

UNIVERSITY OF NAIROBI

DEPARTMENT OF SOCIOLOGY AND SOCIAL WORK

**PERCEPTION OF MATATU OPERATORS TOWARDS GOVERNMENT
REGULATIONS IN STREAMLINING THE PUBLIC TRANSPORT SECTOR
IN KENYA: A CASE STUDY OF MATATU OPERATORS IN KIKUYU
SUB-COUNTY**

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DECLARATION

This project is my original work and has not been presented for an award in any other university.

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

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DEDICATION

I dedicate this project to my dear parents, the late Mr. Simon Kahiro Cheche and Mrs. Lucy Wahinya Cheche who took me to school and encouraged me to work hard and be the best that I can be.

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ACRONYMS AND ABBREVIATIONS

AGIL – Adapt, Goal Achievement, Integration and Latency

BAC – Blood Alcohol Content

DARCOBOA – Dar es Salaam Association of Commuter Owners

DCC – Dar es Salaam City Council

DCI – Directorate of Criminal Investigation

DUTA – Dar es Salaam Urban Transport Authority

LTA – The Land Transport Act

NACADA – National Agency for the campaign Against Drug Abuse

NTSA- National Transport Safety Authority

NZPA – New Zealand Press Association

NZTA – New Zealand Transport Agency

PSV – Public Service Vehicle

SACCO – Savings and Credit Cooperative

SUMATRA – Surface and Marine Transport Regulatory Authority

TMIF – Transport Monitoring Indicator Framework

TRA- Task Risk Assessment

ABSTRACT

The public transport industry in Kenya accounts for majority of the movements of both people and goods from one place to another. This necessitates the regulation of the industry by the government to safeguard the rights of these citizens. The regulations are outlined in the Kenya Traffic Act and other by-laws. Implementation of these laws is done by the traffic police and the NTSA.

The objectives of this study were to find out the measures the government of Kenya has put in place to streamline the operations of Matatus; to find out the tactics used by Matatu operators to avoid penalties by the government when they defy the regulations in the industry; to establish the perception of Matatu operators towards government regulations in the industry; and to assess the success of the government regulations to streamline the public transport industry.

Kenya is not the only country that regulates the public transport industry. This study looked into how other countries of the world regulate their public transport industries. These countries were New Zealand and Tanzania which have public transport regulations which have achieved a considerable level of success. The sociological theories used in this study were Functionalism by Emile Durkheim and Talcott Parsons, and Discipline and Punish Theory by Michel Foucault.

Questionnaires and key informants guide were used to gather both qualitative and quantitative data. The total number of Matatu operators interviewed by use of questionnaires, both drivers and conductors, was 85. A key informant guides was used to interview 5 key informants who included: a Matatu owner, a traffic officer, a Matatu SACCO manager, a route marshal and an NTSA officer.

The study found out that the government had put in place various regulations in the Matatu industry which the operators were aware of. However, the operators were not following them fully. The study found out that the operators gave bribes to officers when they were caught breaking the set regulations because they found the court process tedious and expensive. The study also found that though the operators perceived the regulations as important, they felt that they were too strict and unreasonable and therefore they were not following them. It was found out that the government had not been very successful in regulating the public transport industry.

In conclusion, the study found out that the operators understood the regulations that existed and appreciated the importance of regulating the industry. However, they only followed them out of fear of punishment. This study therefore recommended forums between the enforcers and the operators whereby they can share their expectations from each other. The study also recommended a review of the court process so that it is made less tedious and expensive. This way, the operators would not prefer to give a bribe other than go through the court process when caught in the wrong. The study also recommended the need for all the stakeholders to be involved while coming up with the regulations so that they are easily acceptable to all parties.

CHAPTER ONE: INTRODUCTION

1.1 Background of the study

Travelling is part and parcel of modern urban living. People move from one place to another for work, education, recreation and many other reasons. For the individuals who don't claim engine vehicles, open transport in this manner turns into their fundamental methods for travel. As a result of its monetary and social significance, open transport is viewed as a fundamental administration in many urban areas. Open transport is a fundamental administration and in this way guaranteeing its powerful and proficient arrangement is a need of numerous legislatures. A good public transport system is important to any city that seeks to become more successful because it provides better connections and accessibility. It contributes in a great way to economic, social and environmental development.

Governments benefit from the public transport industry both directly and indirectly. Transport is both a major contributor to, and a major recipient from, national public budgets. Transport pays a number of specific contributions to such budgets, in particular through fuel taxes, mostly paid by road haulage, but also through license fees and other specific charges, as well as the normal contributions through direct and indirect taxes (Quinet and Vickerman, 2004).

Different countries of the world know the great need of regulating their public transport industries and have therefore put in place different legislations to that effect. In New Zealand, for example, there are two main statutes governing land transport regulation. They are the Land Transport Act of 1998 and the Land Transport Management Act of 2003. In Tanzania, the Ministry of Transport is the one responsible for planning and coordination of public transport activities in the country.

In Kenya, the public transport sector is a sector that attracts a lot of public interest since it affects a majority of the population. Most Kenyans depend on public transport system to transport them from one place to another. It is estimated that Kenya has over 100,000 Matatus ferrying people in different routes (Koster, et al, 2016). Koster, et. al.(2016) further states that since independence in 1963, public road transport in

Kenya is the predominant means of transport for a majority of the population, accounting for about 93% of all cargo and passenger traffic. The government therefore is obliged to streamline the sector since any negative activities largely impact a majority of the citizens adversely.

Public transport in Kenya is mostly done by Matatus. In addition to a driver, Matatus in most cases are staffed by a conductor, locally known as a *makanga* or *manamba*, who are responsible for collecting fare from the passengers. In Kenya, the Matatu business is so elaborate that it has been termed as a culture. The Matatu culture incorporates aspects of hip-hop culture including music, fashion and graffiti (Fleming, 2012).

The Kenyan government has come up with strategies to streamline the public transport sector. These strategies are in the form of legislations, laws and by-laws. The Kenya Traffic Act gives guidelines on various aspects of driving on the Kenyan roads for both public and private vehicles. It gives guidelines on what is considered unethical as far as driving is concerned.

The Kenya Traffic Act is very exhaustive in terms of what is illegal on our roads and it also highlights the penalties associated with each offence. Drivers should adhere to speed limits in different sections of the country. The areas near Nairobi, the capital of Kenya, have a speed limit of 50kph. Driving while drunk is prohibited. Drivers are also prohibited from driving on pavements and pedestrian walkways. Reckless driving without consideration of other road users is not allowed. Drivers should obey all road signs and signals. Overloading and driving unroadworthy vehicles is also prohibited. The Act also stipulates the maximum driving period to be a maximum of 8 hours within a period of 24hours.

To curb road accidents, the government of Kenya over the years has come up with legislation and guidelines of safe driving. Among the legislations is the 'Mututho' laws and the 'Michuki' rules. Hon. John Mututho was appointed the chairman of NACADA in the year 2013 by the president. Hon. Mututho is associated with the stringent rules that highlight when alcohol should be sold. The law restricts drinking

time to 5pm-midnight on weekdays and 2pm-midnight during weekends and public holidays.

The traffic police play a more active role in enforcement than do the city authorities, although without necessarily positive outcomes. The police are charged with enforcing traffic rules, examining Matatu drivers, and issuing Certificates of Good Conduct to Matatu crews. However, they also make large sums of money from extortion and do not necessarily enforce the rules. None of the recent transport reforms deal with this entrenched corruption; if anything, the recently introduced Traffic Amendment Act (2012) reinforces the powers of the police by introducing more possibilities for fines without checks or oversights. This is one of the reasons the Act has been unpopular with the Matatu industry, as it enhances the extractive power of the police, at much higher fees than before (Behrens, et.al. 2016).

Matatu operators and Matatu owners have formed associations and SACCOs such as The Matatu Drivers and Conductors Association, the Matatu Welfare Association and The Matatu Owners Association. The intention of these associations is to improve operations through self-regulation and by means of a consultative forum through which to negotiate with the government. However, the associations often rally their members against policies and regulations not only because many of these policies are punitive and extractive, but because of the sector's history of poor regulation. These organizations are a powerful lobby courted by politicians, as they are for example, able to paralyze the city through strikes (Behrens et. al, 2016).

These relationships with powerful politicians support the defiance of some elements in the Matatu industry towards regulation. Although the various associations have different interests as well as different ideas for reforming their sector, they all converge when it comes to protecting the industry against punitive regulations. While government agencies largely work at cross- purposes, Matatu operators exploit this incoherence and further undermine institutions by establishing informal support networks within various government agencies. Furthermore, a number of individuals employed by the regulatory agencies are also key actors in the industry, with some owning vehicles, which operate at an advantage (Behrens, et al, 2016).

Implementation of legislations is not a problem that is unique to Kenya. New Zealand and Tanzania also face challenges in regulation of their public transport sectors. The respective governments continue to come up with strategies to enhance regulation because as discussed, public transport sector is a key sector in any economy since it is a sector that covers a majority of the population in any country.

1.2 Problem statement

Matatus in Kenya are the most popular and acceptable mode of public transport in the country. The Matatu industry however has for long been associated with hooliganism and reckless driving and other vices. Matatu operators have for long been typically viewed by Kenyans as thugs who exploit and mistreat their customers who are the passengers, and participate in gang or mafia like violence (McCormick, et. al, 2013).

Matatu stages often attract unemployed and economically marginalized young people, who hang around the stage looking for a means of earning an income e.g. by carrying luggage from passengers. They also attract to a lesser extent other sections of society such as older men, women and even children, who use Matatu stages as arenas for making a livelihood e.g. by hawking merchandise. While some sell a range of items genuinely, others find heavily populated Matatu stages in many urban areas in Kenya offer an opportunity to steal by discreetly pick-pocketing (Khayesi, et. al, 2015).

Policies that regulate the industry are therefore policies of public interest. By regulating the industry, the government aims at protecting its citizens from the vices usually associated with the operators. Protection of citizens by the government is one of its key duties. Despite the legislations being clear and well known, indiscipline continues to be high among Matatu operators. Fatal accidents leading to loss of lives continue to occur on our roads and the causes are avoidable if the set laws and regulations were followed. It is rather unfortunate that laws are only on paper and are not observed.

The Kenya Traffic Act has been revised severally to make the penalties stiffer and discourage operators from breaking the set laws. Despite the stiff penalties for law breakers on our roads, there has been little or no adherence by drivers especially

public transport operators. Koster, et. al. (2016) note that the penalties for breaking traffic rules passed in 2012 are so stiff that they are counterproductive.

The Matatu owners and operators have come up with tactics to evade the rule of law. Behrens, et. al (2016) notes that the associations that are supposed to help in the self regulation of the Matatus are used for lobbying and sabotaging the implementation of these laws. This is especially through government officials and politicians who are themselves Matatu owners. The law enforcers seem lost as to how to manage the operators who keep breaking the law. There is usually public out roar whenever road carnage occurs. However, this happens after so many people have lost their lives and property is damaged. Members of the public are left wondering how serious the government is in protecting them from rogue Matatu operators.

The aim and purpose of this research was therefore to find out the perception of Matatu operators towards government legislation in the industry and what shaped these perceptions. We found out if the Matatu operators were aware of the laws that govern the public transport industry and if they did, how they responded to them.

1.3 Research questions

This study sought to answer the following questions:

1. What are the measures that the government of Kenya put in place to streamline operations of Matatus in the public transport industry?
2. What tactics do Matatu operators use to avoid penalties when they defy the regulations in the industry?
3. What is the perception of Matatu operators towards the government regulations of the industry?
4. To what extent has the government succeeded in streamlining the public transport industry through the regulations it has put in place?

1.4 Objectives of the study

1.4.1 Overall Objective

The overall objective of the study was to find out the perception of Matatu operators towards government regulations in streamlining the public transport sector in Kenya.

1.4.2 Specific Objectives

The specific objectives of this study were:

- 1) To find out the measures the government of Kenya has put in place to streamline the operations of Matatus in the public transport industry.
- 2) To find out the tactics used by Matatu operators to avoid penalties by the government when they defy the regulations in the industry.
- 3) To establish the perception of Matatu operators towards the government regulations of the industry.
- 4) To assess the success of the government regulations to streamline the public transport industry.

1.5 Justification of the study

The findings of this study will help the government to know if the legislations it has put in place in the transport industry have borne positive results and also to know the challenges that have been experienced in the implementation process so that they come up with ways to address them. The government will also be aware of the tactics the operators use to evade law enforcement.

By getting information on perception of the Matatu operators towards the set laws, the law enforcers are able to come up with strategies to change the perception positively and also to involve the stakeholders who include the operators in coming up with laws and regulations that are agreeable to everyone.

The Matatu operators will be able to voice their perceptions towards the set laws and inform the law makers on how better they can work together to protect the lives of Kenyans and how the laws and regulations can be more acceptable to the operators, or

how the government can involve the Matatu operators in making the regulations so that they can easily embrace them since they were involved in the making.

Investors in the Matatu business will use the findings to know how to work together with other stakeholders such as the government, members of the public and the employees who are the Matatu operators for the overall welfare of everyone. The study will also help the members of the public to know their role in supporting the Matatu investors and also the government in addressing issues facing the Matatu industry.

1.6 Scope and Limitations of the study

This study limited itself to finding out the perception of Matatu operators towards government regulations in the public transport industry. It sought to establish the measures that the government has put in place to streamline the public transport industry, how the operators perceived these existing regulations and the tactics they used to avoid penalties when they break the law. The study also sought to assess the success of the government in streamlining the public transport sector.

Most of the people who work in the Matatu industry are not the owners. The findings of this research therefore did not reflect the experiences of the owners but of the people who worked in the industry. This study was conducted in a semi-urban area; thus the findings may not be generalized to other areas in Kenya because experiences may vary from one part of the country to another.

1.7 Definition of key terms

1. Matatu - This is a word commonly used in Kenya to refer to privately owned buses and minibuses that ply different routes transporting passengers and goods at a fee. These minibuses operate in set routes, run from a set termini, and are used for both inter-city and intra-city travel.
2. Regulations -In this study, they are rules that guide how the public transport sector should be run and they derive their authority from legislation.
3. Paratransit-It refers to public or group transportation either by automobile, van, or minibus, organized to relieve the congestion of mass transportation.

4. Panopticon - This is a term used by Sociologist Michel Foucault in his Discipline and Punish theory to refer to a circular prison with cells arranged around a central well, from which prisoners could at all times be observed.
5. Squad - A term mostly used in Kenya to refer to Matatu drivers and conductors who are not formally employed by the Matatu owners but are allowed to operate the Matatu by the official operators on a few trips per day to earn a commission.

CHAPTER TWO: LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction

Studies of regulation can either be hypothetical or observational. They fall into these three key zones. The first is cost and passage control in enterprises with focused market structures. The other one is cost and passage direction in monopolistic ventures, and furthermore subjective control which endeavors to manage different sorts of market disappointment issues that are in a roundabout way connected to costs, benefits, and market structure. The third category deals with health, environmental, product quality regulation, and occupational safety (Fromm, 1981).

