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THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT - THIRD SESSION - 2015

DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND  
HOUSING

REPORT ON THE CONSIDERATION OF THE PUBLIC PETITION BY LONG  
DISTANCE TRUCK DRIVERS AND ALLIED WORKERS UNION ON  
CORRUPTION ALLEGATIONS AT WEIGH BRIDGES IN THE COUNTRY

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

NOVEMBER, 2015

*Approved for tabling:*

*BAI SNA  
10/11/15*

*Paper laid  
for the chairperson  
Departmental committee  
on Transport, Public  
works and Housing  
Hon. Mwangi Kamanda  
on Tuesday  
10/11/2015*

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## 1.0 PREFACE

On behalf of the Departmental Committee on Transport, Public Works and Housing and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition by Kenya Long Distance Truck Drivers and Allied Workers' Union on corruption allegations at weigh bridges.

The petition was tabled before the House pursuant to Standing Order 225 (2)(a) by the Hon. Sunjeev K. Birdi, MP, on behalf of Kenya Long Distance Truck Drivers and Allied Workers' Union on corruption allegations at weigh bridges.

### 1.1 Mandate of the Committee

The Committee is established pursuant to the provisions of Standing Order 216, with the following terms of reference: -

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

The Committee is mandated to oversight the following Ministries and Departments:

- (a) Ministry of Transport and Infrastructure and
- (b) Department of Housing and Directorate of Public Works in the Ministry of Lands, Housing and Urban Development.

## 1.2 Committee Membership

The Committee comprise of the following Members:-

1. The Hon. Maina Kamanda, M.P. – **(Chairperson)**
2. The Hon. (Eng.) Mahamud M. Mohamed, M.P.– **(Vice Chairperson)**
3. The Hon. (Eng.) Stephen Ngare, M.P.
4. The Hon. Ali Wario, M.P.
5. The Hon. (Arch.) David Kiaraho, M.P.
6. The Hon. Cecily Mbarire, M.P.
7. The Hon. (Capt.) Clement Wambugu, M.P.
8. The Hon. (Eng.). John Kiragu, M.P.
9. The Hon. Gideon Konchella, M.P.
10. The Hon. Barchilei Kipruto, M.P.
11. The Hon. Mark Lomunokol, M.P.
12. The Hon. Grace Kipchoim, M.P.
13. The Hon. Mathias Robi, M.P.
14. The Hon. Joseph Lomwa, M.P.
15. The Hon. Peter Shehe, M.P.
16. The Hon. Stephen Manoti, M.P.
17. The Hon. Emmanuel Wangwe, M.P.
18. The Hon. K.K. Stephen Kinyanjui Mburu, M.P.
19. The Hon. Suleiman Dori, M.P.
20. The Hon. Edick Omondi Anyanga, M.P.
21. The Hon. Simon Nyaundi Ogari, M.P.
22. The Hon. Johnson Manya Naicca, M.P.
23. The Hon. Mishi Juma, M.P.
24. The Hon. Aduma Owuor, M.P.
25. The Hon. Chachu Ganya, M.P.

- 26. The Hon. Omar Mwinyi, M.P.
- 27. The Hon. Ahmed Abbas Ibrahim, M.P.
- 28. The Hon. Omulele Christopher, M.P.
- 29. The Hon. Mukwe James Lusweti, M.P

### 1.3 Committal and Consideration of the Petition

Pursuant to Standing Order 227 (1), the petition was referred to the Departmental Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing Order 227 (1) and (2).

The Committee proceeded with the consideration of the petition by holding meetings to set up terms of reference and schedule meetings.

In considering the petition, the Committee invited and held meetings with the Hon. Sunjeev K. Birdi, MP, Long Distance Truck Drivers and Allied Workers' Union and the Ministry of Transport and Infrastructure. The meetings were aimed at responding to issues raised by the petitioners.

### 1.4 Committee Observations

Having held meetings and considered the submissions presented on the petition, the Committee observed that:-

- (i) Weighbridges on National roads are managed by Kenya National Highway Authority (KENHA as set in the Kenya Roads Act of 2007. Since January 2013, the management of the weighbridges has been contracted to SGS (K) Ltd, a renowned quality assurance company in the country.
- (ii) Overloading at weighbridges can only be determined through weighing at the weighing scales. All vehicles detained at weighbridges are detained for a reason and prohibition. Vehicles are detained when they have contravened section 55 and section 56 of the traffic act cap 403 and the detention is in accordance with section 105 and 106 of the same traffic act cap 403.

- (iii) All weighbridges on the Mombasa-Malaba route have been installed with High speed weigh in Motion (HSWIM) system, which works by weighing the vehicles while in motion and compliant vehicles are cleared without diverting to the weigh bridges. Only suspected overload vehicles are called and out of the called in vehicles, only the ones determined to be overloaded are detained so as to reduce delays at the weighbridges.
- (iv) All weighbridges are designated police stations and it is procedure in accordance with the traffic act cap 403, sections 105 and 106 and truck keys, driving licence and any other necessary document detained by the Officer commanding station to ensure safety and security for not only the detained truck but also the valuable cargo.
- (v) The Principal Secretary for the Ministry of Transport and infrastructure confirmed that there is widespread corruption at the weighbridges across the country.

#### 1.5 Response to the prayers in the petition

The Petitioners prayed that the National Assembly through the Departmental Committee on Transport, Public Works and Housing:-

- a) Investigate corruption allegations made by Long Distance Truck Drivers and Allied Workers on some of the KENHA officials and weigh Bridges Managers; and
- b) Investigate whether there are clear weighing specifications for special trucks.

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

- (i) The Ethic and Anti-Corruption Commission should further investigate the corrupt practices at the weighbridges and recommend for prosecution of those culpable.
- (ii) Officers manning weighbridges should adhere to the provisions of the Traffic Act and the Legal Notice no. 86 of May, 2013. The Committee established that there are no clear weighing specifications for special trucks and that all

commercial vehicles are classified as per Legal Notice No. 93 of June, 2013. Special trucks are those that are not classified as per Legal Notice No. 93, and they can only operate on Kenyan Roads with an exemption permit as set out in Traffic Act and Legal Notice no. 86 of May, 2013.

- (iii) Officers who have stayed/ been stationed at weighbridges spots for more than a year should be transferred.
- (iv) The Ministry of Transport and infrastructure should establish health and other recreational facilities at the weighbridges.

## 1.6 Adoption of the Report

We the members of the Departmental Committee on Transport, Public Works and Housing have pursuant to Standing Order 199 adopted this Report on the Petition by Kenya Long Distance Truck Drivers and Allied Workers' Union on corruption allegations at weigh bridges and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity on Monday, 19<sup>th</sup> October, 2015:-

1. Hon. Maina Kamanda, M.P. – **Chairperson**
2. Hon. (Eng.) Mahamud Maalim, M.P. – **Vice Chairman**
3. Hon. Gideon Konchella, M.P.
4. Hon. Joseph Lomwa, M.P.
5. Hon. Grace Kipchoim, M.P.
6. Hon. Aduma Owuor, M.P.
7. Hon. (Eng.) Stephen Ngare, M.P.
8. Hon. Omulele Christopher, M.P.
9. Hon. Ahmed Abbas Ibrahim, M.P.
10. Hon. Mathias Robi, M.P.
11. Hon. Simon Nyaundi Ogari, M.P.
12. Hon. Stephen Manoti, M.P.
13. Hon. Mishi Juma, M.P.
14. Hon. Omar Mwinyi, M.P.
15. Hon. (Capt.) Clement Wambugu, M.P.
16. Hon. K.K. Stephen Kinyanjui Mburu, M.P.

