



REPUBLIC OF KENYA

MINISTRY OF ROADS AND TRANSPORT

REGULATORY IMPACT ASSESSMENT

FOR THE

TRAFFIC (SCHOOL TRANSPORT) RULES, 2026

*This Regulatory Impact Assessment (RIA) has been prepared by the Cabinet Secretary -
Ministry of Roads and Transport
Section 6 and 7 of the Statutory Instruments Act, Cap 2A*

TABLE OF CONTENTS

CHAPTER ONE: INTRODUCTION	4
1.1 Introduction.....	4
1.2 Policy considerations	4
1.3 Problem Statement.....	5
1.3.1 Requirements of a Regulatory Impact Assessment.....	5
1.4 Regulatory Making Authority and the Legal Mandate	6
1.3.1 International and Regional Policy and Legal Context.....	8
1.3.2 Domestic Legal and Policy Context.....	10
CHAPTER TWO: STATEMENT OF THE OBJECTIVES OF THE PROPOSED RULES AND REASONS FOR THEM	11
2.1 Scope.....	11
2.2 Objectives and Purpose of the Proposed Rules.....	11
2.3 An Overview of the Proposed Rules: Salient features.....	12
CHAPTER THREE: STATEMENT EXPLAINING THE EFFECT OF THE PROPOSED RULES: EVALUATION OF THE PROBLEM.....	16
3.1 Current Challenges in School Transport in Kenya	16
3.1.1 Compliance with International Best Practices.....	21
Rationale for Regulating School Transport in Kenya	21
1. Enhancing Student Safety	21
2. Reducing School-Related Road Accidents	22
3. Ensuring Compliance with Traffic Laws.....	22
4. Protecting Children from Road-Related Risks.....	22
5. Promoting Efficient School Transport Systems.....	22
Key School Transport Regulations in Kenya	22
3.1.2 Addressing Overloading and Unsafe Transport Practices.....	23
3.1.3 Strengthening Driver and attendant Qualifications and Training.....	23
3.1.4 Designation of Pick-up and Drop-off Points	24
3.1.5 Regulating School Transport Service Providers.....	24
3.2 Effects of the Proposed Regulations.....	25
CHAPTER FOUR: STATEMENT OF ALTERNATIVES TO THE PROPOSED REGULATIONS: CONSIDERATION OF REGULATORY AND NON-REGULATORY OPTIONS	26
4.1 Option One: Maintaining the Status Quo	26
4.2 Option Two: Relying on Administrative Measures	27
4.3 Option Three: Promulgating the Proposed Rules	27
4.4 Cost-Benefit Analysis.....	28
4.1 Preferred Option: Promulgating the Proposed Rules.....	30
CHAPTER FIVE: AN ASSESSMENT OF THE COSTS AND BENEFITS OF THE PROPOSED STATUTORY COST BENEFIT ANALYSIS	31

CHAPTER SIX: CONSULTATIVE PROCESS: STAKEHOLDER CONSULTATION AND PUBLIC PARTICIPATION	33
6.1 Legal requirements relating to public participation and consultation	33
6.2 The Process of Public Consultation	34
6.3 Analysis and Feedback	36
CHAPTER SEVEN: CONCLUSIONS AND RECOMMENDATIONS.....	37
7.1 Conclusion.....	37
7.2 Recommendation.....	38
ANNEXURES	39

CHAPTER ONE: INTRODUCTION

1.1 Introduction

This Regulatory Impact Assessment (RIA) evaluates the potential impacts of Traffic (School Transport) Rules whose objective is to provide for licensing of school transport providers, licensing of school transport vehicles, roles and responsibilities of school drivers and attendants and generally for transportation of school children.

1.2 Policy considerations

Regulation of school transport in Kenya has been a focal point for enhancing student safety and ensuring efficient transportation services. The government has introduced several policies and directives aimed at standardizing and improving the safety of school transportation. Some key policy considerations include:

Restriction of operational hours: School transportation is prohibited from operating between 10 p.m. and 5 a.m., aligning with the Traffic (Amendment) Act, 2017. This measure aims to reduce accidents associated with nighttime travel.

Vehicle safety features: All school buses are required to be painted yellow and equipped with specific safety features, including:

- a) Dual red light indicators on the uppermost front and rear sections.
- b) "School Bus" signage on both sides and at the rear.
- c) Installation of vehicular telematic systems for tracking and monitoring.
- d) Functional seat belts for all seats, which must be fixed, free from sharp edges, and made of shock-absorbent, fire-resistant materials.

Driver and attendant requirements: Drivers and attendants of school vehicles must undergo annual criminal background checks, focusing on convictions related to child abuse or violent crimes. Additionally, drivers are required to possess valid licenses appropriate for the vehicle class and undergo regular medical fitness assessments.

Vehicle inspection and insurance: School vehicles must undergo inspections every six months and maintain comprehensive insurance coverage to ensure roadworthiness and financial protection in case of accidents.

Enforcement and Penalties: Non-compliance with these regulations can result in fines up to Ksh20,000 or imprisonment for up to six months. The National Transport and Safety

Authority (NTSA) is responsible for enforcing these rules and conducting safety compliance checks.

1.3 Problem Statement

School transportation plays a vital role in ensuring safe, reliable and efficient travel for students. However, the absence of uniform standards may result in safety risks and operational inefficiencies.

A snapshot of the following recent incidents involving school transport gives an indication of the status of school transport system in the country.

- a) **March 2024:** A tragic accident on the Mombasa-Nairobi highway resulted in the deaths of 11 Kenyatta University students and injuries to many others. The incident occurred during a heavy downpour when the bus driver attempted to overtake multiple vehicles, leading to a collision.
- b) **March 2024:** A Moi University bus carrying 65 students was involved in an accident at Kimende on the Nakuru-Nairobi highway. Fortunately, there were no casualties, but the incident raised concerns about the safety of student transportation.
- c) **March 2024:** A bus transporting students from Kapsabet Boys High School lost control and rolled over, resulting in the deaths of a teacher and a student.
- d) **January to August 2016:** Approximately 180 school-going children lost their lives in road accidents. These incidents involved school transport vehicles and cases where students were hit by vehicles while commuting.
- e) **January to March 2023:** Kenya recorded 1,072 deaths from road accidents. While this figure encompasses all road users, the involvement of school transport in several incidents during this period is notable.

1.3.1 Requirements of a Regulatory Impact Assessment

The Statutory Instruments Act, Cap 2A (SIA) is the legal framework governing the conduct of RIA in Kenya. Sections 6 and 7 require that if a proposed statutory instrument is likely to impose significant costs on the community or a part of the community, the Regulation-Making Authority shall, before making the statutory instrument, prepare a regulatory impact statement about the instrument. SIA further sets out certain key elements that must be contained in the RIA namely:

- (a) a statement of the objectives of the proposed legislation and the reasons for them

- (b) a statement explaining the effect of the proposed legislation including in the case of a proposed legislation which is to amend an existing statutory instrument the effect on the operation of the existing statutory instrument
- (c) a statement of other practicable means of achieving those objectives, including other regulatory as well as non-regulatory options;
- (d) an assessment of the costs and benefits of the proposed statutory rule and of any other practicable means of achieving the same objectives;
- (e) the reasons why the other means are not appropriate;
- (f) any other matters specified by the guidelines;
- (g) a draft copy of the proposed statutory rule.

