

**TO : COUNCIL**  
**FROM : TILFRED MABUZA, GM-GIS**  
**DATE : 25 OCTOBER 2022**  
**SUBJECT : ESTABLISHMENT OF MANGAUNG METROPOLITAN MUNICIPALITY  
TRANSPORT FORUM**

### **1. PURPOSE:**

This report is submitted to Council for consideration in the Establishment of Mangaung Metropolitan Municipality Transport Forum.

### **2. BACKGROUND:**

The purpose of the Mangaung Municipal Municipality Transport Forum is to create a platform to encourage stakeholders to deliberate on issues that affect all modes of transport as well as across the borders. Secondly to address challenges in the transport system which due to a lack of integrated planning by spheres of government, and the application of a proper transport planning model and lastly to ensure alignment with the District Development Model, the Forum will strive to achieve integrated transport planning across all spheres of government.

### **3. OBJECTIVES**

The primary objectives of the Mangaung Metropolitan Municipality Transport Forum (MMMTF) but not limited to the following:

- To promote integrated consultation on transport planning.
- To promote the effective implementation of transport plans.
- To promote safe, secure, reliable and sustainable public transport.
- To promote and plan for the use of non-motorized transport, where appropriate.
- To provide feedback on the implementation of transport and road infrastructure projects.

### **4. LEGAL IMPLICATIONS**

- 4.1 Constitution of the Republic of South Africa, Act 108 of 1996.
- 4.2 The white Paper on National Transport Policy, 1996.
- 4.3 National Land Transport Act no. 5 of 2009.
- 4.4 The Municipal Systems Act, 2000.

4.5 The Municipal Structures Act 117 of 1998.

## 5. FINANCIAL IMPLICATIONS

5.1 None.

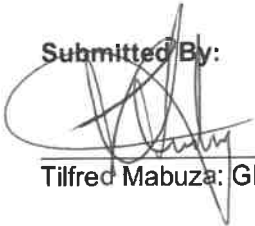
## 6. RECOMMENDATION

Is recommended that the Council considers the approval of the,

6.1 Mangaung Metropolitan Municipality Transport Forum establishment.

6.2 Mangaung Metropolitan Municipality Transport Forum Constitution.

Submitted By:



Tilfred Mabuza: GM GIS

27/10/2022  
Date

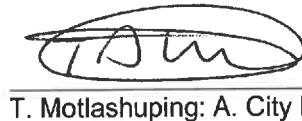
Submission Recommended by:



Nkateko Mabunda: A. HOD Planning

27/10/2022  
Date


Submission Approved by:



T. Mottashuping: A. City Manager

27/10/2022  
Date

Approved / ~~Not Approved~~:



Mxolisi Siyonzana: Executive Mayor

27/10/2022  
Date



# **MANGAUNG METROPOLITAN MUNICIPALITY TRANSPORT FORUM CONSTITUTION**

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## 1. NAME OF THE FORUM

The name of the forum shall be Mangaung Metropolitan Municipality Transport Forum, and shall be abbreviated as MMMTF

## 2. DEFINITIONS AND ABBREVIATIONS

In the document, unless the context indicates otherwise;

- 2.1 **Forum** means **Mangaung Metropolitan Municipality Transport Forum.**
- 2.2 **Constitution** means the constitution of Mangaung Metropolitan Municipality Transport Forum.
- 2.3 **Council** refers to the Municipal Council of Mangaung Metropolitan Municipality.
- 2.4 **Established organizations** refers to organizations agreed upon by forum members with the purpose of creating Transport Planning Structures that will deliberate on issues that affect all modes of transports such as Rail, Road, Pipeline, Aviation as well as cross border and inter-modal interfaces.
- 2.5 **Principles** refers to underlying philosophy to be applied in attaining the objectives of the forum.
- 2.6 **Timeous** refers to a period of fourteen (14) days prior the date which a meeting is to be held.
- 2.7 **MMM** refers to Mangaung Metropolitan Municipality.
- 2.8 **MMMTF** refers to Mangaung Metropolitan Municipality Transport Forum.
- 2.9 **IDP** – Integrated Development Plan
- 2.10 **NLTA** – National Land Transport Act no 5 of 2009
- 2.11 **NMT** – Non- Motorized Transport

### **3. LEGISLATIVE FRAMEWORK**

Mangaung Metropolitan Municipality Transport Forum is based on the undermentioned legislations;

**3.1 The Constitution of the Republic of South Africa, Act number 108 of 1996.**

The Constitution of the republic encourages involvement of local communities and community organizations in matters of local governance.