17. Hon. Johnson Many Naicca, M.P.
18. Hon. Emmanuel Wangwe, M.P.
19. Hon. Barchilei Kipruto, M.P.
20. Hon. Edick Omondi Anyanga, M.P.
21. Hon. (Arch.) David Kiaraho, M.P.
22. Hon. Eng. John Kiragu, M.P


### 1.7 Acknowledgment

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate.

I take this opportunity to thank all the Members of the Committee for their patience, sacrifice, endurance and hard work during the long sitting hours under tight schedules which enabled us to complete the tasks within the stipulated period.

The Committee wishes to record its appreciation for the services rendered by the staff of the National Assembly attached to the Committee. Their efforts made the work of the Committee and the production of this Report possible.

Finally, it is now my pleasant duty, on behalf of the Departmental Committee Transport, Public Works and Housing, to present this report to the House pursuant to the provisions of Standing Order 227 (2).

SIGNED: ..........DATE: .....10/11/2015.....

THE HON.MAINA KAMANDA, M.P.CHAIRPERSON

DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING

# THE NATIONAL ASSEMBLY

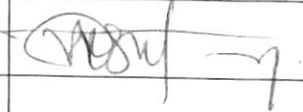
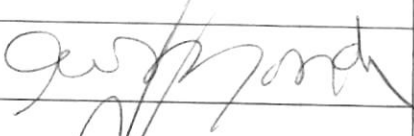


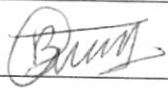
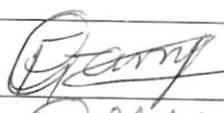
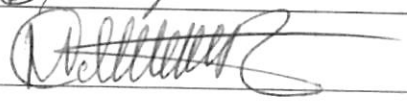


## ELEVENTH PARLIAMENT – 3<sup>RD</sup> SESSION

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

Register for the adoption of the Report on the Petition by Kenya Long Distance Drivers and Allied Workers Union on Corruption allegation at weigh bridges

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

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

Mr. Samuel Kalama – First Clerk Assistant

For: CLERK OF THE NATIONAL ASSEMBLY

## 2.0 BACKGROUND INFORMATION

- 2.1 The Petition by the Kenya Long Distance Truck Drivers and Allied Workers' Union was presented to the House by the Hon. Sunjeev K. Birdi, MP, on Tuesday, 21<sup>st</sup> April, 2015 pursuant to Standing Order 225 (2)(a).
- 2.2 Pursuant to House rules, the petition was referred to the Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing Order 227.
- 2.3 The petitioners wished to draw the attention of the House on the following:-
- i) **THAT**, aware that in the recent past, there have been widespread allegations of corruption, and harassment of Kenya Long Distance Truck Drivers and the Allied Workers' Union by the Kenya National Highways Authority (KeNHA) officials and weighbridge managers who have been charged with the responsibility of manning weighbridges across the country;
  - ii) **THAT**, the KeNHA officials and weighbridge managers have caused unnecessary challenges due to alleged accusations of overloading by the truck drivers, which has led to untoward delays in delivery of goods to their destinations and even caused losses to the transporters;
  - iii) **THAT**, the harassment and delays caused to drivers at weighbridges has led to loss of jobs, and on several occasions exposed them to starvation and prone to cold-related diseases due to lack of food, water, lodges at weighbridges as evidenced by the attached affidavit;
  - iv) **THAT**, on several occasions the truck keys and importation documents have been confiscated by weighbridge officials which has intensified hindrances in moving the trucks;
  - v) **THAT**, the petitioners, on several occasions and especially on 8<sup>th</sup> August and 15<sup>th</sup> December 2014, did raise their concerns regarding the said harassment and alleged corruption claims;
  - vi) **THAT**, there are no clear specifications for weighing special trucks at the weighbridges in the country.

- vii) **THAT**, most weighbridge stations do not have health facilities to cater for long distance drivers who may fall/ill on the way as they await clearance on the weighbridges.
- viii) The Petitioners, prayed that the National Assembly through the Departmental Committee on Transport, Public Works and Housing :-
  - c) Investigate corruption allegations made by Long Distance Truck Drivers and Allied Workers on some of the KENHA officials and weigh Bridges Managers; and
  - d) Investigate whether there are clear weighing specifications for special trucks.

### **3.0 SUBMISSIONS AND EVIDENCE**

Having been seized of the Petition, the Committee commenced its consideration by inviting the Kenya Long Distance Truck Drivers and Allied Workers' Union representatives, Hon. Sunjeev K. Birdi, MP and the Principal Secretary for the Ministry of Transport and Infrastructure for meetings on diverse dates. During the meetings, written and oral evidence was adduced as recorded hereunder:-

#### **3.1 Meeting with the Petitioner**

On Thursday, 23rd July, 2015 the Committee held a meeting with the Hon. Sunjeev Birdi, MP declared her interest on the petition by claiming that she is an interested party in the issues. She was accompanied by a representative from the Kenya Long Distance Truck Drivers and Allied Workers' Union, who informed the meeting, that:-

- i. Issues of corruption practices at weighbridges are rampant and he admitted that the vice is still practiced.
- ii. There are no health facilities at Weighbridges, and the few available ones are managed by the Kenya Long Distance Truck Drivers and Allied Workers' Union.
- iii. The trucks are being diverted away from the weighing scales at the weighbridge station

- iv. Vehicle owners facilitate corruption practices by giving money to the truck drivers to bribe officers manning weighbridges.

### 3.2 Meeting with the Principal Secretary, Ministry of Transport and Infrastructure

On Thursday, 23<sup>rd</sup> July, 2015 the Committee met with the Principal Secretary, Eng. John Mosonik and made his presentation as follows, that:-

- i) Weighbridges on National roads are managed by Kenya National Highways Authority (KENHA as set in the Kenya Roads Act of 2007. Since January 2013, the management of the weighbridges has been contracted to SGS (K) Ltd, a renowned quality assurance company in the country. The Ministry concurred that there have been widespread allegations of corruption at the weighbridges. Indeed the Kenya National Highways Authority and SGS (K) Ltd continuously liaise with Ethics and Anti-Corruption Commission (EACC) to investigate and take action on issues of corruption. The collaboration resulted in two sting operations carried on 5th August, 2014 at Mariakani and Athi River Weighbridge resulted in arrests and arraignment in court of several weighbridge staff.
- ii) Overloading at weighbridges can only be determined through weighing at the weighing scales. All vehicles detained at weighbridges are detained for a reason and prohibition. Vehicles are detained when they have contravened Section 55 and Section 56 of the Traffic Act Cap 403 and the detention is in accordance with Section 105 and 106 of the same Traffic Act Cap 403.
- iii) In order to reduce delays at the weighbridges, all weighbridges on the Mombasa- Malaba route were installed with High Speed Weigh in Motion (HSWIM) system, which works by weighing the vehicles while in motion and compliant vehicles are cleared without diverting to the weigh bridges. Only

suspected overload vehicles are called and out of the called in vehicles, only the ones determined to be overloaded are detained.

- iv) Harassment is not only a criminal offence but also unacceptable and is not condoned at any of the weighbridges. Indeed action will be taken on any officer proven to have harassed any weighbridge users.
- v) The Ministry is astounded by the allegations of harassment from Kenya Long Distance Truck Drivers and Allied Workers Union (KLTDAWU) since it has never received any written complaint from KLTDAWU. It is worth noting that KeNHA and KLTDAWU being both signatory of the self-regulatory charter, and other signatories regularly meet to deliberate on progress of the charter and the above issues have never arisen.
- vi) All weighbridges are designated police stations and it is procedure in accordance with the Traffic Act Cap 403, Sections 105 and 106 and truck keys, driving license and any other necessary document detained by the Officer commanding station to ensure safety and security for not only the detained truck but also the valuable cargo.
- vii) All complaints regarding Axle load control operations are being addressed comprehensively, through the normal administration channels.
- viii) All commercial vehicles are classified as per Legal Notice No. 93 of June, 2013. Special trucks are those that are not classified as per Legal Notice No. 93, and this can only operate on Kenyan Roads with an exemption permit as set out in Traffic Act and indeed Legal Notice no. 86 of May, 2013.
- ix) Vehicles with exemption permits are usually assessed by confirmation of the contents of the permit and by weighing at the nearest weighbridge to its point of journey commencement. All this details are captured in an exemption permit.