Section 5 of SIA requires a Regulatory Making Authority to conduct public consultations drawing on the knowledge of persons having expertise in fields relevant to the proposed statutory instrument and ensuring that persons likely to be affected by the proposed statutory instrument are given an adequate opportunity to comment on its proposed content.

1.4 Regulatory Making Authority and the Legal Mandate

The legislative authority of the Republic of Kenya is vested in Parliament, as provided under Article 94(1) of the Constitution of Kenya, 2010. However, to enhance governance and ensure the efficient implementation of laws, Article 94(5) permits Parliament to delegate its legislative powers to other bodies or persons through an Act of Parliament. This delegation enables specialized regulatory bodies and executive offices to formulate subsidiary legislation within a defined legal framework.

The power of Parliament to delegate legislative authority must be exercised through express statutory provisions, as required by Article 94(6) of the Constitution of Kenya, 2010. This ensures that subsidiary legislation derives legitimacy from and remains within the scope of the Parent Act.

In matters relating to school transport, Parliament, through Section 105B(3) of the Traffic Act, Cap 403, vests the Cabinet Secretary for Transport and Roads with the mandate to prescribe:

- (a) The maximum number of children that a designated school transport vehicle may carry, depending on the vehicle classification;
- (b) Continuous inspection of school transport vehicles to ensure compliance with safety standards; and
- (c) Specialized training requirements for drivers operating school transport vehicles.

This delegation is further reinforced by Executive Order No. 2 of 2023, which assigns the Ministry of Transport and Roads the responsibility for road safety and implementation of the Traffic Act.

It is within this statutory authority that the Cabinet Secretary for Roads and Transport makes the Traffic (School Transport) Rules, 2026 (hereinafter, “the proposed Rules”). These Rules establish a regulatory framework aimed at enhancing the safety, inspection, certification, and operational standards of vehicles transporting schoolchildren. They seek to improve compliance with road safety regulations, reduce traffic accidents involving school transport, and uphold the government’s commitment to ensuring a safe and efficient transport system for learners.

1.3 Background and Context

Ensuring the safety of children during school transportation is a critical concern in Kenya's broader road safety framework. School transport plays a key role in ensuring that children can access education; however, risks associated with road traffic accidents, overcrowding in school transport vehicles, unregulated operations, and inadequate safety measures expose children to potential harm. The proposed Rules aim to mitigate these risks by establishing clear regulatory standards for school transportation, enhancing

oversight, and ensuring compliance with child safety norms in line with national, regional, and international obligations.

The proposed Rules provide a child-centred approach to school transportation by addressing critical concerns such as:

- (a) Maximum vehicle occupancy to prevent overcrowding and improve passenger safety.
- (b) Periodic inspection and maintenance of school transport vehicles.
- (c) Mandatory driver training on child safety and emergency response.
- (d) Installation of child-specific safety features, including seat belts and speed governors.
- (e) Strict enforcement of roadworthiness standards for school vehicles.
- (f) Regulation of private and public school transport operators to ensure accountability and adherence to safety measures.

1.3.1 International and Regional Policy and Legal Context

Kenya's commitment to child safety in transportation is influenced by various international and regional conventions, declarations, and policy frameworks. These obligations provide a strong legal and policy foundation for the proposed Rules and they include:

(a) United Nations Convention on the Rights of the Child (UNCRC), 1989

As a signatory to the UNCRC, Kenya has a duty to uphold the rights of children, including their right to life, survival, and development (Article 6) and their right to protection from harm (Article 19). School transport safety directly impacts these rights by ensuring that children are transported in secure and regulated environments, minimizing their exposure to road traffic injuries.

(b) Sustainable Development Goals (SDGs)

The 2030 Agenda for Sustainable Development places significant emphasis on safe and sustainable transport. Goal 3.6 aims to halve global deaths and injuries from

road traffic crashes by 2030, while Goal 11.2 advocates for safe, accessible, and sustainable transport systems, with a focus on children and other vulnerable road users. By promulgating the proposed Rules, Kenya aligns itself with the SDGs, ensuring safer mobility for schoolchildren and reducing traffic-related injuries and fatalities.

(c) UN Decade of Action for Road Safety (2021–2030)

The United Nations General Assembly launched this initiative to reduce road traffic deaths and injuries by at least 50%. One of its strategic objectives is to ensure that all road users, especially children, are protected through structured safety regulations. Kenya's school transport rules will support this initiative by implementing mandatory vehicle safety inspections, driver training, and enforcement of child safety measures.

(d) African Charter on the Rights and Welfare of the Child (ACRWC), 1990

Under the ACRWC, which Kenya ratified, Article 14 obligates states to take necessary measures to protect children from accidents and injuries. School transport safety is integral to fulfilling this obligation by ensuring well-maintained vehicles, trained drivers, and robust enforcement of safety protocols.

(e) African Road Safety Charter and EAC Transport Regulations

Regionally, Kenya is bound by the African Road Safety Charter, which calls for harmonized vehicle safety regulations across African Union (AU) member states. Similarly, the East African Community (EAC) Road Safety Action Plan requires member states to:

- (a) Implement stringent safety measures for school transport;
- (b) Enforce driver training programs focusing on child safety;
- (c) Regulate the number of children per vehicle to prevent overloading; and
- (d) Establish school transport safety monitoring systems.

1.3.2 Domestic Legal and Policy Context

At the national level, several legal and policy instruments necessitate stringent school transport regulations, including:

(a) National Road Safety Action Plan (2024–2028)

The Action Plan identifies child safety in transportation as a priority, emphasizing:

- (a) Stricter enforcement of road safety laws for school vehicles.
- (b) Implementation of child-specific safety measures.
- (c) Regular safety audits for school transport services.

The proposed Rules operationalize these commitments, ensuring that all school transport providers adhere to high safety standards.

(b) Constitution of Kenya, 2010

Article 53(2) states that a child's best interests are of paramount importance in all matters concerning them. This necessitates the establishment of safe and reliable school transport systems. Further, Article 42 guarantees the right to a clean and healthy environment, reinforcing the need for eco-friendly school transport.

(c) Traffic Act (Cap 403)

Section 105B(3) mandates the Cabinet Secretary for Transport and Roadsto regulate school transport, including: setting the maximum number of children per vehicle, ensuring continuous vehicle inspection and requiring specialized driver training for school transport. The proposed Rules give effect to these statutory provisions by introducing mandatory licensing, inspection, and operational guidelines for school transport providers.

(d) Children Act, 2022 (Cap141)

The Children Act, 2022, which governs the rights and welfare of children in Kenya, contains several provisions that reinforce the need for safe school transport, including Section 8 which provides for the right to life, survival, and development, which necessitates safety in school transport, Section 28 on

protection from all forms of harm, including unsafe travel conditions and Section 48 on responsibility of national and county governments to ensure the protection of children in all sectors, including transportation. The proposed Rules align with these provisions by enforcing high safety standards for school transport, ensuring that children's rights to protection and safety are upheld.

