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REPUBLIC OF KENYA

*Paper Laid
by the Hon. David
Mwasia-Chirchir
Committee on Public
Works and Housing
D.C.J.
14/3/18*



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- SECOND SESSION

**REPORT OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT,
PUBLIC WORKS AND HOUSING**



**ON THE CONSIDERATION OF THE NAIROBI METROPOLITAN AREA
TRANSPORT AUTHORITY BILL, 2017**

(NATIONAL ASSEMBLY BILL NO. 43 OF 2017)

**DIRECTORATE OF COMMITTEE SERVICES
THE NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI**

MARCH 2018

1870

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- CoG - Council of Governors
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FOREWORD

The Bill was read for a First Time on 8th November 2017 and subsequently committed to the Committee pursuant to the provisions of Standing Order 127 (1); it is on the basis of this that the Committee makes this Report. The Committee held a meeting with stakeholders where submissions were received and considered before the adoption of this report.

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations of the submissions by different stakeholders on the Nairobi Metropolitan Area Transport Authority Bill, 2017. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the National Assembly for the logistical support accorded to it during the exercise.

Pursuant to provisions of Standing Order 199 (6), and on behalf of the Departmental Committee on Transport, Public Works and Housing, it is my pleasant privilege and honor to present to this House the Report of the Committee on its consideration of the Nairobi Metropolitan Area Transport Authority Bill, 2017.



SIGNED

HON. DAVID PKOSING, CBS, M.P
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING

1.0 PREFACE

1.1 Mandate of the Committee

The Departmental Committee on Transport, Public Works and Housing is established under Standing Order 216(1) whose mandate, pursuant to the Standing Order 216 (5), is as follows;

- 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 the effectiveness of the 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 as compared with their stated objectives;
- e. 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;
- f. 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*);
- f (a). examine treaties, agreements and conventions;
- g. examine treaties, agreements and conventions;
- h. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- i. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- j. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- k. examine any questions raised by Members on a matter within its mandate.

Further, the Second Schedule to the Standing Orders mandates the Committee to consider matters relating to the following subjects:-

- a) Transport;
- b) Roads;
- c) Public works;
- d) Construction and maintenance of roads, rails and buildings;
- e) Air and seaports; and
- f) Housing.

In executing this mandate, the Committee oversees various State Departments, namely:

- i. The State Department of Transport;
- ii. The State Department of Infrastructure;
- iii. The State Department of Housing and Urban Development;
- iv. The State Department of Public Works; and
- v. The State Department of Shipping and Maritime Affairs.

1.2 Members of the Committee

- | | |
|---|-------------------------|
| 1) Hon. David Pkosing, M.P. | Chairperson |
| 2) Hon. Moses Kuria, M.P. | Vice Chairperson |
| 3) Hon. Dominic Kipkoech Koskei, M.P. | |
| 4) Hon. Peris Pesi Tobiko, M.P. | |
| 5) Hon. Kulow Maalim Hassan, M.P. | |
| 6) Hon. Mugambi Murwithania Rindikiri, M.P. | |
| 7) Hon. Samuel Arama, M.P. | |
| 8) Hon. Shadrack John Mose, M.P. | |
| 9) Hon. Rigathi Gachagua, M.P. | |
| 10) Hon. Rehema Dida Jaldesa, M.P. | |
| 11) Hon. Ahmed Bashane Gaal, M.P. | |
| 12) Hon. David Njuguna Kiaraho, M.P. | |
| 13) Hon. Johnson Many Naicca, M.P. | |
| 14) Hon. Tom Mboya Odege, M.P. | |
| 15) Hon. Suleiman Dori Ramadhani, M.P. | |
| 16) Hon. Ahmed Abdisalan Ibrahim, M.P. | |
| 17) Hon. Gideon Mutemi Mulyungi, M.P. | |
| 18) Hon. Savula Ayub Angatia, M.P. | |
| 19) Hon. Vincent Kemosi Mogaka, M.P. | |

1.3 Committee Secretariat

- | | |
|-----------------------------|-------------------------------|
| 1) Ms. Chelagat Tungo Aaron | Second Clerk Assistant |
| 2) Mr. Ahmed Salim Abdalla | Third Clerk Assistant |
| 3) Ms. Mercy Wanyonyi | Legal Counsel |
| 4) Mr. James Muguna | Research Officer |
| 5) Mr. Eugene Luteshi | Audio Officer |
| 6) Mr. Abdinasir Moge Yusuf | Fiscal Analyst |
| 7) Ms. Zainabu Wario | Sergeant at Arms |

1.4 ADOPTION OF THE COMMITTEE REPORT

We, the Members of the Departmental Committee on Transport, Public Works and Housing have, pursuant to Standing Order 199, adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity as per the attached list **(Annexure 5)**

2.0 BACKGROUND

The Nairobi Metropolitan Area Transport Authority Bill, 2017 was read for the first time on 8th November 2017 and subsequently committed to the Departmental Committee on Transport, Public Works and Housing for consideration pursuant to the provisions of Standing Order 127 (1), and report to the House. The principal object of this Bill is to provide a framework for the establishment of the Nairobi Metropolitan Area Transport Authority. The Nairobi Metropolitan Area consists of the County Governments of Nairobi, Kiambu, Machakos, Kajiado and Muranga. The Authority shall oversee the establishment of an integrated, efficient, effective and sustainable transport system within the Metropolitan area.

3.0 SITTINGS

The Committee considered the Nairobi Metropolitan Area Transport Authority Bill, 2017 in its sitting held on Tuesday, 13th March 2018 and adopted its report on the same day. This was preceded by one other meeting with stakeholders on 1st March 2018 where submissions were received and considered before the adoption of this report.

3.1 SUMMARY OF THE NAIROBI METROPOLITAN AREA TRANSPORT AUTHORITY BILL, 2017

The principal object of this Bill is to provide a framework for the establishment of the Nairobi Metropolitan Area Transport Authority. The Nairobi Metropolitan Area consists of the County Governments of Nairobi, Kiambu, Machakos, Kajiado and Muranga. The Authority shall oversee the establishment of an integrated, efficient, effective and sustainable transport system within the Metropolitan area.

The Bill contains the following five parts:

Part I of the Bill contains preliminary provisions which include the short title of the Bill and interpretation of terms used in the Bill.

Part II of the Bill establishes the Nairobi Metropolitan Area Authority and provides for composition, powers, functions and qualification of the members of the Authority under clauses 6, 7, 8 and 9 of the Bill.

Part III of the Bill contained the provision relating to the licensing of public service vehicles, bus operating companies, public service vehicle drivers and the arrangements for bus route planning within the Metropolitan area. It also provides for the requirement for public service vehicles drivers to obtain and maintain a professional driving qualification.

Part IV of the Bill contains the financial provisions. In particular, clause 32 provides for Funds of the Authority and clause 33 establishes the Metropolitan Area Fund and the manner in which the Fund may be invested.

Part V sets out the miscellaneous provisions. This part covers clause 41 to clause 46 of the Bill.

4.0 CONSIDERATION OF THE NAIROBI METROPOLITAN AREA TRANSPORT AUTHORITY BILL, 2017

The Committee considered the Nairobi Metropolitan Area Transport Authority Bill, 2017 in its sitting held on Tuesday, 13th March 2018. Pursuant to Standing Order 127(3)(a), the Committee invited the public through the Daily Nation and Standard newspapers on 12th January 2018 to make representations on the Bill. The Committee received only one memorandum from one Mr. Gitonga Kelvin Ritho.

i. Submission from Mr. Gitonga Kelvin Ritho

He proposed that the Cabinet Secretary responsible for Physical should be included in the membership of the Nairobi Metropolitan Area Council. Further, that the Principal Secretary responsible for physical planning should also be included in the Board of the Authority. This, in his opinion is because the working of NAMATA is heavily reliant on urban transport in matters such as preparation of the transportation plans and integration of the same with development plans prepared by the five counties covered by the region.

Committee's Observations: That issues of physical planning are essential in the implementation of the Act especially with respect to urban transport in matters such as preparation of the transportation plans and integration of the same with development plans within the metropolitan area. However, the inclusion of the Cabinet Secretary responsible for

Physical planning in the Council and the Principal Secretary responsible for physical planning in the Board would increase the membership of the Council and the Board as against the Mwongozo Code of Governance for State Corporations. Further that the Council and the Board could consult and also liaise with any relevant government agency for the purpose of exchanging information, coordinating policies and administration and enhancing capacity.

The Committee, pursuant to Standing Order 127(3)(c), further engaged stakeholders by holding meetings with the Ministry of Transport and the Council of Governors. In this regard, views were sought and oral submissions made as follows:

ii. Submission from the Council of Governors

The CoG was represented by the Governor for Kiambu County when he met the Committee on 1st March 2018, morning session in Continental House.

Main Issues: Some of the issues raised were with respect to consultation where they were proposing that the Council of Governors should be consulted by the Nairobi Metropolitan Area Transport Authority in the performance of its functions including the establishment of an integrated, efficient, effective and sustainable public transport system within the Metropolitan Area. It was their opinion that County Governments have a mandate to regulate traffic, parking and public road transport as well as the Development and maintenance of County Roads as prescribed by the Fourth Schedule of the Constitution. The COG further proposed that the Council shall be *co-chaired* by the Cabinet Secretary and a Governor from the Metropolitan Area so as to embody the spirit of Article 6(2) of the Constitution which provides for mutual relations on the basis of consultation and cooperation of both levels of Government. Further that the Board of the Authority should include County Executive in charge of Urban Planning and Development within the five Counties so as to ensure that the Municipal Boards responsible for regulating infrastructure development within municipalities in counties are included.

Committee's Observations: The Committee took notice of the fact that there exists a Memorandum of Understanding between the Ministry of Transport and Infrastructure and the Counties of the Nairobi Metropolitan Area i.e Nairobi County, Kiambu County, Machakos County, Kajiado County and Murang'a County which had established a framework for cooperation between the parties. The Committee further observed that the five Governors from the Metropolitan Area are represented in the Nairobi Metropolitan Area Council which is responsible for among other things the development of policy and directions and to set goals, objectives and priorities for the Metropolitan Area.

That the Board of the Authority had representatives from the County Executive Committee Member responsible for transport in each of the five counties of the Metropolitan Area. As regards the representation in the Board of the Authority of County Executive Members in charge of Urban Planning and Development within the five Counties, the Committee was of the opinion that in as much as issues of physical planning are essential in the implementation of the Act, the inclusion of the County Executive Committee Member responsible for transport in each of the five counties of the Metropolitan Area in the Board would increase the membership of the Board as against the Mwongozo Code of Governance for State Corporations.

Further that the Board could consult and also liaise with any relevant government agency for the purpose of exchanging information, coordinating policies and administration and enhancing capacity. With respect to the Chairperson of the Council, the Committee was of the view that there ought to be one Chairperson to provide overall leadership and that the position of the Deputy Chair could be rotation and for a period of one year for each of the Governors of the Metropolitan Area.

iii. Submission from the Ministry of Transport

In their submission on 1st March 2018, the Ministry gave a brief background of NAMATA, and explained that it has been an initiative which had actively included the leadership of the five counties involved, in terms of consultation and all other engagements connected therewith. It was this cooperation that culminated to the signing of a memorandum of


COMMITTEE'S GENERAL OBSERVATIONS

The Bill mainly seeks to establish the Nairobi Metropolitan Area Transport Authority so as to provide for an integrated and sustainable public transport system within the Nairobi Metropolitan Area.

5.0 COMMITTEE RECOMMENDATION

Having considered the Nairobi Metropolitan Area Transport Authority Bill, 2017, the Committee will be proposing amendments to **clause 6** and **clause 8** of the Bill during the Third Reading Stage in the Committee of the Whole House.

SIGNED



CHAIRPERSON

(HON. DAVID KROSING, CBS, M.P.)

DATE

13/3/2018

understanding between the Ministry of Transport and Infrastructure and the counties forming the Nairobi Metropolitan area on 21st October 2014. The Ministry had no proposed amendments to the Bill.

COMMITTEE AMENDMENTS

Having considered all the clauses, and having given due consideration to different views as submitted by different stakeholders, the Committee therefore proposed the following amendments as agreed in its meeting of 13th March 2018 and as adopted on 13th March 2018:

CLAUSE 6

THAT Clause 6 of the Bill be amended by inserting the following new paragraph immediately after paragraph (s) –

“(sa) facilitate continuous training of staff within the transport sector in the Metropolitan area.”

Justification: There is need to ensure that the professional knowledge and skills of staff in the transport sector within the Metropolitan area is enhanced through continuous training so as to improve service delivery.

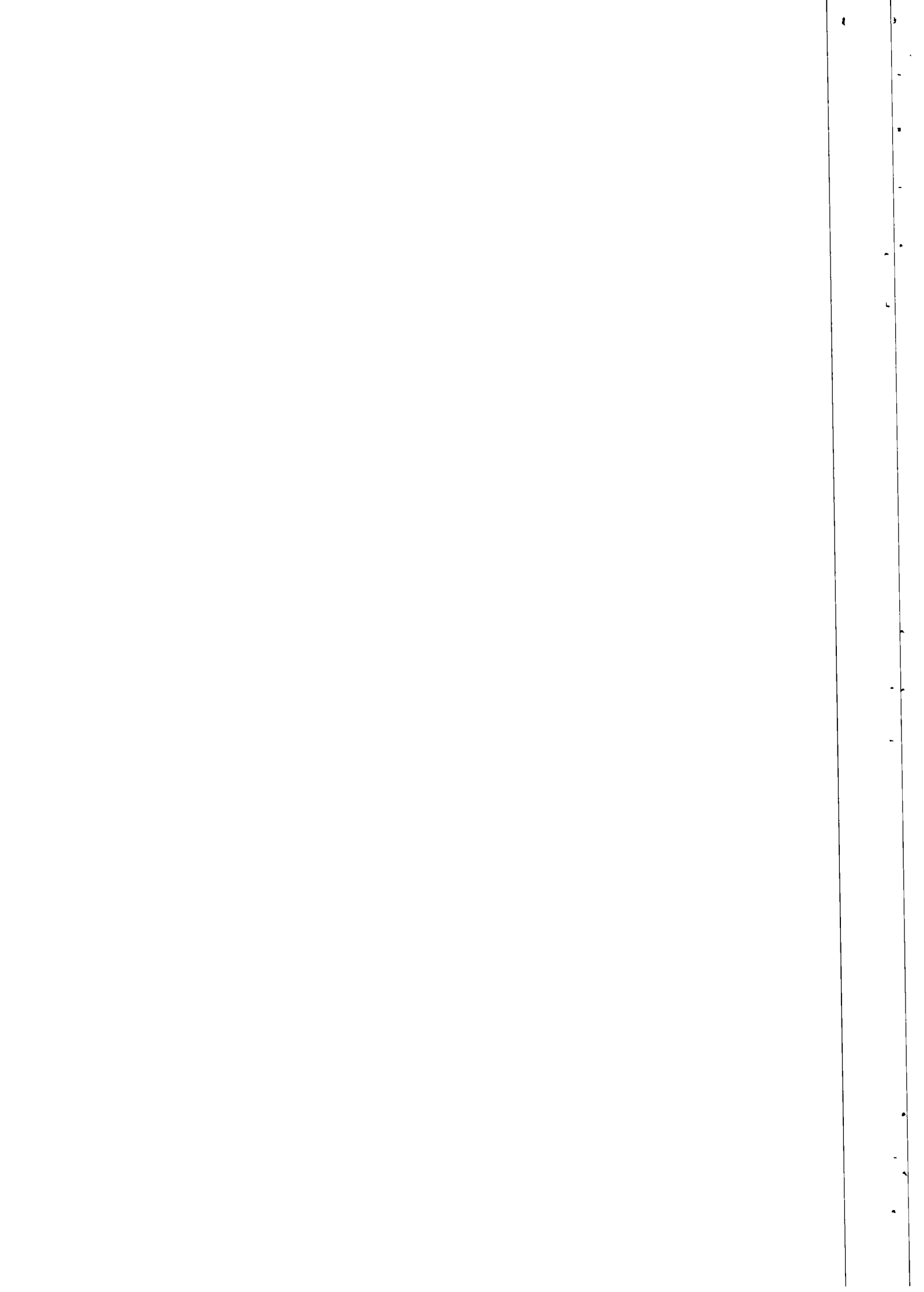
CLAUSE 8

THAT Clause 8 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clause–

“(4) The term of the Deputy Chair of the Council shall be on rotational basis for a period of one year for each of the Governors of the Metropolitan area.”

