

*Approved for tabling.*

REPUBLIC OF KENYA



*2/8/16*  
*PAPER LAID*  
*by the chair*  
*transport, works and housing*  
*Hon. Maina Muriuki*  
*on Wednesday*  
*3/8/2016*  
*203*

PARLIAMENT OF KENYA LIBRARY

THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FOURTH SESSION – 2016

DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING

REPORT ON THE PETITION BY THE HON. FRANCIS MUNYUA WAITITU, MP ON BEHALF OF RESIDENTS OF JUJA CONSTITUENCY REGARDING THE CONSTRUCTION OF FOOTBRIDGES ALONG THE THIKA SUPER HIGHWAY

DIRECTORATE OF COMMITTEE SERVICES,  
CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
**NAIROBI**

JULY, 2016



ANNEXES

- A. Adoption List
- B. Committee minutes

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## **CHAIRPERSON'S FOREWORD**

The petition was tabled in the House by the Hon. Francis Munyua Waititu, MP on behalf of the petitioners. This is in accordance with the provisions of Standing Order No. 225 (2) (a). The petition requests the Ministry of Transport, Infrastructure, Housing and Urban Development through the Kenya National Highways Authority (KeNHA) to construct more Footbridges at various spots along the Thika Super Highway to reduce the number of innocents Kenyans who die or are left disabled along this road.

The petition was referred to the Departmental Committee on Transport, Public Works and Housing as per the requirements of S.O. 227.

In considering the petition, the Committee held meetings with the Hon. Francis Munyua, MP, who appeared on behalf of the petitioners, and the Cabinet Secretary, Ministry of Transport, Infrastructure, Housing and Urban Development. The meetings were aimed at inquiring into the issues raised in the petition.

The Committee appreciates the assistance provided by the Office of the Speaker and the Clerk of the National Assembly that enabled it to discharge its functions in considering the petition.

On behalf of the Committee, and pursuant to Standing Order, 227 it is my duty to table the report on the Floor of the House the Report of the Committee on the petition.

**Hon. Maina Kamanda, EGH, M.P.**

**Chairperson, Departmental Committee on Transport, Public Works and Housing**

## **EXECUTIVE SUMMARY**

This report has considered and responded to the prayers sought by residents of Juja Constituency in a petition on the construction of footbridges along the Thika Super Highway.

The main objective of constructing footbridges in the said road is to curb frequent road carnage in the road which led to many deaths and injuries.

The report entails presentations by the Petitioners, Hon. Francis Munyua Waititu, MP, and Cabinet Secretary for the Ministry of Transport, Infrastructure, Housing and Urban Development. After presentations and deliberations the report recommends that the Ministry through KeNHA urgently constructs footbridges in this road to save lives .

The Ministry of Transport, Infrastructure, Housing and Urban Development through Kenya National High Authority should construct the ten designed footbridges to help in curbing the road carnage in this road.

The Ministry through the National Transport and Safety Authority should ensure that the traffic laws are adhered to not only on this road but also across the country and offenders are prosecuted.

## MANDATE OF THE COMMITTEE

The Committee is established in accordance with the provisions of Standing Order No. 216, with the following terms of reference: -

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- ii. To study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- iii. To study and review all legislation referred to it;
- iv. To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- v. To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister;
- vi. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and
- vii. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The Committee under Standing Order 227 is mandated to respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the floor of the House.

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, Infrastructure, Housing and Urban Development.

## MEMBERS OF THE COMMITTEE

1. The Hon. Maina Kamanda, M.P. – (**Chairperson**)



2. The Hon. Eng. Mahamud Maalim, M.P. – **(ViceChairperson)**
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. Rashid Juma Bedzimba, 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.

## **COMMITTEE SECRETARIAT**

Mr. Samuel Kalama  
Ms. Christine Ndiritu  
Mr. Abdifatah M. Bule  
Mr. James Chacha  
Mr. Ringera Humphrey  
Mr. Salem Lorot

First Clerk Assistant  
Third Clerk Assistant  
Third Clerk Assistant  
Fiscal Analyst  
Research Officer  
Legal Counsel



## **2.5 LIST OF RECOMMENDATIONS**

1. The Ministry of Transport, Infrastructure, Housing and Urban Development should construct the ten designed footbridges to help in curbing road carnage along the road Thika Superhighway.
2. The Ministry of Transport, Infrastructure, Housing and Urban Development through the National Transport and Safety Authority should ensure that traffic laws are adhered to not only along this road but also across the country and offenders prosecuted.