(e) National Transport and Safety Authority (NTSA) Act (Cap 404)

This Act mandates NTSA to regulate school transport services by, licensing school transport providers, setting vehicle fitness standards, monitoring driver conduct and enforcing penalties for non-compliance. The proposed Rules will strengthen NTSA's oversight role, ensuring enhanced safety protocols for school transport.

(f) Environmental Management and Coordination Act (EMCA), (Cap 387)

School transport vehicles contribute to vehicular emissions and environmental pollution. EMCA provides for, the regulation of emissions from motor vehicles and the promotion of eco-friendly transport alternatives. The proposed Rules will introduce emission control measures, ensuring that school transport vehicles meet prescribed environmental standards.

CHAPTER TWO: STATEMENT OF THE OBJECTIVES OF THE PROPOSED RULES

2.1 Scope

The proposed Rules apply to all motor vehicles used for the transportation of school children within Kenya. These Rules establish a legal framework for the operation, safety, and regulation of school transport services to ensure the protection and well-being of school children. The Rules apply to school bus operators, school administrations, vehicle owners, drivers, regulatory authorities, and other stakeholders responsible for compliance and enforcement.

2.2 Objectives and Purpose of the Proposed Rules

The primary objective of these Rules is to enhance the safety, reliability, and efficiency of school transport services.

The specific objectives include, to:

- (a) Establish minimum safety standards for vehicles used in school transport to prevent road accidents and injuries;
- (b) Defining the roles and responsibilities of school transport service providers, including schools, bus owners, and drivers;
- (c) Regulating the licensing, operation, and maintenance of school transport vehicles to ensure compliance with safety and roadworthiness standards;
- (d) Implementing guidelines on the conduct, training, and qualifications of school transport drivers and attendants;
- (e) Enhancing the protection of school children by enforcing strict safety measures such as seatbelt requirements, speed restrictions, and designated pick-up/drop-off zones; and
- (f) Strengthening oversight, monitoring, and enforcement mechanisms to improve accountability and compliance with school transport regulations.

2.3 An Overview of the Proposed Rules: Salient features

The proposed Rules are designed to enhance the safety, efficiency, and regulation of school transport services in Kenya. These rules apply to all individuals and entities providing transport services for school-going children, with the primary objective of ensuring high safety standards.

The Rules are divided into seven parts as detailed below:

Part I – Preliminary

This part provides for the citation of the Rules, and the definition of key terms such as “school transport provider,” “school vehicle,” and “telematics,” as used in the Rules. It provides for objects of the Rules and its applicability.

Part II – Licensing of school transport providers and vehicles

To ensure a structured and accountable school transport system, the Rules mandate that any person or entity wishing to provide school transport services must obtain a School Transport Provider's License from the National Transport and Safety Authority (NTSA). This license is issued only to individuals or companies that meet specific registration criteria, including the submission of a company registration certificate, a valid Kenya Revenue Authority (KRA) PIN, and proof of a physical office. The license is valid for one year and must be renewed upon expiry.

Similarly, any vehicle intended for school transport must possess a School Vehicle Road Licence, issued only to holders of a valid transport provider license. This road license is granted only if the vehicle has undergone a recent inspection within 30 days of the application. It also remains valid for one year, subject to renewal.

The Rules further empower NTSA to suspend or revoke licenses if a transport provider or vehicle fails to comply with the set safety and operational standards. However, before any suspension or revocation, the affected party must be given a written explanation and an opportunity to respond.

For vehicles that are typically used for school transport but may be hired for private transport, a short-term road service license is required to ensure continued regulatory oversight.

Part III – Obligations of school transport providers

Licensed school transport providers bear significant responsibilities to ensure student safety and proper service management. One of the key requirements is that every transport provider must have valid third-party insurance for all vehicles. They are also required to hire only qualified drivers and school vehicle attendants, ensuring that all personnel involved in student transport meet the necessary competency and background requirements.

To maintain operational efficiency, providers must regularly inspect and service their vehicles, keeping maintenance records for at least two years. Additionally, they are

required to establish a complaints mechanism, including a dedicated phone line where parents or guardians can raise concerns.

A critical aspect of these obligations is the development of a School Transport Operations Policy, which must address key issues such as:

- (a) Fleet management and logistics
- (b) Driver recruitment and training standards
- (c) Road safety education for drivers and students
- (d) Limits on driver working hours (not exceeding 8 hours in 24 hours)
- (e) Route mapping and emergency response planning

For elementary school vehicles, a school vehicle attendant must be onboard to assist younger children. Moreover, schools are encouraged to appoint crossing guards at school entry and exit points to manage traffic. These guards must be trained and equipped with reflective gear and stop signs, with the power to halt traffic when necessary. Drivers who ignore crossing guard instructions are committing an offence.

Part IV – School transport vehicles

School transport vehicles must adhere to strict safety and design standards. Each vehicle must be covered by third-party insurance and undergo annual inspection by NTSA to ensure compliance with road safety regulations.

The Rules introduce specific safety features for school vehicles, including:

- (a) A STOP sign for elementary school buses, which must be visible when picking up or dropping off students.
- (b) Functional seat belts for all children on board.
- (c) Distinct yellow colour (Pantone 012C) with "SCHOOL BUS" printed on both sides.
- (d) A fire extinguisher that meets the standards set by the Kenya Bureau of Standards (KEBS).
- (e) Dual red-light indicators for enhanced visibility.

- (f) A STOP signal arm for longer vehicles, ensuring that approaching motorists are alerted when students are boarding or alighting.

Additionally, all school transport vehicles must be fitted with telematics systems, including passenger-facing cameras, which allow for better monitoring of student safety and driver behaviour. Regarding vehicle interiors, the seats must be fixed, shock-absorbent, and fire-resistant, while window obstructions, such as bars, are prohibited to allow for emergency exits when necessary.

Part V – School drivers and attendants

To enhance professionalism in school transport, the Rules establish minimum qualifications for drivers and attendants. Every school driver must:

- (a) Possess a valid NTSA license for the appropriate vehicle category.
- (b) Pass an annual criminal background check.
- (c) Undergo an annual medical test to confirm fitness to drive.

Any driver convicted of child abuse or driving under the influence (DUI) is permanently disqualified from operating a school vehicle.

Drivers are also responsible for ensuring that students board and alight safely. Additionally, they must conduct pre-trip and post-trip inspections to ensure that no child is left inside the vehicle. For elementary school transport, a school vehicle attendant must be present to assist younger students. Attendants must be trained in student safety procedures and emergency response protocols.

Part VI – Operational procedures

To ensure consistency in operations, the Rules specify that school vehicles must: adhere to designated routes and schedules and use STOP signal arms and red flashing lights when picking up or dropping off students. Failure to comply with these procedures may result in penalties under the Traffic Act.

Part VII – Motorcycles and enforcement

Motorcycle operators providing school transport must wear protective gear to ensure their safety as well as that of their passengers. Should a school transport provider, driver, or attendant wish to appeal a decision made by NTSA, they may do so through the Transport Licensing Appeals Board. Violations of these rules constitute offences under the Traffic Act, attracting legal consequences such as fines, suspension of licenses, or other penalties as determined by the authorities.