**3.2 Municipal Systems Act, Act 32 of 2000.**

The Act mandates Local Government to consult the local community when undertaking integrated development planning for a local area / municipality.

**3.3 White Paper on National Land Transport Policy, 1996.**

To establish a structure at the local sphere of government that facilitates integrated planning of transport infrastructure and operations in a coordinated manner.

**3.4 National Land Transport Act, Act 5 of 2009.**

To encourage, promote and facilitate public consultation and participation in the planning, regulation and implementation of public transport.

**3.5 Free State Public Transport Act 4 of 2005**

**3.5 Functions and activities of the forum shall be carried out within the framework of the following legislations;**

The Constitution of the Republic of Africa South, Act no 108 Of 1996, National Land Transport Act, Act no 5 of 2009, National Road Traffic Act, Act 93 of 1996, Road Traffic Transportation Act, Act no 74 of 1977.

## **4. OBJECTIVES**

The objective of the forum in relation to transport legislation and policies, public transport, roads and transport infrastructure, road safety, non-motorized transport, skills development, transport needs for person's with disability community, freight transport and integrated transport planning are listed below.

### **4.1 Transport Legislation and Policies**

To ensure participation of all relevant stakeholders in the development, approval, implementation and monitoring of all transport related, legislation, policies and plans in the municipal area.

### **4.2 Transport Needs**

To promote a safe, secure, reliable and sustainable public transport system.

To ensure that land passenger transport operations are more environmentally sensitive, sustainable and energy efficient [e.g. usage of renewable energy]

To provide assistance on issues relating to economics by discussing fare increases, subsidy related matters, tendering for routes and development of co-operatives.

To encourage a professional approach to the management and operation of land passenger transport.

To ensure that transport services address the needs of all road users including the person's with disability, cyclist and pedestrian take into account these needs when new infrastructure is planned and designed.

To ensure compliance to all the relevant legislation

To ensure that the needs of all of the communities within the borders of MMM are met

### **4.3 Roads and Transport Infrastructure**

To identify problems and possible solutions with regards to road and transport infrastructure development and maintenance.

Ensure accountability and feedback in the implementation of road and transport infrastructure projects as per the IDP of the municipality.

To ensure compliance to all relevant legislation and that all the correct processes are followed

### **4.4 Road Safety**

To promote safe, secure, reliable and sustainable public transport.

To ensure safe, secure and reliable road network in the municipal jurisdiction and beyond.

To identify road safety and traffic related issues including but not limited to areas of scholar patrols, road signs and markings.

To identify and report areas in need of traffic calming measures.

To identify and report impediment to the free flow traffic.

To identify and report maintenance needs of the road network.

To identify areas this can be dedicated to pedestrians and cyclists as road users

To follow-up on all reported issues

To ensure that the necessary steps were taken to rectify the identified problems

### **4.5 Non- Motorized Transport [NMT]**

To encourage, promote and plan for the use of non-motorized transport where appropriate.

To ensure that all new and rehabilitated roads make provision for lanes dedicated to cyclists and pedestrians



#### **4.6 Skills Development**

To develop the skills and knowledge of forum members.

#### **4.7 Freight transport**

To promote environmental protection, with specific reference to the transportation of hazardous substances.

To encourage a professional and cost effective approach to the management and operation of land freight transport.

Participate in enhancing the quality of transport services by contributing to the provision of safe, secure and reliable cost and effective freight transport systems to transport customers.

