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## City of Cape Town: Constitution of Transport for Cape Town Bylaw, 2013

WHEREAS section 156(2) of the Constitution provides that a Municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer;

WHEREAS the allocation of responsibility for land transport matters in the City has previously been shared between the City, the Province and the Department of Transport;

WHEREAS pursuant to section 11 of the NLTA, a Municipality may have certain functions assigned to it;

WHEREAS in order to carry out its transport functions (including any such functions that may be assigned to it) effectively, the City wishes to establish a new transport authority within the City as a governance structure by which all such transport functions shall be collated so as to facilitate integrated transport for the benefit of the citizens of and visitors to the City;

WHEREAS such new transport authority shall be TCT and its functions shall be as set out in this By-law;

WHEREAS in response to the requirements of the NLTA, the City is required to improve the provision of transport services and to set standards which will change the way in which transport infrastructure, services, operations and systems are implemented and managed;

WHEREAS the City may exercise its powers in terms of sections 12 and 19 respectively of the NLTA, the relevant provisions of the Roads Ordinance, the National Road Traffic Act and the Urban Transport Act, and any other relevant transport related legislation and regulation; and

WHEREAS TCT shall be the body through which the City's functions under the NLTA are discharged;

AND NOW THEREFORE, BE IT ENACTED by the Council of the City of Cape Town, as follows:

### GENERAL PROVISIONS

#### 1. Definitions

In this By-law, unless the context indicates otherwise:

**"City"** means the Municipality of the City of Cape Town;

**"City Manager"** means the person appointed as the municipal manager of the City in terms of section 54A of the Structures Act;

**"Commissioner"** means the person appointed by the Council to be the commissioner of TCT and whose appointment shall be made pursuant to section 57 of the Systems Act;

**"Committee"** means a section 79 Structures Act committee;

**"Constitution"** means the Constitution of the Republic of South Africa, 1996;

**"Contracting Authority"** means a Municipality to which the contracting authority function has been assigned in terms of the NLTA, and whose responsibilities are as set out in section 4 and which are to fall under TCT;

**"Council"** means the municipal council of the City as referred to in section 157 of the Constitution;

**"Director"** means any holder of the post of director (whether full or part time, temporary or permanent) in the City;

**"Executive Mayor"** means the executive mayor of the City elected in terms of section 55 of the Structures Act;

**"Financial Management"** means such responsibilities as set out in section 7 and which are to fall under TCT;

**"Financial Year"** means 1 July to 30 June (inclusive);

**"Function"** means any of the following functions to be performed through TCT (as the context may require):

- (a) Planning Authority;
- (b) Contracting Authority;
- (c) Municipal Regulatory Entity;
- (d) Performance Monitoring and Evaluation;
- (e) Financial Management;
- (f) Public Transport Law Enforcement;
- (g) Liaison, Communication and Stakeholder Management;
- (h) Infrastructure Management; and
- (i) Network Operations Management;

**"Functional Area"** means the area of the City together with the areas of such other Municipalities with whom the City has a transport planning relationship;

**"Infrastructure Management"** means such responsibilities as set out in section 10 and which are to fall under TCT;

**"Integrated Development Plan"** or "IDP" means the City's integrated development plan adopted in terms of chapter 5 of the Systems Act;

**"Integrated Public Transport Network"** or "IPTN" means the integrated public transport network (for both road and rail) for the City as referred to in the NLTA;

**"Integrated Transport Plan"** or "ITP" means an integrated transport plan for the City as contemplated in section 36 of the NLTA;

**"Intermodal Planning Committee"** means the intermodal planning committee established in terms of section 15 of the NLTA;

**"Land Transport Advisory Board"** means the land transport advisory board established in terms of section 16 of the NLTA;

**"Liaison, Communication and Stakeholder Management"** means such responsibilities as set out in section 9 and which are to fall under TCT;

**"Mayoral Committee"** means the mayoral committee of the City elected in terms of section 60 of the Structures Act;

**"MEC"** means the member of the Executive Council of the Province who is responsible for transport in the Province;

**"Minister"** means the minister responsible for transport in the national sphere of government;

**"MRE Committee"** means the Municipal Regulatory Entity committee referred to in section 5(4);

**"Municipal Entity"** means a municipal entity as defined in section 1 of the Systems Act;

**"Municipal Land Transport Fund"** means a fund established pursuant to section 27 of the NLTA and which is to fall under TCT;

