

**NOTICE 181 OF 2011****DEPARTMENT OF TRANSPORT****NATIONAL LAND TRANSPORT ACT, 2009 (ACT No. 5 of 2009) REGULATIONS, 2011****PUBLICATION FOR COMMENTS: DRAFT REGULATIONS FOR MINIMUM REQUIREMENTS FOR THE PREPARATION OF PROVINCIAL LAND TRANSPORT FRAMEWORKS**

The Minister of Transport hereby in terms of section 35(1) of the National Land Transport Act, 2009 (Act No. 5 of 2009) intends to make the following regulations in the Schedule. Interested persons are invited to submit written comments on the draft Regulations on or before the 30<sup>th</sup> April 2011. Comments on these regulations should be posted to the Director – General Department of Transport for the attention of:

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**Schedule****MINIMUM REQUIREMENTS FOR THE PREPARATION OF PROVINCIAL LAND TRANSPORT FRAMEWORKS REGULATIONS, 2011****Arrangement of Regulations****1. Definition**

2. Purpose of these Regulations
3. Principles for preparing provincial land transport frameworks
4. Process for completion and approval by MEC
5. Minimum contents of provincial land transport frameworks
6. Repeal of Regulations
7. Short Title and Commencement

### **Definitions**

1. In these Regulations, unless the context indicates otherwise, a word or expression that is defined in the Act has the same meaning as in these Minimum Requirements, and—

**“Non Motorised Transport”** means all forms of movement that do not rely on engine or motor for mobility.

**“The Act”** means the National Land Transport Act 2009 (Act No.5 of 2009)

### **Purpose of these Regulations**

2. (1) The purpose of these regulations is to provide for a process for the preparation of Provincial Land Transport Frameworks (PLTF), and their minimum contents.  
  
(2) All Provincial Land Transport Frameworks prepared by the MECs in compliance with section 35 of the Act must as a minimum comply with these Requirements.  
  
(3) The purpose of a Provincial Land Transport Frameworks is—
  - (a) To give broad strategic direction to the development of transport in the province;
  - (b) To give an overview of the *status quo* of transport in the province from a provincial perspective;

- (c) To indicate land use development trends and the desirable spatial development of the province, and what transport measures and actions should be put in place to support the intended spatial development;
- (d) To give an overview of development initiatives of provincial significance in the province, including budgets and implementation programmes;
- (e) To report on the monitoring of transport in the province and identified trends;
- (f) To indicate and summarize actions taken in the province to co-ordinate and integrate transport planning and management initiatives by municipalities and other organs of state in the province responsible for transport matters; and
- (g) To indicate how the MEC has implemented the functions and responsibilities assigned to the province by the Act.

### **Principles for preparing provincial land transport frameworks**

3. (1) In preparing the Provincial Land Transport Frameworks, the MECs must have due regard to and apply any principles promulgated under section 8(1)(q) of the Act.
- (2) In addition to those principles, the following must also be applied:
- (a) In preparing the Provincial Land Transport Framework, the MEC must be guided by the National Land Transport Strategic Framework (NLTSF)
  - (b) Plans must pay due attention to the development of rural areas;
  - (c) Non-motorised forms of transport must be taken into account;
  - (d) Transport for special categories of passengers must receive special attention;
  - (e) The integrated transport planning process must be continuous, i.e. plans must be updated continuously;
  - (f) The Provincial Land Transport Frameworks must be synchronised with other planning initiatives and must indicate how it is integrated into the provincial transport and land use planning process;

- (g) In compliance with paragraph (f), specific reference must be made to the integrated development planning and land development objective processes insofar as they affect transport, the municipal budgeting process and the spatial planning processes;
- (h) In the case of any of the 12 cities identified in the *Public Transport Strategy and Action Plan, 2007*, specific reference must be made to their Integrated Rapid Public Transport Networks (IRPTN) and Bus Rapid Transit (BRT) systems, if any; and
- (i) Specific reference must be made to Integrated Public Transport Network (IPTN) that has been developed for rural areas.