Justification: This will ensure that the five counties are equally represented in the leadership of the Council and also to enhance mutual relations between the Governors of the Metropolitan Area.

ANNEXURE 1





COUNCIL OF GOVERNORS

**LEGISLATIVE MEMORANDUM ON THE NAIROBI
METROPOLITAN TRANSPORT AUTHORITY BILL, 2017**

TO

THE NATIONAL ASSEMBLY

FROM

THE COUNCIL OF GOVERNORS

INFRASTRUCTURE AND ENERGY COMMITTEE

THE COUNCIL OF GOVERNORS, a non – partisan organization established in accordance with the provision of Section 19 of the Intergovernmental Relations Act, of P.O. Box Number 40401-00100, Nairobi (hereafter referred to as “the Council”, which expression shall where the context admits so include its successors and assigns) on the other part;

In recognition of the fact that the Constitution sets out the functions of County Governments under Part II of the Fourth Schedule to include county public works, county roads, street lighting, traffic, parking, public road transport, ferries and harbors.

In further recognition of the need to align the Nairobi Metropolitan Area Bill 2017 and its implementation to the Constitution to ensure consultation and cooperation in the sector and for effective implementation in the counties; and

Aware of the need for coordinated action between the national and county governments to ensure that these legislations properly respond to the key issues facing the sector, and further reflects the spirit and purpose of the devolution process.

The Council of Governors therefore proposes the following amendments to the Nairobi Metropolitan Transport Authority Bill, 2017:

CLAUSE	PROVISION IN THE BILL	PROPOSED AMENDMENT	JUSTIFICATION
Clause 6(1)	The Authority shall oversee the establishment of an integrated, efficient, effective and sustainable public transport system within the Metropolitan Area.	The Authority in consultation with County Governments shall oversee the establishment of an integrated, efficient, effective and sustainable public transport system within the Metropolitan Area.	County Governments have a mandate to regulate traffic, parking and public road transport as well as the Development and maintenance of County Roads as prescribed by the Fourth Schedule of the Constitution. The proposed Authority must therefore work in tandem with the respective metropolitan County Governments which are independent and distinct.
Clause 6(2)	Without prejudice to the generality of the provisions of subsection (1), the Authority shall -	Without prejudice to the generality of the provisions of subsection (1), the Authority in consultation with the 5	The functions of the proposed authority will directly affect the Counties mandate to regulate transport related issues within their jurisdiction. It is therefore recommended that in

		<p>metropolitan County Governments –</p> <p>Also include the following additional clause</p> <p>u) The authority shall facilitate continuous capacity enhancement of the Transport sector staff within the five metropolitan area Counties.</p>	<p>All the functions listed under this clause should ensure that they are undertaken in consultation with County Governments.</p> <p>This will ensure that the Fourth Schedule of the Constitution and the objects of Devolution which recognize that both levels of Government are distinct with clearly demarcated functions, are adhered to.</p>
Clause 7(1)	The Authority shall, subject to the provisions of Powers of this Act, have power to:	The Authority shall, in consultation with County Governments and subject to the provisions of this Act, have power to:	County Governments are distinct entities mandated to carry out distinct functions. Therefore, the proposed authority should ensure continuous consultation and cooperation with County Governments to avoid duplication of functions.
Clause 8(3) and 8(4)	<p>(3) The Cabinet Secretary responsible for transport shall be the chairperson of the Council.</p> <p>(4) The Deputy Chair of the Council shall be the Governor of Nairobi City County</p>	<p>(3) The Council shall be co-chaired by the Cabinet Secretary a Governor from the Metropolitan Area.</p> <p>(4) The position of co-chair by a Governor, from the Metropolitan Area Counties shall be rotational among the Governors of the metropolitan area who shall serve for a term of one year.</p>	The Nairobi Metropolitan Transport Authority should embody the spirit of Article 6(2) of The Constitution which provides for mutual relations on the basis of consultation and cooperation of both levels of Government.
Clause 10(1)	<p>The management of the Authority shall vest in Board of a Board which shall consist of—</p> <p>a. the chairperson of the Board, appointed by the President;</p> <p>b. the Principal Secretary responsible for Transport;</p>	<p>The management of the Authority shall vest in a Board shall consist of—</p> <p>Also include the following provision:</p> <p>h. County Executive in charge of Urban Planning and Development</p>	The NAMATA Council consists of the various relevant government entities within the transport sector. The Council should therefore be allowed to nominate the chairperson of the board to ensure adequate linkages between the Council and the Board of the Authority.

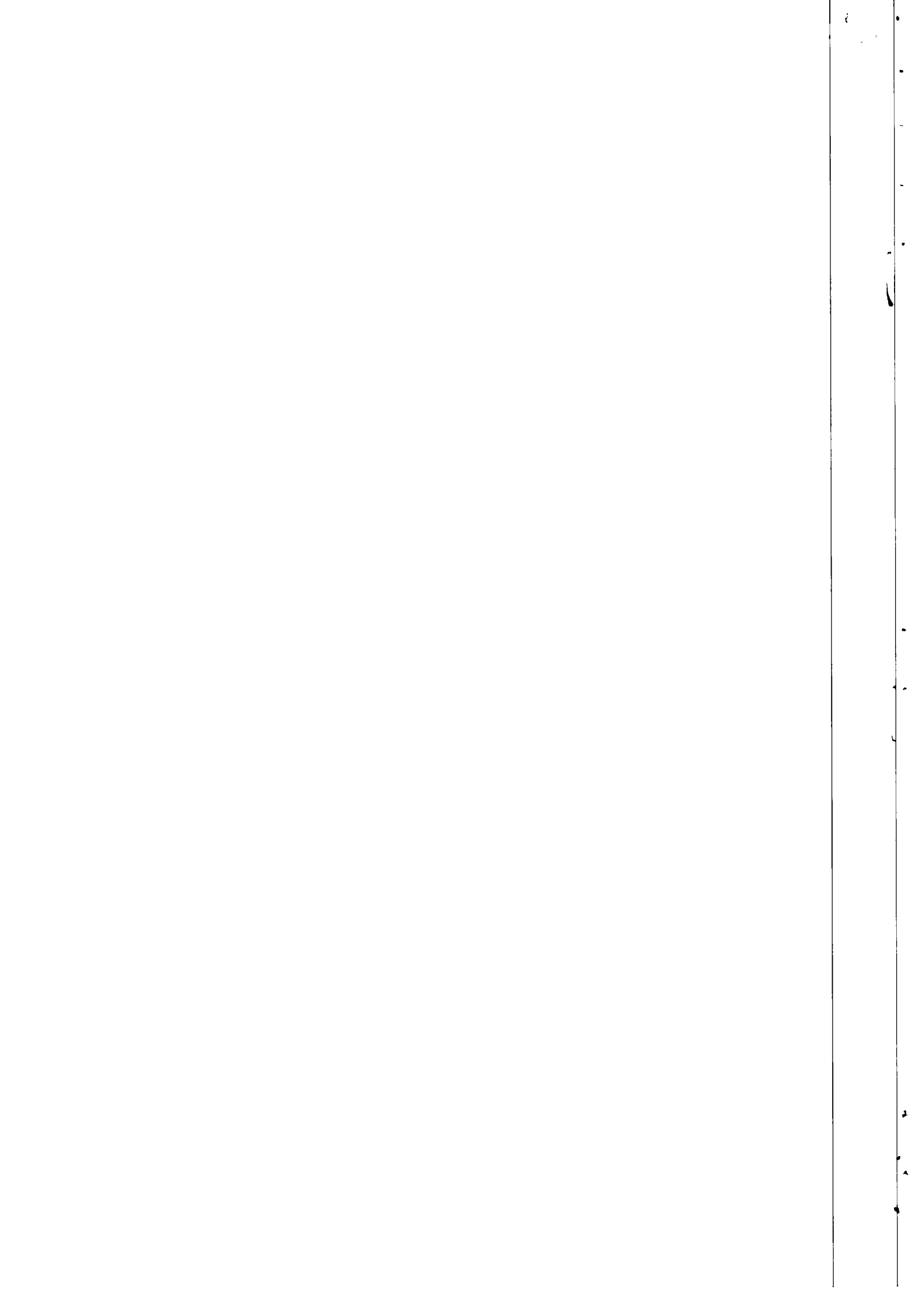
	c. the Principal Secretary responsible for Roads;	within the 5 Counties.	<p>This will allow the Authority to truly reflect the spirit of Intergovernmental relations as enshrined in the Constitution.</p> <p>The Ministry of Transport, Infrastructure, Housing and Urban Development should have one representative on the Board since it includes both transport and road departments.</p> <p>The inclusion of the County Executive in charge of Urban Planning and Development will ensure that the interests of municipal boards established under the Urban Areas and Cities Act are represented. Under the abovementioned Act, the Municipal Boards are responsible for regulating infrastructure development within municipalities in counties and should be included.</p>
Clause 31	In carrying out its functions under this part the Authority shall comply with existing relevant national laws and policies	In carrying out its functions under this part the Authority shall comply with existing relevant national and <i>County laws and policies</i>	Under the Fourth Schedule of the Constitution, County Governments have a mandate to regulate public road transport, traffic and parking within their respective Counties. In regard, County Governments, through their County Assemblies have the authority to enact legislation or adopt policies relating to the above mentioned areas. The NAMATA Authority should therefore consider and comply with the Laws and policies put in place by the 5 metropolitan Counties.

A. Recommendations

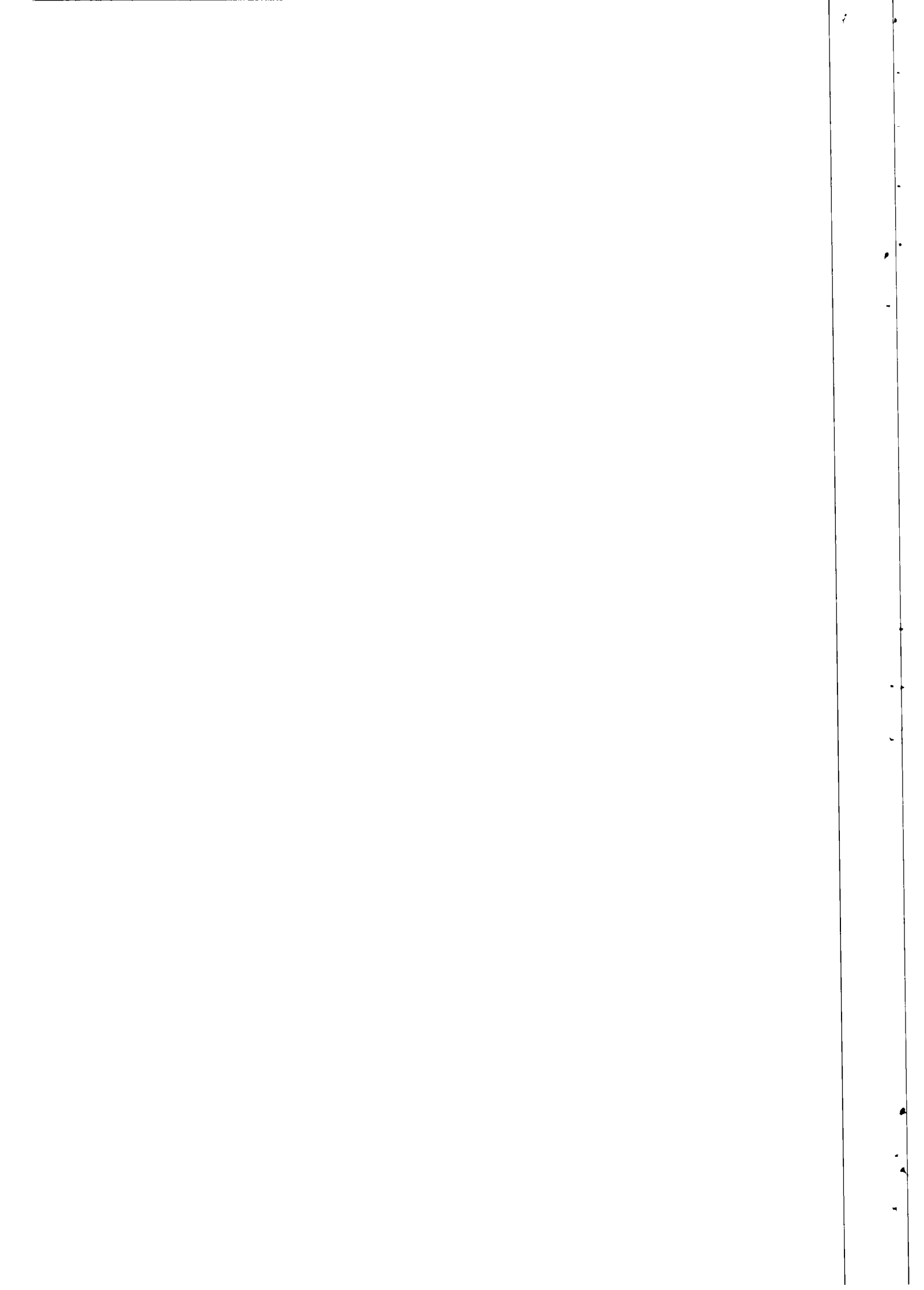
The principle object of this Bill is to provide a framework for the establishment of the Nairobi Metropolitan Area Transport Authority. The Nairobi Metropolitan Area consists of the County Governments of Nairobi, Kiambu, Machakos, Kajiado and Muranga. The Authority shall oversee the establishment of an integrated, efficient, effective and sustainable transport system within the Metropolitan area.

