THE TIME HAS COME …TO TALK OF MANY THINGS … OF EMPIRES AND SILOS… AND STUDY TOUR FLINGS

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ABSTRACT

The title of the paper reflects the descent of a hopeful "Rainbow Nation" into the realms of the absurd.

The absurd prospect of a Soweto-Johannesburg monorail brings into sharp focus the incongruence of policy formulation and implementation in the transport sector in South Africa. So-called cooperative governance really means that the left hand does not know what the right hand is doing.

It seems that transport professionals are supposed to sit silently in the background obsequiously applauding the wisdom of our political masters. Will we shit! To do so will be to make us irrelevant. If we don't object we will be consigning ourselves to obsolescence. At any time we can then be called to rubber-stamp incompetent and uninformed decisions. Have we no backbone, no ethics and no leadership? Are we merely ciphers for our political masters?

I for one am tired of the bullshit that underlies many political decisions. If it's not race its economic growth, or job creation, or offsets or some other plausible bull dust. The paper is about confronting these tendencies if we are to prosper as an enlightened and mature democracy.

Democracy is not about acquiescence, or national unity or the acceptance of authoritarian dictates. It's about challenging incompetence or corruption or over-centralised policy decisions. Policies are fine as long as they undergo public scrutiny and that must include informed debate. Love them or hate them, at least the ANC Youth League gives leadership in speaking out about things it abhors.

Transport has been particularly prone to "politically correct" approaches to decision-making without the scrutiny of watchdogs asking why and how consultancy contracts, licensing, vehicle registration, information systems and other essential services got into the hands of incompetent and even corrupt service providers.

1. INTRODUCTION

"The time has come, to talk of many things ". Where does that come from? - "Through the Looking Glass" by Lewis Carroll author of "Alice in Wonderland". As a loyal citizen of South Africa, I often feel I'm living in a Wonderland: our land is often truly wonderful; the transition to democracy and subsequent progress exemplifies. At other times surviving as a transport professional in the RSA, my existence feels at lot like being the victim of "Malice in Wonderland".

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Why do I say that? Well just as Alice fell through the rabbit hole into a dream world where logic was epitomised by the "Mad Hatter", I feel that transport decisions are often dictated by an equally mad and arbitrary force. How else do we explain the Soweto Monorail?

The theme of this Conference is "The challenges of implementing transport policy?" I have chosen to highlight this theme in the context of my experiences in operating in this often illogical milieu.

I recall a remark made by Khabisi Mosunkutu former Gauteng Transport MEC while berating one of the municipal planning authorities for lack of delivery of transport plans and implementation programmes. He said they reminded him of the Impi's response to the Induna's question about their battle readiness. "But Sir, we are still sharpening our spears" they replied. Mosunkutu's comment was that, "like the Impi, sharpening their spears down to the shafts, the planners, would sharpen their pencils down to the stubs and be overrun by advancing circumstances".

Sadly, planning has produced libraries and bookshelves full of plans but precious little progress in system improvements and programme implementation. Our transport system today is worse than it was in 1980, nearly thirty years ago. Too often, the excuse given is that there is inadequate funding for implementation. If that is the case, why do our plans seek to address all possible problems, and propose unrealistic visions, objectives and targets? If you are a pauper you live from day-to-day and remain a pauper. But a pauper with a realistic vision and targets advances step-by-step. With scarce resources, that is what we should be doing and that process should be reflected in our plans.

There are many issues negating our ability to implement transport improvements. I propose to deal with some in this paper and, in a constructive spirit, to suggest some ameliorative measures.

2. CHALLENGES TO POLICY IMPLEMENTATION

Some of the challenges to implementing policy in a rational and effective manner are listed below:

1. poor appreciation of the "role of government" in a mixed economy;
2. fragmentation of responsibility and powers to carry out transport functions;
3. weak leadership;
4. institutional shortcomings; and
5. lack of accountability for service delivery;

Many of the issues associated with these challenges are inter-related. Most are not the product of transport policy. Some have historical origins in discrimination and subsequent inappropriate corrective actions by central government. Others result from political horse-trading and compromises which have left all parties the worse off. We pride ourselves on our liberal constitution and the 'settlement' achieved at CODESA but we have been slow to balance rights against responsibilities and to question the effectiveness of so-called co-operative governance.

