

Approved for tabling.



REPUBLIC OF KENYA



ELEVENTH PARLIAMENT - THIRD SESSION - 2015



THE NATIONAL ASSEMBLY

THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS  
AND HOUSING

REPORT ON THE CONSIDERATION OF THE KENYA ROADS BILL, 2015

*But*  
SMA  
27/10/15  
Paper laid  
By the chair  
Departmental  
Committee on  
Transport  
Public Works  
& Housing  
Hon. Member  
Kamanda  
on Monday  
27/10/2015  
*[Signature]*

Directorate of Committee Services,  
Clerk's Chambers  
Parliament Buildings,  
NAIROBI

OCTOBER, 2015

## Table of Contents

1.0 PREFACE .....	2
1.1 Mandate of the Committee.....	2
1.2 Committee membership.....	2
1.3 Consideration of the Bill .....	3
1.4 Observations.....	4
1.5 Adoption of the Report .....	4
1.6 Acknowledgment.....	5
2.0 BACKGROUND .....	7
3.0 CONSIDERATION OF THE KENYA ROADS BILL, 2015.....	7
3.1 STAKEHOLDER VIEWS ON THE BILL .....	7
3.1.1 Ministry of Transport and Infrastructure .....	7
3.1.2 Submissions from members of the Public.....	10
4.0 CLAUSES ANALYSIS .....	21
5.0 COMMITTEE OBSERVATIONS .....	35
6.0 COMMITTEE RECOMMENDATIONS .....	35

## **1.0 PREFACE**

**Hon Speaker,**

On behalf of the Departmental Committee on Transport, Public Works and Housing and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Kenya Roads Bill, 2015. The Bill was committed to the Committee on 1<sup>st</sup> July, 2015 and it is on the basis of this that the Committee makes this report pursuant to Standing Order 127.

### **1.1 Mandate of the Committee**

The Committee on Transport, Public Works and Housing is one of the Committees of the National Assembly established under Standing Order 216 and mandated to:-

- (a) Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments;
- (b) Study the programme and policy objectives of Ministries and Departments and effectiveness of implementation;
- (c) Study and review all legislation referred to it;
- (d) Study, assess, and analyze the relative success of the Ministries and Departments as measured by the results obtained compared with the stated objectives;
- (e) Make reports and recommendations to the House as often as possible including recommendation of proposed legislation

The Committee is mandated to consider matters of transport, roads, public works, construction, maintenance of roads, rails and buildings, air, seaports and housing and oversees the Ministry of Transport and Infrastructure the Department of Housing and Directorate of Public Works in the Ministry of Lands, Housing and Urban Development

### **1.2 Committee membership**

The Committee comprises the following members:-

1. The Hon. Maina Kamanda, M.P. – **(Chairperson)**
2. The Hon. Eng. Mahamud M. Mohamed, M.P.–**(Vice Chairperson)**
3. The Hon. Eng. Stephen Ngare, M.P.
4. The Hon. Ali Wario, M.P.

5. The Hon. Arch. David Kiaraho, M.P.
6. The Hon. Cecily Mbarire, M.P.
7. The Hon. Capt. Clement Wambugu, M.P.
8. The Hon. Eng. John Kiragu, M.P.
9. The Hon. Gideon Konchella, M.P.
10. The Hon. Barchilei Kipruto, M.P.
11. The Hon. Mark Lomunokol, M.P.
12. The Hon. Grace Kipchoim, M.P.
13. The Hon. Mathias Robi, M.P.
14. The Hon. Joseph Lomwa, M.P.
15. The Hon. Peter Shehe, M.P.
16. The Hon. Stephen Manoti, M.P.
17. The Hon. Emmanuel Wangwe, M.P.
18. The Hon. K.K. Stephen Kinyanjui Mburu, M.P.
19. The Hon. Suleiman Dori, M.P.
20. The Hon. Edick Omondi Anyanga, M.P.
21. The Hon. Simon Nyaundi Ogari, M.P.
22. The Hon. Johnson Many Naicca, M.P.
23. The Hon. Mishi Juma, M.P.
24. The Hon. Aduma Owuor, M.P.
25. The Hon. Chachu Ganya, M.P.
26. The Hon. Omar Mwinyi, M.P.
27. The Hon. Ahmed Abbas Ibrahim, M.P.
28. The Hon. Omulele Christopher, M.P.
29. The Hon. Mukwe James Lusweti, M.P.

### **1.3 Consideration of the Bill**

The Kenya Roads Bill, 2015 was read for a First Time on 1<sup>st</sup> July, 2015 and thereafter committed to the departmental Committee on Transport, Public Works and Housing for consideration, pursuant to Standing Order 127.

In processing the Bill, the Committee invited comments from the public by placing advertisements in the Daily Nation and Standard newspapers on 7<sup>th</sup> July 2015

pursuant to Article 118 of the Constitution. The Committee also held meeting with the Principal Secretary, Ministry of Transport and Infrastructure, and received memoranda from several stakeholders whose views are captured and contained in this Report.

One of the stakeholders Mr. Kelvin Omweri submitted his memoranda which mainly focused on the classification of roads. His views were that the classification was done principally according to the function of the roads. However, according to the classification, several road classes intersect each other in their function which leads to double and unclear classification.

From the Ministry of Transport and Infrastructure, several agencies under it such as the Kenya National Highway Authority and the Kenya Urban Roads Authority submitted written memoranda to the Committee.

The Principal Secretary Eng. John Mosonik made the summary presentation and it mainly touched on amendments to the third schedule.

#### **1.4 Observations**

The Committee having held meetings with the various stakeholders, analyzed submissions from the public observed that the Bill had addressed critical issues in the management of the road network and the road sub sector but fell short in certain areas to which the Committee will be proposing amendments, as contained in the Report, during the Committee Stage of the Bill.

The draft Bill leaves the publication of the road inventory to the discretion of the Cabinet Secretary (CS). The CS could decide not to publish the inventory or take a lot of time before publishing.

The Board of the Authorities ought to be established by law before it is composed and the Bill leaves the provision for the establishment of the board of Kenya National Highway Authority and Kenya National Secondary Roads Authority.

The position of the Director General of each Authority calls for someone who has qualified in education and experience hence a master's degree and ten years experiences are adequate for the position holder.

#### **1.5 Adoption of the Report**

We the members of the Departmental Committee on Transport, Public Works and Housing have pursuant to Standing Order 199 adopted this Report on the Kenya Roads Bill, 2015 and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity on Monday, 19<sup>th</sup> October 2015:

1. Hon. Maina Kamanda, M.P. – **Chairperson**

2. Hon. (Eng.) Mahamud Maalim, M.P. –**Vice Chairman**
3. Hon. Gideon Konchella, M.P.
4. Hon. Joseph Lomwa, M.P.
5. Hon. Grace Kipchoim, M.P
6. Hon. Aduma Owuor, M.P
7. Hon. (Eng.) Stephen Ngare, M.P.
8. Hon. Omulele Christopher, M.P.
9. Hon. Ahmed Abbas Ibrahim, M.P.
10. Hon. Mathias Robi, M.P,
11. Hon. Simon Nyaundi Ogari, M.P.
12. Hon. Stephen Manoti, M.P.
13. Hon. Mishi Juma, M.P.
14. Hon. Omar Mwinyi, M.P.
15. Hon. (Capt.) Clement Wambugu, M.P
16. Hon. K.K. Stephen Kinyanjui Mburu, M.P
17. Hon. Johnson Manya Naicca, M.P.
18. Hon. Emmanuel Wangwe, M.P.
19. Hon. Barchilei Kipruto, M.P.
20. Hon. Edick Omondi Anyanga, M.P.
21. Hon. (Arch.) David Kiaraho, M.P.
22. Hon. Eng. John Kiragu, M.P

## **1.6 Acknowledgment**

**Mr. Speaker, Sir,**

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee wishes to thank all the stakeholders for their participation in scrutinizing the Bill.

Finally, I wish to express my appreciation to the Honorable Members of the Committee who sacrificed their time to participate in the activities of the Committee and preparation of this report.

It is my pleasant duty and privilege, on behalf of the Departmental Committee on Transport, Public Works and Housing, to table its Report on the consideration of the Kenya Road Bill, 2015 in the House pursuant to Standing Order 127.

Signed .....  .....

Date..... 19/10/2015 .....

**HON. MAINA KAMANDA, MP CHAIRPERSON DEPARTMENTAL COMMITTEE ON  
TRANSPORT, PUBLIC WORKS AND HOUSING**

## 2.0 BACKGROUND

The principal object of this Bill is to give effect to the Fourth Schedule to the Constitution in relation to the roads subsector. It is proposed to review, consolidate and rationalize the legal and institutional framework for management of the road network and roads sub sector in a more efficient and effective manner. With this object it is also proposed to amend the Kenya Roads Board Act, 1999 (Cap 408A), repeal the Kenya Roads Act 2007 (Cap 408), and the Public Roads and Roads of Access Act, 1920 (Cap 399).

## 3.0 CONSIDERATION OF THE KENYA ROADS BILL, 2015

### 3.1 STAKEHOLDER VIEWS ON THE BILL

#### 3.1.1 Ministry of Transport and Infrastructure

From the Ministry of Transport and Infrastructure, several agencies under it such as the Kenya National Highway Authority and the Kenya Urban Roads Authority submitted written memoranda to the Committee.

The Principal Secretary Eng. John Mosonik appeared before the Committee and made a presentation on the position of the Ministry regarding the Bill as follows:-

CLAUSE		
6	<p><i>Title</i></p> <p>Development and imposition of standards</p> <p>Establishment of the Board</p>	<p><i>Delete the title and replace with the following:</i></p> <p><b>“PUBLIC ROADS AND BRIDGES STANDARDS AND OVERSIGHT”.</b></p> <p><i>(a) Delete the short title and replace with –</i>  “Establishment of Public Roads Standards Board ”</p> <p><i>(b) Delete the section replace with the following:</i></p> <p><b>6.</b> (1) The Cabinet Secretary shall by Regulations prescribe standards for testing, design, construction and maintenance of national trunk roads by the roads authorities and county roads by county governments.</p> <p>(2) There is established a Public Roads Standards Board which shall perform the functions set out in subsection (9).</p> <p>(3) The Public Roads Standards Board shall consist of a representative of each of the following bodies;</p> <p>(a) the State Department responsible for public</p>