#### **4.8 Integrated Transport Planning**

To create a suitable climate for MMMTF members to participate in the transport planning process of the integrated transport systems in the Mangaung Metropolitan Municipality boundary.

To ensure that transport forum members participate in the integrated development planning processes of the municipality.

To ensure interaction with the community in order to ensure that the needs of the community are identified and met

To ensure active participation of the community in order to ensure peace and stability in the said communities

To ensure that transport issues, as contain within the IDP, are taken into account during the transport planning process

## **5. FUNCTIONS OF THE FORUM**

- 5.1 To make inputs, comments and recommendations on all government plans related to public transport
- 5.2 To attend to all matters related to public transport including operating licenses, operating routes and determination of fares.
- 5.3 To develop and become part of the transport planning process of an integrated Transport system in the jurisdiction of Mangaung Metropolitan Municipality.
- 5.4 To empower communities from local grassroots level to influence the form and nature of development in respect of passenger transport.
- 5.5 To enhance public sector accountability through multi-stakeholder participation in passenger transport policy-making and planning.
- 5.6 To identify transport needs within the area of jurisdiction by::
  - 5.6.1 Being part of planning and operational process area.
  - 5.6.2 Being part of process for making policy and drafting legislation.
  - 5.6.3 Ensuring peace and stability in the area by means of conflict resolution.
  - 5.6.4 Developing the skills of participants, and creating an effective Forum.
- 5.7 Improving transport in overall.
- 5.8 Oversight in the implementation of decisions made by the forum and sub-committees.
- 5.9 Held public meetings with the community in the affected areas.

## **6. PRINCIPLES**

- 6.1. To encourage democratic participation and social consensus in roads and transport matters within the municipality.
- 6.2. To enhance accountability through multi-sector participation in roads and transport matters.
- 6.3 To maintain legitimacy and relevance through on-going reviews of membership and objectives through coordination with related forums and initiatives.

- 6.4 To maintain effectiveness of the forum by developing the skills and knowledge of forum members.
- 6.5 To enhance and promote accountability.
- 6.6 To identify the best practises used in the field of transport.

**7. MEMBERSHIP**

The forum shall represent transport stakeholders within Mangaung Metropolitan Municipality. Membership of the forum shall be constituted by a maximum of three (3) representatives from established organizations, except for the Municipality with four (4) pillar representatives, the Chairperson as well as the secretary.

- 7.1 Municipality Sector Departments
  - 7.2 Department of Police, Roads and Transport
    - 7.2.1. Transport Operations Chief Directorate
    - 7.2.2. Traffic Management Chief Directorate
    - 7.2.3. Roads Chief Directorate
- 7.3 Free State Department of Public Works & Infrastructure
- 7.4 Cooperative Governance, Human Settlements and Traditional Affairs
- 7.5 Department of Education
- 7.6 Department of Health
- 7.7 Department of Agriculture and Rural Development
- 7.8 Department of Environmental Affairs
- 7.9 South African National Roads Agency [SANRAL]
- 7.10 PRASA
- 7.11 TRANSNET
- 7.12 COMMUTER ASSOCIATIONS
- 7.13 PEOPLE WITH DISABILITIES ASSOCIATIONS
- 7.14 WARD COMMITTEES



- 7.15 TRADITIONAL LEADERSHIP
- 6.16 RELEVANT NGOs
- 7.17 ROAD SAFETY VOLUNTEERS
- 7.18 SCHOLAR TRANSPORT
- 7.19 FREIGHT OPERATORS
- 7.20 BUS OPERATORS
- 7.21 METERED TAXIS
- 7.22 TAXI ASSOCIATIONS
- 7.23 BUSINESS FORUMS
- 7.24 COMMUNITY BASED ORGANISATIONS
- 7.25 OTHER ORGANISATIONS NOT LISTED ABOVE BUT WHO CAN CONTRIBUTE  
(UFS, CUT AND OTHER PRACTITIONERS AND EXPERTS IN THE FIELD)
- 7.26 CHAMBERS OF COMMERCE

Members of the forum are the appointed representatives of the stakeholders listed above.

