
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRANSPORT**NOTICE 2162 OF 2023****Western Cape
Government**

gWestern Cape Mobility Department

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Chairperson – Western Cape PRE

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WESTERN CAPE PROVINCIAL REGULATORY ENTITY**FINAL DRAFT OF MUNICIPAL OPERATING LICENCE CONDITIONS**

- 1 In terms of section 24(1) of the National Land Transport Act (Act no.5 of 2009) ("NLTA"), the Provincial Regulatory Entity ("PRE") must monitor and oversee public transport in the province and receive and decide on applications relating to operating licences for intra-provincial transport. In performing these quasi-judicial functions, the PRE exercises independent discretion.
- 2 In terms of section 57(5) of the National Land Transport Act (5 of 2009), the entity granting an operating licence may do so subject to any conditions determined by it that are not inconsistent with the Act, relevant provincial laws or transport plans and must do so where conditions have been stipulated by the planning authority based on the Integrated Transport Plan for the area.
- 3 The PRE has adopted an approach to periodically review its standard service conditions to respond to changes in legislation and operations. As part of this process, we have also engaged municipalities in the Western Cape with a view of determining standard municipal conditions that will be imposed on operating licences as dictated by transport plans. This does not preclude the municipality (planning Authority) from requesting the PRE to impose special conditions on a case-by-case basis to address unique dynamics on a particular route or area.
- 4 We have collated all inputs received from municipalities and categorised same to establish a common thread/commonalities. Please find below a list of the standard municipal conditions as determined/stipulated by municipalities in the Western Cape. We invite comments on the standard municipal conditions from persons interested or affected by it. The closing date for comments is **Friday 10 November 2023**. All comments will be duly considered by the PRE before final conditions are published.

A handwritten signature in black ink, appearing to read 'M Llewellyn Skriker'.

Best regards

MARK LLEWELLYN SKRIKER
CHAIRPERSON – WESTERN CAPE PRE
Date: 06 November 2023



DRAFT MINIMUM MUNICIPAL CONDITIONS

A. MUNICIPAL FOR YOUR INFORMATION PROVISIONS

1. Passengers may not be picked up or set down at stop streets, traffic intersections, freeways or on/off-ramps to major/national roads.
2. The holder of this operating licence must comply with all applicable municipal by-laws in respect of zoning and parking.
3. The public transport vehicle must be parked at the base address when not in service.
4. Should the address used as the base of any authority granted, change for whatever reason, then the authority of this operating licence must be amended with immediate effect to reflect the new address used as a base.
5. No illegal dumping/discharging of any chemical substances (including motor oils) in the storm water system inside any facility or the periphery thereof.
6. No loud music is played in any public transport vehicle or within the confines of any facility or on the periphery thereof.
7. The holder of the operating licence will strictly abide by any Water Demand management bylaw, which indicates that public transport vehicles should only be washed in authorized car wash facilities.
8. No public transport vehicle, or other, is maintained or repaired within the confines of any facility or on the periphery thereof.
9. Waiting or plying for hire in any private or public road (regardless of classification), dedicated public transport right of way or stop, private or public parking areas (demarcated or not), bus, metered taxi, disabled, aged, child or any other areas (demarcated or not); is strictly forbidden.
10. Please note that in terms of section 50(2) of the National Land Transport Act 5 of 2009, an operating licence may authorise the holder to provide more than one type of public transport service i.e. charter and staff service. Where this is the case, the authorities can be operated concurrently (meaning at the same time) but the passenger categories cannot be mixed. The trip must be exclusive to a particular passenger category.

B. MUNICIPAL OPERATING LICENCE CONDITIONS

Intra-municipal services

1. The holder of this operating licence and the employee(s) of the holder must adhere to the facility management and access control requirements at municipal-owned facilities.
2. The public transport vehicle specified in this operating licence may not be parked overnight at any municipal-owned public transport facilities.
3. Passengers may only embark and disembark at the designated loading lane or loading area at municipal or privately owned-land as specified by the municipality and in accordance with the authority conferred by the operating licence.
4. The vehicle specified in this operating licence may not obstruct any ingress or egress points at public transport municipal-owned facilities.
5. The entire route must be traversed. Operators may not turn around along the route or provide intermediate services.

Inter-municipal/inter-provincial services

6. In the instance of long distance services, no passengers must be picked up after the vehicle leaves the loading point (public transport facility at origin or destination point of the journey), unless other pick-up points are specified in the operating licence.
7. In the instance of a long distance service, the holder of the operating licence may not provide commuter / public transport services, including feeder and distribution services within the boundaries of a municipality (local routes). Passengers may also not embark or disembark in the same municipal area.
8. In the instance of long -distance services, the word "via" means that the public transport vehicle may pass through the specified town / area and does not allow the operator to load or set down passengers in the town / area, unless where the operating licence explicitly stipulates that passengers may be loaded in areas en route to the final destination.
9. Once the public transport vehicle specified in this operating licence leaves the authorised long- distance public transport facility, passengers may not be transferred to another vehicle unless where the specified public transport vehicle becomes defective and/or inoperative.

Scholar/learner

10. In the case of a scholar transport service, no municipal public facilities may be used to load passengers.

Staff Service

11. In the case of a staff transport service, no municipal public facilities may be used to load passengers.

Charter services

12. The holder of this operating licence must keep a detailed logbook showing the names and contact details of the client, time of departure, destination, trip purpose and arrival time. The logbook must be kept in the vehicle and presented to an authorised officer on demand/request.

Metered Taxi Service

13. . No ranking at municipal metered taxi ranks unless authorised by the operating licence.