

# COMMUTER SAFETY: It's for you to decide!

- *What are the traffic rules that I should be aware of as a driver or passenger?*
- *What qualifications are necessary for drivers of Public Service Vehicles (PSVs)?*
- *What qualifications are necessary for conductors (touts)?*
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- *What should I do if I see a policeman taking a bribe?*
- *What should I do if I hit a matatu or a matatu hits my vehicle?*
- *What should I do if I hit a pedestrian?*
- *What are the spiritual issues for matatus and riders to consider?*

*Do you have all the facts?*

***Q. What are the traffic rules that I should be aware of as a driver or passenger?***

***A.*** Too many Kenyans are being killed or maimed on the roads. (See chart below) In order for the transportation system to function properly, all drivers and riders must be willing to obey the existing laws. For matatus, traffic rules exist that require each vehicle to be registered by the government before being considered a duly licensed vehicle. The vehicle should have a *Public Service Vehicle (PSV)* license, which certifies that the vehicle is suitable for public transport purposes. Furthermore, a *road license* authorizes the vehicle to be used on the road, and a *vehicle insurance sticker* indicates protective coverage for the car owner, the passengers and pedestrians, so that if an accident occurs, the insurance company will be in a position to legally compensate according to the law. The vehicle should also have an *inspection sticker*, which indicates that the vehicle has been confirmed to be 'road worthy', with safe tires, both front and rear lights working and good brakes all in proper condition. The inspection sticker has to be renewed as per the terms of inspections of the particular vehicle. The vehicle also needs to have been registered with the *Transport License Board (TLB)* which registers the matatu for the specific route in which it operates.

There are definite laws governing the behavior of PSV drivers. Passengers need to be aware of these laws in order to help in enforcing the laws, or in avoiding those matatus that routinely ignore them. The following are some of the major rules that should be followed by all drivers:

*Vehicle condition:* By law, all PSVs must be in proper working condition. Some matatus are old and worn out, which increases the risk of accidents. Therefore, it is the responsibility of passengers to avoid these types of matatus.

*Overloaded matatus:* Due to the scarcity of matatus in certain areas, passengers tend to board overloaded matatus. This has led to an increased incidence of accidents and thefts inside the vehicle. Overloading many times exceeds vehicle engine power limits which endangers the safe operation of the vehicle. Overloading also prematurely wears out the vehicle.

*Mobile phones:* The driver is not allowed to talk on a mobile phone while driving. Speaking on a phone while driving can

cause the driver to lose concentration, which could lead to an accident and is therefore illegal. Avoid matatus where you see the driver using a cell phone while driving.

Excessive overtaking: Some drivers take risks and overtake on corners or up steep hills. This increases the chance of colliding with an on-coming vehicle. This is a serious offense and should be reported to the police when sighted or experienced as a passenger.

Driving on pedestrian walkways: Matatus can often be seen driving on public walkways, especially when they grow impatient during rush hour traffic. This practice of overtaking or crossing over to the other side of the road is dangerous, shows an extreme lack of courtesy for other vehicles caught in the same jams, and a serious traffic offense. Furthermore, such driving often makes the traffic problem worse, not better. If you know that a matatu driver routinely breaks this law, stop using that matatu and report the driver to the police.

Traffic lights: Some matatus ignore the traffic lights, especially during rush hour traffic and this has led to many accidents. Traffic lights must be respected at all times. Avoid riding in matatus that ignore traffic lights.

Road signs: Road signs give directions or warnings on what is ahead. Road signs also guide the driver on how to drive. They must be obeyed at all times.

### ***Q. What qualifications are necessary for drivers of Public Service Vehicles (PSVs)?***

**A.** The driver must have the following qualifications:

Valid Public Service Vehicle (PSV) license: This allows a driver to use a vehicle as a means of public transport.

Valid Driver's License: This certifies that the driver knows how to drive and is aware of all government regulations and traffic laws.

Certificate of Good Conduct: This is given by the Criminal Investigation Department (CID) to certify that the driver has no criminal record.

Above 24 years of age: The driver has to be mature enough for the government to trust him with transporting people. The younger the driver, the more likely he is to cause an accident.

