

UNIVERSITY OF NAIROBI

FACULTY OF ARTS

DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK

**THE INFLUENCE OF THE NATIONAL TRANSPORT AND SAFETY
AUTHORITY IN THE PUBLIC SERVICE VEHICLE INDUSTRY : A CASE
STUDY OF THE CENTRAL BUSINESS DISTRICT-NAIROBI COUNTY**

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THE AWARD OF THE DEGREE OF MASTER OF ARTS IN SOCIOLOGY
(RURAL SOCIOLOGY AND COMMUNITY DEVELOPMENT)**

NOVEMBER, 2017

DECLARATION

I declare that this project is my original work and has not been presented for examination in any other university.

JUSTUS MUMO KILUNDO

Signature.....Date.....

C50/84180/2015

This research project has been submitted for examination with my approval as the university supervisor.

DR.. JAMES . G. KARIUKI

Signature.....Date.....

DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK

UNIVERSITY OF NAIROBI

DEDICATION

I dedicate this project to all wonderful people who have walked with me during my study period. To my family who have been constantly on my side. I give you special dedication. Your love, support, encouragement and understanding has made me finalize this project paper.

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LIST OF ABBREVIATIONS AND ACRONYMS

CAP	Chapter
CBD	Central Business District
CGN	County Government of Nairobi
GOK	Government Of Kenya
GDP	Gross Domestic Product
JICA	Japanese International Conference Agency
MOA	Matatu Owners Association
MWA	Matatu Welfare Association
NCC	Nairobi City Council
NCG	Nairobi County Government
NTSA	National Transport and Safety Authority
PSV	Public Service Vehicle
SACCO	Savings and Credit Cooperative

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ABSTRACT

This study sought to establish the Methods National Transport and Safety Authority used to control/influence operations of PSV's in the CBD and the consequences of their actions. It was guided by Four specific objectives which were:-to find out how NTSA has influenced PSV operators within CBD;to find the extent to which NTSA incorporate other Stakeholders in policy formulation to address the problems caused by PSV industry in the CBD;to find out how PSV industry instill discipline amongst its operators;to identify the best practices/policies in regulating public service vehicles within CBD. The study interviewed 48 NTSA staff Nairobi Area and 12 key informants comprising Matatu Owners Association, Matatu Welfare Association, Officials from Traffic Department Nairobi Area and Nairobi County Traffic Marshals. The study used semi-structured questionnaire and Key Informants guide to collect data. Data collected was analysed using both quantitative and qualitative methods. Descriptive statistics such as frequencies and percentages were used to analyse quantitative data. Results of quantitative data analysis were presented in tables and charts. Results of qualitative data were presented in narrative form. The study established that NTSA used various methods to improve operations of PSV's in the CBD. These methods included ensuring that PSV's belong to self-regulatory Sacco. Therefore a particular Sacco was allocated a picking and dropping bay and route within the CBD. Enhanced legislation and penalties by court of law, road safety and compliance education, and suspension because it affected all the players from the owners, staff, Sacco, sensitization of PSV's and general public on the importance of complying with the traffic rules and regulations. The study found that the policies/practices formulated by NTSA to improve operations of PSV's in the CBD have been effective. The effectiveness of the policies/practices was validated by 79.2% of the respondents who said that the way NTSA formulated the policies was appropriate. It was also confirmed by (60.4%) of the respondents who indicated that the policies were well implemented and this had helped in decongesting the CBD. Furthermore methods used by NTSA in controlling and influencing PSV's within CBD were said to be effective. In addition, the regulator had incorporated other stakeholders in policy formulation which in turn showed effectiveness in the manner PSV's were regulated within the CBD. The study established that formulated policies guiding PSV's to belong to specific Sacco coupled with routes enabled them to take general responsibility of conduct of PSV's under their management and more so set standards adequate to regulate the industry. This study concluded that NTSA incorporated other stakeholders who participated in policy formulation to address the problems caused by PSV industry in the CBD. Furthermore, discipline amongst operators was addressed by way of applying various methods which included:-warning/ reprimands, court process, Sensitization, Suspension of both PSV's and the crew. In addition, NTSA should consider reduction of punitive fines and initiate Auto camera ticketing for offenders. NTSA should come up with enhanced legislation to counter any room for lawlessness. They should Put more emphasis on the training of drivers and cultivate a culture of civility amongst PSV operators. This can be done through sensitizing PSV operators on the need to adhere to set rules/regulations. Above all NTSA should enhance road safety campaigns to create awareness to all stakeholders. Finally, this study recommend that NTSA should consider playing a complementary role to educate PSV operators on the laws governing traffic and enhance enforcement to ensure compliance. They should sensitize the public in general on the need to obey traffic rules and regulations through public education in order to streamline PSV's operations in the Nairobi CBD.

CHAPTER ONE

INTRODUCTION

1.0 Introduction

The National Transport and Safety Authority (NTSA) was established through an Act of parliament to regulate the transport Industry and provide rules and guidelines benchmarked on promoting safety to road users as a matter of principle. (NTSA., (Revised Edition 2014 [2012]).)

Public Service Vehicle industry operators therefore serve as an important tool in the economic growth of this country and hence provides huge employment to all classes of the society. However, it was seen to have an impact that economically disadvantages some in the society as this sector contributed immensely to problems encountered within the Central Business District. (NTSA). In its attempt to influence and ensure compliance by the PSV players in the industry and in line to its mandate, the National Transport and Safety Authority made rules which had little or no impact to the operators especially within the Central Business District as outlined in this study. (James Fulcher, 1999) The CBD being the confluence point where all the PSVs from all the corners of the country converge, unplanned public service vehicle terminus have been established in every corner of the CBD with all spaces available being taken over by different Sacco's is an area of concern. It is chaos everywhere as flow of traffic is limited and parking spaces reduced to terminus. (GOK). This is an impediment to those operating businesses with many encountering massive losses due to blockade directly imposed on their door steps by the undeterred and unregulated public service industry operators (Haughton, 2004) (Sector plan for Nairobi Metropolitan Department, 2008-2012). Furthermore the study established that there is corruption right from police officers, to the county askaris and also a well-co-ordinated corruption approach in the offices NTSA and County Government of Nairobi mandated to fight the vice are all in the payroll of the PSV operators. The end product being obstruction, noise, pollution and the likes which renders CBD a nightmare and impassable as PSVs buy the space and freedom. (MICHUKI, 2004), (Deweese, L. , 2003).

The study provides an attempt to interdict lawlessness by among public service vehicle operators aimed at minimizing the risks of avoidable conflicts between

stakeholders, other road users, business operators and the industry regulator(NTSA/CGN).The result forming genesis of reducing certain measurable risks of economic loss to all the players while they adhered to the principle understanding and compliance with the set rules and guidelines provided by NTSA in conjunction with Nairobi County Government by laws. (Gazette Notice No. 4479 of 12 May 2017) (Birrell, A. M., 2014).

The study provides a layout framework to solutions and plans that are standardized to a larger extent in order to make it more convenient to develop more detailed programs and objectives. In this way, there shall be a healthy CBD having proper rules and guidelines acceptable and favourable to all. (Nomano B.W., 2015), (NTSA, 2014), (Kenya Vision 2030:) (Sector Plan for Nairobi Metropolitan Development, 2008-2012).

1.1 Problem Statement

Inadequate proper rules providing for guidelines which the public service vehicle industry players fail to comply with are the result to the huge and immense problem encountered within the Central Business District. The National Transport and Safety Authority is associated with the following several problems;-

First poor policy and decision making. Inability to consult as per the spirit of constitution in matters affecting stakeholders, some of the rules they make seem to be in excess of the existing legislation thereby becoming illegal and illegitimate. Enforcement of boardroom decision as opposed to existing law. There is also total disregard of other enforcement agencies. Inadequate planning of PSV terminus by NCG, lack of clear structured guideline policies to streamline the industry, lack of economic consideration to other economic Stakeholders. Unwarranted conflict and confusion resulting from indecision, duplication of roles and overlaps in matters of enforcements, noise and environmental pollution. Increased criminal activities/cartels and insufficient road safety campaigns, lectures/seminars to industry stakeholders, loss of revenue as a result of unregulated PSV industry.

NTSA appeared to make boardroom decisions and defined laws for instance where they ordered all motorists driving Mitsubishi Prado to be arrested for driving a class of motor vehicle not endorsed in their driving licences however, persons driving this

category of vehicle can drive using the class E endorsement in their licence. It was unlawful to enforce or confiscate a drivers licence especially PSV drivers and ordering a retest without informing the driver in a clear language the offence he has committed and in some cases tearing it off without following the due process of the law. (Laws of Kenya, Revised edition 2015(2013)).

Impounding of PSVs over laws that are not written rendered untold suffering to commuters as well as causing massive losses. Due to misunderstanding on clear Laws, PSVs went on strike over claims of illegal and warranted harassment, blocking the roads in protest and running battles with police this in turn affecting the economy as people could not access services when the PSVs strikes paralysed services in the CBD.

NTSA appeared to make decision in the PSV industry that promoted conflict and confusion. In the Nairobi CBD they allowed buses into the CBD and disallowed 14 and 33 seater Matatus. This brought conflict from amongst industry players who threatened to paralyse PSV operation unless the order was revoked. NTSA relocated the thousands of Matatus to terminus outside of the CBD. The industry threatened legal action in the event NTSA and CGN went ahead to implement the boardroom policy. Duo allocation of terminus in the CBD seemed to bring conflict to rival Saccos. The end result was protracted wrangles and commotions culminating to injuries and damage to property as the parties involved competed for passengers. ((Karl Max, 1818-1883). Hence ,this study was designed to interrogate how NTSA influenced the operations of PSVS in the CBD in Nairobi City.

1.3 Research Questions

- i. How has the NTSA influenced regulation in PSV'S within the CBD?
- ii. Does NTSA incorporate other stakeholders in policy formulation to address the problems caused by PSV industry in the CBD?
- iii. How does the PSV industry instil discipline amongst its operators?
- iv. What are the best practices / policies in regulating public service vehicles?

1.4 Objectives

1.4.1 General objective

The general objective of this study was to determine whether the NTSA had the capacity to navigate through and regulate the PSV industry through the enforcement of the established laws/ rules and regulations within the CBD.

1.4.2 Specific objectives

- i. To find out how NTSA has influenced PSV operators within the CBD
- ii. To find the extent to which NTSA incorporate other stakeholders in policy formulation to address the problems caused by PSV industry in the CBD
- iii. To find out how PSV industry instil discipline amongst its operators
- iv. To identify the best practices/policies in regulating public services vehicles within CBD.

1.5 Justification of the study

This study sought to bring out the relevant approaches that are often used to control/influence operations of PSVs in Nairobi CBD. The study was also conducted to portray the true spirit of key stakeholders' participation in policy formulation to address the problems caused by PSV industry. The study is important in challenging the existing theoretical perspectives that give emphasis on some aspects of instilling discipline whereas overlooking other disciplinary approaches. Kenya vision 2030 was founded on three pillars; namely economic, social and political. And therefore Public service vehicle industry being small but is a direct concern in the social pillar that connects with this study. Regulated and secured CBD is key in ensuring order as the business community engage in their day to day chores. The country endeavours to create for herself more secure living and working environment, thus reducing danger and fear.

Unregulated transport especially within the CBD creates many unnecessary costs and disturbing experiences which nobody would ever wish to go through. Air and noise pollution resulting to respiratory health problems. Accidents due to disorderly and uncivil behaviour. Unregulated bus fares, displacements especially in other business to create terminus results to social disorder. change in economic growth, regulation of traffic systems ,enhanced rate of transportation, uncontrolled personnel, touting,

interference with existing transportation and hence disruption of the CBD's other businesses raise concern and require a remedy.