- x) Weighbridges are designated solely as points for determining weights of vehicles and cannot cater for extensive social needs which will hamper the key operations of the weighbridge facility. It is worth noting however that all weighbridges are usually within 6 Km of a major center which has health facilities and even weighbridge staff have to seek medical attention at the nearby centers. All weighbridges have operations vehicles which can be used in case of emergency to deliver not only weighbridge staff but any person in distress at the weighbridges for emergency attention

#### **4.0 COMMITTEE OBSERVATIONS**

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

**THAT:-**

- i. Weighbridges on National roads are managed by Kenya National Highway Authority (KENHA as set in the Kenya Roads Act of 2007. Since January 2013, the management of the weighbridges has been contracted to SGS (K) Ltd, a renowned quality assurance company in the country.
- ii. Overloading at weighbridges can only be determined through weighing at the weighing scales. All vehicles detained at weighbridges are detained for a reason and prohibition. Vehicles are detained when they have contravened section 55 and section 56 of the traffic act cap 403 and the detention is in accordance with section 105 and 106 of the same traffic act cap 403.
- iii. All weighbridges on the Mombasa- Malaba route have been installed with High speed weigh in Motion (HSWIM) system, which works by weighing the vehicles while in motion and compliant vehicles are cleared without diverting to the weigh bridges. Only suspected overload vehicles are called and out of the called in vehicles, only the ones determined to be overloaded are detained so as to reduce delays at the weighbridges.

- iv. All weighbridges are designated police stations and it is procedure in accordance with the traffic act cap 403, sections 105 and 106 and truck keys, driving license and any other necessary document detained by the Officer commanding station to ensure safety and security for not only the detained truck but also the valuable cargo.
- v. The Principal Secretary for the Ministry of Transport and infrastructure confirmed that there is widespread corruption at the weighbridges across the country.

## **5.0 COMMITTEE RECOMMENDATIONS**

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

- i. The Ethic and Anti-Corruption Commission should further investigate the corrupt practices at the weighbridges and recommend for prosecution of those culpable.
- ii. Officers manning weighbridges should adhere to the provisions of the Traffic Act and the Legal Notice no. 86 of May, 2013. The Committee established that there are no clear weighing specifications for special trucks and that all commercial vehicles are classified as per Legal Notice No. 93 of June, 2013. Special trucks are those that are not classified as per Legal Notice No. 93, and they can only operate on Kenyan Roads with an exemption permit as set out in Traffic Act and Legal Notice no. 86 of May, 2013.
- iii. Officers who have stayed/ been stationed at weighbridges spots for more than a year should be transferred.
- iv. The Ministry of Transport and infrastructure should establish health and other recreational facilities at the weighbridges.

**MINUTES OF THE 38TH SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING COMMITTEE HELD ON THURSDAY 23<sup>RD</sup> JULY, 2015 IN THE COMMITTEE ROOM ON 4<sup>TH</sup> FLOOR, CONTINENTAL HOUSE AT 10:30 AM.**

**PRESENT**

1. Hon. Maina Kamanda, M.P. – **Chairperson**
2. Hon. (Eng.) Mahamud Maalim, M.P. – **Vice Chairman**
3. Hon. Omulele Christopher, M.P.
4. Hon. Cecily Mbarire, M.P.
5. Hon. Emmanuel Wangwe, MP
6. Hon. Mathias Robi, M.P.
7. Hon. (Capt.) Clement Wambugu, M.P.
8. Hon. (Eng.) Stephen Ngare, M.P
9. Hon. Peter Shehe, MP
10. Hon. Edick Omondi Anyanga, M.P.
11. Hon. Ali Wario, M.P.
12. Hon. Aduma Owuor, M.P
13. Hon. Ahmed Abbas Ibrahim, M.P.
14. Hon. Simon Nyaundi Ogari, MP
15. Hon. Omar Mwinyi, M.P.

**ABSENT WITH APOLOGY**

1. Hon. K.K. Stephen Kinyanjui Mburu, M.P
2. Hon. Johnson Many Naicca, M.P.
3. Hon. Gideon Konchella, MP
4. Hon. Chachu Ganya, M.P.
5. Hon. Joseph Lomwa, M.P.
6. Hon. Grace Kipchoim, M.P
7. Hon. Suleiman Dori, M.P.
8. Hon. Mark Lomunokol, M.P.
9. Hon. Mukwe James Lusweti, M.P.
10. Hon. Eng. John Kiragu, M.P.
11. Hon. Stephen Manoti, M.P.
12. Hon. (Arch.) David Kiaraho, M.P.
13. Hon. Barchilei Kipruto, MP
14. Hon. Mishi Juma, M.P.

**IN ATTENDANCE**

1. Hon. Jessica Mbalu
2. Hon. Sanjev K. Birdi

- **NATIONAL ASSEMBLY**

MP  
MP

**IN ATTENDANCE**

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

- **NATIONAL ASSEMBLY**

Clerk Assistant  
Clerk Assistant  
Clerk Assistant  
Researcher Officer

**IN ATTENDANCE**

1. Eng. J.K Mosonik
2. Eng. Jacob Ruwa
3. Eng. F.D Karanja
4. Eng. G.M. Kiru
5. Eng. S.K Kogi
6. Mr. Frances Meja
7. Mr. F. Gitao
8. Eng. P.M Mundiria
9. Mr. M.Y Tarus
10. Mr. Danish Onyango
11. Mr. Micheal Labot
12. Ms. Carolyn Nganga
13. Ms. Grace Kamau
14. Mr. Justin Rapando

**MINISTRY OF TRANSPORT & INFRASTRUCTURE (MOTI)**

Principal Secretary (PS)  
Director General, Kenya Roads Board  
Ag. Executive Director, Kenya Rural Roads Authority  
Ag. Director General, Kenya National Highway Authority(KENHA)  
Chief Engineer, MOTI  
Director General, National Transport & Safety Authority  
MOTI  
Ag. Director General  
Parliamentary Liaison Officer, MOTI  
MOTI  
MOTI  
Legal Affairs, MOTI  
Principal State Counsel, MOTI  
Legal Affairs, Moti

**IN ATTENDANCE**

1. Mr. Martin M. Njogu
2. Ms. Janet Ikyuma

**PETITIONERS**

Kenya Long Distance Truck Drivers & Allied Workers' Union  
Petitioner

3. Mr. Bewson Mwingi            Petitioner

**MIN/DC-TPWH/2015/193            Preliminaries**

The Chair called the meeting to order at 10:30 am and opened it with word of prayer. The Chairperson presented the agenda as follows:-

1. Prayer
2. Communication from the Chairperson
3. Confirmation of Minutes
4. Matters Arising
5. **Meeting with the Ministry officials on the following Petitions**
  - ✓ Petition by Hon. Jessica Mbali, MP on behalf of parents, teachers, pupils and stakeholders of Matangini Primary School on Ivingoni-Nzambani Ward in Kibwezi East Constituency on the impending relocation to sub-standard temporary structure
  - ✓ Petition by Hon. Sunjev Birdi, MP regarding alleged corrupt practices at the weighbridges
6. **Meeting with the Ministry officials on the Road Bill, 2015**
7. Any Other Business
8. Adjournment