Schedules

The **First Schedule** outlines the licensing fees:

- (a) Application and renewal fees for school transport provider license per year – KES 2,000
- (b) Application and renewal fees for school vehicle road license per year – KES 1,500

The **Second Schedule** details technical standards specifications for school vehicles, including safety belt standards, lighting configurations, and fire extinguisher requirements.

The **Third Schedule** provides specifications for STOP signal arms and flashing lights, ensuring that all vehicles are easily identifiable and meet the highest safety standards.

CHAPTER THREE: STATEMENT EXPLAINING THE EFFECT OF THE PROPOSED RULES: EVALUATION OF THE PROBLEM

3.1 Current Challenges in School Transport in Kenya

Kenya's school transport system faces several regulatory and operational inefficiencies that undermine student safety, service quality, and accessibility. While school transportation plays a critical role in ensuring access to education, the lack of comprehensive and uniform regulations has led to numerous challenges, including overloading, reckless driving, unqualified drivers, and weak enforcement of safety standards.

A key concern is the lack of clear guidelines on school transport service providers. Many schools rely on privately owned and unregulated transport services, which often operate without proper licensing or adherence to safety protocols. This creates a high-risk environment for schoolchildren, exposing them to traffic accidents, harassment, and inadequate safety measures.

School transport accidents in Kenya have been a significant concern, with various incidents leading to fatalities and injuries among students. While comprehensive and up-to-date statistics are limited, available data and reports highlight the gravity of the situation.

Analyzing road traffic accidents in Kenya by road classification reveals significant disparities in accident occurrences and fatalities between rural and urban areas, as well as on specific highways and bypasses.

1. Rural vs. Urban Roads:

- **Rural Roads:** Approximately 60% of reported road traffic accidents (RTAs) occur on rural roads. These accidents tend to be more severe, with a higher case fatality rate (CFR) of 16%.
- **Urban Roads:** Urban areas account for 40% of RTAs, with a lower CFR of 11%.

2. High-Risk Roads and Specific Stretches:

- **Outering Road (Nairobi):** This 13-kilometer stretch has been identified as one of Kenya's most dangerous roads, recording at least 47 fatalities in the year leading up to June 2023. Notably, 32 of these were pedestrians.
- **Thika Superhighway:** Spanning 45 kilometers, this major highway witnessed 103 fatalities in the same period, with pedestrians constituting nearly two-thirds of the deaths.
- **Nairobi-Nakuru Road:** This approximately 160-kilometer highway reported 167 fatalities during the year leading up to June 2023, making it one of the deadliest roads in the country.
- **Nairobi-Machakos Road:** Covering about 60 kilometers, this road was responsible for 61 fatalities in the same timeframe.

3. Bypass Roads:

- **Nairobi Bypasses (Eastern, Northern, and Southern):** Since the opening of the first bypass in 2014, these roads have collectively accounted for 133 fatalities up to

November 2014. Specifically, the Eastern Bypass recorded 37 deaths, the Northern Bypass 31, and the Southern Bypass 15 during this period.

4. Temporal Distribution of Accidents:

- **Time of Day:** A significant portion (66%) of accidents occur during daytime hours.
- **Days of the Week:** Weekends, particularly Fridays and Saturdays, see a higher incidence of accidents, accounting for 30.5% of casualties.

These statistics underscore the need for targeted road safety interventions, especially on high-risk rural roads and specific urban stretches known for high pedestrian activity. Enhancing infrastructure, enforcing traffic regulations, and promoting public awareness are critical steps toward reducing road traffic accidents across Kenya.

Road traffic accidents in Kenya have a profound impact, both in terms of human lives lost and economic costs.

Fatalities and Injuries:

- Annually, over 3,000 individuals lose their lives on Kenyan roads.
- Between January and November 2024, there were 4,282 reported fatalities from road crashes.
- Injuries have escalated by 46.5% between January 2015 and January 2020.

Primary Causes:

- **Human Factors:** Approximately 85% of accidents are attributed to human errors, including reckless driving, speeding, and driving under the influence.
- **Vehicle-Pedestrian Collisions:** These incidents are notably severe, with a case fatality rate of 24%.
- **High-Risk Groups:** Pedestrians and passengers constitute 80% of the fatalities, highlighting their vulnerability.

Economic Costs:

- **GDP Impact:** Road accidents cost Kenya approximately 5% of its GDP annually, equating to around KSh 310 billion.
- **Healthcare Expenditure:** The Ministry of Health estimates annual health costs related to road traffic injuries at KSh 46.1 billion.
- **Individual Medical Costs:** A study at Kenyatta National Hospital reported an average medical cost of KSh 66,482 per patient for road traffic injury treatments.

Recent Incidents:

- In December 2024, a tragic collision on the Nairobi-Mombasa highway resulted in the deaths of two Polish tourists and serious injuries to others.
- In June 2023, a catastrophic accident in Londiani, Kericho County, claimed at least 52 lives when a lorry lost control and crashed into a busy market area.

Contributing Factors:

Road traffic accidents in Kenya are a significant concern, with various factors contributing to the high incidence of crashes. Understanding the primary causes is essential for implementing effective prevention strategies.

Primary Causes of Road Accidents in Kenya:

1. **Loss of Vehicle Control:** This is a leading cause, often resulting from factors such as speeding, driver fatigue, or adverse weather conditions. Between December 5 and 13, 2022, 26 fatalities were attributed to vehicles losing control.
2. **Improper Overtaking:** Risky overtaking maneuvers have led to numerous head-on collisions. In the same December 2022 period, improper overtaking accounted for 14 fatalities.
3. **Failure to Keep to the Correct Lane:** Drivers straying from their designated lanes caused 12 fatalities in the early December 2022 timeframe.
4. **Excessive Speeding:** High speeds reduce reaction time and increase the severity of accidents. Excessive speed was responsible for 11 fatalities in early December 2022.
5. **Pedestrian Errors:** Pedestrians crossing roads without due caution or at non-designated areas have led to accidents. In early December 2022, pedestrian actions such as stepping onto the road unexpectedly resulted in multiple fatalities.
6. **Vehicle Defects:** Mechanical failures, including brake malfunctions and tire blowouts, contribute to accidents. While less common, these defects still pose significant risks.
7. **Road Defects:** Poorly maintained roads with potholes, inadequate signage, and lack of pedestrian crossings can lead to accidents. Infrastructure issues, especially on bypasses, have been linked to higher accident rates.

Statistical Overview:

- **Annual Fatalities:** Kenya reports approximately 3,000 road accident deaths each year, translating to about 68 deaths per 10,000 registered vehicles—a rate significantly higher than in many developed countries.
- **Demographics:** Men aged between 30-34 years are most at risk, comprising a substantial portion of the fatalities.
- **Time and Location Factors:** A significant number of accidents occur during weekends and holidays, particularly between 5:00 PM and 8:00 AM. High-risk areas include major highways like the Nairobi-Mombasa route.

