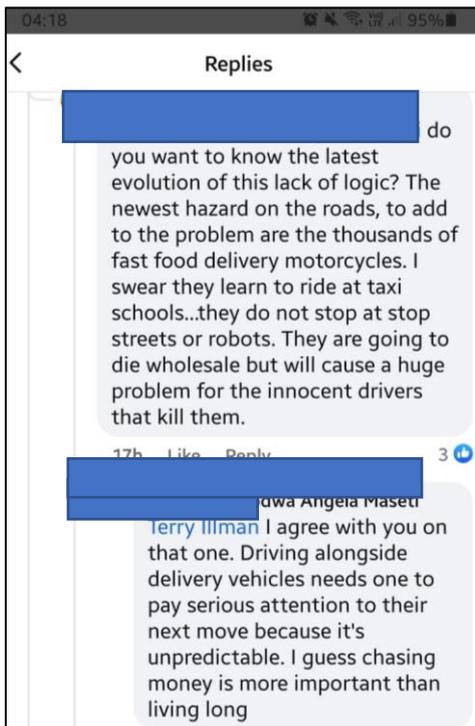


Delivery motorcycles, time constraint and oversight; Food for thought:

Much has been written about the world changing to one of convenience, none more than that of fast food and convenient home delivery. In recent conversation, it was pointed out just how shocking the driving of some of the delivery motorcycles riders are. Regularly spotted splitting lanes in a reckless manner, not stopping at traffic lights, no indicating and very often with the helmet sitting “half-mount” on the head. The poor condition of many of the delivery bikes very often obvious, unroadworthy with no headlights nor taillights, engines smoking excessively and even with nylon exposed tyres and bent wheels clearly obvious. Likewise, it is not uncommon to see a bouncing delivery box & lid, poorly mounted and often a simple plastic storage box made use of.

Literature research on this issue¹, locates various articles that have been penned. In open, online forums, it is not uncommon to find the kind of commentary evident below²:

Images: Online comments on open forum, local and abroad:



General articles that have been penned are also notable. The first being that of the Motorcycle Safety Institute of South Africa³. Perhaps the key comments as follows:

This will be a big pill to swallow by most, but in a perfect world companies can:

- *Ensure contractor employed riders are fully licensed*
- *Subsidise or pay for proper rider training*
- *Outfit employed riders with proper riding kit*
- *Inspect the riding kit of both employed and contract riders on a regular basis*
- *Inspect the motorcycle/scooter of each rider on a regular basis (involve local dealers to participate on inspections and servicing)*
- *Subsidise medical or life insurance policies on each rider*
- *Ask local riding school instructors to give monthly safety talks*
- *Form a labour union to represent delivery riders and their rights to a safer work experience*

¹ The particular aspect of motorcycle (to include all two wheel derivatives such as scooters) deliveries.

² It is acknowledged that all too often complaints will be aired, and positivity insight simply remains mute, nonetheless.

³ <https://www.msi.org.za/the-safety-and-life-of-a-delivery-rider/>

Business owners have no responsibility to contracted riders⁴, something that rests with the rider or employer of the rider. How do we take the safety of this vital component to the next level? By holding employers accountable and setting penalties in place to riders who do not conform to standards and regulations for professional service delivery.

The second article that of Ground Up, penned in July 2019⁵. Perhaps the key comments as follows:

Even so, some of the staunchest defenders of food delivery remain the drivers themselves - young men who the formal economy otherwise excludes. "If you don't fix your bike, if you drive like an idiot, it's on you," one of them told me. Another, to murmured approval from his colleagues, said: "We knew the deal when we signed up."

It is true that, no matter the working conditions, drivers have agreed to them, and that for the majority no compelling alternative exists. It is also true that, in many of the African nations they hail from, road safety is even laxer. "At home, those guys would be driving without helmets," a Zimbabwean man said, deriding his colleagues from further north.

But the question is whether this should absolve food delivery companies of scrutiny - especially in South Africa, one of the world's least equal societies and a beacon for immigrants from across the continent. "Nobody can be held accountable," said Blight, from Bike Savvy. "And that's become the norm."

So just who are these delivery services? There are many, some directly owned by the product supplier, however it appears that the majority are contracted delivery companies, or contracted delivery drivers as individuals. Contracted drivers appear to be the norm, assumed to be so in order to reduce costs, liability, staff, equipment and in general the task of managing what is effectively a fleet operation.