Regulations in the public transport industry in Kenya fall in the third category. The government of Kenya seeks to regulate prices, profits and occupational safety in the industry. This is informed by the fact that the public transport industry is used by a majority of the citizens. Any unregulated activities have capacity to adversely affect many people.

Particular administration, arrangement and financing structures might be a result of the special political societies of every nation, except the sorts of transportation challenges that these nations are confronting are the same. Inquiries around how to propel traveler interests, increment organize limit, and decrease the natural effects of transportation were normal among the countries examined (Henderson, 2015). Different countries have a typical drive towards creating transport frameworks that are protected, secure and earth mindful. Approach objectives of supporting personal satisfaction and advancing maintainability, aggressiveness and advancement are available no matter how you look at it.

It is essential at governments to direct costs and administration levels to guarantee reasonableness and least administration principles. Passage direction includes the controller controlling tolls that general society transport administrator charges to individuals from people in general. The criteria for choosing a proper admission level may incorporate administrator costs, rate of rate of profitability, change in efficiency and toll reasonableness. On the off chance that such criteria is connected effectively,

the subsequent endowment will be ideal as far as incentive for cash (Hensher and Wong, 2011).

To keep administrators from compromising to expand benefits along these lines abusing the clients, it is important for controllers to indicate least administration norms that administrators need to follow. Resistance prompts punishments for the administrators. The guidelines incorporate administration scope, recurrence, swarming and vehicle breakdowns. To enhance open transport openness, controllers require that administrators serve some unrewarding courses and off-top hours as a condition for the rights to work administrations.

2.2 Measures of streamlining public transport in different countries of the world

2.2.1 Measures of streamlining public transport in New Zealand

The Government of New Zealand's key objective for transport industry is to develop an effective, efficient, accessible, resilient, safe and secure transport system that supports the growth of New Zealand's economy (Henderson, 2015). This objective is met by the government through regulations and policies that are clearly set out to guide the operations of the transport system.

In New Zealand, there are various statutes overseeing the direction of land, oceanic and common flying transport. The two primary statutes overseeing land transport control are the Land Transport Management Act of 2003 and the Land Transport Act of 1998. The Land Transport Management Act's primary object is to add to accomplishing a successful, productive and safe land transport framework. It accommodates the assignment of transport financing and requires the readiness of different land transport arranging reports.

The New Zealand Transport Agency is in charge of adding to a productive, successful and safe land transport framework in people in general enthusiasm as set out in the Land Transport Management Act 2003. It gets ready and embraces a national land transport program that considers any pertinent national or territorial arrangement articulations or plans that are in compel under the Resource Management Act of 1991.

The LTA advances safe street client conduct and vehicle security. It sets out the administrative prerequisites for members in the land transport framework. These prerequisites include: obligations of members in the land transport framework; driver authorizing; the vehicle benefit permitting; offenses identified with driving; and vehicle enrollment. The LTA gives the itemized overseeing utilization of the vehicle framework by and by. It enables members to make utilization of the vehicle framework in a sheltered and capable way.

Transport rules are a form of regulation. The Minister in charge of the Transport docket is responsible for issuing government policy statements. The Minister is empowered by primary legislation to make controls covering land transport, common aeronautics, sea wellbeing and marine security issues. Transport directions endorse charges, offenses and punishments, for the vehicle administrators, regularly identified with the implementation of transport rules.

The strategy sets out the Government's key objectives for arrive transport, and in addition the subsidizing bearing important to accomplish them. Local boards get ready territorial land transport designs that set out the vehicle objectives for their district. These abnormal state designs give a key connection between transport exercises at the national level and furthermore at the neighborhood level.

In 2011 the Minister of Transport discharged an arrangement paper entitled "Associating New Zealand". It was a rundown of the Government's expected approach course for transport for the following decade. This archive diagrams three fundamental regions of center: financial development and profitability, esteem for cash, and street security.

Associating New Zealand sets out various issues which the Government sees as noteworthy for transport in New Zealand. They include: populace development, a maturing populace and expanded interest for cargo. Different issues that the Government perceives as noteworthy incorporate natural insurance, transport security and how to exploit new advancements. New Zealand is an exchanging country, which needs an effective transport framework keeping in mind the end goal to improve its efficiency and global aggressiveness.

As far as relieving the negative effects that patterns, for example, emanations norms or security arrangement could have on New Zealand's vehicle framework, Connecting New Zealand underlines the significance of powerful worldwide relations. Specifically, the report recommends that the key parts of New Zealand's approach will cooperate with different nations and building up a solid voice in universal transport discussions which set worldwide guidelines for transport.

Buses are the main and most popular form of public transport in New Zealand. Other providers of public transport include: trains, ferries and trams. The road safety rules in New Zealand are clear and they include: adhering to legal speed limits as indicated on road signs. At the point when activity lights are red you should stop. At the point when movement lights are golden one must stop unless they are so near the crossing point with the end goal that it is risky to do as such. Drivers and travelers must wear safety belts or youngster limitations constantly whether in the front or in the back seats.

Driving affected by liquor or medications is a wrongdoing in New Zealand. Their signposting takes after the standard universal images and all separations are in kilometers (km). Driving while at the same time utilizing a hand held mobile phone is likewise unlawful in New Zealand. It is unlawful to surpass where there is yellow line rather than a white line denoting that it is excessively unsafe.

These regulations are present in many other countries of the world including Kenya. Differences arise in implementation. Breaking the set traffic rules in New Zealand is taken to be a very serious offence. Some driving offences incur demerit points. If a driver accumulates 100 or more demerit points within two years, their license can be suspended for three months. At the end of a suspension or disqualification, one needs to visit a driver licensing agent to apply to get their licence back.

2.2.2 Measures of streamlining public transport in Tanzania

Following quite a long while of outstanding financial development, strategy producers in Africa confront the test of maintaining this force by ceaselessly adjusting arrangements to a changing situation (Runji, 2015). Despite the high growth in the national economy in Tanzania, averaging 7% annually from 2005 to 2010, the quality

and productivity of transport administrations has been deficient. The interest for transport administrations has been developing quickly in accordance with the monetary and social advancement exercises of the nation (Transport and ICT Department, 2013).

The National Transport Policy gives points of interest of how the vehicle part adds to national objectives and destinations and encourages the ideal advancement of the national economy. A definitive vision of the arrangement is to have proficient and financially savvy local and universal transport administrations accessible to the entire populace and divisions of the national changing condition and an economy with most extreme wellbeing and least natural corruptions (Transport and ICT Department, 2013). The administration has define particular objectives intended to address high transport expenses and access confinements ascribed to division wasteful aspects.

The Dar es Salaam City Council (DCC) looks to enhance the administration quality, wellbeing, security and framework of people in general transport framework with a specific end goal to address the issues of all clients. It additionally plans to give supportable, dependable, vitality effective, high caliber, coordinated open transport framework that offers more noteworthy access and versatility and furthermore to mitigate neediness in the city. Another point is to set up an effective government structure to create and deal with this framework (UNHABITAT, 2009).

In Tanzania, all privately owned vehicles providing public transport services are known as daladalas. Daladalas are the equivalent of Matatus in Kenya. Daladalas account for 98 % of all public transportation in Dar es Salaam, according to the Ministry of Transport, better known as Shirika la Usafiri, Dar es Salaam.

Behrens, et al, (2016) states that although daladalas are the real supplier of open transport benefits in Dar es Salaam and Tanzania as a rule, their administrations are by and large of low quality and they are by and large urban dangerous. Daladalas work in a free enterprise condition with frail control from the administration as to proficient benchmarks and market section. The armadas are old and ineffectively kept up, with an accompanying effect on air quality and outflows. The level of service and safety of passengers is also low.

The nature of daladala operations makes it challenging to identify exactly who will be affected, whether drivers, conductors, or owners. A sample of the files with Surface and Marine Transport Regulatory Authority (SUMATRA) containing contracts between the owners and drivers shows that driver names vary from those found in the field. Drivers are changed so frequently that it is difficult to be sure who will finally be affected by the project (Behrens, et al, 2016).

Despite the existing regulations in Tanzania, unroadworthy behaviour is usually experienced. This is mostly because though the regulations exist, they are either inadequate or the enforcement is weak by itself. The body regulating transport operations in Tanzania is the SUMATRA and it has been in operation since 2004. SUMATRA's mandate includes; regulation of rail, road, and marine transport services, and also management of public transport and daladala licensing.

Consequently, the government has come up with a framework to determine the difficulties of covering, misty obligations and poor coordination between organizations by proposing an all-inclusive urban transport specialist for Dar es Salaam, DUTA. Be that as it may, foundation of this specialist is yet to happen. It has been slacking for long which additionally makes tending to the general population transport framework in Tanzania impressive.

Notwithstanding, daladala are moderately more formalized and controlled contrasted with the operational administration practices of most paratransit benefits somewhere else in Sub-Saharan Africa, They are licensed, assigned routes, and are expected to follow fares set by the regulatory body. The fares are set to ensure affordability by customers rather than cover actual opening costs. Daladala also have an owners' association, DARCOBOA (Behrens, et. al. 2016).

2.2.3 Measures of streamlining public transport in Kenya

The transport sector was one of the main pillars of the economic recovery effort in the Economic Recovery Strategy for Wealth and Employment creation 2003-2007. The Kenyan government has therefore focused on improving, promoting and sustaining efficient, affordable and effective transportation systems that provide a conducive

environment for stimulation of productive activities and facilitation of economic growth and development.

Programs to fundamentally transform public transport systems are among the most complex and difficult to implement of the numerous and often equally pressing interventions which authorities governing cities in the Global South may be required to make. They can involve extensive consultations between different levels or spheres of government, as well as significant shifts of focus and resources within them, neither of which is likely to be readily or easily achieved (Geyer, 2011).

Regulations in the public transport industry in Kenya are in the form of laws and by-laws. Over the years, the laws keep being changed to reflect modern day needs. In some instances, there is political interference in making of the laws and even in their implementation. There has been lack of consistency on the part of implementing agencies such that the Matatu operators view the laws as seasonal. There has been cases where the Matatu operators notify each other when the traffic police are on the roads so that they can 'behave'.

Matatus operators are known for not observing traffic rules thus resulting to many fatal road accidents. Whenever a fatal road accident occurs, there is usually public out roar as to why members of the public continue to die yet the government has a role to protect its citizens. Most accidents are as a result of reckless driving and are mostly preventable.

It is in view of this that the government of Kenya has come up with laws and regulations for the public transport sector. The government seeks to protect its citizens from harassment, exploitation and mistreatment associated with the Matatu industry. Legal notices have been passed to this effect, e.g. the Kenya Traffic Act, legal notices No. 161 of 2003, No. 83 of 2004, No. 65 of 2005, No. 209 of 2010, etc.

These legal notices are put in place with an objective of streamlining and regulating the public transport sector by restoring order, reducing fatal accidents, increasing traveler wellbeing, lessening clashes and protecting private interest in people in general transport monetary industry. Different destinations incorporate encouraging

change of general society transport segment from the casual to the formal economy, expanding business openings and making a culture of regard for the Matatu segment.

The Kenya Traffic Act, CAP 403, features every one of the laws identifying with movement on the streets. The Traffic Act is a thorough and broad report that handles every one of the territories of activity e.g. enlistment of vehicles, authorizing of vehicles, driving licenses, driving and different offenses identifying with the utilization of vehicles on streets, control of activity, mishaps, etc. In spite of these laws, traffic offences on our Kenyan roads are very common, especially by the public transport vehicles operators.

The Kenya Law Sections 44 and 45 require that a motor vehicle operator's Blood Alcohol Content be about 0.34. A breathalyzer is used to test alcohol levels and those found to be drunk while driving risk a jail term or a fine. Drivers are advised to have a designated driver if they drink beyond the required limits. However, drunk drivers are known to employ tactics to evade officers testing alcohol levels on the roads by driving at high speed through the road blocks, changing routes and pretending to be sick. Cases of bribery on the roads have also been reported.

A landmark for reforms came with a series of legal notices called the 'Michuki Rules' which contained a number of prohibitions and requirements for PSVs (Behrens, et al, 2016). The late Hon. John Michuki was a minister for transport in the Kibaki government from the year 2002. Hon. Michuki is known to have enforced laws requiring all public vehicles operators to be in uniform. All public vehicles were to be fitted with safety belts and speed governors. Michuki also prohibited standing of passengers inside the vehicle which was a common practice among PSVs.

Behrens, R. (2016) further states that all Matatu operators were supposed to obtain certificates of Good Conduct from the CID after which the registrar of Motor Vehicles would issue badges. Drivers were also required to display their photographs on the vehicles. PSV proprietors should utilize drivers and conductors on changeless premise and pay them month to month other than every day compensation.

The Kenya Police, in the Accident Cause Code Classification reports 2003, uncover that 85.5% of accidents are caused by poor driver conduct and from these, driver

blunder speaks to 44.4%. People on foot and travelers represent 33.9%, while pedal cyclists represent 7.2%. The best of terrible driving propensities is the aggregate lack of respect for activity guidelines, laws and controls. Tragically, it is evaluated that deliberate and ongoing driver mistakes represent more than 70% of all fatalities. Contributing variables incorporate freshness, speeding inebriation from drinking or sedates, or outright neglectfulness. Different less experienced causes are weakness from workaholic behavior prompting resting while on the haggler control (Koster, et. al, 2016).

All around planned and very much kept up streets are likewise of key significance for streets security. Be that as it may, condition of streets is once in a while specified as a reason for mishaps when the administration issues and communicates worry about TRAs. The fault is passed on to the driver, the state of the vehicle being referred to, the climate, or some other mix of elements. Gravely planned streets that are thin, uneven, with sharp turns and disregarded streets with potholes and no street signs increase the risk on our roads. Regularly, the issue of overwhelming is credited to nonattendance of caution signs or centerline markers. Thus, Kenya has had a blasted of new streets particularly amid President Kibaki's residency as president. Shockingly, a portion of the new streets are as of now in a poor state in view of poor outline and nonexistent support. They are as much a contributing element to mischances on Kenyan Roads (Koster, et. al, 2016).

Regulations in the public transport industry in Kenya are spearheaded by the N.T.S.A. This government body was formed in the year 2012 with a mission of encouraging the arrangement of sheltered, solid, and productive street transport administrations. N.T.S.A. is responsible for advising and making recommendations on issues identifying with street transport and security, and furthermore executing strategies identifying with street transport and wellbeing. All this is done in accordance with the provisions of the Act no. 33 of 2012.

One of the groundbreaking directives is The National Transport and Safety Authority legal notice No. 23 of 2014, which requires all PSVs to be members of SACCOS or limited liability companies for them to be licensed. The operators are expected to employ competent staff and also insure all their vehicles with licensed insurance

companies. Stringent repercussions will meet those that don't adhere to the set rules. They include, where necessary, to order that all vehicles belonging to the SACCO or Company involved in malpractice to be subjected to inspection or their operation license for all vehicles cancelled.