		<p>roads;</p> <ul style="list-style-type: none"> <li>(b) the State Department responsible for matters relating to devolution;</li> <li>(c) the Inter-governmental Relations Technical Committee established under section 11 of the Inter-Governmental Relations Act, 2012;</li> <li>(d) the Kenya National Highways Authority</li> <li>(e) the Kenya National Secondary Roads Authority</li> <li>(f) the Kenya Roads Board established under section 4 of the Kenya Roads Board Act, 1999;</li> <li>(g) the Institution of Engineers of Kenya;</li> </ul> <p>and,</p> <ul style="list-style-type: none"> <li>(h) National Agency responsible for testing and research on roads.</li> <li>(i) National Transport and Safety Authority</li> </ul> <p>(4) The Principal Secretary for the State Department responsible for public roads shall be the chairperson of the Board.</p> <p>(5) The State Department responsible for public roads shall be the secretariat to coordinate the Board and assign or appoint such support staff as may be necessary for Board to effectively perform its functions.</p> <p>(6) The Board shall establish and regulate its own operating procedures.</p> <p>(7) The Board may co-opt any person to participate in its deliberations but the person so co-opted shall have no right to vote.</p> <p>The Board shall meet at least four times in a calendar year for the transaction of its business</p> <p>(9) The functions of the Board are to formulate and advise the Cabinet Secretary on:</p> <ul style="list-style-type: none"> <li>(a) Standards for road and bridge materials, design, construction, maintenance, and performance levels;</li> <li>(b) Standard contract forms for works and consultancy services;</li> <li>(c) Research and studies necessary for development and updating of public road standards;</li> <li>(d) The types, sizes, and usage of vehicles on roads and maximum vehicle and axle load limits for purposes of protecting roads from damage;</li> </ul>
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		<p>(e) Development and training of human resources required for the development, rehabilitation, and maintenance of roads; and,</p> <p>(f) monitoring system to ensure adherence to the standards</p>
		<p>(10) In execution of its function under sub-section (9) above, the Board shall take into account any relevant factors including:</p> <p>(a) Best international practices,</p> <p>(b) Input from the general public and experts; and,</p> <p>(c) The capacity of relevant entities to comply with the standards.</p> <p>(11) The Cabinet Secretary shall publish in the Kenya Gazette the approved public roads standards formulated under this section.</p> <p>(12) Each Authority and County government shall comply with the public roads standards prescribed by the Cabinet Secretary under this Act</p>
11	f(iii)	Insert original text from the current Act
23	2(a)	<p>Minimum academic qualification for the DG position should be a degree in Civil Engineering and a master's degree from a University recognized in Kenya.</p> <p>Registered by the Engineer's Board of Kenya Has had 10 year experience in a management position</p>
70	1	(a)Add: ....county road in its area provided notification of the actions or powers intended has been provided and consented by the National Agency with delegated powers over the road.
<b>Third Schedule</b>	Consequential Amendments	<p><i>Delete items (1) to (7) under amendment to s.6(2)(d) of the Kenya Roads Act, 1999 and substitute with the following:</i></p> <p>(1) forty per centum (40%) is allocated to the Kenya National Highways Authority;</p> <p>(2) thirty two per centum (32%) is allocated to the Kenya National Secondary Roads Authority.</p> <p>(3) fifteen per centum (15%) is allocated to the county governments equally;</p> <p>(4) one per centum (1%) is allocated to the Kenya Wildlife Services;</p> <p>(5) ten (10%) per centum is allocated annually by the Board with the approval of the Cabinet</p>

		Secretary for emergency interventions and shall include one per centum (%) for materials testing, research 1%M & E/ standards, capacity building and one per centum (1%) for road safety; and (6) two per centum (2%) is allocated to the Kenya Roads Fund Board.
Section 11(1)(f)(vi)		Replace Chartered University with a retired senior Engineer, who has served as a public officer in the sub sector
Section 24(1)		Delete “.....and the Secretary to the Board”
S6(6)(2)j  s.6(2)j s.6(2)l(ii)		Delete and substitute therefore with the following “With the approval of the Cabinet Secretary conduct period reviews and set fuel levy rate” Delete Delete

### 3.1.2 Submissions from members of the Public

Mr. Kelvin Omweri, a concern member of the public submitted a memoranda on the Bill to the Committee as follows:-

CLAUSE	BILL	PROPOSAL	JUSTIFICATION
8. (2)	(2) The Cabinet Secretary shall, within such time as the Cabinet Secretary may by Regulations determine, publish the inventory under subsection (1) in the Kenya Gazette	(2) The Cabinet Secretary shall at least once in ten years publish the Inventory under subsection (1) in the Kenya Gazette.	The draft bill leaves the publication of the road inventory to the Discretion of the CS. However, the CS could decide not to publish the inventory and as such, it would be important to indicate that Parliament and the public at large have the right to at least once in a decade see the inventory of the public roads.
10. (1)	The Authority shall be responsible for the management,	The Authority shall be responsible for the management,	See the proposed amendment to the First Schedule's Part A

	development, rehabilitation and maintenance of primary national trunk roads Classes S, A, B, H, and J as specified in Part A of the First Schedule to this Act.	development, rehabilitation and maintenance of primary national trunk roads Classes A, B and F as specified in Part A of the First Schedule to this Act.	
10. (2) (g)	Overseeing the management of traffic and road safety on secondary national trunk roads, in collaboration with other agencies;	Overseeing the management of traffic and road safety on primary national trunk roads, in collaboration with other agencies;	Under the Bill, KeNHA is responsible for the management, development, rehabilitation and maintenance of primary national trunk roads and not Secondary.
13 (1)	The Authority is responsible for the management, development, rehabilitation and maintenance of secondary National Trunk Roads classes C and D as specified in the Part A of the First Schedule to this Act.	The Authority is responsible for the management, development, rehabilitation and maintenance of secondary National Trunk Roads classes C and G as specified in the Part A of the First Schedule to this Act.	See the proposed amendment to the First Schedule's Part A
13. (n)	New subsection	(n) overseeing the management of traffic and road safety on secondary national trunk roads, in collaboration with other agencies;	KeNSRA responsible for the management, development, rehabilitation and maintenance of secondary National Trunk Roads
23. (2) (a)	holds a Civil Engineering	holds at least a masters degree in	Higher necessary academic qualifications and professional skills

	degree from a university recognized in Kenya and is registered by the Engineers Board of Kenya as a professional engineer ;	Civil Engineering from a university recognized in Kenya and is registered by the Engineers Board of Kenya as a professional engineer ;	are very crucial in the management of the National Trunk Roads
43 (1)	The Cabinet Secretary shall, once in every five years, in consultation with the national and county government and the Kenya Roads Board, cause to be prepared a road investment program for approval by the Cabinet Secretary responsible for finance.	The Cabinet Secretary shall, once in every five years, in consultation with the national and county government and the Kenya Roads Board, cause to be prepared and published in the Kenya Gazette a road investment program for approval by the Cabinet Secretary responsible for finance.	The roads investment plan must not only be prepared, but also published in the Kenya Gazette
58. (2)	Each county government shall be jointly responsible to maintain an inter county road.	The National government shall be responsible to maintain an inter county road.	See the proposed amendment to the First Schedule's Part A
58. (3) and (4)		Delete	These clauses would lose relevance due to the amendment of clause 58. (2)
FIRST SCHEDULE		CLASS A Highways connecting two or more cities ,forming strategic routes and corridors,	The Bill provides for 15 classes of roads. The classification principally done according to the function of the roads. However, according to the classification, several road classes intersect each other in their function which leads to double and

		<p>connecting international boundaries at identified immigration entry and exit points and international terminals such as international air or sea ports meant to carry safely a large volume of traffic at the highest legal speed of operation</p> <p><b>CLASS B</b> Roads forming important national routes, linking national trading or economic hubs, County headquarters and other nationally important Centers to each other and to the national capital or to Class A roads.</p> <p><b>C</b> Inter county roads and roads forming important regional routes, linking County and Constituency</p>	<p>unclear classification.</p> <p><b>Class A Roads</b></p> <p>In international standards ( see the German, US, Italian, Dutch Japanese , Chinese and US motorway/expressway and highway systems) , National or federal highways connecting major cities and international entry/ exit points take the highest class. Depending on the construction and operation regulations, such highways have been designed for high-speed vehicular traffic, are free of any at-grade crossings with other roads, railways, or pedestrian paths, which are instead carried by overpasses and underpasses across the highway. Entrances and exits to the highway are provided at interchanges by slip roads (ramps), which allow for speed changes between the highway and arterial roads and collector roads. They provide high-capacity urban travel, or high-speed rural travel, or both. This is exactly what classes S and A of the roads in the Bill are meant to do and hence it does not make sense to classify them in two classes. The proposed amendment seeks to harmonize the classes with these international standards and hence avoid double classification of roads.</p> <p><b>Class B Roads</b></p> <p>Roads forming important national routes, linking national trading or economic hubs, County headquarters and other nationally important centres to each other and to the national capital or to</p>
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		<p>headquarters or other regionally important centers, to each other and to Class A B or C roads. Required to collect regional and local traffic and channel it to class A B and C roads.</p> <p>F Urban major arterials highways meant to carry through traffic and relatively long distance traffic between widely separated parts of the city or municipality. They are required to provide mobility within an urban area as opposed to access</p> <p>G Minor arterials meant to carry traffic between different zones of the urban area and include the principal urban bus routes. They shall include, roads within economic zones that are planned</p>	<p>Class A roads.</p> <p>Class C These will be regional and inter county roads that are within the jurisdiction of the National Government.</p>
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		<p>by the National Government and roads within State Houses and Lodges including their access roads. They are required to provide mobility as opposed to access.</p> <p><b>COUNTY ROADS</b></p> <p><b>D</b> Feeder Roads linking important Constituency and Market Centers to each other and meant to carry local traffic and to channel it to class C roads.</p> <p><b>E</b> Roads linking farms to markets and meant to carry farm produce and farm inputs traffic to and from the markets</p> <p><b>H</b> Urban collector roads meant to collect traffic from the local roads and channel it to the major and minor</p>	
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		<p>arterial roads. The roads are meant to provide for both mobility and access.</p> <p>J Main business and shopping streets in the urban areas meant to provide access to commercial properties and residential areas and also cater for a high level of pedestrian traffic</p> <p>K Provide direct access to individual or group of properties, and residential areas, or to places of specific social or economic activity, including industrial and commercial areas and government institutions such as school, hospital, prisons and government housing. This is the lowest class of public roads and therefore Class K roads will provide all other public access (e.g. access to social</p>	
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		amenities such as schools, hospitals, etc) not provided by higher class roads	
New Clause	<p><b>ROAD NUMBERING AND SIGNAGE SYSTEM</b></p> <p>the Bill does not provide logical numbering and signage system of the roads. Currently there is not even a clear logic to the numbering system used for classes A roads in Kenya and these roads presumably derive from pre-independence usage in the East Africa region ( A104, A09, A23 etc)</p> <p>As a result, propose that your committee inserts, where appropriate . clauses to provide for road a logical road numbering system as follows.</p>	<p>Class A roads could have a Prefix A followed by a one or two digit number with roads running from north to south and southwest to north east taking odd numbers with increasing from west to east while roads running west to east and south east to north west taking even numbers increasing from west north to south.</p> <p>In particular, we could have the following class A roads. In addition , the number could be in white on a blue sign</p> <p>A1 Isibania-Migori- -Kisii-Oyugis-Ahero-Kisumu-Kakamega-Webuye-Kitale-Kapenguria-Marich Pass-Kainuk-Lodwar-Kakuma-Lokichogio-Nakodok</p> <p>A2 Mombasa-Voi-Konza-Athi River-Ole Sereni-Lagata-Kibera-Dagoretti-Kikuyu-Limuru-Naivasha-Nakuru-Eldoret-Webuye-Bungona-Malaba</p> <p>A3 Suam-Endebes-Kitale-Eldoret-Kapsabet-Kaimosi-Chavakali-Sinaga-Ngiya-Port Bunyala</p> <p>A4 Holili-Taveta-Mwatate-Voi-Aruba Lodge-Engwata Sala-Chakama-Kakoneni-Ganda- Malindi</p> <p>A5 Namanga-Kajiado-Isinya-Athi River-JKIA- Airport Road North-Ruiru (Eastern Bypass) -Thika-Sagana-Nyeri-Nanyuki-Isiolo-Marsabit-Moyale</p> <p>A6 Homabay-Kisii-Keroka-Bomet-Narok-Mai Mahiu-Mutarakwa-Limuru-Uplands-Githunguri-Miguta-Kibicho-Gatundu-Mangu-Thika-Mwingi-Garissa-Dadaab-Liboi-Somalia</p> <p>A7 Oloitoktok-Kimana-Mbilini-Emali-Wote-Kansuni-</p>	