1.6 Scope and Limitations of the Study

The study was carried out within the Central Business District of Nairobi County. The area was selected because it is the convergence zone for all PSVs operating within and outside Nairobi. In addition, Nairobi County being the capital city of Kenya was expected to have diverse social, cultural and economic orientations. It has seventeen constituencies and is the biggest city in East Africa. It is one of the forty seven counties and the most populous in the country with estimated population of four million. The city generates approximately 60% of the country's GDP. The capital has one of the highest urban growth rate in the region. Nairobi is a city that is busy, full of economic activities and a home to various local and international organizations. It has the largest number of PSVs drawn from one hundred and sixty PSV Saccos which use thirty five routes in the region. However, the city faces various transport problems including congested roads, traffic jams, and failure to adhere to traffic rules/regulations, disorganized operations of PSVs, crime, poverty and proliferation of slums.

It also assessed the the ability of NTSA to influence PSV operation in the Central Business District of Nairobi County. This study aimed at bringing forth control measures by the regulator (NTSA) its stringent legislations and policy implementation to control structured system regulated security in CBD. Re- structuring of existing terminus within the CBD.

The study covered the PSVs operating within CBD. A coverage of the operating of PSVs outside Nairobi would have been preferred but it was not possible given the time and financial limitations.

The study covered how the NTSA influenced regulations of PSVs in Nairobi CBD, and the involvement of various stakeholdes in the formulation of policies on PSVS. Furthermore, the study covered the methods used by PSVs operators to instill discipline among its workers and in addition issues to do with appropriate policies/practices in regulation of PSVs in the CBD was aqually tackled.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Knowledge has to be fitted into a framework of some kind in order to be usable. Social theories are important and worth attention, because they offer or attempt to offer coherent explanation of social happenings in the existing society (Heideson, 1985). It is in this background, therefore, that this chapter (section) provides a review of the empirical and theoretical literature relating to the influence NTSA has had in PSVs within the CBD. This chapter will be divided into four key areas of focus. The first section will deeply delve in reviewing the existing literature. This will offer a critical understanding on how NTSA has influenced PSVs within the CBD. It will extend conceptualising on the various approaches to influence operations of PSVs entering and leaving the CBD from various parts of the country. Legal instruments that safeguard PSVs and interests of other stakeholders will also be discussed as well. This instruments will include the traffic Act chapter 403 laws of Kenya. (NTSA, Act N0.33 of 2012.), (Kettinger, W. J., and Lee, C., 2005).. Furthermore the role of NTSA as a critical agent of policy formulation will also be discussed in this section.

Also in this section, a comprehensive theoretical review was done. Theories which are relevant to this phenomenal are discussed in close relation to the area under study. Structural functionalism theory which explains how structures within a system act in support of one another to make a whole vis-a-vis the NTSA role, guided this study.. In addition, conflict theory as one of the key theory that expound on the role played by various classes/groups within a society is also discussed at length. (Kelloway, E., 1998)Therefore the review of literature was organised in the following broad views:-

Methods used by NTSA to control/influence operations of PSVs in the CBD

Stakeholders' participation in policy formulation to address the problems caused by PSV industry in the CBD

Discipline amongst the PSV operations

Appropriate policies/practices in regulation of PSVs within CBD

2.1 Rules and Regulations guiding operations of PSVS within CBD

The NTSA in its draconian efforts recently posted on the media the proposed hefty fines to be imposed not only to PSV operators but to all motorists. This raised a hue and cry as to where they were getting the powers from. Furthermore they proposed fines that would be paid on the spot. This raised the big question on the constitutional right which guarantees to proper representation of any accused person before a court of law. It was further seen to open an avenue of roadside kangaroo courts leading to corruption. The critique is that motorists have to carry a lot of money with them just in case of any eventuality you become a victim of traffic violation. In return criminal gangs would have a field day with the knowledge that drivers have a lot of cash with them. This means a simple justification results into another crime altogether.

Some far reaching effects in rules made by NTSA governing PSV operations are in excess of what is provided for in the The Traffic Act Cap. 403 , 2012 Laws of Kenya. The declaration from the operators that” no PSV would operate for a loss and no such effort would deter us nor thrown us out of business unless such law is properly constituted within the framework of parliamentary procedure”. Such rules attracting hefty fine hitherto not exhaustively received a nod in parliament except for a gazettelement. These constitute to part of the far reaching decisions arising from NTSA’s failure to operate within the constraints of their powers. In a close interview with one of the staff members in NTSA who purported to be informed of the process stated” the whole ideas of NTSA has a political backing and nothing will stop it from implementation”. From the point of view, for this senior NTSA staff, it appeared that the whole scenario was not working from a point of informed knowledge but a bulldozed political mechanism (Traffic Amendments Act , 2014) If this continues to be the case, court battles would be the order of the day with NTSA losing in every other aspect.

There is duplication of roles and overlaps because it is not clear who should do what among NTSA, traffic police and the city inspectorates (County traffic Marshalls).

Total disregard of other enforcement agencies

The national law enforcement agency is the National Police Service (NPS). Other agencies supplement the efforts of the NPS. Bypassing the police to go out on their

individual enforcement invites dangerous or fatal effects on their part. The NPS officers may not or may be considered inferior but the study here considers that NTSA staff should act within the confines of the law. A good case in point is when they conducted traffic inspection on a Ngong bound PSV only to land themselves into untold suffering. Choices have consequences this study shows unnecessary duplication of roles and total overlaps in matters to do with enforcements (Sector plan for Nairobi Metropolitan Department 2008-2012), (Laws Of Kenya) First we have the NTSA claiming to be the bonafide superior traffic law enforcer, secondly the traffic police doing a similar enforcement, in the third position are police officers seconded to NTSA for the purposes of similar enforcements, while in the fourth position are county Askaris (Traffic Marshalls) doing similar operations. (NTSA Act No. 33 of 2012)

2.2 Lack of clear structured policy guidelines to streamline the PSV industry in the CBD

One of the nuclear problems encountered in the CBD is poor planning of PSV terminus by the County Government of Nairobi. With the intent of introduction of PSV Saccos, the CBD has been infiltrated by PSVs occupying each and every space available for their operations. Little or no consultation is done between NTSA, the City Authorities and other business operators over the right places for Matatu terminus. This has affected other businesses alike as only one side of the divide is addressed. Matatus causing prolonged obstructions is the order of the day as they claim ownership of the space through the issued operator's licence. (NTSA Operating of PSV Legal Notice 219 OF 17.12.2013). (Traffic Amendment Act 2012 (L.N No.37-Traffic signs), (Traffic Amendment Act 2012 (L.N No.37-Traffic signs, Touting, Reflective Jackets and Helmets). (Traffic Amendment Act 2012(L.N No.38 - Driving on pavements and Demerit points))

NTSA has developed no clear structured guideline policy to streamline the ailing PSV industry. Cartels have taken over the management of routes, bus stops and PSV terminus with a particular aim of freezing the operators.

NTSA settled on Matatu Saccos only to operate fleet operation. This translated to generation of revenue to some NTSA staff working in cahoots with cartels. The government benefited little from the Saccos. Any member of a Sacco who complains

being threatened with deregistration from Sacco and subsequent cancellation of operator licences by NTSA. “The regulator works like a cartel and understands little about the PSV industry and the subsequent laws governing the industry” said one the aggrieved stakeholder.

To enforce the PSV rules especially in the CBD without involving other players who have the capacity to help streamline the industry the regulator would be doing itself injustice. (Traffic Act Cap. 403(2012).

With the approval of unnecessary Matatu terminus in nearly every other corner of the CBD, owners of business premises find it difficult to operate in an environment where goods and services cannot reach them in good time due to road obstructions. This alone ground their businesses due to massive loss. They are not spared to taxation yet they do little or no business.

The approval of such unwarranted terminus by the authority gives undue consideration and disadvantage to other drivers of the economy rendering jobs and business closure. Such actions are as a result of lack of consultative forums involving all stakeholders. Rules and regulations governing such principles are quite clear in the bylaws but are blatantly ignored by the owners (CGN) and the NTSA which is supposed to ensure smooth operations. There is poor planning and establishment of PSV terminus in the CBD (Operations of Public Service Vehicles Regulatory, 2014)The unnecessary Matatu terminus everywhere is the biggest cause of numerous obstruction encountered in the CBD. (NTSA Operating of Legal Notice 219 of 17.12.2013).The CBD comprises of other economic prime movers whose businesses are adversely affected by PSVs through endless traffic jams.

In levels of decision making, the NTSA should have in mind that the current constitution calls for involvement of all stakeholders in matters that affect their operations in order to put the right foot forward. Constantly, they have isolated bodies like Matatu Vehicle Owners Association, Matatu Welfare Association, representatives of various Matatu Sacco, traffic department of the national police service, Nairobi County Government planning and inspectorate, the CBD business community and other important stakeholders like the Ministries concerned. Their solitary decision are seen to favour one side or group of the divide which often make the whole decision they have made be met with hostility by the opposing side. Chaos often result as a

way of challenging the illegitimate decision result to mass damage to property and loss of life. Constantly they do not own their mistake but pass the bulky to innocent organisation.

Failure to abide by the constitution results in litigation and prolonged court cases which become detrimental in fast-tracking sanity in the already congested central business district.

These are all overlaps targeting the same PSV industry. There exists no clear division of labour as to who is responsible for what and in such circumstances corruption finds its way as each enforcer competes for what is available.

Duplication of roles and overlaps in matters of enforcement

Inadequate policies and decision not prioritized are a true reflection of gaps left. This leads to poor results and work management hence the collapse of an organisation. NTSA require to play a complementary role among other stakeholders in endeavour to post positive results in its mandate. Every key organisation has its ultimate role to play. Decisions made in the boardroom should not contravene the written law. The constitution provides for broad consultation between all industry players visa viz other affected economic Stakeholders.

Court injunction and punitive punishments

Poor methods of approach to decision making often result to discontent leading to strikes, endless protests and sometimes damage to property or loss of life. Where parties have often failed to let reasoning prevail, matters find their way to court for arbitration or legal interpretation. Injunctions are given by court by way of preventing one party from proceeding with its action until the matter is heard and determined. Many are the times that these court cases take far too long leaving a lot of suffering to other stakeholders on the ground. (Traffic Act Cap 403(2012) (Kuloba, R., 1987).

Noise and environmental pollution

Noise and environmental pollution is the order of the day in the CBD. Besides NTSA having knowledge of the unnecessary noise emanating from touts soliciting for passengers it has kept a blind eye on it as if no rules exist to counter this menace.

PSVs drivers keep on over-accelerating their stationery vehicles causing health risks to city residents through fumes and dangerous gases emitted through the exhaust. It is the responsibility of NTSA to work closely with other government agencies to control such pollutions. (NEMA, 2005).

Loss of revenue

There is mass loss of revenue as the PSVs have drivers and conductors who do not meet the qualification to operate or do such duties in a public service vehicle. This results to losses in terms of revenue collection. Online application and bureaucracy involved obtaining drivers and conductors PSV and badges have been brought about back street documents

Since the inception of online driving licence application, many drivers have been able to obtain genuine licences but with fake endorsement to drive PSVs. The end results is inexperienced drivers having duties to do with the wrong documents. (The National Transport and Safety Authority, Act 2012)

Lack of road safety campaigns/lectures/seminars to industry stakeholders

This aspect remains strange to NTSA as a regulator. To keep stakeholders in the industry informed of emerging issues, lectures to organized groups should be done as a matter of principle. Short seminars needs to be carried out regularly to sensitize and promote awareness through the licenced Saccos. All these form part of the wider scale in road safety campaigns to arrest and interdict the increasing road carnage.