Image credited to: Bike City Durban, – <http://bikecity-durban.co.za/home/debonairs-scooters/>



Shoprite Checkers, a subsidiary of Shoprite since 1991, there are 37 Checkers Hypers in South Africa and over 200 Checkers supermarkets - mostly in South Africa - but also in Botswana and Namibia, being one of the more recent entries into the fray of quick and convenient home delivery. Their services called for through their App, "Checkers Sixty60". Their services offered⁶, in over 125 areas across all 9 provinces", and growing. An interesting discussion through Moneyweb, Mr Simon Brown, undertook an interview with Mr Neil Schreuder of Shoprite on their success of the Checkers Sixty60 facilities⁷. Of note is the comment made by Mr Schreuder, as to their success at delivery being, "80% less made in less than 60 min, with a record delivery time of 11 minutes".

⁴ Writer – This is not quite so, however this issue will be returned to later

⁵ <https://www.shopriteholdings.co.za/articles/Newsroom/2020/checkers-sixty60-creates-800-new-jobs-to-ensure-one-hour-deliver.html>

⁶ <https://www.sixty60.co.za/where-we-deliver.html>

⁷ <https://iono.fm/e/922838>

Although a brief passing comment by Mr Brown is made to the effect of “*I assume these are contracted services*”, no actual comment or insight is provided as to Shoprite actually owning and managing the driver and delivery vehicle services, or these being contracted services.

Image credited to: Shoprite – Press Kit - ⁸



What is of interest here, is the fine line between attaining a reliable and quick delivery service, and that of creating a risky, time dependant rushed service. This is akin to the often-raised issue of incentivising commercial vehicle drivers to complete trips as quickly as possible, and undertake as many trips as possible, most certainly not conducive to safety⁹.

Of interest, is the issue of quality control or fleet management¹⁰, in respect of the service providers undertaking these deliveries. Monitoring, in respect of the drivers themselves and their abilities and the equipment they utilize, among many related issues, is a crucial part of acceptability¹¹.

Mr Delivery¹², another of the regular delivery service providers, making extensive use of motorcycle deliveries.

Image credited to: Ground Up Article, Dated 2nd July 2019 – Kimon de Greef / Ashraf Hendricks¹³



Notably, Mr Deliver indicates that their drivers are Professional Drivers, and provides a facility for drivers to apply, listing the requirements:

⁸ <https://www.shopriteholdings.co.za/articles/Newsroom/2019/checkers-pioneers-new-60-minute-grocery-delivery-service.html>

⁹ Extensive number of research papers have shown this to be less than ideal

¹⁰ Either in respect of a service provider providing the delivery services, or making use of one`s own fleet.

¹¹ We will return to this issue later

¹² https://www.mrdfood.com/?gclid=CjwKCAjw2ZaGBhBoEiwA8pFP_loBvClpMbu5cly6kmfm022zNwC8GXiTZRktIQJm_jKji6Y2oOKtbxoCoIIQAvD_BwE

¹³ <https://www.groundup.org.za/article/migrant-food-couriers-risk-death-south-african-roads/>

Professional drivers:¹⁴

Our drivers are vetted and trained to guarantee strict adherence to best practice.

Requirements:

*Own smartphone required with android V6 or higher for the delivery app & GPS
Your own motorbike or light vehicle (preference will be given to bike drivers)
ID document / Passport
Asylum / Work permit (If foreign national)
Valid driver's licence
Vehicle Registration (RCI)
Vehicle License Disc
Letter of Consent / Affidavit (If vehicle is not in your name)
Proof of address
Proof of banking details (Confirmation letter)*

What is of interest here, is the fine line between attaining a reliable and quick delivery service, and that of creating a risky, time dependant rushed service. Interestingly, it appears that these requirements do not see a Professional Drivers Permit (PrDP) being a requirement. This is a notable issue¹⁵, with the drivers and their deliveries forming part of a commercial venture, providing reward (Employment and pay for services).

Onecart¹⁶, being a further service provider among the many. Onecart provides deliveries for a number of key brands. Their site also provides for some basic data on “Become-a-driver”:

Basic Requirements:

*Be 21 or over
Be eligible to work in South Africa
Must have your own vehicle
Must have access to a recent smartphone (iPhone 5 / Android 4.4 or newer)
Must have a valid South African Professional driving permit (PrDP)
Provide a background/criminal check report that's not older than 3 months
Provide a driver profile photo (must be a forward-facing, centred photo including the driver's full face and top of shoulders, with no sunglasses)*

Besides the type of vehicle being used for delivery, that of a two wheeled vehicle, there is no difference in the requirement to manage the driver, vehicle and entire fleet, in the same fleet management process and in compliance with all laws¹⁷, as that of a commercial vehicle (or sedan / light delivery vehicle) fleet.

Arguably, with the number of delivery services that now abound, the apparent proliferation of this service, especially among the current COVID parameters, could see the number of riders and motorcycle already far exceeding that of commercial and other fleet driver and vehicle numbers¹⁸. A strong suggestion of this, is the offering of services by various motorcycle shops, Scoot Dr¹⁹ being one example.

