7.1 POLICY AND LEGISLATIVE FRAMEWORK FOR NMT

The summary of NMT policies and legislation for South Africa provide a framework guiding the planning, design and safety of NMT facilities and activities. These include the following:

- White Paper on National Transport Policy, 1996
- National Land Transport Strategic Framework, Draft 2015
- NMT Facility Guidelines, 2016
- National Land Transport Act 5 of 2009 (NLTA)
- The National Road Traffic Act 93 of 1996 (NRTA)
- National Road Traffic Regulations, 2000 (NRT Regulations)
- Administrative Adjudication of Road Traffic Offences Act 46 of 1998 (AARTO Act)
- National Building Regulations and Building Standards Act 103 of 1977
- South African National Roads Agency Limited and National Roads Act 7 of 1998 (SANRAL Act) and other roads legislation
- National Environmental Management Act 107 of 1998 (NEMA)
- National Heritage Resources Act 25 of 1999
- South Africa's Universal Access Regulations
- Municipal By-Laws

7.2 WHY DO WE NEED NATIONAL POLICY ON NMT?

A policy on NMT provides a common, integrated basis for the long term development and implementation of NMT policies amongst various sectors and levels of government. It serves to:

- Raise awareness for NMT as a sustainable mode of transport
- Emphasise NMT on the political agenda and show Government’s commitment for NMT
- Articulate a vision and objectives to ensure co-ordinated actions amongst the different departments and private sector partnerships
- Provide a basis for consistent evaluation and monitoring of the successful implementation of NMT policy by all spheres of government
- Help leverage funding for NMT
- Help set standards and develop quality criteria around NMT.

7.3 NMT VISION AND OBJECTIVES

The vision for NMT in South Africa is as follows:

Our vision is for non-motorised transport (NMT) to be accepted and valued as a sustainable transport alternative within both urban and rural South Africa, where NMT is materially contributing to the mobility needs, economic vibrancy and social health of our communities.
The policy on NMT has the following broader objectives:

- A reduction in carbon emissions.
- A safe and comfortable environment for NMT.
- An increase in the modal share of NMT.
- NMT satisfies the mobility needs of rural communities.
- An increase in the affordability of transport modes.
- NMT infrastructure provides for people with special needs.
- NMT modes are affordable and easily accessible.
- Land use responds to the needs of NMT.
- Improved social health and economic opportunities.

Five focus areas have been identified and are used to group the various NMT policies. These work holistically to achieve the overarching vision for NMT in South Africa.

7.4 REGULATION, INSTITUTIONAL ARRANGEMENTS AND GOVERNANCE

There is a whole suite of legislation and policies in place that serve as the regulatory framework for NMT in South Africa. This regulatory framework sets out principles that have been incorporated in this NMT Policy. However, having a comprehensive regulatory framework has not automatically translated into effective NMT implementation. There are a number of reasons for this, which includes inter alia:

- A lack of capacity to enforce traffic laws and legislation
- Poor coordination and integration across the various departments and sectors
- Limited expertise and specialised NMT skills within various transport planning authorities to undertake required planning and implementation
- A shortage of funding to implement the required NMT awareness campaigns, facilities or infrastructure
- Lack of competence and deficiencies in the current judicial system.

It is therefore essential that these issues be dealt with in order to urgently address the gap between policy and practice.

The lack of appropriate institutional structures and capacity has been impacting the delivery of NMT at various spheres of government across the country. Transport, including NMT is a cooperative governance issue that has to be performed by all three spheres of government and across the various Departments. Collaboration with all relevant stakeholders plays a critical role. In order for DoT to fulfill its mandate to facilitate all modes of transport it will need to review institutional arrangements to implement NMT as part of an integrated transport system. This will have a major impact on closing the gap between policy and legislative framework and actual implementation of NMT in reality. It will also start addressing the skills and capacity issues within government that is significantly impacting transport and roads delivery.

NMT statistics and data are problematic for most local authorities in South Africa. In order to understand the extent of NMT and to monitor successful implementation it is essential that a formalised system of NMT data collection and analysis be set in place. It is envisioned that standardised data collection be undertaken by all planning authorities and a central database be managed by DoT.
7.4.1 Policy statements for Regulation, Institutional Arrangements and Governance

Policy Statement 44. All transport planning authorities must establish a strategy and regulatory framework that will promote NMT usage.

a) The DoT must review and assess gaps in NMT legislation and update where required.

b) The DoT and other relevant departments must enforce, monitor and update regulatory frameworks. Some examples include:
   - Fault legislation for NMT
   - Animal friendly, health and welfare
   - Vulnerability of pedestrians
   - Regulations to force drivers to stop for NMT users

c) The Municipalities must update their traffic by-laws in line with the updated and new regulations that incorporate NMT.