2.3 Perception of Matatu operators towards the government regulations

For the government to be successful in regulating the public transport sector, it should have the capacity to determine the ideal level of passages and administration norms. The set admissions must be ideal, moderate to most workers, enabling administrators to give sensible amount and nature of administrations and procure sufficient benefits for investor profits and capital venture. This is troublesome because of absence of data. People in general may judge the accomplishment of the administrative system in light of their observations. Open acknowledgment drops if the administrators are seen to make exorbitant benefits from high admissions or giving low quality of administration (Hensher and Wong, 2011).

It has been observed that there is high level of non-compliance by Matatu operators to the set regulations in the industry. Operators themselves claim selective compliance other than full non-compliance. Some of the reasons given for selective compliance are that the regulations are inappropriate, unworkable and contentious (McCormick, et. al, 2013)

Collection of fares from Matatu users uses a system better known as the "target-system". This strategy is designed to maximize profits by the owners of the Matatus and minimize their direct involvement in management of their vehicles. The vehicle owner receives a fixed daily cash target from the employed operators. This is despite the fact that the operators are the ones responsible for fueling the vehicle, general maintenance and repairs of the vehicles. Increases and decreases in the collected revenues affect the retained amount by the operators.

Regulations were last taken seriously by Matatu operators in 2004 when they were imposed by the then minister of transport, Hon. John Michuki. However, the controls were short-lived as implementation ceased once he left office. Among the regulations that were associated with that period, commonly referred to as "Michuki rules",

included installation of speed governors and fixing of safety belts in all public transport vehicles.

What is baffling is how Matatu operators don't change their running of affairs despite putting the lives of many people in danger. There seems to be some hardening on their part such that there is no fear of penalties associated with breaking of the set regulations. Even though very tough measures have been highlighted on the laws and by-laws governing the public transport sector, the bad behaviour associated with the Matatu industry continues on our roads.

2.4 Tactics used by Matatu operators

According to McCormick, et. al. (2013), procedure includes the utilization of inner assets to coordinate the open doors and difficulties made by the outer condition, which for general society transport administrators is constituted for the most part by the foundations.

Since the Matatu owners' main goal is to maximize profits, Matatu operators come up with strategies to also maximize their daily earnings in form of retained cash after paying the owners their daily targets. Vehicle drivers boost pay by over-burdening, stopping outings, speeding and making unlawful stops to get travelers anyplace along the course. Vehicles evade timetables so as to go with a full load. Relentless rivalry brings about vehicles over-speeding, picking and dropping travelers anyplace along the course, and going astray from the recommended courses to maintain a strategic distance from obstructions or potentially congested driving conditions (McCormick, et al, 2013).

By paying bribes to either cops, or gangsters, or both, operators keep the system moving, and with repetition the everyday practices of corruption are embedded into the social landscape to such a point they become a routine. The general public hates this constant participation in corruption by Matatu operators, even though the passengers themselves often promote and encourage, if not demand Matatu operators to continue their various corrupt and illicit practices (FERENCE, 2013).

For Matatu operators in Nairobi's post-colonial landscape there are roadblocks, both physical and social, at every turn. Physically, the streets are simply too small for the amount of traffic moving through the city and potholed roads cause punctures and are rough on vehicles. Social tolls are paid to powerful and dangerous outside actors in order to keep the system moving through the city unrestricted. The operators are therefore necessitated to come up with tactics to survive in the industry.

2.5 Success of the government regulations in the public transport industry

2.5.1 Success of government regulations in New Zealand

New Zealand has one of the most noteworthy extents of individuals living in towns and urban communities on the planet, with around 86% living in urban zones (Henderson, 2015). It is along these lines key to have a proficient and successful open transport arrange with the goal that individuals can settle on keen decisions about how they travel. Public transport services must come often, at the right time, and give access to a wide range of destinations. And they must do all this while keeping up high numbers of fare-paying passengers so public transport pays a fair share of its operating costs.

Success in achieving these goals relies on public transport being a part of one integrated transport network, so all travel modes work together. New Zealand invests a lot of time and resources in integrated planning. To do this they recognize the importance of joined up decision making with stakeholders on land use, transport planning, and investment. Public transport is a core part of the transport network and influences land use and urban design, and wider transport planning. Public transport also helps get the most value from investment in the transport network.

According to the International Transport Forum (2010) New Zealand had very high road deaths by developed countries standards, having been ranked number 25 out of 33 of the surveyed countries. This could be attributed to forceful driving, inadequate driver preparing, old and risky autos, sub-par street outline and development, and an absence of energy about the expertise and duty required to securely work an engine vehicle. There is also the fact that New Zealand receives many visiting drivers in form

of tourists, students, immigrants and people who visit for business. This is according to the New Zealand Press Association (NZPA).

The need for sector wide monitoring was recognized some years back and resulted in the Ministry of Transport, in collaboration with transport agencies, developing the Transport Monitoring Indicator Framework (TMIF). A number of TMIF measures are relevant to public transport monitoring and allow public transport monitoring to happen within a wider information context. This makes it easier to measure overall public transport effectiveness and what it means for an integrated transport network – what the trade-offs are, and how we can get the most out of the network.

Information technology is playing a growing role in public transport. This includes websites with information on routes, fares and timetables, smart phone applications and smartcard integrated ticketing. These technologies can help us make public transport more attractive, and they can help regional councils and public transport operators e.g. bus companies, improve the planning and operation of services. These technology solutions are expensive and often out of reach for all except the largest cities. Increasingly, a national approach is being used in New Zealand to minimize high entry costs and improve efficiency. The NZTA wants to cut costs by developing and using common standards, and using national shared services available nationwide.

2.5.2 Success of government regulations in Tanzania

Tanzania's National Transport Policy sets goals and objectives for each of the major transportation services in the country. As part of the enforcement procedures, SUMATRA places officers on the roads who conduct roadside inspections to monitor compliance with licensing conditions.

Road safety is an emerging issue in Tanzania as a result of the rapid growth of the vehicle fleet in the country. Government records indicate that the number of fatalities increased by 150% from 1998 to 2001. During the same period, the number of recorded wounds expanded from 11,380 to 20,800 (Transport and ICT Department, 2013). Right now, little exertion is being made to decrease the quantity of street crashes by the legislature or different organizations.

In general, the mischance insights in Tanzania give a photo of a falling apart street security circumstance in the nation which should be tended to. Shockingly, the administration is by all accounts putting little exertion in handling the issue. There is right now no organization in charge of planning street security, no activity intends to address wellbeing issues, and couple of assets designated to enhance the street wellbeing circumstance. The offices just manage the issues under their obligation and every one of them act in an ungraceful way. There is a requirement for all offices with the obligation regarding street wellbeing to get ready composed activity intends to address the street security issue together.

Measurements demonstrate that Tanzania as of now has a grave street wellbeing issue considering that it has a moderately little vehicle armada. With the quick development of armada, the quantity of passings and wounds on its street organize is probably going to increment. There is in this manner a justifiable reason purpose behind the nation to put higher accentuation on tending to its street security issues (Transport & ICT Department, 2013).

2.5.3 Success of government regulations in Kenya

Despite the stringent measures being well known by Matatu operators, majority of them keep breaking the law thus endangering the lives of the passengers. The traffic legislations seem not to be taken seriously by the Matatu operators. They continue to break the rules and members of the public continue to lose their lives in road carnages. Accidents are to a great extent because of poor driving and vehicle conditions, while on-street driver conduct is forceful and frequently unsafe (Behrens, et. al, 2016).

Koster, et. al. (2016) takes note of that the last time Kenyans utilizing open transport vehicles considered utilization of seat straps important was in the year 2002-03 amid the rule of Hon. John Michuki as the clergyman of Transport. Logical research has prompted confirm appearing if there should arise an occurrence of a mishap, wearing a safety belt decreases the danger of being catapulted from a vehicle and in this manner enduring genuine or deadly damage by between 40-65%. It is therefore sad that Kenyans will not adhere to this simple life-saving practice until it is forced on them.

Implementation of traffic rules seems to be seasonal where there are times when the law enforcers are on the roads arresting the law breakers. When these enforcers are not on the roads, the drivers break the laws. Khayesi, et. al. (2015) describes a vicious cycle that seems to have evolved at the national level with respect to the road accidents in Kenya. The cycle is as follows; several persons perish in a tragic road accident, the government issues warnings on how there will be tough measures on those who break the law, implementation officers are put on the road to monitor the operators, Matatu operators obey the rules for a while, enforcement officers are withdrawn from the roads or if they are present, they take bribes and allow unroadworthy vehicles and rogue drivers on the roads, another fatal accident happens.

Members of the public mostly blame the government for leniency in handling offenders. The question lingering on the mind of many Kenyans is whether the government talks tough or it is serious with implementing these laws. There is public outcry for the government to move from empty words to action. The laws and regulations should move from being just on paper to being implemented on those who break them. This way, the lives of many Kenyans will be saved.

The specific issues encountered by the authorities responsible for enforcing whatever regulatory framework may be in place relate to matters primarily of policy coherence, signaled by a policy framework which gives clear and consistent direction to what public intervention in the sector is intended to achieve, and adequate enforcement capacity demonstrated by the ability to enforce compliance by operators with these regulatory directives. In the case of the former, policy coherence is often lacking as a consequence of institutional fragmentation between and within the organs of state involved in governing the public transport sector, while in the case of the latter, a lack of enforcement reflects a lack of appropriate organizational resources such as funding and appropriately skilled personnel (Geyer, 2011).

In spite of the fact that there have been endeavors throughout the years to manage the business, these have for the most part flopped because of poor implementation. Among the implementation issues in the inside and out are activities particularly by the Kenya police, the Nairobi government and the legal authorities. The Kenya Police has throughout the years been reliably positioned as the most degenerate organization.

There is likewise irreconcilable circumstance emerging from government's inability to restrict invested individuals in people in general division from owning and working Matatus.

2.6 Theoretical framework

2.6.1 Functionalism Theory

Functionalism theory focuses on how society remains relatively stable at the macro-level. Functionalism seeks to interpret each piece of society as far as how it adds to the solidness of the entire society. Society supposedly is more than the whole of its parts. Each piece of society is utilitarian for the soundness of the entirety. The functionalist point of view is a major theoretical perspective with its origin being sociologist Emile Durkheim. Talcott Parsons has also made a significant contribution to this sociological theory. This study reflects on the functionalism perspectives of both Emile Durkheim and Talcott Parsons.

2.6.1.1 Emile Durkheim

Durkheim imagined society as a life form. Much the same as inside a life form, every segment assumes a key important part. None of the parts can work alone. In the event that and when one encounters an emergency or falls flat, different parts must adjust to fill the void somehow (Punch, et al, 2013).

The center foundations characterized by human science and which are vital for the comprehension of this hypothesis include: family, government, economy, media, training, and religion. As per functionalism, a foundation exists since it serves an essential part in the working of society as a whole. The public transport sector in Kenya serves a majority of the citizens. Statistics show that it serves about 90% of the population (Koster, et. al, 2016). Matatus facilitate movement of people to their workplaces and also movement of goods and services from one place to another for business. Their importance can therefore not be underemphasized.

Society has many rules, which although they are not rigidly enforced, we conform to. But what is it which makes us conform? This is what sociologists call social control. How social control identifies with criminal and freak conduct has been talked about

and debated for a long time (Punch, 2013). Social control can be characterized as social components that manage individual and gathering conduct, prompting similarity and compliances to the standards and desires of a given society or social gathering (Fulcher and Scott, 2011).

Social control exists only if there is some degree of order and predictability in a society. This predominant arrangement of standards and qualities does not however emerge suddenly. Social orders, or the all the more capable individuals from a specific culture, develop methods of controlling the less powerful to conform to the ways of the more powerful. Punishment follows to those who do not stick to the rules. They do this through a mix of informal social control and formal social control (Punch, 2013).

Casual Social Control is a blend of the social esteems that are available in people. It is practiced by a general public without unequivocally expressing these principles. It is communicated through traditions, standards, and qualities. People are associated into these standards and qualities whether intentionally or intuitively. Through this type of socialization, the individual will disguise these qualities and they turn into their way of life (Newman and O'brien, 2008).

Formal Social Control is rehearsed through set laws, for example, statutes, principles, and directions against freak conduct. It is led by governments and associations utilizing law authorization systems and other formal endorsements, for example, fines and detainment. In vote based social orders, the objectives and components of formal social control are resolved through tenets by individuals from the group chose and in this manner appreciate a measure of help from the populace (Fulcher and Scott, 2011).

In many social orders, the state gives training to the offspring of the family, which thus pays assesses on which the state depends to keep itself running. The family is reliant upon the school to enable kids to grow up to have steady employments so they can raise and bolster their own families. All the while, the kids progress toward becoming decent, taxpaying residents, who thus bolster the state. From the functionalist point of view, if all goes well, the parts of society deliver request,

solidness, and efficiency. On the off chance that all does not go well, the parts of society at that point must adjust to create new types of request, solidness, and efficiency (Scott, 2006).

Functionalism puts a considerable measure of accentuation on the accord and request that exist in the public eye, concentrating on social dependability and shared open esteems. Complication in the framework, for example, freak conduct, prompts change in light of the fact that societal parts must conform to accomplish solidness. When one a player in the framework isn't acting of course or is broken, it influences every single other part and makes social issues, which prompts social change (Newman and O'brien, 2008).

2.6.1.2 Talcott Parsons

Talcott Parsons is notable for his work in the hypothesis of auxiliary functionalism. Parsons was, extremely intrigued by the possibility of social request. Basic functionalism is the hypothetical point of view that tries to comprehend the capacity that every part of culture plays in supporting the structure of a general public. Basic functionalists felt disparity was a fundamental piece of any working society since imbalance is the thing that they accepted kept society ticking along (Trevino, 2001).

Trevino (2001) additionally expresses that as different social procedures capacities happen, strains, pressures and clashes may develop. These are a consequence of the way that people identify with each other and as various units do their assignments and parts that should be done in a framework. Overseeing of pressures, diffusing and settling clashes and guaranteeing systematic methods for doing exercises ought to be guaranteed. This can be done through laws and regulations like those in the transport sector in Kenya. Presence of regulations reduces conflicts and enhances order.

AGIL is an acronym that stands for Adapt, Goal Achievement, Integration and Latency. Parsons analyzed the relations between the four subsystems in terms of a model of interchanges between them (Trevino, 2001). The AGIL capacities must exist at all levels, in the public arena in general, and in every subsystem. These may not be intentionally worked out capacities, and parts and capacities can be shared among associations or people. The need for functional interchanges is an essential feature of

all societies. Each subsystem produces a particular resource that it exchanges with the others (Trevino, 2001). The government, the citizens and the business people who run Matatus all have an interdependence relationship. They therefore have to look out for each other so social order to be maintained.

2.6.2 Discipline and Punish Theory

Michel Foucault is the sociologist behind the sociological thought of Discipline and Punish. He was a French historian and philosopher. Social control was the issue at the centre of Foucault's writings. He argued that any society is a battleground between competing interests (Foucault and Sheridan, 2012). In the Matatu industry, the owners seek to maximize their profits; the operators seek to maximize their income while the government seeks to install order in the public transport industry. All these players have competing interests which eventually lead to disorder.