The Council of Governors proposes that the NAMATA Bill be subjected to extensive consultation with the 5 County Governments. This is because the Bill proposes to delegate the power of transport management to the Authority whereas this function is clearly devolved to County Governments under the Fourth Schedule of the Constitution.

Furthermore, section 26 of the Intergovernmental Relations Act outlines the process and requirements that must be met before any function or power is transferred from one level of Government to the other or to any authority. The Council therefore recommends that the NAMATA Bill be subjected to the requirements and standards set out in section 26 of the Intergovernmental Relations Act which begins with a written agreement between both the National and County Governments and involves notifying the National Assembly as well as the respective County Assemblies on the Transfer.



ANNEXURE 2



BRIEF REPORT ON NaMATA

TO

THE CHAIRMAN

**DEPARTMENTAL COMMITTEE ON TRANSPORT,
PUBLIC WORKS & TRANSPORT**

FEBRUARY 2018

Ag. CEO
NaMATA

BACKGROUND

Nairobi Metropolitan Area (NMA) comprises of Counties of Nairobi, Kiambu, Murang'a, Machakos and Kajiado.

A key challenge for Nairobi Metropolitan Area (NMA) is the rapid population growth, taking place within the context of a deteriorating and costly transport system. Various studies indicate that Nairobi City County has a daily sleeping population of 4.2 Million. This population increases to above 7 million day population (an increase of 70%) most of whom reside in the Nairobi Metropolitan Area (NMA) counties. This is projected to reach around 15.1Million in 2030. A review of the travel patterns shows that most of this population travels into, from, within and through the NMA for their various economic activities.

In 2003 an inter-agency committee was formed by the then Minister for Transport to address problems affecting all sub-sectors of transport in the country. The committee came up with an Integrated National Transport policy that was approved by the Cabinet in 2009 and by Parliament as sessional Paper no. 2 of 2012. Among other recommendations was development of Mass Rapid Transit System comprising of Bus Rapid transit and Light Rail and establishment of Nairobi Metropolitan Area Transport Authority. This recommendation was anchored into the Vision 2030 and subsequent Medium Term Plans.

1. INTRODUCTION

NaMATA was set up through the signing of MOU on 21st October 2014 between the Governors of the five NMA Counties of Nairobi, Kajiado, Machakos, Murang'a and Kiambu; that constitute of Nairobi Metropolitan Area on the one hand and Cabinet Secretary for Transport and Infrastructure on the other. This paved way for the establishment of NaMATA Steering Committee through Gazette Notice No. 1093 of 20th February 2015 constituting:

- Principal Secretary, State Department of Transport as the Chairperson;
- County Executive Committee Member in-charge of Roads and Transport, Nairobi County;
- County Executive Committee Member in-charge of Roads and Transport Kiambu County;
- County Executive Committee Member in-charge of Roads and Transport, Kajiado County;
- County Executive Committee Member in-charge of Energy, Transport and Infrastructure Murang'a County;
- County Executive Committee Member in-charge of Roads and Transport, Machakos County;
- Principal Secretary Infrastructure Department
- Principal Secretary Ministry of Lands, Housing and Urban Development

To be able to discharge its mandate as per the gazette notice, the Steering Committee established a full time Secretariat that comprised of representatives from:

- Kiambu County
- Kajiado County
- Murang'a County
- Machakos County
- Nairobi City County
- State Department of Transport
- State Department of Infrastructure
- State Department of Housing and Urban Development
- Kenya Urban Roads Authority
- National Transport and Safety Authority
- Kenya Railways

2. ESTABLISHMENT OF NaMATA

2.1 Draft NaMATA Bill

The draft NaMATA Bill was developed through stakeholders' engagement by the Steering Committee (SC).

2.2 County visits

The visits to the counties to collect views were carried out as listed in the table below

	COUNTY	VENUE	DATE
1.	KAJIADO	KAJIADO	9 TH SEPTEMBER 2015
2.	MURANG'A	MURANG'A	22 ND SEPTEMBER 2015
3.	MACHAKOS	MACHAKOS	24 TH SEPTEMBER 2015
4.	KIAMBU	THIKA	1 ST OCTOBER 2015
5.	NAIROBI	NAIROBI	15 TH OCTOBER 2015

The comments from the various stakeholders during the county visits were consolidated and incorporated in the draft NaMATA Bill and Executive Order.

In February 2017, NaMATA was established by an Executive Order by His Excellency the President through Legal Notice No. 18 of 17th February 2017 with the responsibility of developing and implementing a comprehensive urban transport policy, including a MRTS network development and definition of overall operational regulation of urban commuter services. NaMATA's principal objective is to oversee the establishment of a safe, integrated, efficient, effective, and sustainable public transport system within the Nairobi Metropolitan Area. To achieve it, the Authority shall plan, develop, maintain, and operate an integrated and sustainable public transport network that includes infrastructure and services that affect delivery of the Authority's mandate within the Nairobi Metropolitan Area (NMA). The Authority shall among other activities, promote the safety of the operation of the various MRTS modes and users within the declared corridors.

The Draft NaMATA Bill was approved by the Cabinet and forwarded by AG to the Parliament for enactment and it has gone through the first reading in the National Assembly.

3. OBJECTIVE OF THE AUTHORITY

The main objective of the NaMATA is to oversee the establishment of an integrated, efficient, effective and sustainable public transport system within the Metropolitan Area. In particular, the Authority shall—

- a) Develop a sustainable integrated public transport strategy for the Metropolitan Area
- b) Develop a sustainable urban mobility plan for the Metropolitan Area derived from the strategy
- c) Formulate and oversee the implementation of a sustainable, evidentially based, Integrated Mass Rapid Transit System Strategy;
- d) Plan, regulate and co-ordinate the supply of adequate and effective Mass Rapid Transit System Strategy
- e) Formulate and implement programmes and policies for the overall improvement of public transportation systems within the Metropolitan Area
- f) Provide an enabling environment for orderly and structured development of the mass transit system, including both bus rapid transit and commuter rail within the metropolitan Area
- g) Coordinate with other government agencies and other parties for the development and operation of transport infrastructure, facilities and works, necessary for the discharge of the functions of the Authority
- h) Develop an inventory and undertake continuous evaluation of the declared road network status within the Metropolitan Area
- i) Formulate strategies to ensure overall improvement in traffic flow, planned and programmed traffic engineering and traffic management works within the Metropolitan Area
- j) Ensure optimal utilization of intermodal means of transport including air, road, rail and non-motorised transport and any other modes targeting mass movement within the Metropolitan Area
- k) Improve the environmental sustainability of the transport system in the Metropolitan Area
- l) Facilitate the integration of transport and land use planning in the Metropolitan Area
- m) Make better use of existing road space for all modes and reduce the need for the construction new roads within the Metropolitan Area;

- n) Regulate both the on street and off- street parking on declared corridors and impose fees and penalties with respect thereto
- o) Conduct studies and research for, amongst other things, identification of the Mass Rapid Transit System routes, corridors, network and service levels
- p) Develop appropriate and sustainable funding mechanisms in order to achieve the objectives of the Authority

4. GOVERNANCE STRUCTURE

4.1 NMA COUNCIL

At the apex of the governance structure is the Nairobi Metropolitan Area (NMA) Council. That consists of:

- a. The Cabinet Secretary responsible for Transport (Chairman)
- b. The Cabinet Secretary responsible for The National Treasury
- c. The Governor of Nairobi City County
- d. The Governor of Murang'a County
- e. The Governor of Kiambu County;
- f. The Governor of Machakos County
- g. The Governor of Kajiado County

Functions of the NMA Council

- a) Develop Policy and direction
- b) Set goals ,objectives and priorities for NMA
- c) Determine financial contribution of each county
- d) Approve master plan and strategic plan
- e) Declare by Notice in the Gazette transport corridors
- f) Approve external funding and bilateral agreements

4.2 NaMATA BOARD

The Board of the Authority comprises of:

1. The chairperson of the Board – to be appointed by president
2. The Principal Secretary responsible for Transport;
3. The Principal Secretary responsible for The National Treasury;
4. The County Executive Committee Members responsible for transport in each of the five NMA Counties;
5. The Director General of the Authority
6. Three independent members who shall be appointed by virtue of their knowledge and experience by NMA Council

Recruitment of Independent Board Members

The interviews for recruitment of the independent board members have been conducted successfully. The interviewing panel comprised of a nominee from the five counties and the Ministry of Transport, Infrastructure, Housing and Urban Development.

Functions of the Board

The functions of the Board are as follows:

- Approve and oversee the implementation of an Integrated Transport Master Plan
- Oversee the development of a sustainable and Integrated MRTS
- Oversee the implementation of a comprehensive traffic management plan and strategy
- Formulate additional standards and requirements for Mass Rapid Transit System and monitor their delivery
- Enter into any agreement or partnership with any public sector agencies and other parties for the development and operation of transportation infrastructure, services or facilities, works, and equipment necessary for the discharge of the functions of the Authority

- Regulate and enter into agreements with MRTS Operators and Service Providers
- Recommend to the Council , transport corridors to be declared
- Ensure compliance on the functions of the Authority;
- Approve traffic management schemes and accesses along the declared corridors

5. FINANCING OF THE AUTHORITY

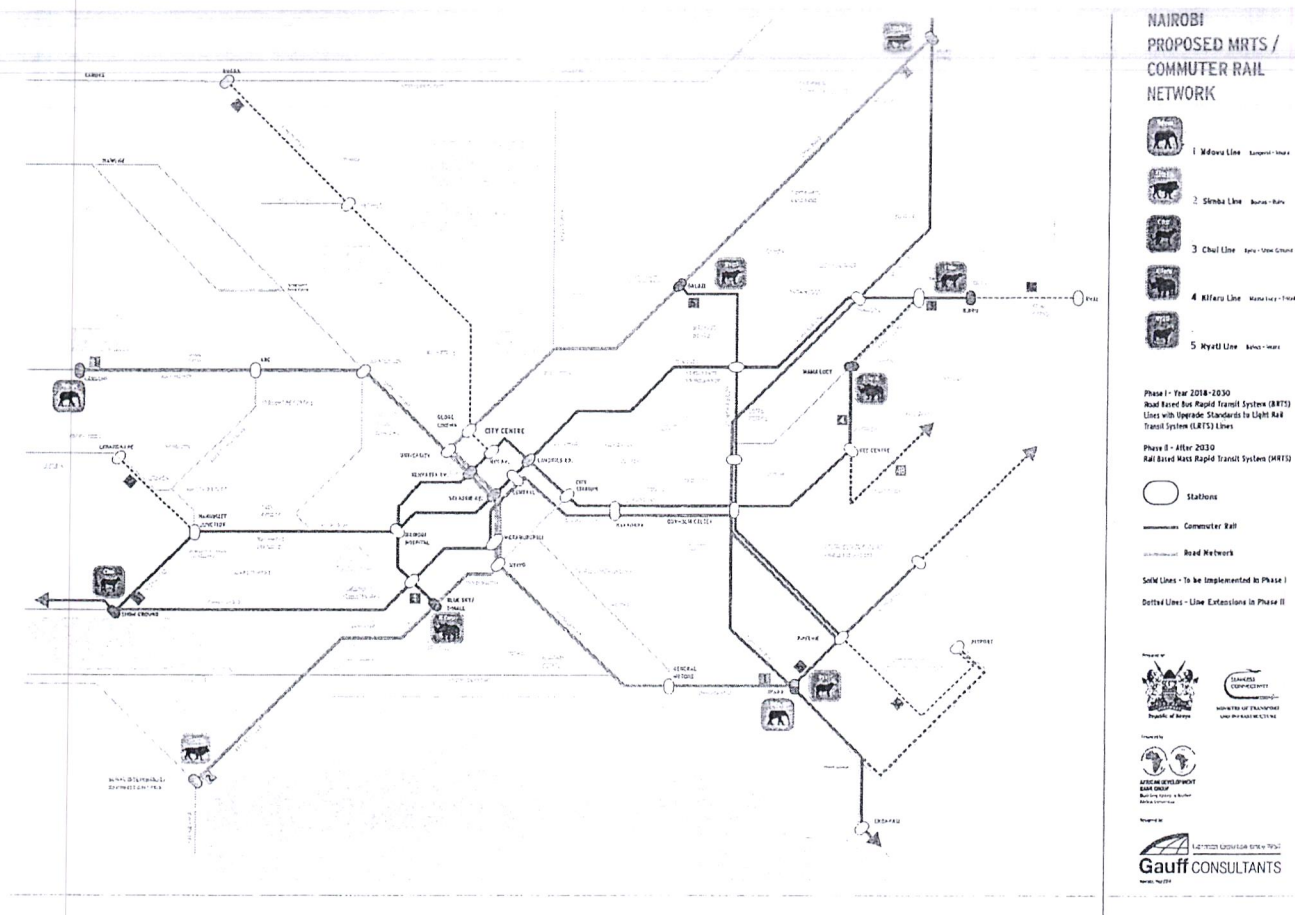
Funds of the Authority

- i. Monies allocated by Parliament for the purposes of the Authority;
- ii. Such monies or assets as may accrue to the Authority in the course of the exercise of its powers or in the performance of its functions under this Order;
- iii. All monies from any other source provided, donated or lent to the Authority;
- iv. Contributions from the counties in the Metropolitan Area
- v. Any other funds approved by law.

6. OPERATIONALIZATION OF THE AUTHORITY

Members of staff were deployed to facilitate the operationalization of the authority. These were drawn from the 5 NMA Counties and The National Government.

7. MASS RAPID TRANSIT MAP



During the first NMA Council Meeting it was noted that all the lines started and terminated within Nairobi County, the following proposals were recommended to accommodate all the counties within the NMA.

