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Recommended for approval for tabling.
17/06/2026

Forwarded for approval for tabling
17/06/2026

REPUBLIC OF KENYA

HARAMBEE

THE SENATE

13TH PARLIAMENT | 5TH SESSION

DIRECTORATE OF SOCIO-ECONOMIC COMMITTEES

STANDING COMMITTEE ON ROADS, TRANSPORTATION, AND HOUSING

REPORT ON THE KENYA ROADS (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2025)

PAPERS LAID
DATE 18/6/2026
TABLED BY Chair, RTH
COMMITTEE -
CLERK AT THE TABLE Abdirahman

Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 17/06/26

APPROVED
RT. HON. SEN
AMASON J. KINGI
17/06/26

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

JUNE, 2026

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LIST OF ABBREVIATIONS/ACRONYMS

CoG	Council of Governors
CRA	Commission of Revenue
IEK	Institution of Engineers of Kenya
Kenya	National Highways Authority
KPDA	Kenya Property Developers Association
KRB	Kenya Roads Board
KURA	Kenya Urban Roads Authority
MP	Member of Parliament
RMLF	Road Maintenance Levy Fund
SAGA	Semi-Autonomous Government Agencies

LIST OF STATUTES AND REGULATIONS

1. The Constitution of Kenya
2. The Kenya Road Act, Cap 408
3. The Kenya Roads Act, Cap 408A
4. The Road Levy Maintenance Fund Act, Cap 427
5. The Senate Standing Orders.

PRELIMINARIES

A. Establishment and Mandate of the Committee

Article 124 (1) of the Constitution of Kenya provides that each House of Parliament may establish Committees and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.

The Senate Standing Committee on Roads, Transportation, and Housing is established under the Standing Order 228 (3) and the Fourth Schedule of the Senate Standing Orders. The Committee is mandated to consider all matters relating to Transport, Roads, public works, Housing, Construction and Maintenance of Roads, Rails and buildings, Air, Seaports and Communications[1].

B. Membership of the Committee

The Committee comprises the following members-

1.	Sen. Eddy Gicheru Oketch, MP	**-Chairperson**
2.	Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP	**-Vice-Chairperson**
3.	Sen. Moses Otieno Kajwang', CBS, MP	-Member
4.	Sen. Enoch Kiio Wambua, CBS, MP	-Member
5.	Sen. John Kinyua Nderitu, MP	-Member
6.	Sen. Mohamed Said Chute, CBS, MP	-Member
7.	Sen. Peris Pesi Tobiko, CBS, MP	-Member
8.	Sen. Miraj Abdillahi, MP	-Member
9.	Sen. Crystal Asige, MP	-Member

C. Functions of the Committee

Pursuant to Standing Order 228 (4), the Committee is mandated to –

a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, and operations of its assigned ministries and departments;

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1 Senate Standing Order, (2023). The Government of Kenya

b) Study the programme and policy objectives of its assigned ministries and departments, and the effectiveness of the implementation thereof;
c) Study and review all legislation referred to it;
d) Study, assess, and analyse the success of the ministries and departments assigned to it as measured by the results obtained as compared with their stated objectives;
e) Consider the Budget Policy Statement in line with the Committee's mandate;
f) Report on all appointments where the Constitution or any law requires the Senate to approve;
g) Make reports and recommendations to the Senate as often as possible, including recommendations of proposed legislation;
h) Consider reports of Commissions and Independent Offices submitted to the Senate pursuant to the provisions of Article 254 of the Constitution;
i) Examine any statements raised by Senators on a matter within its mandate; and
j) Follow up and report on the status of implementation of the resolution within their mandate.

D. Government Agencies and Departments under the purview of the Committee

In exercising its mandate, the the Committee oversees the County Governments, Ministries, departments, and various Semi-Autonomous Government Agencies (SAGAs), namely –

1) Ministry of Roads and Transport,
    (i) State Department for Roads;
    (ii) State Department for Transport; and
    (iii) State Department for Aviation and Aerospace Development.
2) Ministry of Mining, Blue Economy, and Maritime Affairs – State Department for Shipping and Maritime Affairs,
3) Ministry of Lands, Public Works, Housing and Urban Development,
    (i) State Department for Housing and Urban Development; and
    (ii) State Departments for Public Works.

CHAIRPERSON'S FOREWORD

The Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025) sponsored by Hon. Peter Kaluma, was read a First Time in the Senate on Wednesday 29th October, 2025, and referred to the Standing Committee on Roads, Transportation & Housing to facilitate public participation to consider the views and recommendations of the public when it submits its report to the Senate.

Hon. Speaker,

Pursuant to Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committee published an advertisement in the Daily Nation and Star Newspapers on Wednesday, 12th November, 2025 inviting members of the public to submit written memoranda to the Committee on the Bill. The advertisement was also posted on the Parliament website and social media platforms. The Committee also held meetings with targeted stakeholders including the Ministry of Roads and Transport and the Council of Governors; and sought advisories from the Commission on Revenue Allocation and the Institution of Engineers Kenya.

The Committee proceeded to consider the Bill extensively and observed that the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025) sought to amend the Kenya Roads Act, *Cap 408* (the Act) to reclassify roads in Kenya and to provide for the responsibilities of County governments in regard to County roads.

The Bill further amends the manner in which the Road Maintenance Levy is apportioned under the Kenya Roads Board Act, *Cap 408 A*. The proposed amendments are intended to align road infrastructure governance with the provisions of Constitution on devolved governance.

The Committee made the following observations during consideration of the Bill, THAT –

a) The existing roads legal framework predates the Constitution of Kenya, 2010 and is therefore not fully aligned with the devolved system of government, particularly in relation to road classification, institutional mandates and resource allocation;

b) While the Bill advances devolution by recognizing County Roads and providing for direct county funding, the proposed allocation of five per cent (5%) of the Road Maintenance Levy Fund is inadequate given the extensive road network under the management of County Governments;

c) The continued management of county roads by the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA) is inconsistent with the constitutional distribution of functions and undermines the principles of devolution; and

d) The current framework for the administration of the Road Maintenance Levy Fund may affect efficiency, accountability and transparency in the management of road maintenance resources.

Hon. Speaker,

Consequently, the Committee having reviewed the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025) recommends that the House approves the Bill together with the proposed amendments attached as *Appendix 1* to this report.

The Minutes of the Committee in considering the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025) are annexed to this Report as *Appendix 2.* This Report by the Committee is therefore an account of the deliberations, including its resolutions at Committee Stage Amendments attached to the Report as *Appendix 1.*

Hon. Speaker,

May I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful. I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this assignment.

Hon. Speaker,

It is now my pleasant duty, pursuant to standing order 148(1) of the Senate Standing Orders, to present the Report of the Standing Committee on the Roads, Transportation & Housing on the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025).

SIGNED.. **DATE**.Thursday, 11th June, 2026

CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP

STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING

CHAPTER ONE: INTRODUCTION

1. The Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025) sponsored by Hon. Peter Kaluma, was passed by the National Assembly on Tuesday 7th October, 2025, read a First Time in the Senate on Wednesday 29th October, 2025, and thereafter stood committed to the Standing Committee on Roads, Transportation and Housing for consideration pursuant to Standing Order 145.

2. In compliance with the provisions of Article 118(1) (b) of the Constitution and Senate Standing Order 145 (5), the Committee undertook public participation on the Bill through advertisements in Daily Nation and Star Newspapers on Wednesday 12th November, 2025, inviting members of the public to appear and submit any representations they may have on the Bill by way of written memoranda by 27th November, 2025. Additionally, the Committee invited relevant stakeholders to submit their memoranda during the public hearing. *A copy of the advertisement is attached to this report as Appendix 4.*

3. Following the call for submissions, the Committee received submissions from the Ministry of Roads and Transport, the Council of Governors (CoG), the Institution of Engineers Kenya (IEK), and the Commission on Revenue Allocation (CRA). The Committee thereafter proceeded to consider the matrix on the proposed amendments of the Bill and all the submissions received.

1.1 BACKGROUND

4. Road transport is the dominant mode of transport in Kenya, accounting for approximately 93% of freight and passenger traffic.[2] The country's road network, is estimated at 162,600 km of which 45,532 km is managed by the National Government, and 117,068 is managed by the County Governments.[3] The road

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[2] https://www.gicc.kr/gicc/files/2019/0213/2-7._Kenya_Kenya_Urban_Roads_Authority.pdf
[3] https://transport.go.ke/sites/default/files/INTP%20REVIEWED%20MARCH%202024%20SESA.pdf

network enhances connectivity, facilitates trade, supports socio-economic development, and serves as a key enabler of Kenya Vision 2030.

5. The Kenya Roads Act establishes the Kenya National Highways Authority (KeNHA), the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA) to manage, develop and maintain roads, while the Kenya Roads Board (KRB), established under Section 3 of the Kenya Roads Board Act, administers the Road Maintenance Levy Fund (RMLF), which is the primary source of financing for road maintenance activities.

6. Pursuant to Article 186 and the Fourth Schedule of the Constitution, responsibility for road management is shared between the two levels of government, with National Trunk Roads assigned to the National Government and County Roads assigned to County Governments. County Governments are mandated to plan, develop, rehabilitate and maintain county roads, and to implement national policies, standards and guidelines relating to road infrastructure.[4]

1.2 JUSTIFICATION

7. Despite the constitutional assignment of road functions between the two levels of government, the principal legislation governing the roads sector predates the Constitution of Kenya, 2010. Consequently, the existing statutory framework does not fully reflect the devolved system of government, resulting in inconsistencies relating to road classification, institutional mandates and the allocation of road maintenance funds between the National and County Governments.