		<p>Nzukini-Katulani-Wikiliye-Kitui-Matinyani-Katheka-Katutu-Kangondi-Kiritiri-Embu-Runyenjes-Chuka-Meru-Subuiga-Lewa-Ngare Ndare-Ethi-Mokogodo-Laliakololo-Doldol-Jugai- Ewaso-Laikipia NR-SukutaMugie-Tangulbei-Nginyang-Kapendo-Lokori-Lokwamosing- Lokichar-Naipa-Lorengippi-Uganda Border</p> <p>A8 Gitugu-Kiruri-Koimbi-Karuri-Muranga-Makutani-Mwea-Embu</p> <p>A9 Vanga- HoroHoro-Lunga Lunga-Ramisi-Msambweni-Ukunda-Mombasa-Nyali-Mtwapa-Kilifi-Malindi-Garsen-Witu-Lamu</p> <p>A10 Nakuru-Nyahururu-Nyari-Kiganjo</p> <p>A11 Garsen-Bura-Garissa-Modika-MadoGashi-Meri-Laisamis-Ngurunit-South Horr- KerioLodwar</p> <p>A12 Isiolo- Garbatulla- Madogashi- Habaswein-Wajir- Tarba- Duse- Elwak - Rhamu- Bella- Mander</p> <p>A13 Moyale-Wajir-Gherille</p> <p>A14 Garsen-Bura-Garissa-Modika-MadoGashi-Merti-Laisamis-Ngurunit-South Horr- KerioLodwar</p> <p>A15</p> <p>For the Class B Roads , their numbers could be in yellow start with a B followed by a 2 digit number inscribed on a green sign . Numbering system should show a logical trend e.g. from west to east. For example:</p> <p>B1 Morijo-EwasoNgiro</p> <p>B2 Muhuru Bay-Masara-Suna-Kehancha-Lolgorian-Mara-Ngorengore</p> <p>B3 Homabay-Rongo-Ogembo-Kilgoris-Lolgorian-Gwitembe</p> <p>B4 Ogembo -Kisii-Nyamira(Konati)-Roret-Ngoina(Chemasit) -Kericho</p> <p>B5 Kilgoris-Ndanai-Sotik(Chebitat)-Ikonge-Chabera</p> <p>B6 Kilgoris-Gorgor-Sigor-Bomet-Liteib-Chemasit</p> <p>B7 Mbita-Homabay-Kendu Bay-Awach-Awasi-Chemelil-Nandi</p>
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	<p>Hills-Kapsabet-Kaibei-Sokoyot-Turbo-Naitiri-Sikhendu-Saboti-Endebes</p> <p>B8 Karungu-Ndhiwa-RodiKopany-Rangwe-Oyugis-Kosele-Kendu Bay</p> <p>B9 Usenge-Bondo-Ramba-Kisian-West Kajulu-Chemilil-Muhoroni-Kipkelion-Londiani-Mau Summit</p> <p>B10 Ndigwa-Ramba-Ngiya</p> <p>B11 Chavakali-Mbihilo-Luanda-Ngiya-Siaya-Uranga-Funyula-Bumula-Ejinja-Muyoni-Bungoma-Kimilili-Chepkwony</p> <p>B12 Koriander-Nambale-Muyoni-Mumias-Kakamega</p> <p>B13 Busia -Malaba-Wamomo--Sirisia-Chwele-Kimilili-Kamukuywa</p> <p>B14 Kitale-Sirikwa-Moiben-Emkwen</p> <p>B15 Eldoret -Kamwosor-Chepkorio-Eldama Ravine-Nakuru</p> <p>B16 Eldoret-Sergoit-Iten-Kabarnet-Marigat-Mochongoi-OIngarua -Maili Saba</p> <p>B17 Lomut-Lokwamosing-Lokichar</p> <p>B18 Chemolingot-Kapendo-Lokori-Lokwamosing</p> <p>B19 Naruoyo-Lorregippi-Lokiriama-Lorugum-Turkwel-Lodwar-Kalokor-Lokituang-Kaaling-Kaeris-Lolupe-Makutano(A1)</p> <p>B20 Gilgil-Oi-Kalau-Nyahururu-Rumuruti-Maralal-Baragoi-South Horr-Loiyangalani-North Horr-Kalacha-Makona-Marsabit</p> <p>B21 Kisima-Wamba-Lerata</p> <p>B22 Rumuruti-Nanyuki</p> <p>B23 Nyeri-Othaya-Kangema-Gachocho-Mareira-Kandara-Kabati</p> <p>B24 Kianjiru-Kutus-Kagio-Sagana-Muranga-Maragua-Saba Saba-Kenol</p> <p>B25 Kutus-Kerugoya-Karatina-Mairoini-Kiriaini-Kairo</p> <p>B26 Kiruri-Kangema-Muranga</p> <p>B27 Ena-Karurumo-Ishiara-Ciakariga-Matungulu-Nkubu-Kathera-Marimba</p> <p>B28 Ciakariga-Katse-Mwingi-Migwani-Tulia-MatinyaniSyongila-Kwa Vonza-Kyaani-Machakos-Kyumvi(Makutano)</p> <p>B29 Makuyu-Kirimri-Kakuzi-Ndula-Kilimambogo-Fourteen Falls-Katheka-Tala-Kangundo-Mwala</p> <p>B30 Thika-Gitura-Njambini-Naivasha</p> <p>B31 Ruiru-Marige-Kagwe-Kiambaa-Kimende</p> <p>B32 GSU Round About-JKIA ( Outerring Road)</p>
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		<p> B33 Muthaiga-Kiambu-Nginduri  B34 Museum Hill-Pangani-KU-Ruiru  B35 Nairobi(St. Andrews Church) -Village Market-  Ruaka-Red Hill -Limuru  B36 Haile Selasie R/About-Upper Hill-Dagoretti-  Karen-Ngong-Kiserian-Ololooitikosh-Isinya-Konza-  Katumaini-Machakos-Kangundo  B37 Nyayo Stadium-Langata-Bomas-Rongai-Kiserian-  Olepolos-Oletepesi-Magadi  B38 Umoja-Ruai-Tala--Kangundo-Mwala  B39 Bomas-Karen-Mutuini-Gitaru-Wangige-  Ndenderu-Karuri(Banana  Hills)-Kanunga-Kiambu-Kamiti-Ruiru  B40 Ole Sereni-Kikuyu( Southern Bypass)  B41 Junction A4( Current A109)-JKIA ( Airport Road  South)  B42 Konza-Kajiado-Kooraa-Magadi  B43 Kangundo-Kivani-Mwala-Makutano-Masii-  Machakos  B44 Ianzoni-Nunguni-Salama-Imaroro-Kajiado  B45 Kajiado-Amboseli-Oloitokitok-Ntilai  B46 LungaLunga-Kinango-Kwale-Waa  B47 MwangweiJunktion-Shimba Hills-Mwabungu  B48 Samburu-Kinango-Mienzeni-Mazeras  B49 Mariakani-Kaloleni-Galanema-Mavueni-  Takaungu  B50 Mazeras-Kaloleni-Chonyi-Mitangoni  B51 Kilifi-Ganze-Bamba-Mbongo-Mwabani-Mariakani  B52 Kilifi-Vitengeni-Ganze-Tsangalaweni-Sokoke-Kilifi  B53 Hindi-Bodhei-Ijara-Bura  B54 Bura-Kolbio  B55 Jarajila-Hagadera-Dadaab- LagaBogal-Marsabit  B56 Tarbaj-Takabba-Banissa  B57 Moyale(Airport)-Gurar-Banissa-Rhamu  B58 MadoGashi-Saricho-Laisamis-Ngurunit-South  Horr  B59  B60 </p> <p> For Class C roads, we could divide the country , for  the purposes of  road numbering into the following classes. The Class C  roads would  then have the prefix C followed by the number of the  region, then  number of the roads . The number could be written in  white and </p>
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		<p>inscribed on a green sign. For instance ;</p> <p>Central Rift (CR) C10 -C19</p> <p>Isiolo-Marsabit(IM) C20 -C29</p> <p>Mount Kenya(MK) C30 -C39</p> <p>Nairobi (NB) C40 -C49</p> <p>North Eastern (NE) C50 -C59</p> <p>North Rift (NR) C60 -C69</p> <p>Nyanza (NY) C70 -C79</p> <p>Pwani(PW) C80-C89</p> <p>South Rift (SR) C90 -C99</p> <p>Ukambani (UK) C100-C109</p> <p>Western (WS) C110-C119</p>
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#### 4.0 CLAUSES ANALYSIS

The Committee considered the Bill clause by clause and the following is the summary:-

CLAUSE	PROVISION	PROPOSED AMENDMENT	JUSTIFICATION
<b>PART I PRELIMINARY</b>			
<b>CLAUSE 1</b>	This is the short title of the Bill	Agreed to	
<b>CLAUSE 2</b>	Interpretation	Agreed to	
<b>CLAUSE 3</b>	Object and purpose of the Act	Agreed to	
<b>CLAUSE 4</b>	Guiding principles	Agreed to	

<b>CLAUSE 5</b>	Application of the Act.	Agreed to	
<b>PART II NATIONAL ROADS AND BRIDGES STANDARDS AND OVERSIGHT</b>			
<b>CLAUSE 6</b>	Development and imposition of standards	Agreed to	
<b>PART III CLASSIFICATION OF NATIONAL TRUNK AND COUNTY ROADS</b>			
<b>CLAUSE 7</b>	Classification of national trunk and county roads	Agreed to	
<b>CLAUSE 8</b>	Inventory on classification and assignment of roads	<p><b>THAT</b>, clause 8 be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause–</p> <p>“(2)The Cabinet Secretary shall at least once in ten years publish the inventory under subsection (1) in the Kenya Gazette.”</p>	The draft Bill leaves the publication of the road inventory to the discretion of the Cabinet Secretary. The CS could decide not to publish the inventory.
<b>PART IV ESTABLISHMENT OF ROAD AUTHORITIES</b>			
<b>CLAUSE 9</b>	Establishment of the Kenya National Highways Authority.	Agreed to	

<p><b>CLAUSE 10</b></p>	<p>Functions of the Kenya National Highways Authority.</p>	<p><b>THAT</b>, clause 10 be amended in sub-clause (2) by deleting paragraph (g) and substituting therefor the following new paragraph –</p> <p>“(g) overseeing the management of road usage on primary roads in collaboration with other agencies”;</p>	<p>Management of road safety is the role of National Transport Safety Authority</p>
<p><b>CLAUSE 11</b></p>	<p>Board of the Kenya National Highways Authority.</p>	<p><b>THAT</b>, clause 11 be amended –</p> <p>(1) in sub-clause (1) –</p> <p>(a) by re-numbering the existing sub-clause(1) as sub-clause (2);</p> <p>(b) by inserting the following new sub-clause (1) “(1) There is established the Board of the Kenya National Highways Authority.”</p> <p>(c) by deleting the words “or (g)” appearing at the end of paragraph (a).</p> <p>(d) in paragraph (f) by deleting the word “or” appearing at the end of sub-paragraph (v) and substituting therefor the word</p>	<p>There is no clause 11 sub section 1(g) in the draft Bill</p> <p>The Board of the Authority ought to be established by law before it is composed</p> <p>To correct a typographical error.</p> <p>For purposes of correct referencing since the institutions to be represented in the Board are six and</p>