Representatives of the listed organizations shall be subjected to the internal code of conduct and disciplinary procedure of their respective organizations. Should any representative be asked to leave or be suspended from their organizations due to improper conduct, the same representative shall automatically forfeit membership of the forum, and the relevant organization shall be asked to nominate another representative to serve on the forum.

All members of the forum shall abide by the forum's Code of Conduct.

No monetary compensation shall be provided to any members of the Forum for their participation.

All member organization shall be responsible for all expenses incurred in attending the forum and subcommittee meetings.

The four (4) representatives from the Municipality will be responsible for the respective four (4) sub-committees/pillars of the forum.

The Secretariat shall be provided by Mangaung Metropolitan Municipality to assist the forum in administrative, organizational and communication matters.

## **8. Terms of Appointment**

- 8.2 The Municipal Manager shall be responsible for the the secretary and the four (4) subcommittee members. (Refer to section 10)
- 8.3 Representatives from member organizations shall be appointed by the head of that particular organization.
- 8.3 Representatives from member organizations shall be appointed of that particular organization.
- 8.4 Persons serving as elected officials in the local municipalities; and member organizations will be appointed to the transport forum for a set period, generally for a minimum of one (1) year. Other representatives (including the Chair and secretary) will also be appointed for a set period, generally for a minimum of one (1) year. The term of office may not exceed five (5) years as per the duration of the Council.

## **9. MEETINGS**

- 9.1. The quorum of the forum is fifty (50) percent plus one (1).
- 9.2 The forum shall hold general meetings at least once per quarter (every 3 months).
- 9.3 Forum meetings shall be convened by the Chairperson through the secretariat.
- 9.4 The secretariat shall provide at least seven [14] days' notice of meetings, in writing to all members.
- 9.5 Transport Forum Sub-committee meetings to discuss and decide upon specific matters can be chaired and convened by the nominated members responsible for each sub-committee (The members of the different Forum sub committees will elect the chairperson the sub-committee. The meetings to discuss and to decided upon specific

matters can be convened by the nominated members in consultation with the elected chairperson responsible for each committee).

- 9.6 Accidental omission to give notice of any meeting to any person[s] entitled to be present thereat, shall not invalidate the proceedings of that meeting.
- 9.7 Agendas of all general meetings shall contain an item under which members of the public may make representations to the forum.
- 9.8 Decisions taken by the forum shall be based on sufficient consensus (Decisions taken by the forum shall be based on consensus). Should there be failure to reach consensus, voting shall determine the forum's decision.
- 9.9 Conflict resolution mechanisms shall be established when necessary to manage possible conflict within or between different stakeholders.
- 9.10 Three (3) representatives from each established organization shall be nominated by that organization. If a representative does not attend two consecutive meetings, the organization represented shall be informed, an explanation shall be requested for consideration at the next meeting. Each of the organisations listed in (7) will have a representative in each of the 3 sub-committees

## **10. DUTIES OF THE CHAIRPERSON**

- 10.1 To preside at all forum meetings
- 10.2 To have a casting vote in the event of a tie.
- 10.3 To co-ordinate and check on the duties of the secretariat.

## **11. DUTIES OF THE SECRETARIAT OFFICE**

- 11.1 To record minutes of all forum and sub-committee meetings.
- 11.2 To send out invitations to the forum timeously.
- 11.3 To keep record of all correspondences of the forum.
- 11.4 To keep record of all registered members of the forum and their contact details.

## **12. STRUCTURE OF THE FORUM**

12.1 The Forum shall have sub-committees, namely:

12.1.1 Transport Operations (including transport needs)

12.1.2 Transport and Road Infrastructure Projects

12.1.3 Transport policy, Regulations and planning

**The Chairperson/Municipal Manager to oversee the following ad-hoc Subcommittees:**

12.1.4 Conflict

12.1.5 Skills Development

\*Duties of each pillar are listed in **ANNEXURE A**.

