

THE USE OF LIGHT DELIVERY VEHICLES (LDVS) FOR THE CONVEYANCE OF PEOPLE

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ABSTRACT

Light Delivery Vehicles (LDVs) are not only used for the conveyance of goods but also to a large extent for the conveyance of persons in the goods compartment of these vehicles. Passengers such as rural dwellers, workers and school children are transported on a daily basis, while long distance transport of both freight and passengers also occurs on a daily basis but mostly over weekends and holiday periods.

Accidents statistics over the last 10 years indicate that LDVs are the second highest vehicle class responsible for road deaths and injuries. Statistics indicate that the use of LDVs to transport school children has become very prominent both in rural and urban areas. In provinces such as Eastern Cape and KwaZulu-Natal, and Limpopo, a number of serious accidents have occurred and many people were either seriously injured or killed. As a response to this problem, the KwaZulu-Natal and the Eastern Cape Departments of Transport have even decided to totally ban the conveyance of scholars by LDVs

The paper critically discusses the legislative provisions regulating the use of LDVs. The paper then makes some recommendations on possible interventions that can provide part of the solutions to curb the injuries and deaths that occur as a result of conveyance of people on LDVs.

1. INTRODUCTION

The White Paper on Transport Policy (1996), the Moving South Africa Action Agenda (MSAAA) (1998) as well as the National Land Transport Transition Act (NLTTA) (2000) emphasise the need to transform public transport system in South Africa in such a manner that public transport is able to meet the needs of the users or customers while at the same time being safe, reliable, affordable and also sustainable. A closer look at the existing public transport system shows without a doubt that public transport is still very far from meeting the objectives enshrined in the White paper, the MSAAA and the NLTTA.

One of the major symptoms of the ineffectiveness and inefficiency of the public transport system in South Africa is the proliferation of the use of LDVs for the conveyance of people. Even though the legislation prohibits the use of LDVs for the conveyance of people for reward, the use of LDVs for conveying people is very high and a common practice in such a manner that LDVs are increasingly becoming an acceptable alternative mode of public transport in many areas. Due to large areas being inaccessible to formal and legal public transport, rural communities end up having no choice but board LDVs which do not provide a safe public transport service. The conveyance of learners by LDVs even in urban areas with tarred roads has also become a very common practice in many areas. This raises a number of concerns with regard to passenger safety and comfort. In many parts of

the country, the conveyance of people on the goods compartment of LDVs for reward is a common practice and as the mode of transport. The conveyance of people on LDVs subjects people not only to discomfort but also to serious injuries and fatalities in case of accident. The conveyance of people on LDVs is also an indication of a lack of effective law enforcement as well as insufficient resources and attention channelled towards rural public transport as well as investment of transport infrastructure needs.

The paper critically discusses the conveyance of people on LDVs. Drawing from the legislative provisions regulating the use of LDVs, the paper then makes some recommendations on possible interventions that can provide part of the solutions to curb the injuries and deaths that occur as a result of conveyance of people on LDVs.

2. NUMBER OF LDVS AND THE CURRENT USE OF LDVS

It is an undisputable fact that LDVs play a key role to create access to transport for many people who live in remote and resource poor areas where public transport do not serve due to low passenger volumes and poor roads. “The LDV industry is thriving in rural areas as it fills the gap left open by the unavailability of mainstream transport and inadequate roads infrastructure”(UNIARC, 2004).

2.1 An analysis of the LDVs

As it can be seen in the table and graph below, LDVs comprise a significant portion of the registered vehicle population.

