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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

**DEPARTMENT OF TRANSPORT
NOTICE 97 OF 2018****Ministry of Transport and Public Works**

INTENTION TO INSTITUTE EXTRAORDINARY MEASURES IN A DECLARED AREA**1. Background and purpose of regulations**

- 1.1 During 2010 the Office of the Provincial Taxi Registrar deregistered the CATA Langa - Athlone Taxi Association. The rationale behind this decision was the fact that the Association no longer met the minimum registration requirements as enshrined in the Road Transportation Act (Act no.74 of 1977) as amended by the Western Cape Road Transportation Act, Amendment Law (Act no.8 of 1996). This followed a series of interventions by both the City of Cape Town and the Office of the Registrar to assist the Association to become compliant.
- 1.2 In terms of regulation 1(b) of the Regulations prescribing the requirements for minibus-taxi associations to register (1997), the minimum number of members which an association must have shall be ten members each owning at least one vehicle in respect of which an operating licence / permit has been issued. Regulation 4 of the same regulations stipulates that any registered association who ceases to have the required applicable membership shall automatically cease to be registered.
- 1.3 Following negotiations it was agreed that members of CATA Langa – Athlone Taxi Association who held valid operating licences for route 158 (Langa – Athlone) would be registered with the CATA Langa Intertownship Taxi Association. The registration of these members was confirmed by the Office of the Registrar. This effectively meant that route 158 formed part of the network of routes served by CATA Langa Intertownship Taxi Association ("CLI").
- 1.4 The Office of the Registrar later received reports indicating that there was tension within the CLI and that former members of CATA Langa Athlone were becoming increasingly unhappy with the management practises of the Association. There were further averments that these members were disenfranchised and that the Association recruited illegal members to provide services on route 158.

- 1.5 In February 2017 the Office of the Registrar received an application to re-register CATA Langa Athlone Taxi Association. Not all of the members holding operating licences authorising minibus-taxi type services on route 158 formed part of the splinter group. Certain members continued to operate under the auspices of CLI. The application to register CATA Langa Athlone Taxi Association was supported by two other Associations operating in the Langa area namely CATA Langa Mowbray and CATA Langa Sea Point. The application was published in the government gazette in April 2017.
- 1.6 An objection was received from CLI who indicated that certain members of the splinter group are still registered with them. In terms of section 1(1)(h) of the Code of Conduct for minibus-taxi operators, an operator may not hold membership of more than one association operating on the same route without the consent of the association. CLI also indicated that not all the former members of CATA Langa Athlone wanted to form a separate Association. Some of these operating licence holders were still operating under the auspices of CLI. Several engagements with the two disputing parties have since taken place facilitated by the Office of the Registrar and the City of Cape Town. The application for registration is still pending with the Office of the Registrar.
- 1.7 Tensions within the CLI have continued to escalate despite interventions by the Office of the Registrar and the City of Cape Town. During February 2018, the CLI took the matter to the Western Cape High Court. An interim order was granted by Honourable Mr Justice Henney on 14 February 2018. In terms of the order, members of the splinter group must refrain from carrying out a transportation business contrary to the provisions of the CLI constitution. They must further refrain from operating at Langa taxi rank under the name other than the name of the Association to which they are registered (CLI) and from causing violence or threats thereof against members of CLI.
- 1.8 Despite the court order, tensions between the parties continued to escalate. On Sunday 18 February 2018 two people were shot in Langa. On Thursday 22 February 2018, two taxi operators were killed at Langa Taxi Rank at or about 08h30 when unknown gunmen fired multiple shots. Nine other people were injured during the shooting incident.
- 1.3 After carefully analysing the situation it is my considered view that the safety of passengers, operators, drivers and people entering the Langa area is compromised by the ongoing violence. This loss of lives and wilful damage to property should be

averted and it is the intention of the Department to act decisively and to take action against offending operators.

2. Proposed Action/Regulations

2.1 As the Minister responsible for transport and public works in the Province of the Western Cape, it is my intention to invoke my powers in terms of section 91 of the National Land Transport Act (Act 5 of 2009)(NLTA). After consultation with the relevant planning authority (in this case the City of Cape Town) I have decided to declare the Langa area as high-risk in respect of taxi violence. I am hereby giving notice of my intention to take one or more or all of the actions listed below:

- To close one or more or all the routes and the rank(s) in the declared area for the operation of any type of public transport service (by affected operators), for the period stated in the notice;
- To suspend any operating licence or permit authorising any of the services on a closed route or routes or at a closed rank or ranks (for affected operators) in the declared area for the relevant period;
- To instruct that no person may undertake any of the services on a closed route or routes or at a closed rank or ranks in the declared area or in terms of an operating licence or permit that has been suspended; and
- To allow other operators, who need not be the holders of operating licences/permits for the affected routes/areas currently, to come in and provide the services in the interim period until the situation returns to normal.