Policy Statement 45. Capacity building must be undertaken by the DoT and all transport planning authorities to ensure NMT skills are in place.

a) Regular analysis and collection of NMT data must be undertaken by planning and transport authorities.

b) Research must be undertaken on NMT.

c) The DoT will continue research regarding incorporation of the new innovative technologies that will enhance low carbon transport into the mainstream transport system.

Policy Statement 46. The DoT will encourage the use of alternative modes of NMT such as small-wheeled transport and other innovative NMT modes.

Policy Statement 47. All spheres of government will be responsible for the monitoring and evaluation of overall NMT Policy performance and to ensure effective policy implementation.

Local government will be responsible for monitoring and evaluation of plans and implemented projects related to NMT provision at local levels.

7.5 INTEGRATED TRANSPORT AND LAND USE

A large part of South Africa’s infrastructure and road network has been constructed subsequent to the invention of the private car. As a result, its towns and cities have largely been designed to facilitate the movement of cars rather than people. Combined with the effects of apartheid-era spatial planning, South Africa’s poor face many obstacles in accessing the formal economy without a private car. Overcoming inequality requires that interventions focus addressing access and mobility opportunities for the marginalised. Reducing the dependence on private vehicles requires the provision of alternative modes of transport, and a different approach to spatial planning that reduces distances between residential areas and places of work.

Transport planning continues to marginalise ADV in areas where the use of animal transportation is critical. Traditionally transport planning primarily focused on the use of the private car with limited attention or none to public transport and NMT.
There are a number of improvements that need to be made to the physical environment to ensure that an 'Integrated NMT Network' is in place. This ranges from the higher level planning to ensure that NMT is coordinated with other sectors and integrated with other transport modes to the more localised design of roads to ensure that NMT has been effectively accommodated in the road space.

Current road designs still favour motorised transport often at the expense of NMT users. It is essential to ensure that NMT infrastructure is provided which offers coherent and direct NMT routes as well as that the environments are safe, comfortable and attractive to encourage the use of all modes of NMT.

7.5.1 Policy Statements on Integrated Transport and Land Use

Integration between land use and transport will need to be undertaken at all levels of planning, design and implementation. Better integration and coordination will improve the effectiveness of expenditure as well as the functioning of both rural and urban settlements.

Policy Statement 48. All planning guidelines must support and promote NMT at all spheres of government.

a) Appropriate structures are to be put in place by all spheres of government to support the spatial and sectoral integration of NMT.

b) All spatial and land use planning must incorporate NMT and Transit Oriented Development (TOD) principles of mixed development and walk-able environments.

c) Existing neighbourhoods must be rehabilitated and retrofitted with NMT infrastructure and facilities.

d) NMT (including ADV where applicable) must be included in ITPs and Provincial Land Transport Frameworks (PLTF).

e) Provinces and municipalities must develop integrated NMT network plans.

f) The DoT must ensure that NMT forms part of the National Transport Master Plan and this will reflect NMT-related needs and constraints.

Policy Statement 49. Designs of new roads and future developments must incorporate NMT considerations and design philosophy.

a) Road authorities must assess existing infrastructure to ensure that the quality and needs of NMT improvements are met for both urban and rural environments in line with NMT Facility Guidelines.

b) Road authorities must maintain all NMT surfaces to the agreed upon standards.

c) NMT maps, signpost and infrastructure must be prepared.

d) Municipalities must provide NMT mode specific support such as bicycle parking or bicycle stations, bicycle rental, minimum standards for ADV facilities in accordance with animal welfare and safety requirements and eco-mobility modes.
7.6 SOCIAL HEALTH AND ECONOMIC OPPORTUNITIES

South Africa has one of the highest unemployment rates in the world. Poor and non-integrated road infrastructure limits citizens’ ability to access employment opportunities and key services, directly affecting poverty, inequality and the pursuit of improved living standards amongst South Africa’s poorest.

There are currently striking inequalities concerning public access to private or public transport modes. The lack of integrated public transport systems (e.g. road to rail links), NMT infrastructure and extensive sprawl of South African cities combined with the effects of historic apartheid-era spatial planning further exacerbates the problem.

South Africa’s poor face many obstacles in accessing the formal economy without a private car. Walking, cycling, ADV and other NMT modes can play a significant role in the local economic development of these marginalised communities but the role of NMT in job creation initiatives and business are often overlooked.

