EARLY EVIDENCE OF DEVOLVING TRANSPORT FUNCTIONS IN THE NORTH WEST PROVINCE: A TASK TEAM APPROACH

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ABSTRACT

Devolving transport functions is a broad institutional reform programme that is aimed at enabling municipalities with appropriate capacity to implement transport policy outputs. Through the Provincial Transport Forum in the North West Province a task team was formed in early 2017 and mandated to establish transport components as a first step to devolution. This paper reports on the task team's efforts to establish components and outlines practical variants of the tactics applied across four district municipalities. Two research questions are explored: (1) How do municipalities translate municipal transport functions into actionable funded activities? (2) Is there evidence of various entry points to devolving transport functions? This paper is a unique and practical contribution to transport regulation literature in intermediary towns. Technical policy implementation challenges, and opportunities from officials involved in the task team are synthesised. Navigating between capacity limitations it seems that public officials balance administrative objectives parallel to political, and stakeholder complexities. The results of the Task Team approach enabled the establishment of two components one parallel to a rapid transport agency; another through Integrated Development Planning budgets. Another municipality establishes a District Transport Forum first. The paper proposes an applied approach to transport policy implementation with the Transport Components Task Team as a catalyst.

Keywords: Devolution, transport policy, transport regulation.

1. OVERVIEW AND PROBLEM SPECIFICATION

Devolving transport functions is a global phenomenon, and refers to the localization of certain regulatory behaviours closer to ground level policy administration and implementation spheres of government – usually in order to enable better implementation. Internationally, devolving functions is associated with aligning the local nature of travel decisions, and their context specificity with the authorities involved in making these decisions. One United Kingdom study cites how rural transport issues have "very little in common with congestion and pollution" in major cities, and devolved functions provided rural transport officials greater access to policy makers (Cole, 2005). Another Ghanaian study describes the quest for decentralisation as an expensive effort as small towns and rural areas struggled to raise their own funds, and the implementation of transport reforms has remained unsuccessful amidst a growing population (Gaisie et al., 2019). In South Africa, this has been a policy discussion since Cameron (2005) argued that there are reasons not to rush the formulation of Transport Authorities, but their value in transport service delivery is undoubted. This is largely because when functions are devolved greater control over integrated assets like human settlements, transport and basic infrastructure is both an important lever to drive investment and change, but require leadership, competent teams, continuity and long-termism (Turok, 2013). Another study directed to the Division of

Virtual Southern African Transport Conference 2021 – 5 to 7 July 2021

Revenue Bill contended that at least assigning transport functions was an important step toward municipalities with the capacity to act on transport issues and respond effectively (Dawood & Mokonyama, 2015). The Draft White Paper on National Transport Policy of 2017, offers a critical mission related to the devolution of transport functions:

"To promote the devolution of transport functions and powers to the lowest competent level of government where functions and powers would most effectively be administered locally and where the municipality has sufficient capacity." (NDoT, 2017, p. 51)

While on the one hand, devolving functions refers to 'handing-down' certain responsibilities from provincial department to district municipality, for example, on the other hand, establishing transport components refers to creating effective and capacitated municipalities that can absorb these functions.

Promoting these shifts across the 278 municipalities in South Africa poses a significant challenge as transport authorities are faced with transport planning for each of these municipalities. A Transport Authority is largely an entity with significant policy and regulatory power over the transportation industry within its jurisdiction. While Transport Functions are activities related section 11 of the National Land Transport Act No. 5 of 2009, these functions vary by sphere of government. Much of their purpose is embroiled in the development, implementation, and administration of Integrated Transport Plans (ITPs). ITP services tend to be outsourced and heavily funded, but non-metropolitan municipalities seem to lack the capacity to actually implement the ITPs, let alone ascertain the quality of the offering and associated budgets. This creates a problem for municipalities, and in the North West Province this was exacerbated by the rural-urban contrasts in the province.

In response to this, in 2017 the Provincial Department of Community Safety and Transport Management (COSATMA) took note of the need to establish transport components in their Provincial Transport Forum (PTF). They argued that developing a Task Team to address these challenges would be a suitable method, and involving the North-West University would enable even deeper observation of the issue. This paper is a bi-product of the process associated with what the PTF termed the Establishment of Transport Components. It reports on the policy considerations which guided the discussions and meetings of Transport Components Task Team (TCTT), and how these considerations resulted into a series of actionable frameworks which officials could use to support their decisions. Two research questions are explored:

- How do municipalities translate municipal transport functions into actionable funded activities?
- Is there evidence of various entry points to devolving transport functions?