Please note that these actions will be implemented in phases at my judgement after consultation with other government departments and affected stakeholders.

2.2 This untenable situation is compromising peace and stability within the minibus-taxi industry and could result in further incidents of violence and the loss of human lives. This should be avoided at all cost. ***To stabilise the situation and to avert further tension between disputing parties, it is my intention to close certain loading lanes at the Langa taxi rank.*** Not all of the routes from the Langa rank are affected by the violence so I have considered it prudent not to close the entire rank at this point in time. Should further incidents of violence occur, I will review my current position. and this may result in the entire rank being closed for minibus-taxi operations. No minibus-taxi operations will be allowed in the affected loading lanes. I reserve the right to close other affected ranks and routes depending on the progress made by departmental officials, advice received from other stakeholders/government departments and the situation on the ground.

2.3 The following network of routes will also be closed for minibus-taxi operations:

Route number	Route name	Route description
N93	Langa - Vangate Mall	From taxi rank in Washington Street Langa, into Washington Street, right into Vanguard Drive, left into Vangate mall and return along the same route.
A93	Mutual Station - Langa	From Taxi Rank at Mutual Railway Station, into Mutual Road, left into Jan Smuts Drive, left into Viking Way, right into Vanguard Drive, right into Washington Road to Taxi Rank in Langa and return along the same route.
F19	Langa - Gugulethu	From Taxi Rank in Washington Street Langa, left into Washington Street, right into Vanguard Drive, left onto N2, along N2, left into Modderdam Road, right into Valhalla Drive, into NY1, left into Ny3A, into Koomhof Road, left into Emms Drive to Taxi Rank in Nyanga and return along the same route.
420	Langa - Khayelitsha	From Taxi Rank in Langa, right into Washington Road, right into Vanguard Drive, left into Settlers Way Free Way, left into Borchards Quarry Road, left into NY108, left into Lansdowne Road to Taxi Rank at Khayelitsha and return along the same route.
J14	Langa - Nyanga	From taxi rank in Washington Street, Langa, turn left to Washington Road, join the circle go straight to the Traffic Lights and turn right to Vanguard Drive, cross the Traffic Lights and turn left to joint N2, turn left to Modderdam Road reach the Traffic Lights, turn right to Valhalla Drive, drive over the bridge and join NY1. Go along NY1 and reach the first robots, from the robots turn left to NY108 and turn right to NY6 and turn left to NY5 and turn right to NY78, turn left to the robots then to Terminus Road, turn right to Emms Drive turn turn left to the Nyanga taxi rank and return.
D90	Langa - Nyanga	From Taxi rank at Washington Street Langa, into Washington Street, right into Vanguard Drive, left onto N2, along N2, left into Modderdam Road, right into Valhalla Drive, into NY1, along NY1, left into NY3A, into Kornhoff Road, left into Emms Drive, right into Nyanga Taxi Rank.
E4	Langa - Harari	From Taxi Rank in Washington Street Langa, into Washington Street, right into Vanguard Drive, left onto N2, along N2, right into Borchards Quarry Road, left into Klipfontein Road, into Mahove Drive, left into Lansdowne Road, right into Swartklip Road, left into Pama Road, right into Makabeni Road, right into Ncwadi Crescent, left into Spine Road, left into Lwandle Road, right into Mondisi Road, turn around in Mondisi Road, into Lwandle Road, right into Hlonela Street, right into Funza Street, left into Ncumo Road, left into Bukwayo Road Harari and return along the same route.
E5	Langa - Makhasa	From Taxi Rank in Washington Street Langa, into Washington Street, right into Vanguard Drive, left onto N2, along N2, left into off-ramp to Mew Way, along Mew Way, into Swartklip Road, left into Pama Road, left into Lansdowne Road, along Lansdowne Road, right into Hlika Road, left into Sisulu Road Makhasa and return along the same route.
J64	Langa - Delft	From Langa to Washington, turn right to Vanguard Drive, over the Traffic Light and turn left to join Settlers Way, turn left to Borchards Quarry, turn right along Borchards Quarry Drive and turn left to Klipfontein Road to Lansdowne Road and turn left to Symphony Way Drive over the Bridge join Delft Main Road to the rank and return the same route.
158	Langa - Athlone	From Taxi Rank at Langa opposite Municipal Offices, along Washington Drive, left into Bhunga Road, right into N2, left into Jan Smuts Drive, along Jan Smuts Drive, across Klipfontein Road, right into Aden Road to Athlone Railway Station and return along the same route.