### 3.0 Introduction

- 3.1 The petition by the Hon. Francis Munyua Waititu, MP member for Juja Constituency, on behalf of Juja Constituency regarding the construction of footbridges along the Thika Super Highway was tabled in the House pursuant to Standing Order 225 (2) (a) on Wednesday 30<sup>th</sup> March 2016.
- 3.2 Pursuant to the House rules, the petition was referred to the Committee on 30<sup>th</sup> March 2016 for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing Order 227.
- 3.3 The Petitioners drew the attention of the House to the following, that:-
1. Residents of Juja Constituency highly appreciate the numerous economic, environmental and infrastructural benefits brought about by the construction of the Thika Super Highway, including the creation of jobs, facilitation of transportation and access, and increasing the demand for goods and services, among other multiplier effects of the road;
  2. Despite the numerous benefits, a number of innocents Kenyans have either been killed or left disabled along this road, robbing many households of their bread winners and leaving untold suffering on the maimed and their families;
  3. There were ten (10) fatal accidents within a two-kilometer stretch between the Weighbridge next to Ruiru Gold Club and Ndarugu River in 2015 alone, including on 5<sup>th</sup> May, 2015 at Ndarugo area, 18<sup>th</sup> May 2015 at Kwa Maua area opposite Juja City Mall, on 9<sup>th</sup> June 2015 near the TNA office Juja, on 18<sup>th</sup> July 2015 at Nyacaba Road, on 30<sup>th</sup> September 2015 near Juja Thriller, among others, all of which either led to avoidable death or serious injuries;
  4. as per records, majority of victims are students from Kenyatta University's Ruiru Campus, the Nairobi Institute of Business Studies (NIBS);
  5. Jomo Kenyatta University of Agriculture and Technology (JKUAT), Mangu High School, among other numerous primary and Secondary schools, all being institutions with over 60,000 students and pupils;
  6. Sustained efforts to solve the issues and attain a workable solution to this concern have not been successful; and

7. The issues in respect of which this Petition is made are not pending before any Court of Law or before any Constitutional or statutory body.

## 4.0 Evidence

### 4.1 Presentation by the Hon. Francis Munyua Waititu, MP and Representatives of residents of Juja Constituency.

The representatives of the petitioners and the Hon. **Francis Munyua Waititu**, M.P appeared before the Committee on 12<sup>th</sup> May 2016 and made the following presentation:-

Hon. **Francis Munyua Waititu**, M.P, representing the residents of Juja Constituency, informed the Committee as follows, that: -

1. Residents of Juja Constituency highly appreciate the numerous economic, environmental and infrastructural benefits brought about by the construction of the Thika Super Highway, including the creation of jobs, facilitation of transportation and access, and increasing the demand for goods and services, among other multiplier effects of the road;
2. Despite these numerous benefits, a number of innocents Kenyans have either been killed or left disabled along this road, robbing many households of their bread winners and leaving untold suffering on the maimed and their families;
3. There were ten (10) fatal accidents within a two-kilometer stretch between the Weighbridge next to Ruiru Gold Club and Ndarugu River in 2015 alone, including on 5<sup>th</sup> May, 2015 at Ndarugo area, 18<sup>th</sup> May 2015 at Kwa Maua area opposite Juja City Mall, on 9<sup>th</sup> June 2015 near the TNA office Juja, on 18<sup>th</sup> July 2015 at Nyacaba Road, on 30<sup>th</sup> September 2015 near Juja Thriller, among others, all of which either led to avoidable death or serious injuries;
4. As per records, majority of victims are students from Kenyatta University's Ruiru Campus, the Nairobi Institute of Business Studies (NIBS);
5. Jomo Kenyatta University of Agriculture and Technology (JKUAT), Mangu High School, among other numerous primary and Secondary schools, all being institutions with over 60,000 students and pupils;
6. sustained efforts to solve the issues and attain a workable solution to this concern have not been successful; and

7. The issues in respect of which this Petition is made are not pending before any Court of Law or before any Constitutional or statutory body.

The petitioners pray that the National Assembly through the Departmental Committee on Transport, Public Works and Housing recommend the Ministry of Transport, Infrastructure, Housing and Urban Development through KeNHA to construct weighbridges along the Thika Super Highway.

#### ***4.2 Presentation by Cabinet Secretary for the Ministry of Transport, Infrastructure, Housing and Urban Development***

The Cabinet Secretary informed the committee that:

1. Considering the rising number of accidents along the busy Thika Highway which have either killed , maimed scores of people due to among other factors, human error, careless driving the Ministry through Kenya National Highways Authority (KeNHA) acknowledges that several footbridges are required along the Thika Superhighway as it has been necessitated by change in land use and increase in population.
2. Currently, the footbridges on Thika Superhighway are:
  - i. University Way
  - ii. Ring Road Ngara (Kariokor)
  - iii. Ngara Market
  - iv. Desai Road
  - v. Pangani Interchange
  - vi. Mathari River(Star fuel station)
  - vii. Muthaiga (Mathari Mental Hospital)
  - viii. NYS
  - ix. Safari Park
  - x. Roysambu
  - xi. Clayworks (Between Githurai & Roysambu)
  - xii. KahawaWendani
  - xiii. Kenyatta University
  - xiv. Ruiru
  - xv. Juja Preparatory
  - xvi. Juja (Sewarage Area)
  - xvii. Mangu High School
  - xviii. Vincentian Centre (Thika)

3. Kenya National Highways Authority is currently preparing tender documents for four footbridges including the requested one at Witeithie which will be tendered by June, 2016;
  - a) Ruaraka
  - b) Blue Springs Hotel
  - c) Witeithie
  - d) Mangu Road
  
4. Ten (10) more footbridges were designed along Thika Super Highway and have not been constructed due to budgetary constraints.