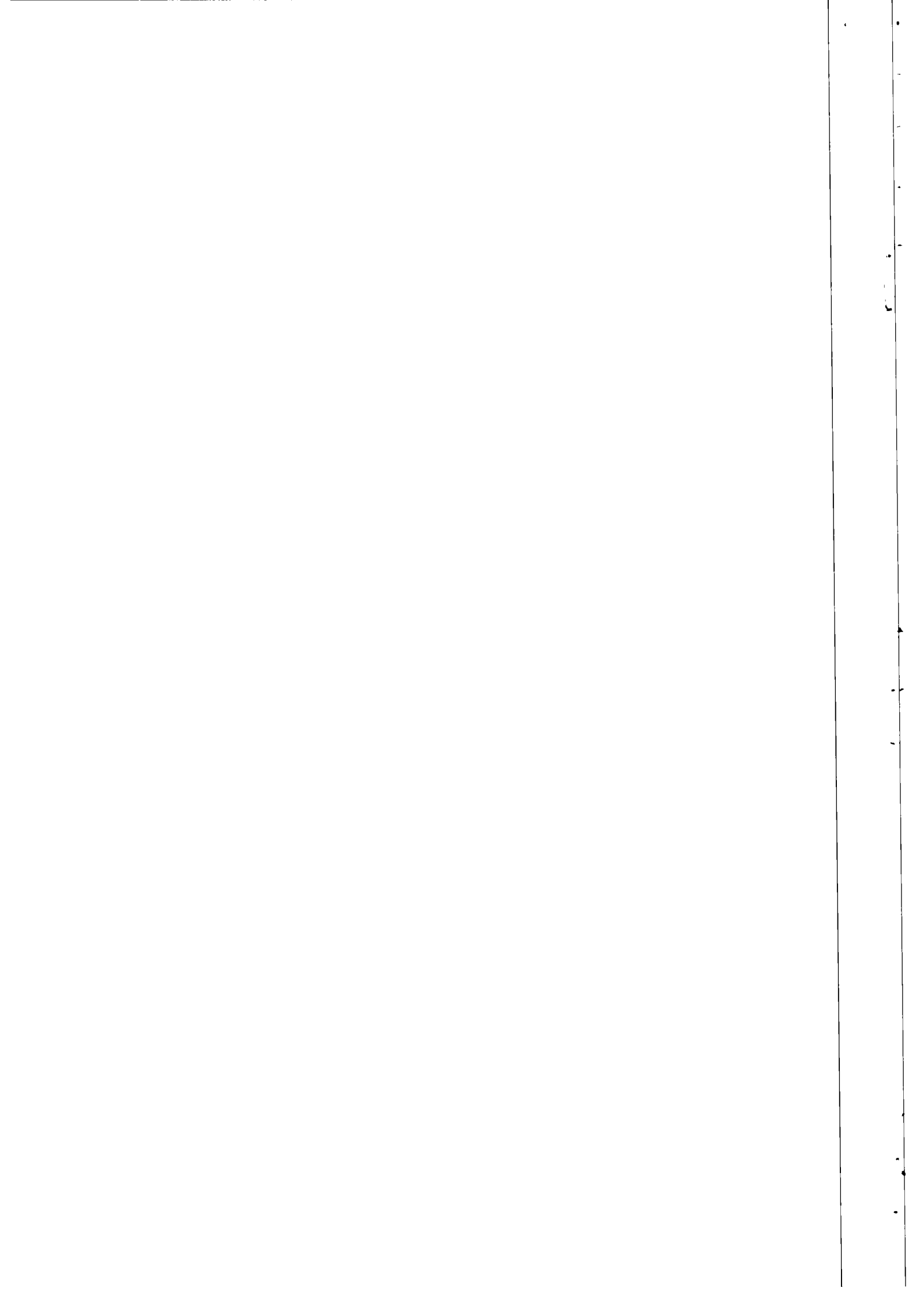
LINE No.	NAME	DESCRIPTION	
		CURRENT	PROPOSED
1.	NDOVU	Kangemi - Imara Daima	Limuru - Kangemi - CBD - Imara Daima - Athi River - Kitengela
2.	SIMBA	Bomas - Ruiru	Rongai - Bomas (Langata Rd) - CBD - Ruiru - Thika - Kenol
3.	CHUI	Njiru - Showground	Tala - Njiru - Dandora (Juja Rd) - CBD - Showground - Ngong

4.	KIFARU	Mama Lucy Hospital - CBD - T Mall	Mama Lucy Hospital - Donholm (Jogoo Rd) - CBD - T Mall - Bomas - Karen – Kikuyu
5.	NYATI	Balozi - Imara	Ridgeways (Kiambu Rd) - Balozi (Allsops) - Imara Daima

Feeder Lines

1. Kiambu Town to Allsops
2. Athi River to Machakos Town
3. Machakos Town to Thika Town to Makuyu Town along Greater Eastern By-Pass

PRESIDENTIAL ORDER MADE ON 8TH FEBRUARY, 2017



(Legislative Supplement No. 8)

LEGAL NOTICE NO. 18

THE STATE CORPORATIONS ACT

(Cap. 446)

IN EXERCISE of the powers conferred by section 3 (1) of the State Corporations Act, I, Uhuru Kenyatta, President and Commander-in-Chief of the Kenya Defence Forces make the following Order:—

THE NAIROBI METROPOLITAN AREA TRANSPORT
AUTHORITY ORDER, 2017

1. This Order may be cited as the Nairobi Metropolitan Area Transport Authority Order, 2017.

Citation

2. In this Order, unless the context otherwise requires—

Interpretation

“Act” means the State Corporations Act;

Cap. 446.

“Authority” means the Nairobi Metropolitan Area Transport Authority established by paragraph 4;

“Board” means the Nairobi Metropolitan Area Transport Authority Board constituted in accordance with paragraph 8;

“Council” means the Nairobi Metropolitan Area Council constituted in accordance with paragraph 6.

“declared transport corridor” means a corridor comprising of a number of individually stated sections of roads or railways which the Authority requires in the discharge of its functions and which has been brought under the jurisdiction of the Authority in order for its quality to be maintained to published standards from the Authority;

“Metropolitan Area” means the Nairobi Metropolitan Area and includes the counties of Nairobi City, Kiambu, Machakos, Kajiado and Murang'a.

3. This Order shall apply to the Metropolitan Area.

Application

4. (1) There is established an Authority to be known as the Nairobi Metropolitan Area Transport Authority.

Establishment of the Authority

(2) The Authority shall be body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property; and

- (c) doing or performing all other things or acts for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate.

(3) The Authority shall be a joint authority in accordance with Article 189(2) of the Constitution.

(4) The headquarters of the Authority shall be in Nairobi, and it shall establish such other sub-offices in any location in the Metropolitan Area, as it may consider necessary for the discharge of its functions.

5. (1) The Authority shall oversee the establishment of an integrated, efficient, effective and sustainable public transport system within the Metropolitan Area.

Functions of the Authority.

(2) Without prejudice to the generality of the provisions of subparagraph (1), the Authority shall—

- (a) develop a sustainable integrated public transport strategy for the Metropolitan Area;
- (b) develop a sustainable urban mobility plan for the Metropolitan Area derived from the strategy;
- (c) formulate and oversee the development of a sustainable, evidentially based, Integrated Mass Rapid Transit System Strategy;
- (d) plan, regulate and co-ordinate the supply of adequate and effective Mass Rapid Transit System;
- (e) formulate and implement programmes and policies for the overall improvement of public transportation systems within the Metropolitan Area;
- (f) provide an enabling environment for orderly and structured development of the mass transit system, including both bus rapid transit and commuter rail within the Metropolitan Area;
- (g) coordinate with other government agencies and other parties for the development and operation of transport infrastructure, facilities and works necessary for the discharge of the functions of the Authority;
- (h) develop an inventory and undertake continuous evaluation of the declared road network status within the Metropolitan Area;
- (i) formulate strategies to ensure overall improvement in traffic flow, planned and programmed traffic engineering and traffic management works within the Metropolitan Area;
- (j) ensure optimal utilisation of intermodal means of transport including air, road, rail and non-motorised transport and any other modes targeting mass movement within the Metropolitan Area.

- (k) assist in poverty alleviation by increasing economic efficiency through lower transport costs and prices within the Metropolitan Area;
- (l) improve the environmental sustainability of the transport system in the Metropolitan Area;
- (m) facilitate the integration of transport and land use planning in the Metropolitan Area;
- (n) make better use of existing road space for all modes and reduce the need for the construction new roads within the Metropolitan Area;
- (o) regulate both on street and off-street parking on declared corridors and impose fees and penalties with respect thereto;
- (p) conduct studies and research for, amongst other things, identification of the Mass Rapid Transit System routes, corridors, network and service levels;
- (q) develop appropriate and sustainable funding mechanisms in order to achieve the objectives of the Authority; and
- (r) perform the any other functions vested upon the Authority under this Order.

6. (1) There shall be a Council for the Nairobi Metropolitan Area which shall consist of—

- (a) the Cabinet Secretary responsible for transport;
- (b) the Cabinet Secretary responsible for finance;
- (c) the Governor of Nairobi City County;
- (d) the Governor of Kiambu County;
- (e) the Governor of Machakos County;
- (f) the Governor of Kajiado County; and
- (g) the Governor of Murang'a County.

(2) The Cabinet Secretary responsible for transport shall be the chairperson of the Council.

(3) The Governor of Nairobi City County shall be the deputy chairperson of the Council.

(4) In the absence of both the chairperson and deputy chairperson, the members of the Council present shall nominate a member from their number, to preside over the meeting.

(5) The secretary to the Board appointed under paragraph 12 (1) shall provide secretarial services to the Council.

Functions of Council.

7. The Council shall—

- (a) be responsible for the development of policy and directions for purposes of this Order;
- (b) set goals and objectives and priorities for the Metropolitan Area;

Board of the Authority.

- (c) determine the financial contribution of each county to the funds of the Authority;
- (d) approve both the master plan and strategic plan prepared by the Authority;
- (e) declare, by Notice in the *Gazette*, transport corridors within the Metropolitan Area;
- (f) approve external funding and bilateral agreements in line with the national financial and fiscal policies; and
- (g) perform such other functions as are assigned under this Order.

8. (1) There shall be a Board of Directors of the Authority which shall consist of—

- (a) the chairperson of the Board, appointed by the President;
- (b) the Principal Secretary responsible for transport;
- (c) the Principal Secretary responsible for finance;
- (d) the County Executive Committee Member responsible for transport in each of the five counties of the Metropolitan Area;
- (e) the Director-General appointed under paragraph 13; and
- (f) three independent persons who shall be appointed by virtue of their knowledge and experience in—
 - (i) transport;
 - (ii) law;
 - (iii) intelligent transport systems;
 - (iv) civil engineering;
 - (v) traffic engineering;
 - (vi) economics;
 - (vii) urban design, planning and management; or
 - (viii) any other relevant field.

(2) The appointment of the members of the Board under subparagraph (1) (f) shall be by the Council.

(3) Every appointment under paragraph (1)(a) and (f) shall conform to sections 6 (2) and (3) of the Act.

9. (1) The Board of the Authority shall be responsible for the management and administration of the Authority and oversee the planning, development, maintenance and operation of an integrated and sustainable public transport network including infrastructure and services that affect delivery of the Authority's mandate within the Nairobi Metropolitan Area.

Functions of the Board.

(c) determine, impose and levy rates, charges, dues or fees for any services performed by the Authority, or for the grant, renewal or validation of a licence, permit or certificate;

(d) acquire such land or assets for the proper performance of its functions in accordance with the Constitution and laws of Kenya;

(e) invest any of the Authority's funds not immediately required for the purposes of this Order; and

(f) in consultation with the Council, carry out any other activity that is in the opinion of the Board, will promote and facilitate realization of the objects and purposes for which the Authority is established.

Delegation by the Board
Corporation Secretary

11. The Board may by resolution either generally or in any particular case, delegate to any committee of the Board or to any member, officer, employee or agent of the Authority, the exercise of any of the powers or the performance of any of the functions of the Board under this Order or under any other written law.

Director General

12. (1) The Board shall competitively recruit a suitably qualified person, in terms of the law governing the practice of public secretaries in Kenya, to serve as the Corporation Secretary of the Authority.

(2) The Corporation Secretary shall be the Secretary to the Board and shall be responsible for arranging the business of the Board, Board meetings, the keeping of records of the Board meetings, the keeping of records of the proceedings of the Board, and perform such other duties as the Board may direct.

13. (1) There shall be a Director-General of the Authority appointed by the Board, who shall be the Chief Executive Officer of the Authority and shall be responsible for the day to day operations and administration of the Authority.

(2) A person shall qualify for appointment as a Director-General, if that person —

(a) holds a degree in any relevant field from a university recognized in Kenya;

(b) has knowledge and experience in any of the following fields —

(i) transport economics;

(ii) civil engineering;

(iii) traffic engineering;

(i) urban planning and management; or

(v) any other relevant field.

(c) has a distinguished career in a senior management position in either private or public sector;

(2) Without prejudice to the generality of the provisions of subparagraph (1), the Board shall —

- (a) approve and oversee the implementation of an integrated Transport Master Plan;
- (b) oversee the development of a sustainable, evidentially based, integrated Mass Rapid Transit System Strategy;
- (c) oversee the implementation of a comprehensive traffic management plan and strategy;
- (d) formulate additional standards and requirements for Mass Rapid Transit System and monitor their delivery;
- (e) enter into any agreement or partnership with any public sector agencies and other parties for the development and operation of transportation infrastructure, services or facilities, works, and equipment necessary for the discharge of the functions of the Authority;
- (f) regulate and enter into agreements with Mass Rapid Transit System Operators and Service Providers including —
 - (i) companies or owners of Mass Rapid Transit System rolling stock and service providers;
 - (ii) Mass Rapid Transit System operators;
 - (iii) Mass Rapid Transit System routes;
- (g) recommend to the Council, transport corridors to be declared as part of the Authority's Strategic Transport Network under this Order;
- (h) ensure compliance of any law or regulation on the functions of the Authority;
- (i) approve traffic management schemes and accesses along the declared corridors; and
- (j) perform the functions vested upon the Board under this Order.

Powers of the Board

9. (1) The Board shall have all the powers necessary to manage and administer the Authority in a manner that shall enable the Authority to realize the objects and purposes for which the Authority is established and in particular, but without prejudice to the generality of the foregoing, the Board shall have the power to —

- (a) open a bank account for the funds of the Authority into which all moneys received by the Authority shall be paid in the first instance and out of which all payments made by the Authority shall be made.
- (b) in consultation with the Council, enter into enter into contracts or association with such other persons, bodies or organizations within or outside Kenya as the Board may consider appropriate in furtherance of the objects and purposes of the Authority; and

(b) payment of pensions, gratuities and other charges in respect to retirement benefits to the staff of the Authority; and

(c) proper maintenance, repair, and replacement of the equipment and other movable property of the Authority.

(3) The Board shall approve the annual estimates before the commencement of the financial year to which they relate.

(4) No expenditure shall be incurred for the purposes of the Authority except in accordance with the annual estimates approved under subparagraph (3) or with the authorization of the Board given with prior written approval of the Council.

18. (1) The Board shall cause to be kept all proper books and other records of accounts of income, expenditure, assets and liabilities of the Authority.

(2) Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General the accounts of the Authority, in respect of that year together with —

(a) a statement of income and expenditure during that financial year; and

(b) a statement of assets and liabilities of the Authority on the last day of that financial year.

19. The Board shall, on receipt of audited accounts for the preceding year, submit to the Council an annual report in respect of that year containing —

(a) the accounts of the Authority and statements referred to under paragraph 18(2)(a);

(b) the Authority's performance indicators and any other related information;

(c) a report on the operations of the Authority during that year; and

(d) such other information as the Council may request.