**Min/DC-TPWH/2015/194 Meeting with the Ministry officials on the following Petitions:-**

- A. **Petition by Hon. Jessica Mbali, MP on behalf of parents, teachers, pupils and stakeholders of Matangini Primary School on Ivingoni-Nzambani Ward in Kibwezi East Constituency on the impending relocation of the school to sub-standard temporary structure**
- B. **Petition by Hon. Sunjev Birdi, MP regarding alleged corrupt practices at the weighbridges across the country**

The Chairperson invited the Principal Secretary (PS) and his team, to make their presentation on the following petitions:-

- A. **Petition by Hon. Sunjev Birdi, MP regarding alleged corrupt practices at the weighbridges across the country**

The PS responded the petition as follows:-

That:-

1. Weighbridges on National roads are managed by Kenya National Highway Authority (KENHA as set in the Kenya Roads Act of 2007. Since January 2013, the management of the weighbridges has been contracted to SGS (K) Ltd, a renowned quality assurance company in the country. The Ministry concur that there have been widespread allegations of corruption at the weighbridges. Indeed the Kenya National Highways Authority and SGS (K) Ltd continuously liaise with Ethics and Anti-Corruption Commission (EACC) to investigate and take action on issues of corruption. The collaboration resulted in two sting operations carried in 5th August 2014 at Mariakani and Athi River Weighbridge resulted in arrests and arraignment in court of several weighbridge staff.
2. Overloading at weighbridges can only be determined through weighing at the weighing scales. All vehicles detained at weighbridges are detained for a reason and prohibit. Vehicles are detained when they have contravened section 55 and section 56 of the traffic act cap 403 and the detention is in accordance with section 105 and 106 of the same traffic act cap 403.
3. In order to reduce delays at the weighbridges, all weighbridges on the Mombasa-Malaba route were installed with High speed weigh in Motion (HSWIM) system, which works by weighing the vehicles while in motion and compliant vehicles are cleared without diverting to the weigh bridges. Only suspected overload vehicles are called and out of the called in vehicles, only the ones determined to be overloaded are detained.
4. Harassment is not only a criminal offence but also unacceptable and is not condoned at any of the weighbridges. Indeed action will be taken on any officer proven to have harassed any weighbridge users.
5. The Ministry is astounded by the allegations of harassment from Kenya Long Distance Truck Drivers and Allied Workers Union (KLTDWU) since it has never received any written complaint from KLTDWU. It is worth noting that KeNHA and KLTDWU being both signatory of the self-regulatory charter, and other signatories regularly meet to deliberate on progress of the charter and the above issues have never arisen.
6. All weighbridges are designated police stations and it is procedure in accordance with the traffic act cap 403, sections 105 and 106 and truck keys, driving licence and any other necessary document detained by the Officer commanding station to ensure safety and security for not only the detained truck but also the valuable cargo.

7. All complaints regarding Axle load control operations are being addressed comprehensively, through the normal administration channels.
8. All commercial vehicles are classified as per legal notice No. 93 of June 2013. Special trucks are those that are not classified as per legal notice no. 93, and this can only operate on Kenyan Roads with an exemption permit as set out in Traffic Act and indeed legal notice no 86 of May 2013.
9. Vehicles with exemption permits are usually assessed by confirmation of the contents of the permit and by weighing at the nearest weighbridge to its point of journey commencement. All this details are captured in an exemption permit.
10. Weighbridges are designated solely as points for determining weights of vehicles and cannot cater for extensive social needs which will hamper the key operations of the weighbridge facility. It is worth noting however that all weighbridges are usually within 6 Km of a major center which has health facilities and even weighbridge staff have to seek medical attention at the nearby centers. All weighbridges have operations vehicles which can be used in case of emergency to deliver not only weighbridge staff but any person in distress at the weighbridges for emergency attention

#### **Issues raised by Hon. Sunjev Birdi, MP and the Petitioners**

The following issues were raised in the meeting in reaction to the response presented by the PS:-

1. The Hon. Sunjev Birdi, MP declared her interest on the petition that she is an interested party.
2. The Petitioner informed the meeting that the issues of corruption practices at weighbridges are rampant and he admitted that the vice is still practiced.

The Committee resolved undertake fact finding tour to all major weighbridges in the country to assess the issues raised in the petition before the matter is concluded. The Committee also agreed to invite the Inspector General of Police for a meeting with the Committee on the long stay of the police officers attached to the weighbridges.

**B. Petition by Hon. Jessica Mbalu, MP on behalf of parents, teachers, pupils and stakeholders of Matangini Primary School on Ivingoni-Nzambani Ward in Kibwezi East Constituency on the impending relocation of the school to sub-standard temporary structure**

The PS responded the petition as follows:-

That:-

1. Matangini Primary School does not fall within the Mombasa-Nairobi Standard Gauge Railway (SGR) construction corridor; as such it is not earmarked for relocation. However, the Mange'elele Quarry which is being used by the SGR Contractor is located close to Matangini Primary School. It is imperative to note that Mang'elele Quarry is an old Hardstone Source that has been used over the years including by Road Contractors during the Rehabilitation Construction of the Mombasa-Nairobi (A109) Road.
2. Following prospecting for Hardstone Sources: the SGR Contractor identified Mang'elele Quarry being an only source within Mtito Andei and Tsavo Area for good quality stone for production of coarse aggregates. As per National Environment Management Authority (NEMA) requirements, and Environmental Impact Assessment (EIA) was conducted a report prepared and submitted to NEMA who granted a specific License No. NEMA.EIA/PSL/597 dated 23<sup>rd</sup> September, 2014 for quarrying operations.
3. Before the SGR Contractor commenced quarrying activities at Mang'elele Quarry, the contractor entered into an agreement and signed a Memorandum of Understanding (MoU) on 30<sup>th</sup> March, 2015 with the School's Board of Management (BoM). The MoU included rehabilitation of the Matangini Primary School buildings e.g. construction of concrete floors, fitting of doors as well as windows to the classrooms. These works were conducted to the satisfaction of the School Board of Management. During a site visit on 4<sup>th</sup> May, 2015, the Deputy Head Teacher and another teacher confirmed their satisfaction with the improvement/rehabilitation works which the SGR Contractor has carried out.
4. At the time when the Contractor commenced quarrying activities at Mang'elele Quarry, there used to be several tall trees and other shrubs within the school compound in between the quarry face and the classrooms. The trees covered part of the school playing field and provided a shield to dust as well as noise. Later, the School Head Teacher requested the Contractor to help with his bulldozers and clear the areas covered by trees and shrubs so as to enable them extend the school playing field.

5. Following this, when wind flowed towards direction of the school, dust generated from the quarry found its way to the school. To address the dust menace, the Contractor imported a Dust Screening/Suction Machine (DSM) as an additional component to the crusher. The DSM was installed in February/March, 2015. With the installation of the DSM dust emission from the quarry has reduced considerably.
6. The only negative environment/social effect which remained was high noise levels when quarrying is on-going. To address this issue, the Contractor agreed with the Matangini School Board of Management that it is prudent to look for a temporary place away from the quarry site to temporarily relocate the school during the time the Mang'elele Quarry will be in use. The BoM identified an area some 1.1 km away from the current Matangini Primary School location after the local Market Centre from Mtito Andei side. The temporary school compound is 8.0 Acres (same as the total area of the existing school) and has been leased for the period quarrying activities for the Mombasa-Nairobi SGR will be on-going at the Mang'elele Quarry.
7. Temporary Classrooms, Offices, Kitchen and Ventilated Improved Pit (VIP) Latrines have been constructed and were complete for the 2<sup>nd</sup> term school opening as from 4<sup>th</sup> May, 2015. An 8,000 liters capacity Plastic Water Tank with two (2) watering points (taps) has also been installed and can store rain water harvested from the new building structures. All the floors are concreted. To take care of heat from the perennial hot weather, all the walls have been fitted/lined with bright insulating materials, the wall and roof height raised and ceiling boards made of plywood fitted. The Contractor also agreed to inspect and carry out any other necessary repairs in the existing school before pupils can be allowed back after quarrying activities. The temporary school, has been fenced, has space for a standard playing field and is suitable for learning.