Investments into affordable, reliable and efficient public and NMT modes are expected to boost the economy (e.g. through greater productivity within workplaces and enhanced connectivity between South Africa’s poor and a variety of public and private services). Increased reliability, user access and public safety provisions on public transport infrastructure combined with fiscal policies that raise the cost of operating a private vehicle, are expected to increase usage of public transport systems and instigate more sustainable behaviour change amongst citizens.

Health is a national concern and NMT can contribute to a healthier lifestyle for South Africans. Increased use of active transport modes will create healthier vibrant communities with lower obesity rates that are more interactive.

Public investments in road infrastructure will directly contribute to job creation through construction, operation, maintenance and production, and indirectly through improved economic efficiencies. Labour intensive road construction and maintenance projects, particularly those that employ advanced technology also provide an element of training and skills development where local communities/unemployed individuals are taught specific skills in construction, engineering, maintenance and other related trades. Such circumstances empower trained individuals to market new skills for application in other projects and contexts.

7.6.1 Policy Statements on Social Health and Economic Opportunities

Policy Statement 50. The DoT, together with the relevant departments and the private sector, must unlock business and commercial opportunities within the NMT sector to assist with socio-economic development and poverty alleviation.

Policy Statement 51. Promote NMT as an affordable and healthy mode of transport

The three spheres of government increase awareness of NMT as an affordable and healthy mode choice.

7.7 ROAD SAFETY

Road safety is a serious consideration within NMT since pedestrians, cyclists and other NMT users are the most vulnerable transport users against other higher speed motorised modes. Roads are still largely seen as reserved for motorised vehicles. Thus, pedestrians, cyclists and other NMT users are often perceived as being at fault for being on the roads.
7.7.1 Policy Statements on Road Safety

Policy Statement 52. Facilitate interaction between role-players at different spheres of government and community to improve NMT road safety

a) Sensitise communities, officials and practitioners about the travel needs of NMT.

b) The DoT, in collaboration with the RTMC, must raise awareness to promote safety and animal welfare amongst the operators.

c) The DoT in collaboration with Department of Agriculture, Forestry and Fisheries and SABS must ensure that ADV meet the minimum safety requirements (including harnessing and visibility).

d) The DoT must develop safety gear guidelines in consultation with key stakeholders.

e) The DoT must develop a Cycling Protection Charter outlining regulation, training, sales, safety requirements, facilities and cyclists' behaviour.

f) Pursue alignment between the Roads Safety Policy and the NRSS to ensure integrated road safety management for NMT.

Policy Statement 53. The DoT must ensure that safer road networks are provided and road safety audits are conducted.

a) Appropriate infrastructure is provided for safe NMT usage.

b) The DoT must update the signage system to integrate cycling needs and requirements and the Road Authorities will ensure its adequate implementation.

Policy Statement 54. Update legislation to support enforcement of NMT road safety issues and other penalties to discourage traffic transgressions such as making it compulsory to yield at controlled crossings.

a) Prioritise the enforcement of speed limits and other traffic rules aimed at reducing NMT fatalities.

b) Existing legislation is enforced for pedestrians on freeways.

c) The DoT must deal with stray animals in accordance with the existing legislation.

Policy Statement 55. The DoT and the RTMC must ensure NMT education and awareness is undertaken.

a) That operators of animal transportation have the basic knowledge on traffic laws and regulations and road safety education and awareness programmes are included in schools.

b) Develop and implement the school zone concept to prioritise learner safety within a given radius around schools.

7.8 ENVIRONMENTAL SUSTAINABILITY

Road transport has a significant impact on environmental sustainability. NMT is a viable sustainable transport alternative. In 2012, 9% of national CO₂ emissions related to road transport. If South Africa
wishes to meet its commitment to total annual GHG emissions in the range of 212 to 428 Mt CO₂ equivalents by 2050\(^6\), road infrastructure and transport must be a central part of the solution. Transport is also responsible for 27% of final energy demand in South Africa. Petroleum products represent 97% of the energy used in the transport sector, with electricity only representing 3% of usage.

The implication of not making sustainable choices to ensure our environmental future is not really an option. We need to move away from the dependency of private vehicles and take the necessary steps to more sustainable modes of transport such as public transport, NMT and other eco-mobility technologies.

These policies impact all government departments, agencies, private sector companies as well as public at large in that it is everyone's responsibility to take the necessary actions to preserve our precious environment.

7.8.1 Policy Statements for Environmental Sustainability

**Policy Statement 56.** The DoT will implement programmes aimed at reducing greenhouse gas (GHG) emissions by promoting the use of public transport, NMT and eco-mobility technologies such as battery powered vehicles and cycles.

a) The DoT in partnership with other government departments, private sector and civil societies will establish incentives for research to encourage students and scholars to research and study the role of NMT in climate change.

b) Increase awareness and education programmes of transport impacts to the environment.