#### **Process for preparation and approval by MEC**

- 4. (1) The Provincial Land Transport Framework must be prepared for a five-year period as required by section 35(1) of the Act.
- (2) The Provincial Land Transport Framework must also be updated every two years in compliance with section 35(9) of the Act.
- (3) In developing the Provincial Land Transport Framework, the MEC must consult with planning authorities in the province, the rail, bus, taxi and other industries providing public transport in the province, the Provincial Regulatory Entity, and other stakeholders.
- (4) The Head of the Provincial Department must liaise with the Department to ensure that the Provincial Land Transport Framework is prepared, approved by the MEC and submitted to the Minister by the date fixed by the Minister in terms of section 35(4) of the Act.
- (5) The Provincial Land Transport Framework when submitted to the Minister must be accompanied by copies of any agreements concluded between the province and other provinces regarding interprovincial transport.
- (6) As contemplated in section 35(11) of the Act, if the Minister is of the opinion that—
  - (a) the Provincial Land Transport Framework is in conflict with the National Land Transport Strategic Framework (NLTsf), national policy regarding interprovincial transport, cross-border transport or applicable legislation;

- (b) the Provincial Land Transport Framework is in conflict with procedures and financial issues that affect the national government;
- (c) the MEC did not follow the correct procedures or comply with these Requirements; or
- (d) the Provincial Land Transport Framework will adversely affect modes of transport under the control of the national government or national public entities,

the Minister may request the MEC to amend or supplement the plan, as the case may be, and the MEC must comply with such request within the time stipulated by the Minister in that request.

### **Minimum contents of provincial land transport frameworks**

5. Although the format may be different, the Provincial Land Transport Framework must at least contain the minimum information set out below:

#### **Executive Summary**

- (1). The Provincial Land Transport Framework must contain a concise executive summary that at least includes the following:

- (a) A brief background to and purpose of the Provincial Land Transport Framework;
- (b) The primary goals and objectives of the province on transport development and how they relate to other planning and policy initiatives in the province, as well as national requirements;
- (c) A brief summary of the *status quo* of transport in the province;
- (d) Spatial and transport trends and problems in the province;
- (e) Proposed interventions and projects, with implementation programmes and budget implications, indicating key focus or priority areas for interventions or application of funds; and
- (f) An indication of how transport is monitored in the province.

**Chapter 1: Process and consultation**

- (2) (a) This chapter must outline the process followed in preparing the Provincial Land Transport Framework including the consultation process, with reference to public meetings held, documents and drafts published for comment.
- (b) It must also indicate the status of the document, i.e. the dates on which it was approved by the MEC and Minister, or, as the case may be, when it will be submitted for such approval.

**Chapter 2: Transport vision, policy and objectives**

- (3) (a) This chapter must start with an interpretation of the National Land Transport Strategic Framework as it relates to the province, with reference to specific needs and challenges.
- (b) It must deal with provincial land transport policy published in terms of section 9(1) of the Act and attach that policy as an annexure or provide details of where it may be obtained. If such policy has not been published, but there is a provincial white paper or green paper, the white paper or green paper must be attached or details provided of where it can be obtained.
- (c) Where there is no published policy, white paper or green paper, this chapter must provide policy guidance for at least the promotion, management, regulation and control of public transport in the province.
- (d) It must highlight actual or potential areas of conflict between national and provincial land transport policy.
- (e) It must formulate specific objectives relating to the overall vision and key priorities of the province, which must be acceptable, measurable, understandable and achievable.

**Chapter 3: *Status quo* of transport in the province**

- (4) This chapter must at least contain the following:
- (a) Tables and maps showing–
- (i) Demographic features of industry and economic sectors, with demographic statistics per metropolitan and district municipal area;
  - (ii) National and provincial road networks showing the category and state of such networks;

- (iii) Strategic public transport networks, including rail networks;
  - (iv) Transport nodes of provincial significance;
  - (v) Freight transport routes including the routes for the transporting of dangerous goods contemplated in section 35(5) of the Act; and
  - (vi) Spatial development, economic development and housing development in the province, including development initiatives, master plans and development programmes.
- (b) A description of public transport operations in the province, including minibus taxi, metered taxi, bus and rail transport.
- (c) A description of intraprovincial and interprovincial long-distance services and interprovincial commuter services. There may also be a description of charter and staff services.
- (d) The status of Integrated Rapid Public Transport Networks (IRPTNs) and Bus Rapid Transit systems, if any, and of the Integrated Public Transport Networks (IPTNs) required by the Act, in the province.
- (e) A list of perceived problems and issues relevant to land transport in the province.
- (f) A description of the information systems being kept by the province as required by section 6 of the Act, how this information was used to compile the Provincial Land Transport Framework (PLTF) and the data collection processes being followed.