		“and”.	the last one is not optional but part of it.
<b>CLAUSE 12</b>	Establishment of the Kenya National Secondary Roads Authority	Agreed to	
<b>CLAUSE 13</b>	Functions of the Kenya National Secondary Roads Authority	<p><b>THAT</b>, clause 13 be amended –</p> <p>(a) in the marginal notes by deleting the word “Kenya” appearing twice.</p> <p>(b) in sub-clause (2) by deleting paragraph (f) and substituting therefor the following new paragraph –</p> <p>“(f) overseeing the management of road usage on secondary roads in collaboration with other agencies”;</p>	Management of road safety is the role of National Transport Safety Authority
<b>CLAUSE 14</b>	Board of the Kenya National Secondary Roads Authority	<p><b>THAT</b>, clause 14 be amended –</p> <p>(1) in sub-clause (1)</p> <p>(a) by re-numbering the existing sub-clause(1) as sub-clause (2);</p> <p>(b) by inserting the following new sub-clause (1)</p>	<p>There was no provision for the establishment of a board hence the need for inserting a new sub clause (1)</p> <p>Appointment should be left at the discretion of the Cabinet Secretary to</p>

		<p>“(1) There is established the Board of the Kenya National Secondary Roads Authority”.</p> <p>(c) in paragraph (f) by deleting the word “or” appearing at the end of subparagraph (v) and substituting therefor the word “and”.</p> <p>(2) in the marginal notes by deleting the word “Kenya” appearing twice.</p>	avoid Organizational politics while nominating the Board Members
<b>CLAUSE 15</b>	Responsibilities of the Boards of the Authorities.	Agreed to	
<b>PART V ADMINISTRATIVE PROVISIONS</b>			
<b>CLAUSE 16</b>	Qualifications for appointment of the Chairpersons and Members of the Board.	Agreed to	
<b>CLAUSE 17</b>	Considerations on appointment of Members of the Board.	Agreed to	
<b>CLAUSE 18</b>	Terms and conditions of service	Agreed to	
<b>CLAUSE 19</b>	Remunerations of Chairperson and	Agreed to	

	Members		
<b>CLAUSE 20</b>	Vacation of office	Agreed to	
<b>CLAUSE 21</b>	Committees of a Board	Agreed to	
<b>CLAUSE 22</b>	Delegation of powers	Agreed to	
<b>CLAUSE 23</b>	Director General	<p><b>THAT</b>, sub-clause 2 be amended –</p> <p>(a) by deleting paragraph (a) and substituting therefor the following new paragraph</p> <p>“(a) holds a master’s degree from a university recognised in Kenya and is registered by the Engineers Board of Kenya as a professional engineer”.</p> <p>(b) in paragraph (b) by deleting the words “fifteen years” and substituting therefor the words “ten years”.</p>	The position calls for someone who has qualified education and experience hence a masters degree and ten years experience are adequate for the position holder
<b>CLAUSE 24</b>	Functions of Director-General	Agreed to	
<b>CLAUSE 25</b>	Removal of Director-General	Agreed to	

<b>CLAUSE 26</b>	Appointments of officers, agents and staff	Agreed to	
<b>CLAUSE 27</b>	Structural organization of the Authority	Agreed to	
<b>CLAUSE 28</b>	Protection from personal liability	Agreed to	
<b>CLAUSE 29</b>	Liability for damages	Agreed to	
<b>CLAUSE 30</b>	Performance agreement	Agreed to	
<b>CLAUSE 31</b>	Annual report	Agreed to	
<b>CLAUSE 32</b>	Power to make Regulations relating to employees	Agreed to	
<b>CLAUSE 33</b>	Common seal	Agreed to	
<b>CLAUSE 34</b>	Conduct of Business and affairs of the Board	Agreed to	
<b>PART VI FINANCIAL PROVISIONS</b>			
THAT part VI be amended by substituting it with Part VII so that this part becomes Part VII			
<b>CLAUSE 35</b>	Financial year	Agreed to	
<b>CLAUSE 36</b>	Funds and Resources of the Authority.	Agreed to	
<b>CLAUSE 37</b>	Receipts, earnings and accruals for the Authority..	Agreed to	
<b>CLAUSE</b>	Investment of the	Agreed to	

38	Authority's Fund.		
CLAUSE 39	Borrowing by the Authority.	Agreed to	
CLAUSE 40	Annual estimates.	Agreed to	
CLAUSE 41	Accounts and Audit	Agreed to	
CLAUSE 42	Annual Roads works programme.	Agreed to	
CLAUSE 43	Road investment programme.	Agreed to	
CLAUSE 44	Principles of operation.	Agreed to	
CLAUSE 45	Fees and Charges.	Agreed to	
CLAUSE 46	Charges and fees to be Gazetted.	Agreed to	

**PART VII - GENERAL POWERS OF AN AUTHORITY**

THAT part VII be amended by substituting it with Part VI so that this part becomes Part VI

CLAUSE 47	Acquisition of land.	Agreed to	
CLAUSE 48	Power to enter and survey land.	Agreed to	
CLAUSE 49	Power to enter land and prevent accidents, etc.	Agreed to	
CLAUSE 50	Power to enter, and to alter position of pipes, etc.	Agreed to	

CLAUSE 51	Power to remove pipes, etc. from within the road reserve.	Agreed to	
CLAUSE 52	Occupation of private land.	Agreed to	
CLAUSE 53	Power to take water. No. 8 of 2002	Agreed to	
CLAUSE 54	Access to material sites, etc.	<b>THAT</b> , clause 54 be amended in sub-clause (10) by inserting the words “Environmental Management and Coordination Act” immediately after the words “Forests Act”.	The Environmental Management and Coordination Act is an up to date law in regards to protecting the environment hence the need for it to be abided too in relation to preserving the environment
CLAUSE 55	Power to close a public road.	Agreed to	
CLAUSE 56	Railway crossings.	Agreed to	
CLAUSE 57	Removing trees etc.	Agreed to	
CLAUSE 58	Inter-County roads and bridges.	Agreed to	
CLAUSE 59	Damage to road or bridges.	Agreed to	
CLAUSE 60	National toll roads.	Agreed to	
CLAUSE 61	National toll bridges.	Agreed to	
CLAUSE	Road user charges	Agreed to	

62			
<b>PART VIII - MISCELLANEOUS</b>			
<b>CLAUSE 63</b>	Consultation before declaration	Agreed to	
<b>CLAUSE 64</b>	Authority to have power of a country government for National trunk roads	Agreed to	
<b>CLAUSE 65</b>	Transfer of functions to either level of government	Agreed to	
<b>CLAUSE 66</b>	Cost sharing arrangements	Agreed to	
<b>CLAUSE 67</b>	Funds to works on, or operation of, county roads, etc	Agreed to	
<b>CLAUSE 68</b>	Improvement of National trunk road as an economic alternative to improvement of the county road network	Agreed to	
<b>CLAUSE 69</b>	Impact of certain county government decisions on national trunk roads	Agreed to	
<b>CLAUSE 70</b>	Management of particular functions on National trunk roads by county governments	Agreed to	

<b>CLAUSE 71</b>	Cabinet Secretary's power of direction	Agreed to	
<b>CLAUSE 72</b>	Structures and other works on, over and below mads or certain other land	Agreed to	
<b>CLAUSE 73</b>	Liability of owner and driver for damage	Agreed to	
<b>CLAUSE 74</b>	Proceedings on failure to comply with the Act	Agreed to	
<b>CLAUSE 75</b>	Exercise of certain powers of delegation under the Act	Agreed to	
<b>CLAUSE 76</b>	Authorization of employees	Agreed to	
<b>CLAUSE 77</b>	Accommodation works	Agreed to	
<b>CLAUSE 78</b>	Major offences	Agreed to	
<b>CLAUSE 79</b>	Other offences	Agreed to	
<b>CLAUSE 80</b>	Penalty for false returns	Agreed to	
<b>CLAUSE 81</b>	Exemption of state vehicles	Agreed to	
<b>CLAUSE 82</b>	Nuisance of state vehicles on roads	Agreed to	
<b>CLAUSE 83</b>	Other exemptions	Agreed to	



CLAUSE 84	Service of notice, etc., on Authority	Agreed to	
CLAUSE 85	Limitation of actions	Agreed to	
CLAUSE 86	Restriction on execution against property	Agreed to	
CLAUSE 87	Protection of name	Agreed to	
CLAUSE 88	Consultation with departments and users	Agreed to	
CLAUSE 89	Exemption from stamp duty	Agreed to	
CLAUSE 90	Publication and access to information	Agreed to	
CLAUSE 91	General penalty	Agreed to	
CLAUSE 92	Regulations	<b>THAT</b> , clause 92 be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (k)–  “(l) road numbering and signage system.”	The Bill does not provide a logical numbering and signage system of the roads
CLAUSE 93	Review and revocation of certain legal notices	Agreed to	
<b>PART IX – RESPONSIBILITIES OF COUNTY GOVERNMENTS</b>			
CLAUSE 94	Respective roles of national and county governments	Agreed to	
CLAUSE	County governments	Agreed to	

95	to establish County Road Agencies		
<b>PART X – TRANSITIONAL PROVISIONS</b>			
CLAUSE 96	Transitional provision	<p><b>THAT</b>, clause 96 be amended–</p> <p>(a) in sub-clause (1) in the definition of “former Authorities” by deleting the word “Kenya” appearing twice before the words “Kenya National Highways Authority.”</p> <p>(b) in sub-clause (4) by deleting the words “Kenya Regional Roads Authority” appearing in paragraph (d) and substituting therefor the words “Kenya National Secondary Roads Authority”</p>	<p>The word Kenya is repeated</p> <p>The authority in question is the Kenya National Secondary Roads Authority and there is no authority called Kenya Regional Roads Authority</p>
CLAUSE 97	Repeals, Cap.408	Agreed to	
CLAUSE 98	Consequential amendments to other Acts	<b>THAT</b> , clause 98 be amended by deleting the word “First” and substituting therefor	Consequential amendments are discussed under the third schedule and not the

the word "Third".

first schedule

### **FIRST SCHEDULE – CLASSIFICATION OF PUBLIC ROADS**

Agreed to

### **SECOND SCHEDULE – PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF A BOARD**

Agreed to

### **THIRD SCHEDULE – CONSEQUENTIAL AMENDMENTS**

**THAT**, the Third Schedule be amended by deleting the proposed amendment to section 6(2)(d) of the Kenya Roads Board Act No.7 of 1999 and substituting therefor the following–

“Determine the allocation of the Fund to ensure that not more than–

- (1) forty (40%) per centum is allocated to the Kenya National Highways Authority in such proportions as the Board may determine with the approval of the Cabinet Secretary;
- (2) thirty two (32%) per centum is allocated equally to all constituencies in the country to be administered by the Kenya National Secondary Roads Authority;
- (3) fifteen (15%) per centum is allocated to the county governments equally;
- (4) one (1%) per centum is allocated to the Kenya Wildlife Services;
- (5) eight (8%) per centum is allocated annually by the Board with the approval of the Cabinet Secretary to priority projects derived from the road investment programmes including support road safety, standards, technical assistance, material research and testing;
- (6) two (2%) per centum to be allocated to the National Transport and Safety Authority to support road safety programmes; and
- (7) two (2%) per centum to the Kenya Roads Board in respect of the recurrent expenditure of the Board.”