## 5.0 OBSERVATIONS

The Committee made the following observations from evidence adduced in the meetings, that:-


1. The residents of Juja Constituency highly appreciate the numerous economic, environmental and infrastructural benefits brought about by the construction of the Thika Super Highway, including the creation of jobs, facilitation of transportation and access, and increasing the demand for goods and services, among other multiplier effects of the road;
2. The Ministry of Transport, Infrastructure, Housing and Urban Development through Kenya National Highways Authority (KeNHA) acknowledges that several footbridges are required along the Thika Superhighway as it has been necessitated by change in land use and increase in population.
3. There are eighteen (18) footbridges along Thika Superhighway and ten (10) more footbridges were designed and have not been constructed due to budgetary constraints.



## 6.0 Recommendations

**In response to the prayers by the petitioners, the Committee recommends that:-**

1. The Ministry of Transport, Infrastructure, Housing and Urban Development should construct the ten already designed footbridges to help in curbing road carnage along Thika Superhighway.
2. The Ministry of Transport, Infrastructure, Housing and Urban Development, through the National Transport and Safety Authority should ensure that traffic laws are adhered to not only along this road but also across the country and offenders prosecuted.

Signed..........Date.....1/8/016.....

**Hon. Maina Kamanda, EGH, M.P.**  
**Chairperson, Departmental Committee on Transport, Public Works and Housing**



MINUTES OF THE 30<sup>TH</sup> SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING COMMITTEE HELD ON FRIDAY 24<sup>TH</sup> JUNE, 2016 IN THE NEW ROOM THREE ,WINDSOR HOTEL NAIROBI AT 9:00 AM

**PRESENT**

1. Hon. Maina Kamanda, M.P. – **Chairperson**
2. Hon. (Eng.) Mahamud Maalim, M.P. –**Vice Chairman**
3. Hon. Simon Nyaundi Ogari, M.P.
4. Hon. K.K. Stephen Kinyanjui Mburu, M.P
5. Hon. Grace Kipchoim, M.P
6. Hon. Aduma Owuor, M.P.
7. Hon. Ahmed Abbas Ibrahim, M.P
8. Hon. Mark Lomunokol, M.P.
9. Hon. Mishi Juma, M.P.
10. Hon. Cecily Mbarire, M.P.
11. Hon. Ali Wario, M.P.
12. Hon. Chachu Ganya, M.P.
13. Hon. Rashid Juma, MP
14. Hon. (Arch.) David Kiaraho, M.P.
15. Hon. Barchilei Kipruto, M.P
16. Hon. Stephen Manoti, M.P.
17. Hon. Emmanuel Wangwe, M.P.
18. Hon. Omar Mwinyi, M.P
19. Hon. Mathias Robi, M.P.
20. Hon. (Eng.) Stephen Ngare, M.P.

**ABSENT WITH APOLOGY**

1. Hon. Gideon Konchella, M.P.
2. Hon. Johnson Many Naicca, M.P
3. Hon. Peter Shehe, M.P.
4. Hon. Omulele Christopher, M.P
5. Hon. Joseph Lomwa, M.P.
6. Hon. Suleiman Dori, M.P.
7. Hon. Mukwe James Lusweti, M.P.
8. Hon. (Eng.) John Kiragu, M.P
9. Hon. (Capt.) Clement Wambugu, M.P.

## IN ATTENDANCE

## - NATIONAL ASSEMBLY

- |                          |                       |
|--------------------------|-----------------------|
| 1. Mr. Samuel Kalama     | First Clerk Assistant |
| 2. Mr. Abdifatah M. Bule | Third Clerk Assistant |
| 3. Ms. Christine Ndiritu | Third Clerk Assistant |
| 4. Mr. Salem Lorot       | Legal Counsel         |

### MIN/DC-TPWH/2016/121 Preliminaries

The Chairperson called the meeting to order at 9:30 am with a word of prayer. He then presented the agenda as follows:-

1. Prayer
2. Consideration and adoption of the following reports
  - a) Report on the petition by the Hon. Francis Munyua waititu, MP on behalf of residents of Juja Constituency regarding the construction of footbridges along the Thika super highway.
  - b) Report on the petition by residents of Shinyalu Constituency on the dilapidated state and stalemate of construction of the Kakamega-Webuye Road.
3. Any Other Business

**MIN/DC-TPWH/2016/122 (a) Consideration and adoption of the report on the petition by the Hon. Francis Munyua waititu, MP on behalf of residents of Juja Constituency regarding the construction of footbridges along the Thika super highway.**