2. LITERATURE REVIEW

2.1 Integrated Transport Planning in South Africa

In South Africa, integrated Transport Plans (ITPs) embody the municipality's mobility and access status quo, institutional arrangements and forecasts in the form of infrastructure, passenger and freight transport. Municipalities are custodians responsible for both transport functions allocated to them in the *National Land Transport Act No 5 of 2009* Section 11 subsection (c) and viable project proposals described in the ITPs. In order for the transport plans to materialize into action municipalities need to fit them through integrated development planning; service delivery budgeting; and procurement. Legislation

outlines three types of municipal transport planning authorities on the basis of the size of their area of jurisdiction and the extent of transport activities taking place in the particular area – key for appropriate planning. Presented in Table 1, the three types of plans are the Comprehensive Integrated Transport Plan (CITP), District Integrated Transport Plan (DITP) and Local Integrated Transport Plan (LITP). They are presented and aligned with the National Land Transport Act Section 11(c).

Table 1: Planning Authority Relationships with ITP Planning Scale

Type of Planning Authority	Categorisation of Planning Authorities	Description	Preparation	Planning Scale (NLTA S11, (c))
Type 1	Planning Authorities	Comprehensive Integrated Transport Plans	Total overhaul every 5 th Year. Annual update of key aspects in line with IDP.	Strategic and Tactical on Multiple Levels
Type 2	District Municipalities	District Integrated Transport Plans		Strategic and Tactical
Type 3	Local Municipalities	Local Integrated Transport Plans	Prepare every five years as input to new DITP.	Tactical and Operational

District and relevant Local Municipalities are categorized in terms of the Minimum Requirements for the Preparation of Transport Plans as either, a Type 1, Type 2 or Type 3 Planning Authority (PA). The Type 1 Planning Authorities are larger municipalities designated by the Department of Transport to upgrade their public transport system to a level that is car competitive as part of the approved Public Transport Action Plan. These transportation plans are informed by the *Minimum Requirements for Integrated Transport Planning* and have been outlined in quite some detail. However, it is important to unpack how the institutional arrangements interact with the implementation of these well-specified transport planning requirements.

The limited capacity to implement navigates between the politics and administration leading up to adopting proposed policy outputs from ITPs (i.e., projects, bylaws) and their implementation. Municipalities are not equally endowed with resources, capacity and prevalence of rent-seeking behaviour (i.e. corruption). From the authors' observations, this results in diversified approaches to the treatment of transport functions across various municipalities - in metropolitan areas, districts and local municipalities. Furthermore, municipalities are mandated to enable appropriate transport planning, services, systems and infrastructure with respect to the technology options and activity options over space, public policy and time in a balanced fashion. However, transport planning and implementation performed through a top-down approach will certainly miss the granular elements that constitute district and local municipalities. Dawoood and Mokonyama (2014) argue that "the fundamental reason behind devolving transport functions to municipalities should be to allow the municipalities to manage transport as an integrated network of services". This requires a shift away from the public policy making silos found in the South African context (Walters, 2008). On the other hand it also requires municipal capacity that can reflect the depth, and complexity of transportation planning and regulation.

2.2 Approaches to Devolving Transport Functions

Devolving transport functions has been articulated in a South African Local Government Association (SALGA) report which benchmarks municipality organograms with respect to performing transport functions (SALGA, 2014). From a municipal function perspective, there are institutional tensions between the transport functions and the roads functions. A major limitation with regard to the report from SALGA is that it only outlines organisational structures to describe the manner in which transport systems and services are not effectively reflected. The report does not present or guide municipalities to formulate, secure funding and implement potential components within a broader institutional framework. As a result, many municipalities focus on establishing Transport Authorities as vehicles to initiate the devolution process, which is derived from establishing components.

There is some limited evidence of the formulation of Transport Authorities in South Africa, however available structures are in the Western Cape, Gauteng, KwaZulu-Natal (a brief description of how they were formed is presented in Table 2. Provinces in the process of establishing some structures include the North West Province, the Limpopo Province and the halted component process in the Northern Cape. The TAs are fundamentally regulatory bodies which host various transport functions and ought to specify the extent of devolution and the concomitant formation of components which host the officials (labour) who animate the functions.