This is a must for NTSA and cannot claim credit in a situation where they appear not informed of this crucial role.

2.3 Discipline amongst the PSV operators

In the year 2004 the then late cabinet minister for transport and telecommunications Late Hon. John Michuki established 'Michuki rules' geared towards streamlining PSV industry. He came up with a program where both drivers and conductors were supposed to wear uniform for the purposes of civility and identification. Again he established procedures sufficient to restore order and sanity to all PSVs in the country. All public service vehicles were supposed to be fitted with speed governors, seatbelts and above all were to be painted in colours adequate to distinguish them from other

motor vehicles hence painted in yellow colours. Drivers in addition were supposed to be in possession of PSV badge and driving licence. In addition drivers were required to display their photographs in a conspicuous place inside the vehicle where all passengers could see it. Conductors as well were supposed to be in possession of PSV licence and certificate of good conduct every time he/she was on duty. At the same time he was a proponent of public service vehicles terminals within the CBD and also the establishment of PSV Saccos to enhance order and sanity within the CBD (Michuki rules 2004). Furthermore he established plans as benchmark to direct PSVs on their respective routes in and outside the CBD. All PSVs Saccos were thus required to adhere to established and gazzeted rules and regulations by way of instilling discipline to their SACCO operations.

Matatu Owners Associations registered in, 2001,(Legal notice no 161 of 2003, legal notice no 83 of 2004, legal notice no 97 of 2004 and legal notice no, 65 of 2005) required fitting of speed governors in all PSVs and commercial vehicles whose weight exceed 3,048 kgs and speed limited to 80 Kph; fitting of seat belts to all vehicles (public, commercial and private); employment of drivers and conductors on permanent basis , issuing of badges to PSV drivers and conductors, issuing of uniforms to PSV drivers and conductors, indication of route details and paint of vehicles(Michuki Rules 2004), (Rogers Behrens, D. M, 2016)

“Drivers and conductors seem to have abdicated the law, they no longer wear uniform as per the law, this might give criminal gangs room to penetrate the industry and have a free time committing criminal offences” paused an aggrieved commuter (Michuki Rules, 2004). A recent case is a situation where a driver and conductor drugged a female passenger and eventually committed a heinous act of rape on the victim. Another case was cited along Ngong Road where the driver and conductor were involved in a case of robbing passengers. “Saccos do not enforce the uniform rule on their staff and equally the NTSA is neither stepping in to cancel the Sacco licences as a way of deterrence to help curb the vice, this law ended up with Hon Michuki demise” said a commuter who seemed to be conversant with Michuki rules.(Traffic Amendment Act 2014).

2.4 Appropriate policies/practices in regulation of PSVs within CBD

Courts play crucial roles in arbitrating on matters where there are warring parties. A study has shown situations where dissatisfied parties go to court to seek court injunctions.” A recent case is where PSV operators went to court suing the regulator of having barred all PSVs from operating into the heart of CBD and exempted buses from this superior order”.(National Transport and Safety Authority Operations of Public Service Vehicles Regulation 2014). The court granted the order and all the PSVs were back in normal operation including in the unauthorised areas. There was no proper study of the law to make the regulator clearly understand its powers and where it derived it from.” Another case in point is the recent suit between the NTSA as the regulator and the Kenya driving schools Association over conditions the later felt unrealistic and unhealthy to their operation”.(Traffic Act Cap 403,L.O.K,NTSA ACT 33 of 2012) The court again granted an injunction against the NTSA until the matter is heard and determined. Some of these court battles are as a result of failure to clearly understand the law and interpreting it retrogressively.

It is the duty of NTSA advice the government on amendments to the traffic Act in order to provide for stiffer penalties on conviction to traffic violation. This is one very important area they have actually failed to offer advice.

2.5 Theoretical Framework

2.5.1 Structural Functionalism Theory

The structural functionalist perspective, also called functionalism, is one major theoretical perspective in sociology. Functionalism interprets each part of society in terms of how it contributes to the stability of the whole society. Society is more than the sum of its part; rather, each part of society is functional for the stability of the whole society. The different parts are primary of the institution of society, each of which is organised to fill different needs and each of which has particular consequences for the form and shape of society. All parts depend on each other.

Functionalism sees social structures or the organisation of society as more important than the individual. Functionalism is a top down theory. Individuals are born into

society and become the product of all the society influences around them as they are socialized by various institutions such as the family, education, media and religion.

Functionalism sees society as a system; a set of interconnected parts which together form a whole. There is a relationship between all these parts and agents of socialization, and together they all contribute to the maintenance of society as a whole. Social consensus, order and integration are key beliefs of functionalism as this allows society to continue and progress because there are shared norms and values that means all individuals have a common goal and have a vested interest in conforming and thus conflict is minimal.

Talcott Parsons viewed society as a system. He argued that”

“Any social system has four basic functional prerequisites; adaptation, goal attainment, integration and pattern maintenance. These can be seen as problems that society must solve if it is to survive. The function of any part of the social system is understood as its contribution to meeting the function prerequisite”

In view of this, stakeholders in PSV industry is a good example of interconnected parts to make a whole. Furthermore in its attempt to control and influence operations of PSVs in the CBD, it is prudent that NTSA include Stakeholders to participate in Policy formulation to address the problems caused by PSV Industry in the CBD. In this way, their views will be considered in decision making process reached during consultative forums. Furthermore participation of the stakeholders will promote sustainable decisions by recognizing and communicating the needs and interests of all participants. The end result will see a streamlined and well-structured PSV industry. (Parsons Talcott , 1961)

2.5.2 Conflict Theory

Karl Max believed that;

“Class of conflict is inherent in every differentiated class of society, since such a society systematically generates conflicts of interest between person and groups differentially located within the social structure, and more particularly, in relation to the means of production”. (Karl Max, 1818-1883)

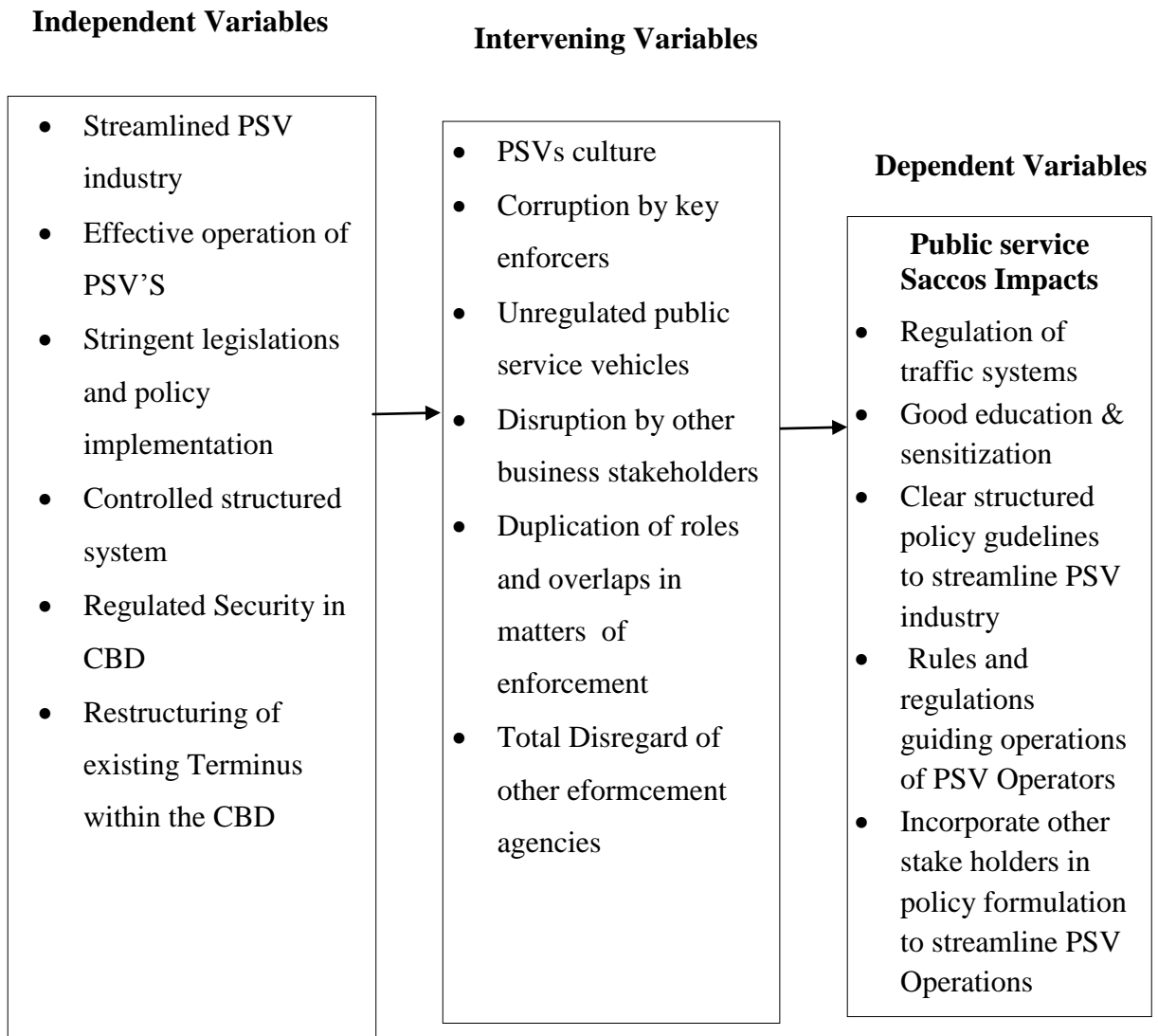
The NTSA navigation to influence the PSV industry within CBD brought conflict between the regulator and the regulated. Prompting hostility from the opposing. Side Furthermore this has culminated to protest, strikes or other types of social change.

“Karl Marx derived his concept of class conflict from Adam Smith’s theory of social order. Management and organization scholarship which should focus on philosophical examinations of the influence of social order on economic activities in an organization in a way that is far more appreciative of the social relations of individuals as being the primary, rather than a secondary, concern. The antagonistic and unequal class structure characteristic of capitalist societies leads to what Marx termed as ‘alienation’ (Swain, 2012) alienation refers to separation or estrangement of individuals from themselves and others. Alienation describe the sense of frustration, pointlessness and lack of involvement felt by many working people. Relationships in a capitalist society are those of competition rather than cooperation even among fellow workers. In Marxist theory, ideas, values and beliefs perform a central function in maintaining inequalities and oppression. They act as ideologies supporting the (capitalist) system. For Marx, and ideology was a system of ideas that misrepresent reality by serving the interests of the dormant social group in society, particularly the ruling classes. (James Fulcher, 1999). Although the work of Marx and Engels was extremely complex, certain basic proposition stand out (Jonathan, T. H. , 2012) First there was the proposition that conflict of interests between different groups will be increased by inequality in the distribution of scarce resources (e.g, food clothing, shelter) a second proposition was that those receiving less of the needed resources would question the legitimacy of the arrangement as they became aware of the nature of the “raw deal” they were getting. The third proposition was that these groups then would be more likely to organise and to bring the conflict out into the open, after which there would be polarization and violence leading to redistribution of the scarce resources in such a way that they would be shared by everyone.” (Karl Max 1818-1883)

In regard to this study therefore NTSA in its navigation to influence PSVs operations within the CBD is seen as infer to this theory. The route NTSA chose to restore resources in such a way that they would be shared by everyone”. (Order, sanity and attempts to interdict lawlessness within the CBD is evident. In addition, the methods NTSA has used to control/influence operations of PSVs in the CBD brought conflict among the players who are the key stakeholders. The legislations laid to restore order and sanity in operations of PSVs are received by the regulated as punitive and hence inappropriate to address the problems in the PSV industry. Furthermore legal battles and unrests became order of the day. Again Stakeholders participation in policy formulation to address the problems caused by PSV industry in the CBD has not been received well by the regulated. This is because most of their opinions are never taken into consideration thus failure to promote sustainable decisions by recognizing and communicating the needs and interests of all participants. Furthermore issues to do with discipline amongst PSV operators and in addition best policies/practices in regulation of PSVs within the CBD have not been appropriately addressed.