Table 1: South African “live” vehicle population. Source: NATIS, 2004

31 Dec 2004	Number of Registered Vehicles per Province									Total RSA
	GA	KZ	WC	EC	FS	MP	NW	LI	NC	
Motorised Veh's										
Motorcars	1,793,560	604,700	804,308	274,758	211,158	207,937	202,191	138,598	70,733	4,307,943
Minibuses	90,069	36,750	35,026	18,663	11,251	16,369	18,045	16,374	3,206	245,753
Buses	9,151	4,680	3,959	1,948	1,363	2,395	2,576	2,082	680	28,834
Motorcycles	75,717	21,281	35,368	12,287	13,071	11,160	9,185	6,065	4,186	188,320
LDV's - Bakkies	452,036	213,180	210,997	127,720	90,683	111,326	101,621	111,003	45,605	1,464,171
Trucks	86,432	37,952	31,641	17,414	16,072	18,300	14,293	13,832	6,500	242,436
Other & Unknown	27,859	27,409	28,994	10,616	39,219	22,866	25,579	10,842	6,401	199,782
Sub-Total	2,534,824	945,952	1,150,293	463,406	382,817	390,353	373,490	298,796	137,311	6,677,239
Towed Veh's										
Caravans	42,856	8,695	16,630	6,105	8,490	9,420	7,602	4,771	3,064	107,633
Heavy Trailers	35,146	20,269	12,123	6,730	10,474	9,845	7,492	4,788	3,317	110,184
Light Trailers	215,372	54,906	91,423	35,624	49,318	39,365	37,154	22,775	18,547	564,484
Unknown	3,153	1,991	2,891	1,353	2,876	2,407	2,939	1,377	654	19,638
Sub-Total	296,527	85,861	123,067	49,812	71,158	61,037	55,187	33,711	25,582	801,939
All Vehicles	2,831,350	1,031,813	1,273,360	513,217	453,974	451,389	428,676	332,506	162,893	7,479,178

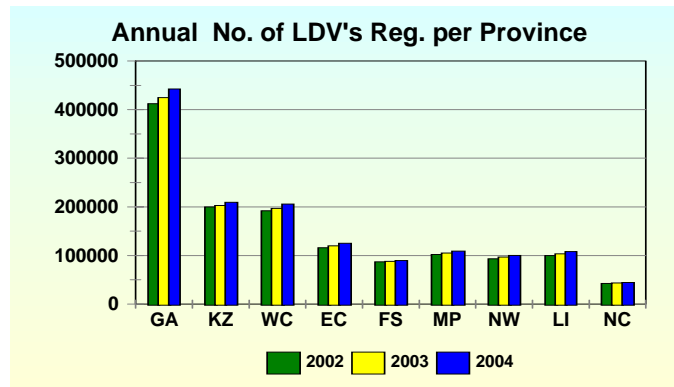


Figure 1: Annual Number of Vehicles Registered per Province.

3. THE NEED FOR LDVS IN THE PUBLIC PASSENGER SYSTEM

In terms of the National Traffic Information system (NATIS) LDVs constitute about 33% of live vehicle population. As identified in the Moving South Africa Action Agenda, there is no accurate data or statistics on rural transport and estimation on how many people are conveyed by LDVs on a daily, monthly or annual basis. However, experience shows that LDVs transport a significant number people and hence creates access for them to social and economic opportunities.

An analysis of the average number of persons per vehicle in each province indicates that LDVs play a key role in providing mobility for many people. As shown in the graphs below, if LDVs were to be totally excluded from conveying people on the goods compartment, there is no doubt that many people will be deprived a means of mobility.

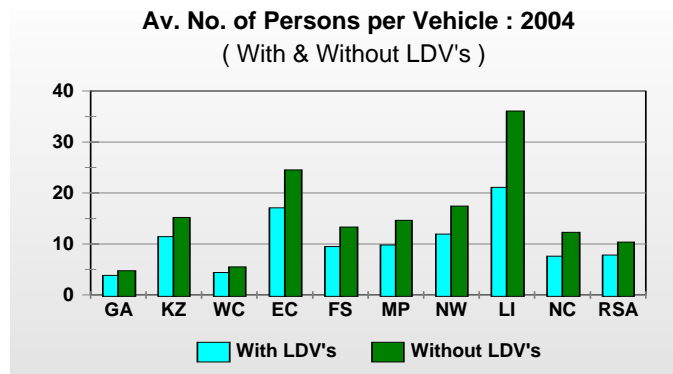


Figure 2: Average Number of Persons per Vehicle

For example, in provinces such as Limpopo, Mpumalanga, and Eastern Cape, the average number of persons per vehicle would be increased by 70 percent. Therefore it is quiet clear that in the short and medium term, the use of LDVs for the conveyance of people cannot be eliminated or banned as experience from other developing nations shows – as discussed below.