In a commendable effort to encourage good corporate governance, at times we have over-regulated and enterprise has been stifled, while corruption has sadly increased. Policy intent is not matched by substance particularly in respect of weak law enforcement which reflects inconsistency and a lack of political will. It is axiomatic that in child-rearing, clear and simple rules, discipline and consistency produce responsible adults. The same should be true of the state and society.

3. ROLE OF GOVERNMENT

The role of the state depends on the form of government, and particularly on its economic and social policies. In a "free market" economy, the role of government tends to be restricted to policy interventions aimed at correcting "market failure". The definition of market failure hinges around the failure of the market to deliver either goods or services. This happens when there is no market for an essential service or community need.

An example in the transport sector is when public transport is not affordable for communities, thereby restricting their accessibility to activities such as work or essential services and facilities. Homelands experienced this problem, resulting in the need for public transport subsidies. The problem was, however, the result of another political intervention, namely "apartheid", which had nothing to do with transport market failure. Public transport subsidies distorted the public transport market and are highly problematic. The emergence of the minibus-taxi industry, with all its economic pitfalls demonstrated that there is a market for public transport, despite the inappropriate government intervention in the form of subsidies for rail and bus services to serve the objectives of apartheid.

Worldwide, subsidies are a 'double edged sword', which distort prices and have negative consequences on the ability of the market to deliver goods and services in a competitive manner.

In classical economic theory, a "private good" is one which can be delivered by the market, whereas a "public good" is one which requires a welfare intervention by the state. It is a moot point whether public transport is a private or a public good, but locating the homes of poor people in inaccessible locations helps to make it a public (or welfare) case.

The foregoing example serves to illustrate the dangers of ill considered state intervention in a market economy.

The state has a constitutional obligation to intervene in cases of "market failure", particularly on the basis of welfare considerations. However, in cases where historic distortions in the price of land, commodities, goods and services are prevalent, government needs to exercise caution lest it further distorts prices and market responses.

South Africa is a mixed economy tending towards a free market, but is struggling to address the distortions created by the policy interventions of the previous regime. The interventions proposed by the post 1994 government, while well-meaning, at times have failed to understand the principles of "appropriate intervention" in a market economy. Ineffectual policy implementation is the result. "Command economy" responses drive the market underground or result in responses which are often contrary to the objectives of government. The main instruments which have been used since 1994 to correct "apartheid" distortions have been legislation and regulation. Unfortunately, however, there has been a singular failure to implement the resultant laws, many of which have resulted in bureaucratic and administrative responses to market failure, rather than resulting in effective fiscal, investment or regulatory policy interventions.

The state, generally does not distribute resources as effectively or efficiently as the market. Too much state intervention results in bureaucracies which exist as much, or more, for their own sake as for the purposes for which they were intended. In such institutions, emphasis shifts from interventions to correct market failures through regulation, investment and taxation to self-perpetuating administrative interventions that result in most revenue being expended on salaries and overheads rather than investment. Too little revenue is then available for infrastructure and service delivery. Administrative transport planning requirements exemplify this problem. Plans and planners lose sight of the fact that their main purpose is to facilitate cost effective and efficient movement of people and goods to oil the wheels of commerce and industry and to enrich social interaction.

The result of over-emphasis on administrative interventions results in "too much government". In South Africa, government expenditure (excluding municipalities) amounts to about 25 per cent of GDP. This compares most unfavourably with many market economies around the world. At the extreme, Singapore limits total government expenditure to around 11 per cent of GDP.

The second challenge to policy implementation is a product of "too much government" and muddled thinking about the role of government, namely fragmentation of responsibility.

4. FRAGMENTATION OF GOVERNMENT FUNCTIONS AND RESPONSIBILITIES

4.1 Co-operative governance

The challenge of fragmentation was recognised in the Constitutional Transformation Process (CTP) in 1993. The eventual constitutional settlement brokered in 1993/94, however, did not adequately address this problem, much to the ongoing detriment of the transport sector. The Constitution was shaped by the "deal" forged at the Convention for a Democratic South Africa (CODESA) in Kempton Park in 1993 which as we all know, resulted in a federal-style system of provincial legislatures and three tiers of government, euphemistically termed spheres in SA, to avoid giving the impression of a hierarchy. The provincial boundary making was a compromise to minority fears that a single national assembly would result in dominance by the majority party. Minorities believed that they could exercise political control in some of the provinces where their support base was large. The provincial level was also shaped by the need to incorporate the four nominally independent homelands and to rationalise existing provincial and homeland administrations. Although the system has federal characteristics the provinces lack many of the powers and features of autonomy found in a pure federal system. The system is thus a hybrid which makes for complicated intergovernmental relationships and unclear demarcation of responsibilities. New legislation is needed to clarify these relationships and responsibilities. In my opinion, this aspect of the constitution should not be cast in stone. Already there are signs that central government is not happy about many aspects of the deal.