**Policy Statement 57.** Introduce environmental sustainable practices into NMT facility and infrastructure design.
8 FUNDING

Insufficient funding for road infrastructure implementation and maintenance was confirmed in the South African Road Network Condition and Budget Needs Report that was compiled under auspices of the RCB in 2014 wherein it was emphasised that there is insufficient funding to maintain the existing road infrastructure, not only national roads, and that the value of the backlog amounts to R197 billion. SANRAL has repeatedly cautioned that road conditions will deteriorate more rapidly if dedicated revenue for road improvements cannot be sourced via tolling. The valuation of SANRAL's road network is R303 billion and that of the country's is R2.1 trillion.

Typically the extent of funds raised from traditional rates and taxes is inadequate to cover the onerous requirements to maintain existing or construct new links in the strategic road network, other transport infrastructure or operations. Although fuel, sales and other taxes have been successfully used to raise additional revenue for the national fiscus, roads still need to compete with other national social priorities.

There is a growing awareness that the fuel tax as a steady form of income is unsustainable. Relying on the fuel tax is problematic since it assumes increased traffic volumes will equate to an increase in income. Not only is this assumption in contradiction to the argument of promoting environmental sustainability i.e. reducing travel demand and improved fuel consumption through new vehicle technologies or TDM interventions, but it is also places government in the precarious position of having to provide additional road infrastructure for the ever-growing traffic volumes. Typically there has been a gradual slippage in the overall condition of road network due to insufficient funds and support the need to explore alternative sources of funding for roads and transport such as congestion pricing, tolling, freight distance charging, etc.

Funding and ensuring effective expenditure are imperatives to sustainability within the roads sector.

The funding challenges are facing all Road Authorities throughout the world. In response to this challenge, the introduction of the “User Pay Principle” through tolling is now a common approach adopted in various countries. The implementation approach differs. Examples of international funding models include the following.
• Government takes full responsibility funding road construction, maintenance & operations
• funding the entire project through loans and introducing a toll for loan repayment, maintenance & operations
• funding the project capital costs and introducing a toll for maintenance & operations
• “road concessions” i.e. transferring the responsibilities, through a concession contract to the private sector, who takes responsibility for construction, maintenance & operations. The concessionaire is allowed to recover costs through toll fees.
• Shadow tolling - Shadow tolls have been used in the UK, Finland and the Netherlands, and the terminology has confused many people. No tolls are levied from road users under this approach. Instead the shadow tolls are paid by Government to the operator, based on traffic counts on the road, an agreed rate per vehicle/vehicle type and an agreed set of performance criteria. The benefits of this system do not therefore stem from the development of a new source of funds, or from making users internalize the external costs of their travel, but rather from Government commitment to continued financial support over several years. The shadow toll approach does not require traffic to slow down for toll collection. It does require the Government and private sector to agree the vehicle counts and because of the difficulties surrounding legal arrangements, the transaction costs can be very high. The current PPP framework in South Africa has not been tested in this regard, but more importantly extensive lobbying will need to be made at National Treasury to get commitment of public funds for repayment of the private investment over a concession period of typically thirty years.

Without significant investment in roads this significant asset will continue to deteriorate. Funding roads through other possibilities will most likely close the gap between the road budgetary requirements and the available funding. Other funding sources that could be considered include the fuel levy, vehicle licence fees, tolling and potentially other innovative funding sources. This approach is also reflected in SANRAL Strategy Horizon 2030, which identifies an integrated funding model as a potential source. This includes public tax-based funding, toll revenue, own revenue and private capital for public roads. It also emphasise the need for seeking new funding streams.

This also holds true for the management of road safety and the implementation of NMT facilities and mechanisms. It is fundamental that any road safety policy or strategy requires adequate funding. All available and existing resources, especially in terms of human resources, need to be utilized as efficiently as possible.

The necessary exploration of funding opportunities involving all relevant role-players, public and private sector, must be explored as a matter of priority. Funding levels can also be increased from a range of alternative funding sources in partnering with the private sector as well as exploring opportunities for revenue generation from existing assets to better match the extent and quality of the roads network required to support the socio-economic growth envisioned in the NDP of South Africa and must enable integrated transport delivery across roads infrastructure, public transport and NMT.