#### **Chapter 4: Integrated transport plans**

- (5) This chapter must at least contain the following:
- (a) A list of planning authorities in the province, with their classification and the types plans of to be prepared by them.
  - (b) A programme for the preparation of the Integrated Transport Plans and their co-ordination with the Provincial Land Transport Framework.
  - (c) A reference to the summary of Integrated Transport Plans required by section 35(7) of the Act which must be contained in an annexure. The summary should be brief and focus on aspects and projects of regional or provincial significance.

**Chapter 5: Integrated development framework**

- (6) This chapter must at least include the following, unless already provided under chapter 3:

(1) The approved spatial development strategy or plan for the province. This should include:

(a) An integrated map illustrating the frameworks for future development, with a short description of–

- (i) Spatial development;
- (ii) Economic development;
- (iii) Housing development, and
- (iv) Other development initiatives.

(b) This map should also give an indication of where the growth areas of the province are and where specific development initiatives are taking place that require improved transportation.

(c) Information on each spatial development initiative in the province, with its status and urban renewal and rural development nodes where applicable.

(d) A broad description of relevant social, demographic and environmental issues that affect transport.

(2) A statement of how the transport strategy will facilitate the achievement of the approved spatial development plan and economic development in the province, the integration of social, economic and human settlement development strategies as well as other relevant development initiatives or strategies.

(3) An indication of the strategic transport network of roads and railways and provincial public transport networks in relation to land use development and the built environment.

(4) A summary of strategies promoting land use and transport integration, in keeping with national policies.



## **Chapter 6: Public transport strategy**

(7) This chapter must at least include the following:

- (a) A description of strategic and high priority focus areas for public transport of provincial significance;
- (b) A summary of initiatives planned or taken by the province to promote public transport over private transport;
- (c) An identification of deficiencies in the public transport system and proposed or actual provincial measures to address them;
- (d) A list of planned initiatives or initiatives undertaken by the province to improve the transportation of persons with disabilities and other special categories of passengers;
- (e) A list of planned provincial initiatives or initiatives undertaken with regard to—
  - (i) Modal integration strategies;
  - (ii) The rationalisation of subsidised public transport;
  - (iii) The establishment of Integrated Transport Networks;
  - (iv) Engagement with municipalities where appropriate regarding the assignment of the operating licensing function to them;
  - (v) The status of dispensing and dealing with operating licences in the province;
  - (vi) Passenger rail services in the province;
  - (vii) Public transport security;
  - (viii) Corridor development strategies;
  - (xi) The status of financial and economic support to public transport where the management of contracts concluded under the Transition Act has not yet been assigned to municipalities;
  - (x) The use of adapted light delivery vehicles in public transport in the province, and
  - (ix) A rural transport strategy;

- (f) Details of agreements with other provinces regarding interprovincial transport, if any; and
- (g) A summary of public transport strategies of provincial significance taken from the municipal Integrated Transport Plans, focusing mainly on strategies, actions and projects.

#### **Chapter 7: Non-motorised and environmentally sustainable transport**

- (8) This chapter must include at least the following:

(a) An indication of how non-motorised transport is provided for in the general road plan of the province, indicating–

(i) The integration of Non Motorized Transport planning with land transport and land use planning;

(ii) The improvement and expansion of pedestrian sidewalks and dedicated public space to interlink public transport stations, ranks and other facilities in city areas along provincial roads;

(iii) The provision of dedicated Non Motorised Transport facilities and infrastructure along provincial roads (e.g. infrastructure for wheelchairs, pedestrian walkways, foot bridges, overhead bridges and interchanges); and

(iv) The promotion of the Shova Kalula National Bicycles, Walking and Animal Drawn Transportations strategies.

(b) A detailed strategy to promote and encourage the use of non-motorised transport in rural or in urban areas if so requested by the relevant planning authority, that must include–

(i) A Non Motorised Transport policy;

(ii) A scholar transport policy;

(iii) A cycling masterplan;

(iv) A walking masterplan; and

(v) An animal-drawn transportation plan if such transportation has significance in the province.

(c) An indication of measures to minimize the negative impact of transport on the environment, including, but not limited to, measures to limit fuel usage and

decrease carbon footprints in line with national and international commitments to decrease greenhouse gas emissions.

### **Chapter 8: Transport Infrastructure strategy**

- (9) This chapter must at least include the following:
- (a) A list of major planned provincial infrastructure and facility development initiatives, and transport priorities and projects regarding infrastructure, including roads, railway lines and major intermodal facilities.
  - (b) A summary of strategies of planning authorities and major initiatives of provincial significance regarding infrastructure, highlighting those taken from Integrated Transport plans where applicable.