20. No matter or thing done by the Council, chairman or any other member of the Board or any officer, employee or agent of the Authority shall, if the matter or thing is done in good faith for the purposes of executing any provisions of this Order, render the chairman, member, officer, employee or agent or any person acting under the direction of those persons personally liable to any action, claim or demand.

21. The provisions of this Order shall not relieve the Authority of the liability to pay compensation or damages to any person for any injury to that person or his interests caused by the exercise of any power conferred by this Order or by failure, whether wholly or partially, of any works.

Dispute resolution mechanism No 2 of 2017

Liability for damages

Provision from Personal Liability

Annual report

Revenue and Audit

(d) holds at least ten years' post qualification professional experience, and

(e) satisfies the requirements of Chapter Six of the Constitution.

(3) A person shall not be qualified for appointment as a Director-General under subparagraph (1), if that person —

(a) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors;

(b) is convicted of an offence involving dishonesty or fraud;

(c) fails to comply with the requirements of Chapter Six of the Constitution; or

(d) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings.

(4) The Director-General shall serve on such terms and conditions as specified in the instrument of appointment.

(5) The Director-General shall be appointed for a term of three years and shall be eligible for reappointment for one further term.

14. The Authority may employ such other officers, staff or agents as it considers necessary for the discharge of its functions and duties under this Order, and upon such terms and conditions as the Board may, in consultation with the relevant government institutions, determine.

15. The funds of the Authority shall consist of —

(a) monies allocated by Parliament for the purposes of the Authority;

(b) such monies or assets as may accrue to the Authority in the course of the exercise of its powers or in the performance of its functions under this Order;

(c) all monies from any other source provided, donated or lent to the Authority;

(d) contributions from the counties in the Metropolitan Area; and

(e) any other funds approved by law.

16. The financial year of the Authority shall be the period of twelve months ending on the thirtieth June in each year.

17. (1) The Board shall, cause to be prepared estimates of revenue and expenditure of the Authority for that financial year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Authority for the financial year concerned, and in particular, shall provide for the —

(a) payment of salaries, allowances and other charges in respect of the Council members, Board members and the staff of the Authority;

Financial Year
Annual estimates

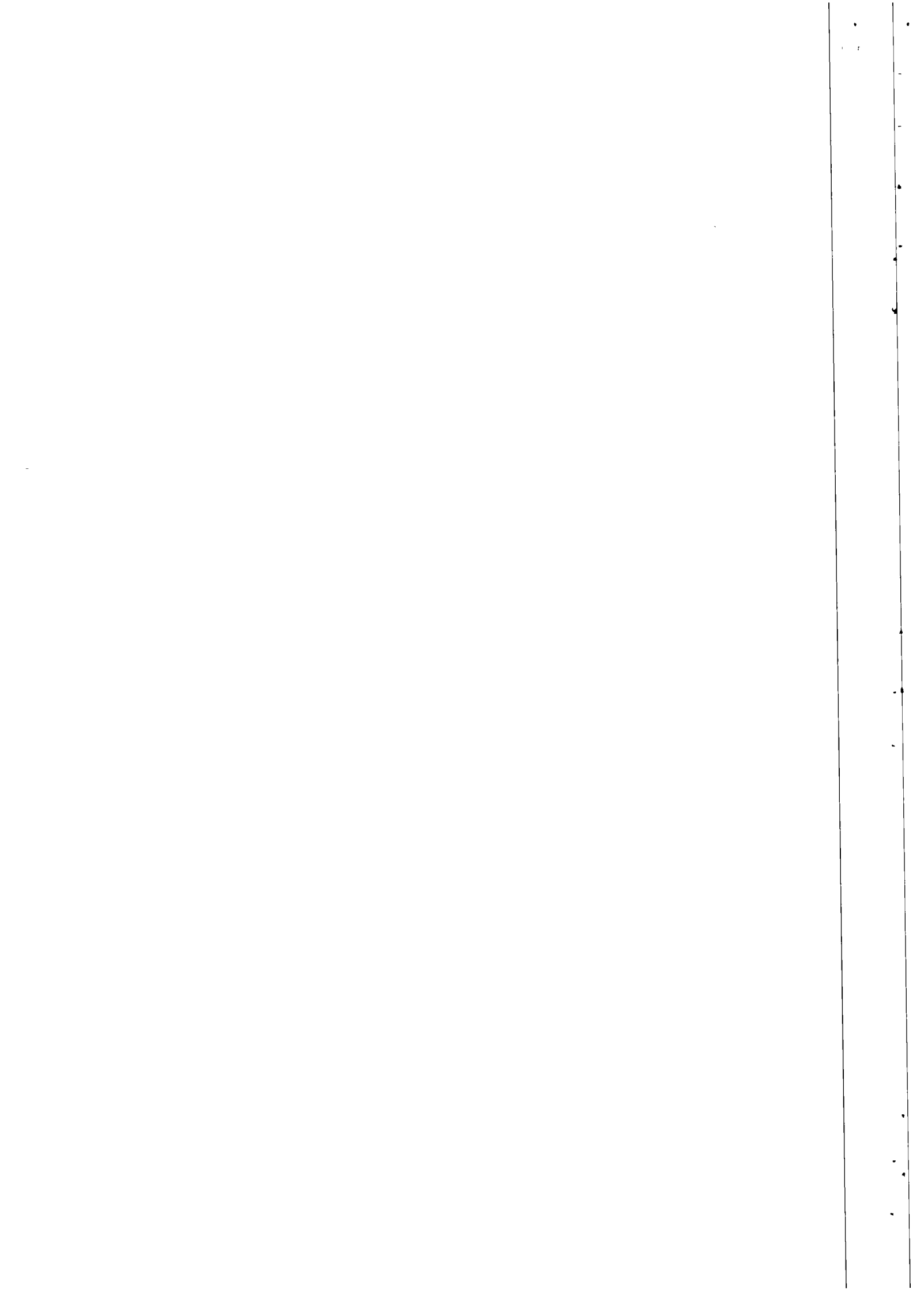
Funds of the
Authority

Report of the Commission of Enquiry

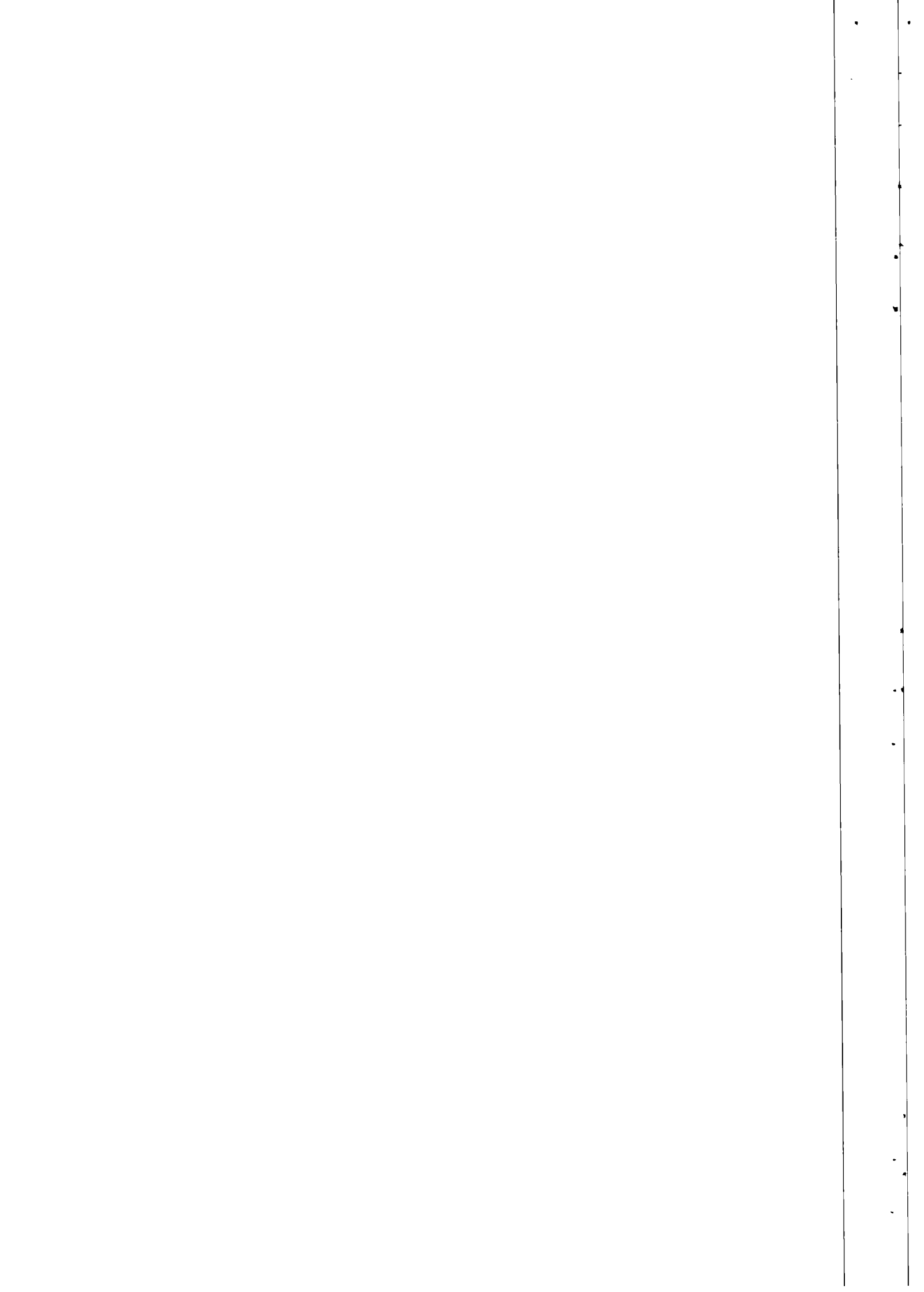
22. The mode of abrogating the Order shall be dealt with in accordance with the provisions of Part IV of the Intergovernmental Relations Act 1992.

Made on the 8th February, 2017.

UHURU KENYATTA
President



GAZETTE NOTICE NUMBER 1093 OF 20TH FEBRUARY, 2015



Reporting

- (a) the committee shall report to the Cabinet Secretary for labour and social security and Services; and
- (b) shall regularly advise and keep the Cabinet Secretary apprised on the progress.

Mode of operation:

In performance of its mandate, the committee shall regulate its own procedure.

Duration:

The duration of the committee shall be a renewable term of three (3) years with effect from publication date of this notice.

Secretariat:

The secretariat operation office shall be as assigned by the Cabinet Secretary and will be composed of the following minimum members of staff:

Mary Mbuga.
Esther Kihara.
Grace Mwangi.
Martin Mwebia.
Maureen Maresi.

Costs:

The costs incurred by the committee, including but not restricted to facilitation and payment of allowance in respect of the members and secretariat of the committee, shall be defrayed from voted funds of the Ministry of Labour, Social Security and Services.

Revocation:

The Gazette Notice No. 15639 of 2013 appointing the National Adoption Committee is revoked.

SAMWEL KAZUNGU KAMBI,
Cabinet Secretary for Labour, Social Security and Services.

GAZETTE NOTICE NO. 1093

STEERING COMMITTEE TO ESTABLISH THE NAIROBI METROPOLITAN AREA TRANSPORT AUTHORITY

APPOINTMENT

IT IS notified for the general information of the public that the Cabinet Secretary for Transport and Infrastructure, has constituted a Steering Committee consisting of the following—

Principal Secretary, Ministry of Transport and Infrastructure, State Department of Transport—(Chairperson)

Members—

- County Executive Committee Member in-charge of Roads and Transport, Nairobi County;
- County Executive Committee Member in-charge of Roads and Transport, Kiambu County;
- County Executive Committee Member in-charge of Roads and Transport, Kajiado County;
- County Executive Committee Member in-charge of Roads and Transport, Murang'a County;
- County Executive Committee Member in-charge of Roads and Transport, Machakos County;
- Principal Secretary Ministry of Transport and Infrastructure, State Department of Infrastructure; and
- Principal Secretary Ministry of Lands, Housing and Urban Development.

1. The Terms of Reference of the Steering Committee are to oversee the establishment of an integrated, efficient, safe, reliable and sustainable transport system within the Nairobi Metropolitan Region; which will include:
- (a) overseeing the development of an integrated transport strategy, based on evidence and transport planning best practice, for the

Nairobi Metropolitan Region including links between transport and land use planning concerning all modes;

- (b) the establishment of Nairobi Metropolitan Area Transport Authority
- (c) the management, development and delivery of an integrated public transport system in the Metropolitan Region, including undertaking and co-ordinating all matters relating to Mass Rapid Transit System, prior to the establishment of the Nairobi Metropolitan Area Transport Authority;
- (d) to oversee the establishment of a comprehensive traffic management strategy;
- (e) to oversee the establishment of a comprehensive parking management strategy, focusing on Nairobi City Centre as a priority; and
- (f) to oversee the establishment of a strategy for traffic signal control.
2. In the performance of its functions, the Steering Committee may—
- (a) co-opt not more than three persons who possess the relevant expertise, skill and experience which it considers necessary and proper;
- (b) carry out or commission such studies or research as may inform the Cabinet Secretary on the Decision;
- (c) solicit, receive and consider views from members of the public and other interest groups; and
- (d) conduct any other activities required for the effective discharge of its mandate.
3. The Steering Committee shall regulate its own procedure.
4. The Steering Committee shall remain in office for a period of one year with effect from 1st March, 2015 or for such longer period as the Cabinet Secretary may prescribe by notice in the *Gazette*.
5. The Steering Committee shall—
- (a) every three months, prepare and submit to the Cabinet Secretary reports of its progress;
- (b) propose interim recommendations to the Cabinet Secretary within six months of its appointment; and
- (c) submit a final report and make final recommendations to the Cabinet Secretary within one year of its appointment.
6. The secretariat of the Steering Committee shall be at Transcom House, P.O. Box 52692-00200, Nairobi, and all communication shall be addressed to the Chairperson of the Steering Committee.