The Committee considered and adopted the report on the petition by the Hon. Francis Munyua waititu, MP on behalf of residents of Juja Constituency regarding the construction of footbridges along the Thika super highway. The adoption of the report was proposed and seconded by the Hon. Grace Kipchoim, M.P and the Hon. Omar Mwinyi, M.P respectively with the following observations and recommendations:-

### Observations

The Committee made the following observations, that:-

1. The residents of Juja Constituency highly appreciates the numerous economic, environmental and infrastructural benefits brought about by the construction of the Thika Super Highway, including the creation of jobs, facilitation of

transportation and access, and increasing the demand for goods and services, among other multiplier effects of the road;

2. The Ministry of Transport, Infrastructure, Housing and Urban Development through Kenya National Highways Authority (KeNHA) acknowledges that several footbridges are required along the Thika Superhighway as it has been necessitated by change in land use and increase in population.
3. There are eighteen (18) footbridges along Thika Superhighway and ten (10) ten more footbridges were designed and have not been constructed due to budgetary allocation.

### **Recommendations**

The Committee made the following recommendations:-

1. The Ministry of Transport, Infrastructure, Housing and Urban Development should construct the ten designed footbridges to help in curbing the road carnage in Thika Super Highway
2. The Ministry through the National Transport and Safety Authority should ensure that the traffic laws are adhered to not only this road but also across the country and offenders are prosecuted.

### **MIN/DC-TPWH/2016/123 (b) Consideration and adoption of the report on petition by the residents of Shinyalu Constituency on the dilapidated state and stalemate of construction of the Kakamega-Webuye Road**

The Committee considered and adopted the report on the petition by the residents of Shinyalu Constituency on the dilapidated state and stalemate of construction of the Kakamega-Webuye Road. The adoption of the report was proposed and seconded by the Hon. Chachu Ganya, M.P. and the Hon. Simon Nyaundi Ogari, M.P respectively with the following observations and recommendations:-

### **Observations**

The Committee made the following observations, that:-

1. A good road network is essential for facilitating economic development, investment and access to social services.
2. The contract for the rehabilitation of the Kisumu-Kakamega-Kaburengu (Webuye) sections of the Road was awarded in 2010 and up to date the road is not complete.
3. The rehabilitation of the Kisumu-Kakamega section of the road is still ongoing while that of Kakamega-Kaburengu road has since stalled.

4. The diversion on the Kakamega-Webuye road lacks marked diversions with the contractor having abandoned construction equipment on the road, thus causing accidents.

### **Recommendations**

The Committee recommends that:-

The Ministry of Transport, Infrastructure, Housing and Urban Development through the Kenya National Highways Authority should fast track the procurement process for a new contractor to undertake works on the road.

### **MIN/DC-TPWH/2016/124 Adjournment**

The Chairperson adjourned the meeting at 12.30 pm to be convened on 24<sup>th</sup> June, 2016 at 2.00 pm.

SIGNED..... DATE .....

Hon. Maina Kamanda, EGH, M.P. (Chairperson)



# THE NATIONAL ASSEMBLY


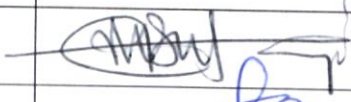







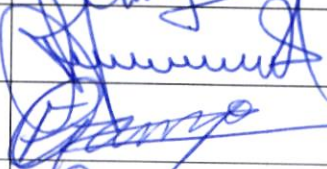

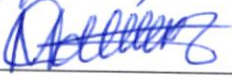
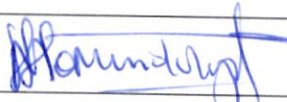


## ELEVENTH PARLIAMENT – 4<sup>TH</sup> SESSION

### DEPARTMENTAL COMMITTEE – TPWH: TRANSPORT, PUBLIC WORKS AND HOUSING

ADOPTIONS REGISTER FOR THE REPORT ON THE PETITION BY THE HON. FRANCIS MUNYUAWAITITU, MP ON BEHALF OF RESIDENTS OF JUJA CONSTITUENCY REGARDING THE CONSTRUCTION OF FOOTBRIDGES ALONG THE THIKA SUPER HIGHWAY-FRIDAY, 24<sup>TH</sup> JUNE 2016

NO.	MEMBER	SIGNATURE
1.	Hon. Maina Kamanda (Chairperson), MP	
2.	Hon. (Eng.) Mohamed Maalim (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. Rashid Juma Bedzimba, M.P	
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	

MINUTES OF THE 20<sup>TH</sup> SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING COMMITTEE HELD ON THURSDAY 12<sup>TH</sup> MAY, 2016 IN THE COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDING AT 10:20 AM

**PRESENT**

1. Hon. Maina Kamanda, M.P. – **Chairperson**
2. Hon. (Eng.) Mahamud Maalim, M.P. – **Vice Chairman**
3. Hon. Ahmed Abbas Ibrahim, M.P.
4. Hon. Joseph Lomwa, M.P.
5. Hon. Simon Nyaundi Ogari,
6. Hon. Ali Wario, M.P.
7. Hon. Gideon Konchella, M.P.
8. Hon. Aduma Owuor, M.P.
9. Hon. Omar Mwinyi, M.P.
10. Hon. (Eng.) Stephen Ngare, M.P.
11. Hon. Grace Kipchoim, M.P.
12. Hon. K.K. Stephen Kinyanjui Mburu, M.P.
13. Hon. (Arch.) David Kiaraho, M.P.
14. Hon. Emmanuel Wangwe, M.P.