Four years of driving experience: The driver has to have had good road experience before being employed as a driver of a public transportation vehicle. The greater the experience, the safer the driver should be on the road.

### ***Q. What qualifications are necessary for conductors (touts)?***

**A.** According to government law, the conductor must have the following:

Valid Public Service Vehicle (PSV) License: This allows the conductor to work in a vehicle being used as a means of passenger transport.

Valid Driver's License: This certifies that the conductor knows how to drive and can also act as a co-driver.

Certificate of Good Conduct: This is given by the Criminal Investigation Department (CID) to certify that the conductor has no criminal record.

Above 20 years of age: The conductor must be mature enough to handle people and money.

### ***Q. Are there codes of conduct that govern the behavior of drivers and conductors?***

**A.** There are certain codes of behavior the government places on all drivers and conductors:

No smoking: Both the driver and the conductor are not allowed to smoke in the matatu; this is because of the negative effects of second-hand cigarette smoke on the health of passengers.

No drinking of alcohol: Both the driver and conductor must not drink alcohol and drive at the same time as this will increase the risk of causing an accident. This also means that driving while intoxicated is also strongly prohibited. A drunk driver is an extreme danger to passengers, pedestrians and other drivers on the roads. It is urgent that an intoxicated driver be reported to police immediately.

No hanging on the exterior of the vehicle: 'Hanging' is the term used to describe when a conductor or passenger is not fully inside the vehicle while it is in motion. This creates an extreme risk for falling off and getting seriously injured or killed when the vehicle is moving, especially when taking a corner or abruptly braking.

No shouting: The conductor is not allowed to use crude language, or shout at a passenger.

Driver should not load passengers: The driver is not allowed to conduct and drive at the same time; he should rely on the conductor's direction on when to start and stop the vehicle.

No stopping on the road: Under no conditions is a PSV allowed to stop on the road. This is an extremely dangerous place for passengers to load and unload, and also a traffic hazard for other vehicles. Stopping should only take place at identified bus stops.

***Q. What are the consequences if these rules are not followed?***

**A.** The police can (and should) arrest both the driver and his conductor. The vehicle can also be detained at the local police station. The vehicle owner will then have to pay bail (cash deposit) for the release of the vehicle. Laws must be obeyed at all cost. Laws are meant to direct, teach and warn anyone who does not obey the law. (*Ezra 7:26*)

***Q. What are my rights as a passenger on a public service vehicle?***

**A.** You have a right to be dropped at your requested stage or bus-stop. Loud music is not good for your ears so you, as a passenger, have the right to request that the music be turned down, and to report the matter to the police when the driver refuses to do so. The conductor is not allowed to shove or push you into or out of a vehicle. You have a right to refuse to enter any matatu. During rainy days (and holidays), vehicle owners have a tendency of hiking fares and you have a right to refuse to pay and to report the matter to the police.

Pickpocketing is becoming a problem where people are tightly squeezed together on matatus or mini-buses. Passengers need to be very careful to guard against being robbed. Please remember that being victimized by a robber is a personal violation that requires special care and time to heal. When a pickpocket or thief is caught, do not get in the middle of an angry mob because it is too easy to get carried away by a crowd's emotions. Instead, find assistance in holding the thief until a police officer can be summoned to help.

***Q. What are my rights as a pedestrian?***

**A.** You have a right to cross the road at a zebra crossing (white diagonal area on the road). The matatu should stop at all zebra crossings when pedestrians are crossing. You have the right to report to the police any driver seen giving a bribe to a police officer. A worn out vehicle can be unfit for the road and you have the right to report such vehicles to the local authorities. The public has a right to arrest a driver if he hits a pedestrian with his vehicle or continues violating specific traffic laws and in the process endangering the lives of passengers and pedestrians.

***Q. What are practical ways that road safety can be enforced?***

**A.** Some of the practical things you can do to enhance road safety are to report to the police any over-speeding or an overloaded matatu, or a careless matatu driver. In the case of an accident, call the emergency number, **911**, or the police hotline, **999**, and describe the scene of the accident and the number of people involved. Follow up accidents by getting the license number plate, the insurance number and the policy number of the vehicle. Take pictures of the accident scene if possible. This will help establish the cause of the accident and possibly determine who was at fault. If possible, before the police arrive, take the initiative to guard the area to prevent theft from onlookers.