**"Municipal Finance Management Act"** means the Local Government: Municipal Finance Management [Act, No 56 of 2003](#);

**"Municipality"** includes all types of municipalities contemplated in section 155 of the Constitution;

**"Municipal Regulatory Entity"** means a Municipality to which the operating licence function has been assigned in terms of the NLTA, and whose responsibilities are as set out in section 5 and which are to fall under TCT;

**"National Road Traffic Act"** means the National Road Traffic [Act, No 93 of 1996](#);

**"Network Operations Management"** means such responsibilities as set out in section 11 and which are to fall under TCT;

**"NLTA"** means the National Land Transport [Act, No 5 of 2009](#);

**"Non-Member"** means any operator operating in the City who is not a member of an Operator Association;

**"Operating Licence Administrative System"** or "OLAS" means the operating licence administrative system that is to be used to manage the function of the Municipal Regulatory Entity;

**"Operating Licence Strategy"** or "OLS" means the operating licence strategy set out in the ITP and which is to be used to manage the function of the Municipal Regulatory Entity;

**"Operator Association"** means any operator association in relation to any on demand public transport service operating in the City;

**"Performance Monitoring and Evaluation"** means such responsibilities as set out in section 6 and which are to fall under TCT;

**"Planning Authority"** means a planning authority (as defined in the NLTA), and whose responsibilities are as set out in section 3 and which are to fall under TCT;

**"PLTF"** means a provincial land transport framework contemplated in section 35 of the NLTA;

**"PRASA"** means the Passenger Rail Agency of South Africa established in terms of section 23 of the Legal Succession to the South African Transport Services [Act, No 9 of 1989](#);

**"Province"** means the Provincial Government of the Western Cape;

**"Public Transport Law Enforcement"** means such responsibilities as set out in section 8 and which are to fall under TCT;

**"Roads Ordinance"** means the Roads Ordinance, No 19 of 1976;

**"Structures Act"** means the Local Government: Municipal Structures [Act, No 117 of 1998](#);

**"Systems Act"** means the Local Government: Municipal Systems [Act, No 32 of 2000](#);

**"TCT"** means Transport for Cape Town, the City's transport authority;

**"TIC"** means the City's Transport Information Centre and which is to fall under TCT;

**"TMC"** means the City's Transport Management Centre and which is to fall under TCT; and

**"Urban Transport Act"** means the Urban Transport [Act, No 78 of 1977](#).

## 2. Establishment and functions of tct

- (1) Subject to subsection (2), the Council shall establish a transport authority, to be known as Transport for Cape Town, within the City as a governance structure by which all the Functions shall be collated so as to facilitate integrated transport for the benefit of the citizens of and visitors to the City.
- (2) TCT shall not be a separate juristic person and in particular shall not be a Municipal Entity and:
  - (a) TCT shall remain in all respects part of the City and the City's governance and reporting structure; and
  - (b) the Commissioner shall not acquire any functions or powers except those lawfully granted and delegate the Commissioner within the system of delegations, as amended from time to time.
- (3) The Commissioner shall be responsible and accountable for the performance of the Functions and in particular (but without limitation) shall set and manage the implementation of the strategy for delivering integrated transport for the benefit of the citizens of and visitors to the City.
- (4) Without prejudice to subsection (3), the Commissioner shall have such further functions as may be delegated to him or her by the Council from time to time:

- (a) in accordance with such guidance or directions as may be issued by the Council;
  - (b) for the purpose of facilitating the discharge by the City of the City's functions under the NLTA, the Urban Transport Act, the Roads Ordinance, the National Road Traffic Act and any other relevant transport related legislation and regulation; and
  - (c) for the purpose of securing or facilitating the implementation of the integrated transport strategy of the C
- (5) (a) TCT shall be headed by the Commissioner.
- (b) The Commissioner shall report directly to the City Manager in accordance with section 57 of the System Act.
  - (c) The Council may delegate to the Commissioner such powers in relation to the performance of the Functions of TCT to enable the Commissioner to be responsible and accountable for the Functions.
  - (d) Subject to the prior delegation of such authority by the City Manager, the Commissioner shall, subject to following due process, in his or her discretion, appoint such Directors as may be necessary to carry out the Functions.
  - (e) Subject to any express provision contained in this By-law, the Constitution, the NLTA, the Systems Act, the Structures Act, the Roads Ordinance, the National Road Traffic Act, the Urban Transport Act and any other transport related legislation and regulation, the Commissioner may delegate any of his or her functions in terms of this By-law to any one or more Directors.
  - (f) The exercise of any delegated authority conferred by the Commissioner under this By-law or otherwise is subject to:
    - (i) any restrictions imposed by or in accordance with law;
    - (ii) all other provisions of this By-law; and
    - (iii) all other applicable policies, procedures and operational by-laws.
  - (g) Any reference to any enactment, regulation or other similar instrument in this By-law shall be construed a reference to the enactment, regulation or instrument as amended, replaced, consolidated or re-enacted.
  - (h) To the extent permitted or required by law, the Commissioner shall, subject to the required authority being obtained, enter into such memoranda of agreement on behalf of the Council with any or all of the national or provincial spheres of government or other Municipalities in order to carry out the Functions performed through TCT.

