

WEST RAND LEARNER TRANSPORT BY-LAWS

PRE-AMBLE

BY-LAWS TO PROVIDE FOR THE REGULATION OF LEARNER TRANSPORT IN THE MUNICIPAL AREA OF THE WEST RAND DISTRICT MUNICIPALITY

In terms of Section 80A of the National Road Traffic Act, 1996 (Act 93 of 1996), it is stipulated that any local authority may make by-laws not inconsistent with the provisions of the aforementioned Act or the laws of the province to provide for the regulation of passenger-carrying motor vehicles. This Act must also be read in conjunction with Section 22 of the Gauteng Public Passenger Road Transport Act, Act 7 of 20011.

The aforementioned legislation authorizes a local municipality to make by-laws to provide for the following:

- (a) the safety of traffic on any public road, the duty of any user of such road and the use of any such road by any vehicle;
- (d) the driver or conductor of, or other person providing a service involving, a vehicle plying for hire or a vehicle which transports or conveys passengers for a tariff;
- (g) the place where and time when a vehicle may not turn so as to face in the opposite direction to that in which it was proceeding or where it may only so turn under specified conditions;
- (h) the loading and off-loading of any vehicle on a public road;
- (l) the use of any public road by traffic in general;
- (n) any form or token which a local authority may deem expedient for the purposes of any by-law, and the nature and extent of any information to be furnished for the purpose of any such form.

The South African Schools Act, 1996 (Act No 84 of 1996) SASA as amended ensures that all learners have the right of access to quality education without discrimination, and makes schooling compulsory for children aged 7 to 14.

Seen in the light of the aforementioned and combined with Sections 88 of the National Road Traffic Act, Act 93 of 1996 as amended, the West Rand District Municipality (WRDM) has formulated the following by-laws to be promulgated in terms of Section 12 & 13 of the Municipal Systems Act, Act 32 of 2000.

PART 1: DEFINITIONS

1. Definitions

For the purpose of these by – laws any word to which a meaning has been assigned in the Act, or the Road Traffic Regulations promulgated thereunder, shall have such meaning: Further, unless the context otherwise indicates-

“Adult Basic Education and Training” (ABET) means all learning and training programmed for adults as defined in terms of Section 1(ii) of the Adult Basic Education and Training Act 2000 (Act 52 of 2000).

“Adapted light delivery vehicle” (LDV) means a vehicle that has been designed or modified by a registered manufacture to carry persons in accordance with the National Road Traffic Act 1996 (Act 93 of 1996).

“authorized officer” means an inspector of licenses, examiner of vehicles, examiner for driver’s licenses, a traffic warden or traffic officer, and also any other person declared by the Minister by regulation to be an authorized officer.

“by-law” means a by-law contemplated in Sections 80A of the National Road Traffic Act 93 of 1996, and Section 11 read with Section 12 & 13 of the Municipal Systems Act 2000, Act 32 of 2000;

Bus means a motor vehicle designed, or adapted for the conveyance of more than 16 persons (including the driver, if any) as defined by the National Road traffic Act 1996 (Act 93 of 1996).

“Chief Licensing Officer” means the officer appointed as suby the Council as such to whom any function, power or duty has been delegated in terms of Section 59 of the Government Municipal Systems Act, 2000 (Act 32 of 2000)

“Chief Traffic Officer” means the officer appointed as head of the Council’s Traffic Services Division to whom any function, power or duty has been delegated in terms of Section 69 of the second Local Government Municipal Systems Act, 2000 (Act 32 of 2000).

“Contract” is an agreement between and an authority and operator regarding the delivery of a specified service at an agreed price.

“Council” means the municipality known as the West Rand District Municipality (WRDM) and/or its constituent local municipalities established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) read with Section 155 of the Constitution or its successor in title and any committee or person to which or to whom an instruction has been given or any power, function or duty has been delegated or sub delegated in terms of, or as contemplated in, Section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

“decal” means a colour – coded sticker or other means of identification issued by the Council to the holder of a learner transport operating license ; Decal to be used as identification token on vehicle and to be displayed as required. The afore-mentioned token not to be used as substitute for an operating license.

“demarcated stand or stop” means the stand or stopping place for a learner transport vehicle as agreed upon with the respective learning institution.