- **Driver Fatigue and Recklessness:** Reports indicate that some accidents result from drivers being overworked or engaging in reckless driving behaviors.
- **Vehicle Roadworthiness:** Concerns have been raised about the maintenance and condition of school buses, with some not meeting the required safety standards.
- **Overloading:** Instances where school buses carry more passengers than their capacity have been reported, increasing the risk of accidents.

Regulatory Measures:

In response to the rising number of school transport-related accidents, authorities have implemented several measures:

- **Driver Training:** The National Transport and Safety Authority (NTSA) has initiated training programs for school bus drivers, focusing on defensive driving techniques, road safety regulations, and emergency response procedures.
- **Operational Restrictions:** To curb accidents, directives have been issued prohibiting nighttime transportation of students.
- **Vehicle Standards Enforcement:** Schools are required to ensure their transport vehicles are roadworthy, meet all safety standards, and are fitted with functional speed limiters.

Preventive Measures:

To mitigate these accidents, the following strategies are recommended:

- **Strict Enforcement of Traffic Laws:** Implementing stringent penalties for traffic violations, especially for speeding and reckless driving.
- **Public Awareness Campaigns:** Educating drivers and pedestrians on road safety practices.
- **Infrastructure Improvement:** Upgrading road conditions, enhancing signage, and constructing pedestrian pathways.
- **Regular Vehicle Maintenance:** Ensuring vehicles undergo routine checks to identify and rectify mechanical issues.

While these measures aim to enhance the safety of school transportation, continuous monitoring, enforcement, and public awareness are essential to effectively reduce the incidence of such tragic events.

The proposed Rules, aim to introduce clear, enforceable regulations to standardize school transport operations, enhance student safety, and ensure compliance with national road safety laws and best practices by addressing the following:

3.1.1 Compliance with International Best Practices

Internationally, school transport systems are subject to strict regulatory frameworks that ensure student safety and service reliability. In many countries, school transport is treated as a special category of public transport, with stringent requirements for:

- (a) Qualified drivers with specialized training in child safety and defensive driving;
- (b) Mandatory safety features, such as seat belts, emergency exits, and speed limiters;
- (c) Regulated service operations, including approved pick-up and drop-off points;
- and
- (d) Strict rules against overloading and unauthorized passenger transport.

Kenya's current lack of uniform school transport standards has led to inconsistencies in safety measures across different schools and transport providers. The proposed Rules will introduce harmonized regulations to ensure that all school transport services meet minimum safety and operational standards, aligned with global best practices.

Rationale for Regulating School Transport in Kenya

Regulating school transport in Kenya is crucial for ensuring **student safety, reducing road accidents, improving transport efficiency, and protecting public welfare**. Given the **high number of school-related road accidents, inadequate vehicle standards, and reckless driving**, implementing strict regulations is essential.

1. Enhancing Student Safety

- **High Vulnerability of Students:** Children are more vulnerable to **injuries and fatalities** in road accidents due to their age and physical fragility.
- **Risk of Overloading:** Many school vehicles carry more students than their capacity, increasing the risk of accidents.
- **Inadequate Safety Features:** Some school buses lack **seat belts, emergency exits, and proper lighting**, making them unsafe.
- **Speed Control:** Regulating **speed limits (50 km/h maximum)** reduces crash severity.

2. Reducing School-Related Road Accidents

- **Accident Statistics:** In Kenya, school transport is involved in numerous road crashes due to **poor vehicle conditions, driver fatigue, and reckless driving**.
- **Unsafe Roads & Infrastructure:** Many schools are located near highways or roads without pedestrian crossings, increasing the risk of accidents.
- **Driver Qualifications:** Some school bus drivers lack proper **Public Service Vehicle (PSV) licenses** or have little experience.

3. Ensuring Compliance with Traffic Laws

- **Standardizing School Buses:** The **Traffic (Amendment) Act, 2017** requires all school buses to be **painted yellow** and labeled for easy identification.
- **Regular Vehicle Inspections:** Ensuring all school transport undergoes **mandatory safety checks** by NTSA.
- **Driver Regulations:** School bus drivers must be at least **30 years old, have a valid PSV license, and pass regular drug/alcohol tests**.

4. Protecting Children from Road-Related Risks

- **Stranger Danger:** Unregulated school transport increases the risk of children being transported by unverified individuals.
- **Traffic Congestion & Drop-off Safety:** Poorly managed school transport contributes to congestion, creating safety risks during drop-offs and pick-ups.

5. Promoting Efficient School Transport Systems

- **Reducing Traffic Congestion:** Encouraging schools to use **fewer, well-regulated buses** instead of numerous private cars can ease traffic in urban areas.
- **Environmental Benefits:** Well-maintained school buses emit fewer pollutants compared to older, poorly serviced vehicles.

Key School Transport Regulations in Kenya

1. **School Bus Identification:** Must be **painted yellow** and labeled with the school name.
2. **Speed Limit:** All school transport must have **speed limiters (50 km/h max)**.
3. **Driver Qualifications:** Minimum age **30 years**, valid **PSV license**, and subject to **random drug/alcohol testing**

3.1.2 Addressing Overloading and Unsafe Transport Practices

Overloading is a major issue in school transport, with many vehicles carrying more passengers than their legal capacity. This practice increases the risk of accidents, reduces comfort, and violates child safety standards. Some of the contributing factors include:

- (a) Lack of enforcement of existing traffic laws on overloading;
- (b) Insufficient school transport options, forcing students to use overcrowded vehicles;
and
- (c) Financial pressures on transport providers, leading to maximization of passenger numbers.

To combat this, the proposed Rules introduce:

- (a) Strict limits on vehicle capacity, with penalties for violations;
- (b) Mandatory seat allocation for every student passenger; and
- (c) Designation of school transport monitoring officers, responsible for ensuring compliance.

These measures will ensure that school transport remains safe, comfortable, and efficient for all students.

3.1.3 Strengthening Driver and attendant Qualifications and Training

Many accidents involving school transport vehicles are linked to driver incompetence, fatigue, and reckless behaviour. In some cases, drivers lack the necessary training to handle school transport vehicles safely. Currently, Kenya lacks a specialised licensing system for school transport drivers, leading to low safety standards in the industry.

The proposed Rules seek to introduce:

- (a) Mandatory special licenses for school transport drivers, requiring additional training in child safety and traffic regulations;
- (b) Regular refresher courses for all drivers operating school transport vehicles;
- (c) Strict working hour limits to prevent driver fatigue; and

- (d) Background checks to ensure drivers have no criminal records, particularly related to child safety concerns.

These measures will enhance the professionalism and reliability of school transport services, reducing accident risks and ensuring the well-being of schoolchildren.

3.1.4 Designation of Pick-up and Drop-off Points

Unregulated school transport services often pick up and drop off students in dangerous or unauthorized locations, such as along busy highways, roundabouts, or intersections. This increases the risk of accidents, particularly in urban areas where traffic congestion is high.

To improve student safety, the proposed Rules seek to provide for:

- (a) Designated school transport stops, located in safe, low-traffic areas;
- (b) Use of marked pedestrian crossings and school zones to enhance visibility and safety; and
- (c) Penalties for unauthorized stops that endanger student passengers.