M. S. M. KAMAU,
Cabinet Secretary for Transport and Infrastructure.

GAZETTE NOTICE NO. 1094

THE NATIONAL MUSEUMS AND HERITAGE ACT

(No. 6 of 2006)

APPOINTMENT

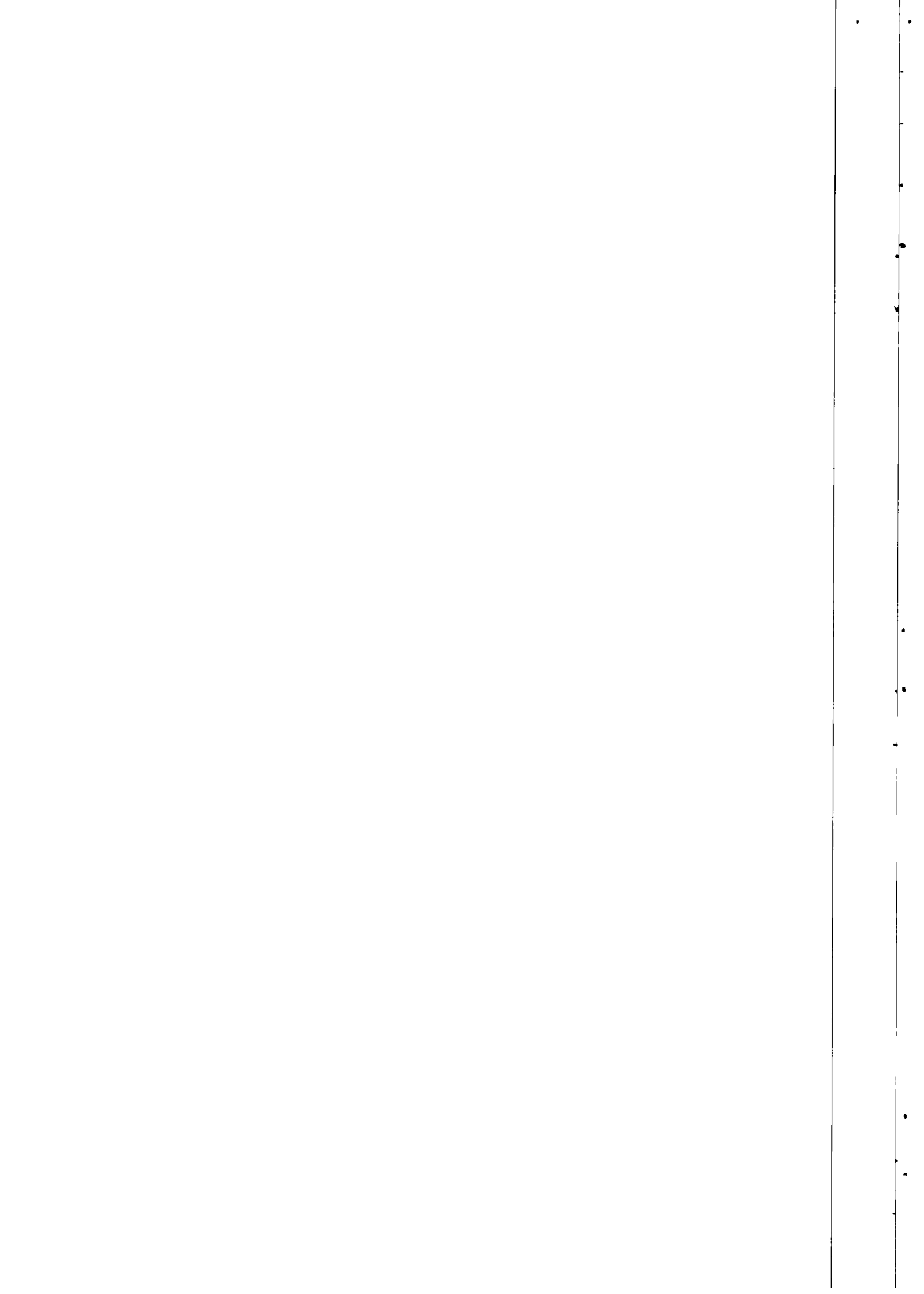
IN EXERCISE of powers conferred by section 14 (1) of the National Museums and Heritage Act, 2006, the Cabinet Secretary for Sports, Culture and the Arts appoints—

MZALENDO KIBUNJIA NYAGA (DR.)

to be Director-General of the National Museums of Kenya, for a period of three (3) years, with effect from 16th February, 2015.

Dated the 16th February, 2015.

HASSAN WARIO ARERO,
Cabinet Secretary for Sports, Culture and the Arts.



MEMORANDUM OF UNDERSTANDING

BETWEEN

THE MINISTRY OF TRANSPORT AND INFRASTRUCTURE

AND

COUNTIES OF THE NAIROBI METROPOLITAN AREA:

NAIROBI COUNTY

KIAMBU COUNTY

MACHAKOS COUNTY

KAJIADO COUNTY

MURANGA COUNTY

gmn

gmn

gmn

gmn

gmn

PREAMBLE

This Memorandum of Understanding (hereinafter referred to as the MoU)

BETWEEN

The Ministry of Transport and Infrastructure of Po Box 52692 (hereinafter referred to as “The Ministry”) on one part;

AND

The County Government of Nairobi of P.O Box 30075-00100, Nairobi,

The County Government of Kiambu of P.O. Box 2362-00900 Kiambu.

The County Government of Machakos of P.O. Box 262-90110 Machakos.

The County Government of Muranga of P.O. Box 52-010200 Muranga.

The County Government of Kajiado of P.O. Box (hereinafter collectively referred to as the “Counties”) of the other part




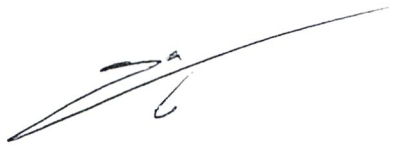
Together referred to as “the Parties”

WHEREAS the Government of Kenya through the Ministry has the overall mandate of formulation of the national transport policy and transport sector administration;

WHEREAS the County Governments in accordance to the Fourth Schedule of the Constitution, are responsible for Public Road Transport within their respective counties’;

WHEREAS the Government of Kenya through the Ministry of Transport and Infrastructure has undertaken various steps including studies and designs for implementation of Mass Rapid transit Systems

2



CONSCIOUS of the fact that transport forms a key component of creating a competitive business environment as well as a means through which various economic, social and environmental objectives will be achieved;

CONSCIOUS of the fact that the Nairobi Metropolitan Region (NMR), extends over 32,000 sq. km and is located in the South Central Part of the country and encompasses the Counties of Nairobi, Kiambu, Machakos, Muranga and Kajiado which contain 23 percent of the country's population;

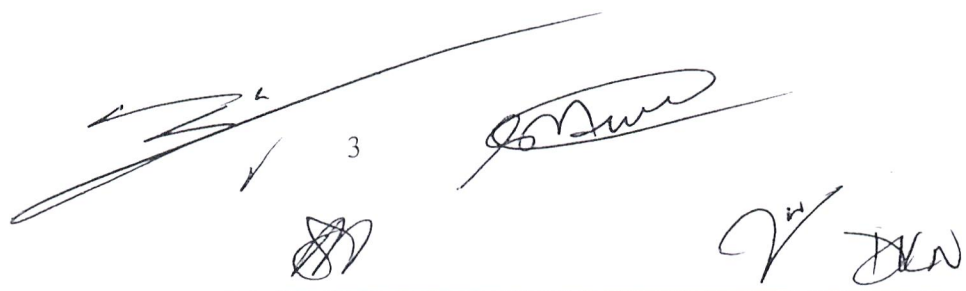
CONVINCED that a transportation system that is efficient, safe, reliable and sustainable is critical to the development of the Counties and Country as a whole;

RECONGIZE that this can only be achieved by the collaborative efforts of the Parties through the establishment of an effective Mass Rapid Transport System (hereinafter referred to as "MRTS");;

ADOPT to this end, the present MOU which provides a framework for the long term collaboration in public transport planning and management between the Parties;

ARTICLE 1: SCOPE.

- 1.1 This MoU establishes a framework for cooperation between the parties and determines the conditions and modalities within which the parties will collaborate to achieve their common objectives.
- 1.2 The parties will negotiate in good faith formal legal agreements (Final Agreements) with each other and unless and until the final agreement is approved and executed by the Parties, this MoU is not intended to and shall not create any legal obligations between the Parties.

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ARTICLE 2: OBJECTIVES.

- 2.1 To create a framework for collaboration, consultation and joint planning of MRTS in Nairobi Metropolitan Region
- 2.2 The establishment, implementation and operation of the MRTS in the Metropolitan Area.
- 2.3 The establishment and operationalization of a Nairobi Metropolitan Transport Authority (NAMETA), an inter-governmental and inter-county Authority to oversee the operation of the MRTS.

ARTICLE 3: STEERING BODY.

3.1 A steering body for implementation of this MoU will be established upon the execution of this MoU.

3.2 The Steering Body will:-

3.2.1 Consist of 8 members, three appointed by the Ministry, one appointed by each county. The Ministry shall provide the secretariat while the Chair of the Steering Body will be provided by the host county alternating on rotational basis monthly.

3.2.2 Oversee the implementation of this MoU including the establishment of NAMETA.

3.2.3 Advise the Parties on any matters within the scope of this MoU.

3.2.4 Regulate its own procedure and meet when necessary.

3.2.5 Undertake or perform the activities of coordination of all matters relating to MRTS prior to operationalization of NAMETA

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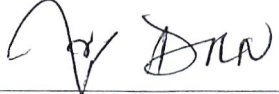
ARTICLE 4: UNDERTAKINGS

In order to achieve the objectives of this MoU and to implement its provisions, the Parties undertake to make the following:

- 4.1 To nominate the members to the Steering Body.
- 4.2 Facilitate the Steering Body and its activities.
- 4.3 Ensure that matters relating to MRTS of a county or national Government will be submitted to the Steering Body for deliberation and approval
- 4.4 Adopt recommendations of the Steering Body

ARTICLE 5: FINANCIAL MATTERS

- 5.1 Given the central importance of funds to the achievement of the objectives of the MoU, the parties, taking into account their capabilities, shall make every effort to provide for the requisite resources for the effective implementation of objectives listed in Article 2.
- 5.2 The Parties shall make known to each other the available resource mechanism for implementing the initiatives and shall solicit resources from the said mechanism for the implementation of the MoU and its objectives herein.
- 5.3 To this end, the Parties through the SC shall consider for adoption inter alia, approaches and actions that:-
 - i. Facilitate the availability of the necessary financial and other requisite resources for the implementation of the mutually agreed objectives.
 - ii. Promote multiple source funding approaches, mechanisms and arrangements.

ARTICLE 6: DURATION, TERMINATION AND AMENDMENT

6.1 This MoU shall enter into force upon signatures by the duly authorized representatives of all the Parties, and if signed on different dates, it shall enter into force on the date of the last signature.

6.2 This MoU may only be changed, modified, amended or supplemented by written agreement of the parties.

6.3 This MoU shall stay in force until a Formal Agreement has been entered into by the Parties or unless terminated by either party.

6.4 Each party shall have the right to terminate the MoU, for any reason and at any time, by giving three (3) months notice in writing to the other parties. In the event of termination, all parties shall take steps to ensure that the termination does not affect any prior obligation, project or activity already in progress.

ARTICLE 7: DISPUTE RESOLUTION

7.1 In the event of a dispute, controversy or claim arising out of or relating to the MoU or the breach, termination or validity thereof (hereinafter referred to as a "dispute") the Parties will use their best efforts to settle promptly such dispute through direct negotiation.

7.2 Any dispute not settled within sixty (60) days from the date either Party has notified the other party of the nature of the dispute and of the measures that should be taken to rectify it, will be resolved through consultation between the executive heads of the parties to the dispute.

7.3 Each Party shall give full and sympathetic consideration to any proposal advanced by the other to settle amicably any matter for which no provision has been made or any controversy as to the interpretation or application of the present MoU.

[Handwritten signatures and initials]

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective institutions, have signed this MoU.

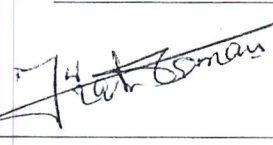


ENG. M.S.M. KAMAU, CBS

Cabinet Secretary

Ministry of Transport and Infrastructure

Date 21. 10. 14

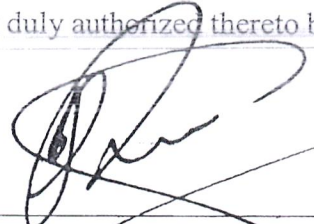
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HON. WILLIAM KABOGO

Governor

County Government of Kiambu

Date 21st Oct 2014

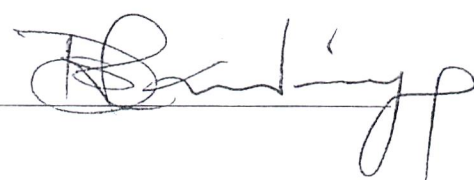


DR. EVANS KIDERO

Governor

County Government of Nairobi

Date 21st October 2014.

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DR. DAVID OLE NKEDIENYE

Governor

County Government of Kajiado

Date 21st October, 2014


for 

DR. ALFRED MUTUA

Governor

County Government of Machakos

Date 21 Oct. 2014

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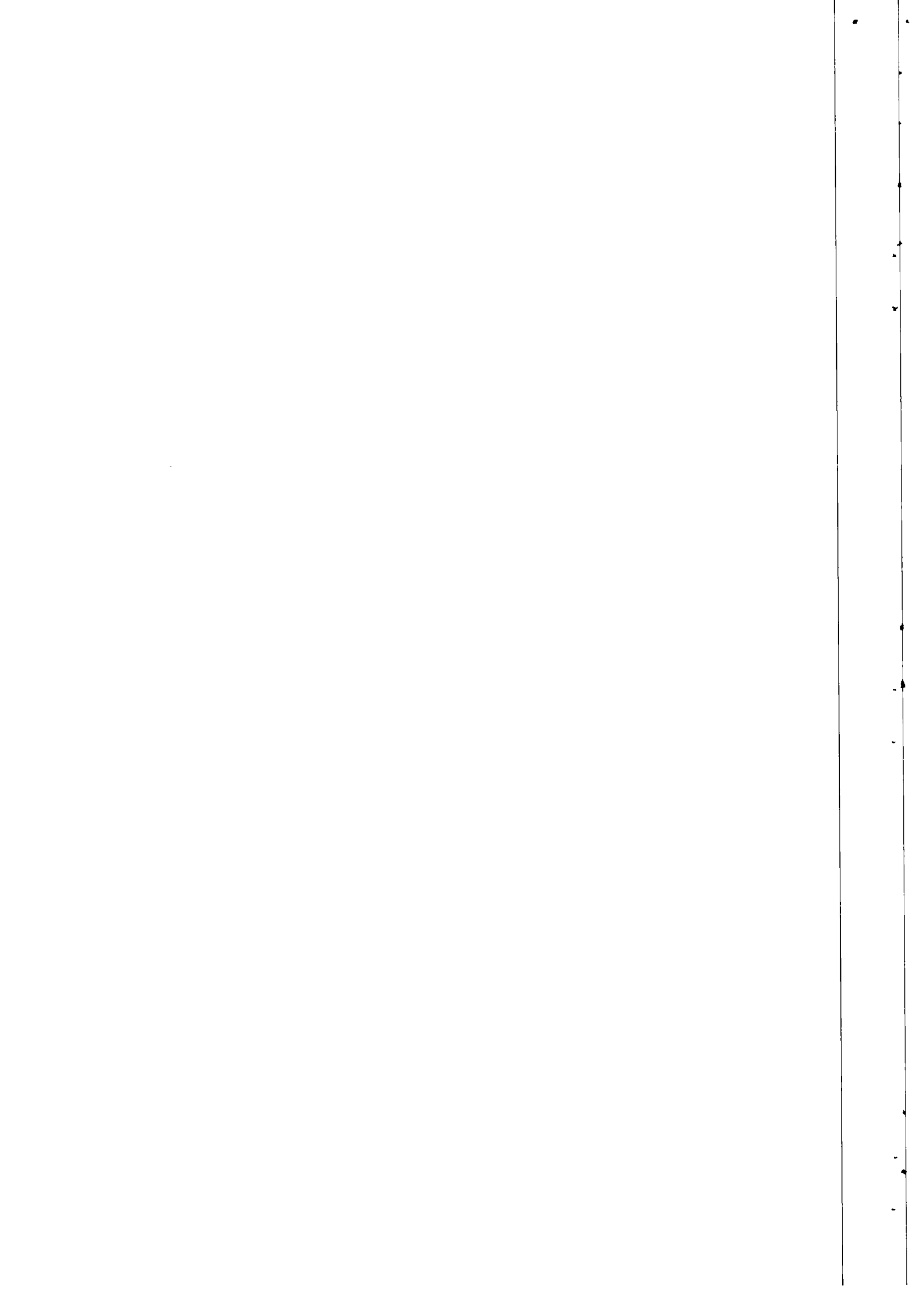
HON. MWANGI WA IRIA