8. In particular, while County Governments are responsible for the larger portion of the country's road network, the existing statutory framework does not provide a clear mechanism for the direct allocation of Road Maintenance Levy Fund resources to County Governments. Under Section 6 of the Kenya Roads Board Act, Cap. 408A, the Kenya Roads Board allocates funds to road agencies for the maintenance, rehabilitation and development of roads, with allocations being

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[4] Kenya, L. O. (2013). *The constitution of Kenya: 2010* (pp. 22-29). Nairobi, Kenya: Chief Registrar of the Judiciary: Accessed at: https://new.kenyalaw.org/akn/ke/act/2010/constitution/eng@2010-09-03

administered through the national road agencies established under the Kenya Roads Act. This has created a disconnect between the constitutional assignment of road functions and the statutory framework for financing road maintenance.

9. The Kenya Roads (Amendment) (No. 3) Bill, 2025 seeks to address these gaps by amending the Kenya Roads Act, *Cap. 408* to provide for the classification of roads and to clarify the responsibilities of County Governments in respect of county roads. The Bill further amends the framework for the apportionment of the Road Maintenance Levy Fund under the Kenya Roads Board Act, *Cap. 408A*. The proposed amendments are intended to align road infrastructure governance and financing with the constitutional framework on devolved government.

1.3 OBJECT OF THE BILL

10. The Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No 34 of 2025) seeks to reclassify public roads into National trunk roads and County roads while providing for the responsibilities of County governments in regard to County roads. Further, it amends the manner in which the Road Maintenance Levy is apportioned under the Kenya Roads Board Act, *Cap 408* A and requires that when a new road is established, the responsible authority must request its classification from the Cabinet Secretary, who must ensure the classification reflects the road's function and guarantees access across all regions.

1.4 OVERVIEW OF THE BILL

11. The Bill proposes to amend various sections of the Kenya Roads Act, *Cap 408* to align the management and governance of roads with the constitutional framework on devolved government by reclassifying public roads and clearly delineating the responsibilities of the National and County Governments in relation to road infrastructure. The Bill further amends the manner in which the Road Maintenance Levy is apportioned under the Kenya Roads Board Act, *Cap 408 A*.

12. **Clause 2** of the Bill proposes to amend **Section 2** of the Kenya Roads Act, *Cap. 408* (the principal Act) by deleting the definition of the term "national roads" and

substituting it with the term "national trunk roads" which is defined as a road classified under Part A of the First Schedule and further to insert the definition of "County roads" which is defined as roads classified under Part B of the First Schedule.

13. Moreover, **Clause 3** of the Bill proposes an amendment of **Section 47** of the principal Act by deleting the section and substituting it with a new section that provides for the classification of roads and highlighting that –

Section 47

(1) A public road be classified in the manner set out in the First Schedule.

(2) Where a new public road is established, the responsible Authority or a County government shall submit to the Cabinet Secretary a request in writing for classification of the public roads

(3) The Cabinet Secretary shall in classifying the public roads to ensure that –

(a) the classification accurately reflects the function served by the public road; and

(b) all parts of the country to have reasonable access to a national trunk road or a County road.

(4) The Cabinet Secretary shall classify public roads in consultation with the relevant County government and at least once every five years, review the classification and assignment of public roads.

14. **Clause 4** of the Bill proposes the amendment of the principal Act by inserting the following new sections immediately after section 47. The proposed **Section 47A** provides that –

(1) Pursuant to **paragraph 5 (a) of Part 2** of the Fourth Schedule to the Constitution, each County government shall within its area of jurisdiction –

(a) maintain, rehabilitate and develop County roads;

(b) manage road reserves and facilitate access to roadside developments with respect to County roads;

(c) implement road policies in relation to County roads;

(d) ensure adherence to the rules and guidelines on axle load control as prescribed under the Traffic Act and any Regulations made under this Act:

(e) ensure that the quality of County road works is in accordance with national standards issued by the Cabinet Secretary;

(f) oversee the management of traffic and road safety on County roads;

(g) collect and collate all such data related to the use of County roads as may be necessary for efficient planning under this Act;

(h) monitor and evaluate the use of County roads;

(i) plan the development and maintenance of County roads;

(j) prepare the County investment programme and annual County road works programmes for County roads; and

(k) coordinate with road Authorities or agencies in planning and operations in respect of County roads.

(2) Each County government shall, for purposes of ensuring uniformity with national standards in the roads sector, through its legislation and administrative action, implement and act in accordance with the national policy, standards and guidelines issued by the Cabinet Secretary under this Act.

(3) The County executive committee member responsible for roads shall be responsible for the maintenance, rehabilitation and development of County roads within the respective county.

15. Further **Section 47 B** provides on the requirements for roads signage as follows –

(1) A public road shall bear signage indicating its

(a) classification, including the level of responsibility for its maintenance, rehabilitation and development; and

(b) road code.

(2) The Cabinet Secretary shall prescribe the dimensions and additional information to be included in the signage on a public road.

(3) A person shall not erect any signage under this section containing their name, image or likeness.

(4) A person who contravenes the provisions of subsection (3) commits an offence and shall be liable, upon conviction to a fine not exceeding one

million shillings or imprisonment for a term not exceeding two years, or to both.

16. **Clause 5** of the Bill proposes that the principal Act by deleting the First Schedule and substituting the following schedule –

FIRST SCHEDULE

PART A – CLASSIFICATION OF NATION TRUNK ROADS

All national trunk roads shall be classified as follows –

A1. NATIONAL ROADS

Functionality	**Class**	**Description**
Primary National Trunk Roads **(National Roads)**	As	Highways connecting cities, a city to a town or a town to another town through the use of grade separation using interchanges, overpasses and underpasses with maximum access control.
	A	Roads and corridors connecting international boundaries and international terminals such as international ports and airports.
	B	Roads forming national routes, linking County headquarters and Municipal headquarters to the cities, to each other or to Class A roads and inter-county

A2. URBAN ROADS

Functionality	**Class**	**Description**
National Trunk Roads **(Urban Roads)**	Au	Major urban arterials in cities providing through traffic and for relatively long distance movements between widely separated parts of the city with high levels of service that maximizes speed and mobility,

Functionality	Class	Description
		consistent with safety and segregation of pedestrian and other non-motorized movements.
	Bu	Minor urban arterials which provide the main means of moving between different zones of the urban area, other than the function provided by any class A roads and include thoroughfares or avenues serving the Central Business District of cities and major towns. and principal urban bus routes.
	Cu	Major urban collectors that provide the link between arterials and county roads, distributing traffic to residential and other defined zones, typically taking the form of radial roads between arterials or spine roads serving the main residential areas, towns or other defined zones

A3. RURAL ROADS

Functionality	Class	Description
Secondary National Trunk Roads	C	Roads linking major designated towns and forming a continuous network with Class A and Class B roads
Special Purpose Roads	SP	Roads providing direct access to places of Specific National Social or Economic importance, including industrial and commercial areas and government institutions such as schools, hospitals, prisons, government housing, etc.

Functionality	Class	Description
Security Roads	SR	Roads strategic to national security as identified by the Ministry responsible for Internal Security and communicated to the Minister from time to time.
Last Mile City	LM	Link roads providing last mile connection in cities by collecting substantial traffic from arterials and conveying the same to residential terminals so as to form a contiguous network between residential areas and estates or other defined zones.

PART B – CLASSIFICATION OF COUNTY ROADS

Functionality	Class	Description
County Roads	D	Inter-ward roads forming routes of moderatelength, linking wards and other minor towns to the Sub-county towns or higher network with the main function of channeling local traffic from lower level roads to higher level roads and centers
	E	Residential category of roads providing last access to villages, minor markets and homes and shall form the largest proportion of the roads network in Kenya.
	Du	These include the main shopping and business streets in the urban CBD or suburbs of larger towns and cities, other than designated minor Arterials and catering to a high level of pedestrian access to commercial properties fronting directly on the street.

Functionality	Class	Description
	Eu	Roads providing direct access to groups of residential properties, comprising local residential streets and constituting the local tier of the hierarchy of urban roads suitable for motorized transport.

17. **Clause 6** of the Bill seeks to amend section 6 of *Cap 408 A*, to change the manner of allocation and apportionment of the Road Maintenance Levy. The Bill proposes to –

    (a) Increase allocation of the Constituency fund from 22% to 25%

    (b) Reduce allocation to link roads between constituency roads from 10% to 7%

    (c) Increase the allocation to National Highway Authority from 38% to 40%

    (d) Reduce the allocation to Kenya Urban Roads Authority from 15% to 14%

18. On allocation the Bill further proposes to –

    (a) Allocate 1% to Kenya Wildlife service which retains the percentage as provided for in the Act

    (b) Allocate 1% to the board for recurrent expenditure which is a deduction from the current allocation of a maximum of 2%

    (c) Introduce a new allocation of –

    i. 1.5% to the department responsible for roads

    ii. 5% to the county governments to be allocated in accordance with Article 202 (2) of the Constitution

19. The Bill further provides that –

    (3) the Cabinet Secretary shall utilise funds allocated under **sub-paragraph (vii)** to provide for equity in roads maintenance, road-related emergencies, primary oversight and administration expenses;

20. Section 6 (4) and (5) sets out conditions to the funds that are located to the counties and requires that the Board shall not approve any disbursement of funds to a County Government unless the County Government has met the following requirements

(a) designate a department or division responsible for the maintenance, rehabilitation and development of County Roads;

(b) open and maintain a special purpose account at the Central Bank of Kenya into which shall be deposited the funds under subsection (2)(d)(viii);

(c) comply with the standards for the maintenance, rehabilitation and development of roads as may be set out by the Cabinet Secretary; and

(d) at least six months before the commencement of every financial year, submit to the Board an annual road programme approved by the respective County executive committees

21. The Bill further proposes that the Board shall specify the form and content of the annual road programme to be submitted by County Governments and monitor and evaluate all works, goods and services financed by the Fund. Additionally, the Board may take such remedial, supplementary or alternative measures as may be necessary to ensure compliance with the conditions prescribed under the Act or any other written law.