2.6 Conceptual Framework

Figure 1 : Conceptual Framework



2.7 Conclusion

From the above literature review on National Transport and safety authority and its effects on the transport system within the Nairobi Central Business District, the following gaps were established. This information indicates that substantial work that needs to be done to bridge the gaps.

2.8 Summary of Identified Gap

Table 2.1: Summary of Identified Gap

Author	Objectives	Findings	Knowledge Gap
The National Transport and Safety Authority Act 2012.	socio-economic challenges posed by PSV within the CBD	Operated by cartels who have immense influence within the NTSA hierarchy	Disband all cartels and power brokers acting on behalf of NTSA
The National Transport and Safety Authority Act 2012.	Challenges encountered by NTSA in its efforts to regulate PSV in the CBD.	lack of coordinated approach to tackling problem caused by PSVs key among them being isolating the other stakeholders and including particularly the PSV operators themselves	NTSA to involve other required players in the field of enforcement Embark on a strategy to train and re -test PSV operators
The National Transport and Safety Authority Act 2012	Impact caused by PSVs against the other business community in the CBD.	Business operators in the CBD have closed down or are in the process of closing down citing insecurity caused by PSVs particularly for major key factor that PSV terminus have been placed just next to their door steps	Consult with all affected stakeholders before they arrive on decision and way forward
Traffic Act Cap 403, laws of Kenya	Policy framework to regulate public service vehicles within CBD	Government has created parallel enforcement agencies	Action oriented within the framework of the written law as opposed to boardroom decision as their stepping stone to arrive at the way forward

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

Due to limited research on the area under study, this study was aimed at generating comprehensive information on National Transport and Safety Authority Navigation and its influence in the public service vehicles industry. The study used both quantitative and qualitative approaches in order to capture the magnitude and extent of some key themes under study.

Advanced qualitative research is based on the understanding that persons are shaped by the meaning that they ascribe to their experiences, by their positions in social structures, culture and their interpersonal relationship (Denzin, N. K., 2005). The use of qualitative approach gave insight on various approaches that NTSA utilizes to navigate through and influence public service vehicles within CBD.

3.1 Site Selection and Description

This study was conducted within Nairobi central business district region, located at the centre of the capital city. Nairobi County was purposively selected because it is the capital city of Kenya and as such it was expected to have diverse social, cultural and economic orientations. Nairobi's CBD is also the convergence zone for all PSVs operating within and outside Nairobi.

Nairobi County has 17 constituencies and is the biggest city in East Africa. It is one of the 47 counties and the most populous in the country with an estimated population of four Million. The city generates approximately 60% of the country's GDP. The capital has one of the highest urban growth rate in the region. Nairobi is a city that is full of economic activities and a home to various local and international organizations. It has the largest number of PSVs in the region. However, the city faces various transport problems including congested roads, traffic jams, and failure to adhere to NTSA regulations, disorganized operations of PSVs, crime, poverty and proliferation of slums.

3.2 Unit of Analysis

(Singleton RA..G, 2009) defines a unit of analysis as the entire entity under study. It includes people, social roles, positions, groups, relationships and social organisations. The unit of analysis in this study was methods NTSA use to navigate and influence public service vehicles within CBD. By analysing the relevance and appropriateness of the diverse approaches used as disciplinary measures by NTSA, the study attempted to investigate the effectiveness of such methods in regulation of Public Service Vehicles within the Nairobi CBD

3.3 Unit of Observation

The unit of observation in this study was Public Service Vehicles stakeholders. Focus was on observable mannerism on how they interact, mutual easiness amongst them and any other observable information that would enable us to meet the objectives of the study.

3.4 Target Population

According to (Mugenda & Mugenda, 1999) a target population is that population which the researcher wants to generalize the results. In this case, the study targeted Public Service Vehicles. In particular, this study targeted NTSA and its influence on Public Service Vehicles within Nairobi CBD. It attempted to get information from the Stakeholders in Public Vehicles industry.

3.5 Sampling Design

In a research of this magnitude, it would be difficult to study the entire population that is involved in the PSVs as this would be exhausting, costly and time consuming. Hence sampling design was prepared to obtain a representative of target population. According to singleton et al (2009) a sampling design refers “to the part of research plan that indicates how cases are to be selected for observation”. This study employed use of non-probability sampling to identify its respondents. Unlike in probability sampling, Non-probability sampling does not give all individuals in the population equal chances of being included in the sample size. This means that in non-probability sampling respondents are not selected in a random manner. (Singleton et al., 2009) notes that this method of sampling is more practical and appropriate more so when dealing with case selection of specific sample in a qualitative study. This

study used purposive sampling to identify the key informants. According to (Mugenda, 1999) this technique allows a researcher to use cases that have requisite information in respect to the objectives of this study. In this research the key themes gave the researcher an option to select the respondents whom he deemed viable to have the necessary information in line with the study parameters. The researcher in this case study purposively identified NTSA within the study site.

Table 3:1 Summary of Selected Sample

Category	Target(Frequency)	Response(Frequency)	Percentage
Key respondents (NTSA workers)	60	48	80.0

The study targeted a total of 60 respondents comprising of NTSA workers as key respondents. However the study was able to achieve 48 respondents.

3.6 Sample Size and Sampling Technique

Sampling is a process of selecting the objects or cases to be included in the study as representatives of the target population. According to Creswell (2008) the sample size depends on the variables in the study, the type of research and methods of data analysis and the size of the accessible population.

The study used stratified random sampling to select the 60 NTSA officials who were the key respondents in this study. Stratified sampling is a probability sampling technique where by the researcher divides the entire population into different subgroups or strata, then randomly selects the final subjects proportionally from the different strata.

3.7 Methods of Data Collection

To ensure validity and reliability of data collected, the research used multiple source of information. This research used both primary and secondary sources of data. The use of both helped in corroboration and triangulation of key themes and this led to a better understanding of the qualitative data (Swadner, K. N. , 2000)

The study engaged a variety of distinctive methods of collecting information such as review of relevant documents and books including internet sources, interviewing the NTSA workers with a questionnaire, key informant interviews and observations.

Key informant interviews targeted persons who had special knowledge and information on the research under study. Through interaction with key informants, one was able to get in depth information; (Chadwick, B. A. , 1984), explains that such interaction encourages the respondents to think more deeply about an issue and even explain further. Apart from the set prepared questions (interview schedule) the researcher probed more through spontaneous questions hence generating rich data. With no restrictions, the key informants were given sufficient time to deliberate on the issues satisfactorily. Face to face interviews were used to source data from the key respondents who were the officials of NTSA. Observations were done informally. For instance, the researcher observed cases of crackdowns of PSVs by NTSA.

3.8 Ethical Considerations

This study was very sensitive in nature and likely attract emotional reaction from participants' level. Therefore, the researcher was very careful to respect the rights and privacy of all stakeholders, including both Matatu Associations and business fraternity. Any information was treated as confidential. Tool used to collect data from the PSV industry and other sensitive respondents was adapted to match their emotional indulgence. They were also designed in a way that would not initiate/invoke reactions from both the NTSA and stakeholders in order to gather information relevant for this study

In this study, much of the data generated was descriptive in nature. Therefore, the massive raw data from the primary sources was organized and interpreted. This involved coding of data through conceptualizing, compressing and putting it into thematic categories depending on the responses from the various respondents in the field. After this the data was then subjected to comprehensive descriptive and interpretive analysis. The key reason of doing descriptive analysis was to raise the major issues captured in the research data

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.0 Introduction

This chapter presents the data analysis and interpretation. It covers the findings on the key respondents who were the NTSA workers and key informants who included officials of Matatu Welfare Association (MWA), officials of Matatu Owner Association (MOA), Officials in the traffic police Department Nairobi Area and officials from Nairobi County Traffic Marshalls. The chapter begins by presenting the background information of the respondents followed by a presentation of the study findings according to the objectives of the study.

4.1 Response Rate

This study targeted a total of 60 respondents, and was able to achieve 48 which was considered appropriate to make conclusions.

4.2 Demographic Information

4.2.1 Age Distribution of key Respondets

Respondents were asked to indicate their age. As shown in Table 4.1 a bigger percentage of the workers were in the age bracket of (36-40) years 29.2%, NTSA workers in the age bracket of (26-30) years and (31-35) years each had 22.9% NTSA, workers in the age bracket of (41-45) years 12.5% NTSA workers of the age of (46-50) years 8.3% while NTSA workers in the age bracket of below 25 years and 51+ years each had 2.1 %

Table 4.1 Distribution of NTSA Workers

N=48

AGE	FREQUENCY	PERCENTAGE
Below 25	1	2.1
26-30	11	22.9
31-35	11	22.9
36-40	14	29.2
41-45	6	12.5
46-50	4	8.3
51+	1	2.1
Total	48	100.0

4.2.2 Gender distribution of the NTSA Workers

There are more male (about 62%) than female (38%) working in NTSA. It is also clear that. The distribution of female to male is one-third implying that affirmative action has been adopted to promote the roles and involvement of women in the NTSA.

Table 4.2 Distribution of the Respondents by Gender

N=48

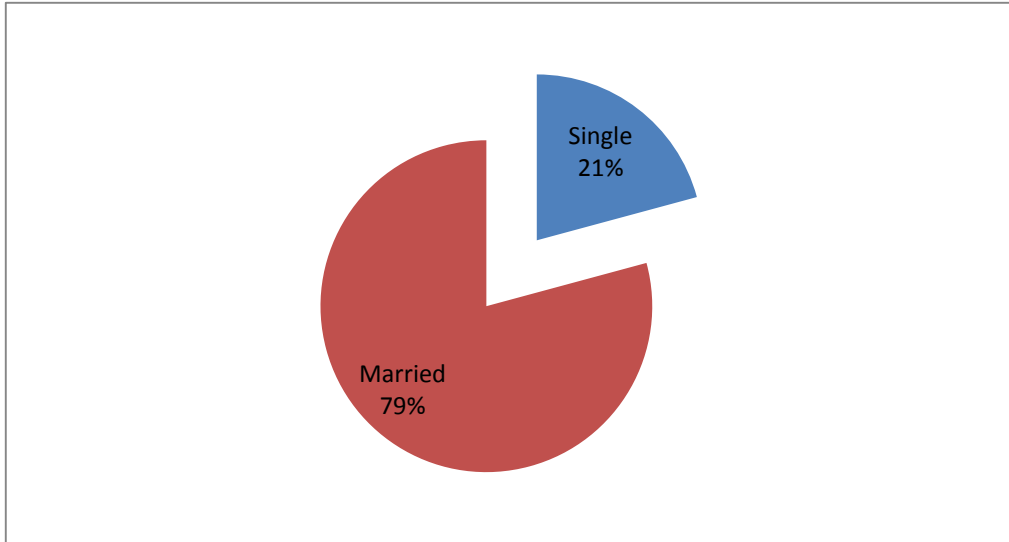
Gender	Frequency	Percentage
Male	30	62%
Female	18	38%
Total	48	100%

4.2.2.1 Marital Status of the NTSA Workers

The respondents were asked to indicate their marital status. Majority of the respondents (79.2%) were married while only 20.8% were single. None of the interviewed respondents indicated cases of separation, divorce or widowed. From this,

it's evident that most NTSA workers lived in families where there was father, mother and children and hence had a family responsibility. Figure 2 shows these findings.