These will streamline school transport operations, ensuring that students board and alight in secure and properly managed locations.

3.1.5 Regulating School Transport Service Providers

A significant portion of school transport services in Kenya is provided by private operators, many of whom operate without formal registration or compliance with transport laws. The absence of a regulatory framework for school transport providers creates safety risks and makes it difficult to enforce accountability.

To address this gap, the proposed Rules will introduce:

- (a) Mandatory registration and licensing of all school transport service providers under the NTSA;
- (b) Minimum safety and operational standards, including insurance coverage and emergency preparedness plans;
- (c) Clear contracts between schools and transport providers, outlining safety responsibilities and service expectations; and

- (d) Regular audits and compliance checks to ensure continuous adherence to regulations.

By formalizing and regulating the school transport sector, these measures will enhance transparency, accountability, and safety for all school transport users.

3.2 Effects of the Proposed Regulations

The proposed rules will have far-reaching benefits, significantly enhancing the safety and efficiency of school transport. By enforcing stricter driver qualifications, designating transport stops, and imposing overloading restrictions, these regulations will greatly improve student safety. Additionally, they will introduce greater regulatory oversight, ensuring that all school transport providers operate within a structured and enforceable legal framework. As a result, accident rates are expected to decline, leading to fewer injuries and fatalities among schoolchildren. Furthermore, the proposed rules will promote better compliance with international best practices, aligning Kenya's school transport system with global safety standards.

CHAPTER FOUR: STATEMENT OF ALTERNATIVES TO THE PROPOSED REGULATIONS: CONSIDERATION OF REGULATORY AND NON-REGULATORY OPTIONS

This chapter examines whether the proposed Rules represent the most effective form of government intervention. The Statutory Instruments Act, Cap 2A requires regulators to evaluate multiple regulatory and non-regulatory policy measures, taking into account factors such as costs, benefits, enforcement challenges, administrative efficiency, and stakeholder impact.

The following policy options were considered:

4.1 Option One: Maintaining the Status Quo

Retaining the current regulatory framework for school transport without reform would perpetuate existing deficiencies in student safety, regulatory oversight, and enforcement.

The current framework presents several challenges, including:

- (a) Limited regulation of school transport operations – Existing policies do not comprehensively address the requirements for school transport services, leaving gaps in driver qualifications, vehicle requirements, and operational standards.
- (b) High incidence of road crashes involving school transport – The lack of structured regulations on overloading, designated transport stops, and route planning has contributed to increased risks for schoolchildren.
- (c) Inconsistent enforcement mechanisms – The absence of clear legal guidelines limits the ability of enforcement agencies to ensure compliance with school transport safety requirements.

- (d) Regional and international non-compliance – Kenya’s existing school transport policies are not fully aligned with East African Community (EAC) standards or international best practices, affecting student safety and regulatory harmonization.

Given these challenges, maintaining the status quo is not a viable option, as it would continue to undermine road safety and regulatory efficiency in school transport.

4.2 Option Two: Relying on Administrative Measures

An alternative approach would be to implement administrative measures to improve school transport safety without enacting new regulations. However, this approach presents several limitations:

- (a) Lack of a legal framework for enforcement – The Traffic Act, Cap 403, does not provide sufficient provisions for regulating school transport, making enforcement inconsistent.
- (b) Inability to impose safety standards without regulations – In the absence of a structured legal framework, enforcement agencies lack clear guidelines for monitoring school transport operations.
- (c) Risk of arbitrary implementation – Relying on administrative directives rather than formal regulations could lead to inconsistent enforcement, legal challenges, and lack of accountability.
- (d) Failure to ensure stakeholder compliance – Without legally binding rules, schools, transport providers, and enforcement agencies may fail to adhere to safety requirements, putting students at risk.

For these reasons, reliance on administrative measures alone is not a sustainable solution.

4.3 Option Three: Promulgating the Proposed Rules

Given the shortcomings of the current school transport framework, the most effective solution is to introduce new rules to address existing gaps in student safety and compliance enforcement. The proposed Traffic (School Transport) Rules, 2026, will provide a comprehensive and enforceable framework to enhance safety for students using school transport services.

The proposed rules will:

- (a) Introduce mandatory qualifications and background checks for school transport drivers, ensuring competency and child safety;
- (b) Enforce regulations on designated pick-up and drop-off points to minimize risks associated with unsafe stops;
- (c) Strengthen enforcement mechanisms by ensuring compliance with capacity limits to prevent overloading;
- (d) Align Kenya's school transport framework with EAC standards and international best practices, facilitating safer school transport operations. Given the significant safety and regulatory benefits, the promulgation of the proposed Rules is the most appropriate and justified regulatory intervention.

Given the significant safety, environmental, and economic benefits, the promulgation of the proposed Rules is the most appropriate and justified regulatory intervention.

4.4 Cost-Benefit Analysis

Option 1: No Regulation (Status Quo) Under this scenario, there would be no uniform school transport regulations, and service providers would operate independently.

Benefits:

- a) Low administrative costs
- b) Market-driven competition may lead to innovation

Costs:

- a) Higher safety risks due to inconsistent standards.
- b) Potential inequity in service quality and accessibility.
- c) Lack of accountability and enforcement mechanisms.

Option 2: Administrative Measures This option entails the implementation of guidelines and voluntary compliance measures without formal regulations.

Benefits:

- a) Lower compliance costs compared to full regulations
- b) Flexibility for service providers

Costs:

- a) Limited enforcement capacity
- b) Potential for inconsistent adoption across different jurisdictions
- c) Safety and service quality improvements may be slow or uneven

Option 3: Adoption of Proposed Regulations This option involves enacting comprehensive regulations covering vehicle standards, driver qualifications, operational safety, and service accessibility.

Benefits:

- a) Improved safety outcomes through mandatory standards
- b) Enhanced safety through safety standards like seat belts
- c) Improved efficiency through standardization
- d) Cost control through possible government subsidies and accountability
- e) Environmental benefits by use of eco-friendly buses
- f) Enhanced legal compliance
- g) Enhanced parental and public confidence

Costs:

- a) Compliance costs
- b) Costs of developing the Regulations

Table 1: Regulatory and Non-Regulatory Options for the Proposed Rules

No.	Impact on Sectors	Option One: Maintaining the Status Quo	Option Two: Administrative Measures	Option Three: Promulgating the Proposed Rules
1.	Impact on Public Safety	Continued high accident rates due to lack of structured school transport regulations.	Limited improvement as enforcement relies on non-binding administrative directives.	Reduction in road accidents through mandatory safety standards, driver qualifications, and compliance enforcement.
2.	Impact on Environmental Sustainability	High pollution levels due to lack of school transport vehicle regulations on emissions.	Minimal impact as environmental controls would rely on voluntary school initiatives.	Implementation of emissions and maintenance standards for school transport vehicles, reducing air pollution.
3.	Impact on Law	Continued	Limited	Strengthened

	Enforcement and Compliance	challenges in enforcing school transport safety, leading to frequent violations.	enforcement due to lack of clear legal mandates for school transport-specific safety measures.	enforcement through records of school transport vehicles and driver compliance tracking.
4.	Impact on Economic Growth and Transport Sector	Increased school transport costs due to inefficiencies and lack of standard operational requirements.	Minor efficiency improvements, but no structured solution for school transport providers.	Encourages investment in safer and standardized school transport services, enhancing industry professionalism.
5.	Impact on School Transport Operators and Parents	Unregulated market with unpredictable safety standards and pricing disparities.	Potentially lower costs initially but leads to safety risks and inconsistent service quality.	Predictable costs and safety improvements through standardized school transport regulations, benefiting both operators and parents.
6.	Impact on Government and Policy Implementation	Non-compliance with regional and international school transport safety standards.	Limited impact as administrative measures lack binding authority.	Strengthens Kenya's adherence to regional and international best practices for school transport safety, improving regulatory credibility.