“driver” means the driver of a learner transport vehicle

“Education Transport Association” means West Rand Learner Transport Forum

“examiner of vehicles” means an examiner of vehicles registered and appointed in terms of chapter 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996).

Excursions, tours and outings mean any school activity conducted off the site of the school at which the learner is enrolled.

“facility” means ranks, stops, terminals, parking spaces and similar facilities provided for use of learner transport vehicles.

“framework” is an outline which provides the structure and form around which a plan or policy is constructed.

" **GED**” shall mean Gauteng Education Department;

“holding area” in relation to a learner transport vehicle, means a place other than a rank, where a leaner transport vehicle remains until space for it is available at a taxi rank and or other stopping place;

Inter-provincial excursion means an excursion that involves travel to another province in the Republic of South Africa.

Inter-district excursion means an excursion that involves travel to another education district within the province

“law enforcement officer” means an employee of the local municipality authorized to enforce the provisions of these by-laws and also a member of the South African Police Services.

“Learners” mean learners who are eligible for education transport

“Learner transport vehicle” means a passenger-carrying motor vehicle plying for and known as-

- (i) a minibus designed for the conveyance of not more than 16 people, including the driver; and
- (ii) a metered taxi designed for the conveyance of more than five people, (including the driver) and which is required to be fitted with a taximeter as contemplated in Part 5 of these by-laws;
- (iii) an unscheduled public passenger transport service operated on a specific route or routes, or where applicable, within a particular area, by means of a motorcar, minibus, midibus, bus or adapted light delivery vehicle.

“Letter of recommendation” means letters of recommendation from both the relevant learner transport association, the local municipality and the district municipality.

Local authority a transitional metropolitan substructure, transitional local council or local government body contemplated in section 1 (1) of the Local Government Transition Act, 1993 (Act 209 of 1993);

“Local Government Ordinance” means the Local Government Ordinance No 17 of 1939;

“Medical Officer of Health” means the Medical Officer appointed as such by the Council to whom any function, power or duty has been delegated in terms of Section 59 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) and or the Council’s Medical Officer of Health to whom any function, power or duty has been delegated in terms of Section 58(3) of the Local Government (Administration and Elections) Ordinance, 1960 and includes any officer under his or her control as contemplated in Section 58(4) of that Ordinance.

Midibus means a sub-category of a bus, designed or modified solely or principally for the conveyance of more than 16 and not more 35 persons (including the driver) as defined by the National Road traffic Act 1996 (Act 93 of 1996)

Minibus means a motor vehicle designed or adapted solely or principally for the conveyance of more than nine, but not more than 16 persons, including the driver; as defined by the National Road traffic Act 1996 (Act 93 of 1996)

“Learner transport type service” means an unscheduled public passenger road transport service operated on a specific route or routes, or where applicable, within a particular area, by means of a motor car, minibus, midi bus, bus or adapted light vehicle for the purpose of conveying learners to and from learning institutions.

“Minister” means the Minister of Transport;

“Municipality” includes all municipalities referred to in Section 155(6) of the Constitution, and in the case of a Category C municipalaity referred to in sectin 155 (1) © thereof also includes the Category B municipalities referred to in Section 155(1)(b) in its area.

“Non contracted service” is a public transport service other than one operated in terms of a commercial service contract, subsidized service contract, current tendered contract or concession agreement.

Non-subsidized group: To be defined as operators who are rendering a dedicated scholar transport service and who are not receiving subsidies

“owner” in relation to a motor vehicle registered in any area under the law governing the registration of motor vehicles in force in that area, means the person who for the purposes of that law is its owner.

“park” means to keep a motor vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include keeping a vehicle stationary owing to a cause beyond the control of the person in charge of such vehicle;

“passenger” means any person who pays for the service of being conveyed from one point to another, by bus, learner transport vehicle or taxi.

“passenger carrying motor vehicle” means a taxi used or designed to convey passengers for reward;

Persons with disabilities means all persons whose mobility is restricted by temporary or permanent physical or mental disability, and includes the very young, the blind or partially-sighted and the deaf or hard of hearing;

“prescribed” means determined by the Council by special resolution from time to time.

