

CONSUMER PROTECTION MEASURES AND ROAD SAFETY IN NYERI COUNTY, KENYA Joseph Mwangi Gichohi and Dr. Wilson Muna



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CONSUMER PROTECTION MEASURES AND ROAD SAFETY IN NYERI COUNTY, KENYA

Joseph Mwangi Gichohi Post graduate Student, Kenyatta University Email Address: jgichohi16@gmail.com Dr. Wilson Muna Lecturer: Kenyatta University Email address: wmunah2007@gmail.com Department of Public Policy and Administration

Abstract

The purpose of this study was to examine the effect of consumer protection measures implemented by Savings and Credit Cooperative Organizations (SACCOs) for Public Service Vehicles (PSV) on road safety in Nyeri County, Kenya. The study used descriptive case study design and employed SERVQUAL theory and Elton Mayo's HAWTHORNE effect in its theoretical framework. The target population was 11 PSV SACCOS licenced to operate in Nyeri County between 2016 and 2018. A sample size of 86 employees was drawn from the three largest SACCOs in Nyeri County. They included: 2NK SACCO, NAKONNS SACCO and NYENA SACCO. Stratified and simple random sampling techniques were used to select individuals who participated in the study. Primary data in this study was collected using selfadministered structured questionnaire and interview guides. Quantitative data was analysed through descriptive and inferential statistics while thematic analysis was employed to analyse qualitative analysis. Secondary data was used to provide a background and support the findings of the current study. Data was presented using tables and figures and multiple regression analysis was used to test all the hypotheses. The findings indicated that management of PSV SACCOs with focus on wearing seatbelts, driving within the speed limit, use of speed cameras greatly contribute in reducing road crashes deaths. In addition the study found that a safe system approach combining infrastructure and speed management measures further produced substantial safety gains for road users. The results also showed a significant relationship between Consumer Protection through PSV SACCOs and road safety in Nyeri County.

Key words: Consumer Protection, Road Safety, public service vehicles

1.0INTRODUCTION

In 2013, the National Transport and Safety Authority (NTSA) enacted Licencing Regulations for Public Service Vehicles (PSVs) with an aim of restoring road safety on the Kenyan roads. The regulations required the authority to licence only vehicles that belong to SACCOs and companies to operate as PSVs. These regulations required the PSV operators to implement consumer protection measures. However little was known about the effects of these consumer protection measures undertaken by PSV SACCOs on Road Safety in Kenya; this is the gap that this study sought to fill.

According to Brenton and Isik (2012), public transport sector in developing economies especially in the African continent are faced with a number of challenges which include; poor quality of transport services; inappropriate modal split; unexploited regional role of the transport system; transport system not fully integrated; urban environmental pollution; lack of an urban/rural transport policy; institutional deficiencies; inadequate human resource capacity and lack of a vision for the transport sector. The Kenyan public transport faces challenges like Poor Quality of Transport Services, High costs for passengers, Low levels of investment, Long waiting times, Lack of an Urban/rural Transport Policy, Weak and ineffective structures and Lack of capacity to manage the sector. Investment in the transport sector covers a wide range of projects with participation from a cross range of public and private. These investments cover infrastructural projects in transport that have reached financial closure and directly or indirectly serve the public (Oira, 2015).

Public Transport SACCOS in Kenya were formed to comply with the National Transport and Safety Authority operation of Public Service Vehicles Regulations, 2013 that came into effect from July 1, 2014. The regulations made it mandatory for all public service vehicles seeking Transport Licensing Board (TLB) certification to be members of a Matatu Sacco in Kenya or belong to a company. The body corporate must own a minimum of thirty serviceable vehicles registered as public service vehicles (National Transport and Safety Authority, 2014). The main purpose for the regulations was to ensure the provision of safe, reliable and efficient road transport service in Kenya. Public transport SACCOS in Nyeri County (NC) are operated by a few bus companies and the paratransit matatus. There are 11 Public Transport SACCOS registered within Nyeri County (National Transport and Safety Authority, 2014).