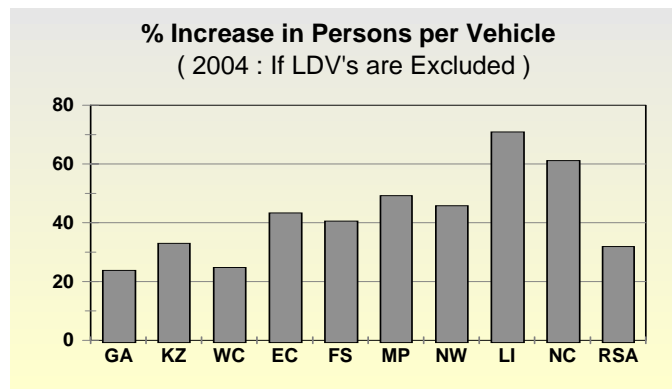


Figure 3: Percentage increase in persons per vehicle if LDVs were to be excluded

4. INTERNATIONAL EXPERIENCE

A study conducted by the Department of Transport indicated that in many developing countries goods vehicle are used to convey people for reward. In countries such as Kenya, Philippines, Indonesia, Singapore, India and several other countries, the conveyance of people in goods compartment of adapted LDVs is a common practice. The design for safety specifications varies from country to country and has a wide variety of comfort and safety.

International research indicates that the conveyance of people in goods compartments of light delivery vehicles is associated with developing countries. In developed countries the conveyance of people on LDVs is not permitted. Given the fact that South Africa has elements of both the developing and developed worlds – it is not very surprising that LDVs are being utilised to convey people and this is something that cannot be eliminated in the short to medium term.

5. PROVINCIAL EXPERIENCES ON THE USE OF LDVS

While the conveyance of people on LDVs occurs in all provinces, it is particularly high in provinces with deep rural areas such as Limpopo, Eastern Cape and KwaZulu-Natal. There is no doubt that LDVs provide in many cases “the only means of access to transport” for rural people with poor roads.

However there are instances where the use of LDVs to convey people is unjustifiable as roads are in good condition and public transport (bus, minibus taxis) are available. In such cases public transport is seen as either more expensive or not convenient. As a desperate response to the LDV accidents, the KwaZulu Natal Department of Transport and the Eastern Cape Department of Transport decided to ban the conveyance of learners on LDVs. When the schools opened in January 2005, there was indeed a transport crisis as some learners could not get to school without the LDVs. Attempts to develop safer conveyance on LDVs are currently being investigated.

A typical example of this challenge is the incidence that occurred in KZN. In September 2004, the KZNDOT heightened the enforcement against illegal LDV “taxi” operators. The enforcement caused a big stir and about 500 protesters including parents, learners and LDV operators marched against the enforcement on LDVs operators. Given the fact that there is a spate of accidents and fatalities involving LDVs – one would expect communities to campaign against the use of LDVs to convey people. Between January and June 2004 in KZN alone there were more than 10 000 crashes (KZNDOT:2004) involving LDVs. One hundred and twenty four people (124) people died and 715 were seriously injured. The

majority of the victims were school children (KZNDOT, 2004). On 18 January 2005 the Natal Witness reported that the transportation of school children in LDVs is set to continue for the foreseeable future, putting pupil's lives at risk on a daily basis. The KZN MEC reported that the Department of Education does not have a budget for providing scholar transport. Therefore, there is a critical need to educate people about safety risks associated with conveyance by LDVs. At the same time there is a need for law enforcement to take its course and to protect the vulnerable people especially in urban areas where minibus taxis and buses can be arranged to convey learners to and from school.

6. LDV INVOLVEMENT IN ACCIDENTS AND COST

As pointed out earlier in the paper, evidence shows that LDVs play a key role to create access to transport for many people who live in remote and resource poor areas where public transport do not serve. However, the conveyance of people by LDVs also results to serious injuries and fatalities. According to the Road Traffic and Fatal Crash Statistics:1990-2003 report LDVs are the second highest vehicle class responsible for deaths and injuries (21.35%). However, safety interventions and effective law enforcement are necessary especially given the fact that. (Road Traffic and Fatal Crash Statistics: 1990-2003 report). This results to serious costs to the economy in loss of human lives, cost of hospitalisation of people, funerals, loss of breadwinners, etc. It is for these reasons that safety interventions and affective law enforcement are necessary to prevent injuries and loss of lives.