**ABSENT WITH APOLOGY**

1. Hon. Mathias Robi, M.P.
2. Hon. (Capt.) Clement Wambugu, M.P.
3. Hon. Peter Shehe, M.P.
4. Hon. Stephen Manoti, M.P.
5. Hon. Mark Lomunokol, M.P.
6. Hon. Suleiman Dori, M.P.
7. Hon. Mishi Juma, M.P.
8. Hon. Chachu Ganya, M.P.
9. Hon. Rashid Juma Bedzimba, M.P.
10. Hon. Barchilei Kipruto, M.P.
11. Hon. Cecily Mbarire, M.P.
12. Hon. Mukwe James Lusweti, M.P.
13. Hon. (Eng.) John Kiragu, M.P.
14. Hon. Johnson Many Naicca, M.P.
15. Hon. Omulele Christopher, M.P.



## IN ATTENDANCE

1. Mr. Samuel Kalama
2. Mr. Abdifatah M. Bule
3. Mr. James Chacha

## NATIONAL ASSEMBLY

- First Clerk Assistant
- Third Clerk Assistant
- Fiscal Analyst

## IN ATTENDANCE

1. Mr. James Macharia
2. Eng. J.K Mosonik
3. Mr. IrunguNyakera
4. Mr. P.M Mundima
5. Eng. J. Ruwa
6. Eng. Jackson Magomdu
7. Eng. John O.O

## - MINISTRY OF TRANSPORT & INFRASTRUCTURE

- Cabinet Secretary
- Principal Secretary, Infrastructure
- Principal Secretary, Transport
- Director General, KeNHA
- Executive Director, Kenya Roads Board
- Ag. General Manager, Finance, KeRRA
- Director General, KeRRA

### MIN/DC-TPWH/2016/088 Preliminaries

The Chairperson called the meeting to order at 10:20 am with a word of prayer by the Hon. (Eng.) Stephen Ngare, MP. He then presented the agenda as follows:-

1. Prayer
2. Communication from the Chairperson
3. Confirmation of Minutes
4. Matters Arising
5. **Meeting with the Cabinet Secretary for the Ministry of Transport & Infrastructure on the following petitions , Bilateral Air Service Agreements and status of various roads indicated below:-**

- I. Petition by the Hon. Anami LisamulaSilverse, MP on behalf of Residents of Shinyalu Constituency regarding the dilapidated state of the Kakamega-Webuye Road.
- II. Petition by the Hon. Raphael M. Otaalo, MP on behalf of Residents of Lurambi Constituency regarding the construction of speed bumps along the Kakamega-Mumias Road.
- III. Petition by the Hon. Cyprian Kubailringo, MP on behalf of Residents of Igembe Central Constituency regarding the deplorable state of a 28 kilometre section of the Meru-Maua Road from Farm to Murera Gate, Meru National Park.

- IV. Petition by the Hon. (Dr.) Rachael Nyamai, MP on behalf of Residents of Kitui South Constituency regarding the deplorable state of the Kibwezi-Kitui Road (Class B7).
- V. Petition by the Hon. David Kariithi, MP on behalf of pupils and parents of KK Nkengechia Primary School regarding the relocation and construction of the school.
- VI. Petition by Hon. Francis Munyua Waititu, MP on behalf of Residents of Juja Constituency regarding the construction of footbridges along the Thika Super Highway.
- VII. Bilateral Air service Agreements between the Government of the Republic of Kenya and the Government of the Socialist Republic of Vietnam.
- VIII. Bilateral Air service Agreement between the Government of the Republic of Kenya and the Government of Liberia.
- IX. Status of the following roads
  - (a) The Garissa-Mombasa road (B8)
  - (b) The Garissa-Mandera road (B9)
  - (c) The Lurambi-Navakholo-Kanduyi road (C41)
  - (d) The Karandi-Mochongoi-Marigat road (C51)
  - (e) The St. Stephen Scope road (1.4 KM linking Changamwe and Jomvu constituencies)

6. Any Other Business

**MIN/DC-TPWH/2016/089 Consideration of petitions**

The Chairperson invited the Cabinet Secretary for the Ministry of Transport and Infrastructure to make his presentation on the various petitions:-

**A. Petition by the Hon. Anami Lisamula Silverse, MP on behalf of Residents of Shinyalu Constituency regarding the dilapidated state of the Kakamega-Webuye Road.**