#### **Issues raised by Hon. Jessica Mbalu, MP**

The following issues were raised in the meeting in reaction to the response presented by the PS:-


The Hon. Jessica Mbalu, MP expressed her dissatisfaction on the response given by the PS. She informed the meeting on the effect of the temporary structures built by the contractor of the Standard Gauge Railway (SGR) for the school. She pledged to provide land if the contract agrees to build a school with permanent structure.

The Committee resolved to undertake a fact finding tour to Matangini Primary School in Kibwezi East Constituency to assess the situation on Monday, 10<sup>th</sup> August 2015.

**MIN/DC-TPWH/2015/195 Meeting with the Ministry officials on the Road Bill, 2015**  
Agenda deferred

**MIN/DC-TPWH/2015/196 Adjournment**

And time being 1.10 pm, the Chair adjourned the meeting and to be convened on Thursday, 28 July, 2015 at 10.00 am

SIGNED.....

HON MAINA KAMANDA, M.P

(Chairperson)

DATE.....18/11/2015

**MINUTES OF THE 47<sup>TH</sup> SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING COMMITTEE HELD ON MONDAY 19<sup>TH</sup> OCTOBER, 2015 IN BARAZA 2, WHITE SANDS HOTEL, MOMBASA 2:30 PM.**

**PRESENT**

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

**ABSENT WITH APOLOGY**

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

## IN ATTENDANCE

1. Mr. Abdifatah M. Bule
2. Ms. Nuri Kitel
3. Ms. Mercy Wanyonyi

## NATIONAL ASSEMBLY

- Clerk Assistant  
Clerk Assistant  
Legal Counsel

MIN/DC-TPWH/2015/257

### **Preliminaries**

The Chair called the meeting to order at 2:30 pm and opened it with word of prayer. The Chairperson presented the agenda as follows:-

1. Prayer
2. **Consideration and adoption of the following Reports:-**
  - (i) Report on the Petition by Hon. Jessica Mbali, MP on behalf of parents, teachers, pupils and stakeholders of Matangini Primary School on Ivingoni-Nzambani Ward in Kibwezi East Constituency on the impending relocation to sub-standard temporary structure
  - (ii) Report on the Petition by Hon. Sunjev Birdi, MP regarding alleged corrupt practices at the weighbridges
3. Any Other Business

Min/DC-TPWH/2015/258 **Consideration and adoption of the following Reports:-**

- (i) **Report on the Petition by Hon. Jessica Mbali, MP on behalf of parents, teachers, pupils and stakeholders of Matangini Primary School on Ivingoni-Nzambani Ward in Kibwezi East Constituency on the impending relocation of the school to sub-standard temporary structure**

The Committee considered and adopted the report unanimously as proposed and seconded by the Hon. Aduma Owuor, MP and Hon. Simon Nyaundi Ogari, MP respectively with following observations and recommendations:-

### **Observations**

1. Matangini Primary School does not fall within the Mombasa-Nairobi Standard Gauge Railway (SGR) construction corridor. However, the Mange'elete Quarry which is being used by the SGR Contractor is located close to Matangini Primary School.

2. The SGR Contractor identified Mang'elete Quarry being the only source of Hardstone stones within Mtito Andei and Tsavo Area for good quality stones for the production of coarse aggregates
3. The contractor entered into an agreement and signed a Memorandum of Understanding (MoU) on 30<sup>th</sup> March, 2015 with the School's Board of Management (BoM). The MoU included rehabilitation of the Matangini Primary School buildings such as construction of concrete floors, fitting of doors as well as windows to the classrooms. These works were conducted to the satisfaction of the School Board of Management.
4. Dust generated from the quarry found its way to the school and all efforts to address the dust menace became futile including the use of a Dust Screening/Suction Machine (DSM) as an additional component to the crusher. The DSM was installed in February/March, 2015. With the installation of the DSM dust emission from the quarry has reduced considerably. However, the noise from the crusher has contributed negatively to the school, making learning difficult to take place.
5. The Contractor agreed with the Matangini School Board of Management to relocate the school to temporary location away from the Mang'elete quarry site during the time the quarry will be in use. The BoM identified an area some 1.1 km away from the current Matangini Primary School location after the local Market Centre from Mtito Andei side. The temporary school compound is 8.0 Acres (same as the total area of the existing school) and has been leased for the period quarrying activities for the Mombasa-Nairobi SGR will be on-going at the Mang'elete Quarry.
6. Temporary Classrooms, Offices, Kitchen and Ventilated Improved Pit (VIP) Latrines have been constructed and were complete for the 2<sup>nd</sup> term school opening as from 4<sup>th</sup> May, 2015. An 8,000 liters capacity Plastic Water Tank with two (2) watering points (taps) has also been installed and can store rain water harvested from the new building structures. All the floors are concreted. To take care of heat from the perennial hot weather, all the walls have been fitted/lined with bright insulating materials, the wall and roof height raised and ceiling boards made of plywood fitted.
7. The temporary school has been fenced, with space for a standard playing field and is conducive for learning.
8. The Contractor also agreed to inspect and carry out any other necessary repairs in the existing school before pupils can be allowed back after quarrying activities.

## Recommendations

1. The Committee recommends that the Contractor through the Kenya Railways Corporation should routinely maintain the temporary structures where the school has been relocated with a view to ensure that the school is conducive for learning.
  2. The Contractor through the Kenya Railways Corporation to refurbish the original school once they are through with the quarrying activities at Mang'elete site.
- II. Report on the Petition by Hon. Sunjev Birdi, MP regarding alleged corrupt practices at the weighbridges**

The Committee considered and adopted the report unanimously as proposed and seconded by the Hon. Edick Omondi Anyanga, MP and Hon. Omar Mwinyi, MP respectively with following observations and recommendations:-

## Committee Observations

- (i) Weighbridges on National roads are managed by Kenya National Highway Authority (KENHA) as set in the Kenya Roads Act of 2007. Since January 2013, the management of the weighbridges has been contracted to SGS (K) Ltd, a renowned quality assurance company in the country.
- (ii) Overloading at weighbridges can only be determined through weighing at the weighing scales. All vehicles detained at weighbridges are detained for a reason and prohibition. Vehicles are detained when they have contravened section 55 and section 56 of the traffic act cap 403 and the detention is in accordance with section 105 and 106 of the same traffic act cap 403.
- (iii) All weighbridges on the Mombasa- Malaba route have been installed with High speed weigh in Motion (HSWIM) system, which works by weighing the vehicles while in motion and compliant vehicles are cleared without diverting to the weigh bridges. Only suspected overload vehicles are called and out of the called in vehicles, only the ones determined to be overloaded are detained so as to reduce delays at the weighbridges.
- (iv) All weighbridges are designated police stations and it is procedure in accordance with the traffic act cap 403, sections 105 and 106 and truck keys, driving license and any other

necessary document detained by the Officer commanding station to ensure safety and security for not only the detained truck but also the valuable cargo.

(v) The Principal Secretary for the Ministry of Transport and infrastructure confirmed that there is widespread corruption at the weighbridges across the country.