7. LEGISLATION REGARDING THE USE OF LDVS

The traffic legislation in South Africa prohibits the conveyance of people for reward on LDVs. The National Road Traffic Act provides for certain safety criteria to be met when transporting persons in the goods compartment of LDVs.

7.1 National Road Traffic Act, Act 93 of 1996

Under the road traffic Act and Regulations there are two regulations that directly concern the conveyance of persons on a goods vehicle, namely:

- i) Regulation 247, which does not allow the practice unless certain safety conditions are met, part of which is quoted below;

7.2 Regulation 247, Circumstances under which persons may be carried on goods vehicle

No person shall operate on a public road a goods vehicle conveying persons unless that portion of the vehicle in which such persons are being conveyed is enclosed to a height of - :

- (a) at least 350 millimeters above the surface upon which such person is seated; or
- (b) at least 900 millimeters above the surface on which such person is standing, in a manner and with a material of sufficient strength to prevent such person from falling from such vehicle when it is in motion: Provided that this regulation shall not apply in the case of employees being carried in the course of their employment.

This allowance has brought many unsatisfactory practices including passengers having no protection against the elements, overloading, cramped conditions, the mixing of potentially

harmful goods and people and the ease that a passenger may be ejected from the vehicle in case of an accident.

ii) Regulation 250, which does not allow the conveyance of persons for reward:

7.3 Regulation 250, Persons not to be carried in goods compartment for reward

No person shall on a public road carry any person for reward in the goods compartment of a motor vehicle.

Furthermore, the NLTTA which deals with public transport (conveyance of people for reward) and requires a permit or operating licences, stipulates the following:

7.4 Section 31 (d) of the NLTTA

No passengers (public transport) are to be conveyed in other types of vehicles other than those four categories of vehicles mentioned in Section 31(1) of the Act. viz:

- a) Fewer than nine, excluding the driver;
- b) 18 persons, excluding the driver;
- c) 35 persons, excluding the driver;
- d) 36 or more persons, excluding the driver; or

Special provision is made for the Minister, in consultation with the MECs, to allow for special categories of vehicles by notice in the Government Gazette, to cater for exceptional cases in rural areas, or exceptional cases in relation to tourist or courtesy services.

Given the practical reality on the ground, many stakeholders have proposed that special areas be allowed to use adapted LDVs as a short to medium term measure for rural areas where MECs deems it necessary. Proposed amendments for allowing adapted LDVs that must obtain a permit have been included in the NLTTA Amendment Bill, which is about to be submitted to Cabinet. During consultation with provinces on this issue, there were contrasting views. However, there is a need to come up with a practical and realistic position on this issue, as contentious as it is.

8. RECENTLY DEVELOPED SAFETY STANDARDS FOR LDVS

Realizing the fact that the conveyance of people on LDVs occurs on a daily basis, the Department of Transport and the South African Bureau of Standards (SABS) embarked on a process to develop safety standards for passengers conveyed in the LDVs. The safety standards made a number of recommendations for the conveyance of passengers in the LDVs. These included goods compartment sides; goods compartment roof, passenger protection, speed limit of 100 km/h, and annual testing for roadworthiness.

Following from the investigation done by the Department of Transport in collaboration with the SABS and other role players, documents on safety standards for passengers conveyed in goods compartment of LDVs were produced and are available from the Department of Transport. Furthermore, another document outlining safety aspects of canopies was produced by the SABS. The safety standards were produced in consultation with all role players. These standards have been published and are intended to reduce safety risks on LDVs. Necessary amendments will be made to the National Road Traffic Act to make these standards compulsory.

In order to implement the safety standards in the vehicles, the following recommendations were made:

- 1) Develop the document "Safety standards for passengers conveyed in the goods compartment of light delivery vehicles" to a SABS Standard Specification.
- 2) Require goods vehicles that are used to convey passengers for reward to comply with the proposed new SABS Standard, or have a canopy fitted that complies with SABS 1708 - Safety aspects of canopies as fitted to category N1 and N2 motor vehicles.
- 3) Amend the Road Traffic Act and Regulations, Regulation 247, Circumstances under which persons may be carried on a goods vehicle, by;
i) legislating against standing passengers, and
ii) deleting the side height requirement for standing passengers.
- 4) Enforce present Road Traffic Act and Regulations regarding speed limits, side height and loading.
- 5) Require light delivery goods vehicles (goods vehicles with a gross vehicle mass not exceeding 3 500 kg) to obtain an annual roadworthy certificate.