Municipality Approach to Devolving Statutory Form **Functions** City of Cape Town Transport-land use oriented Transport and Urban by-law that establishes Development Authority which entities that will implement will host other functions within and coordinate transport it. Only applies to the City of Cape Town, not the Western systems, services and flows. Cape Province. **Gauteng Province** Constituted through the The Gauteng Transport Gauteng Transport Authority Authority is a provincial body, Bill, focused on integrated with functions ranging from transport planning, planning, regulation, research contracting and regulation of and contracting.

transport services and

systems.

Table 2: Examples of Recently formed Transport Authorities

2.3 Challenges to Implementation

From a political economic perspective, a core limitation to the devolution of transportation functions is associated with regulating decentralisation. Laffont (2005) argues that the main role of devolving regulatory agencies is to "bridge the informational gap between public decision makers and the regulated firm" pg. 19. However this comes at an increased probability of collusion, corruption and thus capture because (a) local authorities influence national policy, but national policy may have limited leverage; and (b) local regulators without the appropriate incentives are susceptible to stronger social networks which could induce favouritism in smaller projects. To redress this, efficient monitoring (i.e. information systems and auditing); collision proofing (i.e. performance incentives for good

regulatory work); commitment to long-term credibility in implementing policies; facilitating effectively law enforcement; and providing appropriate financial support to pursue an endeavour (Laffont, 2005, pp. 19-27). In practice, this does not only translate into identifying, retaining and incentivising appropriate talent to occupy transport authorities, but also ensuring the appropriate monitoring, performance management and information systems to support regulatory endeavours. These challenges are further exacerbated by the interrelationships between different departments, directorates and sub-directorates in public sector systems, in which each one may have their own administrative process and hierarchies that may increase the complexity of implementation (Hull, 2008). A theoretical proposition is needed to enable the effective assignment of these functions through a series of decision thresholds that may represent the range of policy options for provinces and district municipalities in a practical manner. This policy sequence methodology is presented next.

3. PROJECT BASED METHODOLOGY

This study approached the research questions as part of a project in partnership with the North-West Provincial Government, with a primary aim of establishing transport components through task team. The North-West Province has 4 district municipalities, administering 18 local municipalities representing 3.7 million inhabitants over 104882km² (Main, 2016). This study synthesises meetings, presentations and discussions with municipal officials documented between 2017 and 2019.

The primary participants were five (5) district municipality coordinators in the North-West Provincial Government's Community Safety and Transport Management (COSATMA) directorate. In addition two (2) senior officials presiding over Provincial Transport Forums and facilitating the effort toward devolving functions were frequently part of the engagements. Tertiary inputs from three (04) municipalities that were visited, with this approach was presented to them. These activities constituted the work of the Transport Components Task Team (TCTT).

The focus of the synthesis is related to the how the participants reported their work in searching and screening policy, administrative and political evidence in search of various entry points to devolving transport functions, on one hand, and establishing transport components on the other.

A systematic approach to synthesize this policy process applies an integrated approach to policy analysis framework¹ and this is used to formulate the normative technique (Dunn, 2003). The approach presented in Figure 1, requires an appropriate policy problem to be structured in a manner that it informs how intervention options are compared based on expected outcomes. Then, the most preferred policy is selected, formulated, implemented, monitored for evaluating its performance. The results of this type of inquiry take the form of (a) synthesised interpretations of public policy within a specific context; (b) a conceptual framework for action in response to the *structured problem*; and (c) practical policy reforms which have forecastable outcomes.

¹This framework enables policy makers, and administrators alike to backcast and forecast policy outcomes while analysing the transformation of information in the ex-post and ex-ante elements of policy evaluation. Both of which are important to specifying core problems and navigating the policies, proposals and political pressures toward achieving the goal.

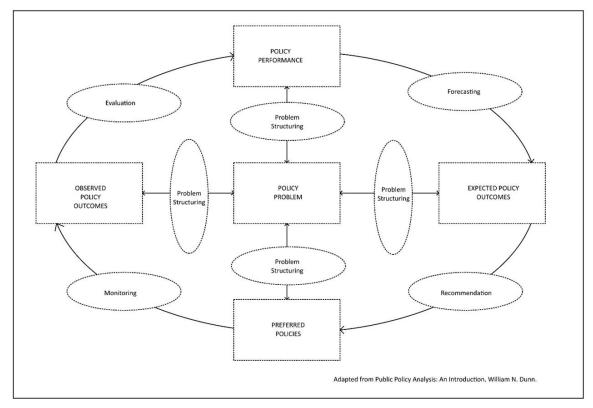


Figure 1: The Process of Integrated Policy Analysis (Dunn, 2003, p. 4)

4. RESULTS

In principle this study approaches the role of devolving transport functions from a practical point of view, with specific emphasis on the complex nature of truly achieving this. The approach described below is a product of deep collaborative research and practice work with District Coordinators in the North-West Provincial Department of Transport and Community Safety Management (COSATMA). Initially formulated by the Provincial Transport Forum, the Transport Components Task Team has been actively engaging District and Local Municipalities between 2017 to date. While there's no specific methodological framework used in executing the project, the years involved in this initiative have provided a practical framework which has proved useful thus far.