1.5 CONSEQUENCES OF THE BILL

22. The proposed amendments in the Bill, which introduce a new classification system that includes County roads and also allocates 5% of the road levy to counties, mark a significant shift toward strengthening devolution. Formally recognizing County roads, ensures counties have direct financial support for road projects, potentially improving rural connectivity, boosting local economies, and enhancing service delivery. However, the proposed allocation is far too low as compared to the road coverage in the country

CHAPTER TWO: OVERVIEW OF PUBLIC PARTICIPATION ON THE BILL

2.1 COMMITTEE UNDERTAKINGS

23. The Committee held a total of eight (8) meetings on the Bill, where it met with various stakeholders and considered the submissions. The Minutes of the meeting are annexed to this Report as ***Appendix 2,*** while a copy of the Bill is annexed as ***Appendix 3*** to this report.

24. The Committee published an advertisement in the daily newspapers on Wednesday, 12th November, 2025 inviting members of the public to submit written memoranda on the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No 34 of 2025). Bill. The advertisement was also posted on the Parliament website and social media platforms. A copy of the advertisement is annexed to this Report as ***Appendix 4***.

25. Subsequently, during the consideration of the Bill, the Committee resolved to invite additional submissions from the key stakeholders, including –

    (a) The Ministry of Roads and Transport;

    (b) The Council of Governors (CoG);

    (c) The Commission on Revenue Allocation (CRA); and

    (d) The Institution of Engineers of Kenya (IEK).

26. The Committee thereafter proceeded to consider the matrix on the proposed amendments of the Bill and all the submissions received. The detailed submissions by stakeholders, organized clause-by-clause, are set out in a matrix attached as ***Appendix 5.***

27. Additionally, copies of stakeholder submissions on the Bill are attached collectively as ***Appendix 6.***

2.2 STAKEHOLDERS' SUBMISSIONS AND COMMITTEE RESOLUTIONS

2.2.1 Clause 2

28. **Clause 2** of the Bill proposes to amend **Section 2** of the Kenya Roads Act by adding the definition of the "Council of County Governors" and to delete the definition of "Rural Roads Authority", and "Rural roads". The rationale for the two amendments is that the term "Council of County Governors" has been added to the Bill and that the Committee proposes deleting the two definitions.

2.2.2 Clause 3

Classification and Reclassification of Roads

29. **Clause 3** of the Bill proposes to delete **section 47** of the Kenya Roads Act *Cap. 408* and introduce a new section which sets up requirements for the classification of public roads.

30. The **Council of Governors** (COG) proposed an amendment to this clause to provide for the establishment of a joint intergovernmental mechanism involving the national government the relevant County Government and the Council of Governors, ensuring that the classification, reclassification and periodic review of roads, is anchored in law and guided by Article 6(2) on consultation and cooperation. The COG thought that giving the Cabinet Secretary powers to classify and reclassify all roads, including county roads is inconsistent with Article 186 and the Fourth Schedule which assigns county roads exclusively to County Governments. This is centralized as a devolved function.

The Committee accepted the proposal on basis that roads are a concurrent function and therefore there is need for concurrence on the classification of new roads and the reclassification of existing roads.

31. On the amendment of **section 47 of *Cap 408*** on classification of roads, the **Ministry of Roads** were of the opinion that classification of roads is a function of the National Government under the Fourth Schedule of the Constitution. They emphasized that this function involves the determination of the basis, rationale,

and technical approach for overall classification of roads in Kenya to align to regional and global frameworks, conventions and standards. The Ministry added that the Roads Board has therefore undertaken a comprehensive Roads Network Survey covering the entire Kenya road network.

The Committee declined this proposal, noting that Paragraph 18 of Part I of the Fourth Schedule to the Constitution mandates the National Government to develop standards for the construction and maintenance of roads but does not give the Ministry an exclusive function to classify roads.

Committee resolution

*The Committee proposed that **section 47** to require consultation between the Council of Governors and the Cabinet Secretary when classifying roads.*

2.2.3 Clause 4

Responsibilities of County governments and Road Signage

32. **Clause 4** proposes to introduce two new sections; 47A and 47B into the principal Act. **Section 47A** sets out the responsibilities of county governments for the planning, construction, maintenance, rehabilitation and management of county roads. It also requires counties to adhere to national standards and to coordinate with national agencies where necessary. **Section 47B** requires the erection of road signage that will show both the classification of the road and which level of government is responsible for it.

33. The **Ministry of Roads** stated that the Constitution recognizes two categories of Roads; National and County roads. However, they did not propose, but rather believed, that the section provides clarity on the mandate, roles, and responsibilities of both levels of Government to ensure accountability. The COG on their part, highlighted that the inclusion of these two sections would give clear legal effect to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution and bring much-needed clarity for both road users and the two levels of government.

34. However, the **Institution of Engineers of Kenya** proposed the establishment of technically competent County Roads Service Agencies to undertake planning, development, maintenance and management of county roads, under the supervision of qualified engineering professionals.

The Committee rejected this proposal by the Institution of Engineers of Kenya because the provision is already included in the Bill under clause 6 5(a) which requires counties to allocate a department on classification for roads.

2.2.4 Clause 5

First Schedule

35. The Bill proposes the replacement of the First Schedule to the principal Act to provide for the classification of public roads into National Trunk Roads and County Roads. National Trunk Roads are classified as National Roads (Class As, A, B), Urban Roads (Class Au, Bu, Cu) and Rural Roads (Class C, SP. SR, LM), while County Roads are classified into Classes D, E, Du and Eu.

36. Further, while underscoring that there are several classes of roads that the Bill still places under national trunk roads which they considered as functions that properly belong to counties under Part 2 of the Fourth Schedule, the **Council of Governors** proposed the following targeted adjustments to the First Schedule –

(a) **Minor urban arterials (Class Bu)** that serve central business districts and major towns should be reclassified as county roads. These are the roads that form part of internal urban circulation and local planning, functions assigned to counties under Article 184 and the Urban Areas and Cities Act. Examples include Tom Mboya Street or River Road in Nairobi CBD, the main avenues in Kisumu or Eldoret that handle daily local commerce and pedestrian traffic.

(b) **Secondary rural roads (Class C)** linking major towns should be moved to the county roads category, with a revised description: "Roads linking county headquarters to each other, to cities and municipalities, and forming a continuous network with Classes A and B." These are the roads Kenyans use every day to move produce to market or travel between county towns — for instance, the links between Nakuru and neighbouring towns in the Rift Valley or between county headquarters across the former provinces. Rural roads are explicitly devolved; retaining them under national classification would not fully align with Article 186(2) and the principle of subsidiarity.

(c) **Urban collectors (Class Cu)** and shopping/business streets (Class Du) should likewise be placed under county roads. These handle local traffic distribution and pedestrian access within towns and cities — core elements of county planning and land-use management. Examples include the collector streets in residential estates of Mombasa or the bustling shopping streets in our market centres and suburbs.

(d) **Security roads (Class SR)** should remain national, but the word "rural" should be removed from their description so that there is no overlap with devolved functions while fully protecting national security interests under Articles 238 to 240 Constitution.

37. The Justification of this proposal by the COG was based on the fact that according to the Kenya Roads Register 2024, counties are already responsible for 182,092 km (76.15%) of Kenya's entire road network of 239,122 km, and therefore the classification of roads is one of the most critical aspects of the Bill. They further added that Clauses 2, 3 and 5 of the Bill introduce new definitions of "**national trunk roads" and "county roads**", replace section 47 of the principal Act and substitute the First Schedule, thereby creating two categories of public roads, namely national trunk roads and county roads.

38. However, despite recognizing county roads as a distinct category consistent with the Fourth Schedule to the Constitution, the Council contended that certain classes of roads proposed to be classified as national trunk roads perform functions that properly fall within the mandate of County Governments.

The Committee accepted the proposal to classify roads into National Trunk Roads and County Roads and further reclassify ***Class Bu, Class Cu, Class Du, Class Eu, Class C, Class D and Class E roads*** *as County Roads, based on the following –*

(a) *The proposed framework aligns with Article 186 and the Fourth Schedule to the Constitution and provides clarity in the assignment of road functions between the National Government and County Governments; and*

(b) *The roads falling within the constitutional mandate of County Governments and currently administered by the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA) should be transferred to County Governments to give full effect to the constitutional allocation of functions and strengthen devolution in road management*

39. On the other hand, the **Ministry of Roads** recommended an amendment to the First Schedule and substitution thereof with the revised schedule. There justification was that the revised schedule under the proposed classification will ensure that no road or part of the road network is left unattended. Further, the classification aligns with the regional and international protocols for classification of roads, the Ministry proposed further improvement on the section of the **Secondary National Trunk Road C, to be defined as "Roads linking major designated towns and forming a contiguous network with A and B road.**

The Committee rejected the proposal because the provision was already included in the amendment.