Governor

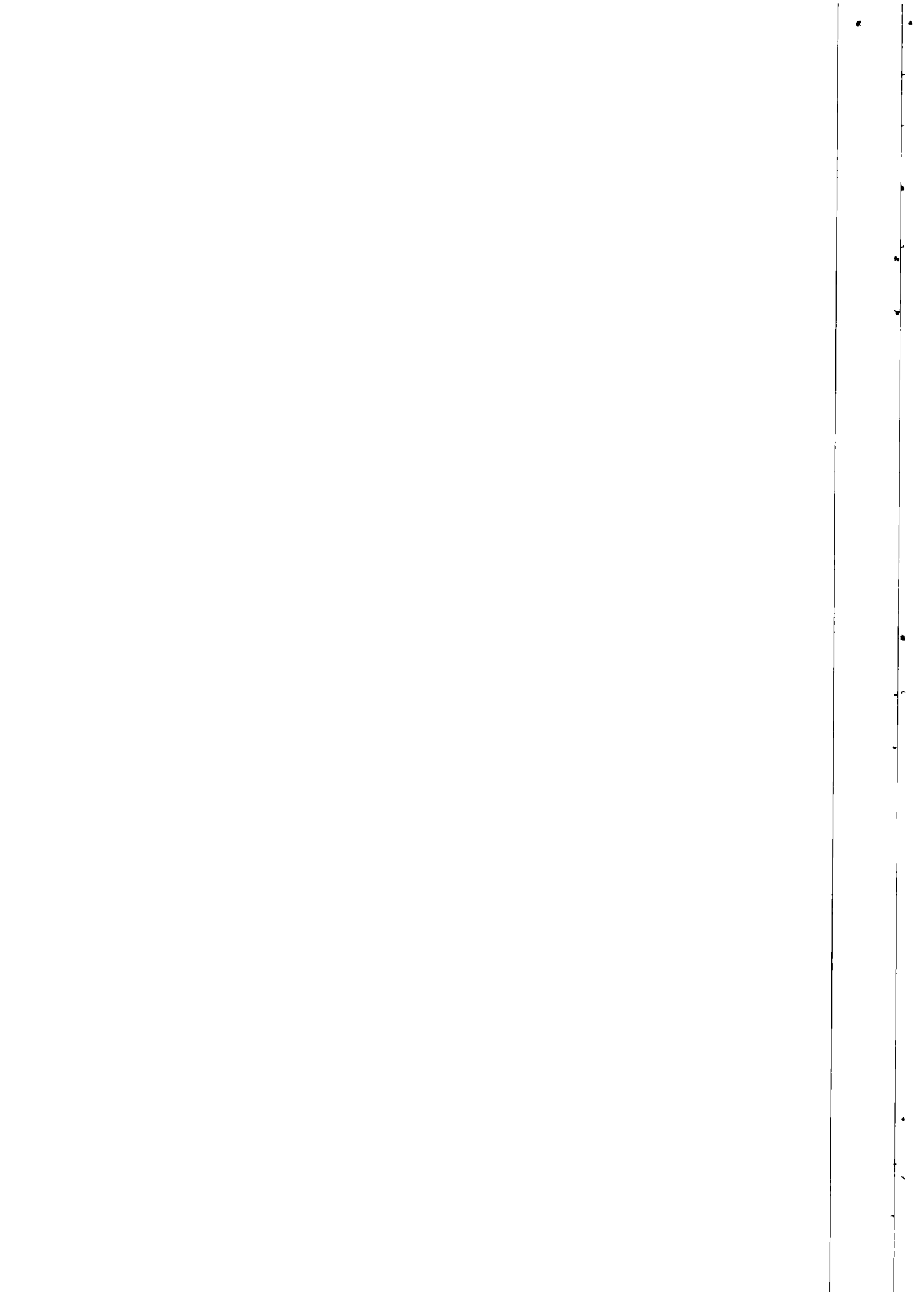
County Government of Muranga

Date _____





ANNEXURE 3



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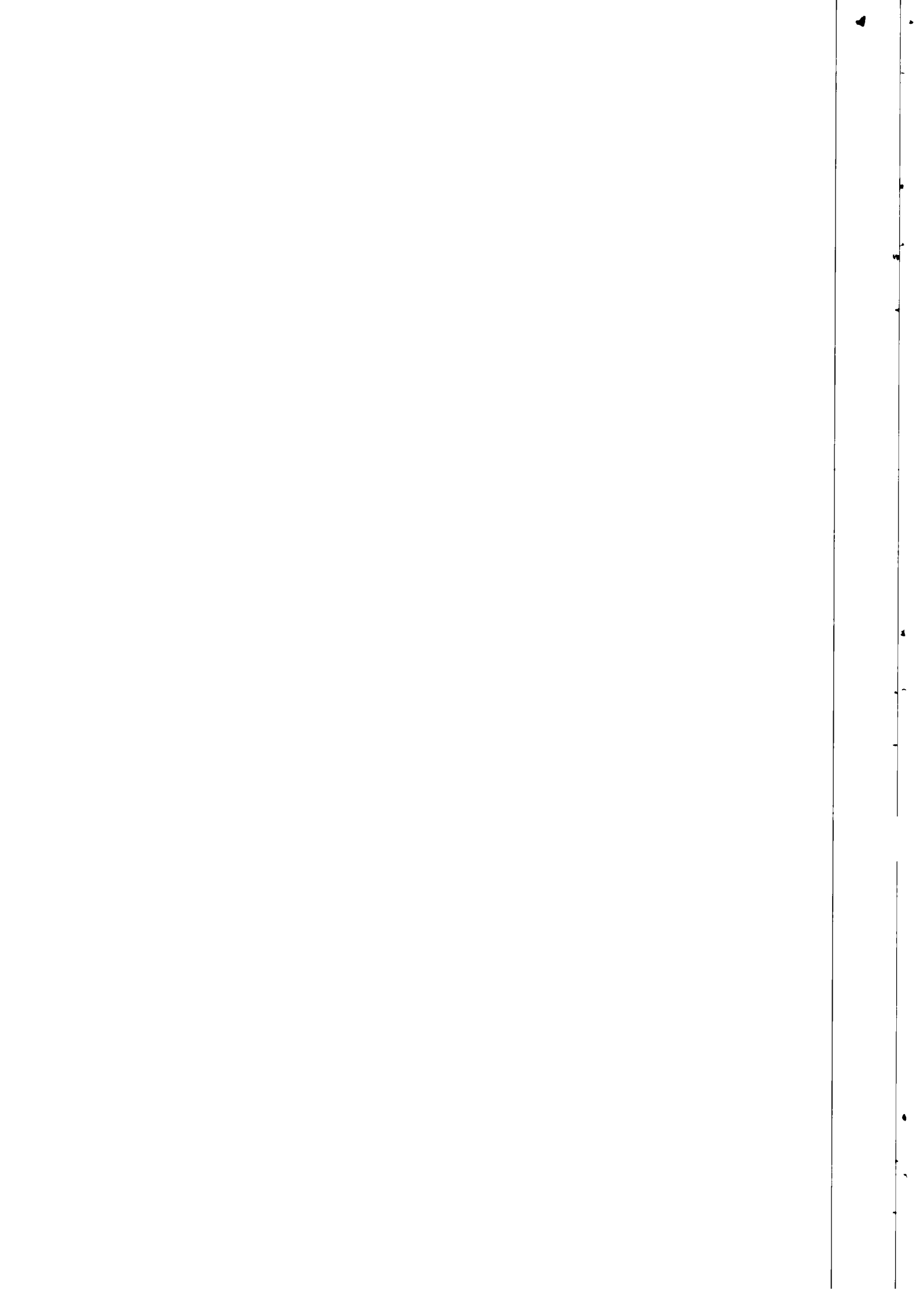
(7) D/Committees

Submission by Gitonga Kelvin Ritho on the Nairobi Metropolitan Area Transport Authority Bill 2017.

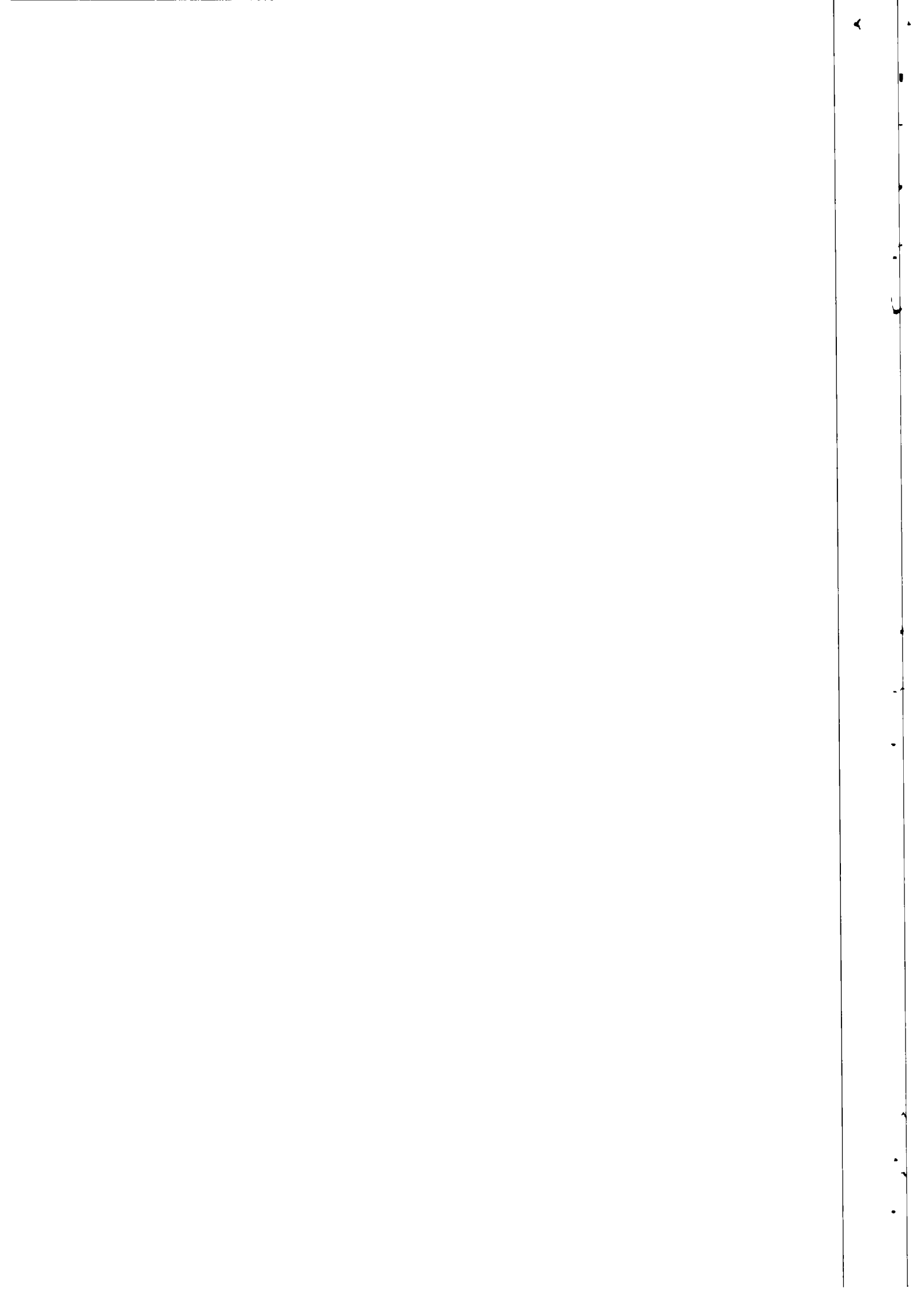
Current Clause in the Bill	Proposed Amendment	Rationale and Justification
Clause 8	Addition of the Cabinet Secretary Responsible for Physical Planning into the Nairobi Metropolitan Area Council	<p>The working of the NMATA is heavily reliant on urban transport in matters such as preparation of the transportation plans and integration of the same with development plans prepared by the five counties covered by the region.</p> <p>One of the roles of the Council will be to approve the master plan for the region, the input of the cabinet secretary for physical planning will be key in this.</p> <p>As such, the incorporation of the Cabinet secretary for physical planning will be prudent in ensuring that there is integration and smooth planning.</p>
Clause 10	Inclusion of the principal secretary responsible for Physical planning in the Board of the Authority	Reasons as above

(2) Tunao
pls deaf
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ANNEXURE 4



REPUBLIC OF KENYA



**NATIONAL ASSEMBLY
TWELFTH PARLIAMENT – FIRST SESSION**

**In the Matter of consideration by the National Assembly -
The Nairobi Metropolitan Area Transport Authority Bill, 2017**

SUBMISSION OF MEMORANDA

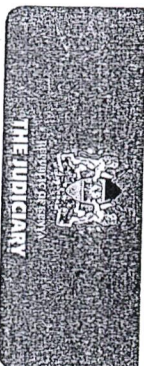
Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account views and recommendations of the public when the Committee makes its report to the House".

The Nairobi Metropolitan Area Transport Authority Bill, 2017 seeks to provide a framework for the establishment of the Nairobi Metropolitan Area Transport Authority. The Nairobi Metropolitan Area consists of the County Governments of Nairobi, Kiambu, Machakos, Kajiado and Muranga. The Authority shall oversee the establishment of an integrated, efficient, effective and sustainable transport system within the Metropolitan area.

The Nairobi Metropolitan Area Transport Authority Bill, 2017 has undergone First Reading pursuant to Standing Order 127(3) and is now committed to the Departmental Committee on Transport, Public Works and Housing for consideration and thereafter report to the House.