4.1 Preferred Option: Promulgating the Proposed Rules

Based on the above analysis, it is clear that option three—promulgating the Proposed Rules is the preferred approach. This regulatory intervention ensures enhanced school transport safety, environmental protection, improved regulatory enforcement, and

economic benefits. The proposed rules will align Kenya's school transport framework with regional and international best practices, fostering safer travel for students, reducing pollution from school transport vehicles, and a more structured and efficient school transport sector.

CHAPTER FIVE: AN ASSESSMENT OF THE COSTS AND BENEFITS OF THE PROPOSED STATUTORY COST BENEFIT ANALYSIS

The analysis of the expected costs and benefits of the proposed Traffic Rules seeks to determine whether the anticipated benefits justify the projected compliance costs. This assessment will enable policymakers to estimate the overall expected costs and benefits associated with the implementation of the Rules, thereby ensuring that regulatory action is justified before it is undertaken. Comparing the benefits and costs of the proposed inspection framework presents challenges, particularly in quantifying indirect benefits such as improved road safety, reduced vehicle emissions, and enhanced compliance with international standards.

The approach adopted in this section consolidates the discussion of costs and benefits, highlights their relative magnitudes where feasible, and provides an overall assessment of the expected net impact of the proposed Rules.

Table 2: Benefits and Costs Arising from the Proposed Rules

No.	Problem	Proposed Reform	Expected benefit	Associated Cost
1.	Frequent school transport accidents due to poorly maintained vehicles	Mandatory annual inspection for all school transport vehicles	Improved safety, reduced accidents, and enhanced vehicle reliability	Inspection fees: Kshs. 3,000–5,000 per vehicle
2.	Inadequate driver qualifications leading to unsafe driving	Mandatory PSV licensing and specialized training for school transport drivers	More professional drivers, reduced reckless driving, and improved	Training cost: Kshs. 10,000–20,000 per driver

			road safety	
3.	Lack of monitoring and accountability for school vehicles	Requirement for telematic tracking and telematics in school transport vehicles	Real-time tracking of vehicles, improved response in emergencies, and enhanced compliance	Telematic system installation: Kshs. 15,000–30,000 per vehicle
4.	Increased child injuries due to lack of seat belts and safety features	Mandatory seat belts, emergency exits, and first aid kits in all school buses	Reduced child fatalities and injuries in case of accidents	Cost of retrofitting old buses: Kshs. 20,000–50,000 per vehicle
5.	Overloading of school transport vehicles	Strict enforcement of passenger limits with penalties for non-compliance	Increased child comfort, reduced risk of accidents due to overloading	Fines for non-compliance: Kshs. 10,000–50,000 per offense
6.	Poor visibility of school vehicles leading to road accidents	Mandatory yellow color, reflective markings, and red flashing lights for school buses	Improved visibility, especially at night and during bad weather	Painting and marking costs: Kshs. 10,000–25,000 per vehicle
7.	Reckless driving by school transport providers	Introduction of a school transport complaints hotline and public reporting system	Improved accountability, reduced cases of reckless driving	Hotline setup and management: Kshs. 1,000,000 (government cost)
8.	Unauthorized use of school buses for private activities	Requirement for special permits for private use of school transport vehicles	Ensures school buses are primarily used for student transport, reducing wear and tear	Private use permit fee: Kshs. 5,000 per trip
9.	Limited enforcement of school transport regulations	Increased NTSA and police patrols targeting school transport vehicles	Higher compliance with regulations, deterrence of traffic offenses	Increased budget for enforcement personnel and patrols
10.	Unsafe motorcycle transport of school children	Ban on motorcycle (boda boda) transport for school children except in designated	Reduced child injuries and fatalities associated with	Enforcement cost: Increased patrols and fines for violators

		cases	motorcycle accidents	
--	--	-------	-------------------------	--

From the analysis above, the benefits derived from the implementation of the proposed Rules far outweigh the projected compliance costs. The introduction of mandatory vehicle inspections, telematic systems, and enhanced safety requirements will significantly improve school transport safety, reduce child fatalities and injuries, and ensure the reliability of school transport vehicles. These measures will also strengthen enforcement mechanisms, holding transport providers accountable while promoting better adherence to road safety regulations.

While school transport operators and institutions will incur costs related to vehicle inspections, driver training, telematic system installations, and retrofitting safety features, these expenditures are justified by the long-term benefits of reducing accident-related expenses, improving emergency response times, and enhancing student safety. Additionally, stricter emission control measures and compliance monitoring will contribute to a cleaner environment, aligning with Kenya's commitments to sustainable urban transport.

Furthermore, the adoption of these rules ensures that Kenya's school transport sector aligns with international best practices, enhancing the country's overall road safety framework and supporting national development goals under Vision 2030

CHAPTER SIX: CONSULTATIVE PROCESS: STAKEHOLDER CONSULTATION AND PUBLIC PARTICIPATION

6.1 Legal requirements relating to public participation and consultation

The Statutory Instruments Act provides for the requirement for public participation and consultation in the rule-making process. The need to promulgate the proposed Rules was necessitated by emerging road safety concerns, environmental considerations, and the need to align with regional and international best practices. Kenya, as a member of the East African Community (EAC) and a signatory to various international road safety

conventions, is required to ensure its vehicle inspection regulations conform to evolving standards. The Rules aim to enhance roadworthiness, reduce vehicular emissions, and strengthen compliance enforcement, thereby improving public safety and supporting sustainable transport systems.

Public participation plays a crucial role in democratic governance by ensuring transparency, inclusivity, and accountability in decision-making processes. The Constitution of Kenya 2010, emphasizes public participation as a fundamental principle of governance. Article 10 of the Kenya Constitution outlines the values and principles of governance, including public participation, which is crucial for achieving accountability, transparency, and public involvement in decision-making processes.

In addition, Article 118 of the constitution establishes the right to public participation in legislative and other processes of the State, ensuring that the public has an opportunity to participate in matters that affect them directly.

The requirement for public participation applies to regulation-making too. As such, before the proposed Rules would be forwarded for promulgation, a series of stakeholder and public engagements were conducted.

6.2 The Process of Public Consultation

Preparation of the RIA was published in the *Gazette* and *My Gov*, a newspaper likely to be read by people particularly affected by the proposed rules following Section 8(1) of the Statutory Instruments Act, CAP 2A. Copies of the notification are herein attached.