- I. The Kakamega-Webuye Road is part of the International Trunk Road (A1) from Isebania (Kenya/ Tanzania border) through Kisumu and Lodwar to Nadapal (Kenya/ Sudan border). The Kakamega-Webuye section lies wholly within Kakamega County and is about 40km long.
- II. The road starts at Kakamega town and runs in a North Easterly direction through Lurambi, Lubao, Kakunga, Kakoyi, and Malava, Kakamega forest, Butali, Matete and ends at Kaburengu (junction with A104), a distance of



- approximately 6.8 Km from the Town of Webuye. The road traverses a rolling terrain.
- III. The Contractor for the Works was M/s VIL Limited of India and the Contract was signed on 12<sup>th</sup> July 2012. The commencement date was 1st April 2013 and the time for completion was 24 months therefore the completion date was 31<sup>st</sup> March 2015.
  - IV. The Employer issued the Contractor with a notice of termination in May 2014 due to default in obligations including inadequate mobilization of staff and equipment and suspension of work without reasonable cause. The Contractor challenged the notice in court in May 2014 and a ruling was delivered in June 2015 referring the parties to Arbitration.
  - V. Arbitral proceedings were initiated by the Employer in August 2015. In September 2015, the Contractor requested for discussions with the Employer with a view to reaching amicable termination of the Contract. This culminated in the execution, in March 2016, of a Deed of Settlement and Release between the 2 parties. Procedures specified in the Deed are ongoing and the 2 parties are expected to release each other in May 2016.
  - VI. The Employer has commenced procurement process for a new contractor to undertake works on the road. It is expected that a new contractor will commence the works in July 2016 and complete them in a period of 24 months.

**B. Petition by the Hon. Raphael M. Otaalo, MP on behalf of Residents of Lurambi Constituency regarding the construction of speed bumps along the Kakamega-Mumias Road.**

- i. The Ministry through Kenya National Highways Authority acknowledges that a good road network is a prerequisite to rapid economic growth as it facilitates administrative and commercial activities.
- ii. The ministry has a record cases of road accidents from the office of the Regional Traffic Enforcement Officer in Western that have occurred along the Kakamega-Ekero (C40) Road mainly at Lutonyi and Mwitoti areas and most recently at Shibuli.
- iii. These accidents are as a result of multiple factors including carelessness on the part of some road users who include motorists, pedestrians, and motorcyclists among others.



- iv. Kenya National Highways Authority has started the procurement of erection of standard speed bumps at Lutonyi, Mwitoti and Shibuli under the road maintenance works of Kakamega –Ekeru (C40). The procurement process is at an advanced stage. However, there is need for more public consultative meetings on road safety along the market centres adjoining the road as part of generating a long-term solution.

**C. Petition by the Hon. Cyprian Kubailringo, MP on behalf of Residents of Igembe Central Constituency regarding the deplorable state of a 28 kilometre section of the Meru-Maua Road from Farm to Murera Gate, Meru National Park.**

This item was deferred to another sitting since the Hon. Cyprian Kubai Iringo, MP sent his apologies.

**D. Petition by the Hon. (Dr.) Rachael Nyamai, MP on behalf of Residents of Kitui South Constituency regarding the deplorable state of the Kibwezi-Kitui Road (Class B7).**

The Hon. (Dr.) Rachael Nyamai, MP informed the meeting that her road has been earmarked for construction to bitumen standards through an advertisement in the newspapers and she would not wish to pursue the petition.

**E. Petition by the Hon. David Kariithi, MP on behalf of pupils and parents of KK Nkengechia Primary School regarding the relocation and construction of the school.**

- 1) The Kenya Airports Authority (KAA) was instructed through the Ministry of Transport and Infrastructure to expand Isiolo Airport by way of extension of the runway and construction of an apron in Phase 1, which was completed and commissioned in February, 2013. The construction of the passenger terminal building, associated offices and pavements (apron and access road) were in Phases 2 and 3. These phases are ongoing and full completion and commissioning of works is expected by end of year.
- 2) As part of the planning process, the proposed future runway extension required acquisition of land belonging to K.K. Nkengechia Primary School that lies on the final approach of Runway 34. Relocation of the school that was promised during the process of land acquisition has not been realized owing to lack of funding.

3) The school has confirmed availability of 15 acres of land in Rwanda Location. However, the Authority is not in possession of land ownership documents to ascertain this position. This is being pursued by way of:-

- (i) Approved part development plan for the proposed new site;
- (ii) Letter of allotment from the County Government/National Land Commission;
- (iii) Letter from the County Education office to ascertain school ownership status; and
- (iv) Survey plan of the new site.