**The Committee recommends that:-**

- i. The Ethic and Anti-Corruption Commission should further investigate the corrupt practices at the weighbridges and recommend for prosecution of those culpable.
- ii. Officers manning weighbridges should adhere to the provisions of the Traffic Act and the Legal Notice no. 86 of May, 2013. The Committee established that there are no clear weighing specifications for special trucks and that all commercial vehicles are classified as per Legal Notice No. 93 of June, 2013. Special trucks are those that are not classified as per Legal Notice No. 93, and they can only operate on Kenyan Roads with an exemption permit as set out in Traffic Act and Legal Notice no. 86 of May, 2013.
- iii. Officers who have stayed/ been stationed at weighbridges spots for more than a year should be transferred.
- iv. The Ministry of Transport and infrastructure should establish health and other recreational facilities at the weighbridges.

**MIN/DC-TPWH/2015/259 Adjournment**

And time being 3.10 pm, the Chair adjourned the meeting and to be convened on 22<sup>nd</sup> October, 2015 at 10.00 am.

SIGNED..........

DATE ..........

**HON. MAINA KAMANDA, MP**

**(Chairperson)**

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY  
ELEVENTH PARLIAMENT  
(THIRD SESSION)

PUBLIC PETITION

BY THE KENYA LONG DISTANCE TRUCK DRIVERS AND ALLIED WORKERS UNION  
ON ALLEGED CORRUPT PRACTICES AT THE WEIGHBRIDGES

---

I, the **UNDERSIGNED**, on behalf of the Kenya Long Distance Truck Drivers and the Allied Workers' Union,

**DRAW** the attention of the House to the following;

1. **THAT**, aware that in the recent past, there have been widespread allegations of corruption, and harassment of Kenya Long Distance Truck Drivers and the Allied Workers' Union by the Kenya National Highways Authority (KeNHA) officials and weighbridge managers who have been charged with the responsibility of manning weighbridges across the country;
2. **THAT**, the KeNHA officials and weighbridge managers have caused unnecessary challenges due to alleged accusations of overloading by the truck drivers, which has led to untoward delays in delivery of goods to their destinations and even caused losses to the transporters;
3. **THAT**, the harassment and delays caused to drivers at weighbridges has led to loss of jobs, and on several occasions exposed them to starvation and prone to cold-related diseases due to lack of food, water and lodges at weighbridges as evidenced by the attached affidavit;
4. **THAT**, on several occasions the truck keys and importation documents have been confiscated by weighbridge officials which has intensified hindrances in moving the trucks;
5. **THAT**, the petitioners, on several occasions and especially on 8<sup>th</sup> August and 15<sup>th</sup> December 2014, did raise their concerns regarding the said harassment and alleged corruption claims;

Approved *[Signature]*  
SNA  
21/11/15

REPUBLIC OF KENYA



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THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT- (THIRD SESSION)

**PUBLIC PETITION BY KENYA LONG DISTANCE TRUCK  
DRIVERS AND ALLIED WORKERS UNION ON  
CORRUPTION ALLEGATIONS AT WEIGH BRIDGES**

I, the UNDERSIGNED, on behalf of the Kenya Long Distance Truck Drivers and Allied Workers,

DRAW the attention of the House to the following:

1. THAT, aware that in the recent past, there has been widespread corruption allegations and harassment of Kenya long distance truck drivers and allied workers union by the Kenya National Highways Authority (KENHA) officials and weighbridge Managers who have been charged with the responsibility of manning weighbridges across the country;
2. THAT, the unnecessary accusation of overloading caused to truck drivers and transporters at weighbridges have caused delay of delivery of goods to their destination and even caused losses to law abiding transporters;
3. THAT, the harassment and delay caused to drivers at weighbridges have caused them to lose their jobs since they are blamed by their employers for not delivering goods to their destination on time as evidenced by the attached affidavit;
4. THAT, the delay caused to drivers and transporters have on several occasions exposed them to starvation and prone to cold related-diseases due to lack of food, water and lodges at weighbridges as evidenced by the attached affidavit.

## PUBLIC PETITION

### **PUBLIC PETITION BY KENYA LONG DISTANCE TRUCK DRIVERS AND ALLIED WORKERS UNION ON CORRUPTION ALLEGATIONS AT WEIGH BRIDGES**

5. THAT, on several occasions the truck keys and importation documents are confiscated by weighbridge officials which even intensifies the delay to move the trucks;
6. THAT, we the undersigned, on several occasions and especially on 8<sup>th</sup> August and 15<sup>th</sup> December 2014 did raise our concern regarding the said harassment and corruption evidenced by the attached correspondences we made to KENHA and has not been fruitful to date;
7. THAT, there are no clear specifications for weighing special trucks at the weighbridges in the country;
8. THAT, most weighbridge stations do not have health facilities to cater for long distance drivers who may fall sick/ill on the way as they await clearance on the weighbridges;
9. NOTING THAT, interventions aimed at addressing the myriad of challenges faced at the weighbridges by the drivers and allied workers are proving to be impracticable;
10. AND FURTHER NOTING that the issues in respect of which this Petition is made are not pending before any court of law or any constitutional or legal body.

THEREFORE your humble Petitioners PRAY that the National Assembly through the Departmental Committee on Transport, Housing & Public Works

- a) Investigates corruption allegations made by Kenya Long distance truck drivers and allied workers union on some of the KENHA officials and weigh bridge Managers.
- b) Investigate whether there are clear weighing specifications for special trucks.

PUBLIC PETITION

PUBLIC PETITION BY KENYA LONG DISTANCE TRUCK DRIVERS AND ALLIED WORKERS UNION ON CORRUPTION ALLEGATIONS AT WEIGH BRIDGES

- c) Investigate how many weighbridge stations have health facilities to cater for long distance drivers

And your PETITIONERS will ever pray.

PRESENTED BY

HON. SUNJEEV K. BIRDI, MP  
NOMINATED MEMBER

DATE: 10 April 2015

On Behalf of the Kenya Long Distance Truck Drivers and Allied Workers Union

S/No	Name	Designation	I/D No.	Signature
1.	Michael Rasmbunga	Secretary	2298279	[Signature]
2.	Samuel Githire	Org. Secretary	8050781	[Signature]
3.	RONALD K. MELLA	TRUCK DRIVER	10541391	[Signature]
4.	ANDREW K. WOKABI	TRUCK DRIVER	6066359	[Signature]
5.	JOHN MONARO	TRUCK DRIVER	5244287	[Signature]
6.	DOMINIC KYEMWA	BRANCH SEC	13832221	[Signature]
7.	Paul Gichuki	TRUCK DRIVER	13580106	[Signature]
8.	James Kiprotich	TRUCK DRIVER	20903228	[Signature]
9.	DANIEL KIRICHIO	TRUCK DRIVER	1277687	[Signature]
10.	DANIEL WAIRA	TRUCK DRIVER	6931252	[Signature]
11.	JACKSON WOKICHEI	TRUCK DRIVER	9089627	[Signature]
12.	VICTOR CHEGE	TRUCK DRIVER	22787064	[Signature]
13.	GEORGE MUNGU	TRUCK DRIVER	10087964	[Signature]
14.	ZAKAYO KIMATHI	TRUCK DRIVER	10486603	[Signature]



**MINISTRY OF TRANSPORT & INFRASTRUCTURE**  
Office of the Principal Secretary, Infrastructure

Fax: +254-(0)-20-2723101  
Telephone +254-(0)-20-2722154  
Email: [ps@infrastructure.go.ke](mailto:ps@infrastructure.go.ke)  
Website: [www.transport.go.ke](http://www.transport.go.ke)

WORKS BUILDING  
NGONG ROAD  
P.O. Box 30260-0010  
NAIROBI- KENYA

When replying please quote

Ref No: MOTI/I/A. 24.04 VOL 20/35

13<sup>th</sup> May, 2015

**Hon. Justin B. N. Muturi, MP**  
Speaker of the National Assembly  
Parliament Building  
**NAIROBI**

Dear *Ho Speaker*

**PARLIAMENTARY PETITION REGARDING PUBLIC PETITION BY  
KENYA LONG DISTANCE TRUCK DRIVERS AND ALLIED WORKERS  
UNION ON CORRUPTION ALLEGATIONS AT WEIGH BRIDGES**

Reference is made to letter No. KNA/DC.TPWH/CORR/2015/020 of 7<sup>th</sup> May, 2015 on the above subject.