“Provincial Regulating Entity” (PRE) means the Gauteng Provincial Entity as provisioned by the establishment of Provincial Regulatory Entities according to Section 23 of NLTA No. 5 of 2009. As contemplated in the afore-mentioned legislation PRE monitors and oversee public transport in the Province and deals with applications concerning operating licenses (OLs) for intra-provincial services outside of areas of municipalities to which OLs function has been assigned to.

“province” means the Gauteng in terms of Section 103 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“public road” means any road, street or thoroughfare or any other place which is commonly used by the public or any Section thereof or to which the public or any Section thereof has a right of access and includes

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare; and
- (d) a bus or taxi facility.

“roadworthy certificate” means a certificate certifying the road worthiness of a vehicle in accordance with the requirements of the National Road Traffic Act, Act 93 of 1996 as amended

“Scheduled service” is a public transport service operated by a road by a car, minibus, midibus, bus or taxi on a particular route or routes in accordance with a timetable.

School bus means a mini-bus or bus, owned by or contracted to, or on behalf of, a school, and used principally for the conveyance of learners and other persons associated with such school.

“Special category of passengers” means scholars, persons with disabilities and those who are limited in their movements.

Subsidized group: means operators (bus transport) who are providing a dedicated scholar transport service and receive a subsidy from the Department of Roads and Transport. Scholars are picked up and dropped off at designated points.

“Subsidized service contract” means an agreement, other than an interim contract or a current tendered contract, concluded between a contracting authority and a public transport operator to operate a scheduled service provided for.

PART 2

PURPOSE

The objective of these by-laws is to provide guidelines on the planning, implementation, and monitoring of learner transport for the West Rand Region. It further aims that learners, schools, parents, communities, planners and law enforcement authorities are to be governed by a uniform set of regulations with the West Rand.

In short the by-laws will assist in –

- 2.1.1 Providing guidance with regard to the execution of actions and provide persons working in the industry with a framework as to the manner in which actions are to be executed;
- 2.1.2 Promoting efficiency within the organization(s) in that ideas do not continually have to be deliberated;
- 2.1.3 Ensuring consistency in the performance of activities especially in cases where operating units are geographically or strategically scattered;
- 2.1.4 Ensuring compliance with legal and other requirements of the industry and it also serves as a tool for quality improvement within the industry.

Education transport will be provided on the basis that education transport must be affordable, safe and secure – target group to be scholars, students (tertiary institutions) and Adult Basic Education Training Learners (ABETL).

PART 3

3.1 ROLES AND RESPONSIBILITIES OF THE LEARNER TRANSPORT FORUM

The roles and responsibilities of the Learner Transport Forum will in terms of these by-laws be to:

- Provide safe and reliable transport for learners within the West Rand;
- Reach and expand learner transport opportunities and services to previously disadvantaged areas within the West Rand;
- Seeks to regulate and discipline learner transport drivers in order to ensure that the code of conduct as contemplated within the provisions of these-by-laws are adhered to; and;
- Seek to enforce relationships with all stakeholders involved with the transporting and regulation of learner transport activities

3.2 SCOPE AND PURPOSE OF PROVIDING DEDICATED LEARNER TRANSPORT

3.2.1 Educational transport will be provided to the nearest school from the scholar's residence. All approved, prescribed and roadworthy vehicles will form part of education transport system” OR “the most appropriate vehicle type with a passenger seating capacity of 16 passenger and above, will be eligible to carry scholars/ learners for a reward” (viz)

- Minibuses
- Midi buses
- Standard buses
- Coach type buses
- Bus trains
- Modified LDV

3.2.2 The procurement of educational transport must take cognisance of empowerment opportunities. Educational transport must be affordable to all.

3.2.3 Educational transport shall be safe and secure in line with the safety standards as prescribed in the by the National Road traffic Act 1996 (Act 93 of 1996).

PART 4

OPERATING LICENSES

- 4.1 An educational transport operator rendering a road-based public transport service must have an operating license that allows him to operate the school service in addition to any other services for which he be licensed.
- 4.2 Provision should be made for educational transport operators to transport learners to other regions to attend official school related special events / functions.