An important principle of the Constitution is that it caters for a "dynamic" relationship between spheres of government BUT it does entrench the "principle of subsidiarity" which implies the allocation of government functions to the level of government closest to the consumers.

Chapter 3 of the Constitution describes the ideal of "cooperative government" in respect of national, provincial and municipal levels. It specifies in section "41 1 (f) and (g) that each sphere must not assume any power or function except those conferred on them in terms of the Constitution. Spheres must <u>exercise their powers</u> and perform their functions <u>in a manner that does not encroach on the geographical, functional or institutional integrity of</u>

government in another sphere and (h) generally cooperate with one another in mutual trust and good faith." Chapter 3 has been expanded by the Intergovernmental Relations Framework Act 13 of 2005 which creates certain intergovernmental structures and provides a framework for dispute resolution.

Despite the good intentions of the constitution, co-operative government is not working. Many of us have experienced the ongoing turf wars between provinces and metropolitan municipalities, particularly in Gauteng and Western Cape. While the protagonists might not have come to blows through the dispute resolution process, there are many instances of uncooperative behaviour, back-stabbing and disputes about functions, responsibilities and powers.

Institutions established by the National Land Transport Transition Act (NLTTA of 2000) in provinces, such as the Operating Licensing Boards (OLBs) often blithely ignore the strictures of the Act with regard to implementing the operating licensing strategies (OLS) which are part of the municipal Integrated Transport Plans (ITPs). On the other hand, many of the ITPs are incomplete with respect to the OLS and other aspects and are not implementable. Some of the municipal ITP bus rationalisation plans are also not implementable in respect of the specifications for tendered contracts. In other cases, provinces have developed their own "rationalisation plans" as the basis for tendered contracts, without adequate consultation with municipalities. When nothing changes or is implemented, as is often the case, the overlapping functions mean that both parties can deny responsibility and blame each other for the lack of progress. The essence of the problem of fragmentation is that no single authority can be held 'accountable'. Central government is often tactful and diplomatic in these situations in the spirit of co-operative governance. In reality, it should be firmer in exercising its strategic oversight function to ensure policy implementation.

4.2   Divided responsibilities
Within transport departments in all three levels of government another manifestation of fragmentation is that relating to directorates, branches, sections and divisions. Around the country there is no consistency in the allocation of transport functions to these entities. In some municipalities there are traffic departments in others the function is administered by the safety and security department. In some, transport is a development planning function, in others is part of the economic development portfolio and in yet others an engineering function. In these circumstances, when it comes to intergovernmental matters, it means that "dogs must talk to cats" and they don't even speak the same language. It also means that on intergovernmental matters, a responsible municipal transport official with a certain basket of functions, may need to interact with up to three or more responsible provincial officials to cover the range of his functions.

Human nature being what it is, there is a tendency for the line function departments to become "empires" and "silos" that function in isolation, and also vigorously defend their turf. Inter-departmental cooperation becomes problematic when departments pursue different agendas and time frames or report to different portfolio committees or branch heads. Where the "silo" leaders are unqualified or incompetent they tend to become even more insular so as not to expose their shortcomings outside their empires. In such circumstances the much admired and talked about "integration" becomes a pipe dream.

Empires and silos are a manifestation of weak leadership which is endemic in all levels of government.

5. WEAK LEADERSHIP

Many managers in government are not leading. At best they are supervising and carrying out orders, at worst they are uninformed, never question an order and merely occupy their positions, defend their territory and draw their pay cheques.