At the center of Foucault's photo of present day disciplinary society are three essential strategies of control. These are: various leveled perception, normalizing judgment, and the examination. Foucault discloses that, as it were, control over individuals can be accomplished just by watching them (Gutting, 2013). A decent illustration is that of the layered lines of seats in a stadium. Not exclusively does this make it simple for onlookers to see however it likewise makes it simple for watchmen or surveillance cameras to filter the gathering of people. An ideal arrangement of perception would enable one protect to see everything. In any case, since this isn't conceivable, there is a requirement for a gathering of onlookers to be progressively requested, through whom watched information goes from lower to larger amounts.

One key assumption by Foucault is that in the modern society, all citizens are free and entitled to make certain demands on the state (Fulcher and Scott, 2011). There is a general expectation from the Kenyan citizens, majority of whom use public transport, to be protected by their state from extortion and harassment by the Matatu operators. In the public transport industry, the norms are laid out in the Traffic Act which lays down the expectations of the operators and possible repercussions of breaking the laws.

Foucault famously drew on Bentham's notion of the panopticon (Fulcher and Scott, 2011). Consider a prison constructed with a central tower occupied by prison officers and surrounded by a circular arrangement of cells. This would allow for a system of continuous surveillance. Prisoners would feel under permanent observation from the tower whether they were actually being watched or not; hence Foucault's concept of 'the gaze'. Prisoners would in effect control themselves. Traffic policemen are placed on the major roads and streets to be the law enforcers. Operators keep in check when they know they will find the policemen on the roads and they will make sure that their vehicles are in good condition, they are in the right uniform and they have not overloaded. This is mainly in roads that always have traffic police on duty.

Foucault sees the panopticon a perfect structural model of present day disciplinary power. It is a plan for a jail, fabricated with the goal that every prisoner is isolated from all the others yet every detainee is constantly obvious to a screen arranged in a focal pinnacle. Perceivability is a trap. Every detainee is seen by everybody except they can't speak with the corrections officers or different detainees. The group factor is abrogated. Screens may not in reality dependably observe every prisoner; the fact is that they could whenever. Since detainees never know whether they are being watched, they should go about as though they are dependably questions of perception. Therefore, control is accomplished more by the interior checking of those controlled than by overwhelming physical limitations (Foucault and Sheridan, 2012).

For Foucault, the panopticon speaks to the route in which teach and discipline work in current society. It is a chart of energy in real life in light of the fact that by taking a gander at an arrangement of the panopticon, one understands how the procedures of perception and examination work (Fulcher and Scott, 2011).

In concentrating on the panopticon, Foucault receives it as an image of his entire contention. The hypothesis of train and rebuff in which everybody is watched and broke down is epitomized in a building that makes these operations simple to perform. The panopticon was produced out of the requirement for reconnaissance. Torment measures are expected to ensure the general public. The panopticon enables energy to work proficiently. It is a useful, perpetual structure (Newman and O'brien, 2008).

Though the disciplinary society has its roots in the prison system, it also applies in other aspects of society (Scott, 2006). More and more of our institutions including schools, hospitals, business premises and even our roads have come to resemble prisons. There are surveillance cameras everywhere meant to enhance security. In this case, it applies to the public transport system in Kenya where the traffic rules are followed when the operators know that the enforcers are watching over them. These days, the Kenyan roads have surveillance cameras which help law enforcers to observe what is happening on the roads from a central command station.

This is not to say that a disciplinary society is one with a panopticon in every street. It is one where the state controls the methods of coercion and operates them throughout society (Newman and O'brien, 2008). The Kenyan government has therefore set our regulations, laws and by laws which must be followed by everyone who wants to remain in business, whether the operators or the owners of Matatus. That's why there regulations such as wearing of uniform, joining SACCOs by all public transport vehicles, and many others. The development of a disciplinary society is a process that takes into consideration socio-economic factors, particularly population increase and economic development (Scott, 2006).

2.6.3 Conceptual framework

Adherence to the regulations in the public transport industry by Matatu operators is determined by the regulations in place, and how the operators understand or perceive them. It is also determined by how seriously the enforcement by officers perform their job. Matatu owners and how they relate with the operators also affect adherence. These, in relation to Matatu culture and daily targets, will affect how the operators adhere to the regulations.

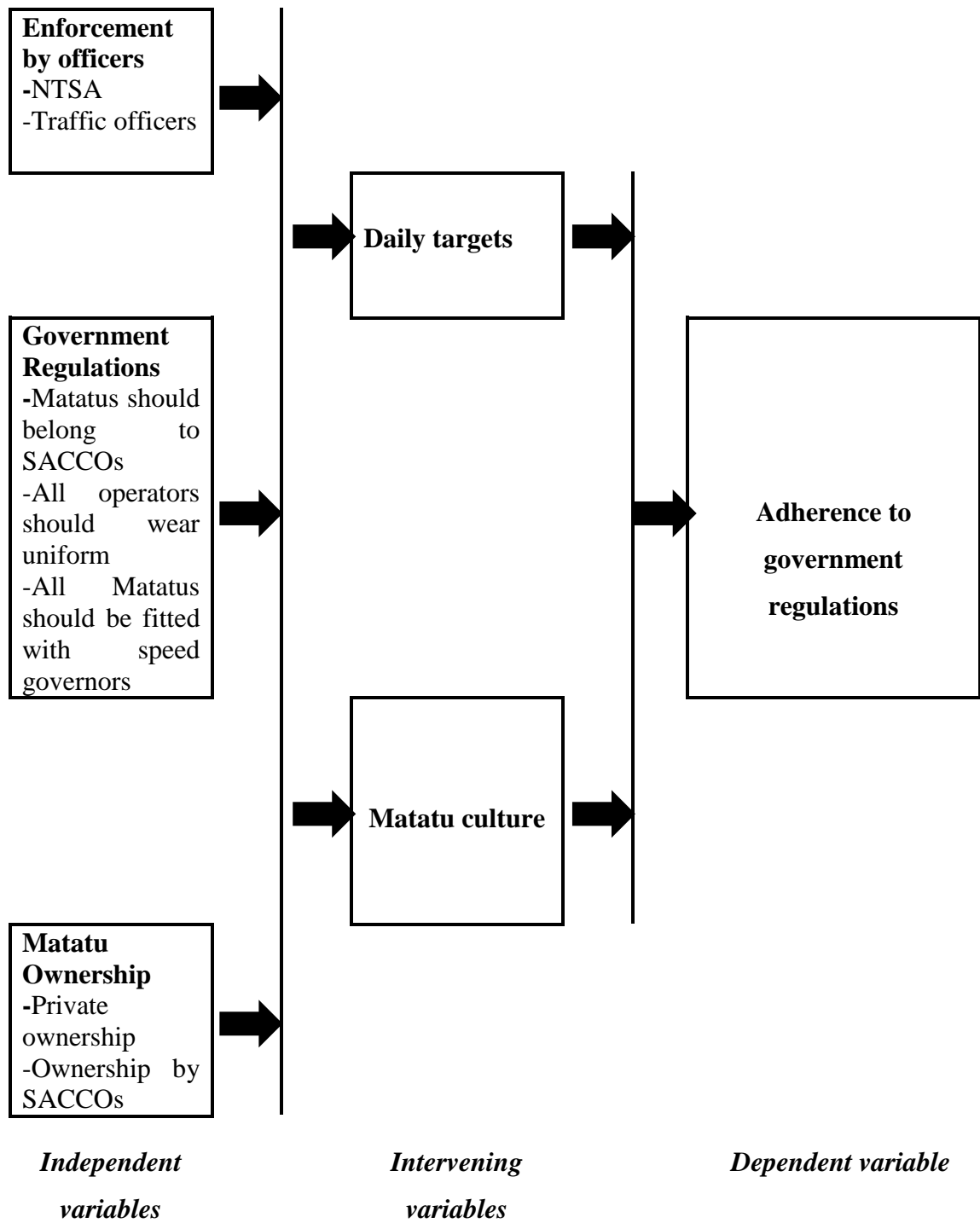


Figure 2.1: Conceptual framework of the study

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 Introduction

In this chapter, the discussion is on the research design used, the study site and also the sampling method that was used. The tools used in data collection and how the data was analyzed are explained.

3.2 Site Description

The study was carried out in Kikuyu sub-county which is in Kiambu County. Kikuyu sub-county has its headquarters in Kikuyu town which is located 20km Northwest of Nairobi, the capital city of Kenya. The town is named after the Gĩkũyũ people who are the major ethnicity that has settled in the area. Kikuyu town is about a 20 minutes drive from Nairobi by means of various courses, including a double carriage street, and it has a railroad station on the Mombasa – Malaba Railway Line. With the current development and finishing of the Southern sidestep that interfaces Mombasa street to Nairobi-Naivasha Highway at Gitaru through Kikuyu, the town is balanced for more prominent development by the way that it is the main town that is on the sidestep.

Kikuyu is especially an area that hosts a huge number of people who work in Nairobi. Being a town with close proximity to Nairobi, many people working in Nairobi commute everyday to work and back home. As of 2009, the total population was 233,231. This population has grown tremendously over the years especially due to the significant development of rental houses.

Transport to the capital of Nairobi and other places is available in form of Matatus, minibuses and trains. Matatus from Kikuyu town ply different routes such as the Nairobi city center, Karen shopping center, Kiambu, Ruaka in the Northern bypass, the Kenyatta National Hospital and other areas of significant economic and social status. The Kikuyu sub-county main Matatu stage has many Matatu Saccos operating to the various routes.

Kikuyu sub-county is rural by nature with agriculture being a major economic activity. Due to its geology and rich soil texture, there is much livestock and crop

farming. Farmers transport their produce to the nearby markets using public transport. The markets include: Limuru, Wangige and Dagoretti.

Many institutions have developed in Kikuyu town, including a major eye unit hospital- Kikuyu Mission Eye Hospital, a Christian university- Presbyterian University of Eastern Africa, and many primary and secondary schools, including both Alliance High School and Alliance Girls High School which are well performing national schools started by missionaries. Recreational offices and facilities incorporate Sigona Golf Club, the Wida Highway Motel, Kari Holiday Retreat Center, and the PCEA Lay Training Center. Kikuyu has formed into a modern town that brags numerous processing plants that range from the metallic to the therapeutic area.

3.3 Research Design

The research design used for this study was descriptive. This is because descriptive research allows for a multifaceted approach to data collection. Questionnaires were used to interview the Matatu operators who were the key respondents in this study while key informants guide was used to interview the key informants in the public transport industry. This allowed for collection of both qualitative and quantitative data.

Kikuyu sub-county has 16 Matatu SACCOs plying different routes. A representative sample of 5 operators from each SACCO was chosen for the interview. The operators were put in groups of 5 and they were guided to fill each of the questions in the questionnaire and to ask for clarification on any question that they did not understand.

Key informants guide was used to collect data from key people in the public transport industry. This was done in face to face interviews. The guided questions were asked and responses recorded in a notebook. Follow up questions were asked depending on the responses given upon being asked the questions on the key informants guide. The key informants interviewed in this study were: a Matatu owner, a traffic police officer, a route marshal, a SACCO official and an NTSA officer.

This design helped the researcher to generate both numerical and descriptive data. The data collected was analyzed and the report presented in form of tables for further understanding of the subject.

3.4 Unit of analysis

A unit of analysis is the subject of the study. It is the case or level at which the conclusion of the study will be made. The unit of analysis in this study was the perception of Matatu operators towards government regulations in the public transport industry.

3.5 Unit of observation

The unit of observation is the level at which data is collected. In this study, the unit of observation was Matatu conductors and drivers from whom data was collected.

3.6 Sampling and Sample Population

A sample is a selected unit from a population of interest so that by studying the sample we may fairly generalize our results back to the population from which it was chosen. Sampling method was used to get the right sample to interview and collect data from. The sampling method chosen for this study to identify the respondents was simple random sampling. A simple random sample is a subset of a statistical population in which each member of the subset has an equal probability of being chosen.

This survey was conducted on a sample of 90 Matatu operators, both conductors and drivers. A sample of 5 operators, both conductors and drivers, from each of the 16 SACCOs in Kikuyu sub-county was selected for interview, both men and women. Out of the 90 questionnaires given, there were 85 respondents and 5 questionnaires that were not responded to. The questionnaires were hand delivered to the intended respondents who filled them under the guidance of the researcher.

Key informants who are involved in different aspects of the Matatu industry were also selected and interviewed to give their perspective on different aspects of the study. This was done on a face to face basis to 5 people who play different roles in the public

transport industry. They included: a Matatu owner, a traffic police officer, a route marshal, a SACCO official and an NTSA officer.

3.7 Data Collection Tools

Questionnaires and Key Informants guides were used in this research. A questionnaire is a set of prompting questions given to respondents for the purpose of gathering information. This tool was preferred because it allows for collection of quite detailed information.

A key informant guide is a set of questions asked to people who have specialized knowledge in a specific field, and in his case, it is in the public transport industry.

Questionnaires

The respondents filled the questionnaires anonymously which allowed them to be as honest as possible in their responses. In this study, questionnaires were given to Matatu operators, both conductors and drivers, to get their views on the regulations in the industry. The operators filled the questionnaires under the guidance of the researcher. These were operators from the various routes and Saccos in Kikuyu sub-county. This is through the use of simple random sampling whereby operators from each of the SACCOs in the sub-county had an equal chance of being selected for the interview.

The questions were both open ended and close ended to enable collection of both qualitative and quantitative data collection.

Key Informants Guide

The key informants in this research consisted of each of the following: a Matatu owner, a traffic officer, a SACCO official, a route marshal or manager and an NTSA officer. These are people involved in day to day operations of the industry. They also interact closely with the Matatu operators.

The questions in the key informant guide were open ended. The questions were presented to the key informants in a face to face interview. This led to collection of qualitative data.

3.8 Data Analysis

The data collected using the methods above was classified, sorted, analyzed and compiled. The data was analyzed using the SPSS tool. The analyzed quantitative data was then finally compiled, documented and presented in the form of tables after checking its accuracy and reliability for generalization to the population.

CHAPTER FOUR: DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.1 Introduction

This chapter presents research outcomes that were obtained from field responses. This section provides data on the background information of the respondents, work profile, knowledge of the regulations, tactics used to avoid penalties, perception to and success of the regulations. The findings and analysis based on the research objectives as explored by the questionnaires is also presented.

4.2 Background information

The background information of the respondents including gender, age bracket and the highest level of education were obtained.

4.2.1 Gender of the respondents

The study sought to establish the gender of the respondents. According to the findings, majority of the respondents working in the Matatu industry were male, 82, representing 96.5% while only 3 were female representing 3.5%. The results therefore indicated that the Matatu industry is dominated by men. The results are presented in Table 4.2-1.

Table 4.2-1: Distribution of the respondents by gender

N=85

Gender	Number	Percent
Male	82	96.5
Female	3	3.5
Total	85	100

4.2.2 Age of the respondents

The study sought to establish the age brackets of the respondents. According to the findings, majority of the respondents 38(44.7%) indicated that their age ranged between 26-35 years, followed by 30(35.3%) who indicated that their age range was between 36-45 years. The findings also established that 13(15.3%) of the respondents were aged between 18-25 years; 2 (2.4%) were in the age bracket of 46-55 years while 2(2.4%) were above 56 years of age. From the findings, it can be established that majority of the respondents in the Matatu industry were middle aged while there were very few respondents who were elderly. The findings are illustrated in Table 4.2-2.