Attached, Please find the Ministry's response to the Petition by Nominated Members of Parliament **Hon. Sunjev Birdi, MP** regarding Public Petition by Kenya long distance truck drivers and allied workers union on corruption allegations at weigh bridges to the Speaker of the National Assembly for your further necessary action.

Yours *Sincerely*

James W. Macharia  
**AG. CABINET SECRETARY**

Encls



## MINISTRY OF TRANSPORT & INFRASTRUCTURE

### PETITION

The Nominated Member of Parliament, Hon. Sunjev Birdi, MP, rose on the floor of the House and Petitioned the Speaker through the Chairperson of Departmental Committee on Transport, Public Works and Housing regarding Public Petition by Kenya long distance truck drivers and allied workers union on corruption allegations at weigh bridges as follows:-

### Questions:-

1. **THAT**, aware that in the recent past, there have been widespread allegations of corruption, and harassment of Kenya Long Distance Truck Drivers and the Allied Workers' Union by the Kenya National Highways Authority (KeNHA) officials and weighbridge managers who have been charged with the responsibility of manning weighbridges across the country;
2. **THAT**, the KeNHA officials and weighbridge managers have caused unnecessary challenges due to alleged accusations of overloading by the truck drivers, which has led to untoward delays in delivery of goods to their destinations and even caused losses to the transporters;
3. **THAT**, the harassment and delays caused to drivers at weighbridges has led to loss of jobs, and on several occasions exposed them to starvation and

The collaboration resulted in two sting operations carried in 5th August 2014 at Mariakani and Athi River Weighbridge resulted in arrests and arraignment in court of several weighbridge staff.

2. Overloading at weighbridges can only be determined through weighing at the weighing scales. All vehicles detained at weighbridges are detained for a reason and prohibition order (Order to remove vehicle from road or public place, to offload excess weight or effect repairs) in the **format attached in Appendix 3 issued**. Vehicles are detained when they have contravened section 55 and section 56 of the traffic act cap 403 and the detention is in accordance with section 105 and 106 of the same traffic act cap 403.

In our endeavour to reduce delays at the weighbridges, all weighbridges on the Mombasa- Malaba route were installed with High speed weigh in Motion (HSWIM) system,, which works by weighing the vehicles while in motion and compliant vehicles are cleared without diverting to the weigh bridges. Only suspected overload vehicles are called and out of the called in vehicles, only the ones determined to be overloaded are detained. Sample weigh data for Gilgil Weighbridge **data in Appendix 3, shows only 4 vehicles charged (detained) against 2491 weighed.**

3. Harassment is not only a criminal offence but also unacceptable and is not condoned at any of the weighbridges. Indeed action will be meted on any officer proven to have harassed any weighbridge users.

Vehicles with exemption permits are usually assessed by confirmation of the contents of the permit and by weighing at the nearest weighbridge to its point of journey commencement. All this details are captured in an exemption permit, sample of which is **attached in Appendix 3**

7. Weighbridges are designated solely as points for determining weights of vehicles and cannot cater for extensive social needs which will hamper the key operations of the weighbridge facility. It is worth noting however that all weighbridges are usually within 6 Km of a major center which has health facilities and even weighbridge staff have to seek medical attention at the nearby centres. All weighbridges have operations vehicles which can be used in case of emergency to deliver not only weighbridge staff but any person in distress at the weighbridges for emergency attention



**James W. Macharia**  
**AG. CABINET SECRETARY**

## SUPPLEMENTARY INFORMATION

1. *In our endeavour to ensure transparency at the weighbridges, we welcome inputs from everyone to arrest impropriety and inefficiency. Indeed we have received a lot of input towards improving of the operations of the weighbridges through the Kenya Transporters association who are spearheading the Self-regulation charter on Axle Load control.*
2. *The table below shows the weighbridges on our transit networks and major centers nearby*

<i>No</i>	<i>Weighbridge name</i>	<i>Nearest center</i>	<i>Approx Distance from Weighbridge to center</i>
<i>1</i>	<i>Mariakani</i>	<i>Mariakani</i>	<i>4K m</i>
<i>2</i>	<i>Athi River</i>	<i>Mlolongo</i>	<i>Less than 1 Km</i>
<i>3</i>	<i>Gilgil</i>	<i>Gilgil</i>	<i>6 Km</i>
<i>4</i>	<i>Webuye</i>	<i>Webuye</i>	<i>Less than 2 Km</i>
<i>5</i>	<i>Busia</i>	<i>Busia</i>	<i>Less than 2 Km</i>

3. *The Government has integrated Road side amenities on newly designed corridors to include truck parking areas that will provide services to the trucking crew*



# Kenya National Highways Authority

Quality Highways, Better Connections

Telephone: Nairobi 020-4954226  
Email: permits@kenha.co.ke  
SHENGLI ENGINEERING CONSTRUCTION (GROUP) CO. LTD OF SHENGLI OILFIELD  
48297-00100  
NAIROBI  
Wed May 13 00:00:00 EAT 2015

Director General  
Kenya National Highways Authority  
Blue Shield Towers  
P.O. Box 49712-00100  
NAIROBI

Our Ref No: KENHA/MTCE/ALC/P/14296/2015  
Wed May 13 00:00:00 EAT 2015

**THE TRAFIC ACT, (CAP 403)**  
**OVER SIZE LOAD/VEHICLES EXEMPTION PERMIT**

This Permit is issued under the powers granted by section 57 of the Act. It is issued with respect to the vehicles(s), date(s) of journey, and route(s) specified below. The permit is not transferable, and does not exempt the vehicles(s) specified from the provisions of the Act with reference to axle loads.

It is advised that applications for permits be submitted **two weeks** before travel.

1. VEHICLE REGISTRATION NUMBER: KBQ 866J TARE WEIGHT: 8000.0
2. TRAILER REGISTRATION NUMBER: ZD 7255 TARE WEIGHT: 8500.0
3. TYPE OF VEHICLE: SINOTRUCK
4. TOTAL NUMBER OF AXLES: 5 No of wheels per axle: 2:4:4:4:4
5. DATE OF JOURNEY FROM: Wed May 13 00:00:00 EAT 2015 TO: Sat Jun 13 00:00:00 EAT 2015
6. ROUTE TO BE FOLLOWED: MAGUMU-MLOLONGO
7. DIMENSIONS: WIDTH: 3.1 HEIGHT: 4.6 LENGTH: 17.4
8. TOTAL TARE WEIGHT OF VEHICLE(HORSE+TRAILER): 16500.0
9. WEIGHT OF CARGO: 22300.0 GROSS VEHICLE WEIGHT(GVW): 38800.0
10. DESCRIPTION OF LOAD: **EXCAVATOR**
11. CONDITIONS: TIME OF TRAVEL TO BE BETWEEN 6.00AM TO 6.00PM
  - a. Police Escort required: No
  - b. Owners Escort Required: No
  - c. In the case of wide loads the vehicle will carry two notice boards at the front and rear bearing the inscription DANGER-WIDE LOAD in letters at least 25cm high white on red background.
  - d. The vehicle shall only move in the daylight
  - e. The Government shall be indemnified against any claim arising out of the granting of this permit
  - f. The relevant authority will approve routes through any city, municipality or other urban areas.
  - g. Others: LEGAL AXLE LOAD LIMITS DIMENSIONS GVW AND NO OF AXLES TO BE CONFIRMED BY MANAGER ATHI RIVER WEIGHBRIDGE BEFORE COMMENCEMENT OF JOURNEY.