PART 5

5.1 RENEWAL OF AN OPERATING LICENSE APPLICABLE TO LEARNER TRANSPORT VEHICLES

- 5.1.1 An operating license is valid for a period of five years from the date of issue.
- 5.1.2 An application for the renewal of an operating license must be made by the holder of such a license three (3) months prior to the expiration thereof.
- 5.1.3 After an applicant applying to renew a permit has submitted a duly completed application form to the TOLAB together with the documents referred to in Section 4(2) in respect of the motor vehicle, the operating license will be renewed on payment of the fee set out in Form 3 of these by-laws and subject to the good conduct of the applicant.

5.2 ISSUE, DISPLAY AND DUPLICATION OF DECALS

- 5.2.1 A decal shall be issued by the Department of Public Safety of the respective local municipalities, upon proof of submission of a certificate of road-worthiness by the applicant.
- 5.2.2 One or more additional decals may be issued to the operating license holder to identify additional taxi facilities allocated to that holder or alternatively particulars of the allocation may be added to the decal referred to in sub Section (5.2.1), either by being printed on the decal or through colour coding on the decal.
- 5.2.3 On obtaining a decal or decals in terms of sub Section (5.2.1) or (5.2.2), the operating licence holder must immediately:
- (a) where the learner transport vehicle concerned is fitted with a transparent windscreen, affix such decal in an upright position with the inscribed side facing to the front in a conspicuous place on the left hand front inside the windscreen in such a way that the particulars thereon are clearly legible to any person standing on the left front of such a vehicle:
 - (b) where the vehicle is not fitted with a transparent windscreen (e.g. tinted or smoked glass windscreen), display such decals in a watertight holder on a conspicuous place on the left hand front outside thereof in such a way that the particulars of such decal are clearly legible to a person standing on that side: provided that the decals are kept displayed at all relevant times as contemplated in this subSection.
- 5.2.4 No person shall operate a vehicle where a decal is in any way concealed or obscured or has become illegible, unless such concealment, obscurement or illegibility is temporary owing to a cause beyond the control of the driver of the vehicle.

- 5.2.5 Where a vehicle is being operated without a decal it shall be presumed that the operating license holder is not in possession of a valid operating license, until the operating license holder proves to an authorized officer that he or she does, in fact, have such an operating license and has applied for a duplicate decal.

PART 6

SERVICE DESIGN FOR CONTRACT SERVICES

6.1 Service design criteria:

- 6.1.1 Contract period for subsidized services is set at 5 years.
- 6.1.2 Only regulated operators with appropriate and road worthy vehicles should be contracted for scholar transport provision and in the event of subsidized scholar transport being provided, local bidders should be given first preference.

6.2 SERVICE TYPES

6.2.1 Dedicated Service

- **Subsidized group:** To be defined as operators (bus transport) who are providing a dedicated scholar transport service and receive a subsidy from the Department of Roads and Transport. Scholars are picked up and dropped off at designated points.
- **Non-subsidized group:** To be defined as operators who are rendering a dedicated scholar transport service and who are not receiving subsidies:
 - Class 1: These operators enter into contractual agreements with parents and are performing a door-to-door service. Charging fixed fees are payable on a monthly basis and this is done at the beginning of every new month.
 - Class 2: These operators have special arrangements with the scholars who organize themselves into groupings and are picked up and dropped off at certain points. Scholars pay fares on a per trip basis.
- **Non-dedicated service:** To be defined as a subsidized group where operators are providing general public transport services and transport scholars with special subsidized tickets.

PART 7

7.1 PAYMENT MECHANISM

Payment is done on the basis of total revenue kilometers travelled i.e. revenue kilometers are kilometers travelled on approved routes according to approved timetables while carrying passengers.

PART 8

LAW ENFORCEMENT

8.1 Documents to be produced on demand

8.1.1 All scholar transport drivers must be in possession of a Professional Driving Permit (PDP) as required by the current transport regulations.

8.1.2 The operating license holder in terms of these by-laws must:

- (a) maintain the operating license document in a good and legible condition; and
- (b) keep the operating license document in the motor vehicle to which it relates at all relevant times when the vehicle is being operated as a learner transport vehicle or bus.

8.1.3 A duly authorized officer may call on the driver of a learner transport vehicle, taxi or bus to stop and may demand that he or she:

- (a) produce the operating license required under the provisions of these by-laws; and
- (b) give his or her full name and address and also the name and address of the owner of the learner transport vehicle , taxi or bus.