Table 4.2-2: Distribution of the respondents by age

N=85

Age Bracket	Number	Percent
18-25	13	15.3
26-35	38	44.7
36-45	30	35.3
46-55	2	2.4
Above 56	2	2.4
Total	85	100

4.2.3 Education level

The study sought to establish the education level of the respondents working in the Matatu industry. According to the study findings, majority of the respondents 44(51.8%) indicated that they had only secondary education, followed by 21(24.7%) of the respondents who had college/university qualifications while 6(7.1%) stated that they had only attended school in the lower primary. The findings thus indicated that

majority of the respondents in the Matatu industry did not pursue their studies beyond the secondary level. The findings are presented in Table 4.2-3.

Table 4.2-3: Distribution of the respondents by their education level

N=85

Education Level	Number	Percent
Lower Primary (Std 1-4)	6	7.1
Upper Primary (Std 5-8)	14	16.5
Secondary	44	51.8
College/University	21	24.7
Total	85	100

4.3 Work profile

The study sought to obtain information on the work profile of the respondents including the specific work, employment status and duration in the industry among other information.

4.3.1 Distribution of the respondents by work type

The study sought to find out the type of work that the respondents were engaged in the Matatu industry. Based on the findings, majority of the respondents 47 (55.3%) worked as Drivers followed by 36 (42.4%) who worked as Matatu conductors. Those who worked as squad and route marshals were 1 each representing 1.2% respectively. The findings therefore indicate that most of the respondents who took part in the study were Matatu drivers and conductors. The findings are presented in Table 4.3-1.

Table 4.3-1: Distribution of respondents by their work type

N=85

Work Type	Number	Percent
Driver	47	55.3
Conductor	36	42.4
Squad	1	1.2
Route Marshal	1	1.2
Total	85	100

4.3.2 Employment status

The study sought to establish whether the respondents were employed in the Matatu industry or they actually owned the Matatus. Based on the findings, majority of the respondents 77 (90.6%) indicated that they were employed in various capacities in the Matatu industry while 8 (9.4%) stated that they actually owned the Matatus. The Matatu owner had this to say:

I run many businesses and therefore I am not able to be the one running the Matatu on the road. That is why I have employed people to run the business on my behalf. I look at it as a way of creating employment

The findings are indicated in Table 4.3-2.

Table 4.3-2: Distribution of 1the respondents by employment status

N=85

Employment Status	Number	Percent
I am the owner	8	9.4
I am employed	77	90.6
Total	85	100

4.3.3 Work duration

The study sought to establish for how long the respondents had worked in the Matatu industry. According to the study findings majority of the respondents 32(37.6%) indicated that they had worked in the Matatu industry for a period of 6-10 years, followed by 28(32.9%) who had worked for a period of 1-5 years. Of the respondents who took part in the study, 11 representing 12.9%, 6 representing 7.1%, and 6 representing 7.1% had worked for a period of 11-15 years, less than 1 year, and 16 or more years respectively. However, 2 of the respondents representing 2.4% did not provide any response. The findings thus indicate that majority of the respondents had worked in the Matatu industry for quite some time so they were able to respond to the questions that were put across to them in the questionnaires. The findings are indicated in Table 4.3-3.

Table 4.3-3: Distribution of the respondents by work duration

N=85

Duration	Number	Percent
Less than 1 year	6	7.1
1-5 years	28	32.9
6-10 years	32	37.6
11-15 years	11	12.9
16 or more years	6	7.1
No response	2	2.4
Total	85	100

4.3.4 Registration with National Transport Authority (N.T.S.A)

The study sought to establish whether the respondents were registered operators with the National Transport Authority (N.T.S.A). Based on the findings, majority of the respondents 77(90.6%) indicated that they were registered operators with the National Transport Authority (N.T.S.A) while 8(9.4%) stated that they were not registered operators with the National Transport Authority (N.T.S.A). The findings thus indicated that majority of the respondents had complied with the registration requirement of N.T.S.A. The SACCO official had this to say:

All operators must be registered by the SACCO for them to be on the road. The SACCO is linked by NTSA online where they register the people that work with them.

The findings are indicated in Table 4.3-4.

Table 4.3-4: Distribution of the respondents by registration with National Transport and Safety Authority (N.T.S.A)

N=85

Response	Number	Percent
Yes	77	90.6
No	8	9.4
Total	85	100

4.3.5 Reasons for working in the Matatu industry

The study sought to establish the reasons why the respondents opted to work in the Matatu industry. According to the study findings majority of the respondents 28(32.9%) indicated that they opted to work in the Matatu industry because they could not secure any other job, 26(30.6%) stated that it is kind of job they have always wanted, 15(17.6%) stated that jobs in the Matatu industry pay well. However, 10(11.8%) of the respondents did not provide any reasons for their opting to work in this industry. Other respondents, 6(7.1%) provided other reasons for working in this industry such as it easier to secure a job without bribery, one can come back to the job after a long absence, and the desire to transform the industry to be admirable among other reasons. The findings thus indicated that majority of the respondents were in this industry because they could not secure any other job followed by those who have always desired to work in the industry. The findings are indicated in Table 4.3-5.

Table 4.3-5: Distribution of respondents by reasons for working in the Matatu industry

N=85

Reasons	Number	Percent
It is my the job I always wanted	26	30.6
It pays well	15	17.6
I can't get any other job	28	32.9
Others (specify)	6	7.1
No Response	10	11.8
Total	85	100

4.3.6 Mode of salary payment

The study sought to establish the various ways that the respondents received their pay. According to the study findings majority of the respondents 62(72.9%) indicated that they got a retainer over and above their pay after meeting their daily targets, 20(23.6%) stated that they had a fixed daily pay. However, 3(3.5%) of the respondents never provided any response on their mode of payment. The SACCO official had this to say:

The operators are given a target as their mode of payment so that they can take their job seriously. When they know that their pay will depend on how much they earn, they work hard. We have not had any cases of people who do not pay their daily targets. All the operators take this agreement very seriously.

The findings are indicated in Table 4.3-6.

Table 4.3-6: Distribution of the respondents by mode of salary payment

N=85

Payment Mode	Number	Percent
I get the retainer after meeting the daily target	62	72.9
I have a fixed daily pay	20	23.6
No Response	3	3.5
Total	85	100

4.3.7 Remitting of statutory contributions (NSSF, NHIF and taxes)

The study sought to establish whether the employers of the respondents remitted statutory contributions such as NSSF, NHIF and taxes on their behalf. According to the study findings majority of the respondents 54(63.5%) indicated that their employers did not remitted statutory contributions such as NSSF, NHIF and taxes on their behalf while 27(31.8%) stated that their employers did remit statutory contributions such as NSSF, NHIF and taxes on their behalf. However, 4(4.7%) of the respondents never provided any response. One of the drivers had this to say:

We don't earn much so the money we have is not enough to cater for the needs of our families and to pay the other statutory requirements. I know that it is important to pay but for now, it is not easy to set money aside for the same.

The findings are indicated in Table 4.3-7.

Table 4.3-7: Distribution of respondents by remittance of statutory contributions (NSSF, NHIF and taxes)

N=85

Response	Number	Percent
Yes	27	31.8
No	54	63.5
No Response	4	4.7
Total	85	100

4.4 Knowledge of the regulations

The study sought to establish whether the respondents were well acquainted with the regulations in the industry.

4.4.1 Familiarity with government regulations

The study sought to establish whether the respondents were well acquainted with the government regulations that were put in place to regulate the industry. According to the study findings majority of the respondents 64(75.3%) indicated that they were familiar with the government regulations that were put in place to regulate the industry while 16(18.8%) stated that they were not familiar with the government regulations that were put in place to regulate the industry. However, 5(5.9%) of the respondents never provided any response. The findings therefore, show that majority of the respondents were familiar with the regulations in the Matatu industry. The findings are indicated in Table 4.4-1.

Table 4.4-1 Distribution of respondents by familiarity with government regulations

N=85

Response	Number	Percent
Yes	64	75.3
No	16	18.8
No Response	5	5.9
Total	85	100

4.4.2 Familiar regulations

The study sought to establish which specific regulations the respondents were familiar with in the industry. According to the study findings majority of the respondents 54(63.5%) indicated that they were familiar with the regulation that all Matatus should be members of a SACCO, followed by 38(44.7%) who were familiar with the regulation that Matatu operators should always wear their prescribed uniform while on duty. Of the respondents who took part in the study, 37 representing 43.5% indicated that they were aware that Matatus should not carry passengers beyond their capacity, 36 representing 42.4% indicated that they knew all passengers must belt up while travelling, and 35 representing 41.2% were cognizant of the regulation that all Matatus should be fitted with speed governors. However, 9 respondents representing 10.6% never responded. The findings thus indicate that majority of the respondents were familiar with all the regulations in the Matatu industry. The findings are indicated in Table 4.4-2.

Table 4.4-2: Distribution of respondents by regulations that are familiar to them

N=85

Regulations	Number	Percent
All Matatus should be members of a SACCO	54	63.5
All passengers must belt up while travelling	36	42.4
Matatu operators should always wear their prescribed uniform while on duty	38	44.7
All Matatus should have installed speed governors	35	41.2
Matatus should not carry passengers beyond their capacity	37	43.5
No Response	9	10.6

4.4.3 Mode of regulation awareness

The study sought to establish the mode through which the regulations were made known to the respondents. According to the study findings majority of the respondents 36(42.4%) indicated that they were made aware of the regulations through the media (radio, TV, newspapers), followed by 29(34.1%) through their employers, 19(22.4%) through their colleagues and 2 representing 2.4% stated that they were made aware of the regulations through passengers. Others, 4(4.8%) indicated that they learnt the regulations through other sources such as the SACCOS where the Matatus they worked with belonged and yet others stated that NTSA organized seminars sensitizing them of the regulations. However, 8 of the respondents representing 9.4% did not provide any response. The findings thus indicate that majority of the respondents were made aware of the regulations through the media and their employers.

According to a key informant, an NTSA officer, generally, many of the operators in the transport industry are well versed with the regulations in the Matatu sector. These regulations have been made known to them through media channels and several seminars organized by various state agencies such as NTSA and the department of

traffic police. However, every day there are new entrants who join the industry who are not well knowledgeable on the regulations.

The NTSA has used the various mediums of communication available to inform the players in the Matatu sector and the general public about the importance of adhering to the regulations in the industry. The mediums used include: newspapers, radio, TV, stickers put on Matatus and even social media.

The findings are indicated in Table 4.4-3.

Table 4.4-3: Distribution of respondents by mode of regulation awareness

N=85

Mode of Awareness	Number	Percent
Through the media (radio, TV, newspapers)	36	42.4
Through my employer	29	34.1
Through my colleagues in the industry	19	22.4
Through passengers	2	2.4
Other	4	4.7
No Response	8	9.4

4.4.4 Observing traffic regulations

According to the study findings, majority of the respondents 56(65.9%) indicated that they observed traffic regulations while 26(30.6%) indicated that they did not observe traffic regulations. However, 3(3.5%) of the respondents never provided any response. The findings therefore, show that majority of the respondents followed traffic regulations. One of the key informants, the traffic officer had this to say:

The fact that the Matatu operators follow the set regulations sometimes and fail to follow them at other times shows that they know and understand these regulations and they know their importance in the Matatu industry. The problem is their consistency in following them. They have to be followed up by the enforcers to take the laws seriously.

The findings are indicated in Table 4.4-4.

Table 4.4-4: Distribution of respondents by observation of traffic regulations

N=85

Response	Number	Percent
Yes	56	65.9
No	26	30.6
No Response	3	3.5
Total	85	100

4.4.5 When traffic regulations are observed

The study sought to determine at what time the respondents observe traffic regulations. According to the study findings, majority of the respondents 26(46.4%) indicated that they observe traffic regulations at all times while 17(30.4%) indicated that they observe traffic regulations when they know NTSA officers are on the road. Another 13(23.2%) also stated that they observe traffic regulations when they knew police officers are on the road. The findings therefore, show that majority of the respondents follow traffic regulations at all times and when there are NTSA and police officers on the road. The traffic officer had this to say:

It is quite unfortunate that the Matatu operators are quick to break the law until they hear from their friends that there is a police block somewhere on the road”

The findings are as indicated in Table 4.4-5.

Table 4.4-5: Distribution of respondents by when they observe the traffic regulations

N=56

Response	Number	Percent
All the time	26	46.4
When I know police officers are on the road	13	23.2
When I know NTSA officers are on the road	17	30.4
Total	56	100

4.4.6 Reasons for not observing regulations

The study sought to establish the reasons for non-observation of traffic regulations. From the study findings majority of the respondents 12(46.2%) indicated that the set regulations were too strict and unreasonable, followed by 9 representing 34.6% who reasoned that the regulations did not help the Matatu drivers and conductors work better and another 3(6.5%) who also reasoned that they did not understand the regulations. Another 2(7.7%) also stated that the police officers were too corrupt and sometimes biased towards some Matatu crews. The findings therefore, show that majority of the respondents indicated that the set regulations are too strict and unreasonable.

According to a key informant, an NTSA officer, the perception of the operators is a mixed one, there are those who appreciate the regulations because it has made their work easier but yet still, there are those who consider the regulations as something that curtails their freedom. One of the conductors had this to say:

If we followed all the set rules, we would not work. Some of these rules are not reasonable at all. For example, if I worked for only 8 hours, I would not meet the daily target set by my employer leave alone the SACCO money or my pay.

The findings are indicated in Table 4.4-6.

Table 4.4-6: Distribution of respondents by reasons for not observing regulations

N=26

Reasons for Not Observing Traffic Rules	Number	Percent
The set regulations are too strict and unreasonable	12	46.2
I don't understand the regulations	3	6.5
The regulations do not help the Matatu drivers and conductors work better	9	34.6
Others	2	7.7
Total	26	100

4.4.7 Whether vehicles were in Matatu SACCO

The study sought to establish whether the Matatus which the respondents worked with belonged to Matatu SACCOs. Based on the study findings majority of the respondents 80(94.1%) indicated that their Matatus were in Matatu SACCOs while 2(2.4 %) indicated that their Matatus were not in Matatu SACCOs. However, 3(3.5%) of the respondents never provided any response. The findings therefore, show that majority of the Matatus were in registered with SACCOs. The NTSA official had this to say:

The requirement that all Matatus be registered by a SACCO has borne very positive fruits. It has led to more accountability by Matatu owners as SACCOs are supposed to regulate themselves or face very stiff penalties.

The findings are as indicated in Table 4.4-7.