Ensuring road safety through providing and enforcing regulations that would ensure the crashes are reduced, guarantees that investors' investment will be protected so will the lives of road users. It should be noted that every investor is interested in investing in a business that they are sure is well regulated to cushion their investment from unnecessary risks (Kile, 2011). Availability of regulations is not just enough; going the extra mile to ensure adequate implementation of these laws is also important in confirming that a sector is well regulated. In fact, the presence of the laws does not have a significant impact on the sector but strict adherence to the same thus ensuring road safety (Afsah, 2013).

Road safety refers to methods and measures for reducing the danger of a person utilizing the road network being killed or severely hurt. The users of a road include pedestrians, cyclists, motorists, their passengers, and passengers of on-road public transport, mainly buses and

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trams. Best practice road safety strategies focus upon the prevention of serious injury and death crashes in spite of human fallibility (Mullen, Tight, Whiteing & Jopson, 2014).

Nearly three thousand and four hundred people die on the world's roads every day. Tens of millions of people are injured or disabled every year. Children, pedestrians, cyclists and older people are among the most vulnerable of road users. The role of reducing the road carnage is a collective responsibility of all stakeholders in public transport sector. These include bus owners, employees, government regulators and commuters (Arason, 2014). For a long time, commuters have been left out in the fight. But according to Kevin Ganza of the University of Rwanda's College of Science and Technology, passengers should also take responsibility of their safety on the road by calling to order reckless drivers through traffic police phone numbers. The numbers should be displayed inside buses so that passengers can alert the police when they feel their safety is being compromised (David, 2014).

Over the last few years road crashes have been very rampant on Kenyan roads particularly during festive periods leading to a lot of losses being incurred. Inadequate enforcement of the available regulations in public transport saw speeding and overloading of PSV vehicles increase hence the crashes (Saylan & Blumstein, 2011). When the formulated regulations are weak or when the enforcement of the available regulations is inadequate, motorists see that as a chance to engage in illegal practices like overloading of freight vehicles, illegal PSVs or racing of buses and it is only through strong regulations that are well implemented that award of driving licenses fraudulently will be controlled hence controlling dangerous and reckless driving practices" (Leigh & Blakely, 2016)

Various theories have been formulated on management of public transport and road safety. This study was reviewed using SERVQUAL and HAWTHORNE theories and draws their relevance in the study as discussed below.

2.0 THEORETICAL REVIEW

2.1 Servqual Theory

In conducting this study, the researcher was guided by the SERVQUAL Theory. The SERVQUAL theory developed by Zeithaml (2003) explains the relationship between customer satisfaction and service quality. According to the theory, there is a direct relationship between the quality of services offered by a service provider to a customer and the level of customer satisfaction derived from the same (Agbor, 2011).

According to Cook, Heath, and Thompson (2003), expected or desired level represents the level of service that users expect to receive from the library; and the perceived level the actual services provided by the service providers or obtained by the users (Onyeaghala, 2016).

Service quality is generally visualized as the sum of customer perceptions of the service experience. The difference between service quality and satisfaction is a global judgment, or attitude, relating to the superiority of the service. Whereas satisfaction is related to the specific transaction, customers form service expectations from many sources, such as past experiences, word of mouth, and advertising (Milakovich, 1995; Berry, Seiders & Grewal, 2002).

In general, customers compare the perceived services with the expected service. If the perceived service falls below the expected service, customers are dissatisfied and if the

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perceived service quality is above the expected level, it creates satisfied customers (Goddard, Raab, Ajami & Gargeya, 2012). According to Becerra, Santalo and Silva (2013) service quality has become a significant differentiator and the most powerful competitive weapon which many service organizations possess. Successful companies add benefits to their offering that not only satisfy customers but surprise and delight. Delighting the customers is a matter of exceeding expectations.