8.1.4 A driver referred to in sub Section (8.1.3) is guilty of an offence if he or she:

- (a) fails or refuses to stop;
- (b) fails or refuses to give his or her full name and address;
- (c) fails or refuses to give the correct name and address of the owner of the vehicle in his or her charge;
- (d) gives a false name and/or address; or
- (e) fails or refuses to produce an operating license document.

8.2 Unauthorized handing over or abandonment of a learner transport vehicle

No driver of a learner transport vehicle or bus may abandon his or her vehicle or allow any other person to drive the learner transport vehicle or bus under his or her control without the consent of the operating license holder concerned.

8.3 Enforcement of right of entry

To enforce these by-laws, any authorized officer may, at any reasonable time and without prior notice, enter a taxi, bus and or learner transport parking facility to inspect the facility and make enquiries from a person connected with such facility.

8.4 Presumptions

8.4.1 Any motor vehicle which is found on a taxi facility or which has stopped at a taxi or bus facility is presumed to be plying for hire, unless the contrary is proved.

8.4.2 Any person who conveys passengers by means of a motor vehicle is presumed to be conveying the passengers for hire or reward, unless the contrary is proved.

8.5 Offences and penalties

Any person who contravenes or fails to comply with or who causes permits or suffers any other person to contravene or to fail to comply with the provisions of these by-laws, or any notice given in terms thereof, shall be guilty of an offence

In terms of these by-laws, a person is guilty of an offence as contemplated in sub section 8.5 if:

- (a) That person contravenes any provisions made within the National Land Transport Act 2009 (Act 5 of 2009) and or the National Road Traffic Act, Act 93 of 1996 as amended
- (b) The person operates a public transport service contrary to the terms and conditions of an operating license or permit ;
- (c) Being the holder of an operating license or permit or the agent or employee of such a holder, the person allows someone else to use that operating license or permit for a vehicle other than the vehicle specified therein ;
- (d) The person applies for or obtains an operating license has already been issued with regard to the same vehicle;
- (e) The person , with the intent to deceive, forges, alters, defaces, damages or adds to any operating license or permit other official document issued under this Act;
- (f) Knowing that a document is not an operating license or permit or such other official document or that it has been altered, defaces, damages or added to, utters or uses the document;
- (g) The person furnishes or gives false information in or with regard to any application made in connection with an operating license, or in the course of appearing in any proceedings, investigation or inquiry relating thereto:
- (h) The person impersonates an authorised officer
- (i) The person willfully obstructs or hinders an authorised officer who is discharging his or her duties;
- (j) The person refuses or fails to comply with the lawful order, direction or demand made by an authorised officer in the discharge or performance of any function or duty entrusted to the officer by or in terms of this Act;
- (k) If, where the person is conveyed as a passenger in the course of passenger in the course of public transport, he or she-
 - (i) Smokes or drinks liquor on while being transported within a learner transport vehicle;
 - (ii) Willfully acts in a manner that inconvenience a fellow learner / passenger;
 - (iii) Disobey a reasonable instruction issued by the driver or conductor for the purpose of maintaining order or ending a disturbance or controlling any emergency; or
 - (iv) Willfully performs any act in or on the vehicle that could cause injury to or endanger the life of any person or cause damage to any property;
- (l) If the person , being the holder of an operating license or permit relates, fails to comply with any duty or obligation imposed on such a holder or driver by or in terms of these by-laws;

Where a person is convicted of any one of the offences mentioned in-

- (a) Paragraphs (a), (b),(c), (d), (e) of sub Section 8.5, a term of imprisonment not exceeding two years, or a fine not exceeding R100 000, may be imposed as prescribed in Section 90 of the National Land Transport Act 2009 (Act 5 of 2009);
- (b) Any other paragraph Section 8.5 , a term of imprisonment not exceeding three months or a fine not exceeding R10 000 may be imposed.

A standard fine schedule, taking the provisions of paragraph 8.5 into consideration, should be developed in order to assist with the regulation of learner transport operations.

All local authorities located within the area of jurisdiction of the West Rand District Municipality as well as other relevant Law Enforcement Agencies, should apply this fine schedule once approved by the relevant authorities.

8.6 Suspension or withdrawal of an operating license

8.6.1 Where the owner, permit holder or person in charge of a learner vehicle has been found guilty of contravening these by-laws, and notwithstanding the imposition of any other penalty by a court of law, the procedures as contemplated in Section 79 of the National Land Transport Act 2009 (Act 5 of 2009) may be applicable.