Table 4.4-7: Distribution of respondents by whether their vehicles are in Matatu SACCOs

N=85

Response	Number	Percent
Yes	80	94.1
No	2	2.4
No Response	3	3.5
Total	85	100

4.4.8 Speed governors

The study sought to establish whether the Matatus which the respondents worked with had been installed with speed governors. According to the study findings, majority of the respondents 59(69.4%) indicated that their Matatus were fitted with speed governors while 24(28.2 %) indicated that their Matatus were not fitted with speed governors. However, 2(2.4%) of the respondents never provided any response. The findings therefore, show that majority of the Matatus had been fitted with speed governors. The findings are indicated in Table 4.4-8.

Table 4.4-8: Distribution of respondents by the Matatus fitted with speed governors

N=85

Response	Number	Percent
Yes	59	69.4
No	24	28.2
No Response	2	2.4
Total	85	100

4.4.8.1 Functioning of speed governors

The study sought to establish the functioning condition of speed governors of the Matatus which had been installed with speed governors. According to the study findings majority of the respondents 47(79.6%) indicated that their Matatus were fitted with functional speed governors while 4(6.8 %) indicated that their Matatus were not fitted with functional speed governors. However, 8(13.6%) of the respondents never provided any response. The findings therefore, show that majority of the Matatus had been fitted with functional speed governors. The findings are indicated in Table 4.4-9.

Table 4.4-9: Distribution of respondents by whether the speed governors are functioning

N=59

Response	Number	Percent
Yes	47	79.6
No	4	6.8
No Response	8	13.6
Total	59	100

4.4.8.2 Reasons for not fitting speed governors

The study sought to establish the reasons why speed governors were not fitted in some of the Matatus that the respondents were using. Based on the study findings majority of the respondents 13(54.2%) stated that their Matatus were not fitted with speed governors because they were too expensive to install while 6(25.0 %) indicated that they did not consider it important to have their Matatus fitted with speed governors. Other respondents, 5(20.8%) also stated that they did not know where to install speed governors. The findings therefore, show that majority of the Matatus had been fitted with speed governors because they were considered as expensive. The findings are indicated in Table 4.4-10.

Table 4.4-10: Distribution of respondents by reasons for not fitting speed governors

N=24

Response	Number	Percent
It is too expensive to install a speed governor	13	54.2
I don't think installing a speed governor is important	6	25.0
I don't know where I can install the speed governor	5	20.8
Total	24	100

4.4.8.3 Carrying excess passengers

The study sought to establish whether the Matatus that respondents operated carried excess passengers. Based on the study findings, majority of the respondents 54(63.5%) stated that their Matatus did not carry excess passengers while 22(25.9%) indicated that their vehicles carried on board excess passengers. However, 9(10.6%) of the respondents never provided any response. The findings therefore, show that majority of the Matatus did not allow overloading of passengers. The findings are indicated in Table 4.4-11.

Table 4.4-11: Distribution of respondents by whether they carry excess passengers

N=85

Response	Number	Percent
Yes	22	25.9
No	54	63.5
No Response	9	10.6
Total	85	100

4.4.8.4 Reasons for carrying excess passengers

The study sought to establish the reasons necessitating the carrying of excess passengers. From the study findings majority of the respondents 18(81.9%) stated that they carried excess passengers in their Matatus to increase their daily income, followed by 3 representing 13.6% who stated that the passengers made requests to be carried as excess passengers because they were late to their destinations and 1(4.5%) who also reasoned that carrying excess passengers was allowed since there were no enough vehicles on the road to carry all commuters. The findings therefore, show that majority of the respondents carried excess passengers to increase their collection and thus their income. One of the conductors had this to say:

The passengers themselves insist that they want to board the Matatu even though they can see very clearly that it is full. They prefer to stand rather than be left behind because maybe they are getting late for work or other commitments.

The findings are indicated in Table 4.4-12.

Table 4.4-12: Distribution of respondents by reasons for carrying excess passengers

N=22

Response	Number	Percent
So that I can increase my daily income	18	81.9
There are no enough vehicles on the road to carry all commuters	1	4.5
The passengers request to be carried as excess because they are late	3	13.6
Total	22	100

4.4.8.5 Reasons for not carrying excess passengers

The study sought to establish the reasons why some Matatus avoided the carrying of excess passengers. From the study findings majority of the respondents 21(38.9%) indicated that they did not carry excess passengers in their Matatus because it was illegal followed by 20 representing 37.0% who indicated that they did not carry excess passengers in their Matatus because they feared being arrested by law enforcers, and another 9(16.7%) who also reasoned that they never carried excess passengers because they wanted to save people’s live in case of an accident. Other respondents 4(7.4%) also indicated thattheir respective SACCOs prohibited the carrying of excess passengers.The findings therefore, show that majority of the respondents did not carry excessive passengers because they know that it is illegal. The findings are indicated in Table 4.4-13.

Table 4.4-13: Distribution of respondents by reasons for not carrying excess passengers

N=54

Response	Number	Percent
I fear being arrested by law enforcers	20	37.0
I know it is illegal	21	38.9
I want to save people's live in case of an accident	9	16.7
It is not allowed by my Sacco	4	7.4
Total	54	100

4.4.9 Wearing of prescribed uniform

The study sought to establish whether the Matatu crew wore the prescribed uniform when at work. Based on the study findings majority of the respondents 70(82.4%) indicated that they wore the prescribed uniform when at work while 11(12.9%) indicated that they did not wear the prescribed uniform when working. However, 4(4.7%) of the respondents did not provide any response. The findings therefore, show that majority indicated that they wore the prescribed uniform while working. The findings are indicated in Table 4.4-14.

Table 4.4-14: Distribution of respondents by whether they wear the prescribed uniform

N=85

Response	Number	Percent
Yes	70	82.4
No	11	12.9
No Response	4	4.7
Total	85	100

4.4.9.1 Reasons for wearing prescribed uniform

The study sought to establish the reasons that made the Matatu crew put on their prescribed uniform when at work. According to the study findings, majority of the respondents 38(54.3%) indicated that they wore the uniform prescribed because they did not want to be arrested if found without uniform, followed by 24 representing 34.3% who indicated that they put on their uniforms because it was requirement or rule by their Sacco for them to be in uniform while on duty and another 8(11.4%) who indicated that they appeared smart while wearing uniforms. The findings therefore, show that majority of the respondents wore uniforms because it was a requirement or rule by their respective SACCOs and the fear of being arrested. The findings are indicated in Table 4.4-15.

Table 4.4-15: Distribution of respondents by reasons for wearing prescribed uniform

N=70

Response	Number	Percent
To avoid being arrested if found without uniform while on duty	38	54.3
I look smart while wearing uniform	8	11.4
It is a rule by my Sacco for me to be in uniform while on duty	24	34.3
Total	70	100

4.4.9.2 Reasons for not wearing prescribed uniform

The study sought to establish the reasons that made the some Matatu crew not to put on their prescribed uniform when at work. Based on the study findings many of the respondents 7(63.6%) indicated that they never wore the uniform prescribed because they did not like it followed by 3 representing 27.3% who indicated that they were not able to afford the uniforms and 1(9.1%) never provided any response. The findings therefore, show that majority of the respondents were not wearing the prescribed uniform while on duty because they don't like wearing the uniform. The findings are indicated in Table 4.4-16.

Table 4.4-16: Distribution of respondents by reasons for not wearing prescribed uniform

N=11

Response	Number	Percent
I don't like the uniform	7	63.6
I can't afford buying the uniform	3	27.3
No Response	1	9.1
Total	11	100

4.4.10 Changing prescribed route

The study sought to establish whether at times the Matatus plied routes that were different from the ones prescribed for them. From the study findings, majority of the respondents 40(47.1%) indicated that they never plied routes that were different from the ones prescribed for them while 32(37.7%) indicated that they changed their prescribed routes. However, 13(15.3%) of the respondents did not provide any response. The findings therefore, show that majority indicated that they stuck to the routes that were prescribed for them. The findings are indicated in Table 4.4-17.

Table 4.4-17: Distribution of respondents by whether they change the prescribed route

N=85

Response	Number	Percent
Yes	32	37.7
No	40	47.1
No Response	13	15.3
Total	85	100

4.5.10.1 Reasons for changing prescribed route

The study sought to establish the reasons for changing prescribed routes and using other different routes. Based on the study findings many of the respondents 15(46.9%) indicated that they changed their routes because of avoiding traffic jam, followed by 9 representing 28.1% who indicated that they changed the route taking the shortest route hence saving time and another 8(25.0%) who changed their prescribed routes because they tried to avoid being arrested when their vehicles were un-roadworthy. The findings therefore, show that majority of the respondents preferred to change their routes. The findings are indicated in Table 4.4-18.

Table 4.4-18: Distribution of respondents by reasons for changing prescribed route

N=32

Response	Number	Percent
To avoid being arrested when my vehicle is un-roadworthy	8	25.0
To avoid traffic jam	15	46.9
To use the shortest route to save time	9	28.1
Total	32	100

4.4.10.2 Reasons for not changing prescribed route

The study sought to establish the reasons for not changing prescribed routes. From the study findings majority of the respondents 16(40.0%) indicated that they never changed their routes because they feared being arrested by law enforcers followed by 15 representing 37.5% who indicated that they never changed the route because they knew it was illegal, and another 9(22.5%) who never changed because was not allowed by their SACCOs. The findings therefore, show that majority of the respondents never changed their routes because of the fear of arrest and because they know that it is illegal. The findings are indicated in Table 4.4-19.

Table 4.4-19: Distribution of respondents by reasons for not changing prescribed route

N=40

Response	Number	Percent
I fear being arrested by law enforcers	16	40.0
I know it is illegal	15	37.5
It is not allowed by my Sacco	9	22.5
Total	40	100

4.4.10.3 Allowing non-authorized persons as Matatu crew

The study sought to establish if the Matatu crew allowed other non-authorized person to operate the Matatus as drivers or conductors. From the study findings majority of the respondents 55(64.7%) indicated that they never allowed other non-authorized person to operate the Matatus as drivers or conductors while 19(22.4%) indicated that they allowed other non-authorized person to operate the Matatus as drivers or conductors. However, 11(12.9%) of the respondents never provided any response. The findings therefore, show that majority indicated that they never allowed non-authorized persons to operate their Matatus. The route marshal had this to say:

The operators make their own private arrangements with other people to help them in their work. This is not necessarily allowed by the SACCO. They know what is expected of them. It becomes hard to micro-manage them.

The findings are indicated in Table 4.4-20.

Table 4.4-20: Distribution of respondents by whether they allow non-authorized persons as Matatu crew

N=85

Response	Number	Percent
Yes	19	22.4
No	55	64.7
No Response	11	12.9
Total	85	100

4.4.10.4 Reasons for allowing non-authorized persons as Matatu crew

The study sought to establish the reasons why some Matatu crew allowed other non-authorized person to operate the Matatus as drivers or conductors. From the study findings majority of the respondents 9(47.4%) indicated that they allowed other non-authorized person to operate the Matatus as drivers or conductors because they sought

some time off from duty to rest, followed by 6 representing 31.6% who indicated that they they allowed other non-authorized person to operate the Matatus as drivers or conductors to provide an opportunity for these people to also get a source of income and another 4(21.0%) who let other people operate their Matatus because they wanted to get some time off to attend to their personal businesses. The findings therefore, showed that majority indicated that they allowed non-authorized persons to operate their Matatus to allow them get some rest from their work. The findings are indicated in Table 4.4-21.

Table 4.4-21: Distribution of respondents by reasons for allowing non-authorized persons as Matatu crew

N=19

Response	Frequency	Percent
So that they can also get a source of income	6	31.6
To get some time off from duty to rest	9	47.4
To get some time off to attend to my personal business	4	21.0
Total	19	100

4.4.10.5 Reasons for not allowing non-authorized persons as Matatu crew

The study sought to establish the reasons why some Matatu crew never allowed other non-authorized person to operate the Matatus as drivers or conductors. From the study findings majority of the respondents 24(43.6%) indicated that they never allowed other non-authorized person to operate the Matatus as drivers or conductors because it is illegal, followed by 20 representing 36.4% who indicated that it was not allowed by their SACCOs and another 11(20.0%) who indicated they feared being arrested by law enforcers. The findings therefore, show that majority indicated that they never allowed non-authorized persons to operate their Matatus because it was illegal and not allowed by the SACCOs. The findings are indicated in Table 4.4-22.

Table 4.4-22: Distribution of respondents by reasons for not allowing non-authorized persons as Matatu crew

N=55

Response	Number	Percent
I fear being arrested by law enforcers	11	20.0
I know it is illegal	24	43.6
It is not allowed by my Sacco	20	36.4
Total	55	100

4.4.11 Taking days off

The study sought to establish whether the respondents took days off duty. From the study findings, majority of the respondents 56(65.9%) indicated that they don't take some days off duty while 10(11.8%) indicated that they took days off. However, 19(22.4%) of the respondents never provided any response. The findings therefore, show that majority did not take days off from duty. The findings are indicated in Table 4.4-23.

Table 4.4-23: Distribution of respondents by whether they take days off duty

N=85

Response	Number	Percent
Yes	10	11.8
No	56	65.9
No Response	19	22.4
Total	85	100

4.4.11.1 Reasons for not taking days off

The study sought to establish the reasons why some of the respondents never took time off from duty. Based on the study findings majority of the respondents 37(66.1%) indicated that they never took some days off because they wanted to work every day to maximize on their income followed by 19(33.9%) who indicated that they never had off days because their employers never gave them off days or leave. The findings therefore, show that majority preferred to keep working so as to maximize on their income. The SACCO official had this to say:

The operators themselves choose not to take days off. This is not dictated by the SACCO. This could be because they are aware that there is no pay for a day not worked. They therefore want to work daily to maximize their income.

The findings are indicated in Table 4.4-24.

Table 4.4-24: Distribution of respondents by reasons for not taking off days

N=56

Response	Number	Percent
My employer does not give me off days or leave	19	33.9
I have to work every day to maximize my income	37	66.1
Total	56	100

4.5 Tactics used to avoid penalties

The study sought to establish the tactics used by the respondents to avoid penalties for breaking regulations.

4.5.1 Arrest for breaking traffic rules

The study sought to establish whether respondents had ever been arrested for breaking traffic rules. From the study findings majority of the respondents 55(64.7%) indicated that they had been arrested in the past for breaking of traffic rules while 16(18.8%)

indicated that they had never been arrested in the past for breaking of traffic rules. However, 14(16.5%) of the respondents did not provide any response. The findings therefore, show that majority had broken traffic rules and subsequently were arrested. The findings are indicated in Table 4.5-1.

Table 4.5-1: Distribution of respondents by whether they have ever been arrested for breaking traffic rules

N=85

Response	Number	Percent
Yes	55	64.7
No	16	18.8
No Response	14	16.5
Total	85	100

4.5.2 Arraignment in court on breaking traffic rules

The study sought to establish whether the arrested respondents were arraigned in a court of law. Based on the study findings, majority of the arrested respondents 35(63.6%) indicated that they had never been arraigned in court for breaking of traffic rules while 20(36.4%) indicated that they had been presented to court in the past for breaking of traffic rules. The findings therefore, show that majority of the arrested had not been to court for breaking traffic rules. The findings are indicated in Table 4.5-2.

