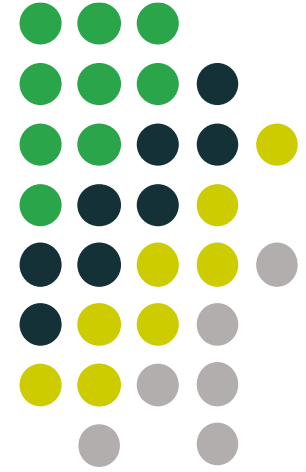


A review of motorcycle and motorised three-wheeler taxi related legislation in Kenya



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Introduction



Safe motorcycle and three-wheeler use for rural transport

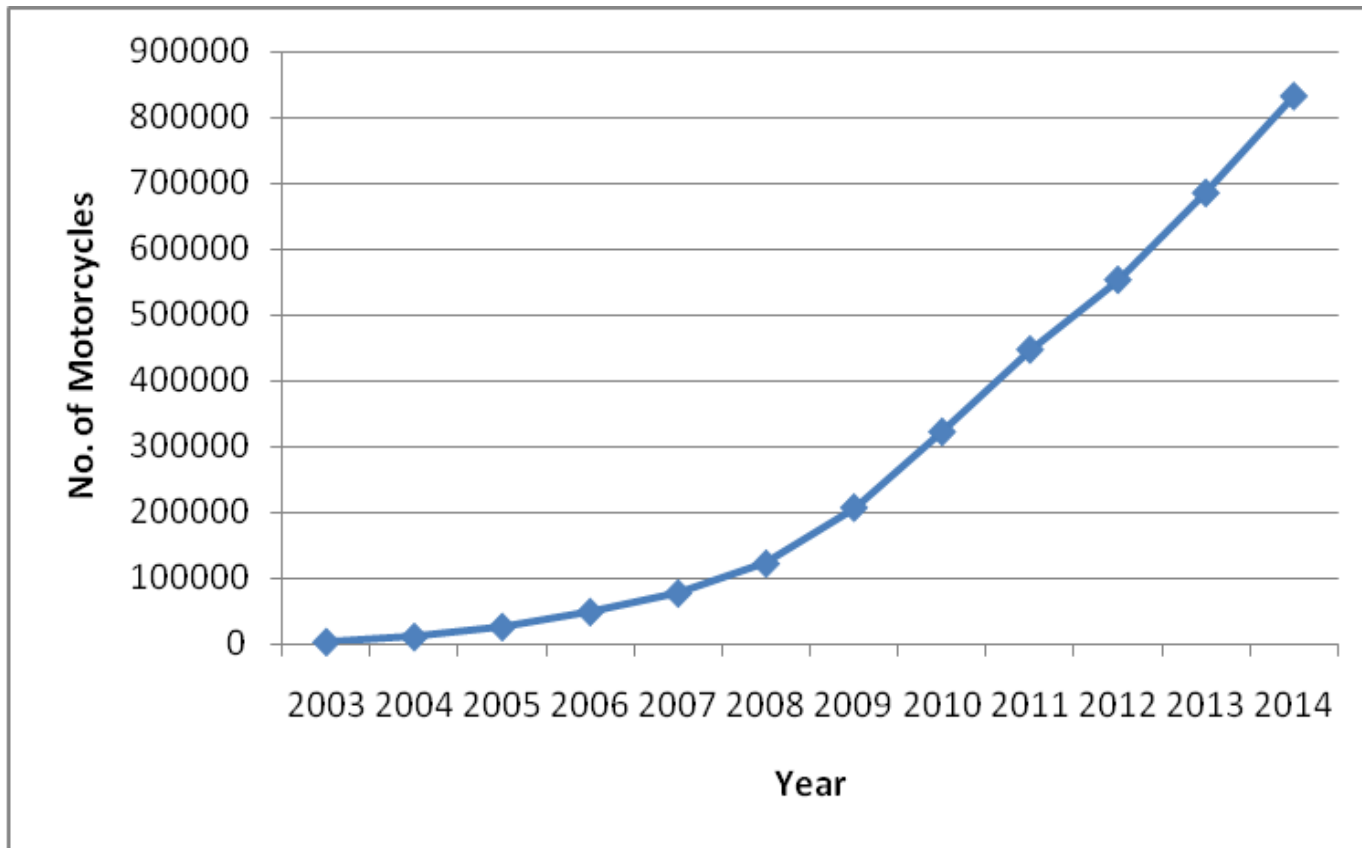
- Rapid increase in use of motorcycles across Africa.
- Used as taxis, to carry passengers and freight.
- Often most common form of motorised transport on rural roads.
- Access to markets, health facilities and education.
- Safety concerns.
- Governments struggle to regulate. In some countries (inc. Ghana, Zambia) motorcycle taxis are banned.