Route number	Route name	Route description
J14	Langa - Nyanga	From taxi rank in Washington Street, Langa, turn left to Washington Road, join the circle go straight to the Traffic Lights and turn right to Vanguard Drive, cross the Traffic Lights and turn left to joint N2, turn left to Modderdam Road reach the Traffic Lights, turn right to Valhalla Drive, drive over the bridge and join NY1. Go along NY1 and reach the first robots, from the robots turn left to NY108 and turn right to NY6 and turn left to NY5 and turn right to NY78, turn left to the robots then to Terminus Road, turn right to Emms Drive turn left to the Nyanga taxi rank and return.
A94	Langa - Nyanga	From Taxi Rank in Langa, into Washington Road, right into Vanguard Drive, left onto N2, left onto Modderdam Road, right into NY1, left into NY3A, NY3A becomes Koornhof Road, left into Emms Drive to Taxi Rank at Nyanga and return along the same route.
C49	Langa - Umtata	From Taxi Rank in Langa, right into Washington Street, left into Vanguard Drive, left onto off-ramp onto N1 toward Paarl, along N1 to Beaufort West, in Donkin Street, right into Voortekker Street, into R61, along R61 to Aberdeen, left onto R57 to Graaff Reinet, then along the R61 to Cradock, along R61 to Queenstown, along R61 through St Marks, left into Mahala Road, into Cofimvaba Street, into R61 to Umtata, left into Madela Street to Taxi Rank in Umtata and return along the same route.
C50	Langa - East London	From Taxi Rank in Langa, right into Washington Street, right into Vanguard Drive, left onto N2, along N2 to Port Elizabeth, left into Commercial Street, into Mati Street, right into Ntshengisa Street, left into Njoli Street, into Taxi Rank in Njoli Street, back into N2, along N2 until M4 turn-off past Berlin, left onto M4, into Mdantsane Access, left into Woolwash Street, right onto M4 Main Road which becomes Amalinda Street, right into M1 which becomes Oxford Street, along Oxford street to Taxi Rank in East London and return along the same route.

2.4 I will forthwith request the South African Police Services to call an urgent meeting of the Provincial Joints Committee to inform them of my intention to declare Langa as a high-risk area in respect of taxi violence and to close certain loading lanes / routes at Langa taxi rank. All law enforcement agencies form part of the Provincial Joints Committee as well as the National Prosecuting Authorities. This will afford law enforcement agencies and other affected stakeholders sufficient time to develop a contingency plan to deal with a possible contravention of these regulations, a disruption in travel patterns and the provision of alternate transport.

2.5 If there are any further occurrences of violence, I will have no option but to close the mentioned routes/rank for a period of two months. Before the rank/routes are closed, I will publish a final notice in the government gazette. This will allow my Department sufficient time to assess the situation and to develop interceding measures. If peace and stability in the area is restored before the end of the two-month period, the routes/ranks will be re-opened and the suspension imposed on operating licences/permits will be lifted. Should my Department be unable to

resolve the conflict within the stipulated period, the regulations will prevail for a further two-month period.

- 2.6 Where the rank/routes are closed, all affected permits/operating licences (for the routes mentioned in paragraph 2.3) will be suspended for the same period (mentioned in paragraph 2.5). The provision of public transport services on the closed routes or in declared areas by current operators constitutes an offence and a fine of R5000 or imprisonment, not exceeding 6 months, may be imposed. Vehicles will also be impounded if the terms and conditions of the regulations are breached. Please note that an offending operator also runs the risk of having his or her operating licence/permit withdrawn using the provisions of section 79 of the NLTA.
- 2.7 I also intend to use my powers in terms of section 74 of the NLTA to allow other operators, who need not be the holders of operating licences/permits for the affected routes/areas currently, to come in and provide the services in the interim period until the situation returns to normal. Temporary operating licences will be issued for this purpose using the provision of section 91(6) read together with section 60 of the NLTA.

3. Comments/Representations by interested or affected parties

- 3.1 All persons who have an interest in the matter or who are affected by such regulations may make written representations to the Department before the date indicated in 3.2 below and may also request reasons for the proposed regulations.
- 3.2 Representations may be submitted to the Department of Transport and Public Works, 8th Floor, Dorp Street, Cape Town on or before the **06 March 2018**.



DAC Grant MPP

MEC: Transport and Public Works

Western Cape Province

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