#### SPECIFIC FUNCTIONS OF TCT

### 3. Planning authority

- (1) The Commissioner shall be responsible for implementing section 14 (Planning authorities), section 15 (Intermodal planning committees), section 16 (Land transport advisory boards), sections 31 to 39 (Transport planning) (inclusive) of the NLTA, together with all other sections of the NLTA relevant to the activities of a planning authority (as defined in the NLTA).
- (2) Without prejudice to subsection (1), the Commissioner shall develop, implement, manage and review the ITP for the City and (without limitation) shall ensure that such ITP:
  - (a) complies with all law, regulations and applicable guidance on the contents, manner and form of such ITP
  - (b) sets out the functional parameters for each Function and the obligations and standards that each Function is required to meet;
  - (c) requires each Function to report regularly to the Performance Monitoring and Evaluation Function on the progress and achievements against such obligations and standards referred to in subsection (2)(b);
  - (d) sets out how the Commissioner shall:

- (i) administer the awarding and management of contracts to be entered into by the City as the Contracting Authority, subject to the City's Supply Chain Management regulations and policies;
  - (ii) set out in the Operating Licence Strategy how it intends to regulate the operating licences to be granted by the City as the Municipal Regulatory Entity (and the Commissioner shall ensure that such Operating Licence Strategy complies with the Constitution, the NLTA, the Municipal Finance Management Act, the Systems Act and the IDP); and
  - (iii) develop and maintain the City's transport infrastructure and related facilities; and
- (e) is inclusive of the IPTN.
- (3) The standards that each Function is required to meet as referred to in subsection (2)(b) shall, on certain issues, including (without limitation) universal access, specialised services, freight and non-motorised transport, be drawn from the sector plans forming part of the ITP.
- (4) Without prejudice to subsections (1), (2) and (3), the Commissioner shall prepare an ITP for each five year period (the first of which shall be for the period 2013 to 2018) and shall ensure that each such ITP is aligned to the corresponding IDP for the City.
- (5) The Commissioner shall establish and maintain suitable means to ensure that the Planning AuthorityFunction interfaces with the Municipal Regulatory Entity in relation to all matters relating to the planning of the IPTN and to all relevant obligations under the NLTA, including section 57 of the NLTA in particular.
- (6) Without prejudice to subsection (5), the Commissioner shall provide comments and directions based on its ITP to all relevant Regulatory Entities in connection with any application for the granting, renewal, amendment or transfer of an operating licence that relates to the City and/or its Functional Area (other than a tourist transport service or charter service, and other than a contracted service contemplated in section 56 of the NLTA) pursuant to section 55 and other relevant provisions of the NLTA.
- (7) The Commissioner shall, on behalf of the City as the Planning Authority, respond to all land use applications in the City that have a potential transport and/or traffic impact and in particular the extent to which they are aligned with the ITP, taking into account their related traffic impact, travel demand management and cost, and having regard to the application of the development contribution policy.
- (8) The Commissioner shall be responsible for developing, implementing and managing the innovation strategy and for developing the associated requirements to keep TCT at the forefront of advanced integrated transport systems to achieve the citizen service goals that are fundamental to TCT's overall business plan, and for medium and long term strategic planning in all Functions.
- (9) Without prejudice to subsection (8), the Commissioner shall:
  - (a) be responsible for continuous progress towards the goal of integrated transport management to better serve the citizens of and visitors to the City; and
  - (b) regularly review innovations made by transport authorities in other jurisdictions to ensure the City's transport systems and services meet the highest standards currently available.
- (10) Without prejudice to subsection (1), the Commissioner shall provide such information, analysis and advice to the Intermodal Planning Committee and the Land Transport Advisory Board as shall be required from time to time.
- (11) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Planning AuthorityFunction to the Performance Monitoring and EvaluationFunction.