The primary assumptions in administering the devolution of functions through a Task Team are that:

- Not all local municipalities have the same level of intent to participate, but district municipalities have absolute intent to participate due to the coordinators' role in the Province;
- Only one local municipality can be included in the establishment of the transport component, phase 1, based on their level of intent and willingness or capacity to act;
- The task team has limited resources and thus selects only one local municipality in conjunction with a specific district municipality that is obliged to comply.
- Other municipalities may participate in the process and implement based on their interpretation, or engagement with the task team.

As a result of these assumptions, a systematic series of priority levels was found to be necessary by municipal officials. Through the right decision support mechanisms to enable action at Provincial, District and Local levels it was revealed that officials were keen to proceed with the process of establishing components. Figure 2 was formulated from engagements with Provincial Transport Coordinators in the COSTMA office, and other engagements with officials in the Department of Transport in Limpopo. The figure describes the *transportation planning* function and the related authorities across the various spheres of government and their respective functional roles. From the discussions, it is evident that certain transportation functions in the NLTA 11(c) may be devolved from Provincial to District Municipalities through establishing specific components which host the functional roles presented in the figure.

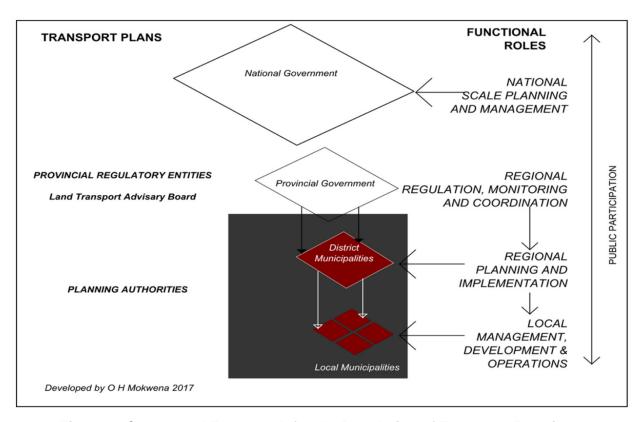


Figure 2: Conceptual Framework for the Devolution of Transport Functions

These functional activities, were a result of stakeholders' interpretations of various policy positions. The next outcome of the TCTT was the synthesis of major transport policy statements and their respective analysis.

4.1 Synthesis of Policy Interpretations from Stakeholders

Chapter 2 of the NLTA titled 'Institutional Arrangements for Land Transport' describes the responsibilities of the three spheres of government. The focus of this paper analyses Sub-Section 11(c) which stipulates the responsibilities of the municipal sphere. At the heart of Sub-Section (c) is a sequence of policy positions that are within the responsibility of district and local municipalities.

Only the most core functions are listed in this paper with more advanced, or operational applications assumed to take the form when Transport Authorities manifest into Agencies. Sub-Section 11(c) is observed at three levels, namely (1) institutional strategy; (2) tactical planning and administration; (3) operations. Strategic and tactical levels are most relevant for this study because they facilitate an understanding of functions relevant for the establishment of transport components – not its operations, practices and day-to-day systems.

Table 3: The Analysis of Policy Statements in the NLTA Stipulating Responsibilities of Municipalities for Institutional Strategies

Policy Statement	Activities	
(i) developing land transport policy and strategy within its area based on national and provincial guidelines, which includes its vision for the area and incorporates spatial development policies on matters such as densification and infilling as well as development corridors	Develop policies, strategies at district level in line with national and provincial guidelines. Accounting for transport and land-use integration in transport plans, in line with the SDF and other components. Following guidelines and emerging land-use and transport best practice such as corridor development; Neighborhood Development Planning (i.e. National Treasury); and rural area planning and development.	
(ii) promulgating municipal by-laws and concluding agreements, as appropriate in the municipal sphere	Advocating for transport issues through legal and law enforcement statements and actions. Defend transport initiatives in legislative platforms of the local and district municipality.	
(iii) ensuring co-ordination between departments and agencies in the municipal sphere with responsibilities that impact on transport and land use planning issues, and bringing together the relevant officials	The role of the municipality component is to encourage the interaction between other functions. This is done through working groups, forums and other structures structural and legislated.	