***Q. As a matatu owner, how can I help change the attitude of matatu drivers?***

**A.** It is not easy to change the character of a person. Most matatu drivers tend to project their anger on people who they say are "living well". As a matatu owner, take the time to talk to them every evening and establish good communication with them. You will find that within a given period, they will begin to open up to you. Try to talk them into being gentle with the passengers and also help them understand the importance of their job. Being hostile will only encourage rebellion. But be firm in demanding that the laws must be followed and that the safety of passengers should be the first priority.

***Q. As a passenger, what can I do to help change the attitude of the matatu driver and/or conductor?***

**A.** Be kind to all drivers and conductors. Try to be as calm as possible towards them, even if they are harsh towards you. If you humble yourself, they will most of the time calm down. A gentle word turns away wrath. (*Proverbs 15:1*) Avoid getting involved in an argument, but instead try to help them understand why you are offended or don't agree with their terms.

***Q. As an owner, how can I solve the issue of bribes?***

**A.** Giving or taking bribes is wrong. When you give bribes, you deny justice to the innocent. (*Isaiah 5:23*) Giving bribes to the police has become common, but you can make a difference by not offering bribes, no matter what the cost. If you, as an owner, state the principle clearly to your driver that bribing is not allowed and that there are consequences if they do so, you are helping to reinforce the need to do what is right. As the owner, try and be as firm as possible regarding the issue and explain that the repercussions to bribing are hurting the entire matatu industry.

***Q. What should I do if I see a policeman taking a bribe?***

**A.** Taking and giving of bribes shows a perversion of justice. (*Psalms 15:4*) You should not give or take bribes. (*Deuteronomy 16:19*) Not only is the person who *takes* a bribe doing wrong, but also the person who *gives* a bribe. You need to report to the authorities any policeman caught taking a bribe. This is a very serious offense. If possible, try and write down the badge number of the officer in question.

***Q. What should I do if I hit a matatu or a matatu hits my vehicle?***

**A.** Inform the police: Describe to the police the scene of the accident, the number of people involved, the number of people injured and if both vehicles involved are still at the scene. This is in case of a hit and run situation.  
Call an ambulance: If there are any casualties or serious injuries, call for medical assistance immediately.  
Do first aid: Some victims may be seriously injured and need special attention. As you wait for the ambulance, gather a few cooperative people to help you give the victims first-aid. *Caution: If you do not know how to administer first-aid, do not do it! Improperly administered first-aid can cause further injuries!*  
Exchange contact information: Exchange contact addresses and telephone numbers with the vehicle owner so as to keep in contact until the damages are settled financially or repairs are complete.  
Get the vehicle registration number: This will help you identify the vehicle that was involved in the accident.  
Get the insurance and policy number of the vehicle: This gives the details of the insurance company, which has insured the vehicle you have hit or that has hit you in order to prevent fraud. Some vehicles (especially matatus) might give you wrong details and then escape the charges. However, if you have the details of the company which has insured the vehicle, you can write a letter to that company to take care of the damages.  
Give a copy of the driver's license: This gives the police details about the vehicle and also the owner of the vehicle, especially in cases where the driver is seriously injured or dead.  
Fill out a motor vehicle accident report: In this report, you give the details of the accident, time, place, number of people involved, injuries sustained and also the number of deaths (if applicable).  
Write a statement: This is usually done in cases where there is little damage done. The two vehicle owners sign a statement claiming that there will be no claim in the future, and that each party will take care of their own damages. The statement should then be signed by both drivers in the presence of a witness, preferably a police officer.  
Get the police statement: In cases where there is severe damage, the police have to write a statement or 'abstract' about the accident. This will then be assessed to determine who was at fault.

***Q. What should I do if I hit a pedestrian?***

**A.** If you hit a pedestrian, you should do the following:  
Call an ambulance: Call an ambulance immediately. Your vehicle should not move from the spot where the pedestrian was hit – this will be used by the police to make a statement.  
Call the police: Inform the police of the accident and tell them whether the pedestrian is alive or dead.  
Give first-aid: Give first-aid (if qualified) to the pedestrian as you wait for the ambulance.  
Take the details of the injured victim: This will help you follow up in the hospital and to also find out if the victim survived or not.