Scoot Dr offer sales and maintenance for delivery fleets of three wheels or less. Scoot Dr support and service 3-wheeler (tuk-tuk) & scooter sales through our fleet management operation and networked service suppliers nationally.

Mobile technicians (man in vans) operate from our workshops in Johannesburg and Cape Town along with networked specialized service providers in Durban, PE, East London, Bloemfontein etc.

Currently, we service and repair the National Pick 'n Pay fleet of 3-wheelers (Delivery vans) that are used for most of Pick 'n Pay's online food orders, as well as the Takealot fleet of Atul Delivery vans.

¹⁴ Ibid (7)

¹⁵ We will return to this issue later

¹⁶ <https://www.onecart.co.za/>

¹⁷ Most notably the National Road Traffic Act and the Occupational Health and Safety Act – see discussion that follows

¹⁸ Specific research located no empirical data on numbers, this could make for an interesting study

¹⁹ <https://www.scootdr.com/fleet-management/>

McDonalds, various Takealot / Mr D Franchisees, various Debonairs outlets, CitiSprint's fleet of Sym 125cc and maxi-scooters are a few of our fleet managed scooter and motorbike clients.

Let's get clarity on some the laws that regulate and guide. The National Road Traffic Act (NRTA), is the initial Go-To, with the following key factors:

In respect of both the learner licence (academic testing) and the driver (Rider) licence (practical testing), the K53²⁰, is the current requirement or standard of compliance in respect of both. The codes for motorcycle licences are:

- A1 - **Motorcycles** with an engine capacity of 125 cubic centimetres or less
- A - **Motorcycles** with an engine capacity greater than 125 cc

In respect of the basic guiding rules of a motorcycle rider, the following is noted, *Chapter X: Rules of the road and matters relating thereto Part I: Rules of the road Regulation 309: Duties relating to motor cycle or motor tricycle*²¹.

- *No person shall on a public road carry a passenger on a motor cycle unless such cycle has an engine with a cylinder capacity exceeding 50 cubic centimetres and unless such passenger is seated in a side-car or astride on a pillion attached to such cycle and, in such latter event, the feet of the passenger are resting on foot-rests suitable for that purpose.*
- *No person or animal or object shall be carried on a motor cycle or motor tricycle on a public road in front of the driver thereof: Provided that an object of a non-bulky nature may be so carried if securely attached to the motor cycle or motor tricycle or placed in a suitable carrier fitted thereon for that purpose and carried in such a way as not to obstruct the driver's view or prevent his or her exercising complete control over such motor cycle or motor tricycle;*
- *(a) Persons, other than traffic officers in the performance of their duties, driving motor cycles on a public road, shall drive in single file except in the course of overtaking another motor cycle, and two or more persons driving motor cycles shall not overtake another vehicle at the same time: Provided that where a public road is divided into traffic lanes, each such lane shall, for the purposes of this paragraph, be regarded as a public road.*
- *(b) For the purposes of paragraph (a), a motor cycle shall include a motor tricycle*
- *No person driving a motor cycle or motor tricycle on a public road or seated on such motor cycle or motor tricycle shall take hold of any other vehicle in motion.*
- *Any person driving a motor cycle or motor tricycle on a public road shall do so with at least one hand on the handlebars of such motor cycle or motor tricycle.*
- *Any person driving a motor cycle or motor tricycle on a public road shall do so in such manner that all the wheels of such motor cycle or motor tricycle are in contact with the surface of the road at all times.*

There is no law as to what to wear, other than the legal requirements of a helmet, NRTA Regulation 207. In a similar vein, although the NRTA does not specify exactly how and what to maintain, the requirements of maintenance fall to the principal of Homologation and the requirement of maintenance to the OEM specifications, as with any vehicle.

Regulation 207. Compulsory wearing of protective helmet

(1) No person shall drive or be a passenger on a motor cycle, motor tricycle or a motor quadrucycle, or be a passenger in the side-car attached to a motor cycle, on a public road, unless he or she is wearing a protective helmet—

(a) which is specially designed for use in connection with such cycle; and

(b) which fits him or her properly and of which the chin strap is properly fastened under the chin.

(2) After expiry of three years from the date of commencement of this regulation, no person shall drive or be a passenger on a pedal cycle on a public road unless he or she is wearing a protective helmet which fits him or her properly and of which the chin straps is properly fastened under the chin.