#### **4. Contracting authority**

- (1) The Commissioner shall be responsible for implementing section 40 (Integration of bus contract system into larger public transport system), section 41 (Negotiated contracts), section 42 (Subsidised service contracts), section 43 (Commercial service contracts), section 44 (Requirements to qualify as tenderer for commercial or subsidised service contracts), section 45 (Involvement of Municipalities in public transport services) and section 46 (Existing contracting arrangements) of the NLTA, together with all other sections of the NLTA

relevant to the activities of a Municipality as a contracting authority (as defined in the NLTA).

- (2) Without prejudice to subsection (1), the Commissioner shall:
- (a) by reference to the ITP (including the IPTN), establish the standards, operational parameters, service specifications (including provision for the repair, maintenance and replacement of transport assets being provided by or on behalf of public transport service providers), (subject to section 7(3)(c)) tariffs, payment regimes and the interface of the operators with the City's transport network for all contracts to be awarded and managed by the City as the Contracting Authority pursuant to the NLTA;
  - (b) prepare and maintain the contract documentation for all the contracts referred to in subsection (2)(a) and administer the process of appointing public transport service providers for such contracts, together with such support service providers, to provide (without limitation) monitoring, information management, facilities management, advertising and automated fare collection services as may be necessary or desirable;
  - (c) establish and maintain a system for monitoring the service delivery and performance standards which relate to the contracts referred to in subsection in (2)(a); and
  - (d) provide details to the Performance Monitoring and Evaluation Function of the performance of all public transport service providers under the contracts referred to in subsection (2)(a).
- (3) The Commissioner shall be responsible for monitoring:
- (a) the maintenance and safety standards of all scheduled public transport vehicles (whether or not such vehicles are owned by the City); and
  - (b) compliance by the operators of such scheduled public transport vehicles in relation to any qualifications, licences and certificates required for the drivers of such vehicles,
- in each case in accordance with all applicable law and any contracts awarded to such operators of such scheduled public transport vehicles by the Commissioner on behalf of the City.
- (4) The Commissioner shall ensure effective and efficient financial management and provide subsidy management support, including (without limitation) by:
- (a) processing contract claims;
  - (b) entering claims into the subsidy management system;
  - (c) completing financial documents for payments;
  - (d) communicating with operators regarding payment; and
  - (e) providing weekly and monthly expenditure reports.
- (5) The Commissioner shall ensure that the City is at all times compliant with the reporting and other information requirements of the Division of Revenue Act in force at the time in question.
- (6) The Commissioner shall establish and maintain suitable means to ensure that the City's Function as Contracting Authority interfaces with the City's Functions as Planning Authority and Municipal Regulatory Entity respectively in relation to the IPTN and to all relevant obligations under the NLTA.
- (7) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Contracting Authority Function to the Performance Monitoring and Evaluation Function.

## **5. Municipal regulatory entity**

- (1) The Commissioner shall be responsible for implementing sections 17 to 19 (inclusive) and sections 47 to 84 (inclusive) of the NLTA, together with all other sections of the NLTA relevant to the activities of a Municipality as a regulatory entity (as defined in the NLTA).
- (2) Without prejudice to subsection (1), the Commissioner shall be responsible for the operating licences for those persons wishing to undertake an intraprovincial service that either takes place in the City or starts in the



City and also takes place in the area of another Municipality, as contemplated by section 54(2) of the NLTA.