A sustainable approach to roads management also includes a sustainable financial approach. National Treasury has stated that as there are no additional funds available for roads, funding availability can only be increased through more efficient expenditure in the roads sector. In response to this, policies supporting a performance-based approach to roads management and funding is introduced to improve financial efficiencies and efficacies.
8.1 Policy Statements to increase funding opportunities and availability

Policy Statement 58. Road Authorities will improve efficiencies in budget expenditure in the road sector.

a) Through the concept of having a "minimum level of service" to be prescribed i.e. use and compliance to the COTO, TRH and TMH Technical Manuals, it is expected that contributions from the Equitable Share received by Provinces and Local Authorities would be increased and spent on road maintenance and related activities to meet their obligations.

b) All intervention funds/grants shall be prescriptive to allow for the appropriate and integrated development of roads, public transport and NMT infrastructure.

c) National Treasury and the DoT introduce a performance-based approach administering grant funds, continuously monitor performance, and will incentivise performing Road Authorities through access to top-up funding, where performance targets have been met or exceeded.

Policy Statement 59. Government supports the application of the user-pay principle (for example tolling, congestion charges, weight over distance charging, cross boarder levies, etc.), where required and adopted.

a) Government supports the application of the user-pay principle in the road sector to ensure quality road infrastructure in support of economic growth.

b) Government acknowledges that current funding sources for grants (vehicle licence fees, fuel) are insufficient. Additional revenue streams (mixed sources), based on an integrated funding model approach, must be actively sought. These revenue streams include the user-pay principle, developer contributions / tariffs for roads, public transport and NMT infrastructure and the use of the road reserve as an income-generating source.

c) The extent of private sector involvement in roads delivery and potential partnerships with the private sector must be investigated to determine the most appropriate funding model.

d) The function of a Toll Regulator is included as part of the proposed STER. This entity must create an environment of coherence, independence, accountability, transparency, predictability and capacity in the development and approval of annual toll tariffs. The Road Management Act (RMA) as proposed in this Policy, NLTA or a separate act similar to the National Energy Regulator (NERSA) Act is required to accommodate a STER.

Policy Statement 60. The DoT and National Treasury explores the full range of financial mechanisms available to enable increased funding.

a) Roads infrastructure will be funded through user charges and/or investments by the private sector.

b) New financing models involving the private sector will be developed by the DoT and National Treasury to finance roads infrastructure.

c) Funding opportunities through value capture will be explored so that the benefits derived from road infrastructure investment can also be used to continue financing roads.
Policy Statement 61. Government will increase the focus on the maintenance of municipal roads and streets.

Local authorities undertake road maintenance through the current Municipal Infrastructure Grant (MIG) subject to adopting the COTO business planning guidelines and selecting project using the RAMS as the primary source.

Policy Statement 62. The DoT supports the role of the private sector within the roads sector to fast-track roads delivery.

a) Road Authorities need to consider alternative funding models partnering with the private sector, for construction, maintenance and financing of projects. However this has to be done within the existing legislative parameters.

b) In the event any particular Provincial Road Authority would want to partner with a recognised Development Finance Institution (DFIs), on the strength of the approved Provincial Road Maintenance Grant (PRMG) MTEF allocation, the DoT shall support their application to the National Treasury based on the merits of the business case.

8.2 Policy Statements to increase funding opportunities and availability for the Non-motorised Transport sector

Policy Statement 63. Include NMT into RAMS databases and utilise together with crash data to identify priority maintenance requirements or areas of interventions.

Policy Statement 64. Utilise MIG funding towards new infrastructure and maintenance for NMT.

Policy Statement 65. Coordination across sectors and spheres of government to ensure effective of expenditure due to integration of NMT.

Policy Statement 66. The three spheres of government to establish funding for other NMT support mechanisms such as promotional and education campaigns.

Policy Statement 67. The DoT in partnership with other government departments, private sectors and civil society must include a climate change response into the fiscal budgetary process and so integrate the climate change response programmes at national, provincial and local government and at developmental finance institutions and state-owned entities.

8.3 Policy Statements to increase funding opportunities and availability for the Road Safety sector

Policy Statement 68. In order to ensure the effective implementation of the policies proposed in this document, a detailed budget will have to be prepared with a funding strategy that is sustainable for the next 20 to 30 years.

a) Engineering - Adequate funding will be required for the improvement of hazardous locations. A programme with significant impact needs to be developed, such as spending R500 million per annum at 100 locations country wide to improve hazardous locations.
b) Road safety education – Funding needs to be secured to cover costs for education material. Inter alia, material is required to train educators and to distribute learning material to the learners. In terms of this policy, it forms an essential part of the long term sustainable road safety strategy.

c) Crash Data - Develop and maintain a system and data base to efficiently and accurately record crash statistics. It is evident that the only way to capture crash statistics is electronically and to store it in a central database. This will require funding for IT infrastructure, data capturers as well as for the maintenance thereof in the long term. As indicated, provision should also be made for quality control, which will require human resources that are located centrally – which will also require funding in the long term.