As public transport organizations grow older and matured, the quality of service dwindles down with public being left with no option but to accept what is offered. To help this situation the concept of quality need to be introduced into public transportation for meeting the quality expectations of the public (Ngo, 2015). Service quality is recognized as one of the important areas on which public organizations including transportation services are focusing in present times (Brown, 2013; Chowdhury, Alam & Ahmed, 2015).

Better quality in public services such as better experience management, adopting corporate style of functioning, bench marking activities, competitive based work environment, optimization and better planning of organizational resources, more focus on service quality output generation (Mathooko & Ogutu, 2014). Though service quality is an important aspect in public transportation, there is very less research being done to explore this issue. Hence to a large extent it's a virgin area to investigate. Therefore, systematic research aimed at measuring the commuters' perception on service quality offered by the public transport services will be beneficial to consumers and service producers.

2.2 HAWTHORNE Effect

The term Hawthorne effect was coined in 1958 by Henry Landsberger when analysing earlier experiments from 1924–32 at the Hawthorne Works; a Western Electric factory outside Chicago (Bayer, 2014). The Hawthorne effect is also referred to as the observer effect. It is a type of reactivity in which individuals modify an aspect of their behaviour in response to their awareness of being observed (Chen, Vander, Hofmann & Reisinger, 2015). It was named after the original research at the Hawthorne Works in Cicero, Illinois, on lighting changes and work structure changes such as working hours and break times was originally interpreted by Elton Mayo and others to mean that paying attention to overall worker needs would improve productivity (Young, 2016; Yousuf, 2016).

This model was relevant in explaining the behaviour of PSV SACCOS in the context of them being observed by the NTSA and also the behaviour and performance of the individual drivers and other employees while being observed by the PSV Sacco management and the public. The model was used to validate the findings and serve as a basis for recommending desirable public policy intervention.

2.3 Consumer Protection Standards by PSV SACCOS and Road Safety

The Consumer Protection Act (CPA-2012) provides for the protection of the consumer, prevents unfair business practices in consumer transactions and for matters connected and incidental thereto. In Public Transportation, Consumer Protection Act is designed to provide the lowest possible cost of public transportation, consistent with service quality and safety standards by creating a competitive environment in which both public transit agencies and private transportation providers are fairly considered for operation of services.Consumer's federation of Kenya (COFEK), consumer protection act, 2012 (Republic of Kenya, 2014).

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The management of the Public transport SACCOS in Nyeri County should ensure that the commuters are served well thus helping to handle the challenges facing the public transport sector. This section of literature review gives a holistic picture of studies conducted in consumer protection and presents the findings by various researchers.

Bolella (2011) studied public perception of public transportation and its built environment in the new haven – Springfield Corridor. This research found that people place a significant value on the quality of public spaces created by transit, captured here through the use of digitally rendered built environments that depict several features of good public spaces: wide sidewalks, greenery, reduced building setbacks, etc, combining different levels to define four distinct groupings of public spaces. It also discovers that an individual's willingness to pay for public spaces varies based on geography of their community.

A study conducted by Redman, Friman, Garling and Hartig (2013) revealed that, by replacing a complex per-boarding fare system with a simple zone fare system with free transfers in Haifa, 30% of the passengers reported that they were making more trips by bus after the reform. The former system overcharged the passengers and was very inefficient for the same.

A study by Omondi (2012) to find out whether the reforms introduced by the government between 2003- 2005 had contributed to road safety behaviour. The study took cognizance of the government's efforts to bring reforms in the transport sub-sector through legal notice No. 161 and other policies. The study was anchored on rational choice theory and reasoned action theory. The study findings revealed that the level of road safety behaviour continued to be very low despite the transport reforms introduced by the government. The study also observed that there was a high level of awareness by *matatu* crew with regards to the traffic rules.