40. Further, the Ministry proposed additional amendments to the classification and descriptions of various categories of roads to enhance clarity and reflect the functional characteristics of the road network. In respect of National Roads, the Ministry proposed as follows –

PART A – NATIONAL TRUNK ROADS

Primary National Trunk Roads

(a) **Class As** - highways with grade-separated interchanges, overpasses and underpasses, designed for High-volume. High-speed traffic; may be tolled

(b) **Class A** – Strategic routes connecting international boundaries and terminals, including corridors recognised under the Trans Africa Highway and East African Roads Networks

(c) **Class B** – Important roads linking county and municipal headquarters to cities, to each other and to Class A roads; Inter-county

(d) **Class Au** – Major Urban Arterials in cities providing through traffic and long-distance movement between separated parts of the city.

(e) **Class Bu** – Minor urban arterials moving traffic between zones of the urban area, including thorough fares serving the CBD and principal urban bus routes.

Secondary National Trunk Roads (Collector Roads)

(a) **Class C** – Roads linking Sub-County headquarters and other major designated towns to the higher level network or to each other, forming a contiguous network with Class A and B roads.

(b) **Class Cu** – Major Urban collectors linking arterials and local roads, distributing traffic to residential and other defined zones

Secondary National Trunk Roads (Special Purpose Roads)

(a) Class SP – Roads providing direct access to places of specific national social or economic importance, including industrial and commercial areas and government institutions (schools, hospitals, prisons, government housing)

Secondary National Trunk Roads (Security Roads)

(a) **Class SR** – Intra-county roads strategic to national security in insecurity prone counties identified by the Ministry responsible for Internal security, managed by the national agencies as instructed by the Cabinet Secretary responsible for Roads.

PART B – COUNTY ROADS

County Roads (Local Roads)

(a) **Class D** – Inter-ward roads of moderate length linking wards and minor towns to Sub-County towns or the higher network channel local traffic from lower-level roads to higher-level roads

(b) **Class E** – Residual category providing last access to villages, minor markets and homes; the largest proportion of the road network in kenya

(c) **Class Du** - Main shopping and business streets in urban CBDs and suburbs of larger towns and cities. With high pedestrian access to commercial properties.

(d) **Class Eu** – Local residential streets providing direct access to groups of residential properties; local tier of the urban roads hierarchy.

The Committee declined the proposal

Committee Resolution

The Committee resolved to amend clause 5 of the Bill by deleting the proposed FIRST SCHEDULE and substituting with the following new SCHEDULE

FIRST SCHEDULE (s.47)

PART A – CLASSIFICATION OF NATIONAL TRUNK ROADS

All national roads shall be classified as follows –

Functionality	***Class***	***Description***
Primary national Trunk Roads	*As*	*Highways connecting cities or counties and designed to carry safely large volumes of motor vehicle traffic at high speed through the use of grade separation using interchanges, overpasses and underpasses and may be tolled*
	A	*Roads forming strategic routes and corridors, connecting international boundaries and international terminals such*

Functionality	***Class***	***Description***
		as international ports, airports including international corridors recognised under the Trans Africa Highway and East African Road Networks
	B	*Roads linking County headquarters to the cities or to Class A roads or inter-county*
Secondary National Trunk roads (Special purpose Roads)	*SP*	*Roads providing direct access to places of specific national social or economic importance such as economic zones*
Secondary National Trunk roads (Security Roads)	*SR*	*Intra-county roads strategic to national security in insecurity prone counties identified by the Ministry responsible for Internal security in consultation with the Cabinet Secretary responsible for Roads and the relevant county government*
National Urban Roads		
	Au	*Major Urban Arterials in cities providing through traffic and for relatively long-distance movements between a city or town and other counties with high levels of service that maximizes speed and mobility, consistent with safety and segregation of pedestrian and other non-motorised movements*

PART B – CLASSIFICATION OF COUNTY ROADS

All County Roads shall be classified as follows –

Functionality	***Class***	***Description***
County Urban Roads	*Bu*	*Minor urban Arterials which provide the main means of moving between different zones of the urban area, other than the function provided by any class A roads and include thoroughfares or avenues serving the Central*

Functionality	*Class*	*Description*
		Business District of cities and major towns and principal urban bus routes.
	Cu	*Major urban Collectors that provide the link between Arterials and Local roads, distributing traffic to residential and other defined zones, typically taking the form of radial roads between Arterials or Spine roads serving the main residential areas or other defined zones.*
	Du	*Roads in shopping and business streets in the urban CBD or suburbs of larger towns and cities, other than designated minor Arterials and catering to a high level of pedestrian access to commercial properties fronting directly on the street*
	Eu	*Roads providing direct access to groups of residential properties, comprising local residential streets and constituting the local tier of the hierarchy of urban roads suitable for motorized transport.*
County Rural Roads	*E*	*Residual category of roads providing last access to villages, minor markets and homes and shall form the largest proportion of the road network in Kenya.*
	C	*Roads linking major designated towns and forming a continuous network with Class A and Class B roads*
	D	*Roads forming routes of moderate length, linking wards and other minor towns to the Sub-county towns or higher network. These are inter-ward roads connecting several markets and/or sub-location centers with the main function of channeling local traffic from lower level roads to higher level roads and centers*

2.2.5 Clause 6

(a) Financial Allocation to Counties

41. The Bill proposes to amend **section 6(2)(d)** of the Kenya Roads Board Act, *Cap. 408A* by revising the apportionment of the Road Maintenance Levy Fund among beneficiary institutions as follows –

Table 1: Proposed Financial Allocation

Institution/Beneficiary	**Current Allocation (%) (Act)**	**Proposed Allocation (%) (Bill)**
KeRRA Constituency Roads (Class C)	22	25
KeRRA (Link Roads to constituency)	10	7
KeNHA (National Roads)	40	38
KURA (Urban Roads)	15	14
KWS (Roads in National Parks and Reserves)	1	1
Ministry of Roads (State Department responsible for Roads	-	1.5
KRB (Board Recurrent Expenditure)	2	1.5
County Governments	-	**5**
KRB	10	7
Total Share	**100**	**100**

42. On consequential amendment to clause 6 of the Kenya Roads Board Act, Cap. 408A, the **Commission on Revenue Allocation** (CRA) proposed amendments to the allocation formula under section 6(2)(d) of the Kenya Roads Board Act to promote equity, transparency and prudent use of public resources in accordance with Article 201 of the Constitution. This was on the basis that the proposed allocations in the Bill was unclear and did not adequately reflect the constitutional assignment of road functions.

43. Further, the Commission proposed that the allocations under paragraphs (a) and (b), which are administered by the Kenya Rural Roads Authority (KeRRA), be restructured by retaining the **7%** allocation under KeRRA and transferring the **25%** allocation directly to County Governments. The Commission justified that County Governments are responsible for a significantly larger proportion of the road network, estimated at approximately 121,820 kilometres, compared to approximately 44,629 kilometres under the National Government, and therefore require a larger share of road maintenance resources. Moreover, reducing the allocation under paragraph (d) from the proposed **14% to 10%** and reallocating the difference to County Governments to align resources with road functions was also recommended

44. On the other hand, while observing that the proposed amendment creates duplication by introducing a new allocation for the Board's recurrent expenditure without deleting the existing provision, the Commission recommended deletion of the existing provision and its replacement with a single allocation of **1.5% for the Board's recurrent expenditure** to enhance clarity and accountability.

45. Therefore, the Commission suggested an increased allocation to County government from **5% to 34.5%,** noting that the Road Maintenance Levy Fund constitutes "other public funds" under Article 206 of the Constitution and is therefore distinct from the sharable revenue contemplated under Article 202 of the Constitution. Below is a summary of the proposed allocation framework by the CRA

Table 2: CRA Proposed Allocation

Current Allocation	%	Current Administrator	Proposed Administrator	Propose %
Constituency Roads (Class C)	25	KeRRA	County	25
Link Roads to constituency	7	KeRRA	County	7
National Roads	38	KeNHA	National	38
Urban Roads	14	KURA	National	10

Current Allocation	%	Current Administrator	Proposed Administrator	Propose %
Roads in National Parks and Reserves	1	KWS	Joint KWS 1% + Host Counties 1%	1
Board Recurrent Expenditure	2% with 0.5 earmarked for COG	KRB	KRB at 1.5% and 1.5% to COG	1.5
Total to Counties	**5**			**34.5**

The Committee accepted the proposal to amend the allocation formula and increasing allocation to County government

46. While submitting views of **Section 6 (2)** of the Kenya Roads Board Act, *Cap. 408A,* the **Council of Governors** proposed the restructuring of the Road Maintenance Levy Fund allocation framework to ensure that resources follow functions. The Council added that the allocations currently administered by KeRRA for former constituency roads and roads linking constituencies be transferred directly to County Governments, that urban road allocations be apportioned between national and county urban roads, and that counties receive a total allocation of **42%** of the Fund, as follows:

Table 3: COG Proposed Allocation

Current Allocation	%	Current Administrator	Proposed Administrator	Propose %
KeRRA Constituency Roads (Class C)	25	KeRRA	County	25
KeRRA (Link Roads to constituency)	7	KeRRA	County	7
KeNHA (National Roads)	38	KeNHA	National	38
KURA (Urban Roads)	14	KURA	National 10% and County 4%	4
KWS (Roads in National Parks and Reserves)	1	KWS	Joint KWS + Host Counties	1
Board Recurrent Expenditure	2% with 0.5 earmarked for COG	KRB	KRB and 0.5% to COG	2
Total to Counties	**5**			**42**

47. The **CoG** further proposed joint management of allocations for roads in national parks and reserves and enhanced county participation in the governance and oversight of road maintenance resources.