Pursuant to Article 118(1)(b) and Standing Order 127(3), the Committee invites members of the Public to submit any representations they may have on the Nairobi Metropolitan Area Transport Authority Bill, 2017. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Monday 22nd January, 2018 at 5:00 pm.

**JAMES N. MWANGI, EBS
FOR: CLERK OF THE NATIONAL ASSEMBLY**



TENDER NOTICE

The Judiciary invites sealed bids from eligible candidates for the following listed tenders:

Tender Number	Description	Date & Time of Close/Opening	Where Tenders will be Opened
JUD/009/2017/2018	Lease of a Residential House for the Judiciary	30 th January, 2018 at 10.00 am	Boardroom 74, 2 nd floor, Supreme Court Building or as may be advised by the client
JUD/010/2017/2018	Provision of Internet Services for the Judiciary	30 th January, 2018 at 12.00 noon	Boardroom 74, 2 nd floor, Supreme Court Building or as may be advised by the client

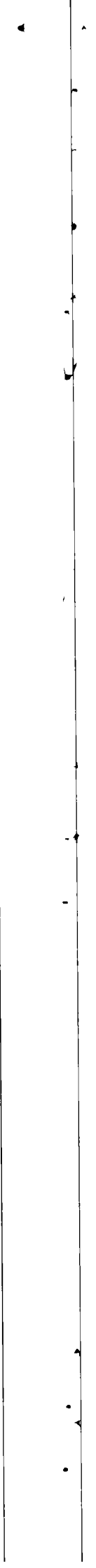
Interested candidates may view / obtain the tender documents by downloading them from the Judiciary's website: www.judiciary.go.ke. Tender documents downloaded from the website are free of charge. Those who download the tender document and intend to submit a bid are encouraged to submit their particulars to the Supply Chain Management Office on 2nd Floor Rm 87 for records and for the purposes of receiving any further tender clarifications and/or addendums. All clarifications and/or addendums shall be uploaded in the Judiciary's website.

Completed tender documents are to be enclosed in plain sealed envelopes, clearly marked with the tender number and name and deposited in the Tender Box Tender provided at the Main Gate at the Supreme Court Entrance, City Hall Way, Nairobi or be addressed and posted to:

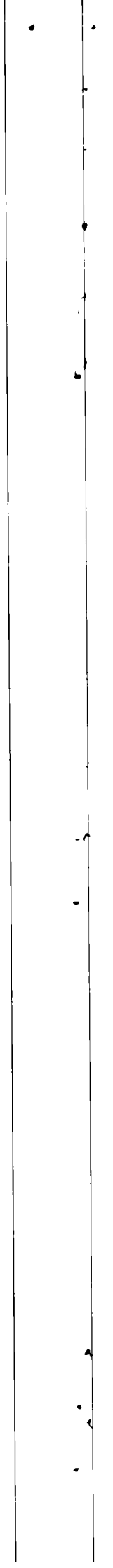
**CHIEF REGISTRAR OF THE JUDICIARY
ATT: SUPPLY CHAIN MANAGEMENT SERVICES
P.O BOX 30041-00100,
NAIROBI, KENYA**

So as to be received on or before the dates of submission indicated as above. Tenders will be opened immediately thereafter in the presence of the tenders or their representatives who choose to attend at venue indicated above or as advised by the client.

**Anne A. Amadi, CBS
CHIEF REGISTRAR OF THE JUDICIARY**



ANNEXURE 5





**DEPARTMENTAL COMMITTEE ON
TRANSPORT, PUBLIC WORKS AND HOUSING**

MEMBERS' ADOPTION LIST

Date: 13th March 2018

Venue: 4th FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDING

Agenda: NAIROBI METROPOLITAN AREA TRANSPORT AUTHORITY BILL, 2017

	NAMES	SIGNATURE
1.	Hon. David Pkosing	
2.	Hon. Moses Kuria	
3.	Hon. Dominic Kipkoech Koskei	
4.	Hon. Peris Pesi Tobiko	
5.	Hon. Kulow Maalim Hassan	
6.	Hon. Mugambi Murwithania Rindikiri	
7.	Hon. Samuel Arama	
8.	Hon. Shadrack John Mose	
9.	Hon. Rigathi Gachagua	
10.	Hon. Rehema Dida Jaldesa	
11.	Hon. Ahmed Bashane Gaal	
12.	Hon. David Njuguna Kiaraho	
13.	Hon. Johnson Manya Naicca	
14.	Hon. Tom Mboya Odege	
15.	Hon. Suleiman Dori Ramadhani	
16.	Hon. Ahmed Abdisalan Ibrahim	
17.	Hon. Gideon Mutemi Mulyungi	
18.	Hon. Savula Ayub Angatia	
19.	Hon. Vincent Kemosi Mogaka	

Chelagat Tungo

For: The Clerk of the National Assembly

MINUTES OF THE SEVENTEENTH (17TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON THURSDAY, 1ST MARCH 2018 AT 10.00 A.M. IN COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE

MEMBERS PRESENT

1. Hon. David Pkosing - Chairperson
2. Hon. Moses Kuria - Vice Chairperson
3. Hon. Samuel Arama
4. Hon. Suleiman Dori Ramadhani
5. Hon. Ahmed Abdisalan Ibrahim
6. Hon. Ahmed Bashane Gaal
7. Hon. Dominic Kipkoech Koskei
8. Hon. Gideon Mutemi Mulyungi
9. Hon. Johnson Many Naicca
10. Hon. Kulow Maalim Hassan
11. Hon. Peris Pesi Tobiko
12. Hon. Rehema Dida Jaldesa
13. Hon. Shadrack John Mose
14. Hon. Tom Mboya Odege

MEMBERS ABSENT WITH APOLOGY

1. Hon. Mugambi Murwithania Rindikiri
2. Hon. Vincent Kemosi Mogaka
3. Hon. Rigathi Gachagua
4. Hon. David Njuguna Kiaraho
5. Hon. Savula Ayub Angatia

SECRETARIAT

- | | | |
|-----------------------------|---|--------------------|
| 1. Ms. Chelagat Aaron Tungo | - | Clerk Assistant I |
| 2. Mr. Ahmed Salim A. | - | Clerk Assistant II |
| 3. Ms. Mercy Wanyonyi | - | Legal Counsel II |
| 4. Mr. James Muguna | - | Research Officer |
| 5. Mr. Eugene Luteshi | - | Audio Officer |
| 6. Ms. Zainab Wario | - | Sergeant at arm |

IN ATTENDANCE

- | | | |
|-------------------------------|---|------------------------------------|
| 1. Hon. Ferdinand Waititu | - | Governor, Kiambu County |
| 2. Ms. Abigail Wanjiru Muigai | - | Engineer, NAMATA |
| 3. Mr. George Wanjau | - | Ag. Chief Economist, MOTIHUD |
| 4. Mr. John K. Mwangi | - | Engineer, NAMATA |
| 5. Ms. Grace W. Kamau | - | State Counsel, NAMATA |
| 6. Mr. David S. Maswili | - | Architect (Transport), NAMATA |
| 7. Mr. David Wanjogi | - | Senior Program Officer, COG |
| 8. Mr. Justin Gatnitz | - | Senior Economist, NAMATA |
| 9. Ms. Brenda Mwangi | - | State Counsel, MOTIHUD |
| 10. Mr. George Gachuri | - | Protocol Officer, Kiambu, NAMATA |
| 11. Mr. Gbenga Dairo | - | Adviser, CECM, Nairobi City County |
| 12. Mr. Daniel Njenga | - | Communication Department, NAMATA |
| 13. Mr. Gibson D. Mburu | - | Chief of Staff, Kiambu County |
| 14. Eng. Amos Njoroge | - | CECM, Transport, Muranga County |

MIN No. TPWH 67/2018:

PRELIMINARIES

The Chairperson called the meeting to order at ten minutes past ten o'clock, with a prayer from Hon. Shadrack Mose, MP. The Chairperson informed the Committee that in attendance was representation from the Council of Governors and the Ministry of Transport, Infrastructure, Housing & Urban Development (MOTIHUD).

MIN No. TPWH 68/2018:

CONFIRMATION OF THE MINUTES

Confirmation of the previous minutes was deferred to the next meeting.

MIN No. TPWH 69/2018:

SUBMISSIONS FROM THE COUNCIL OF GOVERNORS

The Council of Governors was represented by the Governor for Kiambu County, Hon. Ferdinand Waititu. Some of the issues raised were with respect to consultation where they were proposing that the Council of Governors should be consulted by the Nairobi Metropolitan Area Transport Authority in the performance of its functions including the establishment of an integrated, efficient, effective and sustainable public transport system within the Metropolitan Area. It was their opinion that County Governments have a mandate to regulate traffic, parking and public road transport as well as the Development and maintenance of County Roads as prescribed by the Fourth Schedule of the Constitution.

The COG further proposed that the Council be co-chaired by the Cabinet Secretary and a Governor from the Metropolitan Area so as to embody the spirit of Article 6(2) of The Constitution which provides for mutual relations on the basis of consultation and cooperation of both levels of Government.

Further, he informed the meeting that the Board of the Authority to include County Executive in charge of Urban Planning and Development within the five Counties so as to ensure that the Municipal Boards responsible for regulating infrastructure development within municipalities in counties are included.

MIN No. TPWH 70/2018:

SUBMISSIONS FROM THE MINISTRY OF TRANSPORT AND INFRASTRUCTURE

The Ministry of Transport, Infrastructure, Housing & Urban Development was represented by Mr. George Wanjau, who was also in the company of the NAMATA team. In their presentation, the Ministry gave a brief background of NAMATA, and explained that it has been an initiative which had actively included the leadership of the five counties involved, in terms of consultation and all other engagements connected therewith. It was this cooperation that culminated to the signing of a memorandum of understanding between the Ministry of Transport and Infrastructure and the counties forming the Nairobi Metropolitan area on 21st October 2014. The Ministry had no proposed amendments to the Bill.

MIN No. TPWH 71/2018:

ADJOURNMENT

There being no other business, the sitting was adjourned at fifteen minutes to one o'clock.

Signed.....

D.A. Coe

(Chairperson)

Date.....

13/3/2018

MINUTES OF THE EIGHTEENTH (18TH) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON TUESDAY, 13TH MARCH 2018 AT 10.00 A.M. IN COMMITTEE ROOM, 4TH FLOOR, PROTECTION HOUSE

MEMBERS PRESENT

1. Hon. David Pkosing - Chairperson
2. Hon. Samuel Arama
3. Hon. Suleiman Dori Ramadhani
4. Hon. Ahmed Abdisalan Ibrahim
5. Hon. Ahmed Bashane Gaal
6. Hon. Dominic Kipkoech Koskei
7. Hon. Gideon Mutemi Mulyungi
8. Hon. Johnson Many Naicca
9. Hon. Peris Pesi Tobiko
10. Hon. Kulow Maalim Hassan
11. Hon. Mugambi Murwithania Rindikiri
12. Hon. Shadrack John Mose
13. Hon. Vincent Kemosi Mogaka
14. Hon. Savula Ayub Angatia

MEMBERS ABSENT WITH APOLOGY

1. Hon. Moses Kuria - Vice Chairperson
2. Hon. Rehema Dida Jaldesa
3. Hon. Rigathi Gachagua
4. Hon. Tom Mboya Odege
5. Hon. David Njuguna Kiaraho

SECRETARIAT

1. Ms. Chelagat Aaron Tungo - Clerk Assistant I
2. Mr. Ahmed Salim A. - Clerk Assistant II
3. Ms. Mercy Wanyonyi - Legal Counsel II
4. Mr. James Muguna - Research Officer
5. Mr. Eugene Luteshi - Audio Officer
6. Ms. Zainab Wario - Sergeant at arm

MIN No. TPWH 72/2018:

PRELIMINARIES

The Chairperson called the meeting to order at ten minutes past ten o'clock, with a prayer from Hon. Kulow Maalim Hassan, MP. The Chairperson informed the Committee that the agenda of

the meeting was consideration of the Nairobi Metropolitan Area Transport Authority Bill, 2017 and adoption of the Report on the Bill.

MIN No. TPWH 73/2018: **CONFIRMATION OF THE MINUTES**

Minutes of the meeting held on 1st March were confirmed as a true record of the proceedings. Confirmation proposed by Hon. Dominic Koskei, MP and seconded by Hon. Samwel Arama, MP.

MIN No. TPWH 74/2018: **CONSIDERATION OF THE NAIROBI METROPOLITAN AREA TRANSPORT AUTHORITY BILL, 2017**

Members considered the Bill clause by clause, while considering all the written and oral submissions made by the stakeholders and the public. Having considered all the clauses, and having given due consideration to different views as submitted by different stakeholders, the Committee proposed the following amendments as agreed in its meeting;

CLAUSE 6

THAT Clause 6 of the Bill be amended by inserting the following new paragraph immediately after paragraph (s) –

“(sa) facilitate continuous training of staff within the transport sector in the Metropolitan area.”

Justification: There is need to ensure that the professional knowledge and skills of staff in the transport sector within the Metropolitan area is enhanced through continuous training so as to improve service delivery.

CLAUSE 8

THAT Clause 8 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clause–

“(4) The term of the Deputy Chair of the Council shall be on rotational basis for a period of one year for each of the Governors of the Metropolitan area.”

Justification: This will ensure that the five counties are equally represented in the leadership of the Council and also to enhance mutual relations between the Governors of the Metropolitan Area.

MIN No. TPWH 75/2018: **ADOPTION OF THE REPORT ON CONSIDERATION OF THE NAIROBI METROPOLITAN AREA TRANSPORT AUTHORITY BILL, 2017**

The Committee went through a draft report on the Bill. The report was adopted by the Committee. Adoption of the report was proposed by Hon. Kulow Maalim Hassan and seconded by Hon. Johnson Naicca.

MIN No. TPWH 76/2018:

ANY OTHER BUSINESS

1. The Committee was informed that there was one more pending Bill before it namely The Building Surveyors Bill 2017. The Secretariat was tasked to invite the relevant Stakeholders to appear before the Committee on Thursday 22nd March, 2018 to present their submissions.
2. The Chairperson proposed that Members undertake visits during the upcoming short recess to the following institutions that fall under the Committee;
 - i. Kenya Ports Authority
 - ii. Kenya Maritime Authority
 - iii. Kenya Ferry Services
 - iv. LAPSET
 - v. Kenya Airports Authority
 - vi. Kenya Airways
 - vii. Standard Railway Gauge

The visits and meetings to take place between Wednesday 4th, and Saturday 7th April, 2018 and the secretariat to carry out the necessary logistical arrangements

MIN No. TPWH 77/2018:

ADJOURNMENT

There sitting was adjourned at ten minutes to one o'clock. The next meeting was scheduled for Tuesday, 20th March 2018 at 10am.

Signed.....

(Chairperson)

Date.....13/3/2018