12.2 When implementation plans are developed to address challenges raised by forum members, the different sub-committees shall meet to address issues where necessary and report to the forum, some concerns that are raised may be solved by individuals.

12.3 Additional sub-committees may be established on a permanent or ad hoc basis.

12.4 After a sub-committee has concluded an investigation, it shall report the findings to the forum, which will take the final decision.

## **13. STATUS OF THE FORUM**

13.1 The forum shall be a statutory body with no legislative powers.

13.2 The forum shall be apolitical, and no person shall be allowed to canvas in the forum for any political or public election, or to use the forum for any party-political purpose.

13.3 The forum shall be a non-profit making organization.

13.4 The forum is mandated to engage in transport related matters only.

## **14. AMENDMENT AND ADHERENCE TO CONSTITUTION**

14.1 The provisions contained herein shall be known as the constitution of Mangaung Metropolitan Municipality Transport Forum, which provisions may be altered by two-thirds of the members of the forum at a general meeting of the forum provided that;

14.1.1 The precise terms of any proposed alteration shall be set out in the notice[s] conveying the meeting; and

14.1.2 The objectives and principles of the forum shall not be altered without the agreement of two-third majority of members of the forum.

14.2. Failure to adhere to the provisions of the Constitution may lead to disciplinary action[s] being taken against a representative or organization being suspended from the forum, subject to agreement by two-thirds of the members of the forum.

14.3 Official apologies will be counted as present, and the member may give notification in writing of his / her proposal or vote.

Adopted by the Forum on the \_\_\_ day of \_\_\_\_\_ month \_\_\_\_\_ Year.

**“Signature for approval/adoption”**

A handwritten signature in black ink, appearing to read 'TAW', is written over a horizontal line. The signature is enclosed within a large, loopy, circular scribble.

**CITY MANAGER (Chairperson)  
MANGAUNG METROPOLITAN MUNICIPAL**



## **FUNCTIONS OF THE MANGAUNG METROPOLITAN MUNICIPALITY TRANSPORT FORUM**

### **A1) FUNCTIONS OF TRANSPORT OPERATIONS SUBCOMMITTEE**

- A1.1 To encourage the passengers to state the need for more public transport.
- A1.2 To encourage the industry to react to the needs of passengers.
- A1.3 To advise the local authority on determining the availability of parking bays at ranks.
- A1.4 To support initiatives for effective and efficiency of public transport systems.

### **A2) FUNCTIONS OF TRANSPORT AND ROADS INFRASTRUCTURE SUBCOMMITTEE**

- A2.1 To share information about new developments or Projects
- A2.2 Align approved projects from different sectors to the IDP
- A2.3 To integrate policies and plans regarding
  - A2.3.1 Taxi ranks and other public transport facilities and their development;
  - A2.3.2 Modal integration;
  - A2.3.3 Information on infrastructure projects and data banks.

### **A3) FUNCTIONS OF TRANSPORT POLICY, REGULATIONS AND PLANNING SUBCOMMITTEE**

- A3.1 To participate in formulation of transport strategies, plans and policies.
- A3.2 To facilitate the development of relevant transport planning documentation. i.e. ITPs, Road Master Plans
- A3.3 To support compliance with relevant pieces of legislation.
- A3.4 To facilitate the development of a strategy on ways to improve law enforcement and safety and security of road users within Mangaung Metropolitan Municipality.
- A3.5 To facilitate the development of a strategy on ways to improve law enforcement and safety and security of road users within Mangaung Metropolitan Municipality.

**A4) FUNCTIONS OF CONFLICT SUBCOMMITTEE (AD- HOC BASIS)**

A5.1 To facilitate formulation and implementation of conflict resolution strategy.

**A5) FUNCTIONS OF SKILLS DEVELOPMENT SUBCOMMITTEE (AD- HOC BASIS)**

A6.1 To identify skills needed and facilitate plans of action for the development of skills of forum members.

A6.2 To monitor skills development of forum members.