The Committee accepted the proposal by COG to increase county allocation from 5% to 42%

48. However, **the Ministry** was of a contrary opinion, proposing a revised allocation framework aimed at balancing the maintenance and development needs of the entire road network. They justified this view highlighting that the proposed allocations were informed by the need to preserve road assets, sustain road development and maintenance programmes, support both national and county road networks and safeguard public interest through adequate oversight and enforcement of standards.

49. The Ministry further stated that the allocation formula was based on objective criteria, including the length of the road network, road asset value, traffic volumes, road condition and the strategic importance of roads in promoting regional and national connectivity, equity and inclusiveness.

50. They added that although a significant proportion of roads previously managed by KeRRA and KURA had been transferred to County Governments following the implementation of devolution, the national road agencies continued to retain substantial road networks requiring maintenance funding. Consequently, the Ministry proposed that County Governments to receive **15%** of the Fund based on road length, traffic levels, road condition and the classification of county roads.

51. Further, the Ministry of Roads proposed a two-part allocation formula for RMLF: The Vertical and horizontal formula. The Vertical Formula allocates the RMLF between the National and the County Governments while the Horizontal formula facilitates the allocation of the RMLF at each level. This means that the National level allocation is done across the respective agencies whereas at the County level application of the horizontal formula will appropriate the County share to the 47 counties to determine the allocation of each of the counties. Below is a list of

criteria and weights used by the Ministry based on the vertical allocation formula between the National and county Government –

Table 4:Ministry of Roads Vertical Allocation Formula

Main Criterion	Weight (%)	Sub -weight
Length of Road	25	Paved 22%, Unpaved 3% (paved roads cost 7-10 x unpaved per km)
Traffic Volumes	45	Traffic intensity is the strongest predictor of pavement wear and driver of economic return on maintenance
Road Condition	5	Good 3%, Fair 1.5%, Poor 0.5%
Road Network type	25	S/A/B/C 23.5%. D-G 1.5%
Total	**100**	

52. Therefore, to obtain the vertical formula for allocation, the Q-Score Formula would be used as shown –

$$\mathbf{Q_a = 22. (Lpa/Lpt) + 3. (Lupa/Lupt) + 45. (TAa/TAt) + 3. (Cga/Cgt) + 1.5. (Cfa/Cft) + 0.5. (Cpa + Cpt) + 23.5. (Sabc\_a/Sabc\_t) + 1.5. (Sdefg\_a/Sdefg\_t)}$$

Where Q_a is the Q-Score for tier "a" (NTR or Counties); L = Length, C = Conditions, S = Subclass network type; subscripts: p = paved, up = unpaved, g = good, f = fair, p = poor; t = total; Co-eficient sum to 100. The annual allocation is Ca = RMLF x (Q_a/100).

53. The Ministry added that the allocation at the Horizontal level will be done based on the set parameters including road condition, traffic levels, length, road network type and other parameters. For the national share, the horizontal formula will be applied to distribute the national allocation among respective national road agencies while for county share, this will be applied to apportion the county allocation among the 47 county governments. The allocation criteria and weights are set out in the table below –

Table 5: Allocation Criteria and Weights

Main Criteria	Main Weight (%)	Sub-Criteria	Sub-Weight (%)
Length of road	30	Paved	24
		Unpaved	6
Traffic levels	10	Vehicle per km	10
Road Condition	15	Good	8
		Fair	5
		Poor	2
Road network	45	Class A	14
		Class B	13
		Class C	12

54. Therefore, the allocation to any given Agency, denoted Ca, is computed as the product of the Total Annual RMLF projection and the Agency's weighted Share is given as Q:

Ca = RMLF x Q

where Q for the Agency is the Sum of its weighted share across the four main criteria, expressed as:

Q = [24% x (Lpc/Lpt) + 6% x (Lupc/Lupt)] + [10% x (TA/Tt)] + {8% x (Cg/Cgt) + 5% x (Cf/Cft) +2% x (Cp/Cpt)] + [14% x CIA/CIAt1 + 13% x (CIB/CIBt) 2% x (CIC/CICt) +6% x (CIDEFG/CIDEFGt)]

55. The Variables of the formula are defined as –

Table 6: Variables of the formula

Variable	Description
Ca	RMLF allocation to a particular Agency
RMLF	Total Annual RMLF projection
Q	Summation of weighted main criteria for Agency
Lpc /Lpt	Length of paved road network in the Agency / total paved network in Kenya
Lupc / Ltup	Length of unpaved road network in the Agency / total unpaved network in Kenya

Variable	Description
TA / Tt	Traffic level per km in the Agency / cumulative traffic per km nationally
Cg, Cf, Cp	Percentage of Agency roads in good, fair and poor condition respectively
Cgt, Cft, Cpt	Cumulative national percentage of roads in good, fair and poor condition
CIA / CIAt	Length of Class A roads in the Agency / total Class A length in Kenya
CIB / CIBt	Length of Class B roads in the Agency / total Class B length in Kenya
CIC / CICt	Length of Class C roads in the Agency / total Class C length in Kenya
CIDEFG/ CIDEFGt	Length of Class D, E, F, G roads in the Agency / total length in Kenya

56. Therefore, the proposed allocation from the formula produces –

Table 7:Ministry of Roads Proposed Allocation

Tier	Q – Score	% of RMLF	At Sh. 70 Bn	Function
National Trunk Roads	84.98	84.98	59.59	Class S, A,B,C
County Roads	15.02	15.02	10.51	Class D,E, F, G
Total	**100**	**100**	**70**	

57. The Ministry proposed 15.02% as the county share based on the output of the formula.

The Committee rejected this proposal

Committee Resolution

*The Committee proposed the transfer of the **25%** allocation for Constituency Roads and the 7% allocation for Link Roads, both currently administered by the Kenya Rural Roads Authority (KeRRA), directly to County Governments. The Committee further proposed reducing the Urban Roads allocation from the proposed 14% to **10%** and reallocating the 4% difference to County Governments in order to align resources with devolved road functions.*

*In addition, the Committee proposed allocating **4%** for equity and road maintenance interventions, while retaining the proposed **1%** allocation for roads serving national parks and reserves, **0.5%** from the Kenya Roads Board (KRB) Board allocation, and*

*1.5% for county participation and oversight. Consequently, the Committee proposed an aggregate allocation of **49%** of the Road Maintenance Levy Fund to County Governments.*

Table 8: Breakdown of County and National Government Allocation with Committee Proposed Allocation

Institution/Beneficiary	*Current Act (%)*	*Amendment Bill (%)*	*CRA Proposal (%)*	*Ministry Proposal (%)*	*COG Proposal (%)*	*Committee Proposal (%)*
KeRRA – Constituency Roads	*22*	*25*	*Transferred to Counties (25)*	*Formula-based (26)*	*Transferred to Counties (25)*	*Transferred to Counties (25)*
KeRRA – Link Roads	*10*	*7*	*7*	*Formula-based*	*Transferred to Counties (7)*	*Transferred to Counties (7)*
KeNHA – National Roads	*40*	*38*	*36*	*Formula-based (36)*	*38*	*38*
KURA – Urban Roads	*15*	*14*	*10*	*Formula-based (11)*	*10 National / 4 County*	*10 County / 4 National*
KWS – Roads in National Parks & Reserves	*1*	*1*	*1 (+ host counties)*	*Formula-based (1)*	*1 (+ host counties)*	*1*
Department responsible for Roads (Disaster and equalization)	–	*1.5*	–	*Formula-based (8)*	–	*4 County / 4 National*
Recurrent Expenditure-KRB and Counties	*2*	*1.5*	*1.5*	*Formula-based (1.5)*	*1.5*	*3 County / 2 KRB*
The functions under the Constitution e.g. Standards, classification	-	-	-	-	-	*2*
KRB – Board Allocation	*10*	*7*	–	*Formula-based (1.5)*	*0.5*	-
County Governments	–	*5*	*34.5*	*15*	*42*	*49*
Total	***100***	***100***	***100***	***100***	***100***	***100***

(b) Roads in National Parks & Reserves

58. On the other hand, while making further recommendations on section **6(2)(d)(v)** the CoG proposed the establishment of a joint allocation framework to be administered with by the Kenya Wildlife Service and the respective County Governments hosting national parks and reserves in accordance with Article 187

of the Constitution. The Council argued that County Governments, particularly those hosting major conservation areas such as Narok and Kajiado counties, play a significant role in the development, maintenance and management of access roads and supporting infrastructure serving national parks and reserves. Therefore, an exclusive allocation to KWS is inconsistent with Article 187 and the principle that resources should follow functions.

The Committee accepted this proposal as it is consistent with Article 187 of the Constitution, noting that County Governments hosting national parks and reserves play an important role in the development and maintenance of access roads and supporting infrastructure.

(c) Objects and Purpose of the Board

59. The CRA proposed a further amendment to section 7 of clause 6 suggesting that the Board may take other remedial, supplementary or alternative measures to ensure compliance with the conditions under the act or written law.