How do I define leadership? Well, for a strong leader, let's take Nelson Mandela. Need I say more: courage, humility, strategic vision, instinct, consideration, integrity, selflessness, good communication but above all decisiveness informed by knowledge and consultation with those affected by decisions. That is a tall order for most of us but for common or garden leaders understanding and knowledge, integrity, commitment to service and the courage to disagree and defend a principle would seem to be a good starting point. Ask yourself: would you follow such a person? Is that a good role model?

On the subject of role models, the common image of leadership and some perceptions of the qualities needed to climb the ladder are interesting. One continually sees signs that physical factors are important; looks, the clothes you wear, the car you drive, having a sharp tongue, the whole power aura a la George Bush. Behaviour factors that are often emulated include bullying, toadying, spinning (i.e. lying), being clever and glib a la Tony Blair. Perhaps I should not choose politicians as examples but, on the positive side, how about George Bizos? He is no oil painting and speaks funny but wow, does he have courage and principles?

I am no expert on leadership but speak from the experience of following and trying, not always successfully, to emulate good leaders. I have taken some pains to discuss this subject because I believe it is a crucial factor in explaining why we have a poor track record in implementing transport policies and plans. Leadership is developed and learned given the appropriate processes and culture in institutions and organisations. A present we don't have the appropriate culture for the following reasons:

- many leaders are not technically <u>qualified</u> for the positions they occupy: they have no understanding or knowledge of the consequences of decisions they may take; this may explain the monorail but also explains why many choose to lie low and avoid making decisions, or pass the buck to their superiors or down the line to faceless committees and forums;
- many leaders have no <u>experience</u> and because there is too little coaching or mentoring this situation is unlikely to change in the future;
- because there is <u>no succession planning</u> and new leaders are appointed with every election or change of Minister, MEC or Mayor there is <u>little continuity</u> in leadership a condition necessary to build a culture of excellence in an organisation;
- perpetual organisational <u>transformation or restructuring</u> has debilitated and destabilised many institutions and worked against the emergence of a culture of achievement and a tradition of delivery;
- transformation and <u>lack of continuity</u> gives managers an excuse for failure;
- consultants (sometimes the wrong ones) are called upon to rescue the situation or fill the skills gap and are often treated with suspicion and mistrust, which mitigates against a mutually satisfactory outcome;
- many managers are not qualified to specify the components and outputs of a consultancy contract and are ill-prepared to judge the relevance and quality of the product;

- for career officials willing to start at the bottom and work their way up the ladder, gaining the necessary experience as they progress, there is a <u>glass ceiling</u>; this comes about because so many of the senior positions are political appointments;
- enterprising junior staff are often discouraged by unqualified and inexperienced leaders who feel threatened by their competence; and
- few potential leaders are being promoted on merit or performance; they loose heart and migrate to the private sector where enterprise and risk taking is encouraged.

I feel qualified to make these observations having worked with government clients in all levels of government all over the country both before and after 1994. By the same token, I have worked with and visited transport departments in Europe, the Far East and Australia. From these experiences I can assure you that the gap is enormous. Those of you who "surf the web" will know that what I am saying is sadly true.

I know I am sticking my neck out and will be accused of knocking the system. Yes, I am but only because I care. What I have said is not new, but out of 'political correctness' is usually only whispered behind closed doors. These problems need to be openly debated and addressed. I am protesting, as a professional consultant, because of the experience that weak leaders make bad clients. In the latter part of the paper I intend to make constructive suggestions as to how we can work together to close the gap and remove the climate of distrust, to build a more mutually supportive "winning nation" attitude.

6. INSTITUTIONAL SHORTCOMINGS

Many of the shortcomings of our transport institutions have emerged from the preceding discussion about the role of government, fragmentation of functions, cooperative governance, divided responsibilities and leadership in transport. In summary they include the following:

6.1   Human resources:
- unqualified staff (square pegs in round holes);
- inexperienced staff;
- vacant posts although the justification for some staff functions may be questionable in the context of too much government and empire building;
- low staff morale;
- lack of succession planning leading to a dearth of confident and experienced managers.

6.2   Functions and responsibilities
- ill-defined responsibilities;
- centralised decision-making with too little delegation (largely a response to (i) above);
- duplication of functions within and between institutions;
- unclear mandates and a lack of focus on essential performance targets and service delivery.