Figure 2 Distribution of NTSA Workers by Marital Status



4.2.2.2 Level of Education of the key Respondents

The researcher wanted to know the level of education of the NTSA workers. Therefore, respondents were asked to report the highest level of education they had attained. The educational levels were categorised into four levels of education with most of the respondents having a degree and above (62.5%), respondents with diploma/college certificate 27.1%, and respondents with A' level certificate (form six) comprised 2.1% while those with form four certificates were 8.3%. Table 4.3 presents these findings.

Table 4. 3 Distribution of NTSA Workers by their Level of Education

N=48

Level of Education	Frequency	Percentage
Degree and above	30	62.5
Diploma/college certificate	13	27.1
Form four	4	8.3
Any other(specify) A' level	1	2.1
Total	48	100.0

4.2.2.3 Whether Respondents Work with NTSA

The respondents were asked to confirm whether they work with NTSA first before engaging them to the interview schedule. Figure 3 shows these results. As shown in the Figure, all the respondents indicated worked with the NTSA.

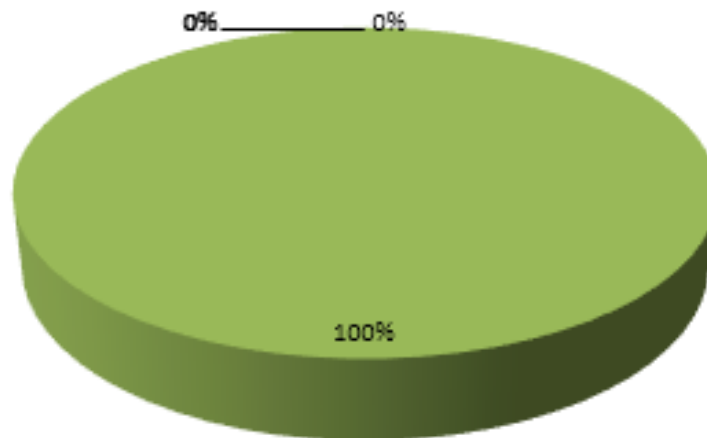


Figure 3 Whether Respondents Work with the NTSA

4.2.3 Departments of Deployment by NTSA

Respondents were asked to indicate the departments they worked in NTSA and their responses were as shown in Table 4.4. It was evident that the departments of deployment included road safety, data analysis, motor vehicle inspection, driving test unit, registration and licensing of motor vehicles and enforcement of traffic rules and regulations.

Table 4. 4 Distribution of respondents by their departments of deployment in NTSA

N=48

Department	Frequency	Percentage
Road Safety	10	20.8
Data Analyst	1	2.1
M/V Inspection	10	20.8
Driving Test Unit	10	20.8
Registration & Licensing	7	14.7
Enforcement	10	20.8
Total	48	100.00

4.2.4 Duration of Service at NTSA

The researcher wanted to know the period of time respondents had worked with NTSA. Their responses were given and tabulated and they indicated that those who had worked for less than one year was 12.5%, those who had worked in the bracket of between-2 years were 25%. Respondents with working experience of between 3-5 years were 58.3% while those who had worked for more than 5 years were 4.2%. This shows that most of the respondents had sufficient experience given their years of service at NTSA.

Table 4. 5 Distribution of Respondents by Work Duration

N=48

Period(years)	Frequency	Percentage
Less than 1	6	12.5
(1-2)	12	25.0
(3-5)	28	58.3
Above 5	2	4.2
Total	48	100.0

4.3 Methods Used by NTSA to Control/Influence Operations of PSVs in the CBD

The first objective of this study was to find out how NTSA had influenced PSVs within CBD. This section therefore looks at the various methods that were used by NTSA to control/influence operations of PSVs in the CBD.

4.3.1 PSVs Compliance with Rules/Regulations Set by NTSA in CBD

The researcher asked the respondents to state whether there were cases of failure to comply with rules and regulations set by NTSA in Nairobi CBD. All the respondents accepted that there were cases of non-compliance. This shows that non-compliance is the norm and the NTSA workers were aware of this fact. Hence there were methods used to enforce the rules and deal with cases of non-compliance.

Key informants who were interviewed supported key informants response by confirming there were cases of failure to comply with the rules/ regulations in the CBD

4.3.2 Regulations/rules violated by PSVs in the CBD

Having stated that there were cases of failure to comply with rules and regulations set by NTSA in Nairobi CBD, the researcher then proceeded and asked the respondents to state the rules/regulations that were violated. The violated rules and regulations cited by the respondents included obstruction, overlapping, failing to comply with TLB requirements, operating without valid membership of a Sacco, setting, dropping and picking of passengers at places other than designated areas, noise pollution from modified tail exhaust, driving on pavements, unregulated Matatu Sacco routes, Sacco terminus which were not well designated and failure to fasten safety belts. Most PSVs were found to operate without both seat belts and functional speed governors. Others had speed governors that had been tampered with. In addition, some PSVs had expired road documents and they operated without valid PSVs licenses. A female traffick officer had this to say;

“There is noise exhausts, overlapping, overloading, picking, dropping and setting of passengers at places other than designated, operating without legal documents failing to comply with TLB requirements by operating on un authorised routes, failing to register with Sacco, causing obstruction, careless driving, branding PSVs and operating without requisite documents.”

4.3.3 Procedures of dealing with PSVs who violate rules/regulations

The respondents were asked how they dealt with PSV operators who violated the rules/regulations. Their responses indicated that there were cases of Prosecution in court for those found violating traffic rules /regulations. However, there were also internal mechanisms like suspending of licence until compliance by the PSVs operators. Instant fines which would act as a deterrent measure to other road users were also used to ensure compliance. Furthermore, some of the offenders were charged in accordance with the traffic Act. Reprimand/warnings and suspensions from operations for a specified period were also used as a deterrent. A male traffic police had this to say;

“Those PSVs who violated rule/regulations were suspended from operations, warned, charged by way of being issued with a notice to attend court at an appropriate time and place and in other cases Kangaroo courts were applied where money changed hands leading to corruption.”

The views of the traffic police above indicates that corruption amongst key players in the enforcement was the reason for the mess in the CBD.

Table 4. 6 Procedure of dealing with PSV operators who violate rules

Methods of dealing with operators who violate Rules	Frequency
Prosecution	30
Suspending of licenses	15
Instant fines	14
Charged before court of law	10
Reprimanding/warnings	8
Suspension from operation	5

4.3.4 Most Appropriate Methods preferred to Ensure Compliance

The researcher further engaged the respondents to state in their own opinion which of the foresaid methods they would prefer as the most appropriate way of ensuring compliance. Their responses indicated that the preferred methods used included enhanced legislation and penalties by court of law, road safety and compliance education, and suspension because it affects all the players from the owners, staff,

Sacco, sensitization of PSVs and general public on the importance of complying with the traffic rule and regulation. A male key informant from matatu owners association explained;

“PSVs are supposed to belong to self-regulatory Sacco; therefore a particular Sacco is allocated a picking and dropping bay and route within the CBD.”

Another informant confirmed this who indicated

“Creating awareness to the operators would improve the sector. Furthermore detecting and arresting those who violate Traffic rules/regulations and in addition working together with the management of various Saccos would get rid of errant drivers and cartels.” Furthermore, public education and sensitization should be emphasized especially to end corruption which is a societal evil. In so doing then we would see a streamlined CBD”.

Table 4. 7 Most preferred methods of compliance

Preferred Method of Ensuring compliance	Frequency	Percentage
Enhanced Legislation	8	16.7
Penalties/fines	9	18.8
Road safety and compliance education	10	20.8
Suspension	11	22.9
Sensitization	10	20.8
Total	48	100.0

4.3.5 Enforcement Methods Inappropriate and Difficult to Apply

Respondents were asked whether there were some laws and rules that they found inappropriate and difficult to enforce. Their their responses as shown in Table 4.8 were that there were methods that were difficult to enforce (62.5%). Only 37.5% of the respondents indicated that the methods were not difficult to enforce.

Table 4. 8 Methods Respondents found Inappropriate and Difficult to Enforce

N=48

Methods Inappropriate and Difficult to Enforce	Frequency	Percentage
Yes	30	62.5
No	18	37.5
Total	48	100.0

As a follow up question, those that indicated methods were not difficult to enforce said most of the rules and regulations had been enforced and that NTSA had already developed a manual that was used by the enforcement officers.. According to 62.5% of the respondents, all enforcement methods were basic and meant to ensure order on the roads.

A felame key informant from matatu owners association had a different opinion. She explained;

“Enforcement and regulation of PSVs have been a challenge;, issuance of Road service licence mostly in remote areas has not been successful, some PSVs operated illegally at night without road service licence, others do not have inspection sticker”. While another indicated that “exerting punitive measures on Sacco’s and other stakeholders including owners and staff for an offence committed by one vehicle from the same company or Sacco is difficult. Also there are other challenges in deregistration from a Sacco in the event one operators misbehaved because such an action is not supported by any Act of parliament” Another informant indicated that”NTSA has developed a manual that enforcement officers use thus guiding on matters of enforcement”.

Table 4. 9 Rules and Regulations Difficult to Enforce

N=48

Rules and Regulations that are difficult to enforce	Frequency	Percentage
Exerting punitive pressure on the Saccos/motor vehicle owners/drivers for an offence committed by one of the many motor vehicles	14	29.2
Road service licence for PSVs operating in remote areas.	8	16.6
Alco-blow meant to tame drunk driving but challenged in court	10	20.8
Speed checks but challenged in court	9	18.8
De-registration from Sacco's	7	14.6
Total	48	100

4.3.6 Suggestion to Make Operations of PSVs Most Efficient

Respondents were asked to state based on their working experience what could be done to make the operations of PSVs to become most efficient in Nairobi CBD. In their responses, they raised a number of issues such as educating the PSV operators on the need to be compliant and avoiding to act out of ignorance. They suggested the need to do away with 14 with seater Matatus from accessing CBD and replacing them with double Decker commuter buses to ease congestion within CBD. Furthermore, they suggested that Saccos should be brought on board as partners and allow them reasonable space or authority to enforce strong by laws consistent with NTSA rules and regulations. In addition, they suggested the need for redesigning the route to be continuous and circular so that PSVs do not turn to the same routes to enable PSVs to have two streams moving from opposite direction. This information is supported by one of the key informants who cited that;

“NTSA should ensure that Saccos are effective and efficient, in addition they should introduce instant fines to traffic offenders, besides introducing a rapid bus transport to weed out the influx of PSVS particularly 14 seater Matatus”.

Another informant working as a traffic officer added;

“The introduction of new circular routes from Eastlands, Southlands, Westlands and Thika Road to areas such as Kenyatta National Hospital and Karen without entry into the CBD would ease the traffic burden”.