Also adherence to some of the requirements of Legal Notice No. 161 is relatively high like fitting seatbelts, displaying driver photograph and uniforms. However, the study found a high disregard to traffic rules. Further the study revealed that most of the drivers had attained some form of driving training in a formal institution. Majority of the *matatu* drivers worked full time and most of the drivers had a positive perception about the traffic rules but cited working conditions as an obstacle to following them.

National Planning Commission (2011) and Mokonyama (2012) posit that the quality of public transport service in South Africa requires urgent improvement since it affects mostly poorer members of the community who rely on it for daily commuting. Finn and Mulley (2011) found that the poorer members of the community are often faced with inadequate transport service, poorly arranged schedules, the absence of facilities – including bus stops and shelters, and the infrequency of services, particularly at off-peak times.

Govender (2014) conducted a study on commuters' perceptions of bus and mini bus taxi service quality using SERVQUAL instrument. The results showed an overall perceived quality of public bus transport services exceeded that of minibus taxis, despite the minibus taxis being the dominant mode of public transport. All the RECSA (Reliability, Extent of the service, Comfort, Safety and Affordability) dimensions of transport service quality influenced the respondents' perception of public bus service, influenced their perception of the minibus taxis service quality. To improve public road transport service quality, service providers

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should among others, implement scheduling systems to improve the punctuality of the service, invest in communication systems, introduce a comfort rating system, improve the arrival times at destinations and reduce journey length.

A study conducted by Nhundu (2013) on the challenges of public transport in Dar-es-Salaam found that 81.9% of passengers rated operatives' language as poor or very poor. Incidences of abusive language were more pronounced during collection of fares, loading and disembarking of passengers. The study also found that 87.7% of passengers were not satisfied with neatness of bus crew. Apart from bad language and dirtiness of crew, noises from radio and music players were the third ranked nuisance on board by passengers. Playing music or radio on a high volume, apart from disturbing passengers, led to misunderstanding, and therefore resulting in bad relationship between bus crew and passengers. All these factors contribute to the poor perception of commuters on the quality of services.

3.0 RESEARCH METHODOLOGY

A descriptive case study research design was used in this study with the aim of collecting detailed and factual information that describe the effects of self-management of public service SACCOs on Road Safety in Nyeri County. The target population included all the 11 PSVs SACCOS registered and licensed by the National Transport and Safety Authority operating and headquartered in Nyeri County as at (2016). The accessible population was the three (3) largest PSVs SACCOS operating and headquartered in Nyeri County and headquartered in Nyeri County with a total population of 110 employees which follow under top, middle and lower management levels.

Psv Sacco	Management Level	Stratum
	Strata	Population
2NK SACCO	Top Level	4
	Middle Level	10
	Lower Level	31
Sub Total		45
NAKONNS SACCO	Top Level	4
	Middle Level	8
	Lower Level	24
Sub Total		36
NYENA SACCO	Top Level	4
	Middle Level	6
	Lower Level	19
Sub Total		29
TOTAL		110

 Table 3.1: Distribution of Target Population

Source; (NTSA, 2017)

The study used stratified and simple random sampling techniques to select the required sample from the target population of 110 employees that was drawn from the three strata of top, middle and lower management levels of the PSVs SACCOS registered and licensed by the National Transport and Safety Authority operating and headquartered in Nyeri County. Based on the total population of 110 employees, a sample of 86 was drawn using Sekaran (2003)

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sample size determination table at 95% confidence level. Out of 110 questionnaires that were administered, fifty-four questionnaires were completed and returned, this gave a response rate of 63 per cent. According to Mugenda and Mugenda (2003), Saunders, Lewis and Thornhill (2007), a response rate of 50 per cent is adequate, a response rate of 60 per cent is good, and a response rate of 70 per cent is very good. Sixty-three per cent response rate was therefore appropriate for drawing conclusion of this study.