The Committee accepted the proposal, noting that it is a policy issue but may be open to abuse

Committee Resolution

The Committee resolved that clause 6 of the Bill be amended by deleting clause 6 and substituting therefore the following new clause –

6. Section 6 (2) of the Kenya Roads Board Act is amended by –

(a) deleting paragraph (d) and substituting therefor the following new paragraph –

(d)based on a five-year road investment programme approved by the Cabinet Secretary and the Cabinet Secretary for Finance, determine the allocation of financial resources required by road agencies for the maintenance. rehabilitation and development of the road network to ensure that the allocation of funds is pegged to specific categories of roads and that not less than -

(i) Thirty-eight percent of the allocated funds is allocated in respect of the national roads to be administered by the Kenya National Highways Authority;

(ii) four percent of the allocated funds is allocated in respect of the urban roads to be administered by the Urban Roads Authority;

(iii) one percent of the allocated funds is allocated in respect of roads in national parks and reserves to be administered by the Kenya Wildlife Service;

(iv)two percent of the allocated funds is allocated in respect of the recurrent expenditure of the Board under section 31(5); and

(v)six percent is allocated to the department responsible for matters relating to roads, two percent of which shall be utilized in respect of execution of the functions stipulated under paragraph 18 (b) and (c) of part 1 of the fourth Schedule to the Constitution and four percent shall be utilized to provide for equity in road maintenance, road related emergencies, primary oversight and administrative expenses.

(b) deleting paragraph (l) and substituting therefor the following new paragraph-

(1) The Highways. Authority and the Urban Roads Authority may utilize such portion of monies received from the Fund for operational and administrative expenses as may be approved by the Cabinet Secretary on the advice of the Board:

Provided that such expenditure shall not in any year exceed, as a proportion of the projected annual expenditure of the Fund –

(i) in the case of the Highways Authority, four percent; and

(ii) in the case of the Urban Roads Authority, five and a half percent.

2.2.6 New Clauses

(a) Section 7: Membership of Kenya Roads Board

60. To provide two PS positions with two (2) representatives of the Council of Governors nominated by the CoG to represent County Governments on the Board, the CoG proposed the insertion of a new clause to amend section 7. The justification for this was that the Act was enacted before the 2010 Constitution and does not reflect the devolved governance structure. Counties have direct constitutional responsibility over County Roads (Fourth Schedule). No formal

representation of County Governments in the Board. Current representation includes PS for local authorities and PS for regional cooperation.

This proposal was accepted by the Committee, considering that road function is a concurrent function

(b) Section 17A: Constituency Road Committee

61. Additionally, the CoG proposed the deletion of sections 17 and 17A relating to Constituency Roads Committees, arguing that the provisions create an unconstitutional and unlawful entity to maintain roads that fall under the jurisdiction of County Governments and undertake procurement functions contrary to the Public Procurement and Asset Disposal Act, 2015. The Council further submitted that the Constitution recognizes only two categories of roads, namely National Trunk Roads and County Roads, and therefore the continued recognition of constituency roads and Constituency Roads Committees has no constitutional basis and undermines the constitutional framework governing the management of roads.

The Committee accepted the proposal

(c) General alignment with Devolution

62. To clearly recognize and safeguard County Roads as a devolved function under the Fourth Schedule and avoid reclassification of County Roads as National Roads, the coG proposed an amendment of the Bill. This due to the fact the Bill only partially aligns with the Constitution and in some instances reclassifies County Roads as National Roads. This further undermines the spirit and letter of devolution as well as county autonomy as entrenched in Articles 6(2), 174, 175 and 187 of the Constitution. In addition, it fails to respect the distinct but interdependent relationship between the two levels of government.

The proposal was accepted by the Committee

2.2.7 General Comments

63. While noting the need to consolidate the numerous piecemeal legislations on the road sector, the **CRA** highlighted the following –

(a) There is need to enact a comprehensive roads legislation within three years.

(b) Within the context of such legislation, roads should be classified into two categories, namely national roads and county roads, in line with the Fourth Schedule to the Constitution.

(c) Entities such as the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA) should be phased out under the proposed legislative framework.

(d) The Road Maintenance Levy Fund proceeds are collected across the country and, therefore, the distribution of the proceeds should reflect that position in terms of equality.

(e) The progressive increase of the percentage of funds allocated to County Governments for roads on the basis that counties have a wider road coverage compared to the National Government, as illustrated in its submission.

64. The **Council of Governors** on their part made the following comments pertaining to the Bill, that –

(a) The Roads Maintenance Levy Fund Act, Cap. 427, under the long title provides that the purpose of the Act is to provide for the **imposition of a road maintenance levy** on petroleum fuels and for the **establishment and administration** of a Road Maintenance Levy Fund.

65. **Section 7** of the Act requires that monies accruing to the Fund from the levy and transit tolls be paid into two special accounts established by the Kenya Roads Board: a **general account** and a **local authority account** (now to be read as the county government account). This structure demonstrates that it was the original intention of the Act to cater for the maintenance of roads at both levels of government, including what are now county roads. Therefore, any position to exclude counties from the RMLF cannot be justified, as it contradicts the very purpose for which the Fund exists.

(b) When we delve deeper into the Act, under Section 7(3A), we note that the monies accruing to the Fund from the levy are required to be paid into these accounts in proportions that reflect objective estimates of annual road maintenance costs—proportions that, in the context of devolution, must now account for the fact that counties manage **76.15% of Kenya's 239,122 km** road network. This calls for a clear separation of funds for national and county roads, leaving no ambiguity in equitable allocation, as the spirit of the sharing is based on objective estimates of maintenance costs for unclassified roads reduced by local expenditures.

(c) The journey to this Bill has involved sustained efforts to align the roads sector with our devolved system of government. The Kenya Roads Act (Cap 408) was enacted in 2007, before the 2010 Constitution, and established the current national road agencies — the Kenya National Highways Authority (KeNHA), the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA).

(d) Post-2010, the Constitution introduced two distinct but interdependent levels of government. When one examines the distribution of functions under Parts 1 and 2 of the Fourth Schedule, national trunk roads are assigned to the national government, while county roads are an exclusive responsibility of county governments. Worth noting however is the fact that in the strict interpretation of the Constitution, there are **County trunk roads** like the health sector where we have **National Referral Hospitals** and **County Referral Hospitals**.

(e) In recent years, however, this constitutional clarity has been undermined. Through decisions of the National Assembly on **28th September 2023 and 13th August 2024**, counties were excluded from direct allocation of the Road Maintenance Levy Fund (RMLF) the dedicated levy paid by every motorist on every litre of fuel. In response, the Council of Governors, acting as the 5th Petitioner together with other concerned Kenyans, approached the High Court in Constitutional Petition E423 of 2024.

(f) On 5 June 2025, Justice Lawrence Mugambi delivered a landmark judgment declaring the existing road classification under Section 47 and the exclusion of counties from the RMLF under Section 6 of the Kenya Roads Board Act unconstitutional. The Court of Appeal subsequently granted a 12-month stay of those declarations (until July 2026) to avoid disruption, thereby giving Parliament the necessary window to legislate the required corrections. I believe this Bill is Parliament's direct response to that judicial directive.

(g) There is an existing challenge of policy inconsistency. As far back as 2013, the Presidential Taskforce on Parastatal Reforms — the Hon. Mohamed Abdikadir Report — had already recommended the **dissolution of KeRRA and KURA** precisely because **rural and urban roads are devolved functions** under the Fourth Schedule. More recently, **on 21 January 2025**, Cabinet approved reforms proposing the merger of these two agencies to eliminate duplication. The Council notes that it is important that Government policy remain consistent. We cannot, on the one hand, decide to dissolve or merge these agencies because they perform devolved functions, and on the other hand continue to channel billions of shillings to them to perform the very same functions at the expense of the County Governments. The restructuring of these agencies should be matched by legislation that properly assigns both the functions and the resources to the correct level of government.

(h) The Senate, under Article 96 of the Constitution, has the special mandate to represent and protect the interests of county governments and therefore the Council respectfully urges the senate to consider the issues raised by the Council.

CHAPTER THREE: OBSERVATIONS AND RECOMMENDATIONS

3.0 COMMITTEE OBSERVATIONS

66. The Committee observes that -

i. Pursuant to Fourth Schedule of the Constitution, responsibility for road management is delineated between the two levels of government, with National Trunk Roads assigned to the National Government and County Roads assigned to County Governments. However, the existing roads related statutory framework predates the Constitution, resulting in inconsistencies relating to road classification, institutional mandates, and the allocation of road maintenance funds between the two levels of government.

ii. The Bill seeks to amend the Kenya Roads Act, *Cap 408* (the Act) to reclassify roads in Kenya and to provide for the responsibilities of County governments in regard to County roads. The Bill further amends the manner in which the Road Maintenance Levy is apportioned under the Kenya Roads Board Act, *Cap 408 A*. Therefore, by aligning road infrastructure governance with the provisions of Constitution on devolved governance, the Bill marks a significant reform structure in the road management.

iii. The proposed amendments in the Bill, which introduce a new classification system that includes County roads and allocate 5% of the road levy to counties, mark a significant step toward strengthening devolution. Formally recognizing County roads ensures counties have direct financial support for road projects, potentially improving rural connectivity, boosting local economies, and enhancing service delivery. However, the allocation is disproportionately low given that the largest portion of road network lies within counties. In light of this, the Committee proposed further amendments to enhance the allocation to counties, ensuring resources are commensurate with their extensive road responsibilities.

iv. The Bill introduces new definitions of "national trunk roads" and "county roads," thereby creating two categories of public roads consistent with the Fourth Schedule to the Constitution. However, the Committee notes that certain classes of roads proposed to be classified as national trunk roads perform functions that properly fall within the mandate of County Governments, creating a misalignment of responsibilities. To safeguard devolution and ensure clarity of mandate, the Committee proposed amendments to align the classification of roads with the responsibilities envisioned in the Fourth Schedule.

v. The continued management of roads falling within the mandate of County Governments through agencies established under the National Government, including the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA), is inconsistent with the constitutional distribution of functions and undermines the principles of devolution.

vi. Sections 17 and 17A of the Kenya Roads Act relating to Constituency Roads Committees create an unconstitutional entity to maintain roads that fall under the jurisdiction of county. The Constitution recognizes only two categories of roads, namely National Trunk Roads and County Roads, and therefore the continued recognition of constituency roads and Constituency Roads Committees has no constitutional basis and undermines the constitutional framework governing the management of roads.

vii. While the Road Maintenance Levy Fund is established under the Road Maintenance Levy Fund Act, the levy proceeds are currently transferred into another fund, namely the Roads Board Fund, before disbursement. This arrangement introduces an unnecessary layer in the management of road maintenance resources. The more effective framework would be to have the levy funds apportioned and shared directly under the Road Maintenance Levy Fund Act. Such an approach would streamline the flow of resources, strengthen accountability, and ensure that allocations are made transparently and efficiently in line with the Fund's original purpose.