Table 4. 10 Methods to Improve PSVs Operations

Methods suggested to improve PSVs	Frequency	Percentage
Educate PSV operators	12	25.0
Phase out 14 seater Matatus and replace with double Decker buses	10	20.8
Bring Sacco’s as partners to enforce strong by-laws consistent with NTSA rules/regulations	6	12.5
Need to redesign routes to be continuous and circular so that PSVs do not to the same routes	12	25.0
Enable PSVs to have two streams moving from opposite direction	8	16.7
TOTAL	48	100.0

4.4 Methods used by NTSA to Control and Guide PSVs Operations within CBD, Nairobi County.

This section sought to know the various methods used to control PSVs operations within CBD, Nairobi County.

4.4.1 Methods used to control and guide PSV operations in Nairobi CBD by NTSA

Asked to mention the method used most to control and guide PSV operations in CBD , the respondents cited a number of methods including regulation and identification of routes 12.5%, to ensure that operators strictly operate within their licensed routes 25% , those who contravene to be dealt with within their Saccos 58.3% and 4.2% indicated issuance of TLBS to be enhanced.

Table 4.11 Methods to Guide PSV Operations by NTSA within CBD

N=48

Methods to guide operations in Nairobi CBD	Frequency	Percentage
Regulation/Identification of Routes	6	12.5
Operate Within Licensed Routes	12	25.0
Saccos Action on Contravention	28	58.3
Enhance Issuance of TLBS	2	4.2
Total	48	100.0

4.4.2 Stakeholders participation in policy formulation to address the problems caused by PSV industry

The researcher in this part wanted to know from the respondents about stakeholder's participation in policy formulation to address the problems caused by PSV industry especially in the CBD.

4.4.3 Main Stakeholders in PSV Industry.

The respondents were asked to tell who the main stakeholders in PSV industry are, they responded by citing ministry of transport, National Transport and Safety Authority, county government, commuters, traffic departments, companies and individuals, PSVs and Sacco's, Matatu Welfare Association, Matatu Owners Association. Non-governmental organisation, motor vehicle dealers, National road safety trust, drivers, conductors, insurance companies and Matatu touts. A male matatu driver indicated that;

“Members of the public who are represented by commuters are the main stakeholders give that they are the consumers and as such their views are ignored in decision making process to streamline the industry.”

Table 4:12 Main stakeholders in PSV Industry

Main stakeholders in PSV Industry	Frequency
Ministry of Transport	3
National Transport & Safety Authority	18
County Government	6
Commuters	9
Traffic Department	15
Companies & Individuals	5
PSV Saccos	7
Matatu Welfare Association	4
Matatu Owners Association	4
Non-Governmental Organizations	3
Motor vehicle dealers	8
National Road Safety Trust	6
Drivers	3
Conductors	2
Insurance Companies	10
Matatu Touts	2

4.4.4 Some policies formulated by NTSA to guide PSVs

In regards to the policies formulated by NTSA to guide PSVs, respondents brought on board that all PSVs must belong to Sacco's which must keep records of owners and crew hence PSVs must operate within specified routes. When travelling outside such routes, a special permit is required to authenticate the operations Enhanced. Registration of Sacco's and companies across the country. That owners of PSVs should register them with Sacco's for ease of management. Regulation legal notice no. 23, legal notice 21 formulated to regulate public service vehicle industry. Other

policies included instant fines, speed governors, legal notice 217, NTSA operation of tourist service vehicle 2014, licensing of drivers, regulating public service vehicles. Formulating and reviewing the curriculum for driving schools.

A male key informant from matatu welfare association had this to say;

“Licensing of PSV routes and in addition PSV operators should work with Nairobi county government to relocate PSV pick points outside to decongest CBD”

The views above were supported by a traffic police officer who explained that;

“Picking and dropping areas have been identified like Kencom, GPO, Bus station, Old Nation, Ambassador and railways. Furthermore, the traffic Act, county government by-laws and the NTSA Act have formulated rules and regulations which are used within the CBD. In addition other policies include the Traffic Amendment Act LN No.38- Driving on pavements and demerit points. Traffic amendments act 2012 LN No. 37-Traffic signs, Touting, Reflective Jackets and Helmets.”

4.4.5 Authority Entrusted With Policy Formulation

The researcher wanted to know from the respondent in terms of gender whoever is entrusted with policy formulation. The response was that NTSA board worked hand in hand with stakeholders and ministry of transport. Male represented 58.3% against female 41.7%

4.4.6 Incorporation of Stakeholders in Policy Formulation by NTSA to address PSV Problems.

Respondents we asked to state whether NTSA incorporated other stakeholders in formulation of policies to address PSV problems. The responses were that majority comprising 73% of the respondents said that stakeholders were incorporated while only 27% said that stakeholders were not incorporated.

Table 4: 13 Incorporation of stakeholders in policy formulation.

N=48

Incorporation of Stakeholders	Frequency	Percentage
Yes	35	73
No	13	27
Total	48	100

4.4.7 Stakeholders participants incorporated in policy formulation

Respondents were further asked to state those stakeholders that were incorporated in policy formulation and they brought on board county government, the police, state law office, insurance fraternity, members of Public who are represented by the commuters, Matatu owners association, Matatu welfare association and ministry of transport.

Table 4:14 Stakeholders Participation in Policy Formulation

Stakeholders in policy Formulation	Frequency
County Government	15
Police	8
State law office	5
Insurance fraternity	6
Commuters	18
Matatu Welfare Association	6
Matatu Owners Association	5
Ministry of Transport	4

4.4.8 Manner of choosing participants

The researcher wanted to establish from the respondents how choice of participants who participated in policy formulation was done. Also their responses touched on representation selected by leadership of various organisations. For instance various

Sacco's chose representatives from their officials 20.8% . Matatu owners association 18.8%, Matatu welfare association 16.7%, Ministry of transport 12.5% , Insurance fraternity 14.6% and Commuters 16.7%.

Table 4:15: Manner of Choosing Participants

N = 48

Method of choosing participants		Frequency	Percentage
Leadership in various :	Sacco's	10	20.8
	Matatu Owners Associations.	9	18.8
	Matatu Welfare Associations	8	16.6
	Ministry Of Transport	6	12.5
	Insurance Fraternity	7	14.6
	Commuters	8	16.6
TOTAL		48	100.0

4.4.9 Bias in choosing participants/stakeholders.

The researcher wanted to establish from the respondents whether there was bias in choice of participants/stakeholders. Majority (75%) of the respondents indicated there was no bias, Compared to 25% who said that there existed bias.

Table 4:16 Bias in choice of participants/stakeholders

N=48

Face Bias in choice of participants/stakeholders	Frequency	Percentage
Yes	12	25.0
No	36	75.0
Total	48	100.0

Majority of the responses indicated that the choice must be based on the levels of participation, need and knowledge on road safety while those who indicated there was bias stated that they advertised the positions and when filling those positions criteria is not followed. Others indicated the majority votes win the election and that there is sustained effort to accommodate legitimate stakeholders from as many sections as possible to improve quality of deliberations and to enhance compliance.

This information was supported by a male key informant from NTSA who indicated that;

“Participation is done in consideration of exposure, knowledge and need especially on matters related to traffic rules and regulations”. While another key informant indicated bias and cited that “majority of the participants are chosen long before advertisements are done and in spite of the advertisements, voting is done as a matter of procedure”.

4.4.10 Whether Participation of Stakeholders Promoted Sustainable Decisions, Recognition and Interests of all Participants

The respondents indicated that PSV sector was informal and operated without rules specific to it. The gaps can only be filled by those who have witnessed its growth and its injustice. Previously the cartels made the rules which offended many. Now many participants bring order and balanced management. Participation of stakeholders would cause impact in promoting sustainable decisions acceptable to the stakeholders. A key respondent from matatu welfare association had a different view and indicated that;

“Stakeholders appearance was cosmetic. They are there to be seen but not to be heard and whatever decisions were reached shadowed their recognition and interests as participants said “there is no reason to participate in such forums as things would remain the same”.

4.4.11 Whether decision reached during consultative forums affects stakeholders

The researcher wanted to know from the respondents whether stakeholders are affected by decision reached during consultative forums. Majority of the respondents indicated affected 62.5% as compared to 37.5% who said did not affect. Those who said yes indicated there is more sharing of benefits, comfort and convenience by owners and consumers. There is order, sincerity and safety hence more tax and less damage to infrastructure. Those who indicated NO said that stakeholders only understand the decision reached during the time of enforcement.

Table 4. 17 Decision reached during consultative forums affect stakeholders.

N=48

Decision reached during consultative forums affect Stakeholders	Frequency	Percentage
Yes	32	66.7
No	16	33.3
Total	48	100.0

4.4.12 If public participation addresses the interests of the affected

Respondents were asked to indicate whether public participation addressed the interests of those affected. Majority of the respondents indicated YES 79.2% compared to 20.8% who said NO. Those who indicated public participation addresses the interests of the affected said that members of the public were the main stakeholders. Most of the other players were serving a need and gaining the share of benefits. Therefore what the public demands is better treatment and values for money. In doing so everyone else gets engaged around the members of public and gain from them. Public participation gives a broader perspective on what the public believe need prioritisation. Through participation they are able to do analysis which in its broad perspective will promote sustainability in the decision reached. Moreover public participation was an effective tool to address the interests as they are directly affected by the outcome or decision of the regulator. Those who indicated participation does not address the interests of the affected said at the end of the consultative forum the final decision rests with the regulator. The above view is supported by a female key informant from matatu welfare association who indicated that;

“Stakeholders understand their issues and processes involved, they participate further in consultative forums resulting to wider integration of sustainable management solutions”.

The study found that public participation addresses the interests of those affected. This is because through consultative forums sustainable decisions carry the day thus addressing the interests of those affected.

Table 4. 18 Public Participation addressed the interest of those affected

N=48

Public participation addressed interests of Stakeholders	Frequency	Percentage
Yes	46	95.8
No	2	4.2
TOTAL	48	100.0

4.4.13 Position of PSV operators views in decision making process.

The researcher asked respondents whether views of PSV operators were taken into consideration in decision making process. Majority of the respondents indicated in the affirmative (66.7%) as compared to 33.3% who dissented.

Table 4. 19 whether Stakeholders views were taken into consideration in Decision Making Process

N=48

Views in decision making process	Frequency	Percentage
Yes	32	66.7
No	16	33.3
Total	48	100.0

Asked to explain their answer those who said yes defended their responses by pointing out what is oppressive and unworkable. They have more practical experience. Furthermore they are tax payers who cannot be ignored so long as they pledge to respect the law. That it is a give and take arrangement. However in the past they gained much undeserved ground but they have also invested heavily and have a lot of experience. They also suffer from cartels, punitive fines and therefore whatever decision is made affects them directly .As such through considering their views in decision making process, will be able to arrive at a more informed decision. Their

views are crucial since they are key stakeholders in the transport industry which is source of their income. Again and as a matter of principle any punitive decisions are revised to accommodate PSV operators views especially emphasis of self-regulation and discipline by Sacco officials. Those who said views were not taken into consideration indicated that those operators are only invited for the purpose of participation only and that NTSA is known to understand the pain of PSV stakeholders through strikes and court legal battles. A key informant cited that

“They are enemy to themselves, they don’t consult, they keep views of other stakeholders at bay and until they embrace the spirit of consultation and team work, they will meet challenge after challenge”. Also another key informant indicated that “NTSA is known to implement boardroom decisions and hence their actions are the genesis of disorder in the CBD.” (A male driver operating in the CBD).

4.4.14 Whether participation by PSV operators provide required information by NTSA to Streamline the PSV sector.

Respondents were asked whether they thought participation by PSV operators provided the information required by NTSA to streamline the PSV sector. Majority of the respondents indicated in the affirmative 87.5% compared to 12.5% of the respondents who dissented.

Table 4:20 whether participation by PSV operators provide required information by NTSA to streamline PSV industry.