²⁰ https://www.gov.za/sites/default/files/gcis_document/201409/27589d0.pdf

²¹ Not the full act is quoted, just the most pertinent items

In respect of carrying goods²², the following is notable in commentary of the National Road Traffic Act Definitions. “Goods vehicle” means a motor vehicle, other than a motor cycle, motor tricycle, motorcar, mini-bus or bus, designed or adapted for the conveyance of goods on a public road and includes a truck-tractor, haulage tractor, adaptor dolly, converter dolly and breakdown vehicle”

And what of “lane splitting” that we see much of. There is no specific reference to “Lane splitting as an actual driving action or manoeuvre in the National Road Traffic Act. It is accepted in general legal parameters of the NRTA, Regulation 298, that overtaking or passing of vehicles is permissible. This noted, there are clear guidelines, none more relevant than²³:

The R's or “Be-Attitudes” of Lane Splitting:

Be Reasonable, be Responsible, be Respectful, be aware of all Roadway and traffic conditions.

Reasonable means not more than 20 km/h faster than traffic flow and not over 60 km/h.

You are Responsible for your safety and decisions.

*Don't put yourself in dangerous positions.
If you can't fit, don't split.*

Be Respectful - sharing the road goes both ways.

Don't rely on loud pipes to keep you safe, loud pipes often startle people and poison the attitude of car drivers toward motorcyclists.

Other vehicles are not required to make space for motorcycles to lane split.

This is notable in respect of the monitoring of appropriate driver standards. Perhaps, as is undertaken with typical delivery vehicles, tracking systems fitted to the delivery motorcycle would certainly highlight various poor driving actions such as speeding and lane splitting.

It is not only the NRTA that regulates, the Occupational Health and Safety Act, No.85 – 1993 is also applicable. There is an implied requirement of maintaining the “equipment” as a tool used by the delivery driver in the completion of his job, in the same manner a commercial truck driver is to be provided a suitable working environment and tools.

What does the insurance industry say? Consultation with various brokers and insurance legal advisers, revealed that no substantially different application of insurance requirements would be needed, against that of any typical fleet insurance policy²⁴. In effect, the only difference being that the driver is a “rider”, and that the vehicle or mode of transport is not a sedan, Light Delivery Vehicle or a Commercial Vehicle, rather a motorcycle. In simple overview, any insurance policy has a requirement of the fleet (driver and vehicle), being compliant with all necessary laws of the land, such as those already highlighted.

Having considered the, *Delivery motorcycles, time constraint and oversight*, this brings us to our *Food for thought*.

²² This is a debatable issue, nonetheless the writer proposes the transport of food could be construed as goods

²³ Judgement derived from court findings have confirmed that appropriate lane splitting is not illegal / <https://www.arrivealive.mobi/lane-splitting-advice-and-guidelines-for-bikers-from-the-experts>

²⁴ The specifics of a commercial fleet insurance policy not covered herein, however is largely available in general specifications at various online facilities / Notably, this is in respect of a fleet of vehicles, should this be an individual operator, there would be a different

Adverse weather poses particular risks to motorcycle riders. All areas, however in particular, provinces such as KZN during summer periods typically sees high rainfall. Comparatively, wet and windy weather season during winter in the Western Cape are common. These factors need to be considered in respect of operations, especially where such time constraints (60 Minutes) are proposed.

There appears to be no regulation or specification provided for load boxes, of the varying nature seen on these delivery motorcycles. It would be ideal to see a technical committee setup through typical process of the NDOT/SABS/SANAS, to bring about such standards.

It appears that there is no, to very little, oversight of the operations of these “mini-fleets”. Similarly, not one of the riders, managers and tracking companies consulted could indicate any such delivery motorcycles that were being tracked or monitored through fleet monitoring systems. A good recommendation would therefore be the implementation of such systems, allowing very clear monitoring.

Although this form of service and transport is required to be wholly compliant to all laws, there does appear to be a lack of oversight, and almost “fly-by-night” mindset. It appears that as this service is a need, convenient and job creating facility, and that the motorcycles are nippy, convenient and unlikely to kill others, this sees that these overall operations and monitoring “slip through the cracks” of enforcement.

There appears to be no, to very little, empirical studies that have been undertaken on these issues, least of all in the local market of South Africa and for that matter the continent of Africa. Considering the strong likelihood of this market not only remaining prevalent, however growing in relevance, importance and size, perhaps as a good starting point is strongly recommending a research, in order to set a base line.

By all indications, this is a substantial market place, and arguably, provides weight to the worldwide growing trend to reduce city traffic, to improve pedestrian, cycling and smaller, more economical inner-city transport facilities overall. However, the inherently “exposed” nature of the rider, sees greater opportunity of injury.

Safe driving

www.accidentsspecialist.co.za

Reference material:

- 1 South African National Road Traffic Act
<https://www.gov.za/documents/national-road-traffic-act>
- 2 South African Health and Safety Act
<https://www.gov.za/documents/occupational-health-and-safety-act>