questionnaire also sought get the views of the respondents on the most critical needs in the sector in their own views. The following were the most written responses to the five questions.

- i) On the most critical need in the sector at the moment, training and capacity building for the workers and investors on various aspects of public transport including customer care, PSV Regulations and laws, and financial literacy were the most cited.
- ii) On government support the participants urged the government to provide subsidies, tax breaks, good public transport infrastructure and to have robust engagement with the sector as well as listen to sound advise.

- iii) On the role of non-governmental organizations in supporting the sector the participants urged the organizations to assist in training and capacity building, public awareness campaigns on road safety and help in championing the interests of the sector to the authorities.
- iv) On matters road safety, the participants cited the employment and training of drivers. They cited the working conditions which lead to fatigue as a major cause of accidents. Furthermore, the design and construction of roads by engineers to have due regard to road safety and build roads that can minimize the number of accidents.
- v) Finally, the participants were concerned that the sector lacks a strong voice to champion their interests.

Study Analysis on the impact of the needs to different groups

The Needs Assessment Study revealed critical needs in the sector. The needs continue to impact negatively on the workers, investors and ultimately the passengers that rely on the sector for their transportation needs. The following are some of the impacts that were highlighted by the study.

- i) The skills, knowledge and competencies of the workers and investors are not able to meet the current needs of the sector. Lack of good customer care skills, and understanding of the PSV regulations and laws continue to impact negatively on the services rendered to passengers. Furthermore, the workers continue to suffer for lack of better employment terms, social protection and a good working environment that is perpetuated by their employer's disregard of the regulations and the law. Persons with disability are the most disadvantaged while using public transport under the existing circumstance. They are left stranded on stages and termini for long hours and only a few drivers and conductors are selfless enough to help them board the vehicles.
- ii) Institutions charged with regulating the sector have willfully chosen to give a blind eye to the needs of the sector. They enforce the regulations sparingly targeting minimum compliance at the expense of full and wholesome compliance. Operators continue to get away with non-compliance due to the culture of corruption and bribery. They bribe their way to have their unroadworthy motor vehicles inspected and allowed to operate. The skewed enforcement of the regulations has resulted to harassment of workers in the sector by police and county askaris.
- iii) There has been a deliberate failure to put in place and implement professional codes of conduct to govern the conduct of persons working in the sector. As a result, more women passengers and workers are being sexually harassed besides facing other forms of gender-based discrimination. Furthermore, passengers continue to suffer in the hands of rogue drivers and conductors due to reckless driving, abusive language and refusal to refund fare balances while on transit.
- iv) The sector has continued to suffer loss of lives due to failure to adhere to simple road safety guidelines. Passengers continue to bear the brunt of serious injuries sustained in accidents caused by reckless drivers. Over the past year, young people known to hang at the entrances of public service vehicles famously known as

NGANYAS while being driven at high speeds have lost lives when the vehicles roll. We can no longer afford to entrust the safety of passengers in the hands of unskilled, untrained and reckless drivers.

Study Recommendations

A Socially Just Public Transport is founded on the five pillars of Availability; Safe and Affordable Access; Inclusion; Human Rights and Equity; and Sustainability. The current state of public transport in Nairobi as described above falls short of the above-mentioned pillars. To achieve some semblance of a socially just public transport the study recommends the following:

- i) Create awareness in the sector targeting investors, workers, and users on the principles of a socially just public transport. An informed and sensitized public will begin to demand a socially just public transport that will push the government to act.
- ii) Continuous Training and Capacity Building for the workers in the sector on the principles of a socially just public transport while incorporating other aspects including customer care, legal awareness and financial literacy.
- iii) Review and revise the existing legal framework governing the sector to incorporate the principles of a socially just public transport. Work with the county government of Nairobi to review and revise the current legislation on transport with a view of incorporating the principles of a social just public transport.
- iv) Help in setting up a Socially Just Public Transport Fund – to support investors and initiatives in the sector that adopt the principles of a socially just public transport.