## 5.0 COMMITTEE OBSERVATIONS

The Committee having held meetings with the various stakeholders, analyzed submissions from the public observed that the Bill had addressed critical issues in the management of the road network and the road sub sector but fell short in certain areas to which the Committee will be proposing amendments, as contained in the Report, during the Committee Stage of the Bill.

The draft Bill leaves the publication of the road inventory to the discretion of the Cabinet Secretary (CS). The CS could decide not to publish the inventory or take a lot of time before publishing.

The Board of the Authorities ought to be established by law before it is composed and the Bill leaves the provision for the establishment of the board of Kenya National Highway Authority and Kenya National Secondary Roads Authority.

The position of the Director General of each Authority calls for someone who has qualified in education and experience hence a master's degree and ten years experiences are adequate for the position holder.

## 6.0 COMMITTEE RECOMMENDATIONS

Having held meetings with the Stakeholders, and through its analysis of the Bill, the Committee will be introducing the following amendments for consideration during the Committee Stage of the Bill:-

### PART II

**THAT** Part II of the Bill be amended by deleting the Title and substituting therefor with the following-

**“ESTABLISHMENT OF THE PUBLIC ROADS STANDARDS BOARD”**

### CLAUSE 6

**THAT** Clause 6 of the Bill be amended by deleting and substituting therefor the following new Clauses-

Establishment of the Board.     **6.** (1) There is established a Public Roads Standards Board.

(2) The Cabinet Secretary shall by regulations prescribe standards for testing, design, construction and

maintenance of national trunk roads by the roads authorities and county roads by county Governments.

Composition of the Board. **6A.** (1) The Board shall consist of a representative from each of the following bodies —

- (a) The State Department responsible for public roads;
- (b) The State Department responsible for matters relating to devolution;
- (c) The Inter-governmental Relations Technical Committee established under section 11 of the Inter-Governmental Relations Act, 2012;
- (d) The Kenya National Highways Authority;
- (e) The Kenya National Secondary Roads Authority;
- (f) The Kenya Roads Board established under section 4 of the Kenya Roads Board Act, 1999;
- (g) The Institution of Engineers of Kenya;
- (h) The National Agency responsible for testing and research on roads; and
- (i) The National Transport and Safety Authority.

(2) The Principal Secretary for the State Department responsible for public roads shall be the chairperson of the Board.

(3) The State Department responsible for public roads shall be the secretariat to the Board and may assign or appoint such support staff as may be necessary to

effectively perform its functions

(4) The Board shall establish and regulate its own procedures.

(5) The Board may co-opt any person to participate in its deliberations but the person so co-opted shall have no right to vote.

(6) The Board shall meet at least four times in a calendar year for the transaction of its business.

Functions  
of the  
Public  
Roads  
Standards  
Board.

**6B.** (1) The functions of the Board are to formulate and advise the Cabinet Secretary on—

(a) Standards for road and bridge materials, design, construction, maintenance and performance levels;

(b) Standard contract forms for works and consultancy services

(c) Research and studies necessary for development and updating on public roads standards;

(d) The types, sizes and usage of vehicles on roads and maximum vehicle and axle load limits for purposes of protecting roads from damage;

(e) Development and training of human resources required for the development, rehabilitation and maintenance of roads; and

(f) Monitoring system to ensure adherence to the standards.

(2) In the execution of its functions under sub-section (1), the Board shall take into account any relevant factors including;

(a) Best international practices;

(b) Input from the general public and

experts; and

(c) The capacity of the relevant entities to comply with the standards.

(3) The Cabinet Secretary shall publish in the Kenya Gazette the approved public roads standards formulated under this section.

(3) Each Authority and county Government shall comply with the public roads standards prescribed by the Cabinet Secretary under this Act.

#### **CLAUSE 8**

**THAT**, Clause 8 be amended by deleting sub-clause (2) and substituting therefor the following—

“(2)The Cabinet Secretary shall at least once in ten years publish the inventory under subsection (1) in the Kenya Gazette.”

#### **CLAUSE 10**

**THAT**, Clause 10 be amended in sub-clause (2) by deleting paragraph (g) and substituting therefor the following new paragraph—

“(g) overseeing the management of road usage on primary national trunk roads in collaboration with other agencies”;

#### **CLAUSE 11**

**THAT**, Clause 11 be amended—

(1) in sub-clause (1) –

(a) by re-numbering the existing sub-clause (1) as sub-clause (2);

(b) by inserting the following new sub-clause (1)

“(1) There is established the Board of the Kenya National Highways Authority.”

(c) by deleting the words “or (g)” appearing at the end of paragraph (a).

(d) in paragraph (f) by deleting the word “or” appearing at the end of sub-paragraph (v) and substituting therefor the word “and”.

## **CLAUSE 13**

**THAT**, Clause 13 be amended

- (a) in sub-clause (2) by deleting paragraph (f) and substituting therefor the following new paragraph—

“(f) overseeing the management of road usage on secondary national trunk roads in collaboration with other agencies”; and

- (b) in the marginal notes by deleting the word “Kenya” appearing twice.

## **CLAUSE 14**

**THAT**, Clause 14 be amended—

- (1) in sub-clause (1)

(a) by re-numbering the existing sub-clause (1) as sub-clause (2);

(b) by inserting the following new sub-clause (1)

“(1) There is established the Board of the Kenya National Secondary Roads Authority”.

(c) in paragraph (f) by deleting the word “or” appearing at the end of subparagraph (v) and substituting therefor the word “and”.

(d) in the marginal notes by deleting the word “Kenya” appearing twice.

## **CLAUSE 23**

**THAT**, Clause 23 be amended, sub-clause (2)—

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph

“(a) holds a Bachelor’s degree in Civil Engineering, a Master’s degree from a University recognized in Kenya and is registered by the Engineers Board of Kenya.”

- (b) in paragraph (b) by deleting the words “fifteen years” and substituting therefor the words “ten years”.

## **PART VI -FINANCIAL PROVISIONS**

**THAT** part VI be amended by substituting it with Part VII so that this part becomes Part VII.

## **PART VII - GENERAL POWERS OF AN AUTHORITY**

**THAT** part VII be amended by substituting it with Part VI so that this part becomes Part VI.



## **CLAUSE 54**

**THAT**, Clause 54 be amended in sub-clause (10) by inserting the words “Environmental Management and Coordination Act” immediately after the words “Forests Act”.

## **CLAUSE 70**

**THAT** Clause 70 of the Bill be amended in subsection (1) by adding the following words at the end-

“provided notification of the actions or powers intended has been provided and consented to by the National Agency with delegated powers over the road.”

## **CLAUSE 92**

**THAT**, Clause 92 be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (k) –

“(l) road numbering and signage system.”

## **CLAUSE 96**

**THAT**, Clause 96 be amended–

- (a) in sub-clause (1) in the definition of “former Authorities” by deleting the word “Kenya” appearing twice before the words “Kenya National Highways Authority.”
- (b) in sub-clause (4)(d) by deleting the words “Kenya Regional Roads Authority” and substituting therefor the words “Kenya National Secondary Roads Authority”
- (c) by renumbering the repeated sub-clause (4) as sub-clause (5)

## **CLAUSE 98**

**THAT**, Clause 98 be amended by deleting the word “First” and substituting therefor the word “Third”.

## **THIRD SCHEDULE – CONSEQUENTIAL AMENDMENTS**

**THAT**, the Bill be amended in the Third Schedule by deleting the proposed amendment to section 6(2)(d) of the Kenya Roads Board Act No.7 of 1999 and substituting therefor the following –

“Determine the allocation of the Fund to ensure that not more than–

- (1) forty (40%) per centum is allocated to the Kenya National Highways Authority in such proportions as the Board may determine with the approval of the Cabinet Secretary in respect of primary national trunk roads;
- (2) thirty two (32%) per centum is allocated to the Kenya National Secondary Roads Authority in respect of secondary national trunk roads and the said per centum shall be equally distributed to the Constituencies ;
- (3) fifteen (15%) per centum is allocated to the county governments equally in respect of county roads;
- (4) one (1%) per centum is allocated to the Kenya Wildlife Services in respect of roads in national parks and reserves;
- (5) eight (8%) per centum is allocated annually by the Board with the approval of the Cabinet Secretary to priority projects derived from the road investment programmes including–
  - (a) one (1%) per centum for material development; and
  - (b) one (1%) per centum for research and testing
- (6) two (2%) per centum to be allocated to the National Transport and Safety Authority to support road safety programmes; and
- (7) two (2%) per centum to the Kenya Roads Board in respect of the recurrent expenditure of the Board.”

**End**

THE NATIONAL ASSEMBLY


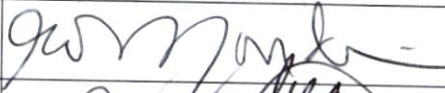
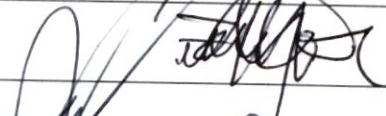

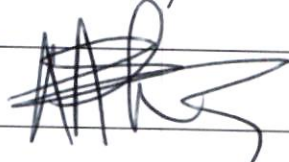


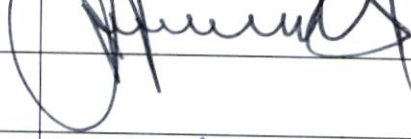
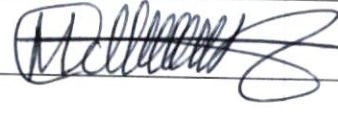


ELEVENTH PARLIAMENT – 3<sup>RD</sup> SESSION

DEPARTMENTAL COMMITTEE – TPWH: TRANSPORT, PUBLIC WORKS AND HOUSING

Register for the adoption of the Report on the Kenya Roads Bill, 2015

NO.	MEMBER	SIGNATURE
1.	Hon. Maina Kamanda (Chairperson), MP	
2.	Hon. (Eng.) Mohamud M. Mohamed (Vice Chairperson), MP	
3.	Hon. KK Stephen Kinyanjui Mburu, MP	
4.	Hon. Christopher Omulele, MP	
5.	Hon. (Eng.) Stephen Ngare, MP	
6.	Hon. Johnson M. Naicca, MP	
7.	Hon. (Eng.) John Kiragu, MP	
8.	Hon. Stephen K. Manoti, MP	
9.	Hon. Joseph Lomwa, MP	
10.	Hon. (Capt.) Clement M. Wambugu, MP	
11.	Hon. Emmanuel Wangwe, MP	
12.	Hon. Grace J. Kipchoim, MP	
13.	Hon. Cecily M. Mbarire, MP	
14.	Hon. Mishi Juma Khamis, MP	