***Q. What are the spiritual issues for matatus and riders to consider?***

**A.** Matatu transport is the most widely used means of commuting in Kenya, yet the people involved in this business are often rough, abusive, irresponsible and careless. Matatu owners and operators are supposed to ensure that their clients are offered comfortable and safe transport. However, passengers have at times become like sheep in that they simply follow the demand of these owners and operators. You, as a paying passenger, have a right to safe, reliable, and fair

public transport. If the vehicle you are preparing to board is unsafe, or breaks traffic laws, or is driven by someone who is under the influence of drugs or alcohol, simply refuse to travel on that vehicle. Be wise. (*Matthew 10:16*) Furthermore, matatu owners and operators alike need to be reminded to "...do unto others as you would want them to do unto you." (*Luke 6:31*) If they want to be safe and assured about their safety during their own commute, surely they should understand the need to treat others with the same amount of concern and respect that they would want. Finally, it places a burden on all riders to decide how to be responsible in their choice of transport providers. Waiting fifteen extra minutes for another matatu, or paying a higher fare for a safer ride may be somewhat of a hardship, but it is the kind of socially responsible action that is needed to avoid dangerous consequences.

Making a difference requires social responsibility from everyone, and such actions can be contagious for those who witness the boldness of conviction. The prophet Daniel was a man who made a conscious decision to be different. (*Daniel 1, 2, 3*) He and his colleagues dressed differently, they worshipped differently, and they even ate differently. In the end, they were rewarded by the ruler of the land and honored for taking a stand for their principles. Today, it is difficult to refuse a lift on an overloaded, loud, radio-booming law-breaking matatu when you're in a hurry. It is troubling and time consuming to file a police report and it can even be dangerous to accuse the police with taking a bribe or looking the other way. But if the need for a more responsible society and a better transportation system is more important than a quick ride to work each day, what other choice can you make? Simply put, refuse to follow like sheep. Think before you enter!

### ***Make a Difference!***

You can help stop road accidents and maybe save a life! The way to do that is to obey all traffic laws yourself, to help in enforcing traffic rules, and by calling the police whenever you see the rules being broken. Don't board an already full or dangerous matatu. You can *make a difference!*

### ***Classification of persons killed:***

<b><i>Drivers:</i></b>		<b><i>Pedal Cyclists:</i></b>	
Killed:	168	Killed:	191
Seriously injured:	570	Seriously injured:	436
Slightly injured:	811	Slightly injured:	573
<b><i>Motor Cyclists:</i></b>		<b><i>Passengers:</i></b>	
Killed:	39	Killed:	610
Seriously injured:	98	Seriously injured:	3,712
Slightly injured:	152	Slightly injured:	5,473
<b><i>Pedestrians:</i></b>		<b><i>Overall number of victims:</i></b>	
Killed:	712	Persons killed:	1,720
Seriously injured:	1,249	Seriously injured:	6,065
Slightly injured:	1,986	Slightly injured:	9,015

### ***Causes of Accidents:***

<b><i>Drivers including:</i></b>			
Motor Cyclists:	3,126	Road defects:	106
Pedestrians:	1,972	Obstruction:	64
Pedal Cyclists:	878	Vehicle defects:	373
Passengers:	388	Weather:	43
Animals:	55	Other causes:	667

*(Kenya Police, Traffic Division: July, 2002)*

## ***Resources***

Invesco Assurance Company Limited, 5<sup>th</sup> Floor Cotts House, P.O. Box 52964 Nairobi, 00200 Kenya.  
Tel: 254-2-248243/248526/248723. E-mail: info@invesco.co.ke

Traffic Police Headquarters. (2002). *Research and Planning Department*. Tel: 254-2-240000.

Trust Mark Insurance. (2002). P.O. Box 19966, Kenyatta National Hospital, Nairobi, 00202 Kenya.  
Tel: 254-2-271019/2718662. E-mail: info@trustmark.co.ke

## ***Community Contact***

Kamau, J. Matatu owner, route number 23 Nairobi, Kenya.

## ***Disclaimer***

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