Table 4.5-2: Distribution of respondents by whether they have been arraigned in court on breaking traffic rules

N=55

Response	Number	Percent
Yes	20	36.4
No	35	63.6
Total	55	100

4.5.3 Reasons for not being arraigned in court on breaking traffic rules

The study sought to establish the reasons why some of the respondents who had broken traffic rules were never presented to court. From the study findings majority of the respondents, 16(45.7%), indicated that they gave out some money when they were arrested to secure their release before going to court, 8(22.9%) escaped before going to court, 6(17.1%) explained themselves to secure release, and 5(14.3%) indicated that their employers gave money and were released. The findings therefore, show that majority never got to court but bought their freedom after breaking traffic rules. The findings are indicated in Table 4.5-3.

Table 4.5-3: Distribution of respondents by reasons for not being arraigned in court on breaking traffic rules

N=35

Response	Number	Percent
I escaped before I got to court	8	22.9
I explained myself and I was released	6	17.1
I gave some money and I was released	16	45.7
My employer gave money and I was released	5	14.3
Total	35	100

4.5.4 Bribery of police officers

The study sought to establish whether the respondents had ever given bribes to traffic officers. Based on the study findings, majority of the respondents 51(60.0%) indicated that they had given bribes to traffic officers while 16(18.8%) indicated that they had never given bribes to traffic officers However, 18(21.2%) of the respondents did not provide any response. The findings therefore, show that majority had participated in bribing police officers. One of the drivers observed this:

Even a new Matatu on the road will not lack a fault if well inspected by an officer. If one refuses to give a bribe, the officers will frustrate them and ensure that they run out of business. It is better to part with something small than be denied a chance to work altogether.

The findings are indicated in Table 4.5-4.

Table 4.5-4: Distribution of respondents by whether they bribe police officers

N=85

Response	Number	Percent
Yes	51	60.0
No	16	18.8
No Response	18	21.2
Total	85	100

4.5.5 Reasons for bribing police officers

The study sought to establish the reasons why some of the respondents who had broken traffic rules offered bribes to traffic officers. From the study findings majority of the respondents 22(43.2%) indicated that getting to courts is tedious and expensive, 12(23.5%) indicated that the officers issued threats when they chose not to give them bribes, 10(19.6%) explained that going to court means not working the whole day and they needed money, and 7(13.7%) indicated that the officers always found fault with public service vehicles. The findings therefore, show that majority considered going to court as tedious and expensive and thus chose to bribe. The route marshal had this to say:

The operators have formulated their own ways of surviving on the road. They do what is not allowed by their employers or the SACCOs or even us the route marshals. Some of these survival tactics include bribing traffic officers.

The findings are indicated in Table 4.5-5.

Table 4.5-5: Distribution of respondents by reasons for bribing police officers

N=51

Response	Number	Percent
They always find fault with public service vehicles	7	13.7
Getting to courts is tedious and expensive	22	43.2
The officers threaten us when we don't give them bribes	12	23.5
Going to court means not working the whole day and I need money	10	19.6
Total	51	100

4.5.6 Justification for bribery

The study sought to establish the reasons that the respondents gave as to why they chose to give out bribes to traffic officers. According to the study findings majority of the respondents 21(41.2%) indicated that it was cheaper to give a bribe than to pay fines which are very high, 19(37.2%) stated that they bribed traffic officers to avoid the long and tedious court process, 11(21.6%) pointed out that the judgement in courts was never fair to the Matatu operators. The findings therefore, show that majority never got to court because of the perception that it is a long tedious process that is unfair to them in most cases in addition to the hefty fines. One of the conductors had this to say:

If I don't give the traffic officer what he is asking for, I will be taken to a court of law and I won't afford the fine I will be charged because fines are usually very high. I will end up in jail and I might die there leaving my family suffering. Giving a bribe is therefore a necessary evil.

The findings are indicated in Table 4.5-6.

Table 4.5-6 : Distribution of respondents by justification for bribery of police officers

N=51

Response	Number	Percent
The court process is long and tedious	19	37.2
The judgement in courts in never fair to the Matatu operators	11	21.6
It is cheaper to give a bribe than to pay fines which are very high	21	41.2
Total	51	100

4.5.7 Reasons for not bribing

The study sought to establish why some respondents chose not to give out bribes to traffic officers. According to the study findings majority of the respondents 8(50.0%) indicated that they did not bribe traffic officers because it was not allowed by their SACCOs, 5(31.3%) pointed out that they knew that it was illegal to give out bribes, 3(18.7%) stated that it is unethical to bribe. The findings therefore, show that majority never gave out bribes because it was not allowed by the SACCOs. The findings are indicated in Table 4.5-7.

Table 4.5-7: Distribution of respondents by reasons for not bribing

N=16

Response	Number	Percent
I know it is illegal	5	31.3
It is unethical	3	18.7
It is not allowed by my Sacco	8	50.0
Total	16	100

4.6 Perception to and success of the regulations

The study sought to establish the perceptions of the respondents to the regulations and their success thereof.

4.6.1 Effectiveness of Matatu industry regulations

The study sought to establish whether the respondents considered the regulations in the Matatu industry to have been effective. Based on the study findings, majority of the respondents 43(50.6%) indicated that they perceived that the regulations in the Matatu industry had been effective while 29(34.1%) were of the contrary opinion. However, 13(15.3%) of the respondents did not provide any response. The findings therefore, revealed that the majority considered the regulations in the Matatu industry to be effective.

One of the key informants, a traffic officer, pointed out that the strict rules that were enacted some time back which were famously known as “Michuki Rules” served to rein in the Matatu industry. Secondly, the coordination of various state agencies such as NTSA and traffic officers has contributed to the success. The findings are indicated in Table 4.6-1.

Table 4.6-1: Distribution of respondents by whether they think the Matatu industry regulations have been effective

N=85

Response	Number	Percent
Yes	43	50.6
No	29	34.1
No Response	13	15.3
Total	85	100

4.6.2 Success of government in regulating Matatu industry

The study sought to establish whether the government had been successful in its effort to regulate the Matatu industry. According to the study findings majority of the respondents 46(54.1%) indicated that the government had not achieved success in regulating the Matatu industry while 34(40.0%) were of the contrary opinion. However, 5(5.9%) of the respondents never provided any response. The findings therefore, reveal that majority perceived that the government had not achieved success in regulating the industry.

According to the NTSA officer, several regulations have been successfully enforced. First, the requirement that all Matatus should belong to a particular SACCO and should ply certain routes has been largely successful. However, there are few cases especially in the remote areas where there are vehicles which do not belong to any particular SACCO and even in urban centres. Some of these vehicles operate at night. Secondly, the requirement that public transport vehicles should not carry excess passengers has largely been observed because of the hefty fines involved should one be charged and found guilty of the offence.

Another key informant, a Matatu owner, stated:

Without any doubt, much progress has been achieved by the government in its effort of regulating the Matatu industry. The industry was synonymous with madness with Matatus carrying excess number of passengers and overlapping on every side of the road. With that in mind, considering the current state of things, I can say that a lot has been achieved in regulating the Matatu industry.

The findings are indicated in Table 4.6-2.

Table 4.6-2: Distribution of respondents by whether they think the Government has been successful in regulating Matatu industry

N=85

Response	Number	Percent
Yes	34	40.0
No	46	54.1
No Response	5	5.9
Total	85	100

4.6.3 Reasons for failure of government in enforcing Matatu industry regulations

The study sought to establish the reasons why the operators felt that the government had failed in its effort of enforcing Matatu industry regulations. From the study findings majority of the respondents 23(50.0%) indicated that the government had failed in its effort of enforcing Matatu industry regulations because the law enforcement officers were a hindrance in implementing the regulations, 11(23.9%) stated that the regulations were too strict so it was not easy to follow, 7(15.2%) indicated that the penalties were not tough enough and 5(10.9%) indicated that the regulations were not clear. The findings therefore, show that majority considered the law enforcement officers to be a hindrance in implementation of the regulations.

According to a key informant, an NTSA officer, the regulation on fitting all the public transport vehicles with speed governors that are functional has faced several challenges. The Matatu crew tamper with the speed gadgets to allow them over speed and then fix them back. There are few officers from NTSA all over the country, so Matatus flout that regulation with impunity and in some cases bribery claims are reported hence leaving the offenders to continue disregarding the regulations. The Matatu owner had this to say:

There is lack of consistency in the way traffic officers enforce the laws. Sometimes they take bribes from the operators while at other times, they refuse to take. This leads to confusion on the part of then operators on how exactly they should behave on the roads.

The findings are indicated in Table 4.6-3.

Table 4.6-3: Distribution of respondents by reasons they think can attribute for failure of government in enforcing Matatu industry regulations

N=46

Response	Number	Percent
The regulations are not clear	5	10.9
The law enforcement officers are a hindrance in implementing the regulations	23	50.0
The regulations are too strict so not easy to follow	11	23.9
The penalties are not very tough enough	7	15.2
Total	46	100

4.6.4 Hindrances to implementation of regulations

The study sought to establish the main hindrances to the government in implementation of regulations. From the study findings, majority of the respondents 41(48.2%) indicated that police officers were a hindrance in implementing the

regulations, 26(30.6%) stated that NTSA officers were responsible, 12(14.1%) indicated SACCO officials were to blame, and 6(7.1%) indicated that neither the police, NTSA and SACCO officials were to blame for the government’s failure in implementing the regulations. However, 16(18.7%) of the respondents did not provide any response. The findings therefore, show that majority considered the law enforcement officers to be a hindrance in implementation of the regulations.

According to a key informant, a Matatu owner, the greatest set-back to the success of enforcing of the regulations is some corrupt officers. These officers set free the offenders before they are subjected to the justice process. However, there has been several efforts by anti-graft agents to arrest these corrupt officers and these cases have greatly been reduced. The findings are indicated in Table 4.6-4.

Table 4.6-4: Distribution of respondents by what they think are the hindrances to implementation of regulations

N=85

Response	Number	Percent
Police officers	41	48.2
NTSA officers	26	30.6
SACCO officials	12	14.1
None of the above	6	7.1
No Response	16	18.7

4.6.5 Better enforcers of Matatu industry regulations

The study sought to establish who the operators thought were the best placed in enforcing of the Matatu industry regulations. Based on the study findings, majority of the respondents 26(30.6%) indicated that police officers working together with NTSA officers were better enforcers of the Matatu industry regulations 22(25.9%) stated that neither NTSA officers nor police officers were better in enforcing the Matatu industry

regulations. 19(22.4%) indicated NTSA officers enforced the Matatu regulations better, and 9(1.1%) indicated that the police officers performed their job well in enforcing of the regulations. However, 16(18.8%) of the respondents did not provide any response. The findings therefore, show that majority considered that the police and NTSA working together were well able to enforce the regulations.

According to a key informant, the NTSA officer, both the police officers and NTSA officers working together have done a great work in enforcing of the regulations. The fact is that no one enforcer will effectively tackle the menace that has been associated with the Matatu industry in Kenya. He had this to say:

This job cannot be left to one person. The Matatu industry is quite big and it has its own diverse characteristics. The challenges in the industry can therefore not be left to one agency. It will take a multi-agency approach to tackle it.

The findings are indicated in Table 4.6-5.

Table 4.6-5 : Distribution of respondents by who they feel are better enforcers of Matatu industry regulations

N=85

Response	Number	Percent
Police officers	9	1.1
NTSA officers	19	22.4
None of the above	22	25.9
The police and NTSA working together	26	30.6
No Response	16	18.8

4.6.6 Suggestions for making Matatu industry better

The study sought to get suggestions from the respondents on how to make the Matatu industry better. According to the study findings, majority of the respondents 54(63.5%) suggested that the government should involve the operators in making of the regulations. 12(14.1%) stated that the regulations should be made less strict. 3(3.5%) indicated that there should be no regulations for the public transport industry. 3(3.5%) indicated that the regulations should remain as they are and 3(3.5%) indicated that the regulations should be made more strict. However, 10(11.8%) of the respondents did not provide any response. The findings therefore, show that majority were of the opinion that the government should involve the operators in drafting the regulations.

One key informant, a SACCO official suggested that the best way forward is to involve all the stakeholders in the industry and tighten the enforcement of the already existing regulations. The truth is that the already existing regulations are good enough to rein sanity in the Matatu industry. Involvement of stakeholders ensures that all the interests of the parties are taken care of hence avoiding the feeling that one party is being victimized. For instance, according to the SACCO official, the regulations that are being enforced by the NTSA were actually drafted by the SACCOs only for NTSA to hijack the process hence side-lining the management of the SACCOs. The findings are indicated in Table 4.6-6.

Table 4.6-6: Distribution of respondents by their suggestions for making the Matatu industry better

N=85

Response	Number	Percent
The government should involve the operators in making of the regulations	54	63.5
There should not be regulations for the public transport industry	3	3.5
The regulations should be made less strict	12	14.1
The regulations should remain as they are	3	3.5
The regulations should be made more strict	3	3.5
No Response	10	11.8
Total	85	100

CHAPTER FIVE: SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter provides a summary of the research findings, discussion, conclusion and recommendations of the study.

5.2 Summary of findings

The study findings established that the government has put in place various measures aimed at streamlining the Matatu industry. The study revealed that the Matatu operators are fully aware of the existence of these regulations. The regulations include: it is mandatory for all Matatus to belong to SACCOs, all operators should be registered with the National Transport and Safety Authority (NTSA), all Matatu operators must wear the prescribed uniform while on duty, it is illegal for Matatus not to carry excess passengers, and all public transport vehicles must be fitted with safety belts and speed governors.

The study found that the Matatu operators employed various tactics to avoid the penalties that would befall them once they were arrested for contravening the regulations. The study findings revealed that many of those operators who had been arrested for not adhering to the regulations bought their freedom through bribery. The offenders did this by themselves but in other cases, their employers paid the bribe. The findings also revealed that some Matatu operators opted to escape once they had been arrested for contravening the laid down regulations.

The study found that the Matatu operators harboured various perceptions towards the regulations that have been put in place by the government in its effort to restore the once chaotic transport industry. While they appreciated the importance of having these regulations, the operators felt that following these regulations fully was very difficult and that some of the regulations led to unreasonable expectations. The study findings also revealed that the operators felt that law enforcement officers were the greatest hindrances to implementation of the regulations. However, the operators were

of the opinion that if the police and NTSA worked together, the regulations would be well enforced.

The study findings revealed that the Matatu operators were of the opinion that regulations that had been enforced by the government had been very effective. The operators were however of the view that the government had not achieved success in its effort to streamline the public transport industry.

The study established that the government had put in place various measures aimed at streamlining the Matatu industry. The introduction of speed limits, registration of the Matatu operators with NTSA, requirement that all Matatus should belong to SACCOs, in addition to the requirement that all vehicles should be fitted with functional seat belts, are some of the measures taken by the government to ensure it streamlines the Matatu industry. This finding is in line with the move by the Kenyan government to come up with laws, by-laws and regulations for the public transport sector. Through this, the government seeks to protect its citizens from harassment, exploitation and mistreatment associated with the Matatu industry. Legal notices have been passed to this effect, e.g. the Kenya Traffic Act, legal notices No. 161 of 2003, No. 83 of 2004, and No. 65 of 2005, No. 209 of 2010.