15.	Hon. Peter Shehe, MP	
16.	Hon. Omar Mwinyi, MP	
17.	Hon. Suleiman Dori, MP	
18.	Hon. Edick O. Anyanga, MP	
19.	Hon. Aduma Owuor, MP	
20.	Hon. Gideon Konchella, MP	
21.	Hon. Abass Ahmed Ibrahim, MP	
22.	Hon. Ali Wario, MP	
23.	Hon. David Kiaraho, MP	
24.	Hon. Barchilei Kipruto, MP	
25.	Hon. Simon Nyaundi Ogari, MP	
26.	Hon. Chachu Ganya , MP	
27.	Hon. Mathias N. Robi , MP	
28.	Hon. Mukwe James Lusweti, MP	
29.	Hon. Mark Lomunokol, MP	

Mr. Samuel Kalama – First Clerk Assistant

For: **CLERK OF THE NATIONAL ASSEMBLY**

**MINUTES OF THE 48<sup>TH</sup> SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING COMMITTEE HELD ON MONDAY 19<sup>TH</sup> OCTOBER, 2015 IN BARAZA 2, WHITE SANDS HOTEL, MOMBASA 9:30 AM.**

**PRESENT**

1. Hon. Maina Kamanda, M.P. – **Chairperson**
2. Hon. (Eng.) Mahamud Maalim, M.P. –**Vice Chairman**
3. Hon. Gideon Konchella, M.P.
4. Hon. Joseph Lomwa, M.P.
5. Hon. Grace Kipchoim, M.P
6. Hon. Aduma Owuor, M.P
7. Hon. (Eng.) Stephen Ngare, M.P.
8. Hon. Omulele Christopher, M.P.
9. Hon. Ahmed Abbas Ibrahim, M.P.
10. Hon. Mathias Robi, M.P,
11. Hon. Simon Nyaundi Ogari, M.P.
12. Hon. Stephen Manoti, M.P.
13. Hon. Mishi Juma, M.P.
14. Hon. Omar Mwinyi, M.P.
15. Hon. (Capt.) Clement Wambugu, M.P
16. Hon. K.K. Stephen Kinyanjui Mburu, M.P
17. Hon. Johnson Manya Naicca, M.P.
18. Hon. Emmanuel Wangwe, M.P.
19. Hon. Barchilei Kipruto, M.P.
20. Hon. Edick Omondi Anyanga, M.P.
21. Hon. (Arch.) David Kiaraho, M.P.
22. Hon. Eng. John Kiragu, M.P

**ABSENT WITH APOLOGY**

1. Hon. Ali Wario, M.P.
2. Hon. Chachu Ganya, M.P.
3. Hon. Cecily Mbarire, M.P.
4. Hon. Mukwe James Lusweti, M.P.
5. Hon. Peter Shehe, M.P.
6. Hon. Mark Lomunokol, M.P.
7. Hon. Suleiman Dori, M.P.

## IN ATTENDANCE

## - NATIONAL ASSEMBLY

- |                          |                 |
|--------------------------|-----------------|
| 1. Mr. Abdifatah M. Bule | Clerk Assistant |
| 2. Ms. Nuri Kitel        | Clerk Assistant |
| 3. Ms. Mercy Wanyonyi    | Legal Counsel   |

### **MIN/DC-TPWH/2015/254 Preliminaries**

The Chair called the meeting to order at 9:30 am and opened it with word of prayer. The Chairperson presented the agenda as follows:-

1. Prayer
2. **Consideration and adoption of the Report on the Kenya Roads Bill, 2015**
3. Any Other Business

### **Min/DC-TPWH/2015/255 Consideration and adoption of the Report on the Kenya Roads Bill, 2015**

The Committee considered and adopted the report unanimously as proposed and seconded by the Hon. Joseph Lomwa, MP and Hon. Ahmed Abbas Ibrahim, M.P respectively with following observations and recommendations:-

#### **Observations**

The Committee observed as follows:-

- (i) The draft Bill leaves the publication of the road inventory to the discretion of the Cabinet Secretary (CS). The CS could decide not to publish the inventory or take a lot of time before publishing.
- (ii) The Board of the Authorities ought to be established by law before it is composed and the Bill leaves the provision for the establishment of the board of Kenya National Highway Authority and Kenya National Secondary Roads Authority.
- (iii) The position of the Director General of each Authority calls for someone who has qualified in education and experience hence a master's degree and ten years experiences are adequate for the position holder.

## COMMITTEE RECOMMENDATIONS

Having held meetings with the Stakeholders, and through its analysis of the Bill, the Committee will be introducing the following amendments for consideration during the Committee Stage of the Bill:-

CLAUSE	SUBJECT MATTER	PROPOSED AMENDMENT	JUSTIFICATION
PART II	Title	<p>THAT Part II of the Bill be amended by deleting the title and substituting therefor with the following-</p> <p><b>“ESTABLISHMENT OF THE PUBLIC ROADS STANDARDS BOARD”</b></p>	There is need for there to be an advisory committee to the Cabinet Secretary on issues of road standards for purposes of quality control.
<p><b>CLAUSE 6</b> THAT Clause 6 of the Bill be amended by deleting and substituting therefor the following new clauses-</p>			
	Establishment of the Board.	<p><b>6.</b> (1) There is established a Public Roads Standards Board.</p> <p>(2) The Cabinet Secretary shall by regulations prescribe standards for testing, design, construction and maintenance of national trunk roads by the roads authorities and county roads by county Governments.</p>	The clause establishes the advisory board to advise the Cabinet secretary on regulations concerning road standards.

	<p>Composition of the Board.</p>	<p><b>6A.</b> (1) The Board shall consist of a representative from each of the following bodies —</p> <ul style="list-style-type: none"> <li>(a) The State Department responsible for public roads;</li> <li>(b) The State Department responsible for matters relating to devolution;</li> <li>(c) The Inter-governmental Relations Technical Committee established under section 11 of the Inter-Governmental Relations Act,2012;</li> <li>(d) The Kenya National Highways Authority;</li> <li>(e) The Kenya National Secondary Roads Authority;</li> <li>(f) The Kenya Roads Board established under section 4 of the Kenya Roads Board Act,1999;</li> <li>(g) The Institution of Engineers of Kenya;</li> <li>(h) The National Agency responsible for testing and research on roads; and</li> <li>(i) The National Transport and</li> </ul>	<p>Provides for the membership of the Board.</p>



		<p>Safety Authority.</p> <p>(2) The Principal Secretary for the State Department responsible for public roads shall be the chairperson of the Board.</p> <p>(3) The State Department responsible for public roads shall be the secretariat to the Board and may assign or appoint such support staff as may be necessary to effectively perform its functions</p> <p>(4) The Board shall establish and regulate its own procedures.</p> <p>(5) The Board may co-opt any person to participate in its deliberations but the person so co-opted shall have no right to vote.</p> <p>(6) The Board shall meet at least four times in a calendar year for the transaction of its business.</p>	
	<p>Functions of the Public Roads Standards Board.</p>	<p><b>6B.</b> ( 1) The functions of the Board are to formulate and advise the Cabinet Secretary on—</p> <p>(a) Standards for road and bridge materials, design, construction, maintenance and performance levels;</p>	<p>Provides for the functions of the Road standards board.</p>

		<p>(b) Standard contract forms for works and consultancy services</p> <p>(c) Research and studies necessary for development and updating on public roads standards;</p> <p>(d) The types, sizes and usage of vehicles on roads and maximum vehicle and axle load limits for purposes of protecting roads from damage;</p> <p>(e) Development and training of human resources required for the development, rehabilitation and maintenance of roads; and</p> <p>(f) Monitoring system to ensure adherence to the standards.</p>	
		<p>(2) In the execution of its functions under sub-section (1), the Board shall take into account any relevant factors including;</p> <p>(a) best international practices;</p> <p>(b) input from the general public and experts; and</p> <p>(c) the capacity of the relevant entities to</p>	

		comply with the standards.	
		(3) The Cabinet Secretary shall publish in the Kenya Gazette the approved public roads standards formulated under this section.	
		(4) Each Authority and county Government shall comply with the public roads standards prescribed by the Cabinet Secretary under this Act.	
<b>CLAUSE 8</b>	Inventory on classification and assignment of roads	<b>THAT</b> , clause 8 be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—  “(2)The Cabinet Secretary shall at least once in ten years publish the inventory under subsection (1) in the Kenya Gazette.”	The draft Bill leaves the publication of the road inventory to the discretion of the Cabinet Secretary. The CS could decide not to publish the inventory or take a lot of time before publishing.
<b>CLAUSE 10</b>	Functions of the Kenya National Highways Authority.	<b>THAT</b> , Clause 10 be amended in sub-clause (2) by deleting paragraph (g) and substituting therefor the following new paragraph—  “(g) overseeing the management of road usage on primary roads in collaboration with other agencies”;	Management of road safety is the role of National Transport Safety Authority
<b>CLAUSE 11</b>	Board of the Kenya National Highways Authority.	<b>THAT</b> , Clause 11be amended—  (1) in sub-clause (1) –  (a) by re-numbering the existing sub-clause(1) as	There is no clause 11 sub section 1(g) in the draft Bill

		<p>sub-clause (2);</p> <p>(b) by inserting the following new sub-clause (1) “(1) There is established the Board of the Kenya National Highways Authority.”</p> <p>(c) by deleting the words “or (g)” appearing at the end of paragraph (a).</p> <p>(d) in paragraph (f) by deleting the word “or” appearing at the end of sub-paragraph (v) and substituting therefor the word “and”.</p>	<p>The Board of the Authority ought to be established by law before it is composed</p> <p>To correct a typographical error.</p> <p>For purposes of correct referencing since the institutions to be represented in the Board are six and the last one is not optional but part of it.</p>
<p><b>CLAUSE 13</b></p>	<p>Functions of the Kenya National Secondary Roads Authority</p>	<p><b>THAT,</b> clause 13 be amended</p> <p>—</p> <p>(a) in the marginal notes by deleting the word “Kenya” appearing twice.</p> <p>(b) in sub-clause (2) by deleting paragraph (f) and substituting therefor the following new</p>	<p>To correct a typographical error since the word has been repeated.</p>

		<p>paragraph–</p> <p>“(f) overseeing the management of road usage on secondary roads in collaboration with other agencies”;</p>	<p>Management of road safety is the role of National Transport Safety Authority</p>
<p><b>CLAUSE 14</b></p> <p>P.T.O.</p>	<p>Board of the Kenya National Secondary Roads Authority</p>	<p><b>THAT,</b> clause 14 be amended–</p> <p>(1) in sub-clause (1)</p> <p>(a) by re-numbering the existing sub-clause(1) as sub-clause (2);</p> <p>(b) by inserting the following new sub-clause (1) “(1) There is established the Board of the Kenya National Secondary Roads Authority”.</p> <p>(c) in paragraph (f) by deleting the word “or” appearing at the end of sub-paragraph (v) and substituting therefor the word “and”.</p> <p>(2) in the marginal notes by deleting the word “Kenya”</p>	<p>There was no provision for the establishment of a board hence the need for inserting a new sub clause (1)</p> <p>For purposes of correct referencing since the institutions to be represented in the Board are six and the last one is not optional but part of it.</p>

		appearing twice.	To correct a typographical error since the word has been repeated.
<b>CLAUSE 23</b>	Director General	<p><b>THAT</b>, sub-clause 2 be amended –</p> <p>(a) by deleting paragraph (a) and substituting therefor the following new paragraph</p> <p>“(a) holds a master’s degree from a university recognised in Kenya and is registered by the Engineers Board of Kenya as a professional engineer”.</p> <p>(b) in paragraph (b) by deleting the words “fifteen years” and substituting therefor the words “ten years”.</p>	The position calls for someone who is qualified education and experience hence a Masters degree and ten years experiences are adequate for the position holder.
<b>PART VI FINANCIAL PROVISIONS</b>			
<p><b>THAT</b> part VI be amended by substituting it with Part VII so that this part becomes Part VII</p> <p>(For logical flow so that all the administrative provisions are dealt with first before the financial provisions)</p>			

**PART VII - GENERAL POWERS OF AN AUTHORITY**

**THAT** part VII be amended by substituting it with Part VI so that this part becomes Part VI

(For logical flow so that all the administrative provisions are dealt with first before the financial provisions)

<b>CLAUSE 54</b>	Access to material sites, etc.	<b>THAT</b> , Clause 54 be amended in sub-clause (10) by inserting the words "Environmental Management and Coordination Act" immediately after the words "Forests Act".	The Environmental Management and Coordination Act is an up to date law in regards to protecting the environment hence the need for it to be also adhered to in relation to preserving the environment
<b>CLAUSE 92</b>	Regulations	<b>THAT</b> , Clause 92 be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (k)–  “(l) road numbering and signage system.”	Road numbering and signage system is a critical roads issue which should also be provided for in the regulations.