d) Technology - It is proposed in this policy that technology be deployed to reduce corruption.

e) Adequate funding for the above, and other measures, over the next 20 years, will be critical to ensure the successful implementation of this policy and the strategy that will be prepared by the RTMC. The detail costing for the different actions needs to be included in the strategy developed by the RTMC, so that a 20 year funding plan for road safety can be developed.

f) The DoT through the RTMC shall lobby and support for road safety budget requests. However, the need to allocate and set aside a budget for road safety programmes and initiatives has to be prioritised by all Road and Traffic Authorities, within existing budgetary constraints.

g) A dedicated effort need to be made to involve the private sector, to also assist in funding of road safety projects that are part of the larger road safety plan.
9 LEGAL FRAMEWORK

Road infrastructure development is the responsibility of different spheres of government. It is governed by the White Paper on National Transport Policy\textsuperscript{17}, the National Land Transport Act, Act No. 05 of 2009\textsuperscript{11}, the National Land Transport Strategic Framework, the Public Transport Action Plan and the National Road Traffic Act\textsuperscript{2}. The National Road Traffic Act in particular has specific regulations that govern NMT behaviour. The SANRAL Act\textsuperscript{10}, Public Finance Management Act (PFMA)\textsuperscript{13} and Municipal Structures Act (MSA)\textsuperscript{14} also impact on road infrastructure development.

Various acts, both national and provincial, will have to be amended to accommodate the legislative amendments that are needed to give effect to the road infrastructure policy statements. An alternative suggestion is to draft a stand-alone act that will accommodate all the provisions required and will comply with the provisions of the Constitution. Uniform legislation creates a better understanding of the tasks, duties and structures created by such legislation and ensures that all relevant organisations understand the terminology and the legislation in the same way. Conflicting legislation is minimised and one point of reference can be used for all the requirements.

Although road safety is a mandated function for various spheres of government, and the RTMC is mandated through the RTMC Act\textsuperscript{2} to form a partnership with all spheres of government and the private sector to enhance road traffic management activities, this has not resulted in a significant improvement in the management of road safety matters. Consolidated legislation in this regard is considered necessary to achieve the road safety objectives of Government. The proposed act will set out certain rights and duties of road users and will be applicable across all the roads in South Africa.

In developing a stand-alone act general principles applicable to road management will be included. The roles, functions and powers of a road authority will be set out. Codes of Practice to provide practical guidance in relation to road management will be incorporated in the Act. It must further allow for the declaration and discontinuance of roads. Classification of roads and the re-allocation of management
responsibility will form part of the legislation. Provision will be made for a road authority to keep a register of public roads in respect of which the road authority is the coordinating road authority.

The construction, inspection, maintenance and repair of public roads will be managed in terms of the Act. The proposed Act will also provide for issues relating to civil liability arising out of road management. Enforcement mechanisms on all the matters regulated by the Act will be included as well, to ensure compliance with the legislation.

Provisions in existing legislation will also be deleted or amended as part of the new proposed Road Management Act to ensure conflicting or ambiguous provisions do not remain in place.

It is the Roads Policy’s intent that clear legislative provisions must be developed to ensure that road infrastructure development is not affected by the provisions in other acts. Furthermore, the division of responsibilities between national, provincial and municipal road authorities is clear. Ultimately legislation should be drafted that ensures all the provisions in the road infrastructure policy are enforceable and applied uniformly.

9.1 Policy Statements to address the Legal Framework

Policy Statement 71. The DoT will develop an overarching Road Management Act.

a) The DoT will draft an overarching Act that addresses all the aspects of roads management and the standards and minimum requirements for roads and the management thereof in the applicable functional areas. The legislation includes the management of roads in the different spheres of government, and the responsibilities are clearly defined.

b) The relevant legislation must be clear, concise and supportive of the policies developed to design, maintain and expand the roads infrastructure. Fragmented legislation and management result in failed maintenance and high costs, as well as the associated risk where authorities are not clear about their roles and responsibilities.

c) South Africa has also experienced a shift in focus over the last few decades, and more emphasis is now placed on the provision of NMT facilities and on road safety. Each of these matters requires uniform legislation, and an overhaul of the existing legislation was identified as key in the development of a Roads Policy.
As part of a more sustainable approach to roads management, performance evaluation, especially in meeting sustainability targets, has been identified as a focus area. Government has introduced performance monitoring and evaluation in the public sector as a strategic approach to management, which equips leaders, managers, employees and stakeholders with a set of tools and techniques to regularly plan, continuously monitor, periodically measure, and review the performance of the organisation using indicators and targets for efficiency, effectiveness and impact.