### **Chapter 9: Transportation management strategy, including dangerous goods**

- (10) This chapter must deal with transport management aspects, and must including the following–
- (a) A freight transport strategy;
  - (b) Routes for the movement of dangerous goods and safety measures relating to such goods;
  - (c) Intelligent transport systems measures as applied on roads of provincial significance;
  - (d) Measures for dealing with accidents and emergencies (incident management); and
  - (e) A travel demand management strategy relevant to the provincial transport system.

### **Chapter 10: Tourism transport**

- (11) This chapter must contain a comprehensive strategy dealing with the transportation needs of tourists, as well as policies and standards for tourist transport services in the province.

**Chapter 11: Funding strategy and implementation programme**

- (12) All actions identified in the different transport strategies must be subject to a process of prioritisation and allocation of funds. This chapter must at least include–
- (a) A summary of prioritized provincial transport planning and implementation projects and the budgets for each.
  - (b) A summary of prioritized transport planning and implementation projects taken from integrated transport plans and the budgets for each, listing only projects of provincial significance or to which the province contributes financially.
  - (c) A financial programme showing expected sources of revenue and estimates of expenditure arising out of the preparation, implementation and operation of the different transport strategies over the five year period in which the plan is to be implemented. Budgets must be aligned with general government budget cycles such as Medium Term Expenditure Framework cycles and include funding sources and expenditure relating to–
    - (i) The preparation of the Provincial Land Transport Framework (PLTF) and integrated transport plans in the province;
    - (ii) Subsidies for road-based public transport that falls within the responsibility of the province and a summary of those shown in integrated transport plans;
    - (iii) Monitoring of public transport contracts;
    - (iv) Provincial roads and other infrastructure;
    - (v) Assistance to special categories of passengers;
    - (vi) Provision and maintenance of infrastructure and facilities; and
    - (vii) Institutional arrangements.
  - (d) Perceived gaps or shortfalls in those funding sources.
  - (e) A description and programme of provincially funded projects and all short and medium term strategies and action plans to implement the Provincial Land Transport Framework.

(f) A summary in tabular form indicating target dates, milestones and development periods.

(g) A summary of financial programmes in tabular form as indicated in the Schedule of these Regulations.

## **Chapter 12: Monitoring**

(13) This chapter must at least include the following:

- (a) A list of key performance indicators (KPIs) in line with national KPIs as outlined in the NLTSF;
- (b) A report on how and to what extent the KPIs set for the province in the National Land Transport Strategic Framework have been met; and
- (c) A report on how and to what extent the KPIs set in the previous year's Provincial Land Transport Frameworks have been met.

## **Chapter 13: Co-ordination structures and measures, liaison and conflict resolution**

(14) This chapter must contain at least the following:

- (a) Measures, where appropriate, to ensure proper co-ordination between adjacent municipalities regarding land transport;
- (b) Measures to assist municipalities that lack capacity to carry out their planning responsibilities;
- (c) Measures to ensure implementation of the provincial integrated development strategy, with due attention to rural areas, with the focus on less capacitated municipalities or those that do not fulfil their responsibilities in respect to transport delivery, either by direct implementation or assistance under paragraph (b) above;
- (d) Details of existing or contemplated liaison mechanisms and structures between authorities themselves and between authorities and the private sector with special reference to the establishment by planning authorities of

Intermodal Planning Committees as contemplated in Section 15, and Land Transport Advisory Boards as contemplated in Section 16, of the Act;

- (e) Liaison structures between the three spheres of government, including the Public Transport Integration Committee established in terms of the Division of Revenue Acts, 2009 and 2010, and a description of the activities of those structures and shortcomings or challenges; and
- (f) A summary of regulations made by the MEC in terms of section 10 of the Act.

## 6. Repeal of Regulations

Regulations published in terms of National Land Transport Transition Act, 2000 (Act No. 22 of 2000) in Government Gazette No. 23685 on the 24 July 2002 are repealed.

## 7. Short Title and Commencement

These Regulations shall be called minimum requirements for the preparation of Provincial Land Transport Framework Regulations, 2011 and shall come into operation on the date of publication in the Government Gazette.

### Schedule

Key strategy	Programme /project	Budget estimates	Source	Gaps/ shortfalls	Period	location	Responsibility