Introduction



Example of scale of growth: Tanzania



Registered motorcycles: 2003 – 1,884, 2014 – 832,149.
Now well over one million.

Introduction



Research project

- Enhancing understanding on safe motorcycle and three-wheeler use for rural transport and the implications for appropriate training and regulatory frameworks.
- Ghana, Kenya, Tanzania, Uganda.
- Understand effective ways of enabling rural people to benefit from the safe use of motorcycles and three-wheelers.
- Supported by AfCAP, working with partner institutions.



Introduction



Research activities

- Review of policy and legislation, and their implementation and enforcement.
- Survey of benefits and disbenefits.
- Investigations into the potential of technology.
- Ghana: Reanalysis of existing data.
- Kenya: Focus on health effects for motorcycle and three-wheeler riders.
- Tanzania: Development of operating manual for 'bodaboda' associations.
- Uganda: Focus on non-users.

Kenya: Background



Motorcycles and three-wheelers in Kenya

- ‘Bodaboda’, coined at the Kenya-Uganda border.
- 2013: 738,000 motorcycles and three-wheelers (WHO data).
- Now estimated to be over one million.
- Play critical role in rural mobility.
- Poor safety record.
- Health impacts for riders – respiratory problems, eye infections, arthritis.



Kenya: Review of policy & legislation



Documents reviewed

- The Traffic Act 39 of 1953 subsidiary (revised 2015).
- The Traffic Act Chapter 403 - Revised Edition 2012 (2010).
- The Operation of Motorcycles Regulations, 2014.
- Policy and legislation were also reviewed for Ghana, Tanzania and Uganda.

Kenya: Review of policy & legislation



Highlights of findings

- Number of adult passengers is limited to one.
- A child of less than 12 years is permitted to ride as a passenger on a motorcycle only if the child is sat between the rider and an adult passenger.
- For motorised three-wheelers, the number of passengers is limited to the number of seats available, and all seats must have seat belts.
- Weight and dimensions of permitted motorcycle loads are clearly defined.
- There is no legislation related to loads on three-wheelers.

Kenya: Review of policy & legislation



Highlights of findings, continued

- There is no legislation requiring riders to undergo motorcycle- or three-wheeler-specific training.
- However, Kenya's general driver training curriculum includes a chapter on motorcycles, which specifies 7.5 hours of theoretical training and 21.5 hours of practical training.
- Motorcycle and three-wheelers used to carry fare-paying passengers must have special public service vehicle insurance.

Kenya: Review of policy & legislation



Highlights of findings, continued

- Children must wear specially-designed children's helmets.
- Helmets should be yellow and should have the motorcycle registration number marked on them.
- Motorcycles should not be sold or transferred without two helmets.
- No requirements for helmets on motorised three-wheelers.

Kenya: Review of policy & legislation



Highlights of findings, continued

- Motorcycles should not be sold or transferred without two reflective jackets.
- Headlights of motorcycles must be on at all times when riding, including during daylight.
- Riders of motorcycle and three-wheeler taxis must be members of a registered association with no fewer than 100 members.

Kenya: Review of policy & legislation



Discussion: Good practice

- Comparing the legislation against other countries in the study, Kenya appears to provide examples of good practice, such as:
 - Requiring that children wear a specially-designed helmet, as such helmets are likely to offer better protection than ill-fitting helmets.
 - Requiring that motorcycles used to carry passengers have footrests for the passengers. As such, they will be less likely to fall off.

Kenya: Review of policy & legislation



Discussion: Good practice, cont.

- Requiring two helmets to be included when a motorcycle is sold or otherwise transferred from one owner to another. Helmets are known to reduce the severity of injuries.
- Setting clear restrictions on the weights and sizes of loads that may be carried on motorcycles. Carrying oversized loads creates risk of a collision or loss of control.
- Requiring operators of motorcycle and three-wheeler taxis to have specific insurance for passenger service vehicles. This means that passengers and their goods should be covered in the case of a crash.

Kenya: Review of policy & legislation



Discussion: Good practice, cont.

- Requiring use of headlights during daylight hours, thereby increasing the visibility to other road users and reducing the risk of a crash.
- Including motorcycle-specific training within the national driver training curriculum.
- Requiring taxi riders to be members of registered associations. If well run, such associations can assist with the enforcement of legislation, as well as providing social benefits to members.



Conclusions

Including next steps

- Too early to say whether Kenya truly represents best practice.
- Further investigations required to understand how legislation is implemented and enforced, especially in rural areas.
- These investigations will be coordinated with the Survey of Benefits and Disbenefits.
- Data collection in June and July: Ganze, Kaloleni, Kinangop and Nyeri.
- Workshop in Nairobi in August. Date soon to be confirmed.

Thank you



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www.research4cap.org/SitePages/MotorcycleSafety.aspx