Despite the fact that there were many regulations in the public transport industry, most of the Matatu operators admitted that they were not adhering to them. This is despite the fact that they were aware of the existing regulations. This could be attributed to the impracticality of some of the rules such as Section 66 of the Traffic Act, which prohibits continuous driving of PSV vehicles for more than eight hours, yet the police cannot detect how long one has been driving continuously (Chitere and Kibua, 2004). The unpopularity of the legislations could also be attributed to the fact that Matatu operators perceived that the regulations enhanced the extractive power of the police, at much higher fees than before. This is discussed and agreed upon by Behrens, et. al. (2016).

The study found that many of the operators who had been arrested for not adhering to the regulations bought their freedom through bribery. The corrupt officers demanded and received bribes thus hindering the enforcement of the laid down regulations. These findings concur with Ference (2013) who cite the failure of the police to

enforce traffic rules as due to massive corruption. He argues that the payment of bribes to either cops, or gangsters, or both, operators kept the system moving, and with repetition, the everyday practices of corruption are embedded into the social landscape to such a point they become a routine.

The study found that that the law enforcement officers were perceived to be hindrances to implementation of the regulations. This had resulted in the hardening of the Matatu operators such that there was no fear of penalties associated with breaking of the set regulations because they knew they only needed to give a bribe and get away with what they were accused of. Even though very tough measures have been highlighted on the laws and by-laws governing the public transport sector, the bad behaviour associated with the Matatu industry continues on our roads. The study found out that the operators felt that the regulations were too tough and the court process was too tedious and expensive. They therefore preferred to give bribes than go through the court process. This is in line with Koster, et. al. (2016) who notes that the penalties for breaking traffic rules passed in 2012 are so stiff that they are counterproductive.

The study also found that the regulations that had been enforced by the government were well understood by the operators and therefore the government had achieved some level of success in regulating the industry. However, due to the poor institutional structures, the various efforts that have been made over the years to regulate the industry in most cases had mostly failed due to poor enforcement. As noted by Chitere and Kibua (2004), that weaknesses in the institutional framework as major contributors to a chaotic public transport sector, there seems to be no mechanism in place to make sure that law enforcers were doing their job and doing it well. There is therefore still much to be done by the government in regulating the industry.

5.3 Conclusion

Regarding the first objective, the researcher sought to find out the measures the government of Kenya has put in place to streamline the operations of Matatus in the public transport industry. The study established that government had put in place various regulations and legislations such as the introduction of speed limits,

registration of the Matatu operators with NTSA and the requirement that all Matatus should belong to SACCOs in addition to the requirement that all vehicles should be fitted with functional seat belts. The study concludes that there is need to ensure that the measures that have been put in place are fully enforced so as to streamline the Matatu industry.

Regarding the second objective, the researcher sought to establish the perception of Matatu operators towards the government regulations of the industry. The study established that the operators perceived law enforcement officers to be hindrances to implementation of the regulations. It also established that collaboration of the police officers and NTSA officers will ensure that the regulations were well enforced. The study concludes that there is need to ensure that the law enforcement officers perform their work as prescribed in the law to ensure that the regulations are well enforced.

In regard to the third objective, the researcher sought to find out the tactics used by Matatu operators to avoid penalties by the government when they defy the regulations in the industry. The study established that many of those operators who had been arrested for not adhering to the regulations bought their freedom through bribery. The offenders did this by themselves but in other cases their employers paid the money. This is because they felt that the court process was tedious and expensive and thus bribery was easier. The findings also revealed that some Matatu operators opted to escape once they had been arrested for contravening the laid down regulations. The study concludes that there is need to ensure that the corrupt officers are prosecuted to deter their participation in this moral vice. There is also need to review the court process so that it is made less tedious to the operators with reasonable fines.

In regard to the last objective in the study, which sought to assess the success of the government regulations in streamlining the public transport industry, the study established that the government had only achieved a little level of success in its effort to regulate this industry. There is still some work to be done in this industry since there are some players who do not follow the laid down regulations. The study concludes that all the players in the industry should work together in the enforcement of the regulations.

5.4 Recommendations

- 1) The study recommends that more punitive measures such as withdrawal of operation licenses for longer periods of time such as one or two years, for those operators who break the law. This will make the operators more careful and seek to adhere to the regulations.
- 2) The government should take steps in prosecuting the law enforcers who demand and receive bribes from the Matatu operators.
- 3) Forums between the Matatu operators and law enforcers should be held periodically so that they can understand what to expect from each other for the overall good of the public transport industry.
- 4) The court process for breaking traffic laws should be made less tedious and less expensive so that the operators don't opt for other options like bribery rather than go through the process.
- 5) All stakeholders should be involved when coming up with the regulations in the industry so that the regulations can be more acceptable.

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**APPENDIX I: RESEARCH QUESTIONNAIRE FOR MATATU DRIVERS
AND CONDUCTORS**

Date:

Introduction

Good morning/ evening,

My name is Wambui Cheche. I am a Masters student at the University of Nairobi taking a course in Sociology. I am doing a research on how Matatu operators perceive government regulations in the Public Transport Industry in Kenya. Your responses while filling this questionnaire will go a long way in establishing whether the government has been successful in regulating the industry. I assure you that your responses will be treated with utmost confidentiality.

Filling of the questionnaire will take a few minutes. Tick in the box where the answer is the most appropriate to you.

Background information of the Respondent

1. What is your gender?

- a. Male
- b. Female

2. What is your age?

- a. Below 18
- b. 18-25
- c. 26-35
- d. 36-45
- e. 46-55
- f. Above 56

3. What is your highest level of education?

- a. None
- b. Lower Primary (Std 1-4)

c. Upper primary (Std 5-8)

d. Secondary

e. College / University

f. Others

(specify)

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Work profile:

1. What is your work in the Matatu industry?

a. Driver

b. Conductor

c. Squad

2. Do you own the Matatu you work for or are you employed?

a. I am the owner

b. I am employed

3. For how long have you been working in the Matatu industry?

a. Less than 1 year

b. 1-5 years

c. 6-10 years

d. 11-15 years

e. 16 or more years

4. Are you a registered operator with the National Transport and Safety Authority (N.T.S.A.)?

a. Yes

b. No

5. Why do you work in the Matatu industry?

a. It is my the job I always wanted

b. It pays well

c. I can't get any other job

d. Others (specify)

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6. How do you receive your pay?

- a. I get the retainer after meeting the daily target
- b. I have a fixed daily pay
- c. I have a fixed monthly pay
- d. Others

(specify)

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7. Does your employer remit NSSF, NHIF and tax from your pay?

- a. Yes
- b. No

Knowledge of the Regulations

1 I. Are you familiar with the government regulations in place for the Matatu industry?

- a. Yes
- b. No

II. Among the regulations listed, which ones are you familiar with?

- a. All Matatus should be members of a SACCO
- b. All passengers must belt up while travelling
- c. Matatu operators should always wear their prescribed uniform while on duty
- d. All Matatus should have installed speed governors
- e. Matatus should not carry passengers beyond their capacity
- f. Others (specify)

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III. How did you come to know of the regulations?

- a. Through the media (radio, TV, newspapers)
- b. Through my employer
- c. Through my colleagues in the industry
- d. Through passengers
- e. Others (specify)

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IV. Do you follow the traffic regulations?

- a. Yes
- b. No

V. If yes, when do you follow the regulation?

- a. All the time
- b. When I know police officers are on the road
- c. When I know the NTSA officers are on the road
- d. Others (specify)

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VI. If no, why don't you follow the regulations?

- a. The set regulations are too strict and unreasonable
- b. I don't understand the regulations
- c. The regulations do not help the Matatu drivers and conductors work better
- d. Others (specify)

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2. Does your vehicle belong to a Matatu Sacco?

- a. Yes
- b. No

3I. Is your vehicle installed with a speed governor?

- a. Yes
- b. No

II. If yes, is it functioning?

- a. Yes
- b. No

III. If no, why?

- a. It is too expensive to install a speed governor
- b. I don't think installing a speed governor is important
- c. I don't know where I can install the speed governor
- d. Others (specify)

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4I. Do you carry excess passengers in your vehicle?

- a. Yes
- b. No

II. If yes, why?

- a. So that I can increase my daily income
- b. There are no enough vehicles on the road to carry all commuters
- c. The passengers request to be carried as excess because they are late
- d. Others (specify)

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III. If no, why?

- a. I fear being arrested by law enforcers
- c. I know it is illegal
- d. I want to save people's live in case of an accident
- e. It is not allowed by my Sacco

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5 I. Do you wear the prescribed uniform while on duty?

- a. Yes
- b. No

II. If yes, why?

- a. To avoid being arrested if found without uniform while on duty
- b. I look smart while wearing uniform
- c. It is a rule by my Sacco for mw to be in uniform while on duty
- d. Others (specify)

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III. If no, why do you not wear the uniform?

- a. I don't like the uniform
- b. I can't afford buying the uniform
- c. Others (specify)

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6I. Do you change your prescribed route while on duty?

- a. Yes
- b. No

II. If yes, why?

- a. To avoid being arrested when my vehicle is unroadworthy
- b. To avoid traffic jam
- c. To use the shortest route to save time
- d. Others (specify)

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III. If no, why do you not change the prescribed route?

- a. I fear being arrested by law enforcers
- b. I know it is illegal
- c. It is not allowed by my Sacco
- d. Others (specify)

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7I. Do you allow unauthorized people to drive or be conductors (squad) in your vehicle?

- a. Yes
- b. No

II. If yes, why?

- a. So that they can also get a source of income
- b. To get some time off from duty to rest
- c. To get some time off to attend to my personal business
- d. Others (specify)

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III. If no, why?

- a. I fear being arrested by law enforcers
- b. I know it is illegal
- c. It is not allowed by my Sacco
- d. Others (specify)

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8I. Do you go for off days and leave?

- a. Yes
- b. No

II. If no, why?

- a. I have to work every day to maximize my income
- b. My employer does not give me off days or leave
- c. Others (specify)

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Tactics used to avoid penalties

II. Have you ever been arrested for breaking traffic rules?

- a. Yes
- b. No

II. If your answer is yes, were you taken to court?

- a. Yes
- b. No

III. If your answer is no, why were you not taken to court?

- a. I escaped before I got to court
- b. I explained myself and I was released
- c. I gave some money and I was released
- d. My employer gave money and I was released

2I. Do you give a bribe to traffic officers?

- a. Yes
- b. No

II. If yes, why?

- a. They always find fault with public service vehicles
- b. Getting to courts is tedious and expensive
- c. The officers threaten us when we don't give them bribes
- d. Going to court means not working the whole day and I need money
- e. Others (specify)

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II. Why would you rather give a bribe than go through the court process?

- a. The court process is long and tedious
- b. The judgement in courts is never fair to the Matatu operators
- c. It is cheaper to give a bribe than to pay fines which are very high
- d. Others (specify)

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III. If no, why?

- a. I know it is illegal
- b. It is unethical
- c. It is not allowed by my Sacco
- d. Others (specify)

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Perception to and Success of the Regulations

1. Do you think the regulations in the Matatu industry are effective in maintaining law and order?

- a. Yes
- b. No

2 I. Do you think the government has been successful in regulating the Matatu industry?

- a. Yes
- b. No

II. If no, why do you think that is so?

- a. The regulations are not clear
- b. The law enforcement officers are a hindrance in implementing the regulations
- c. The regulations are too strict so not easy to follow
- d. The penalties are not very tough enough
- e. Others (specify)

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3. Who in your view is the greatest problem in the implementation of the regulations?

- a. Police officers
- b. NTSA officers
- c. SACCO Officials
- d. None of the above

4. Who do you think are better enforcers of the regulations?

- a. Police officers
- b. NTSA officers
- c. None of the above
- d. The police and NTSA working together

5. What do you suggest as the way forward to make the public transport industry better?

- a. The government should involve the operators in making of the regulations
- b. There should not be regulations for the public transport industry
- c. The regulations should be made less strict
- d. The regulations should remain as they are
- e. The regulations should be made more strict
- f. Others (specify)

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Thank you for your patience and participation.

APPENDIX II: KEY INFORMANTS GUIDE

Date:

Good morning/ evening,

My name is Wambui Cheche. I am a Masters student at the University of Nairobi taking a course in Sociology. I am doing a research on how Matatu operators perceive government regulations in the Public Transport Industry in Kenya. I will ask you a set of questions whose responses will go a long way in establishing whether the government has been successful in regulating the industry. I assure you that your responses will be treated with utmost confidentiality.

1. What role do you play in the public transport industry?
2. For how long have you been playing this role in the industry?
3. What role do you think the government regulations in the industry have played in regulating the public transport industry?
4. Do you think the operators understand the regulations?
5. What do you think is the perception of the operators towards the regulations?
6. In your own evaluation, why do you think the operators follow/do not follow the set regulations?
7. What tactics do Matatu operators use to avoid penalties?
8. What can the government do to counter these tactics?
9. Among the enforcers of these regulations, who do you think has played the biggest role?
10. How important is it to involve the stakeholders while setting the regulations?
11. Which of the regulations among the ones you know do you think have been successful?
12. Which among the regulations you know do you think have not been successful?
13. In your own evaluation, do you think the government has been successful in regulating the public transport industry?
14. If yes, what do you think has greatly contributed to this success?
15. If no, what do you think has been the greatest hindrance to this success?
16. What do you suggest as the way forward to make the public transport industry better?

**APPENDIX III: LIST OF MATATU SACCOs IN KIKUYU
SUB-COUNTY**

- 1) Kiwaliru SACCO
- 2) Pakin Alicia SACCO
- 3) Nakili SACCO
- 4) Espresso SACCO
- 5) Metro Trans SACCO
- 6) Wakimali Travellers SACCO
- 7) Super Metro SACCO
- 8) Kizali Travellers SACCO
- 9) NNK Shuttle
- 10) City Shuttle
- 11) Hannover Trans
- 12) 105 Shuttle
- 13) Dakika SACCO
- 14) 2KR 105 SACCO
- 15) Kadana Travellers SACCO
- 16) Kidatho Travellers SACCO

APPENDIX IV: LETTER OF AUTHORITY TO COLLECT DATA



UNIVERSITY OF NAIROBI
DEPARTMENT OF SOCIOLOGY & SOCIAL WORK

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21st July, 2016

TO WHOM IT MAY CONCERN

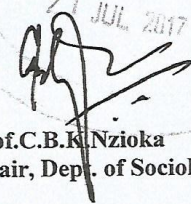
WAMBUI CHECHE – C50/81362/2015

Through this letter, I wish to confirm that the above named is a bonafide postgraduate student in the Department of Sociology & Social Work, University of Nairobi. She has presented her project proposal entitled; **“Perception of Matatu Operators Towards Government Regulations in Streamlining the Public Transport Sector in Kenya.”**

Cheche is required to collect data pertaining to the research problem from the selected organization to enable her complete her project paper which is a requirement of the Masters degree.

Kindly give her any assistance she may need.

Thank you.


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