- (3) Without prejudice to subsection (1), the Commissioner shall be responsible for the smooth running of day to day operations in all operational areas, including existing functions of land transport and rail transport (primarily buses, minibus taxis and railways) and public transport safety and security.
- (4) The MRE Committee shall (without limitation) fulfil the following functions on behalf of the City, as the Municipal Regulatory Entity:
  - (a) the granting, transferring, amendment and renewal of operating licences;
  - (b) the amendment of operating licences resulting from the replacement of a vehicle;
  - (c) the temporary replacement of a vehicle on an operating licence;
  - (d) the conversion of permits to operating licences;
  - (e) the duplication of operating licences;
  - (f) the provision of temporary permits for special events;
  - (g) the withdrawal, suspension or amendment of an operating licence; and
  - (h) the imposition of law enforcement parameters and penalties, including (without limitation) making appropriate inspections of public transport vehicles and their related certification,and (subject to subsection (5)) the Commissioner shall, on behalf of the City, as the Municipal Regulatory Entity, exercise such functions in accordance with the requirements, comments and directions of the Planning Authority and in particular the Operating Licence Strategy, and not in contravention of any policy of the Council.
- (5) In order to exercise such functions referred to in subsection (4), the Council shall appoint an MRE Committee that shall comprise a minimum of three persons (including the chairperson) with an appropriate range of skillsets.
- (6) The decisions of the MRE Committee in exercising such functions referred to subsection (4) shall be independent of the Council.
- (7) All appeals against or in connection with any decision made by the MRE Committee in exercise of the functions referred to in subsection (4) shall be made to the Transport Appeal Tribunal pursuant to section 92 of the NLTA.
- (8) The Commissioner shall ensure that the MRE Committee:
  - (a) follows such procedures in order to carry out its functions as the Council shall specify from time to time;
  - (b) keeps up to date records in the Operating Licence Administrative System of the exercise of such functions referred to in subsection (4);
  - (c) reports to the Council on the exercise of such functions at such intervals as the Council may require; and
  - (d) publishes appropriate details of the exercise of such functions on TCT's website at such intervals as the Council deems fit.
- (9) Without prejudice to subsection (1) and subject to any restriction or requirement imposed by law, the Commissioner may, if he or she deems fit, include information on the following in the Operating Licence Administrative System:
  - (a) particulars of Operator Associations and their members;
  - (b) particulars of Non-Members; and
  - (c) where appropriate, particulars of the routes operated by the Operator Associations and Non-Members, together with a description of which routes are to correlate with those in the ITP.
- (10) The Commissioner shall use the information referred to in subsection (9), together with the ITP and IPTN, to

manage the Operator Associations in such manner as TCT deems fit.

- (11) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Municipal Regulatory Entity Function to the Performance Monitoring and Evaluation Function.

## **6. Performance monitoring and evaluation**

- (1) The Commissioner shall be responsible for establishing, managing and maintaining a central system for collating information and data from all the Functions and shall support such Functions interfacing with each other.
- (2) The Commissioner shall be responsible for the collation, maintenance and replacement of data and the maintenance, upgrading and replacement of the information systems and technology that in each case support all the Functions.
- (3) The Commissioner shall:
- (a) be responsible for the creation and maintenance of a website for TCT across all the Functions;
  - (b) subject to the prior approval of the Council, publish details on such website of the performance of TCT against its targets across all the Functions on a quarterly basis;
  - (c) subject to the prior approval of the Council as to the level of detail and format, publish details of the performance of all public transport service providers under the contracts referred to in section 4(2)(a) at such intervals as the Commissioner deems fit from time to time (and no further approval of the Council shall be required for each such publication of such details of performance, provided that the publication complies with the level of detail and format so approved by the Council); and
  - (d) provide a database of all stakeholders, together with appropriate fora to enable communication with the Commissioner on all transport related matters.
- (4) The Commissioner shall create links to the datasets within other directorates of the City and shall collate and maintain all transport use data in order to discharge its obligations under this section 6.
- (5) Without prejudice to the foregoing subsections of this section 6, the Commissioner shall record all transportation schemes to enable TCT to respond to enquiries in an efficient and effective manner.
- (6) (a) The Commissioner shall, as soon as possible after the end of each Financial Year, publish a report for inclusion as a separate chapter in the Council's annual report on the performance of TCT during that Financial Year.
- (b) Such report referred to in subsection (6)(a) shall set out details of:
- (i) the contribution made by TCT towards the implementation of the IDP;
  - (ii) the performance of TCT against the ITP; and
  - (iii) the performance of TCT against its targets across all the Functions and in particular the performance of the Municipal Land Transport Fund during that Financial Year.
- (c) Such report referred to in subsection (6)(a) shall include such information as the Executive Mayor may from time to time specify in writing with respect to any matter the report is required to deal with by virtue of subsection (6)(b).
- (d) The Commissioner shall keep a copy of any report made under this subsection (6) available for the appropriate period for inspection by any person on request free of charge at the principal offices of the City at reasonable hours.
- (e) The Commissioner shall supply a copy of any such report made under this subsection (6), or any part of any such report, to any person on request during the appropriate period for such reasonable fee as he or she may determine.
- (f) The "appropriate period" in the case of a report made under this subsection (6) is the period of three years beginning with the date of publication of such report.