6.3   Institutional Structures
- fuzzy silos with ill-defined functional and territorial boundaries. (In the bad old days we had Town Clerks [administration], City Engineers [engineering and technical], City Treasurers [finance] City Planners [planning] etc);
- the above highly qualified, experienced and usually respected leaders were career officials not political appointees, who got the job done without the 'help' of agencies and municipal entities;

- agencies and entities have increased the amount of non-productive administration in the form of service agreements and performance monitoring and are generally less accountable and accessible to the communities they are supposed to serve;
- agencies and entities are the product of empire-builders and clever management consultants who extended their tentacles from business into government in order to expand their market. (The arms-length relationship with elected institutions means that they often usurp government policy and planning functions. Where leadership turnover is high in government institutions, the agencies and entities often 'get away with murder.');
- metropolitan government has distanced administrations from the communities they serve. While this has great advantages in respect of region-wide functions such as planning and electricity distribution, some more local functions have still not been adequately decentralised so as to be more accountable to local communities. This applies to many public works maintenance functions.

7. LACK OF ACCOUNTABILITY FOR SERVICE DELIVERY

When government is remote and inaccessible to voters and ratepayers it is less accountable for service delivery, than when elected representatives have to report back to ratepayer and ward committees. This exemplifies the principle of subsidiarity which is a feature of the Constitution.

Likewise administrators in the form of Directors General, Heads of Department and City Managers are not accountable to the electorate but to the political structures to which they report. When these functionaries are the appointees of the ruling political party, that is, they are not neutral, there can be little confidence in their objectivity in dealing with non-party community issues.

The President can set targets for delivery, as can Ministers, Premiers, MEC's and Mayors but voters can generally only call them to account at elections every five years. Administrations are not accountable to voters but to their political masters. Ward councillors and local municipal officials are, however, generally more accessible to receive complaints but even so, the proportional representation system means that many councillors do not represent communities. Also the wards of elected councillors are large and as a result ratepayers associations are not present or active in many communities. Thus ongoing communication between municipal councils, ratepayers and residents is not as good as it should be. This dilutes accountability to voters which is the essence of a thriving democracy. Democracy is not about voting once every five years but about an ongoing dialogue and reaction to the concerns of all citizens. Riots in Mamelodi, Atteridgeville, Khutsong and other areas and the burning of trains and stations are symptomatic of government's failure to address the concerns of its citizens. This aspect of our 'emerging' democracy needs serious attention, to ensure that the people elected are more accountable to voters and their concerns.

8. AMELIORATIVE ACTIONS TO IMPROVE ACCOUNTABILITY AND POLICY IMPLEMENTATION

The current review and update of the NLTTA should take account of the challenges to policy implementation identified in this paper and in recent DoT policy research on public transport subsidies[1] and travel demand management[2]. Particular attention should also be given to the problems of fragmentation of authority and sustainable funding for transport. The NLTTA is a "one size fits all" document which is inappropriate for the disparate conditions found in metropolitan areas and rural districts. It is complex and out of scale with the human resources and skills currently available in South Africa. At over 80 pages it is needlessly detailed and prescriptive and even compromises the Minister's ability to issue policy directives and make proclamations which are more appropriate to specific circumstances in different parts of the country which face unique transport challenges. The Act should be simplified and streamlined.

The absence of a strong link between the municipal plans and the national and provincial implementation agencies is the main weakness of the National Land Transport Transition Act. This weakness needs to be addressed in the review of the NLTTA which is currently underway.

The Institute for a Democratic Alternative in South Africa (IDASA) notes that in respect of fragmentation of powers and functions the schedules of the Constitution require revision to establish sound definitions of functions and specific standards and procedures with regard to any responsibilities which cannot be assigned to the most appropriate level of government and must continue to be shared between levels of government.

- The normative approach to the devolution of functions to local government should be by assignment and not delegation to ensure transfer of responsibility and funding from the national fiscus.
- Sectoral legislation must not be used to create additional responsibilities for local government without proper consultation and agreement before any assignment takes place.
- The difference in capacity of municipalities needs to be recognized, which requires careful consideration of general assignments.
- Ideally, a grading system is required for local municipalities to deal with non-uniformity of capacity, which in turn will help to identify a common set of functions in each grade.

IDASA notes that it is quite apparent that with increasing decentralisation of government functions through assignments and delegations, the responsibilities of local government are becoming more and more complex. The major concern with regard to the Constitution is the lack of clear definitions of local government functions. Further concerns stem from the inconsistency of allocations of functions, which results in insufficient attention being paid to capacity and financing[3]."