3.1 COMMITTEE RECOMMENDATIONS

67. The Committee recommends that the House approves the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No. 34 of 2025), together with the proposed amendments attached as *Appendix 1* to this report.

APPENDICES

Appendix 1:	Committee Stage Amendments on the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025)
Appendix 2:	Minutes of the Committee sittings
Appendix 3:	Copy the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025)
Appendix 4:	Advertisement published in the *Daily Nation* and *Star* newspapers of 27th November, 2025
Appendix 5:	Matrix of the submissions received by the Committee on each Clause of the Bill and on general matters relating to the Bill
Appendix 6:	Copies of stakeholder submissions on the Bill

Appendix 1

Committee Stage Amendments on the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025)

10th June, 2026

The Clerk of the Senate,
Parliament Buildings,
NAIROBI.

RE: COMMITTEE STAGE AMENDMENTS TO THE KENYA ROADS (AMENDMENT) (NO. 3) BILL, 2025, (NATIONAL ASSEMBLY BILLS NO. 34 OF 2025).

NOTICE is given that Sen. Eddy Gicheru Oketch, Chairperson, Standing Committee on Roads, Transportation and Housing intends to move the following amendments to the Kenya Roads (Amendment)(No.3) Bill, (National Assembly Bills No. 34 of 2025) at the Committee Stage—

CLAUSE 2

THAT Bill be amended by deleting clause 2 and substituting therefor the following new Clause –

2. Section 2 of the principal Act be amended by—

(a) Deleting the definition of the words—

(i) "national roads" and substituting therefor the following new definition—

"national trunk roads" means national trunk roads as classified under Part A of the First Schedule;

(ii) "Rural roads"; and

(iii) "Rural Roads Authority".

(b) Deleting the words "Rural Roads Authority" appearing immediately after the words "Highways Authority" in the definition of the word "Authority";

(c) inserting the following new definitions immediately after the definition of the word "Cabinet Secretary" -

"Council of County Governors" mean the Council of County Governors established under the Intergovernmental Relations Act; Cap 265F "county roads" means county roads as classified under Part B of the First Schedule.

CLAUSE 3

THAT clause 3 of the Bill be amended in the proposed section 47 —

a) by deleting subsection (3) and substituting therefor the following new subsection—

(3) The Cabinet Secretary shall, in classifying public roads,—

(a) consult the Council of County Governors; and

(b) ensure that the classification accurately reflects the function served by the public road.

b) by deleting subsection (4) and substituting therefor the following new subsection—

(4) The Cabinet Secretary, shall at least once every five years, review the classification and assignment of public roads.

CLAUSE 5

THAT clause 5 of the Bill be amended by deleting the proposed FIRST SCHEDULE and substituting therefor the following new SCHEDULE –

FIRST SCHEDULE (s. 47)

PART A-CLASSIFICATION OF NATIONAL TRUNK ROADS

All national trunk roads shall be classified as follows—

Functionality	Class	Description
Primary National Trunk Roads	As	Highways connecting cities or counties and designed to carry safely large volumes of motor vehicle traffic at high speed through the use of grade separation using interchanges, overpasses and underpasses and may be tolled.
	A	Roads forming strategic routes and corridors, connecting international boundaries and international terminals such as international ports, airports including international

		corridors recognised under the Trans-Africa Highway and EastAfrican Road Networks.
	B	Roads linking County headquarters to the cities or to Class A roads or inter-county.
Secondary National Trunk Roads (Special Purpose Roads)	SP	Roads providing direct access to places of specific national social or economic importance such as economic zones.
Secondary National Trunk Roads (Security Roads)	SR	Intra-county roads strategic to national security and insecurity prone Counties as identified by the Ministry responsible for Internal Security in consultation with the Cabinet Secretary responsible for Roads and the relevant county government.
National Urban Roads		
	Au	Major urban arterials in cities and towns providing through traffic and for relatively long-distance movements between a city or a town and other counties with high levels of service that maximizes speed and mobility, consistent with safety, and segregation of pedestrian and other non-motorised movements.

PART B- CLASSIFICATION OF COUNTY ROADS

All County Roads shall be classified as follows—

Functionality	Class	Description
County Urban Roads		
	Bu	Minor urban arterials which provide the main means of moving between different zones of the urban area, other than the function provided by any class A road and include thoroughfares or avenues serving the Central business district of cities and major towns and principal urban bus routes.
	Cu	Major urban Collectors that provide the link between arterials and class Du roads, distributing traffic to residential and other defined zones, typically taking the

	form of radial roads between arterials or spine roads serving the main residential areas or other defined zones.
Du	Roads in shopping and business streets in the urban central business district or suburbs of cities and municipalities, other than designated minor arterials and catering to a high level of pedestrian access to commercial properties fronting directly on the street.
Eu	Roads providing direct access to groups of residential properties, comprising local residential streets and constituting the local tier of the hierarchy of urban roads suitable for motorized transport.
County Rural Roads	
C	Roads linking major designated towns and forming a contiguous network with A and B roads
D	Roads forming routes of moderate length, linking wards and other towns to the Sub-county towns or higher network. These are inter-ward roads connecting several markets or sub-location centers with the main function of channeling local traffic from lower level roads to higher level roads and centers.
E	Residual category of roads providing last access to villages, markets and homes.

CLAUSE 6

The Bill be amended by deleting clause 6 and substituting therefor the following new clause—

6. Section 6(2) of the Kenya Roads Board Act is amended by –

(a) deleting paragraph (d) and substituting therefor the following new paragraph—

(d) based on a five year road investment programme approved by the Cabinet Secretary and the Cabinet Secretary for Finance, determine the allocation of financial resources required by road agencies for the maintenance, rehabilitation and development of the road network to ensure that the allocation of funds is pegged to specific categories of roads and that not less than—

(i) thirty eight percent of the allocated funds is allocated in respect of the national roads to be administered by the Kenya National Highways Authority;

(ii) four percent of the allocated funds is allocated in respect of the urban roads to be administered by the Urban Roads Authority;

(iii) one percent of the allocated funds is allocated in respect of roads in national parks and reserves to be administered by the Kenya Wildlife Service;

(iv) two percent of the allocated funds is allocated in respect of the recurrent expenditure of the Board under section 31(5); and

(v) six percent is allocated to the department responsible for matters relating to roads, two percent of which shall be utilized in respect of execution of the functions stipulated under paragraph 18(b) and (c) of Part 1 of the Fourth Schedule to the Constitution, and four percent shall be utilized to provide for equity in road maintenance, road related emergencies, primary oversight and administrative expenses.

(b) deleting paragraph (l) and substituting therefor the following new paragraph—

(l) the Highways Authority and the Urban Roads Authority may utilize such portion of monies received from the Fund for operational and administrative expenses as may be approved by the Cabinet Secretary on the advice of the Board:

Provided that such expenditure shall not in any year exceed, as a proportion of the projected annual expenditure of the Fund—

(i) in the case of the Highways Authority, four percent; and

(ii) in the case of the Urban Roads Authority, five and a half percent.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clause immediately after clause 1-

NEW CLAUSE 1A

Amendment of Long Title to Cap 408

1A. The long title to the Kenya Roads Act hereinafter referred to as the "principal Act" is amended by deleting the words "the Kenya Rural Roads Authority" appearing immediately after the words "Roads Authority and".

THAT the Bill be amended by inserting the following new clauses immediately after clause 2-

CLAUSE 2A

Amendment of section 6 of Cap 408

2A. The principal Act is amended by deleting section 6.

CLAUSE 2B

Amendment of section 7 of Cap 408

2B. The principal Act is amended by deleting section 7.

CLAUSE 2C

Amendment of section 8 of Cap 408

2C. The principal Act is amended by deleting section 8.

CLAUSE 2D

Amendment of section 10 of Cap 408

2D. Section 10 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Urban Roads Authority shall be responsible for the management, development, rehabilitation and maintenance of urban roads in cities and municipalities in Kenya specified under the First Schedule.

CLAUSE 2E

Amendment of section 31 of Cap 408

2E. Section 31 of the principal Act is amended by deleting paragraph (c).

THAT the Bill be amended by inserting the following new clauses immediately after clause 5-

CLAUSE 5A

Amendment of Second Schedule to Cap 408

5A. The Second Schedule to the principal Act is amended by deleting Part B.

CLAUSE 5B

Amendment of Second Schedule to Cap 408

5B. The principal Act is amended by deleting Section 71.

Deletion of Fourth Schedule in Cap 408

5C. The Principal Act is amended by deleting the Fourth Schedule.