Table 4: The Analysis of Policy Statements in the NLTA Stipulating Responsibilities of Municipalities for Tactical Planning and Administration

(iv) in its capacity as planning authority, preparing transport plans for its area, ensuring the implementation thereof and monitoring its performance in achieving its goals and objectives	Key (local) municipalities need to gear toward establishing 'transport authorities'. Formulating transport goals and objectives that are measurable and can be monitored. The transport component should enable the development, preparation, implementation and monitoring of transport plans. The transport component should implement transport plans, and projects (as per the guidelines) in order to achieve the goals and objectives of the area.		
(vi) financial planning with regard to land transport within or affecting its area, with particular reference to transport planning, infrastructure, operations, services, maintenance, monitoring and administration with due focus on rehabilitation and maintenance of infrastructure	The transport components should reflect, and or account for: 1. Financial planning 2. Transport planning 3. Infrastructure 4. Land transport operations 5. Associated services 6. Maintenance and rehabilitation 7. Monitoring 8. Administration		
(vii) encouraging and promoting the optimal use of the available travel modes so as to enhance the effectiveness of the transport system and reduce travelling tie and cost (viii) developing, implementing and	The transport component and municipal level should encourage and promote the optimal use of public transport. This involves marketing, advertising, and associated infrastructure which could also be used as additional sources of revenue. This function is a bi-product of efficiently administering the		
monitoring a strategy to prevent and minimize or reduce any adverse impacts of the land transport system on the environment in its area	transportation activities in the area. Managing travel demand and coordinating efficient systems. However, many officials were comfortable with the topic theoretically, but the practical activities associated with monitoring emissions for instance was not part of the discussions.		

4.2 Policy Framework for Execution

The process of establishing these components and filling them with warm bodies comes at a financial, organisational and political cost. Financially, these warm bodies need (a) a job description, (b) fit into an organogram, (c) have a budget allocated to the post and (d) have an appropriate line manager with a commensurate performance agreement. At an

organisational level, depending on the scale of devolution – local or district – the responsible person may have to sit between various distinct municipal functions and activities, adding a significant responsibility in time, resources and travel needs. Table 5 shows what was found to be the most reasonable sequence of action.

Table 5: Sequence of Establishing Components in line with the NLTA

•	NATIONAL	PROVINCIAL	DISTRICT	LOCAL
Status Quo	National Transport Forum	Provincial Transport Forum	District Transport Forum	
Shift	N/A	Provincial Transport Component Formulation through the existing provincial coordinators for districts	Transport Steering Committee(s)	
Devolved Transport Functions		Devolves functions to Municipalities. Only those performed in Section 11(c)	Receives/ Devolves Functions From Section 11(c), and requires capacity building, staffing may come from Provinces	Acts Upon devolved functions in Section 11(c) and requires extensive capacity building and human resources
Entity to Establish	National Land Transport Regulator ²	Provincial Regulatory Entity	Planning Authorities as outlined in Section 14. Intermodal Planning Committee as outlined in Section 15 Land Transport Advisory Boards Section 16	

In order to effectively implement this process, discussions with officials revealed that a number of components were established, but for unique and interrelated avenues. The formation of District Transport Forums was viewed as a sufficient step forward to build appropriate relationships between the fragmented functions in municipalities. Municipalities that had someone grappling with transport issues were required to bring those individuals into one room and discuss the transport developments in the districts. The first district to act upon the TCTT's call was the Dr Kenneth Kaunda District Municipality. They established their Transport Component through their Service Delivery Budget within the year of the first meeting in 2017. Dr Ruth Segomotsi Mompati was engaged and the stakeholders were interested in formulating a forum, and argued that they are unable to consider the functions without funding. This was the same tone in a meeting with the stakeholders from the Ngaka Modiri Molema District Municipality. The last municipality to be engaged was the Bojanala District Municipality which runs the Rustenburg Rapid Transport (BRT) project, and is surrounded by local municipalities of varying sizes. A component was formed there too, but it has not yet been fully capacitated in terms of what it must do. It was formed prior to a visit from the TCTT. 2018 was when a response to the funding issues officials raised was sought, and a sitting with the Provincial Treasury to discuss the funding options, especially from the DORA was held. This sitting did not provide sufficient clarity.