4. KAA have undertaken preliminary estimates for relocation of the school, which comes to Kshs.74.65 million for facilities as follows:-

- (i) Classrooms (2 streams) - Kshs.21 million;
- (ii) Pre-school (ECD) - Kshs.4.5 million;
- (iii) Administration Block - Kshs.4.25 million;
- (iv) Library - Kshs.4.5;
- (v) VIP latrines - Kshs.9.4 million (for 20 No. cubicles and teacher's toilets;
- (vi) Kitchen and stores - Kshs.4.5 million (minus equipments);
- (vii) Fence, gate and water storage tanks (1500m long – wooden posts, barbed wire and chain link) - Kshs.4.5 million;
- (viii) Furniture (basic) – Kshs.2 million;
- (ix) P.C. and provisional sums – Kshs.4.5 million
- (x) Contingencies (50%) – 3 million;
- (xi) General and specific preliminaries – Kshs.3 million; and
- (xii) VAT (16%) – Kshs.9.5 million.

5. Since the estimates (Kshs.74.65 million) were done before June, 2015, the Authority has allowed for inflation and therefore requested for Kshs.80 million from the Government in the Financial Year 2016/17. It is estimated that the period from commencement to start of construction will take six (6) months as follows:-

- ✓ 2 months for architectural and engineering drawings and preparation of the Bills of Quantities; and
- ✓ Up to four (4) months for tender action, evaluations and preparation and signing of the contract.
- ✓ Construction will take up to fifteen (15) months.

Members of the Committee urged the ministry to put in place temporary measures to ensure pupils are able to access the school as they pursue plans to relocate the school.



The Committee also resolved to undertake a fact finding visit to the school and the airport on 25<sup>th</sup> May, 2016.

**F. Petition by Hon. Francis Munyua Waititu, MP on behalf of Residents of Juja Constituency regarding the construction of footbridges along the Thika Super Highway.**

1. The Ministry through Kenya National Highways Authority (KeNHA) acknowledges that several footbridges are required along the Thika Superhighway as it has been necessitated by change in land use and increase in population considering the rising number of accidents along the busy Thika Highway which have either killed , maimed scores of people due to among other factors, human error and careless driving.
2. The footbridges on Thika Superhighway are located at:
  - (a) University Way
  - (b) Ring Road Ngara(Kariokor)
  - (c) Ngara Market
  - (d) Desai Road
  - (e) Pangani Interchange
  - (f) Mathari River(Star fuel station)
  - (g) Muthaiga (Mathari Mental Hospital)
  - (h) NYS
  - (i) Safari Park
  - (j) Roysambu
  - (k) Clayworks (Between Githurai&Roysambu)
  - (l) KahawaWendani
  - (m) Kenyatta University
  - (n) Ruiru
  - (o) Juja Preparatory
  - (p) Juja(Sewarage Area)
  - (q) Mangu High School
  - (r) Vincentian Centre (Thika)
3. Kenya National Highways Authority is currently preparing tender documents for four footbridges including the requested one at Witeithie which will be tendered by June, 2016. These footbridges will be located at Ruaraka, Blue Springs Hotel, Witeithie and Mangu Road.
4. There are eighteen (18) numbers of footbridges along Thika Superhighway and ten (10) ten more footbridges were designed and have not been constructed due to budgetary allocation.

## MIN/DC-TPWH/2016/090 Consideration of Bilateral Air Service Agreements

The Cabinet Secretary informed the meeting on Kenya/Vietnam and Kenya/Liberia Bilateral Air Services Agreements as follows:-

- I. the Ministry of Transport and Infrastructure is mandated to negotiate and review Bilateral Air Services Agreements between Kenya and various States to facilitate Kenyan air operators such as Kenya Airways provide scheduled air services and expand their existing route network, in addition to allowing foreign carriers access into the Kenyan market. These Agreements are negotiated by a team comprising of representatives from the Ministry of Transport and Infrastructure, Ministry of Foreign Affairs and International Trade, Office of the Attorney General and Department of Justice, Kenya Civil Aviation Authority, Kenya Airports Authority, Kenya Tourism Board and Kenya Airways.
- II. The Agreements are negotiated in line with the Integrated National Transport Policy, which states that Kenya is keen to liberalize new and existing Agreements on the basis of the Yamoussoukro Decision for States within Africa and on the basis of equal opportunity and reciprocity for other States.
- III. The Agreements facilitate airlines to expand their existing route networks by directly operating scheduled air services to other markets. In addition, where airlines are unable to offer services, the Agreements allow them to enter into Commercial Arrangements especially code share, which allow airlines to grow the demand in other markets by putting their code on other carriers. For example, Kenya Airways has a code share agreement with KLM which allows it to put its code KQ on KLM operated flights into Europe and other destinations thereby offering passengers seamless connectivity to the traveling public.
- IV. The Agreements are based on a standard template issued by the International Civil Aviation Organization (ICAO) and contain standard Articles on Grant of Rights; Designation; Authorization; Application of National Laws; Recognition of Certificates and Licenses; Aviation Safety and Security; Customs Duties and other Charges; amongst others. We have submitted matrices explaining the provisions of the Articles for each Air Services Agreement being considered today.
- V. In order to operationalize an Agreement it is normal practice for the delegations representing the concerned States to sign a Memorandum of Understanding (MoU) that gives force to the Agreement as it awaits the signing by the Cabinet Secretaries or Ministers in charge of Civil Aviation.
- VI. The Agreement between the Republic of Kenya and the Socialist Republic of Viet Nam was negotiated and initialed on 7<sup>th</sup> August, 2014 in Ha Noi, Viet Nam.