In the transport sector a starting point to decentralisation should be agreement about rationalising roles and responsibilities in carrying out transport functions. A commitment to avoid overlap, duplication and territorial disputes will be a good beginning. A good example is the Western Cape. The Cape Town metropolitan area contains over 67 per cent of the population of the province, generates 75 per cent of its GGP and has a significantly larger

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[1] Subsidy Analysis and Reform Options with regard to current Public Transport services, DoT, Pretoria, May 2007.
[2] Strategic Framework for Travel Demand Management, DoT, Pretoria, May 2007.
[3] IDASA Budget Brief No 153.

revenue base than the province. It also has a stronger human resource component. The provincial administration derives 90 per cent of its revenue from central government, mostly in the form of 'equitable share' and about 5 per cent in the form of conditional grants. Cape Town receives 68 per cent of the provincial payments to local government.

There is no reason why, in the event of assignment to transfer responsibility for transport functions to Cape Town, the appropriate equitable share could not be transferred directly to Cape Town from the national fiscus. The provincial administration can, and should continue to exercise the transport function in the rest of the province as a transport authority, on account of the lack of capacity in local government. Thus the province would be responsible for transport planning in all municipalities except Cape Town and should transfer an appropriate share of provincial revenue to district or local municipalities for plan implementation. This reform would also address the problems of responsibility for planning and implementation between district and local municipalities.

The absence of consistent funding policies and a lack of guidance on funding mechanisms requires a strategic intervention by central government. Critical to this will be a clear policy statement on user charging principles and the basis for, and targeting of, welfare interventions.

As was reported in the DoTs Strategic Framework for Travel Demand Management Implementation, the transport sector needs to unite behind a holistic case for Transport. Special pleading for freeways, or national roads, or subsidies for minibus-taxis, or other silo-based vested interests, send confusing messages to Treasury about transport priorities. The most cogent argument raised in the interests of reform of the transport system in this report is the following:

One of the biggest threats to an integrated and comprehensive approach to mobility management in metropolitan areas is the ongoing fragmentation of responsibility for transport functions. The worst aspect of this fragmentation is the fact that funding and funding sources go with the functions, making it difficult to apply road revenue to public transport improvements. For example, there is little difference in the mechanisms used to apply the following two measures:

- *road tolls; and*
- *congestion charges.*

A road authority could justifiably apply either measure, but would-be inclined to apply the resulting revenue to road building, road maintenance or upgrading of the road system.

A transport authority, on the other hand, might be more inclined to apply the tolls to its road function and the congestion charges to improving public transport in order to alleviate congestion.

*Implicit in the foregoing is the belief that a road authority would be more inclined to **build roads** in order to alleviate congestion, whereas a transport authority will be more inclined to **tackle congestion by improving public transport**.*

DoT initiatives, such as the following, need to be brought together into a more cogent strategic implementation plan, perhaps under the leadership of the National Transport Master Plan:

- Public Transport Strategy and Action Plan;
- Rail Master Plan;
- Strategic Framework for Travel Demand Management;
- Subsidy Analysis and Reform Options with regard to current Public Transport services;
- Road Infrastructure Strategic Framework;
- Public Transport Infrastructure and Systems;
- Rural Transport Strategy.

Finally, with regard to the title of this paper and leadership, it is "time to talk of study tour flings". Ever since 1994 we have witnessed an expensive procession of study tours by "transport leaders" to Europe and the United States, to Asia and South America (particularly Bogota and Curitiba). Very little has come of these tours, except exposure of the "leaders" to different standards and methods of addressing transport challenges. This alone, however, may have been a worthy investment even though, for many, the tours have been a jolly jaunt. What appears to have fixed in the minds of most, is the technology and the operating systems. What seems to have been missed is the role of <u>leadership</u> in the successful transport projects observed abroad.

There are encouraging signs, however, that a change is upon us. A visit to South America in 2006 by a delegation from Johannesburg led by the Mayor has resulted in significant changes to the implementation of the strategic public transport network (SPTN) – Rea Vaya – to align the SPTN operations to a bus rapid transit system similar to that found in Bogota, Columbia. It is to be hoped that this presages the dawning of a new "political will" to seriously address our transport challenges by implementing transport plans.