N=48

PSV Participation and Required Information by NTSA	Frequency	Percentage
Yes	42	87.5
No	6	12.5
Total	48	100

Asked to explain their answers, those who indicated public participation provided information required by NTSA said it is absolutely necessary to listen from the source in order to act positively. PSV operators know how the industry runs. PSV participation guides the regulator on the best option to be taken sufficient to streamline PSV industry. Again they know what PSV owners; drivers and customers

need in order to enhance safety on the roads. The issues that affect their day to day operation are brought fourth. Furthermore those who said PSV operators' participation do not provide information required by NTSA indicated that they withhold information on cartels and also the informal distribution of funds within the sector. Consequently the Sacco route members are in stiff competition with each other and hence difficulty to share information freely.

4.4.15 Respondents opinion on effective ways of ensuring stakeholders participation in the PSV operation.

Asked to give their opinion on which could be the most effective way of ensuring stakeholders participation in PSV operations, respondents indicated that there was need to have rotational chairmanship, 25%. This will ensure that focus during selection of representatives does not adopt status quo. Again in deliberations representatives do not dwell on the same ideas and hence conflict of interest. Establishing a permanent secretariat whereby NTSA retain the secretary's position and protect itself as an enabler but not micromanage every element of enforcement, 15%. In addition to give their own opinions that will identify , specify the reasons for actions by PSV'S and recommend actions that can solve the negative issues, 23%. Finally it should be continuous approach but not a one off day affair and ensure that all information involving PSV operators is communicated to stakeholders, 37%.

Table 4:21 Ways of Ensuring Stakeholders Participation.

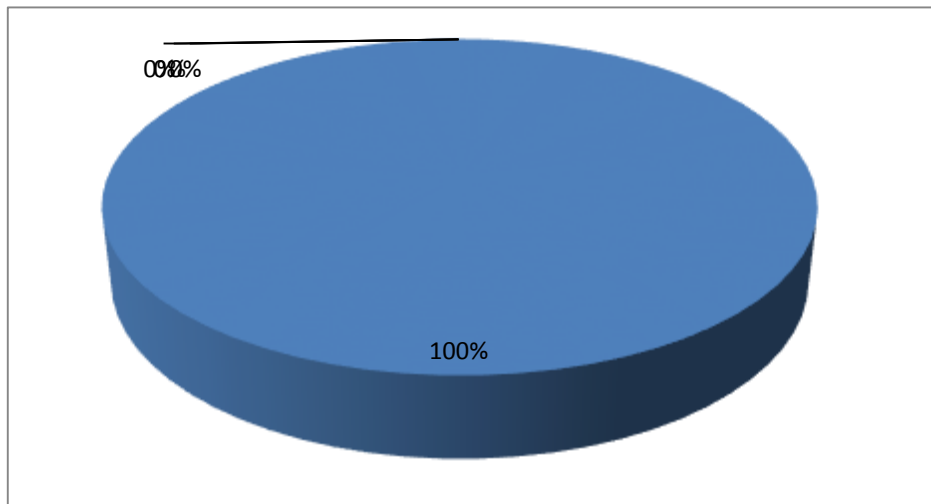
N=48

Ways of ensuring stakeholders participation	Frequency	Percentages
Have a rotational Chairmanship	12	25.0
Establishing a permanent secretariat	7	15.0
Participation to be continuous	18	37.0
Specify reasons for action by PSV's	11	23.0
TOTAL	48	100.0

4.5 Discipline amongst operators in the PSV operations

Respondents were asked whether there have been cases of indiscipline among PSV's within CBD. They all indicated Yes 100%.

Figure 4 Discipline amongst PSV operators in the PSV operations.



4.5.1 Some Common Forms/Cases of Indiscipline Witnessed within the PSVs.

The respondents were further asked to state some of the common forms/cases of indiscipline they have witnessed with the PSVs. They stated various forms/cases of indiscipline they have witnessed with the PSVs and indicated obstruction, setting and picking of passengers at places other than the designated areas, touting, and driving under the influence of drugs/alcohol, driving uninspected/unroadworthy PSVs, overloading, changing lanes within the roundabout, failing to register with recognised Saccos, operating on routes other than those specified on TLB, Overlapping, behaving in uncivil manner by using abusive language to passengers, driving on pedestrian sidewalks among others.

This information was supplemented by a traffic police officer who cited that, “there were cases of driving under the influence of alcohol and drugs”.

A city council officer had this to say;

“Desire to reach the targets amounts set by PSV operators and hence resulting to cases of indiscipline in PSV industry”.

Table 4:22 Forms of Indiscipline

Forms of Indiscipline among PSVs	Frequency
Obstruction	8
Setting and picking of passengers at a place other than the designated areas	5
Touting	7
Driving under influence of alcohol and drugs	9
Driving uninspected/un-roadworthy PSVs	4
Overloading	10
Changing lanes within roundabouts	3
Failing to register in Sacco's	4
Operating on routes other than those specified on TLB	5
Behaving in uncivil manner by using abusive language to passengers	2
Driving on pedestrian sidewalks	4

4.5.2 Enforcement of Discipline Among the PSV Operators in Nairobi CBD

Asked to explain how discipline is installed, respondents reacted by stating apprehension and prosecution, instant fines, withdraw of PSV licence for drivers, suspension of TLB licence for specified period, engaging Sacco officials to give compliance reports, crackdowns, reprimands/warnings, cancellation of licences, Saccos take responsibility for their crew, deregistration of Sacco's.

Table 4:23: Enforcement of Discipline among the PSV Operators in Nairobi CBD

Effective Ways of Enforcing Discipline Among the PSV Operators in Nairobi CBD	Frequency
Apprehension and Prosecution	15
Instant Fines	8
Withdrawal of PSV License for Drivers	9
Suspension of TLB License for specified period	7
Engaging Sacco Officials to give compliance reports	3
Crackdowns	11
Reprimands/ Warnings	5
Cancelling of Licenses	4
Sacco to take responsibilities for their crew	6
De- Registration of Sacco	3

4.5.3 Effectiveness of Methods Applied to Instill Discipline

Respondents were asked to rate effectiveness in methods of installing discipline. Majority of the respondents indicated that the methods were effective 41.7% while those who indicated as partly effective 37.5% and very effective 20.8%. This is an indication that the regulator still needs to work out on adopting another strategy to streamline and improve in standards of discipline. However, much more still need to be done to effect discipline among PSV operators.

Table 4:24 Distribution of rate of effectiveness of methods to instil discipline

N=48

Response rate	Frequency	Percentage
Very effective	10	20.8
Effective	20	41.7
Partly effective	18	37.5
Total	48	100.0

Respondents were asked to state in their own view the most effective method of installing discipline among PSV operators. Majority of the respondents indicated sensitization 50% while legal process 20.8% and Saccos 16.7%. Only 12.5% of the respondents indicated suspension could be the best option.

Table 4. 25 Effective Methods of Instilling Discipline among PSV Operators

N=48

Effective Disciplinary Methods	Frequency	Percentage
Sensitization	24	50.0
Legal process	10	20.8
Sacco's	8	16.7
Suspension	6	12.5
Total	48	100

4.5.4 Reasons for the Effectiveness of the Method

Asked why they thought this is the most effective method 62.5% of the respondents while 29.2% of the respondents indicated will serve as an example. Only 8.3% of the respondents indicated it is convenient.

Table 4:26 Why Method is Effective

N=48

Reason	Frequency	Percentage
Deterrent	30	62.5
Serve as an example	14	29.2
Convenient	4	8.3
Total	48	100.0

4.6 Appropriate Policies/Practices in Regulation of PSVS within CBD

The researcher wanted to know from the respondents the appropriate policies/practices in regulation of PSVs within CBD.

Asked whether they were aware of any existing policies guiding operations in Nairobi CBD 79.2% of the respondents affirmed compared to 20.8% of the respondents who said they were not aware. This is a clear indication that a good number of the respondents were informed of the existing policies guiding operations of PSVs in Nairobi CBD.

Table 4:27 Awareness of Existing Policies Guiding Operations of PSVs in Nairobi CBD

N=48

Awareness of Existing Policies	Frequency	Percentage
Affirmative	38	79.2
Negative	10	20.8
Total	48	100.0

4.6.1 Policies Guiding Operations of PSV in Nairobi CBD

The respondents were asked to explain some of the policies guiding operations of PSVs in Nairobi CBD. Some respondents said all PSVS must have distinct routes and that they must belong to specific Saccos and routes. The Saccos as a matter of policy

should take general responsibility of conduct of PSVs under their control. Other respondents said it is important to exercise periodic review of all routes to improve traffic flow and review all PSV terminus and bus stops.

4.6.2 Effectiveness of the policies.

The respondents were asked to explain whether those policies are effective. Majority of the respondents (39.6%) indicated that they were not compared to 60.4% who indicated they were effective. Those who said they were not effective indicated that those policies were not enforced as required. That there is laxity in enforcement. Cartels fight back as they have been in the system long enough to be kicked out. Those who affirmed said they set standards and formalize the industry and protect potential investors. Consequently they help PSVS of particular routes to become self-regulated.

“A large population has been reached and to some extent has decongested PSVs within the CBD” while another stated that “they are not effective as the level of enforcement is lacking. Touting is a coping mechanism and therefore to eradicate it or manage it, you must address the issue unemployment”. (A male NTSA officer).

Table 4:28 Effectiveness of Policies.

N=48

Whether policies were effective	Frequency	Percentage
Yes	19	39.6
No	29	60.4%
Total	48	100.0

4.6.3 Regulations which are the most effective in streamlining PSVS

Asked of the regulations which ones are the most effective in streamlining PSVS, majority of the respondents said designation of specific routes. Suspension of the offending PSVS for a period determined by gravity and recurrence and formation of Sacco's.

In their response they said PSV owners rarely commit breaches by overlooking them for business gains therefore if they are suspended, they will take more control geared streamlining PSVS.

Table 4:29 regulation in streamlining PSVS

Effective methods in streamlining PSVS	Frequency
Designation of Specific routes	20
Suspension of Offending PSVS for a period determined by gravity and recurrence	15
Formation of Saccos	10

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This chapter presents a summary of the findings, conclusions and recommendations based on the findings for practice and further research on the problem.

5.1 Summary of the Findings

This study sought to establish how NTSA has influenced PSVS within the CBD, Nairobi County. The study also aimed to identify whether the regulator incorporated other stakeholders in policy formulation to address the problems caused by PSV industry in the CBD; to find out how PSV instil discipline amongst its operators and to identify the best practices/policies in regulating public service vehicles within CBD. The study targeted a total of 80 respondents comprising of NTSA workers(60), Matatu Welfare Association (5), Matatu Owners Association(5) Traffic Officers Nairobi Area (5) and county Traffic Marshalls(5).The study was able to achieve a response rate of 75% which was considered appropriate for making conclusions.

In relation to demographic information, this study established that majority of the key respondents were aged between (36-40) 29.2% and therefore viable to respond to this study appropriately. Furthermore, one third gender rule was observed which was key in the responses acquired devoid of biases. The study further established that majority of the key respondents were married. Therefore being fathers and mothers had a responsibility which even extended to their responses. Above all, they were employees of NTSA, well-educated 62.5% and were drawn from key departments/sections within NTSA and therefore had vast experiences given that they had worked for many years. This gave the respondents opportunity to respond to the study appropriately.

The study established that there were rules/regulations set by NTSA in CBD which PSVS were required to comply with. The study also revealed that there were cases of failure to comply with rules and regulations set by NTSA in Nairobi CBD which the research confirmed the regulator to be aware of. In addition the study revealed a

number of regulations/ rules violated by PSVS in the CBD and the procedure of dealing with such cases.