The approach of monitoring and evaluation is also a continuous thread throughout the NDP as it aims to build a capable and developmental state in South Africa. To this end, a Department of Performance Monitoring and Evaluation was established in 2010 in order to ‘drive a results-orientated approach across the three spheres of government and other organs of state’ and the National Policy Evaluation Framework proposed to institutionalise evaluation in Government and has identified processes, roles and responsibilities for undertaking this.

The National Treasury has also proposed that a performance-based approach be applied to the road infrastructure conditional grants and that the DoT introduces RAM principles into the roads sector. This requires particular data collection processes for traffic, condition and location of infrastructure, indicators, methodologies and reporting mechanisms as contained in TMH22. (Refer to Annexure A).

Overall there is a growing need for appropriate monitoring and evaluation systems, supported by sound data collection methodologies and KPIs. Data collection should be simple, and outcomes- rather than input-based. Accordingly, policies are proposed in support of the adoption and implementation of a performance-based approach to roads management across all spheres of government.
10.1 **Policy Statements to improve Monitoring and Implementation in the Roads Sector**

**Policy Statement 72.** The DoT and Road Authorities will follow and adhere to a performance management approach for roads management and roads service delivery.

a) The DoT and Road Authorities must use the RAMS and the various COTO standards and norms for road planning, design, construction and maintenance, as well as the operational management of the roads, as the basis for performance management in the roads sector.

b) The DoT must develop a Performance Management Framework that forms the basis for Road Authorities to develop Performance Management Plans.

c) These Performance Management Plans must ensure that performance management measures are in place to monitor and evaluate the performance of Road Authorities.

d) KPIs must be developed to enable performance management. The KPIs must be outcomes-based and support performance management and budget motivations. These KPIs must differentiate between the abilities of the various Road Authorities at different spheres of government.

e) The DoT is also responsible for the monitoring and evaluation of Provinces and SANRAL. Provinces are responsible for monitoring local authorities.
The Draft Roads Policy outlined recommended policy positions that will be discussed and debated during the consultation phases of the Policy Development process. Post stakeholder consultation, the Policy will be submitted for approval. Once the Policy has been approved, the Department will commence in developing the Road Management Act, which is an overarching Act that addresses all the aspects of roads management and the standards and minimum requirements for roads and the management thereof in the applicable functional areas. The legislation includes the management of roads in the different spheres of government and the responsibilities are clearly defined.
11.1 POLICY IMPLEMENTATION PRIORITIES

11.1.1 Develop a National Roads master plan

The Department will develop a National Roads Master Plan (NRMP), which will form part of the National Transport Master Plan (NATMAP). The Master Plan is a national strategic plan, which will direct road infrastructure initiatives over the next 30 years. The Master Plan will ensure centralised strategic roads planning. It will detail the vision, goals and objectives for roads going forward. The Master Plan will also identify networks, constraints and opportunities, as well as the required infrastructure improvements/expansions to ensure the safe and efficient of all modes of road transport, including NMT.

The Master Plan will detail the status quo in roads, particularly, provide an overview of all modes of roads transport, the requirements/needs in the sector, challenges, and forecast the expected demand, amongst others.

The Master Plan will map a national, provincial and local view of the country’s road network, also indicating the current and future infrastructure projects and the various corridors.

The Master Plan will in essence identify infrastructure projects and prioritise the project, which will be informed by government priority and the needs of the country.

11.1.2. Develop A National Road Investment Strategy

The National Investment Strategy will form part of the NRMP. The Department will develop a comprehensive investment strategy that will guide both public and private sector investment in roads. Funding options models for roads investment will be explored as part of the strategy.

11.2 CONCLUSION

The implementation of the Roads Policy for South Africa will clarify roles of all three spheres of government in terms of responsibilities, applicability and scope for the various role-players, determine funding options in the road infrastructure investments, road safety and NMT sectors, provide policy certainty with a clear and concise regulatory framework for roads management, maximize jobs creation and skills development, integrate NMT as a recognized mode of transport and provide directives for monitoring, evaluation and reporting in the roads management environment.