8.7 Procedure for the proposed suspension or withdrawal of an operating license

8.7.1 A permit may not be suspended or withdrawn unless:

(a) The Road Transport Board has given the permit holder and any taxi association of which the permit holder is a member, at least 14 days written notice by certified mail of the Council's intention to suspend or withdraw the permit, and such a notice must give:

- (i) the reasons for the proposed action and an adequate statement of the nature of the intended action;
- (ii) the gist of the matter which may be prejudicial to the permit holder, together with an invitation to respond to the matter;
- (iii) an address for the submission of representation; and
- (iv) the date, time and place of a hearing, not less than 28 days from the date of the notice, to consider the withdrawal or suspension in question, and an indication that the permit holder may submit representations and appear at the hearing;

(b) The operating license / permit holder is given an opportunity to either personally or through his or her duly authorized representative, appear at a hearing before the Road Transport Board to make representations.

8.7.2 If a permit holder who has received a notice referred to in Section 8.7.1, wishes to appear and to oppose the proposed action, he or she must, within fourteen days of receipt of such notice submit representations in writing by hand or by certified post to the address indicated in the relevant notice.

8.7.3 After the hearing referred to in Section 8.7.1, the Road Transport Board must decide whether or not to withdraw or suspend the permit in question, and must furnish the permit holder with its written reasons therefore not later than fourteen days after the date of conclusion of the hearing.

8.7.4 A record of the proceedings at the hearing referred to in Section 8.7.1, must include:

- (a) the evidence given, if any;
- (b) any objection made to any evidence received or submitted;
- (c) the ruling given at the hearing.

8.7.5 For purposes of Section 51 and this Section "permit" shall include a "license" contemplated in Section 80 (75) of the Local Government Ordinance, 1939.

PART 9

IMPLEMENTATION REQUIREMENTS

9.1 Route Accessibility and Safety

The following aspects shall apply when determining routes and facilities:

- The distance between bus stops, taking into consideration exceptions for disabled children or hazardous

conditions. This distance will vary in rural and urban areas (between 2 - 5km).

- The safety of all involved should be considered when deciding where public transport stops are located, focusing particularly on the visibility of the vehicle and keeping the passengers off the road surface.
- The passengers waiting at the public transport stop should have unobstructed vision in both directions.
- The necessity for a school vehicle carrying passengers to traverse a grade-level railroad crossing and low-water bridges that are flooded should be eliminated. .
- The written route descriptions maintained by the supervising authorities should also be made available to the respective school principals.
- Routes should be planned so that a maximum number of scholars are picked up and dropped off at the assigned stops, considering what is safe and economically feasible as to time and expense.
- Routes should be planned in such a way as to eliminate the need for a vehicle to reverse. If the vehicle must reverse, a safe and adequate turning place must be available. Vehicles should never reverse in a heavily populated area.
- Vehicles should not be routed over private roads and should where possible operate only on public roadways. Routes should be planned so that no more scholars are picked up than there are seats on the vehicle.
- School vehicles should begin their routes at the most distant point from their assigned school, picking up scholars as the vehicle proceeds toward the school. When this is not possible, the least number of scholars should be carried away from the school. Scholars should not ride longer than necessary on school vehicles.
- A driver or contractor should not be allowed to make any changes in the established route without the approval of the Authorities.
- Arrival and departure times at the schools should be planned in such a way that they will minimize congestion and the creation of unsafe conditions.
- The crossing of scholars from one side of the road to the other side when alighting from a vehicle should be made as safe as possible. Directives for crossing the road could include the following:
 - Scholars shall cross from one side to the other side of a road to board a vehicle:
 - in urban areas, where safe and appropriate pedestrian crossings are available,
 - when the bus has come to a full stop,
 - all traffic has come to a full stop,
 - in rural areas where the road is definitely clear, and
 - where it is absolutely safe to cross.
- Applicable road signs must be used to indicate scholar pick-up points or stops.
- The provision of designated parking areas for learner transport operations at schools should be considered
- There should be design specifications for the pick-up and drop-off points that will ensure the safety of the vehicle as well learners being comuted.