- (7) Without prejudice to the foregoing subsections of this section 6, the Commissioner shall establish an electronic centralised knowledge management system to record all historic transport information and publications in order to achieve a single point of resource.

## 7. Financial management

- (1) The Commissioner shall be responsible for implementing section 27 (Municipal land transport funds), section 28 (Public transport user charges), section 29 (Minister may provide funds for land transport) and section 30 (MEC may provide funds for land transport) of the NLTA.
- (2) Without prejudice to subsection (1), the Commissioner shall (subject always to the Municipal Finance Management Act) be responsible for all finance matters across all the Functions.
- (3) Without prejudice to subsection (2), the Commissioner shall (subject always to the Municipal Finance Management Act):
- (a) be responsible for operating an integrated financial management system and any other similar improvements that he or she may deem necessary and viable;
  - (b) be responsible for the overall coordination of the budget process for TCT and for making recommendations to the relevant Portfolio Committee and/or Budget Steering Committee of the City for submission to the Council as part of the Council's overall budgeting process, all of which shall be in accordance with the due process of the Council and the Municipal Finance Management Act;
  - (c) propose tariffs in respect of public transport and transport infrastructure, facilities and services to the Council for approval, the Commissioner having first assessed the appropriate level of such tariffs by means of a cost benefit analysis by all the relevant Functions within the parameters of the Municipal Land Transport Fund referred to in subsection (4);
  - (d) facilitate such international, national or provincial grants as may be appropriate to support the carrying out of the Functions and shall be responsible for the management of such grants within the parameters of the Municipal Land Transport Fund referred to in subsection (4);
  - (e) be responsible for the costing of all investment in line with the Council's vision for transport in the City as expressed in the ITP from time to time and, in particular, for costing all major projects and programmes that form part of the ITP, having regard to both the cost of initial investment and the need for long term maintenance and facilities management as appropriate;
  - (f) be responsible for all revenue generation activities across all the Functions and in particular in relation to all aspects of ticketing including:
    - (i) the development and implementation of an integrated ticketing system for public transport, including (without limitation) the Europay, Mastercard and VISA (EMV) card and billing system, as well as (without limitation) for parking, park and ride, dial-a-ride, events management, specialised services and bicycle hire services; and
    - (ii) the establishment, roll out and management of the automated fare collection system;
  - (g) be responsible for providing assurance as to probity across all Functions relating to their contracting and procurement activities; and
  - (h) continually strive to improve all areas of interoperability and the effectiveness, efficiency and economic viability of transport and related infrastructure for the benefit of the citizens of and visitors to the City.
- (4) Without prejudice to subsections (1), (2) or (3), the Commissioner shall be responsible for establishing and maintaining a Municipal Land Transport Fund in terms of sections 27 and 28 of the NLTA.
- (5) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Financial Management Function (including in relation to ticketing in particular) to the Performance Monitoring and Evaluation Function.
- (6) Without prejudice to the foregoing subsections of this section 7 and subject always to the Municipal Finance Management Act, the Commissioner shall appoint the Director of the Financial Management Function to

ensure that TCT's financial affairs are administered in a proper manner, in compliance with all relevant professional codes of conduct, all statutory obligations and in accordance with the due process of the Council.

## **8. Public transport law enforcement**

- (1) The Commissioner shall be responsible for implementing sections 85 to 91 (inclusive) of the NLTA.
- (2) Without prejudice to subsection (1), the Commissioner shall be responsible for the enforcement of the National Road Traffic Act insofar as it relates to public transport law enforcement.
- (3) Without prejudice to subsections (1) or (2), the Commissioner shall be responsible for enforcing safety in relation to the use of the City's public transport network and related infrastructure and facilities.
- (4) The Commissioner shall make appropriate use of the TMC and TIC and related technology, and shall work with other relevant agencies and stakeholders in order to discharge its responsibilities under this section 8.
- (5) The Commissioner shall provide such traffic management and enforcement services in terms of its public transport law enforcement and safety strategy as the Council shall determine from time to time.
- (6) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Public Transport Law Enforcement Function to the Performance Monitoring and Evaluation Function.