**PART X – TRANSITIONAL PROVISIONS**

<b>CLAUSE 96</b>	Transitional provision	<b>THAT</b> , Clause 96 be amended–  (a) in sub-clause (1) in the definition of "former Authorities" by deleting the word "Kenya" appearing twice before the	The word Kenya is repeated
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		<p>words “Kenya National Highways Authority.”</p> <p>(b) in sub-clause (4) by deleting the words “Kenya Regional Roads Authority” appearing in paragraph (d) and substituting therefor the words “Kenya National Secondary Roads Authority”</p> <p>(c) by renumbering the repeated sub-clause (4) as sub-clause (5)</p>	<p>For correct referencing since the authority in question is the Kenya National Secondary Roads Authority and there is no authority called Kenya Regional Roads Authority</p> <p>The sub-clause is repeated.</p>
<b>CLAUSE 98</b>	Consequential amendments to other Acts	<b>THAT</b> , Clause 98 be amended by deleting the word “First” and substituting therefor the word “Third”.	For correct referencing since consequential amendments are provided for under the third schedule and not the first schedule

### THIRD SCHEDULE – CONSEQUENTIAL AMENDMENTS

**THAT**, the Third Schedule be amended by deleting the proposed amendment to section 6(2)(d) of the Kenya Roads Board Act No.7 of 1999 and substituting therefor the following–

“Determine the allocation of the Fund to ensure that not more than–

(1) forty (40%) per centum is allocated to the Kenya National Highways Authority in such proportions as the Board may determine with the approval of the Cabinet Secretary;

(2) thirty two (32%) per centum is allocated equally to all constituencies in the country to be



administered by the Kenya National Secondary Roads Authority;

(3) fifteen (15%) per centum is allocated to the county governments equally;

(4) one (1%) per centum is allocated to the Kenya Wildlife Services;

(5) eight (8%) per centum is allocated annually by the Board with the approval of the Cabinet Secretary to priority projects derived from the road investment programmes–

(a) one (1%) per centum for material development; and

(b) one (1%) per centum for research and testing

(6) two (2%) per centum to be allocated to the National Transport and Safety Authority to support road safety programmes; and

(7) two (2%) per centum to the Kenya Roads Board in respect of the recurrent expenditure of the Board.”

#### MIN/DC-TPWH/2015/256 Adjournment

And time being 12.10 pm, the Chair adjourned the meeting and to be convened on 19<sup>th</sup> October, 2015 at 2.30 pm.

SIGNED.......... DATE .....19/10/2015'.....

HON.MAINA KAMANDA, MP

(Chairperson)

MINUTES OF THE 37<sup>TH</sup> SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING COMMITTEE HELD ON WEDNESDAY 15<sup>TH</sup> JULY, 2015 IN THE COMMITTEE ROOM ON 5<sup>TH</sup> FLOOR CONTINENTAL HOUSE, AT 11: 10 AM.

**Present**

1. Hon. Maina Kamanda, M.P. – **Chairperson**
2. Hon. (Eng.) Mahamud M. Mohamed, M.P. – **Vice Chairman**
3. Hon. Emmanuel Wangwe, M.P.
4. Hon. Simon Nyaundi Ogari, M.P.
5. Hon. Mishi Juma, M.P.
6. Hon. (Capt.) Clement Wambugu, M.P.
7. Hon. Edick Omondi Anyanga, M.P.
8. Hon. (Eng.) John Kiragu, M.P.
9. Hon. Stephen Manoti, M.P.
10. Hon. Omulele Christopher, M.P.
11. Hon. K.K. Stephen Kinyanjui Mburu, M.P.
12. Hon. Mathias Robi, M.P.
13. Hon. Grace Kipchoim, M.P.
14. Hon. (Arch.) David Kiaraho, M.P.
15. Hon. Mukwe James Lusweti, M.P.

**Apologies**

1. Hon. Aduma Owuor, M.P.
2. Hon. Ali Wario, MP.
3. Hon. Suleiman Dori, M.P.
4. Hon. Johnson Manya Naicca, M.P.
5. Hon. Mark Lomunokol, M.P.
6. Hon. Peter Shehe, M.P.
7. Hon. Barchilei Kipruto, M.P.
8. Hon. Ahmed Abbas Ibrahim, M.P.
9. Hon. Chachu Ganya, M.P.
10. Hon. (Eng.) Stephen Ngare, M.P.
11. Hon. Cecily Mbarire, M.P.
12. Hon. Joseph Lomwa, M.P.
13. Hon. Omar Mwinyi, M.P.
14. Hon. Gideon Konchella, M.P.

**In Attendance**

1. Mr. Samuel Kalama
2. Ms. Nuri K. Nataan
3. Mr. Abdifatah Bule
4. Mr. James Muguna

**- National Assembly**

First Clerk Assistant  
Third Clerk Assistant  
Third Clerk Assistant  
Research Officer

**Min/DC-TPWH/2015/189****Preliminaries**

The Chair called the meeting to order at 11:10 am and then he proceeded to say the opening prayer.

**Min/DC-TPWH/2015/190****Confirmation of Minutes**

The minutes of the previous sittings were confirmed as the true records of the proceedings and signed by the Chairmans as follows:-

- i. The minutes of the 28<sup>th</sup> sitting was proposed and seconded by Hon. Christopher Omulele, MP and Hon. Grace Kipchoim, MP respectively.
- ii. The minutes of the 31<sup>st</sup> sitting was proposed and seconded by Hon. Eng. John Kiragu, MP and Hon. Christopher Omulele, MP respectively.
- iii. The minutes of the 33<sup>rd</sup> sitting were proposed and seconded by Hon. Grace Kipchoim, MP and Hon. David Kiaraho, MP respectively.
- iv. The minutes of the 34<sup>th</sup> sitting were proposed and seconded by Hon. Simon Ogari, MP and Hon. Christopher Omulele, MP respectively.
- v. The minutes of the 35<sup>th</sup> sitting were proposed and seconded by Hon. Mishi Juma, MP and Hon. Grace Kipchoim, MP respectively.

**Min/DC-TPWH/2015/191****Matters Arising**

Under: -Min/DC-TPWH/2015/175 Committee Observation number four (4),

It was noted that the statement was not complete hence the secretariat was tasked to paraphrase it and make it complete.

**Min/DC-TPWH/2015/ 192 Consideration of the Kenya Roads Bill, 2015**

The Chair invited the legal counsel to take the Committee through the Bill. The legal counsel Ms. Colletah took the Committee through the Bill clause by clause and below is the summary:-

CLAUSE	PROVISION	PROPOSED AMENDMENT	JUSTIFICATION
<b>PART I PRELIMINARY</b>			
CLAUSE 1	This is the short title of the Bill	Agreed to	
CLAUSE 2	Interpretation	Agreed to	
CLAUSE 3	Object and purpose of the Act	Agreed to	
CLAUSE 4	Guiding principles	Agreed to	
CLAUSE 5	Application of the Act.	Agreed to	
<b>PART II NATIONAL ROADS AND BRIDGES STANDARDS AND OVERSIGHT</b>			
CLAUSE 6	Development and imposition of standards	Agreed to	
<b>PART III CLASSIFICATION OF NATIONAL TRUNK AND COUNTY ROADS</b>			
CLAUSE 7	Classification of national trunk and county roads	Agreed to	
CLAUSE 8	Inventory on classification and assignment of roads	<b>THAT</b> , clause 8 be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—	The draft Bill leaves the publication of the road inventory to the discretion of the Cabinet Secretary. The CS could decide not to publish the inventory.

		“(2)The Cabinet Secretary shall at least once in ten years publish the inventory under subsection (1) in the Kenya Gazette.”	
<b>PART IV ESTABLISHMENT OF ROAD AUTHORITIES</b>			
<b>CLAUSE 9</b>	Establishment of the Kenya National Highways Authority.	Agreed to	
<b>CLAUSE 10</b>	Functions of the Kenya National Highways Authority.	<p><b>THAT</b>, clause 10 be amended in sub-clause (2) by deleting paragraph (g) and substituting therefor the following new paragraph –</p> <p>“(g) overseeing the management of road usage on primary roads in collaboration with other agencies”;</p>	Management of road safety is the role of National Transport Safety Authority
<b>CLAUSE 11</b>	Board of the Kenya National Highways Authority.	<p><b>THAT</b>, clause 11be amended –</p> <p>(1) in sub-clause (1) –</p> <p>(a) by re-numbering the existing sub-clause(1) as sub-clause (2);</p> <p>(b) by inserting the following new sub-clause (1)</p> <p>“(1) There is established the Board of the Kenya National Highways Authority.”</p>	There is no clause 11 sub section 1(g) in the draft Bill

		<p>(c) by deleting the words "or (g)" appearing at the end of paragraph (a).</p> <p>(d) in paragraph (f) by deleting the words "six persons nominated from the following organizations" and substituting therefor the words "six persons, appointed by the Cabinet Secretary from each of the following organizations".</p> <p>(e) in paragraph (f) by deleting the word "or" appearing at the end of sub-paragraph (v) and substituting therefor the word "and".</p> <p>(2) by deleting sub-clause (3).</p>	
<b>CLAUSE 12</b>	Establishment of the Kenya National Secondary Roads Authority	Agreed to	
<b>CLAUSE 13</b>	Functions of the Kenya National Secondary Roads Authority	<p><b>THAT,</b> clause 13 be amended</p> <p>—</p> <p>(a) in the marginal notes by deleting the word "Kenya" appearing twice.</p>	Management of road safety is the role of National Transport Safety Authority