An interview guide was used to conduct interviews with a key informant from each PSV SACCO to compliment data collected using the questionnaires. Three key informants from top level management were interviewed; one from each SACCO. Resultant quantitative data was analysed using descriptive and inferential statistics while qualitative data collected using interview schedules was analyzed using thematic analysis and results presented in direct quotes. The researcher sort and received relevant authorizations from the National Commission for Science, Technology and Innovation (NACOSTI), from County Commissioner and County Director of Education in Nyeri County. The study guaranteed confidentiality and anonymity in carrying out the research and respondents were given the opportunity to sign the consent form.

4.0 DISCUSSION OF FINDINGS

4.1Consumer Protection through PSV SACCOS and Road Safety in Nyeri County

Consumer Protection through PSV SACCOs and road safety in Nyeri County was assessed using five items. The responses were rated using a likert scale on the level of 1 to 5. The results are shown in table 4.1 below

	Description	Strongly Disagre e 1	Dis agr ee2	Neut ral 3	Agre e 4	Stron gly Agree 5	Me an	STD EV
1.	Regular fares reduce traffic							
	fatalities	4%	7%	19%	24%	46%	2.20	1.35
2.	Reduced fares reduce nonfatal		39					
	injuries	28%	%	7%	19%	7%	2.39	1.28
3.	Security standards such as seat belts and speed governors							
4.	reduce non-fatal injuries Security standards such as seat belts and speed governors	4%	0%	2%	31%	63%	4.50	0.86
5.	reduce fatal injuries Security standards such as seat belts and speed governors	2%	0%	7%	43%	48%	4.35	0.78
	reduce costs resulting from		17					
	fatal injuries	0%	%	4%	35%	44%	4.07	1.08
Agg	regate						3.50	1.07

Table 4.1: Consumer Protection Measures and Road Safety in Nyeri County

Source: (Research data, 2018)

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The results in table 4.6 above show that the aggregate mean and standard deviation are 3.50 and 1.07 respectively. This implies that the respondents agreed that measures put in place by PSV SACCOs to protect their customer from exploitation by conductors have served to improve road safety. The measures include regularization of fares waiting times. The mean score and standard deviation for Security standards such as seat belts and speed governors are 4.50 and 0.86 respectively. This implies that the respondents strongly agreed that in case of an accident, security standards such as seat belts and speed governors reduce non-fatal injuries. This is supported by a low standard deviation of 0.86 indicating that there were small variations in the respondents' opinions.

Similar findings were reported by Michieka (2017) on road safety tips from the drivers' perspective indicated that the issue of observing safety rules, regulations and ethics on the roads is brought to their attention repeatedly. Some of the tips given to the drivers to ensure safety while driving included: not speeding even while going downhill; not using mobile phone while driving; not overtaking at blind spots and ensuring passengers buckle their safety belts before the start of the journey. The findings indicated that observing all these regulations and measures enhanced passengers' safety. Bosch (2010) and Nhundu (2013) reported similar findings where service quality and affordable services were hindered by budget constraints and therefore joint investments in the public service transport would melt down this barrier. Frequent complaints include poor quality of roads, overcrowding of buses, unpredictable and irregular service and inadequate terminal facilities. The study also revealed that routes run between terminals controlled by the operators' union which limits the degree to which they can be adjusted to meet passenger demand. As a result, passengers must change buses at least once to reach their destination, thus increasing the duration and cost of their trip.

4.2 Regression Results

SUMMARY OUTPUT						
Regression Statistics						
Multiple R	0.792961975					
R Square	0.628788694					
Adjusted R Square	0.59848573					
Standard Error	0.3798	811121				
Observations	54					
ANOVA						
	df	SS		MS	F	Significance F
Regression	1	11.9733	3026	2.99333256	55 20.75007244	4.68494E-10
Residual	49	7.06856	7887	0.14425648	37	
Total	53	19.0418	9815			
	Co	efficients	Stand	lard Error	t Stat	P-value
Intercept	0.6	16728079	0.355	741803	1.733639607	0.089270885
Consumer Protection	0.2	68159111	0.086	629962	3.095454546	0.003245396

Table 4.2:	Regression	Results for	Management	of PSV	SACCOs ar	nd Road Safety
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Usefulness of the Model

Table 4.2 shows F statistic is 20.75, with a P-value of 0.000 which is less than 0.05, which implies that the independent variable is significant in explaining variations in the dependent variable. Adjusted R-squared is 60% meaning that the independent variable (Consumer Protection) explains 60% of variations in the dependent variable (Road safety) while the remaining 40% is explained by other variables not included in the model. Therefore, the model can reliably be used to test the influence of Consumer Protection on road safety.