PART 10

10. 1 VEHICLE SPECIFICATIONS

- 10.1.1 Vehicles used to transport learners must meet the requirements of the general regulations of the National Road Traffic Act (Act No. 93 of 1996) applicable to the transportation of passengers.
- 10.1.2 The following specifications shall also apply to vehicles used to transport learners:
- 1) The use of vehicles other than buses, minibuses and midi-buses should also be considered for the transportation of scholars. Although it is an offence according to the National Road Traffic Act to transport any person for hire and reward in a light delivery vehicle (LDV), in certain areas and under certain conditions the MEC should give permission to use LDVs suitably modified to SABS standards, as well as animal-drawn carts, such as donkey carts.
 - 2) An operating license may be granted by the PRE for an adapted light delivery vehicle to be used for learner transport only where –
 - a) The vehicle has been properly adapted and homologated in terms of the National Road Traffic Act 1996 (Act No. 93 of 1996) as amended and its regulations to carry not more than nine (9)

passengers including the driver, safely in compliance with the afore-mentioned Act and those regulations.

- b) Granting the license will not be contrary to any other provincial laws.
- 3) Vehicles should conform to the requirements of the MTCD as published by the Minister of Transport periodically in terms of the NLTTA.
- 4) A vehicle can be deleted be declare unfit for further service at any stage by an authorized of vehicles
- 5) Minibuses or midi-buses are accepted modes of transport for scholars provided that they do not carry commuters at the same time.
- 6) Buses and minibuses should be allocated to routes in such a way that all scholars and students are seated and loads do not exceed the manufacturer's rated capacity. When emergency situations lead to scholars standing, such conditions should be corrected within a reasonable time. No scholars should at any stage be permitted to stand in a minibus.
- 7) Buses and minibuses should display the speed limits applicable to the mode of transport for educational transport vehicles on the rear of the vehicle, Le. 100 km/h for mini-buses and midi-buses and 80 km/h for buses.
- 8) Flashing upper lights to show other drivers that the bus has stopped and is loading or unloading passengers will add to the creation of a safe environment for the passengers. It must be an indication for vehicles behind the bus to stop and wait for the scholars to disembark.
- 9) Sound devices indicating that a vehicle is reversing are already compulsory for vehicles transporting goods over 3,5 tons and should be fitted to vehicles transporting scholars as well.
- 10) The possibility should investigated that school vehicles throughout the West Rand be colour-coded to indicate that the vehicle is an educational transport vehicle with an operating licence.
- 11) All vehicles transporting school children will have to be marked and must carry first-aid kits as specified by the Department: Public Safety of the West Rand District Municipality.
- 12) All buses, midibuses, minibuses and LDVs utilised for the transporting of leaners must be permanently affixed with side and rear markings as contemplated within the provisions of Section 192, sub Section 2, (e,f,g & h) of the amendment of the National Road Traffic Act Regulations (Notice number 35413)

PART 11

11.1 CRITERIA FOR CERTIFICATION OF OPERATORS AND DRIVERS

- The operator shall have a minimum of five years driving experience, during which time a valid driving licence was held.
- Be in the possession of a professional driving permit as contemplated within the regulations of the National Land Transport Act, 2009 (Act 5 of 2009), notice number 32821
- The operator shall have successfully completed a basic first aid course

PART 12

CODE OF CONDUCT FOR DRIVERS AND LEANERS

- 12.1.1 A code of conduct for both drivers and leaners as under scribed by the Learner Transport Forum must be compiled under separate cover of these by-laws and be adhered to.
- 12.1.2 This code of conduct shall contain, but not be limited to, details of the expected behavior and measures for dealing with non-complying drivers and leaners, procedures for drivers and respons-es in the case of emergencies including accidents, theft, hijackings and when a scholar is seriously ill and or the use of excessive sound equipment within learner transport vehicles.
- 12.1.3 The code of conduct as contemplated in section 12.1.1 maybe revised by the Learner Transport Forum as and when required.

PART 13

INSTITUTIONAL ARRANGEMENTS

The Department: Public Safety (DPS) of the West Rand District Municipality shall be responsible to oversee and monitor the enforcement of the learner transport by-laws. All local authorities located within the area of jurisdiction of the West Rand District Municipality as well as other relevant Law Enforcement Agencies, shall implement these by-laws in coordination with the DPS.