Yours faithfully,



Eng. Isaiah Japhet Onsongo

SE (ALC)

Original: To be carried on the vehicle

Duplicate: To Traffic Police

Triplicate: Manager ATHI RIVER Weighbridge.



REPUBLIC OF KENYA  
MINISTRY OF ROADS



Blueshield Towers, Hospital Road, Upper Hill P.O. Box 49712 - 00100 Nairobi  
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No. Athr 05615

THE TRAFFIC ACT  
(Cap. 403)

ORDER TO REMOVE VEHICLE FROM ROAD OR PUBLIC PLACE, TO  
OFFLOAD EXCESS WEIGHT, OR TO EFFECT REPAIRS

To the owner or servant of owner or driver of Vehicle Registration No. .... Z

Make .....

.....  
a Police Officer/Licensing Officer/Inspector acting under sections 106 and 107 of Traffic Act:

(a) have found the above vehicle abandoned at .....  
in circumstances which show that it should be moved to a place of safety and/or  
is a danger to other road users and I ORDER that the vehicle shall be moved to  
.....  
(specify police station or other place);

(b) have inspected and found the above vehicle is being used at .....  
..... (place) in contravention of section 55 and 56  
of the Traffic Rules in respect of loading and construction of vehicle and I  
ORDER that the vehicle shall not be further used until (tick whichever is  
applicable);  
its load is properly distributed, the excess load of ..... kgs. is offloaded;  
the necessary repair, that is to say .....  
(specify the repairs) are carried out;  
and for the purpose I FURTHER ORDER that the vehicle shall be moved to  
.....  
(specify police station or other place) and there detained until this Order is  
complied with in accordance with the Traffic Act.

2. This Order is without prejudice to any proceedings that may be brought for the contravention  
with the Traffic Act or the Traffic Rules.

3. It is an offence to disobey this Order.

4. Attention is drawn to subsection (3) of section 0106 of the Traffic Act that any loss or damage  
incurred as a result of this Order shall not be the responsibility of the police officer, licensing  
officer or inspector.

Signed .....

Date .....

Time .....

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise, and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of conviction for holding or obtaining a driver's licence.

Condition of vehicles.

55. (1) No vehicle shall be used on a road unless such vehicle and all parts and equipment thereof, including lights and tyres, comply with the requirements of this Act, and such parts and equipment shall at all times be maintained in such a condition that the driving of the vehicle is not likely to be a danger to other users of the road or to persons travelling on the vehicle.

(2) No motor vehicle the weight or dimensions of which laden or unladen exceeds the maximum weight or dimensions provided for such vehicles by rules made under this Act shall be used on a road.

Limitation of loads.

56. (1) No vehicle shall be used on a road with a load greater than the load specified by the manufacturer of the chassis of the vehicle or than the load capacity determined by an inspector under this Act.

(2) No vehicle shall be used on a road if it is loaded in such a manner as to make it a danger to other persons using the road or to persons travelling on the vehicle; and should any load or part of a load fall from any vehicle on to a road such fact shall be *prima facie* evidence that the vehicle was loaded in a dangerous manner until the contrary is proved to the satisfaction of the court.

(3) For the purpose of this section, persons travelling on a vehicle shall be deemed to be part of the load.

Exemptions.

57. (1) A highway authority may grant a permit subject to such conditions as may be specified therein—

(a) for the use on a road of a vehicle the weight or dimensions of which exceeds the maximum weight or dimensions provided for by rules made under this Act;

(b) for the carriage by a vehicle on a road of any specified load which it is unlawful to place on the vehicle under the provisions of any rules made under this Act.

(2) Every permit granted under this section shall be in writing, and shall be carried on the vehicle in question whenever the vehicle is being used under the authority of that permit.

record shall be made available for inspection by the police on demand:

Provided that this subsection shall not apply to any taxicab in respect of any journey which is wholly within the boundaries of the municipality or township in which it is registered.

(4) The highway authority may, after consultation with the officer in charge of the police in the area concerned, appoint stopping places where omnibuses may set down and pick up passengers, and no driver of an omnibus shall stop his vehicle to set down or pick up passengers on any road where stopping places have been provided other than at such stopping places.

(5) No person shall drive or permit to be used a public service vehicle in a dirty or neglected condition.

103. (1) No person shall, for the purpose of obtaining passengers for any public service vehicle, make any noise or sound any instrument, or do anything which causes or is likely to cause annoyance, inconvenience or danger to the public.

Touting  
1 of 1986, s. 25  
1<sup>a</sup> of 1993, sch.

(2) A person who contravenes or fails to comply with this section shall be guilty of an offence and liable to a fine of not less than two thousand shillings and not more than five thousand shillings, and in addition the court may order the confiscation of the instrument by which the offence is committed.

104. Any person who contravenes or fails to comply with any of the provisions of this Part shall be guilty of an offence and liable, where no penalty is specifically provided, to a fine of not less than two thousand shillings and not more than five thousand shillings.

Penalties under  
this Part.  
1 of 1986, s. 26  
of 1993, sch.

#### PART XII—GENERAL

105. (1) It shall be lawful for any police officer in uniform to stop any vehicle, and for any police officer, licensing officer or inspector—

Inspection of  
vehicles.  
1 of 1986, s. 27.

- (a) to enter any vehicle;
- (b) to drive any vehicle or cause any vehicle to be driven;
- (c) upon reasonable suspicion of any offence under this Act, to order and require the owner of any vehicle to bring the vehicle to him,

for the purpose of carrying out any examination and test of the vehicle with a view to ascertaining whether the provisions of this Act are being complied with or with a view to ascertaining whether the vehicle is being used in contravention of this Act.

(2) Any person who fails to comply with any instruction or order given under this section shall be guilty of an offence and liable to a fine not exceeding one thousand shillings.

Removal of  
vehicles from  
road.  
1 of 1986, s. 28.

106. (1) Where any vehicle is found in use on a road in contravention of the provisions of this Act, or where any vehicle has been left on any road or other public place in such circumstances as to make it appear that such vehicle has been abandoned or should be removed to a place of safety, or where any vehicle has been left on a road in a position which causes or is likely to cause danger to other road users and the owner or driver cannot readily be found, it shall be lawful for any police officer or any inspector to take the vehicle or cause it to be taken to a police station or other place of safety by such method, route and under such conditions as he may consider necessary, having regard to all the circumstances of the case.

(2) Where under subsection (1) it is considered necessary to have a vehicle towed, transported, driven or otherwise removed, or where it is considered necessary to carry out emergency repairs or to adjust or off-load any part of the load of such vehicle, any expense incurred thereby shall be payable by the owner of the vehicle, and no such vehicle shall be released from the police station or other place of safety until either—

(a) such expenses have been paid to the person to whom they are due; or

(b) such person certifies in writing that he is willing to allow the vehicle to be removed before he receives such expenses due to him.

(3) A police officer or inspector who orders the removal of a vehicle under this section shall not be held liable for any damage to or loss of any item from such vehicle during its removal to or detention at a police station or other place of safety.

(4) Any police officer, licensing officer or inspector, if he is of the opinion that any vehicle is being used in contravention of section 55 or section 56 or in contravention of any rules relating to the construction, use and equipment of vehicles, may by order prohibit the use of such vehicle, under such conditions and for such purposes as he may consider necessary for the safety of the public or to ensure that such vehicle does comply with the provisions of section 55 or 56; and any such order shall remain in force until the repairs specified therein have been satisfactorily completed.