		<p>(b) in sub-clause (2) by deleting paragraph (f) and substituting therefor the following new paragraph—</p> <p>“(f) overseeing the management of road usage on secondary roads in collaboration with other agencies”;</p>	
<p>CLAUSE 14</p>	<p>Board of the Kenya National Secondary Roads Authority</p>	<p><b>THAT,</b> clause 14 be amended—</p> <p>(1) in sub-clause (1)</p> <p>(a) by re-numbering the existing sub-clause(1) as sub-clause (2);</p> <p>(b) by inserting the following new sub-clause (1) “(1) There is established the Board of the Kenya National Secondary Roads Authority”.</p> <p>(c) in paragraph (f) by deleting the words “six persons nominated from the following organizations” and substituting therefor the words “six persons, appointed by the Cabinet Secretary from each of the following organizations”.</p> <p>(d) in paragraph (f) by</p>	<p>There was no provision for the establishment of a board hence the need for inserting a new sub clause (1)</p> <p>Appointment should be left at the discretion of the Cabinet Secretary to avoid Organizational politics while nominating the Board Members</p>

		<p>deleting the word “or” appearing at the end of subparagraph (v) and substituting therefor the word “and”.</p> <p>(2) by deleting sub-clause (3).</p> <p>(3) in the marginal notes by deleting the word “Kenya” appearing twice.</p>	
<b>CLAUSE 15</b>	Responsibilities of the Boards of the Authorities.	Agreed to	
<b>PART V ADMINISTRATIVE PROVISIONS</b>			
<b>CLAUSE 16</b>	Qualifications for appointment of the Chairpersons and Members of the Board.	Agreed to	
<b>CLAUSE 17</b>	Considerations on appointment of Members of the Board.	Agreed to	
<b>CLAUSE 18</b>	Terms and conditions of service	Agreed to	
<b>CLAUSE 19</b>	Remunerations of Chairperson and Members	Agreed to	
<b>CLAUSE 20</b>	Vacation of office	Agreed to	
<b>CLAUSE 21</b>	Committees of a Board	Agreed to	



CLAUSE 22	Agreed to	Delegation of powers	
CLAUSE 23	Director General	<p><b>THAT</b>, sub-clause 2 be amended –</p> <p>(a) by deleting paragraph (a) and substituting therefor the following new paragraph</p> <p>“(a) holds a master’s degree from a university recognised in Kenya and is registered by the Engineers Board of Kenya as a professional engineer”.</p> <p>(b) in paragraph (b) by deleting the words “fifteen years” and substituting therefor the words “ten years”.</p>	The position calls for someone who has qualified and experience hence a masters degree and ten years experience are adequate for the position holder
CLAUSE 24	Functions of Director-General	Agreed to	
CLAUSE 25	Removal of Director-General	Agreed to	
CLAUSE 26	Appointments of officers, agents and staff	Agreed to	
CLAUSE 27	Structural organization of the Authority	Agreed to	
CLAUSE 28	Protection from personal liability	Agreed to	
CLAUSE 29	Liability for damages	Agreed to	
CLAUSE 30	Performance agreement	Agreed to	

<b>CLAUSE 31</b>	Annual report	Agreed to	
<b>CLAUSE 32</b>	Power to make Regulations relating to employees	Agreed to	
<b>CLAUSE 33</b>	Common seal	Agreed to	
<b>CLAUSE 34</b>	Conduct of Business and affairs of the Board	Agreed to	
<b>PART VI FINANCIAL PROVISIONS</b>			
THAT part VI be amended by substituting it with Part VII so that this part becomes Part VII			
<b>CLAUSE 35</b>	Financial year	Agreed to	
<b>CLAUSE 36</b>	Funds and Resources of the Authority.	Agreed to	
<b>CLAUSE 37</b>	Receipts, earnings and accruals for the Authority.	Agreed to	
<b>CLAUSE 38</b>	Investment of the Authority's Fund.	Agreed to	
<b>CLAUSE 39</b>	Borrowing by the Authority.	Agreed to	
<b>CLAUSE 40</b>	Annual estimates.	Agreed to	
<b>CLAUSE 41</b>	Accounts and Audit	Agreed to	
<b>CLAUSE 42</b>	Annual Roads works programme.	Agreed to	
<b>CLAUSE 43</b>	Road investment programme.	Agreed to	
<b>CLAUSE 44</b>	Principles of operation.	Agreed to	
<b>CLAUSE 45</b>	Fees and Charges.	Agreed to	

CLAUSE 46	Charges and fees to be Gazetted.	Agreed to	
<b>PART VII - GENERAL POWERS OF AN AUTHORITY</b>			
THAT part VII be amended by substituting it with Part VI so that this part becomes Part VI			
CLAUSE 47	Acquisition of land.	Agreed to	
CLAUSE 48	Power to enter and survey land.	Agreed to	
CLAUSE 49	Power to enter land and prevent accidents, etc.	Agreed to	
CLAUSE 50	Power to enter, and to alter position of pipes, etc.	Agreed to	
CLAUSE 51	Power to remove pipes, etc. from within the road reserve.	Agreed to	
CLAUSE 52	Occupation of private land.	Agreed to	
CLAUSE 53	Power to take water. No. 8 of 2002	Agreed to	
CLAUSE 54	Access to material sites, etc.	<b>THAT</b> , clause 54 be amended in sub-clause (10) by inserting the words "Environmental Management and Coordination Act" immediately after the words "Forests Act".	The Environmental Management and Coordination Act is an up to date law in regards to protecting the environment hence the need for it to be abided too in relation to preserving the environment

<b>CLAUSE 55</b>	Power to close a public road.	Agreed to	
<b>CLAUSE 56</b>	Railway crossings.	Agreed to	
<b>CLAUSE 57</b>	Removing trees etc.	Agreed to	
<b>CLAUSE 58</b>	Inter-County roads and bridges.	Agreed to	
<b>CLAUSE 59</b>	Damage to road or bridges.	Agreed to	
<b>CLAUSE 60</b>	National toll roads.	Agreed to	
<b>CLAUSE 61</b>	National toll bridges.	Agreed to	
<b>CLAUSE 62</b>	Road user charges.	Agreed to	
<b>PART VIII - MISCELLANEOUS</b>			
<b>CLAUSE 63</b>	Consultation before declaration	Agreed to	
<b>CLAUSE 64</b>	Authority to have power of a country government for National trunk roads	Agreed to	
<b>CLAUSE 65</b>	Transfer of functions to either level of government	Agreed to	
<b>CLAUSE 66</b>	Cost sharing arrangements	Agreed to	
<b>CLAUSE 67</b>	Funds to works on, or operation of, county roads, etc	Agreed to	
<b>CLAUSE 68</b>	Improvement of National trunk road as an economic alternative to improvement of the	Agreed to	

	county road network		
<b>CLAUSE 69</b>	Impact of certain county government decisions on national trunk roads	Agreed to	
<b>CLAUSE 70</b>	Management of particular functions on National trunk roads by county governments	Agreed to	
<b>CLAUSE 71</b>	Cabinet Secretary's power of direction	Agreed to	
<b>CLAUSE 72</b>	Structures and other works on, over and below roads or certain other land	Agreed to	
<b>CLAUSE 73</b>	Liability of owner and driver for damage	Agreed to	
<b>CLAUSE 74</b>	Proceedings on failure to comply with the Act	Agreed to	
<b>CLAUSE 75</b>	Exercise of certain powers of delegation under the Act	Agreed to	
<b>CLAUSE 76</b>	Authorization of employees	Agreed to	
<b>CLAUSE 77</b>	Accommodation works	Agreed to	
<b>CLAUSE 78</b>	Major offences	Agreed to	
<b>CLAUSE 79</b>	Other offences	Agreed to	
<b>CLAUSE 80</b>	Penalty for false returns	Agreed to	
<b>CLAUSE 81</b>	Exemption of state vehicles	Agreed to	

CLAUSE 82	Nuisance of state vehicles on roads	Agreed to	
CLAUSE 83	Other exemptions	Agreed to	
CLAUSE 84	Service of notice, etc., on Authority	Agreed to	
CLAUSE 85	Limitation of actions	Agreed to	
CLAUSE 86	Restriction on execution against property	Agreed to	
CLAUSE 87	Protection of name	Agreed to	
CLAUSE 88	Consultation with departments and users	Agreed to	
CLAUSE 89	Exemption from stamp duty	Agreed to	
CLAUSE 90	Publication and access to information	Agreed to	
CLAUSE 91	General penalty	Agreed to	
CLAUSE 92	Regulations	<b>THAT</b> , clause 92 be amended in sub-clause (2) by inserting the following new paragraph immediately after paragraph (k)–  “(l) road numbering and signage system.”	The Bill does not provide a logical numbering and signage system of the roads
CLAUSE 93	Review and revocation of certain legal notices	Agreed to	
<b>PART IX – RESPONSIBILITIES OF COUNTY GOVERNMENTS</b>			
CLAUSE 94	Respective roles of national and county	Agreed to	

	governments		
<b>CLAUSE 95</b>	County governments to establish County Road Agencies	Agreed to	
<b>PART X – TRANSITIONAL PROVISIONS</b>			
<b>CLAUSE 96</b>	Transitional provision	<p><b>THAT</b>, clause 96 be amended–</p> <p>(a) in sub-clause (1) in the definition of “former Authorities” by deleting the word “Kenya” appearing twice before the words “Kenya National Highways Authority.”</p> <p>(b) in sub-clause (4) by deleting the words “Kenya Regional Roads Authority” appearing in paragraph (d) and substituting therefor the words “Kenya National Secondary Roads Authority”</p>	<p>The word Kenya is repeated</p> <p>The authority in question is the Kenya National Secondary Roads Authority and there is no authority called Kenya Regional Roads Authority</p>
<b>CLAUSE 97</b>	Repeals, Cap.408	Agreed to	
<b>CLAUSE 98</b>	Consequential amendments to other Acts	<b>THAT</b> , clause 98 be amended by deleting the word “First” and	Consequential amendments are discussed under the Third schedule

		substituting therefor the word "Third".	and not the First schedule
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**FIRST SCHEDULE – CLASSIFICATION OF PUBLIC ROADS**

Agreed to

**SECOND SCHEDULE – PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF A BOARD**

Agreed to

**THAT**, the Bill be amended in the Third Schedule by deleting the proposed amendment to section 6(2)(d) of the Kenya Roads Board Act No.7 of 1999 and substituting therefor the following –

“Determine the allocation of the Fund to ensure that not more than–

- (1) forty (40%) per centum is allocated to the Kenya National Highways Authority in such proportions as the Board may determine with the approval of the Cabinet Secretary in respect of primary national trunk roads;
- (2) thirty two (32%) per centum is allocated to the Kenya National Secondary Roads Authority in respect of secondary national trunk roads and the said per centum shall be equally distributed to the Constituencies ;
- (3) fifteen (15%) per centum is allocated to the county governments equally in respect of county roads;
- (4) one (1%) per centum is allocated to the Kenya Wildlife Services in respect of roads in national parks and reserves;
- (5) eight (8%) per centum is allocated annually by the Board with the approval of the Cabinet Secretary to priority projects derived from the road investment programmes including support road safety, standards, technical assistance, material research and testing;



(6) two (2%) per centum to be allocated to the National Transport and Safety Authority to support road safety programmes; and

(7) two (2%) per centum to the Kenya Roads Board in respect of the recurrent expenditure of the Board.”

Min/DC-TPHW/2015/192

Adjournment

And the time being 4.30 pm the meeting was adjourned to be reconvened on Thursday, 23<sup>rd</sup> July, 2015 at 10.00 am.

SIGNED.....

HON MAINA KAMANDA, M.P

(Chairperson)

DATE.....19/10/2015