Upon implementation of the Roads Policy, the Department shall monitor and evaluate its effectiveness in partnership with the Road Authorities. The policy shall be reaffirmed or reviewed and updated every five years.
# ANNEXURE A:
TECHNICAL MANUALS, NORMS AND GUIDELINES

Table 1: COTO TRH Documents

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<tr>
<td>TRH1</td>
<td>Prime coats and bituminous curing membranes</td>
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<td>TRH2</td>
<td>Geotechnical and soil engineering mapping for roads and the storage of materials data</td>
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<td>TRH3</td>
<td>Design and Construction of Surfacing Seals</td>
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<td>TRH4</td>
<td>Structural design of flexible pavements for interurban and rural roads</td>
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<tr>
<td>TRH5</td>
<td>Statistical concepts of quality control and their application in road construction</td>
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<td>TRH6</td>
<td>Nomenclature and methods for describing the condition of asphalt pavements</td>
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<td>Use of bitumen emulsions in the construction and maintenance of roads</td>
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<td>TRH8</td>
<td>Design and use of Hot-mix asphalt in pavements</td>
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<td>TRH9</td>
<td>Construction of road embankments</td>
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<td>TRH10</td>
<td>Design of road embankments</td>
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<td>TRH11</td>
<td>(two documents) Dimensional and Mass Limitations and Other Requirements for Abnormal Load Vehicles (Technical Guideline) and Administrative Guidelines for Granting of Exemption Permits for the Conveyance of Abnormal Loads</td>
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<td>TRH12</td>
<td>Flexible pavement rehabilitation investigation and design (Bituminous pavement rehabilitation design)</td>
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<td>Cementitious stabilizers in road construction (Cementitious pavement rehabilitation design)</td>
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<td>Guidelines for road construction materials</td>
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<td>TRH15</td>
<td>Subsurface drainage for roads</td>
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<td>TRH16</td>
<td>Traffic loading for pavement and rehabilitation design (To be discontinued once incorporated into new TRH4)</td>
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<td>TRH17</td>
<td>Geometric design of rural roads</td>
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<td>TRH18</td>
<td>The investigation, design, construction and maintenance of road cuttings</td>
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<td>TRH19</td>
<td>Standard nomenclature and methods for describing the condition of jointed concrete pavements</td>
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<td>Unsealed Roads: Design, Construction and Maintenance</td>
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<td>Hot Mix Recycled Asphalt</td>
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<td>TRH25</td>
<td>Guidelines for the hydraulic design and maintenance of river crossings: Vol 1: Hydraulics, hydrology and ecology</td>
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<tr>
<td>Vol 2: Structural aspects, bridge configurations and foundations</td>
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<td>Vol 4: Parameters for the design of low-level structures</td>
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<td>Vol 5: Bridge management of river bridges</td>
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<td>Vol 6: Risk analysis of river crossing failure</td>
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<td>TRH 26</td>
<td>South African Road Classification and Access Management Manual</td>
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<td>TRH 27</td>
<td>South African Manual for Permitting Services in Road Reserves</td>
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<td>TMH1</td>
<td>Standard methods of testing road construction materials</td>
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<td>(TMH1 is being converted to SANS3001 and SANS4001. Various SANS</td>
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<td>standards have been published)</td>
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<td>TMH2</td>
<td>National standard for the spraying performance of binder distributors</td>
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<td>TMH3</td>
<td>Specifications for the Provision of Traffic and Weigh-in-Motion</td>
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<td>Sampling methods for road construction materials</td>
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<td>Special methods for testing roads</td>
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<td>Automated Pavement Condition Measurements</td>
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<td>TMH 13:</td>
<td>Guidelines on Roughness Measurements</td>
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<td>Guidelines on Rut Measurements</td>
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<td>Guidelines on Deflection Measurements</td>
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<td>Guidelines on Imaging and GPS Measurements</td>
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<td>TMH 14</td>
<td>South African Standard Automatic Traffic Data Collection Format</td>
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<td>TMH 15</td>
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<td>TMH 16:</td>
<td>South African Traffic Impact and Site Traffic Assessment Standards</td>
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<td>TMH 17</td>
<td>South African Trip Data Manual</td>
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<td>TMH19</td>
<td>Manual For The Visual Assessment of Road Structures</td>
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<td>Proficiency testing schemes for quality control of road building</td>
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Table 3: COTO UTG Documents

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<tr>
<td>UTG1</td>
<td>Guidelines for the Geometric Design of Urban Arterial Roads</td>
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<td>UTG2</td>
<td>Structural Design of Segmental Block Pavements for South Africa</td>
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<td>Structural Design of Urban Roads</td>
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<td>Guidelines on Maintenance Management for Large Municipalities</td>
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<td>UTG7</td>
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<td>UTG9</td>
<td>Guidelines for the Transportation System Management Process</td>
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<td>UTG10</td>
<td>Guidelines for the Geometric Design of Commercial and Industrial Local Streets</td>
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<td>UTG11</td>
<td>Guidelines for Public Participation in Land Use/Transport Planning</td>
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</table>
REFERENCES

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18. Department of Transport, White Paper on Transport Policy, January 2017
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