## **9. Liaison, communication and stakeholder management**

- (1) The Commissioner shall establish and maintain procedures and management practices in order to ensure the effective and efficient liaison and communication with all identified stakeholders.
- (2) The Commissioner shall include in the procedures and management practices referred to in subsection (1) appropriate initiatives to enable successful and sustainable industry transition and empowerment according to parameters identified by the Council from time to time.
- (3) The Commissioner shall be responsible for the internal and external marketing of TCT to ensure that the citizens of and visitors to the City are well-informed and satisfied, as measured by a programme of continuous monitoring of customer satisfaction, including (without limitation) readily available public information on performance against targets and service levels published by the Performance Monitoring and Evaluation Function.
- (4) The Commissioner shall communicate and interface with the public through (among other means of communication) the TIC in relation to public transport operational matters.
- (5) The Commissioner shall assist the Mayoral Committee Member for TCT in connection with any dealings with the media that he or she may require.
- (6) The Commissioner shall, subject to the required authority being obtained, enter into appropriate memoranda of agreement, on behalf of the Council, with transport stakeholders, including (without limitation) Operator Associations, groups representing persons with specialised needs and educational forums.
- (7)
  - (a) Without prejudice to any other subsection of this section 9, the Commissioner shall, by using the website, database and other fora for communication with stakeholders referred to in section 6(3), make available such information as he or she deems fit which:
    - (i) relates to public passenger transport services provided for the benefit of the citizens of and visitors to the City; and
    - (ii) is required by members of the general public to assist in deciding what use to make of such services.
  - (b) Such information referred to in subsection (7)(a) shall be made available, in accordance with the provisions of the Systems Act, to:
    - (i) the general public; and
    - (ii) such other persons as the Commissioner deems fit.

- (c) The Commissioner may make such charges in accordance with the approved Council tariffs for any information which it makes available, but no such charge may be made if the information relates to public passenger transport services provided exclusively by TCT.
- (8) The Commissioner shall:
  - (a) establish, on behalf of the Council, an Intermodal Planning Committee in accordance with section 15 of NLTA in order to coordinate public transport between modes in order to achieve the objects of the NLTA; and
  - (b) chair the Intermodal Planning Committee and ensure that the membership of the Intermodal Planning Committee complies with section 15(1) of the NLTA;
  - (c) ensure that the Intermodal Planning Committee reports to and consults regularly with the Land Transport Advisory Board (and the Commissioner shall report to the Council as and when the matters being so reported or consulted on relate to the activities of TCT);
  - (d) ensure that the Intermodal Planning Committee complies with all regulations as to its functions, membership and operations that may be made pursuant to the NLTA;
  - (e) without prejudice to the foregoing provisions of this subsection (8), ensure that the Intermodal Planning Committee coordinates input and direction into the holistic integration of:
    - (i) rail passenger services in the Functional Area with road based public transport services;
    - (ii) scheduled services, minibus taxi-type services and unscheduled services in the Functional Area with each other and with other public transport modes;
    - (iii) all aspects of the ITP so as to ensure that the optimal use of infrastructure and services within the system and optimal utilization and prioritisation of funds, including freight transport and nonmotorised transport, is achieved; and
    - (iv) the roles, responsibilities and interrelationships of all relevant transport stakeholders, including (without limitation) community transport fora, commerce, public transport operators and labour; and
  - (f) ensure that the Intermodal Planning Committee establishes such sub committees, which may comprise bus, taxi and land transport enforcement sub committees, as the Intermodal Planning Committee deems fit.
- (9) The Commissioner shall:
  - (a) establish, on behalf of the Council, the Land Transport Advisory Board in accordance with section 16 of NLTA and with representation from government and the private sector to advise it in relation to land transport matters;
  - (b) ensure that the Land Transport Advisory Board complies with any regulations made from time to time by the Minister responsible for transport in the national sphere of government under section 16(2) of the NLTA in relation to the membership of the Land Transport Advisory Board, the appointment and qualifications for membership, procedures and frequency of meetings, and related matters; and
  - (c) require that the Land Transport Advisory Board:
    - (i) receives input from the Intermodal Planning Committee; and
    - (ii) makes strategic policy recommendations to the Council and other relevant decision making bodies in relation to integrated land transport matters as referred to in subsections (8)(e) and (f), all of which shall be in the furtherance of integrated transport in the City.
- (10) The Mayoral Committee Member for TCT shall chair the Land Transport Advisory Board and the chairperson of the TCT Portfolio Committee shall be the deputy chairperson of the Land Transport Advisory Board.
- (11) The Commissioner shall take all necessary steps to develop and roll out TCT's brand and its supporting logos and architecture to the intent that the brand of TCT fully supports the Council's vision of TCT across the

Functions.