The recommendations were finalized and implementation has to be rolled out.

9. COST ASPECTS TO IMPLEMENT RECOMMENDED STANDARDS

While the recommended safety standards are highly welcome, the costs (financial, technical etc) to implement them remain a major hurdle to be overcome. Costs would be extremely high for vehicle load compartments that are designed for the carriage of goods, on the chance that they may be used for passenger conveyance. Furthermore, the costs involved in proving any compliance that requires testing i.e. rollover protection, is extremely high and would be unaffordable for small operators.

10. MINIBUS TAXIS VERSUS LDVS

As was highlighted earlier, the use of LDVs for the conveyance of persons signals the fact that our public transport does not meet customer needs. As a result LDVs are thriving in many rural and urban areas as "they fill a gap left open by unavailability of public transport (UNIARC, 2004). Findings of a study conducted by the University of Natal Interdisciplinary Accident Research Centre on LDVs as a mode of transport indicate that the majority of rural dwellers are content with the service of LDVs as their mode of transport as it offers them sufficient space for their baggage, drops them in areas of their request and serves gravel roads where public transport do not reach – thus offering them a demand driven and flexible service. Therefore there is a severe need for the transformation of our public transport system in such a manner that it meets the need of the customers (demand driven) as this vision is enshrined in the White paper of transport policy, the MSA and the NLTTA. We need to channel more of our energy into action.

In many instances LDV operators see themselves as rendering and catering for a market not served and not meant for the taxi industry. LDVs also in some cases offer a feeder service to the taxi industry. Animosity between the taxi industry and the LDV operators is sometimes observed in certain areas where taxi industry see LDV operators being favored by law enforcement for not penalizing LDVs for operating illegally. Presently; law enforcement officials are paying little attention on LDVs that are conveying people for reward (UNIARC, 2004:23). Unfortunately, it is only after a focusing event (such as an accident claiming many lives) that we hear political principals and officials making pledges

to address the issue but nothing materialises until another accident. The uses of LDVs for the conveyance of persons indicate the fact that our public transport system does not meet the customer needs. As a result LDVs fill the gap left open by the unavailability of public transport. Selective law enforcement going unchecked and indirectly condoned has the potential of bringing chaos and conflict when LDV operators rightly or wrongly go unpunished for illegal operations despite them playing a pivotal role in assisting communities where taxis and buses do not.

11. TAXI RECAPITALIZATION PROGRAMME AND THE LDVS

In view of the number of accidents and fatalities resulting from LDVs, proposals have been made that LDVs conveying people must be phased out as part of the taxi recapitalisation project especially in cases where these LDVs have permits e.g. in the Eastern Cape. However, in instances where LDVs convey people in areas with poor roads- it is quite clear that the recapitalisation of the LDVs will not be a solution. Furthermore, because LDVs save dual purpose of conveying goods and people- hence the taxi recapitalization vehicles cannot be a substitute. Most of the LDVs convey scholars to schools in the morning and during the day they transport freight and goods for reward and then in the afternoon they convey learners back to their homes. The majority of the LDV owners are unemployed and the duality of use of their vehicles is a means of income to support their families. This indicates that while the taxi recapitalisation can assist to reduce conveyance of people by LDVs, it cannot be the solution alone. A more sustainable and integrated strategy must be developed to bring on board the LDVs into the formal public transport system leading to the incorporation into the recapitalization process.

12. CONCLUSION

Despite the fact that LDVs render an essential service in areas not accessed by taxis and buses, the safety of passengers should never be compromised. Therefore there is a need to develop appropriate short, medium and long-term interventions to address the issue. The interventions include upgrading of rural roads so that mainstream public transport reaches the areas. Effective law enforcement on LDVs is also part to the solution to prevent loss of lives that occur as a result of the conveyance of people of LDVs. Finally, the conveyance of people by LDVs will be with us for a long time and we cannot wish it away. Therefore, the solution into the problem of conveyance of people by LDVs is not simple and must be a multi-faceted set of interventions that entails speeding up the upgrading of rural roads, improving our public transport in such a manner that it meets users needs, as well as effective law enforcement.

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