Empirical Model

From the regression results in table 4.8 above, the model below was generated.

 $RS = 0.62 + 0.27CP + \epsilon$

Where,

RS = Road Safety

CP = Consumer protection standards

$\mathbf{\mathcal{E}}$ = Standard Error

To assess the effect of the management of public service vehicles' SACCOs on road safety in Nyeri County, the following the null hypothesis below was formulated and tested:

Null Hypothesis: Consumer protection standards by PSV SACCOS has no significant effect on road safety in Nyeri County

Table 4.8 shows that the coefficient of Consumer Protection by PSV SACCOs was positive at 0.27, with the t-statistic and corresponding p-value of 3.10 and 0.00 respectively. The P-value is less than 0.05, thus, the study rejected the null hypothesis at 5% level of significance and concludes that there is a significant relationship between Consumer Protection through PSV SACCOS and road safety in Nyeri County

Qualitative data analysis was done thematically using open coding, which is the process of breaking down, examining, comparing, and conceptualizing data to identify common major themes and sub-themes

Themes

Regularisation of Fares

Regularisation of fares came out strongly from during the interviews with the key informants.

Interviewee I: "PSV Saccos have brought sanity and predictability in the public transport system. Before the establishment of these Saccos, the PSV drivers and conductors hiked fares at their wish, even in the middle of the journey. However with PSV Saccos, fares are determined by the management and the conductors are required to display them. This way the passengers get to know how much the fare is before deciding to board the vehicle. The fare is paid to the office, the passenger keeps the receipt up to the end of the journey."

Effective Seat Belts and Speed Governors

This is another theme that emerged.

Interviewee II: "Security standards such as seat belts and speed governors reduce fatal injuries. Effective seat belts and speed governors reduce chances of involving in a road

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accidents, and even if it happens, the injuries are not severe when the vehicle is within the speed limit and passengers have put the seat belts on." "However Laxity in law enforcement is still a problem. Many police officers are still reluctant to enforce the laws. Whereas the government has been fighting corruption, many police officers are still extorting bribes from PSVs."

Access to Finances

From the research findings, majority of the respondents disagreed that access to finances enables investors cover extra costs incurred in PSV operations without affecting the business negatively, they agreed that inadequate access to finance leads to an inefficiently working transport sector, inadequate financing leads to investment in smaller capacity vehicles which are not cost effective enough.

Interviewee III: "Inadequate financing has been the major factor driving motorists out of business in this industry any time a serious accident happens. Inadequate access to finances leads to acquisition of vehicles that are 'un-roadworthy', unsafe and costly to maintain. Don't also forget about the numerous cartels in this industry, they are responsible for fare prices being increased hence reducing revenue, raise the cost of investing in transport industry, make investors fear to invest in public transport. Extortion from cartels on certain routes leads to investors blacklisting the routes hence stagnating growth of transport sector in such areas/routes and cartels harass customers hence giving a bad image to affected routes and form a hub of conflicts in the public transport sector.

5.0 CONCLUSION

The study determined that enhanced management of PSV SACCOs has considerably improved road safety in Nyeri County. The study highlighted a significant relationship between consumer protection, regulation measures, and enforcement measures of PSV SACCOs and road safety. Respondents attributed reduction of road crashes deaths and substantial road safety gains to the use of seatbelts by passengers, driving within the speed limit, and use of speed cameras by traffic enforcement agencies.

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