## **10. Infrastructure management**

- (1) The Commissioner shall be responsible for the planning, design, costing, construction, maintenance, replacement, extension and upgrading of the City's road network, the public transport network and public transport infrastructure, the stormwater network, stormwater infrastructure, sea walls and related facilities.
- (2) The Commissioner shall be responsible as and shall perform all the functions of the road authority under the Roads Ordinance for all public roads and public paths (as such public roads and public paths are defined in the Roads Ordinance) in the City and shall, to the extent necessary, make such further applications under the Roads Ordinance in order to take up such responsibility.
- (3) The Commissioner shall establish, manage and maintain an asset register relating to the City's road network, the public transport network and public transport infrastructure and related facilities referred to in subsection (1).
- (4) In particular, the Commissioner shall ensure that the asset register referred to in subsection (3) shall record the following information:
  - (a) the location of the assets referred to in subsection (3);
  - (b) the classification and definition of such assets;
  - (c) the age of such assets;
  - (d) the lifecycle costs of maintaining such assets and in particular the costs of deferring the maintenance of such assets; and
  - (e) the quantification of such assets and the financial value of such assets.
- (5) In making decisions as to the maintenance of the assets as referred to in subsection (4), the Commissioner shall reach an appropriate balance between planned and reactive maintenance so as to ensure the long term and cost effective sustainability of such assets, as well as considering appropriate business planning scenarios to support the Commissioner's decisions to invest strategically in such assets as he or she shall consider to be of high importance.
- (6) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Infrastructure Management Function to the Performance Monitoring and Evaluation Function.

## **11. Network operations management**

- (1) The Commissioner shall be responsible for the planning, design, costing, management, operation and oversight of all activities on the integrated transport network and related infrastructure and facilities in the City (and in particular the IPTN), including (without limitation) the operation of:
  - (a) the traffic signalling systems;
  - (b) the bus and minibuss taxi (BMT) lanes;
  - (c) the traffic management cameras;
  - (d) parking management;
  - (e) the freeway management system;
  - (f) transport plans in relation to events management;
  - (g) abnormal loads and transport of dangerous goods procedures;
  - (h) the management of the TMC and the TIC;
  - (i) communication systems, the comprehensive databank and TCT's information systems and technology, which shall be located at and managed from the TMC;

- (j) communication facilities at all major public transport facilities, interchanges and on the integrated transport network and related infrastructure and facilities;
  - (k) the integrated timetabling of all public transport services;
  - (l) road closures; and
  - (m) the granting of wayleaves.
- (2) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Network Operations Management Function to the Performance Monitoring and Evaluation Function.

MISCELLANEOUS

## **12. General functions of tct**

- (1) The Commissioner may promote and administer the carrying out of any activities which he or she has power to carry out, whether such power is conferred by statute, this By-law or delegated by the Council and, to the extent permitted by law, the Commissioner shall be entitled to appoint such staff, agents and contractors as he or she thinks fit and/or is required to appoint by the Council to carry out such activities that the Commissioner has power to carry out.
- (2) The Commissioner may, subject to the required authority being obtained, enter into and carry out any agreement with any person for the carrying out by that person, whether as agent for TCT or otherwise, of any activities which the Commissioner has power to carry out (and, in particular, with respect to the provision or financing of any public passenger transport services which TCT has power to provide), subject to due process being followed.
- (3) To the extent permitted by law, it shall be within the capacity of the Commissioner (subject to the required authority being obtained) to do such things and enter into such transactions as are calculated to facilitate, or are conducive or incidental to, the discharge of any of its functions.

## **13. Agreements with the province and adjacent municipalities**

Subject to the prior approval of the Council, the Commissioner may enter into such arrangements with the Province or adjacent Municipalities in terms of section 12 of the NLTA and such arrangements with adjacent Municipalities in terms of section 19 of the NLTA as the Commissioner deems fit.

## **14. Short title**

This By-law is called the City of Cape Town: Constitution of Transport for Cape Town Bylaw, 2013.