Furthermore out of the methods applied, there were those preferable as the most appropriate to ensure compliance with suspension at 22.92%. Also there were others inappropriate and difficult to apply at 62.5%. The study also suggested a number of ways to make operations of PSVS most efficient which saw educating PSV operators and redesigning routes to be continuous and circular so that PSVS do not use the same routes as the most preferred.

The study found that there were main stakeholders in the PSV industry drawn from various institutions and departments based on value, need and knowledge on rules and regulations guiding operations of PSV industry in the CBD. The study also revealed that there were policies formulated by NTSA to guide PSVS being the authority entrusted with policy formulation was supported.

In relation to how the policies were formulated and those incorporated to participate, the study revealed key stakeholders were incorporated 73% , a clear indication that those policies formulated were sufficient and ideal to address the problems caused by PSVS in the CBD. Furthermore the study established that County Government of Nairobi, National police Service, state law office, Insurance fraternity, and commuters representing members of the public, Matatu Owners Association, Matatu Welfare Association and Ministry of transport were those chosen to participate in formulation of policies aimed at solving the problems caused by PSVs industry in the CBD.

The study further found that there was no bias in choosing participants/stakeholders and that the choice promoted sustainable decisions, recognition and interests of all participants given that PSV sector was informal and started without rules specific to it. That the gaps can only be filled by those who have witnessed its growth and it's injustice. Previously cartels made rules which offended many but now participation of stakeholders would promote sustainable decisions acceptable to the stakeholders. Furthermore decisions reached during consultative forums would address the interests of those affected as supported by 95.8% of the respondents.

The study also revealed cases of indiscipline amongst operators though stringent measures were put in place to eradicate the menace. It is prudent to mention that

measures applied to instil discipline were effective with sensitization (50%) appropriate and (62.5%) as the reason of its effectiveness. Other methods served as examples, convenient and there was need to reduce punitive fines to improve PSV Industry.

This study established that there were existing policies guiding operations in Nairobi CBD (79.2%) and their existence and effectiveness was eminent (60.4%), an indicator that a large population has been reached has an attempt to decongest CBD. Furthermore few cases of disorder are still being experienced. Complementary approach mechanism would greatly eradicate the problems within the CBD.

5.2 Conclusion

The study concludes that NTSA used different methods to influence operations of PSVs in the Nairobi CBD. Such methods were regulated through established procedures to effectively solve the problems caused by the PSV industry within CBD. The study also found that Stakeholders were incorporated in policy formulation to address the problems caused by PSV industry within the CBD. This study further established that during consultative forums to promote sustainable decisions, views and interests of all participants were taken into consideration. If the decisions reached during consultative forums were well implemented Nairobi CBD would realise a streamlined operation of PSVs. It was found that as a self-regulatory method, Saccos were allowed to discipline their operators in order to improve the industry. This enabled Saccos to eradicate cartels which for a long time had taken control of the PSV industry.

5.3 Recommendations

The study found that there was a problem in cooperation and collaboration amongst PSV stakeholders in discipline amongst PSV operators' especially punitive fines and arbitrary arrests imposed on them. This study therefore recommends the need to reduce such punitive fines and adopt a humane method of addressing indiscipline issues. This will see a PSV industry which is friendly to its consumers.

The study also recommends the need to make the routes in the CBD circular in order to facilitate movement of PSVs inside and outside the CBD. The new circular routes should run from Eastlands, Southlands, Westlands and Thika Road to areas such as

Kenyatta National Hospital and Karen without entry into the CBD. This will effectively address the problems caused by traffic jams. The study recommends the need to replace fourteen seater Matatus with double decker's which will see fewer PSVs within the CBD.

The study also found the need for NTSA to come up with a legislation to counter any room for lawlessness. In addition there should be more emphasis on the training of drivers sufficient to create a culture of civility amongst PSV operators. Above all, key stakeholders should be incorporated in aspects of policy formulation to effectively address the problem of PSVs in the CBD.

5.4 Areas for Further Research

This research was limited to CBD Nairobi County and hence its findings cannot be generalised to other Counties in Kenya given that every County has problems of different nature based on its layout and environment. This study therefore recommends that further studies should be done in other counties in Kenya on the management of PSV industry based on the conduct and needs of PSVs in those counties.

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APPENDIX I: QUESTIONNAIRE

INTERVIEW SCHEDULE FOR NTSA STAFF, NAIROBI AREA.

THE INFLUENCE OF THE NATIONAL TRANSPORT AND SAFETY AUTHORITY IN THE PUBLIC SERVICE VEHICLE INDUSTRY: A STUDY OF THE CENTRAL BUSINESS DISTRICT- NAIROBI COUNTY

Introduction

My name is Justus Mumo Kilundo, an MA student at the University of Nairobi, Department of sociology and social work. I am carrying out a study on the National Transport and Safety Authority Navigation and its influence in The Public Service vehicle Industry: A study of The Central Business District- Nairobi County. The study is part of the requirements for the M.A degree. I will be interviewing NTSA staff concerning the various ways used by NTSA to navigate and influence public service vehicle industry within Central business district, Nairobi County. You have been chosen as a respondent in this study and the information you provide will be confidential.

(Background information)

- 1) Gender a) Male []
 b) Female []
- 2) Age bracket
 a) Below 25 []
 b) 26-30 []
 c) 31-35 []
 d) 36-40 []
 e) 41-45 []
 f) 46-50 []
 g) 51+ []
- 3) Marital Status a) Single []
 b) Married []
 c) Separated []
 d) Divorced []
 e) Widowed []

f) Others (specify) []

- 4) What is your highest level of education attained?
- a) Degree and above []
 - b) Diploma /College certificate []
 - c) Form Four []
 - d) Any other (specify []

5) Do you work with NTSA?

Yes []

No []

If no, terminate the interview

- 6) Who is your employer?
- a) Government of Kenya []
 - b) NGO []
 - c) Business []
 - d) Others(specify) []

7) What is your position in NTSA?

.....
.....

8) Which department do you work in NTSA

.....
.....

9) For how long have you worked with NTSA

- a) less than 1 year
- b)1-2 years
- c) 3-5 years

d) Above 5 years

10) Approximately what is your income per month?

Ksh

Methods used by NTSA to control/influence operations of PSVs in the CBD

11). Are there cases of failure to comply with rules and regulations set by NTSA in Nairobi CBD?

- a) Yes
- b) No

12) If yes which rules/regulations are violated by PSVs?

.....
.....

13) How do you deal with PSVs operators who violate the rules/regulations?

.....
.....

14) In your opinion, which of these methods do you prefer as the most appropriate way of ensuring compliance?

.....
.....
.....

15) Are there some methods NTSA uses which you find inappropriate and difficult to enforce

- a) Yes []
- b) No []

Explain either response

.....
.....

16) From your working experience what do you think should be done to make the operations of PSVs to become most efficient in Nairobi CBD?

.....
.....
.....

Stakeholders Participation in Policy Formulation to Address the Problems Caused By PSV Industry in the CBD

17) Who are the main stakeholders in PSV industry?

.....
.....

18) What are some of the policies formulated by NTSA to guide PSVs?.....

.....
.....

19) Who formulates those policies?.....

.....
.....

20) Does NTSA incorporate the stakeholders in policy formulation to address PSVs problems?

a) Yes []

b) No []

21) If yes who are the stakeholders/participants incorporated?.....

.....
.....

22) How are the participants chosen?

.....
.....

23) In your opinion is there bias in the choice of the participants/stakeholders?

Yes []

No []

Explain your

response.....

.....

24) Does participation of the stakeholders promote sustainable decisions by recognising and communicating the needs and interest of all participants?

.....
.....
.....

25) Are the stakeholders affected by the decision reached during consultative forums?

a) Yes []

b) No []

Explain.....

.....

26) In your own view do you think public participation address the interests of those affected?

Yes []

No []

Explain

.....
.....

27) Are the views of PSV operators taken into consideration in decision making process?

Yes []

No []

Explain.....
.....
.....

28) Do you think that participation by PSV operators provides the information required by NTSA to streamline the PSV sector?

a) Yes []

b) No []

Explain.....
.....
.....

29) In your own opinion which is the most effective way of ensuring stakeholders participation in the PSVs operations?

.....
.....
.....

Discipline amongst operators in the PSV operations

30) Have there been cases of indiscipline among PSVs within CBD?

a) Yes []

b) NO []

31) What are some of the common forms/cases of indiscipline you have witnessed with the PSVs?

.....
.....

32) How do you instil discipline among the PSV Operators in Nairobi CBD?

.....
.....
.....

33) Are those methods of instilling discipline effective?

- a) Very effective
- b) Effective
- c) Partly effective
- d) Ineffective
- e) Not effective at all

34) In your view which is the most effective method of instilling discipline among PSV operators ?.....

.....
.....
.....

35) Why do you think this is the most effective method?

.....
.....
.....

Appropriate Policies/Practices in Regulation of PSVs within CBD

36) Are you aware of any existing policies guiding operations of PSVs in Nairobi CBD?

- Yes []
- No []

37) If yes explain some of those policies?

.....
.....

38) Are those policies effective?

- Yes []
- No []

explain either response.

.....
.....

39) Of these regulations which ones are the most effective in streamlining PSVS?

Explain.....
.....

40) Overall, what do you recommend should be done to improve the operations of PSVS?

By Government /NTSA

.....
.....

Traffic police officers/county marshalls

Matatu Owners Association.....

Matatu Welfare Association.....

Matatu drivers/conductors

.....

PSVs passengers.....

.....

41) Do you have any other additional information that you would like to share in regards to this study?

.....
.....

Thank you for participating in this interview.

8. How does the formulation of these policies involve public/stakeholders participation?.....

.....

9. To what extent are those policies effective?.....

.....

.....

10. In terms of enforcement, what are some of the measures that have been put in place to improve operations of PSVs within CBD, Nairobi county?

.....

.....

11. What causes indiscipline among PSVs and what methods are used to instil discipline to PSVs within CBD, Nairobi County and are they effective?

.....

.....

12. What are the challenges faced in regard to enforcement of discipline in the PSVs?

.....

.....

13. Which best policies/practices do you think can be adopted in regulation of PSVs within the CBD?

.....

.....

14. What challenges do you think NTSA encounter in implementation of policies/practices sufficient to regulate PSVs within the CBD?

.....

.....

15. What would you suggest as best solutions to these challenges in order to improve PSVs?

.....

.....

Thank you for your cooperation.

APPENDIX III: LETTER OF DATA COLLECTION



**UNIVERSITY OF NAIROBI
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14/07/2017

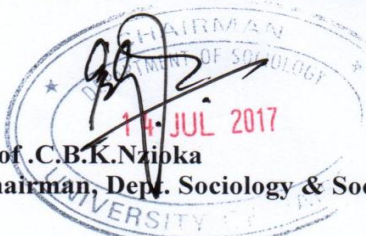
TO WHOM IT MAY CONCERN

RE: JUSTUS MUMO KILUNDO-C50/84180/2015

This is to confirm that the above named is a bonafide M.A student in the Department of Sociology and Social Work. He has presented his project proposal entitled: **“National Transport and Safety Authority Navigation and Its Influence on the Public Service Vehicle Industry: A Case Study of the Central Business District Nairobi County”**.

Mr. Justus is required to collect data pertaining to the research problem from selected organizations to enable him complete his Project which is a requirement of the Masters degree.

Kindly give him any assistance he may need.


Prof. C.B.K.Nzioka
Chairman, Dept. Sociology & Social Work