Toward 2019, the meetings that were held were aimed at strategizing around institutional structure in the NWP represented Figure 3. Following the Process of Integrated Policy Analysis and engagements with stakeholders provincial, district and local functions are

² This is currently equivalent to the *Single Transport Economic Regulator (STER)* which is a bill in parliament. The Bill has past the public comment stage, and aims to create an entity that enables the evidence based economic regulation of transport in South Africa.

recommended for practice. The first layer involves provincial coordination through the PTF and this may influence the DORA, but through the PLTF. Provinces provide a coordinating function through oversight, funding allocation and regional regulatory priorities for the collective development of the province.

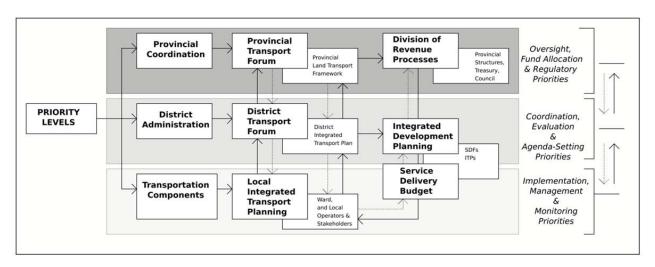


Figure 3: A Synthesis of the Proposed Structure of Devolved Functions

At district level, the administration of transport activities is envisioned and this is done politically through the District Transport Forum, and administratively through the DITPs. The results from the DITPs are communicated to the Integrated Development Planning (IDP) stakeholder consultation sessions (by ward) and as a chapter in the IDP. At this level, coordinating stakeholders and municipalities; evaluating the extent of project and policy implementation; and setting policy agendas to fund through the IDPs is important. Service Delivery Budgets are then structured based on these broader district level needs, and LITPs are implemented through the Transport Components. At this level, implementation, management, and monitoring is a key priority for the municipality. From these broad arrays of activities municipalities may have the authority to deliver certain transport services in a coordinated and collaborative fashion, but this comes at a cost of financial and political costs. What is clear however, is that stakeholders appreciated this framework when it was described verbally from their inputs because it enabled an understanding of the 'bigger picture' beyond the policy statements and statutory positions.

5. CONCLUSION

This paper aimed to respond to two fundamental questions in the process of devolving transport functions. Firstly, how do municipalities translate municipal transport functions into actionable funded activities? From the above discussions, particularly the results section, the municipalities and the officials in the TCTT practically went through an evolutionary process which gradually developed as the project progressed. Thus, the initial understanding was deeply policy based, and aligned with the National Department of Transports' position, but eventually began to simmer through towards a closer examination of the policy system in the NWPG.

The second question was whether there is evidence of various entry points to devolving transport functions. While it may be convenient to conclude that there are various points of entry in practice, the policy environment in SA seems to be structured in such a way that one process should be suitable: organogram, transport authorities then functions. SALGA's report misses the practical dynamics beyond the organograms (SALGA, 2014);

Dawood and Mokonyama's work also lacked the practitioner's tensions within the reports (Dawood & Mokonyama, 2015); and Cameron's report had a much more deliberate focus on the tension toward achieving this (Cameron, 2005). In practice, it is found that there are various points of entry but these are dependent on the municipality's unique political, financial and administrative dynamics in addition to the formal and informal hierarchies. It follows therefore that both research questions were answered, but not withstanding a few limitations.

There were no direct interviews conducted to write this paper, and thus it is a bi-product of collaborating with officials toward this common goal. Furthermore, much of the research was conducted through conversation and interpretation may be a result of the author's understanding and limited knowledge of the entire municipal value chain. Lastly, the process for attempting to establish components may be replicated, but the results and experiences will be different. With these limitations in mind, it is recommended that a Task Teams are developed for this purpose and a national guideline for the devolution of transport functions be developed by the NDoT from the various experiences of municipalities.

6. ACKNOWLEDGEMENTS

This study would have not been possible without the valuable work of the Transport Components Task Team and the COSATMA, namely Tebogo Molapo, Tsholofelo Maseng, Segopotsi Molotsi, Bongani Mangena, Matau Moleofane and Mr Methikge and Mr Baikgaki for their senior level support. Local and district municipal representatives who were actively involved are also acknowledged.

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