The proposed Rules that were discussed during the stakeholder engagements and public participation forum public participation forum were well spelt out in the *Gazette* and advert. A form to collect stakeholder comments was uploaded with the regulations on the NTSA website <https://ntsa.go.ke/> The advert also highlighted how prospective participants would register for the public forum. The Authority further posted the draft Rules on the Authority's website opened a dedicated email address forums@ntsa.go.ke

and issued the physical address for submission of soft and hard comments. This was indicated in the advertisement for the public participation forums.

The public forums were conducted in the following areas;

	DATE	REGION	VENUE
1.	22 nd April 2024	Garissa, Kitui, Mandera and Wajir Counties	Kitui ATC Hall
2.	22 nd April 2024	Meru, /Tharaka Nithi, Marsabit and Isiolo Counties	Meru National Polytechnic
3.	23 rd April 2024	Embu, Muranga and Kirinyaga Counties	Kenya Agricultural & Livestock Research Organization (KALRO)
4.	24 th April 2024	Nyeri and Laikipia Counties	Dekut Enterprises
5.	26 th April 2024	Nairobi, Machakos and Kiambu Counties	Utalii College
6.	29 th April 2024	West Pokot, Turkana, Uasin Gichu, Trans nzoia, Nandi and Elgeyo Marakwet Counties	Eldoret National Polytechnic
7.	30 th April 2024	Bungoma, Kakamega, Busia and Vihiga Counties.	Kakamega Golf Club Hall
8.	2 nd May 2024	Kisumu, Siaya and Homabay Counties	Maseno University Kisumu Campus
9.	3 rd May 2024	Kisii, Nyamira and Migori Counties	Zonic Hotel
10.	6 th May 2024	Kericho, Kajiado and Bomet Counties	Anglican Church of Kenya
11.	7 th May 2024	Nakuru, Nyandarua, Baringo, Samburu and Narok Counties	Alps Hotel
12.	9 th May 2024	Makueni County	Jambo Africa Gateway Resort
13.	13 th May 2024	Kilifi, Lamu and Tana River Counties	Pine Court Hotel
14.	14 th May 2024	Mombasa and Kwale Counties	Kenya School of Government
15.	15 th May 2024	Taita Taveta County	Taita Taveta National Polytechnic

6.3 Analysis and Feedback

The Authority received many memoranda from the industry and public using the forms provided to collect stakeholder feedback. Some memoranda were delivered physically, in writing or through email. Memoranda received before stakeholder meetings were analyzed, the Authority's response was documented in a matrix and the same was presented during the physical or virtual stakeholder engagement sessions.

Every additional effort was made to analyze each comment and give feedback to every input received from stakeholders initially on the floor of the physical or virtual engagement during question-and-answer sessions which came immediately after regulation presentations, or in writing where stakeholder input and comments were received in writing or after the engagement sessions.

For stakeholder input and comments requiring substantial analysis and amendment to proposed Rules, the stakeholders were invited to shed more light on their comments and requests through physical/virtual meetings, in writing or by email. Their input was then discussed and analyzed together with the regulation drafters and when consensus had been reached, the regulations were either redrafted to incorporate their input or retained as were where taking the industry comments in full would make the State contravene standards.

At all stages of regulation-making, the Authority kept contact lines with stakeholders open to ensure that as important players they were fully involved and that they felt part of the process.

A detailed report on stakeholder consultation and public participation together with consideration of the comments report is herein attached.

CHAPTER SEVEN: CONCLUSIONS AND RECOMMENDATIONS

7.1 Conclusion

Based on the analysis conducted in this Regulatory Impact Statement, the following key findings are evident:

(a) Regulatory-Making Authority and Legal Mandate

The Traffic Act, Cap 403, specifically Section 105B(3), empowers the Cabinet Secretary for Roads and Transport to make regulations governing school transport safety. This legislative authority supports the promulgation of the Traffic (School Transport) Rules, 2026.

(b) Compliance with the Statutory Instruments Act, Cap 2A:

The Statutory Instruments Act requires that regulatory-making authorities conduct public consultations, engage relevant experts, and assess the regulatory impact of a proposed statutory instrument. By Sections 5, 6, and 7 of the Act, this RIA has:

- (i) Outlined the objectives and necessity of the proposed school transport regulations.
- (ii) Provided a detailed explanation of their intended regulatory effect.
- (iii) Evaluated alternative options, including maintaining the status quo, and justified the need for formal regulations.
- (iv) Conducted a cost-benefit analysis, demonstrating that the benefits of school transport safety standards, periodic inspections, and telematics integration outweigh the costs.
- (v) Ensured public participation and stakeholder engagement, incorporating feedback from parents, school administrators, transport operators, safety experts, and law enforcement agencies.

(c) Consistency with Other Legal Frameworks

The proposed Traffic (School Transport) Rules, 2026 align with existing laws and policies, including the NTSA Act, EMCA, the Basic Education Act, Kenya Vision 2030, and international best practices on child safety in school transportation.

These rules will enhance the harmonization of Kenya's school transport policies with regional and global standards.

(d) Legislative Clarity and Comprehensiveness

The draft Traffic (School Transport) Rules, 2026, as currently formulated, are clear, consistent, and comprehensive, covering all necessary aspects of school vehicle standards, driver qualifications, route safety assessments, telematics integration, compliance enforcement, and emergency preparedness. The provisions are practical, enforceable, and structured to facilitate seamless implementation.

7.2 Recommendation

Given the findings and conclusions outlined in this Regulatory Impact Assessment, it is recommended that the Traffic (School Transport) Rules, 2026 be adopted and implemented. The proposed rules will:

- (a) Enhance student safety by enforcing school vehicle safety standards and driver regulations.
- (b) Improve transport efficiency through route planning, digital monitoring, and structured inspections.
- (c) Ensure environmental sustainability through emissions control for school transport vehicles.
- (d) Enable better enforcement through telematics systems, digital record-keeping, and coordination among relevant agencies.
- (e) Support economic efficiency by reducing vehicle maintenance costs and minimizing accident-related expenses.

The promulgation of these rules will establish a safe, reliable, and well-regulated school transport system, ensuring that students travel under the highest safety and operational standards.

ANNEXURES

- (a) The Draft Traffic (School Transport) Rules, 2026
- (b) Copy of the independent advice as to the adequacy of the RIA as per section 7(3) of the Statutory Institution Act, Cap 2A;
- (c) Copy of the certificate of compliance issued by the Cabinet Secretary, as per section 7(4) of the Statutory Institution Act, Cap 2A, specifying that:
 - (i) the requirements relating to RIA in this Statutory Instruments Act and the guidelines have been complied with; and
 - (ii) in his opinion, the RIA adequately assesses the likely impact of the proposed statutory rule.
- (d) Evidence of stakeholder engagement and public participation, including:
 - (i) Copy of the Gazette notice on the RIA
 - (ii) Copy of the Newspaper advertisement of the RIA; and
 - (iii) Stakeholder Consultation and Public Participation Report.