Amendment of section 7 of Cap 408

5D. Section 2 of the Kenya Roads Board Act is amended by—

(a) deleting the definition of the word "Rural Roads Authority" appearing immediately after the definition of the word "road network";

(b) inserting the following definition immediately after the definition of the word "Cabinet Secretary"—

"Council of County Governors" means the Council of County Governors established under the Intergovernmental Relations Act.

THAT the Bill be amended by inserting the following new clauses immediately after clause 6-

CLAUSE 7

Amendment of section 7 of Cap 408

7. Section 7 of the Kenya Roads Board Act is amended in subsection (1) by –

(a) deleting paragraph (e) and substituting therefor the following new paragraph —

(e) two members representing county governments appointed by the Council of County Governors;

(b) deleting paragraph (f).

CLAUSE 8

Amendment of section 17 of Cap 408

8. The Roads Board Act is amended by deleting section 17 and substituting therefor the following new section —

Responsibilities of county governments.

17. (1) A county government shall—

(a) be responsible for maintenance, rehabilitation and development of county roads;

(b) open and maintain a special purpose account at the Central Bank of Kenya into which shall be deposited the funds allocated under the Roads Maintenance Fund Act;

(c) comply with the standards for the maintenance, rehabilitation and a development of roads as may be set out by the cabinet secretary; and

(d) at least three months before the commencement of a financial year, submit to the Board an annual road programme approved by the respective county executive committee.

(2) The Board shall prescribe the form and content of an annual road programme under (1)(d).

CLAUSE 9

Deletion of section 17A of Cap 408

9. The Kenya Roads Board Act is amended by deleting section 17A.

CLAUSE 10

Amendment to section 31 of Cap 408

10. Section 31 of the Kenya Roads Board Act is amended —

(a) in subsection (2) by deleting paragraph (a) and substituting therefor the following new paragraph—

(a) fifty one percent of the monies accruing to the Roads Maintenance Levy Fund in each financial year;

(b) in subsection (2A) by deleting paragraph (a).

CLAUSE 11

Amendment to the Third Schedule of Cap 408

11. The Third Schedule to the Kenya Roads Board Act be amended by deleting item 2.

CLAUSE 12

Amendment to section 2 of Cap 427

12. Section 2 of the Road Maintenance Levy Fund Act is amended by—

(a) deleting the definition of the word —

(i) "Advisory Committee"; and

(ii) "unclassified road";

(b) inserting the following definition immediately after the definition of the word "collector"—

"Council of County Governors" means the Council of County Governors established under the Intergovernmental Relations Act.

CLAUSE 13

Amendment to section 7 of Cap 427

13. Section 7 of the Road Maintenance Levy Fund Act is amended—

(a) in subsection (3) by deleting the words "a general account and a local authority account" appearing immediately after the words "Roads Board namely" and substituting therefor the words "a National Government account and a county governments account".

(b) by deleting subsection (3A) and substituting therefor the following new subsection—

(3A) The monies accruing to the Fund from the Levy shall in each financial year be paid into the accounts established under subsection (3) as follows—

(a) fifty one percent to the National Government account; and

(b) forty nine percent to the county governments account.

(c) in subsection (4) –

(i) by deleting the word "general" appearing immediately after the words "out of the" in paragraph (a) and substituting therefor the words "National government";

(ii) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) There shall be paid out of the county governments account of the Fund, such monies as approved for repair and maintenance of county roads.

CLAUSE 14

Insertion of new section 7A in Cap 427

14. The Road Maintenance Levy Fund Act is amended by inserting the following new sections immediately after section 7—

Basis for allocation to counties

7A.(1) Once every five years, the Senate shall, by resolution, determine the basis for sharing among the counties, the monies allocated under section 7(3A)(b).

(2) In determining the basis for sharing the monies allocated under section 7(3A)(b), the Senate shall-

(i) consult the Council of county governors;

(ii) consult the Cabinet Secretary;

(iii) request and consider recommendations from the Commission on Revenue Allocation; and

(iv) invite the public and relevant stakeholders to make submissions to it on the matter.

(3) Within ten days after the Senate adopts a resolution under subsection (1), the

Speaker of the Senate shall refer the resolution to the Speaker of the National Assembly.

(4) Within sixty days after the Senate's resolution is referred under subsection (3), the National Assembly may consider the resolution and vote to approve it, with or without amendments, or to reject it.

(5) If the National Assembly-

(a) does not vote on the resolution within sixty days, the resolution shall be regarded as having been approved by the National Assembly without amendment; or

(b) votes on the resolution, the resolution shall have been-

(i) amended only if at least two-thirds of the members of the Assembly vote in support of an amendment;

(ii) rejected only if at least two-thirds of the members of the Assembly vote against it, irrespective whether it has first been amended by the Assembly; or

(iii) approved, in any other case.

(6) If the National Assembly approves an amended version of the resolution, or rejects the resolution, the Senate may-

(a) adopt a new resolution under subsection (1), in which case the provisions of this subsection, subsection (4) and subsection (5) apply afresh; or

(b) request that the matter be referred to a joint committee of the two Houses of

Parliament for mediation under Article 113, applied with the necessary modifications.

(7) A resolution that is approved under subsection (5) shall be binding until a subsequent resolution has been approved.

(8) Despite subsection (1), the Senate may, by resolution supported by at least two-thirds of its members, amend a resolution at any time after it has been approved.

(9) Subsections (2) to (7), with the necessary modifications apply to a resolution under subsection (8).

Allocations to county governments.

7B. The monies allocated under section 7 (3A)(b) shall be shared among county governments as per the formula adopted for by Parliament for the relevant year and shall be applied as follows—

(a) forty two percent of the allocated funds to be allocated in respect of maintenance of county roads;

(b) three percent of the allocated funds to be allocated to the departments responsible for matters relating to roads in respect of recurrent expenditure; and

(c) Four percent of the allocated funds to be allocated to the departments responsible for matters relating to roads to provide for equity in roads maintenance, road related emergencies, primary oversight.

7C. (1) Notwithstanding the provisions of this Act, the allocations made to county governments for maintenance of roads shall

Transition on allocation of Road Maintenance Levy Fund.

continue to apply for a period of twelve-months from the commencement of this Act.

(2) The provisions of sections 7A and 7B shall not take effect until the expiry of the twelve-month period specified under (1).

CLAUSE 15

Deletion of section 8A in Cap 427.

15. The Road Maintenance Levy Fund Act is amended by deleting section 8A.

CLAUSE 16

Transition of Kenya Rural Roads Authority.

16. Upon commencement of this Act –

(a) rights, obligations and contracts which, immediately before the coming into operation of this Act, were vested in or imposed on the Kenya Rural Roads Authority shall be deemed to be the rights, obligations and contracts of the Ministry responsible for roads;

(b) funds, assets, and other property, moveable and immovable which, immediately before such day were vested in the Rural Roads Authority, shall vest in the Ministry responsible for roads or as the Cabinet Secretary may, by order, determine;

(c) every public officer having the power or duty to effect or amend any entry in a register relating to property, or to issue or amend any certificate or other document effecting or evidencing title to property, shall, without payment of a fee or other charge and upon request made by or on behalf of the ministry responsible for roads do all such things as are by law necessary to give final effect to the transfer of property referred to under paragraph (b);

(d) powers, liabilities and duties whether arising under any written law or otherwise, which immediately before the commencement of this Act were vested in, imposed on or enforceable by or against the Rural Roads Authority shall be transferred to, vested in, imposed on or enforceable by or against the ministry responsible for roads as the case may be;

(e) actions, suits or legal proceedings pending by or against the Rural Roads Authority shall be carried on or prosecuted by or against the Ministry responsible for roads as the case may be, and no such action, suit or legal proceedings shall in any manner abate or be prejudicially affected by the enactment of this Act;

(f) directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Rural Roads Authority and subsisting or valid immediately before the commencement of this Act, shall be deemed to have been given, issued or made by the Ministry responsible for roads as the case may be;

(g) any reference to the Rural Roads Authority in any written law or in any contract, document or instrument of whatever nature shall be read and construed as a reference to the Ministry responsible for Roads;

(h) a person who immediately before the commencement of this Act was an officer or member of staff of the Rural Roads Authority, not being then under notice of dismissal or resignation shall become an officer or member of staff of the ministry responsible for roads as the Cabinet Secretary may, by order, determine on the same or improved terms and conditions of service;

(i) a person who does not intend to become an officer or member of staff of the ministry responsible for roads shall, within a period of thirty days from commencement of the Act, give notice in writing to the ministry responsible for roads, and such person shall be deemed not to have become such officer or member of staff but to have retired from the service of the Rural Roads Authority on the day preceding the commencement of this Act; and

(j) the Cabinet Secretary may, by order, make provisions with respect to pension or provident fund benefits of the former members of staff of the Rural Roads Authority and with respect to the pension scheme and provident fund of the Rural Roads Authority.

CLAUSE 17

Transition of contracts made by the roads tender committee

17. All contracts which, immediately before the coming into operation of this Act, were vested in or imposed on a constituency by the Constituency Roads Tender Committee shall be deemed to be contracts of the county government responsible for roads within that constituency.

LONG TITLE

THAT the long title of the Bill be amended by deleting the words "the Kenya Roads Act" and substituting therefor the words "various laws relating to roads"

CLAUSE 1

THAT clause 1 of the Bill be amended by deleting the words "Kenya Roads (Amendment)(No.3)" and substituting therefor the words "Roads Laws (Amendment)".

Dated: Thursday, 11th June, 2026.

Sen. Eddy Gicheru Oketch,
Chairperson,
Committee on Roads, Transportation and Housing.