Delegations representing the two States signed a MoU on the same day operationalizing the provisions of the negotiated and initialed Agreement. Kenya Airways commenced scheduled flights to Ha Noi, Viet Nam from 30<sup>th</sup> March, 2015. It currently operates three (3) frequencies weekly and is keen on increasing the number of frequencies and entry points into Viet Nam in the near future. Additionally, the airline plans to extend its flights with 5<sup>th</sup> Freedom Traffic Rights to points into China from Viet Nam. Currently, there is no Vietnamese airline operating scheduled flights into Kenya. The signing of the Agreement will give impetus to Kenya Airways to increase frequencies and enable it to enjoy 5<sup>th</sup> Freedom Traffic rights.

- VII. The Agreement between the Republic of Kenya and the Republic of Liberia was negotiated and initialed on 16<sup>th</sup> August, 2005 in Monrovia, Liberia. Delegations representing the two States signed a MoU operationalizing the provisions of the negotiated and initialed Agreement.
- VIII. Kenya Airways currently operates scheduled daily flights to Monrovia, Liberia. Currently, there is no Liberian airline operating scheduled flights into Kenya. The Agreement was formally signed in Nairobi on 11<sup>th</sup> December, 2015.

#### **MIN/DC-TPWH/2016/091 Brief on Status of Road Development projects**

Members of the Committee inquired on the status of various roads in the country. The Cabinet Secretary responded as follows:-

1. As regard to the status of the Garissa-Mombasa road (B8); the Ministry through Kenya National Highways Authority and Kenya Rural Roads Authority has carried out periodically maintenance since 2013 to date to motorable standards. Mombasa – Malindi section has been design with the view of rehabilitation, whose financing from either GoK or Development partners is awaited. Malindi – Hola – Garissa section is currently under design with the view of rehabilitation/upgrading to bitumen standards. Part of this section (Hola – Garissa) is a component of the LAPSETT Corridor forming a loop on the main corridor.
2. Regarding the status of the Garissa-Mandera road (B9), the Cabinet Secretary informed the Committee that the Kenya National Highways Authority and Kenya Rural Roads Authority have carried out periodical maintenance since 2013 to date to motorable standards. Future plans for this road is:-
  - i. Garissa – Modika (A3) section (12km) was upgraded to bitumen standard in 2009 and is currently under maintenance.
  - ii. Modika – Nuno (A3) section (12km) was also upgraded to bitumen standards by 2015.

- iii. Nuno – Modogashe (C81) section is currently under construction at a cost of Approx KES 10 Billion under the financing of BADEA. Works commenced in December 2015 and is expected to run for a period of 36months; the contractor has mobilized for the same.
  - iv. Modogashe – Wajir – Mandera (590km) section has been designed for upgrading and is currently awaiting sourcing of finances from either GoK or Development Partners.
3. As regard to Lurambi-Navakholo-Kanduyi road (C41); Routine Maintenance works, at a cost of KES. 18,187,640 are on-going. Works commenced on 7<sup>th</sup> December, 2015 with a completion period of 6 months coming to an end on 6<sup>th</sup> June, 2016. For purposes of maintaining fairly comfortable service levels on the road, a further routine maintenance is planned in the financial year 2016/2017 expected to cost KShs 15 million. The road has been designed with the view of rehabilitation once finances are available from either GoK or Development Partners.
  4. Regarding the status of the Karandi-Mochongoi-Marigat road (C51); the Cabinet Secretary informed the Committee that routine maintenance works, at a cost of KES. 9,999,462.74 are on-going. Works commenced on 7<sup>th</sup> December, 2015 with a completion period of 6 months coming to an end on 6<sup>th</sup> June, 2016. The road has been designed with the view of rehabilitation once finances are made available either from GoK or Development Partners.
  5. On the St. Stephen Scope road (1.4 KM linking Changamwe and Jomvu constituencies) ; the Cabinet Secretary informed the Committee that the St. Stephen Scope Road is an unclassified road which is approximately 1.4 Km and located between Changamwe and Jomvu Constituencies. The road is not in a satisfactory state and has not had any road works carried out in the last two financial years 2014/2015 and 2015/2016, since the Changamwe Constituency Roads Committee did not prioritize it in their work plan. The road has since been devolved to the Mombasa County Government through the recent Kenya Gazette notice dated 22<sup>nd</sup> January 2016. The County Government had gone ahead and put up a publicity board on the road and promised to carry out repair and maintenance works on the road.



MIN/DC-TPWH/2016/092 Adjournment

The Chairperson adjourned the meeting at 12.10 pm to be convened at a later date.

SIGNED..........

DATE.....9/8/2016.....

Hon. Maina Kamanda, EGH, M.P.

(Chairperson)

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